

Interests, Rights and Power

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 **Powerful**

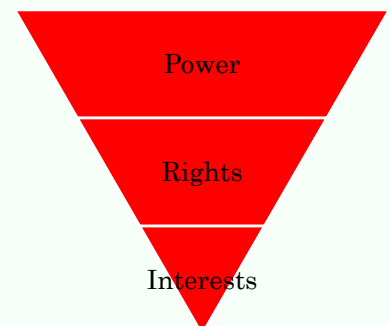
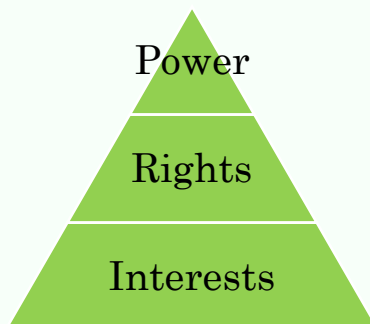
Definitions:

Interests: Needs, desires, concerns, fears – the things one cares about or wants.

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



Definitions:

Position: A proposed solution

Interest: 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 |