

Essentials of Negotiation

Sixth edition

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Multiple Parties, Groups, and Teams in Negotiation

Objectives

1. Understand the ways negotiations become more complex when there are more than two negotiators at the bargaining table.
2. Apply an understanding of effective group processes to the dynamics of a multiparty negotiation.
3. Spell out the key stages for managing an effective multiparty negotiation.

The purpose of this chapter is to understand how the negotiation process changes when there are more than two parties at the table simultaneously. Most of what has been addressed in earlier chapters assumed a “one-on-one” negotiation situation. In this chapter, we examine how dynamics change when groups, teams, and task forces have to present individual views and come to a collective agreement about a problem, plan, or future course of action.

The Nature of Multiparty Negotiations

We define a *multiparty negotiation* as one in which more than two interested parties are working together at the table to achieve a collective objective. To illustrate the nature of a multiparty negotiation, let's take the following situation. A group of four students are selling a audio system and puts up notices in the dorm and dining areas. A year ago, each put in \$200 to buy the system; now they have different preferences for what they should do with it. Aaron (A) wants to sell it and simply split up the money because he wants to buy a new smartphone for himself; Bill (B) wants to sell it and buy a smaller, less expensive TV so he can watch his own shows; Chuck (C) wants to sell it and buy a big-screen TV and top-quality audio system that will require each of them to chip in a lot more money; and Dan (D) doesn't want to sell it at all and thinks the whole thing is a dumb idea. Each party has his own preferences and priorities, and the roommates must collectively decide what they will to do if and when the system is sold. They might agree to make a single collective decision about what to do next, or a pair might form some kind of compromise and pool their money, or each might go his separate way. When the parties agree to hold a meeting

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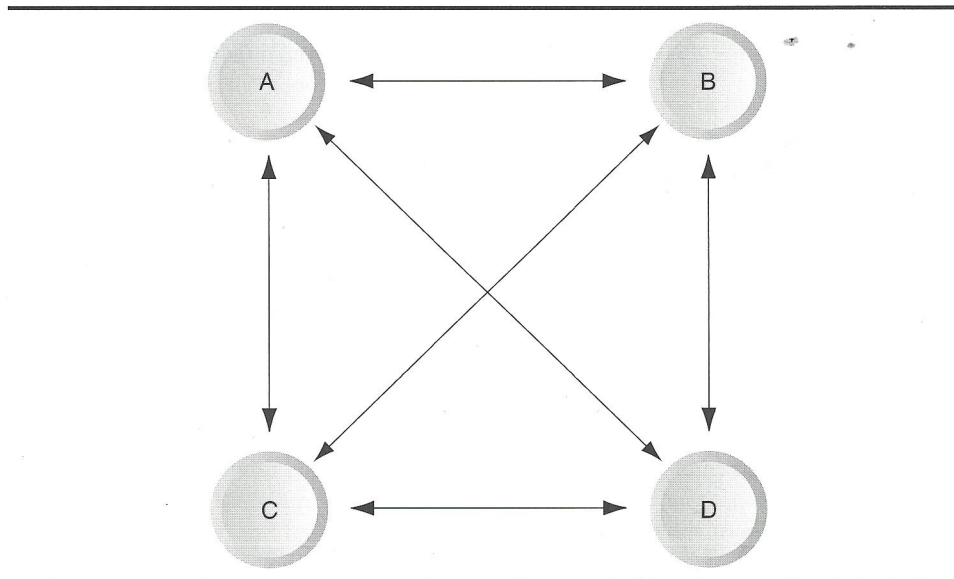
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FIGURE 10.1 | A Multiparty Negotiation

to discuss the options and make a collective decision, this is a multiparty negotiation that involves unique dynamics in a collective decision-making process.

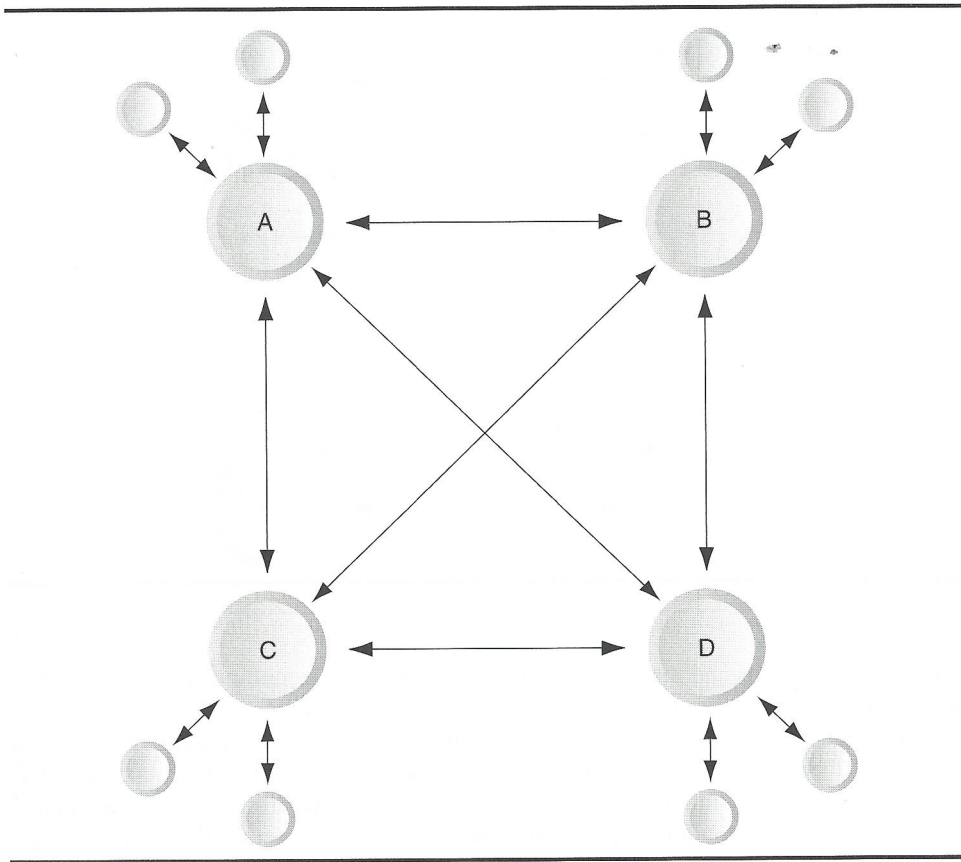
The general model for a multiparty negotiation is represented in Figure 10.1. Each of the parties (there can be three or more) is representing his or her own interests. In a different situation (e.g., they might be representatives of different departments meeting together as a task force), they could be representing the interests of others (see Figure 10.2). Most of the complexities described in this section increase linearly, if not exponentially, as more parties, constituencies, and audiences are added.

In this chapter, we note the factors that make multiparty negotiations more difficult to manage than one-on-one negotiations. We comment on some of the key stages and phases of multiparty deliberations. For each phase, we consider a variety of strategies that can be used to manage multiparty negotiations effectively. We show the ways that multiparty negotiations are complex and highly susceptible to breakdown and show that managing them effectively requires a conscious commitment from the parties and a facilitator as they work toward an effective multiparty agreement.¹

Differences between Two-Party Negotiations and Multiparty Negotiations

Multiparty negotiations differ from two-party deliberations in several important ways. In every case, the differences are what make multiparty negotiations more complex, challenging, and difficult to manage.

Number of Parties The first difference is the most obvious one: Multiparty negotiations have more negotiators at the table. Thus, negotiations simply become larger. This creates

FIGURE 10.2 | A Multiparty Negotiation with Constituents

challenges for managing several different perspectives and ensuring that each party has adequate time to speak and be heard. Each party may be acting as a principal—that is, representing his or her own interests (Figure 10.1)—or an agent—representing the interests of at least one other party (the constituency; Figure 10.2). In addition, parties may have different social roles outside the negotiation (e.g., president, vice president, director, board chairman) that may lead to either equal or unequal levels of power and status in the negotiation (see Chapter 8). If the parties are all equals (e.g., all vice presidents), the exchange within the negotiation should be more open than if one party has higher status or power than the others.

Informational and Computational Complexity A second difference in multiparty negotiations is that more issues, more perspectives on issues, and more total information (facts, figures, viewpoints, arguments, documentary support) are introduced. “One of the most fundamental consequences of increasing the number of parties is that the negotiation situation tends to become less lucid, more complex, and therefore, in some respects, more

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demanding. As size increases, there will be more values, interests, and perceptions to be integrated or accommodated."² Keeping track of all this information, the perspectives of each side, and the boundaries and limitations into which a solution must fit becomes a major challenge for the negotiators.

Social Complexity A third difference is that as the number of parties increases, the social environment changes from a one-on-one dialogue to a small-group discussion. As a result, all the dynamics of small groups begin to affect the way the negotiators behave. First, how the process evolves may depend on the motivational orientation of the parties toward each other. One study found that parties with a cooperative (versus an individualistic) motivational orientation were much more likely to achieve a higher-quality outcome in their deliberations and that cooperatively motivated parties were more trusting and engaged in less argumentation than individualistic ones.³ This orientation also seemed to affect the way the parties discussed the issues (discussed later).

Second, social pressures may develop for the aggregate to act cohesively, yet the members are in conflict with each other and cannot be cohesive unless they can find an acceptable solution. Members compare themselves with one another, evaluate themselves against one another, and try to use a variety of influence tactics to persuade one another toward their point of view. Strong pressures for conformity develop as members pressure other members to adopt a common perspective or definition of the problem or to endorse a particular solution. In addition, the parties can develop their own dysfunctional dynamics. For example, if the parties want to be unified in their collective efforts, they may attempt to avoid or minimize conflict by downplaying their differences or may not work through their differences adequately to reach an effective solution. Janis's (1982, 1989) research on policy-making and decision-making groups has shown that these efforts to minimize and avoid conflict can frequently lead to disaster.⁴ Fiascoes such as the U.S. invasion of the Bay of Pigs in Cuba during the Kennedy administration or NASA's decision to launch the *Challenger* space shuttle were caused by dynamics in the key decision-making groups that pushed group members to avoid conflict and avoid expressing their real reservations about going ahead with the project. This hesitancy led to an illusion of consensus in which each party believed that he was the only dissenting member in a strong, emerging agreement about what actions to take. Afraid to express their dissent for fear of looking weak and foolish (note the face-saving dynamics), group members self-censored their reservations and concerns, thereby reinforcing the apparent surface consensus and leading to a decision with disastrous consequences.⁵

Procedural Complexity A fourth way in which multiparty negotiations are more complex than two-party ones is that the process they have to follow is more complicated. In one-on-one negotiations, the parties simply take turns in presenting their issues and perspectives, challenging the other's perspectives, or moving the negotiation along from its early stages to the later ones. When more parties are involved, the procedural rules become far less clear. Whose turn is it to do what? How do the parties coordinate where they are in the negotiations (e.g., opening statements, presentation of viewpoints, moving toward agreement)? There are several consequences of this procedural complexity. First, negotiations will take longer,⁶ so more time must be allowed. Second, the greater the number of parties,

the more complex and out of control the process can become—particularly if some parties choose to adopt a strategy of tough positional bargaining and dominate the conversation in an effort to railroad through their particular viewpoints.⁷ Third, as a result of the first two elements, negotiators will probably have to devote explicit discussion time to *how* they will manage the process to arrive at the type of solution or agreement they want. Finally, the parties must decide how they want to approach multiple issues on the table. Reported that parties who discussed multiple issues simultaneously—considering all the issues at once and looking for ways to trade one off against another—achieved higher-quality agreements and increased the likelihood of achieving agreement compared with groups that approached the issues sequentially (one at a time, in a fixed or negotiated sequence). Groups that approached issues simultaneously also exchanged more information and had greater insight into the preferences and priorities of the other parties at the table.⁸

Logistical Complexity A fifth way in which multiparty negotiations may be more complex has to do with the physical distance between the parties as they attempt to resolve their differences and reach agreement. If parties are not in the same room with each other; must communicate through electronic media such as telephones, video conferencing, e-mails, or web-chats; or are physically far away from each other, parties are more likely to feel socially disconnected from each other and react less positively to each other. Physical distance can affect how much the parties trust each other, the ways they interpret unclear or ambiguous behavior of the other parties, and the willingness to continue negotiation with each other as a conflict resolution strategy. This distance—whether physical or psychological—seems to affect how parties make sense of and interpret what others are doing and whether “signals” are interpreted as indications of cooperative or competitive behavior. Thus, achieving an integrative agreement in a multiparty negotiation can be facilitated not only by bringing the parties into closer physical contact with each other, but also by helping them interpret what the other party is doing in situations where direct, face-to-face contact may not be possible.⁹

Strategic Complexity Finally, multiparty negotiations are more strategically complex than two-party ones. In one-on-one negotiations, the negotiator need only attend to the behavior of the other negotiator; strategy, therefore, is driven by the negotiator’s objectives, the other party’s actions, and the tactics they each use. In a multiparty negotiation, complexity increases significantly. The negotiator must consider the strategies of all the other parties at the table and decide whether to deal with each of them separately or collectively. The actual process of dealing with each of them usually evolves into a series of one-on-one negotiations—but conducted within the view of all the other group members. Viewed in this manner, this series of one-on-one negotiations can have several consequences.

First, these exchanges are subject to surveillance by the audience. Negotiators will be sensitive to being observed and may feel the need to be tough to show their firmness and resolve (both to the other party and to bystanders or audiences). As a result, the social milieu may lead negotiators to adopt distributive strategies and tactics—even if they did not intend to do so—simply to show their toughness and resolve to others. The short-term result is that negotiations may become strongly positional unless specific actions are taken to avoid this competitive escalation. A related dynamic is that once the parties have become strongly

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positional negotiators will have to find satisfactory ways to explain modification of their positions—concession making or movement toward compromises and consensus—to their constituencies without the face-threatening dynamics discussed earlier. Even without constituencies, negotiators will not want to lose face with the other negotiators present. This will be particularly true in the situation shown in Figure 10.2, when negotiators have constituencies.

Second, negotiators who have some way to control the number of parties at the table (or even in the room) may begin to act strategically, using this control to serve their objectives. The tactic used will be determined by the strategic interests to be served by adding other parties. Additional parties may be invited to add support or credence to the negotiator's position, to provide "independent" testimony or support to a point of view, or simply to present a show of force. For example, when communities are in dispute about whether to build a new shopping center or school, change a zoning law, or present a new tax package, it is not uncommon for the agents who will publicly speak about the issue to pack the audience with a large number of supporters who will occasionally show their enthusiasm and support (or opposition) for a position. Thus, negotiators can strategically add parties to the negotiation to enhance their perceived power through sheer numbers, to impress the other by displaying the prestige of the supporters, or to present some credible threat about the consequences that will occur if the negotiators do not get their way.

Third, negotiators can explicitly engage in coalition building as a way to marshal support. Parties may explicitly or implicitly agree to support each other's positions in order to add collective weight to their combined view and then use this coalition to either dominate the negotiation process or shape the desired settlement. Coalitions may be explicitly formed prior to negotiations or during negotiation recesses and breaks, or they may emerge as the discussion proceeds. Two or more parties may begin to realize that they have compatible views and agree to help each other achieve their separate objectives as the group objective is attained. Members of coalitions can exert their strength in multiparty negotiations in a number of ways: by expressing solidarity with each other, by agreeing to help each other achieve their common or individual objectives, by dominating discussion time, and by agreeing to support each other as particular solutions and negotiated agreements emerge. One researcher suggested that the emergence of consensus in decision-making groups proceeds as a "snowballing coalition." As noted earlier, coalitions are built one party at a time. Thus, in a multiparty discussion, as parties share information and then deliberate possible solutions, a few people will emerge with a common perspective and then agree to support each other's views. Other individuals then negotiate with the emerging coalition to incorporate their own views. Those who may be unwilling to negotiate or modify their views are eventually rejected and left out of the collective decision.¹⁰

The risk for those on the outside of an influential coalition is that they will not be an active participant in the discussions, some of which may occur in caucuses away from the main negotiating table. Negotiators who are excluded from part of a multiparty negotiation receive a lesser share of the outcome than those who are present for the duration. Kim's findings showed that this is particularly damaging to the excluded party when he or she misses the second half of the discussion. The lesson seems to be that simply being present for key discussions is important, especially in the later stages as the parties hone in on a final settlement.¹¹

Finally, relationships are the most significant force in shaping which parties will enter coalitions with each other in a multiparty negotiation. When a relationship is in place, parties extensively incorporate the time dimension into their deliberations and side negotiations with each other. Thus, what the parties have done for each other in the past, and/or what they think they can do for each other in the future, has a strong impact on the current discussions.¹² In addition, as we noted in Chapter 9, relationships may lead the parties to have similar preferences, to have strong concern for the others and a desire to help the others achieve their outcomes, and to create and sustain strong trust among parties.

What Dynamics Can Make a Multiparty Negotiation Effective?

Multiparty negotiation looks a lot like group decision making because it involves a group of parties trying to reach a common solution in a situation where the parties' preferences may diverge. Consequently, understanding multiparty negotiation means, in part, understanding the attributes of an effective group. Effective groups and their members do the following things:

1. *Test assumptions and inferences.* In effective groups, each individual member makes his or her assumptions and inferences clear by articulating them and checking them out with others. Unchecked assumptions and inferences can lead to unfounded conclusions.
2. *Share as much relevant information as possible.* In a competitive negotiation, parties are likely to use information strategically—sharing very little with other parties while attempting to gain much information from others. However, effective groups require the type of information sharing that occurs in integrative negotiation in order to maximize the information available to the parties to find solutions that meet the interests of all. Thus, parties should discuss their interests, but not disclose their walkaway or BATNA.
3. *Focus on interests, not positions.* As in an integrative negotiation, multiparty deliberations should use procedures that surface the underlying interests of individual members, rather than just their stated positions: sharing information, asking questions, and probing for underlying interests or needs.
4. *Explain the reasons behind one's statements, questions, and answers.* Disclosing interests requires that we be clear to others about what is most important and that we indicate the reasons *why* those things are important.
5. *Be specific—use examples.* Parties should attempt to talk in specific terms about directly observable behaviors, people, places, and events. Generalities can lead to misunderstandings or ambiguity that can send problem solving off the track.
6. *Agree on the meaning of important words.* Participants should be careful to fully explain and define key words or language that may be part of the agreement. For example, if parties agree that all decisions will be made by *consensus*, they should all have the same definition of what will constitute “consensus”—voting procedures, general support by most members, or full support by 100 percent of the members.

7. *Disagree openly with any member of the group.* If parties withhold their disagreement, conflict is forced underground, which may ultimately lead to an inability to reach consensus or to implement a plan to which all might agree. Disagreement can be productive without being offensive.
8. *Make statements, then invite questions and comments.* Diversity of viewpoints should not just be reserved for disagreeing with another, but it should also be invited from others: Encourage others to clarify their own understanding of your interests and needs.
9. *Jointly design ways to test disagreements and solutions.* Develop a process for confirming facts, verifying interpretations of events, and surfacing the reasons for disagreements so that problem solving can move forward. This process can be facilitated by anyone who is not directly involved in the central debate. We return to this point later in the chapter.
10. *Discuss undiscussable issues.* Groups often have a number of issues that they consider undiscussable: group members who are not performing up to expectations (or who are behaving badly) or challenges to a boss in the room. Getting these issues on the table may be critical for a group to be productive. One approach is to discuss openly the undiscussability of an important norm, rule, or problem and to state the implied consequences of discussing that topic openly.
11. *Keep the discussion focused.* Team leaders should make sure that the conversation stays on track until everyone has been heard. Develop an agenda, and have the chair manage the process to ensure that discussions don't wander all over the map.
12. *Do not take cheap shots or create irrelevant sidetracks or otherwise distract the group.* Distractions, sarcasm, irrelevant stories, and humor are all distractions that take the conversation off task and off focus. Although some of this behavior is perhaps inevitable, both in groups that like each other a lot and those that have strong conflict, effective discussions try to keep these distractions to a minimum.
13. *Expect to have all members participate in all phases of the process.* All parties must be willing to contribute to all phases of the process—sharing relevant information, working to help arrive at a solution, or helping manage the process.
14. *Exchange relevant information with parties not at the table.* If outsiders are invited in as experts or important sources of information, they should be fully briefed on the ground rules for participation and asked to comply with them.
15. *Make decisions by consensus.* Although it is not always possible to make unanimous decisions, parties should strive for consensus whenever possible. We return to discuss "decision rules" later in the chapter.
16. *Conduct a self-critique.* Finally, in between decisions or major deliberations, if future negotiations are expected, parties should spend some time in a postmortem evaluating their process and effectiveness. Paradoxically, groups that do not work well together seldom take the time to evaluate their process, probably because they hope to avoid the anticipated conflict that might arise from discussing the dysfunctionality. Not surprisingly, not discussing the dysfunctionalities usually makes these dynamics worse.¹³

Managing Multiparty Negotiations

Given the additional complexity that occurs in a multiparty negotiation, what is the most effective way to cope? There are three key stages: the prenegotiation stage, managing the actual negotiations, and managing the agreement stage. We follow that model here; in addressing these three stages, we also identify what a single negotiator can do when:

- The individual is simply one of the parties in a multiparty negotiation and wants to ensure that his or her own issues and interests are clearly incorporated into the final agreement.
- The individual wants to ensure that the group reaches the highest quality and best possible final agreement.
- The individual is responsible for overseeing a multiparty negotiation process to ensure that many of the strategic and procedural complexities are effectively managed.¹⁴

The Prenegotiation Stage

This stage is characterized by a great deal of informal contact among the parties. During this stage, the parties tend to work on a number of important issues: who is at the table, whether coalitions can be formed, what member roles different parties will take, understanding the consequences of no agreement, and constructing an agenda.

Participants The parties must agree on who is going to be invited to the talks. If the parties are already in some kind of intact group, this is an easy question. However, many complex international negotiations give a great deal of time to the question of who will be recognized and who can speak for others. Issues about participants can be decided on the basis of the following:

- Who must be included if a deal is to be reached (key coalition members)?
- Who could spoil the deal if they were excluded (possible veto players)?
- Whose presence is likely to help other parties achieve their objectives (desirable coalition members)?
- Whose presence is likely to keep other parties from achieving their objectives (key coalition blockers)?
- Whose status will be enhanced simply by being at the table? (This was often a key issue in the Palestinian–Israeli talks in the Middle East and in the Paris Peace Talks to end the Vietnam War—when the Viet Cong were invited to the table as a fully recognized party.)

Coalitions It is not uncommon for coalitions to exist before negotiations begin (parties who may know each other's interests in advance) or for coalitions to organize in anticipation of the meeting of all the parties. These coalitions may form to either promote or block a particular agenda item.

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Defining Member Roles If the group already has a structure, then key roles—lead negotiators, issue specialists, technical experts, record keepers, and so on—will already have been determined. But if they have not met before, then parties may begin to jockey for key roles. Some may want to lead, participate actively, and promote a particular agenda; others may wish to stay silent and be invisible; still others may wish act in some kind of broker or third-party role such as mediator or facilitator. Table 10.1 describes three types of roles that members can play—*task roles*, which move the group along toward a decision or conclusion; *relationship roles*, which manage and sustain good relationships between group members, and *self-oriented roles*, which serve to bring attention to the individual group member, often at the expense of group effectiveness.

Understanding the Costs and Consequences of No Agreement Negotiators need to understand the costs and consequences that will ensue if the parties fail to agree. Earlier in this text, we suggested to negotiators the importance of a BATNA in one-on-one encounters (cf. Chapters 2, 3, and 4). For example, suppose a group of vice presidents

TABLE 10.1 | Roles Commonly Played by Members of a Group

Task-Oriented Roles	Relationship-Oriented Roles	Self-Oriented Roles
Initiating/offering—offering new ideas	Encouraging—supporting others' comments, contributions	Blocking—act negatively, active and frequent disagreement with others
Information seeking—asking others for their views	Harmonizing—smoothing over conflict, reinforcing “we-ness” of the group	Recognition seeker—draw the group’s attention to themselves, seek approval from others
Opinion seeking—asking others for their opinions, judgments	Compromising—shifting one’s own position in order to find a middle ground of opinion between people	Dominator—speak frequently, dominate the conversation, manipulate the group toward their preferred outcome
Elaborating—clarifying, expanding on the topic	Gatekeeping—encouraging participation from those who do not speak often, discouraging participation from those who speak frequently	Avoider—remain quiet and disengaged, withhold contributions on either task or relationship issues
Evaluating—offering judgments about the topic	Standard setting—Asking for or offering standards for judging the team’s effectiveness	
Coordinating—pulling together ideas proposed by others		
Energizing—creating excitement about the topic being discussed		

Source: Based on Kenneth D. Benne and Paul Sheats, “Functional Roles of Group Members,” *Journal of Social Issues* 4, no. 2 (1948), 41–49.

in a computer company is trying to decide the models and quantities of a new line of personal computers to be built next year. To make this decision effectively, they must consider what will happen if they fail to agree. Will someone else (i.e., the president) step in and decide for them? How will the president feel about the group if the members can't agree? Are the costs of impasse the same for every negotiator? Usually this is not the case—different agents have different costs associated with no agreement. For example, if the vice presidents cannot agree, the president may mandate the model line and quantities, which may have greater costs for the engineering and manufacturing departments (which may have to dramatically change over to new production processes) than for the marketing and sales departments (which would have to design a new marketing and advertising campaign regardless of what was done). The group members with the better impasse alternatives (BATNAs) are likely to have more power in the negotiation because they care less about whether the group reaches a particular solution relative to no agreement.¹⁵ Finally, do all parties perceive their agreement and no-agreement options accurately? There is much evidence that negotiators are prone to perceptual biases that lead them to believe they are better than others (refer back to Chapter 6), their options are better than others' options, they are more likely to achieve their outcomes than others, and they have more control over shaping an outcome than others.¹⁶ In multiparty negotiations, these biases are likely to affect negotiators by inflating their sense of power and ability to win—leading them to believe that the no-agreement alternative is much better than it really is. Reality checking with others is important in keeping these biases under control: Are parties really willing to live with the possible costs of no agreement, and at what point will they collectively endorse that possibility?

Learning the Issues and Constructing an Agenda Finally, parties spend a great deal of time familiarizing themselves with the issues, absorbing information, and trying to understand one another's interests. They also spend time constructing an agenda. There are many reasons an agenda can be an effective decision aid:

- It establishes the issues to be discussed.
- Depending on how the issues are worded, it can also define how each issue is positioned and framed (refer back to our discussion of framing in Chapter 6).
- It can define the order in which issues are discussed.
- It can be used to introduce process issues (decision rules, discussion norms, member roles, discussion dynamics), as well as substantive issues, simply by including them.
- It can assign time limits to various items, thereby indicating the importance of the different issues.

In addition to creating an agenda, parties in the process might also agree to abide by a set of “ground rules”—ways to conduct themselves during the negotiation. The Connect Model as a proven approach to building effective group relationships. Table 10.2 overviews the four key requirements and steps in this process model.¹⁷

TABLE 10.2

Four Requirements

1. Can we agree on a constructive process?
2. Can our process accommodate differences?
3. Can we appreciate and respect each other's interests?
4. Can we improve our process?

Source: From *What It Takes to Win* by

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