

Imagine a bill has been introduced in your state that you think would be beneficial to CRNAs. You want to see the legislation passed, so you approach another healthcare professional association, who tells you they are opposing the legislation. Negotiation over, right? After all, you have opposing positions, so how could this be resolved? The problem is that you are focusing on positions – and as long as you have opposing positions, there can be no resolution. But perhaps you should ask the other association a key question – “Why?”, i.e. why are they opposed to the bill? Perhaps there is some way for you to address their concerns that don’t involve them fighting the bill, or perhaps there is a way to amend the bill so it still meets your needs, but no longer concerns them. In addition, you would want to ask yourself the same “why” question. Why do we want this bill passed? And is there some other way to meet our needs that wouldn’t meet opposition from the others?

Clinging to positions creates an either/or – especially if your positions are opposites – you both can’t get what you want. Focusing on interests and goals, however, gives the parties multiple potential options for arriving at a solution. Looking at both party’s goals can also provide opportunities for mutual gains – rather than just dividing up what’s there, you might come up with a win-win solution. The key to being successful with this is to be able to ask honest questions to the other party, and to listen to them in an impartial, non-judgmental way. Negotiators often view questions as a Socratic-style opportunity to persuade a party into accepting your view – this instinct must be avoided, as it leads to more talking than listening, and the listening is typically strategic in nature. This isn’t to say that there is no place for being strategic, but you first must honestly listen to what the other party wants before you can formulate any solution with a chance of success.

Once you’ve established what their interests are, any offers you make should be phrased to show how this offer addresses these interests. And while it isn’t necessary to state that the offer meets your own interests, communicating what your interests are gives other parties the opportunity to develop creative solutions.

It can be helpful to think about what the opposite party’s interests might be before going into a negotiation, to give you an opportunity to preemptively think creatively about how you might offer to meet those needs. But remember, any prep work you do is still just guessing; you don’t know for certain what their goals are until they tell you.

A famous example of positions versus interests came in the 1970s with the Camp David Accords. Since 1967, Israel had occupied the Sinai peninsula. Egypt wanted the land back, but Israel did not want the land returned to Egypt. You can’t have both positions fulfilled, so this would seem like an intractable problem. Luckily, wiser minds were involved and asked both parties why they were taking the position they had. Egypt viewed the matter as one of national sovereignty – they didn’t want land that they felt was part of Egypt occupied by a foreign power. Israel saw it as national security – they didn’t want Egypt in the Sinai because they felt it would put a hostile military just a few miles away from their cities and population. Once the parties moved beyond positions and into interests, the solution became obvious. The land would return to Egypt (meeting their interest in sovereignty), but would be demilitarized and Egypt would recognize Israel as a nation (meeting Israel’s interest in security). Only when negotiators asked for the concerns behind the positions was there any chance for resolution.