This material from this section is drawn from the work of the Program on Negotiation, Harvard Law School and specifically:

- Getting Disputes Resolved by William L. Ury, Jeanne M. Brett, and Stephen Goldberg
- Getting to Yes by Roger Fisher, William L. Ury, and Bruce Patton

3 ways of resolving disputes:

- 1) Reconciling Interests
- 2) Determining who is **Right**
- 3) Determining who is more **Power**ful

Definitions:

<u>Interests</u>: Needs, desires, concerns, fears – the things one <u>cares about</u> or wants. <u>Rights</u>: Accepted, independent <u>standards</u> used to determine who is right. Power: The ability to coerce people to do something they would not otherwise to.

Interests	Rights	Power
Possibility of win-win	Provides an external,	Ability to assert control &
Least escalatory	independent standard	impose solution
Creative solutions from	Creates baseline for all	Trumps Rights & Interests
whole group	parties, protections for more	Sometime need to make
Builds Trust	vulnerable	quick decisions
Time consuming	Can become escalatory &	Invites power response
Requires trust	adversarial	Not always clear who has
Loss of Control	Not right for everything	power
Can bargain away rights	Merely expression of power?	Provokes power showdowns
Often reflective of	Interpretation and bias free?	Tough on relationships
underlying Rights & Power,	Relies upon agreement over	Builds resentment
in trumped by Rights &	which external standards	Undermines a sense of
Power	apply	team
Not always agreement		
	Least escalatory Creative solutions from whole group Builds Trust Time consuming Requires trust Loss of Control Can bargain away rights Often reflective of underlying Rights & Power, in trumped by Rights & Power	Least escalatory Creative solutions from whole group Builds Trustindependent standard Creates baseline for all parties, protections for more vulnerableTime consuming Requires trust Loss of Control Can bargain away rights Often reflective of underlying Rights & Power, in trumped by Rights &Can become escalatory & adversarial Not right for everything Merely expression of power?Interpretation and bias free? which external standards apply



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Definitions:

<u>Position</u>: A proposed solution <u>Interest</u>: The reason for that proposed solution (The "why" behind the position)

Example: John wants the window open. Andrew wants the window closed.

	John	Andrew
Position	Window Open	Window Closed
Interest	Wants fresh air	Wants to avoid a draft

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