

All About Interests: Uncovering the interests in Interest-based Negotiation and Mediation

Interests. A key concept in interest-based negotiation and mediation. Read further to discover the story on interests. What are they? How can interests help you to work through conflict and reach agreement?

What are interests? Interests are our motivation; the needs, hopes, fears, desires and concerns that drive us. In order to be successful in negotiation it is important that the outcome satisfy the interests of both parties, at least better than if there were no agreement. If you ask yourself or the other party about their needs, wants, fears, concerns, hopes, beliefs and values you will most likely uncover interests. Interests may not only be related to the substance of the negotiation. They may also be procedural, “I need to be involved in setting the date for our meeting

because of the implications for my business”, or psychological, “I need to feel that my ideas are valuable”.

Many people prepare for a negotiation by thinking about their positions. They usually think about an opening demand, a best case scenario, and a bottom line, a minimum acceptable result. What’s wrong with that? A position is a solution that works for you, one way to satisfy your interests. “A position is a means, rather than an end”, according to Roger Fisher and Danny Ertel in *Getting Ready to Negotiate: The Getting to Yes Workbook*.

Remember the story about the two sisters who both wanted the orange? (See April/99 “What is Win-win Negotiation?” at www.munnrcs.com) Their discussion was an exchange of positions, “I want the orange”. They reached the compromise result of cutting the orange in half. The solution which would have better satisfied their interests would have been to give all the rind to one and all the juice to the other. By thinking within the framework of positions, they ended up settling for a compromise result, a 50 % solution. With an understanding

Four ways to use interests to be a better negotiator:

1. Put yourself in the other person’s shoes.

After each demand they make ask yourself why they might be taking that position. Consider whether to ask them for clarification of the reasons for their position. It is better to know their answer rather than assume that you know their interests. The danger in a conflict situation is that in order to elicit a helpful response you must be able to ask while expressing with your voice simple curiosity and a willingness to understand. Otherwise if you ask “Why?” the other party may hear this as an attack. Questions such as “What is your reason for...?” or “What are your concerns about ...?” are generally safer than “Why?”.

2. Look for many interests. Interests are usually varied.

People usually have many interests affecting any negotiation. When you look down deeply enough under the surface of the iceberg, the interests are often basic human needs such as security, recognition, sense of belonging, economic well-being, and control over one’s life as described by Cheryl Picard in *Mediating Interpersonal and Small Group Conflict*.

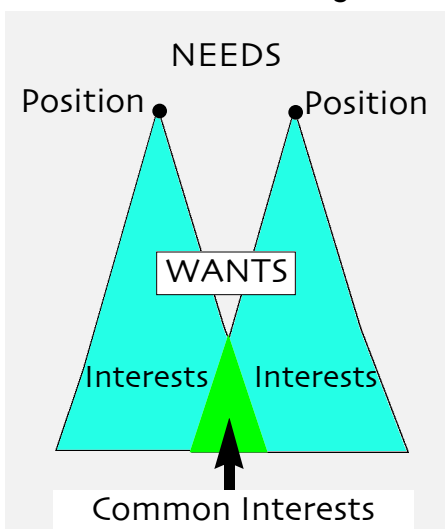
3. Be specific about the interests.

Use concrete details, and specific examples so that it is easier for the other party to understand your interests. Ask for this level of detail about their interests.

4. Acknowledge the interests.

People will be more likely to listen to you if you have listened to them. You can show them that you have listened and understood by summarizing the interests they have expressed. If you didn’t get it right the summary also gives them an opportunity to correct you.

Only after you reach the point when you can summarize the interests both parties have expressed and identify the common interests, are you ready to move on to looking at options for solution. If you find yourself getting stuck trying to build a solution from apparently incompatible positions, you need to dive in deeper and look for interests under the surface of the iceberg before trying to find the solutions.



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of each other's interests they both could have had 100% of what they wanted.

In your preparation you need to examine your own interests. Avoid the mistake of thinking about a position for yourself and not thoroughly delving into an understanding of your interests. If you find yourself thinking about positions, such as dollars or conditions, ask yourself "Why?". When you really think about it, sometimes your own motivations are not immediately evident, even to you. Then think about what the other party's interests might be. Start identifying any interests that you might have in common.

The distinction between interests and positions is critical. Interests are intangible motivations. Positions are the concrete solutions, such as dollars or conditions. Getting the most satisfactory result in negotiation or medi-

ation requires a focus on understanding the interests of both parties.

How can interests help you to work through conflict and reach agreement? Often negotiations get stuck when both parties want the same thing, or their positions seem totally contradictory. Both of the sisters could not have 100% of the one orange. Looking at interests makes it possible to get things unstuck and find solutions because

- A. There are usually several ways of satisfying every need or concern, and
- B. Behind apparently opposed concerns lie many interests, many of which may be common to both parties.

In order to uncover interests you must be prepared to dive down and look at the part of the iceberg under the water, down below the visible tip of the iceberg on which each party is sitting at the negotiation.

Munn-thly Memo

Q. My group of business people is running into problems. We've been in operation about 3 years. The first couple of years things worked smoothly. We raised money for the charities we support and we got know each other and develop business contacts. Now the chairperson and a few members have certain ideas about what we should be doing. Some of the other members have very different ideas about our direction. Meetings often end up being a rehash of previous decisions and the decisions at each meeting change according to the people present at the meeting. What can we do to get things back on track?

A. First a caution: When this happens in a group often there is a tendency to blame someone in the group. Usually it is part of the natural maturation of a group and not really the fault of anyone. If your group is going to be able to continue you will need to find ways to develop the participation of the whole group.

Over the last couple of decades our understanding of participation has evolved in companies and in other organizations. Individuals often expect participation to be a fundamental approach of groups. Participation is an evolving process in a group. If some people are feeling alienated from the decision-making it is important to examine the methods being used to ensure that the participation of individuals has a positive spirit. Participation is not a free-for-all. There needs to be a framework within which people can use their creative energies. It is possible to learn skills to be better at building participation within an organization. One useful reference book I suggest as a starting point is *Winning Through Participation* by Laura J. Spencer published by The Institute of Cultural Affairs of the U.S.A.

If your group needs help to get things moving again it may be helpful to find a neutral facilitator. I provide this service to groups, both business and non-profit. You are welcome to contact me to discuss the situation. As facilitator, I will design an approach which will address the specific problems in your group.

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Interest-based Negotiation from A to Z

November 18, 2000

Middlesex Law Association,
London, Ontario

Call (519) 679-7046 for more information

Electronic Common Ground

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