

Negotiation as communication

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What is negotiation?

Negotiation is how we move forward together when agreement is not automatic

We need negotiation because:

- People have different goals, perspectives, and priorities
- Resources (time, money, attention, space) are limited
- Cooperation is often more effective than conflict or force

Negotiation allows us to:

- Solve problems without escalation
- Balance competing interests
- Maintain relationships while making decisions
- Find practical solutions instead of winners and losers

What is behind the difference in opinions?



WHAT WE STATE

WHAT WE WANT

WHAT WE REALLY NEED

Usually, we see only positions

Interests and needs are hidden

Conflicts happen when we fight over positions instead of understanding needs

Case: Doctor vs. Hospital Manager

A doctor is treating a critically ill patient who would benefit from an extended ICU stay.

Hospital policy limits ICU stays to 7 days unless strict criteria are met.

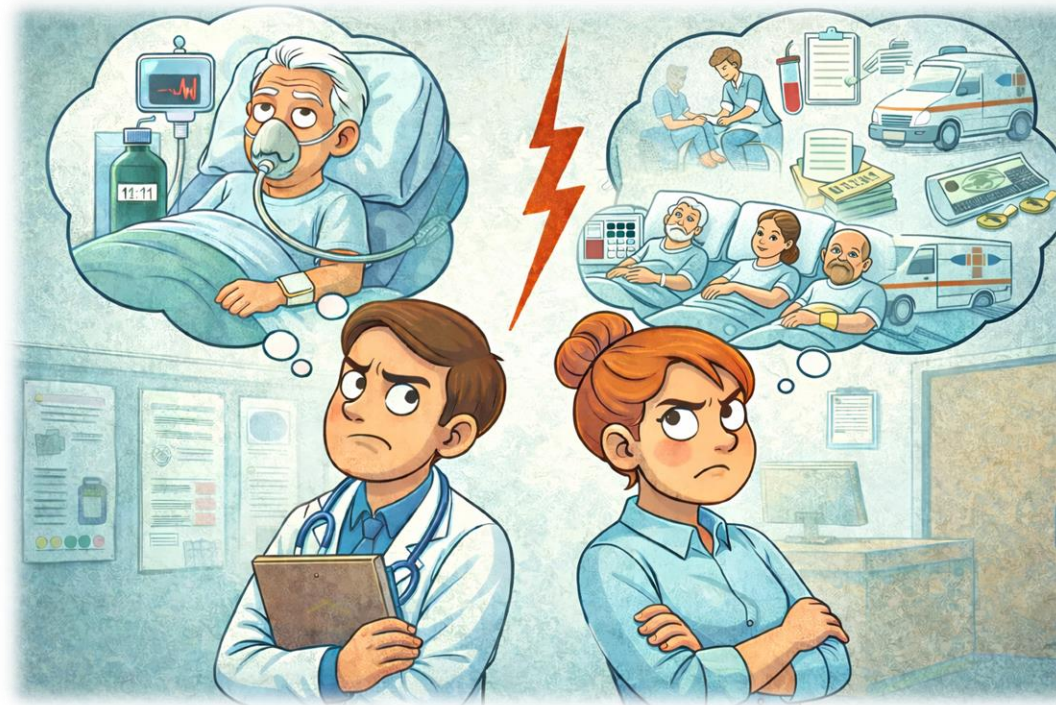
The patient is approaching that limit.

The doctor requests an exception to hospital policy for the patient.

The hospital manager refuses, citing system-wide constraints (limited ICU beds and staff).

Doctor:

One particular life
is important



Manager:

A properly working
system can save
many lives

What is behind the difference in their opinions?



Extend ICU stay
Exception is necessary
Medical judgment first

Patient survival
Avoid preventable harm
Professional responsibility

Ethics
Meaning and purpose
Professional autonomy
Respect for expertise

POSITIONS
what they say

INTERESTS
why they say this

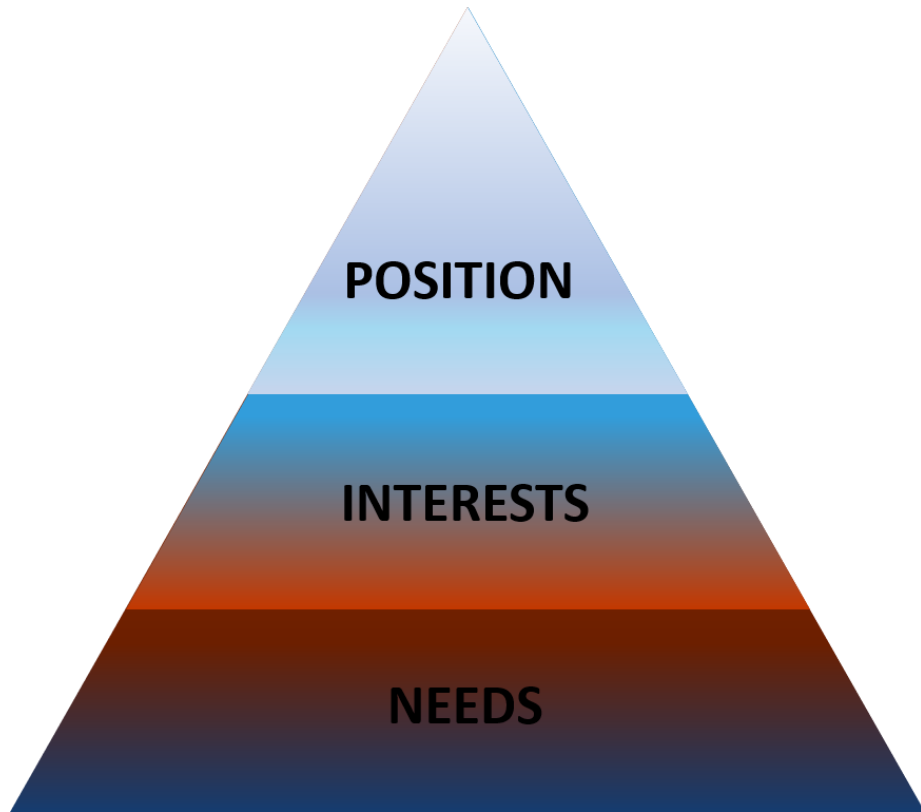
NEEDS
what they
really need

Follow ICU policy
No exceptions
Rules ensure fairness

Fair allocation of beds
Cost and staffing control
Regulatory compliance

Fairness
Control and predictability
Survival of the organization
Accountability

How to resolve a conflict?



The heart of negotiations is to understand each other's needs in order to find a solution at the level of interests

To do this, you need to "go down" the triangle, first in your head, and then in a dialogue with your opponent

Step by step

Separate the people from the problem

- Work on the problem, not against the person
- Listen first to understand, not to reply
- Talk about your perspective, not their faults

Focus on interests not positions

- Talk about "why," not just "what"
- Solve the shared problem, not the person
- Think ahead, not back

Create options for mutual gain

- Invent options that work for both sides
- Create a menu of possibilities
- Improve the deal, don't threaten

Use objective standards

- Use fair standards, not willpower
- Listen to reason, not threats
- Know your walk-away point

Prepare your best backup plan and know your worst-case scenario

- Know your best backup plan
- Know their options too
- Improve your options

Move towards each other



MOVE AWAY FROM POSITIONS

Instead of:

We must extend ICU

We must follow policy



SHIFT THE CONVERSATION TO INTERESTS

EXPLORE AND ACKNOWLEDGE INTERESTS

I see you need to manage resources fairly for all patients

I understand your top priority is this patient's life and your medical duty

CONNECT AT THE LEVEL OF NEEDS

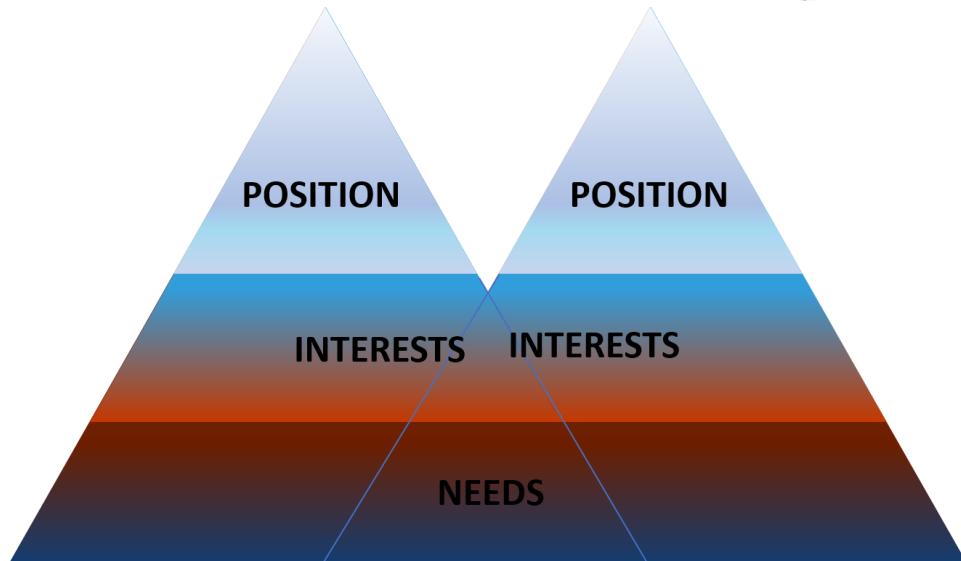
Protecting human life

Acting ethically

Maintaining trust (patients, staff, society)

Avoiding harm – individual or systemic

Co-create solutions that works for both



1. Time-bound ICU extension

- Approve a short extension (e.g., 48-72 hours)
- Reassess with objective clinical markers

2. Ethics or triage committee review

- Shared responsibility
- Reduces moral burden on both parties

3. Step-down care alternative

- Intermediate care unit with enhanced monitoring
- Frees ICU bed while protecting patient

4. Case documentation exception

- One-off exception with clear justification
- Prevents precedent creep

5. Policy refinement

- Use this case to improve criteria for future decisions

Final Agreement

- ICU stay extended for 72 hours under strict review criteria
- Ethics committee involved
- Parallel plan for step-down care
- Case logged for policy evaluation

Doctor's needs met:
ethical integrity,
patient advocacy,
respect



Manager's needs met:
fairness,
system stability,
accountability

Important

- Conflict often arises not because someone is “right” or “wrong”, but because people see the situation from different perspectives and carry different responsibilities.

Successful negotiation builds a bridge between these perspectives.

- Successful negotiation is not a fight over positions but a joint search for a solution based on real interests and needs.

The real success belongs to those who don't stand their ground at all costs, but who know how to ask the right “why” and “what for”.

“Negotiation is nothing more than communication with results”

Chris Voss, Tahl Raz

“Never split the difference: Negotiating As If Your Life Depended On It”



References

Médecins Sans Frontières (MSF) Intermediate medical management course.

Roger Fisher and William Ury. Getting to Yes: Negotiating Agreement Without Giving In. 1981.

