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## Interest Based Problem Solving: The Key to Addressing Public Disputes

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**A**ccording to a recent Kentucky survey, over 40 percent of local public disputes turn into bitter power contests that damage relationships. Many of these disputes are characterized by deadlock with little chance of resolution or agreement. These settings make it difficult to solve public problems. One way to turn conflicts into healthy community discussions is to help the disputants move from a focus on positions to interests. By focusing on interests, it is possible to address everyone's major concerns.

### The Problem With Positions In Solving Public Disputes

Public disputes often begin with a clear statement from the disputants about positions. POSITIONS are something one has decided upon as a way to settle a conflict or difference. For example, one group might say, "We want our school to be consolidated." Another group might take the position, "We oppose school consolidation." The problem with positions is that they tell us very little about the real interests behind them.

If the parties stick with their positions rather than explore their real interests, it is likely to lead to a bitter stand-off where one party loses while another gains. It can also lead to permanent gridlock in which both groups feel frustrated and no one gains or loses. In either case, it can divide a community in ways that destroys relationships and inhibits the community from addressing other serious problems. Sometimes, positional-based bargaining leads to a compromise where everyone wins a little and also loses a little. A compromise can also be harmful when everyone feels dissatisfied. No one may feel that they got what they really wanted. Interest-based problem solving offers a way out of this dilemma.

### What Is Interest-Based Problem-Solving?

Mediators, public issues educators, negotiators and others who seek to settle public disputes are finding that interest-based problem solving is a highly effective tool. Ideally, interest-based problem solving leads to a situation in which the dispute is turned into a problem and the disputants work on the problem in ways that lead to a "win-win" outcome.

Interests are different from positions. INTERESTS are what one needs. On occasion, some groups do not know how to express their interests. So, they may need some coaching. Everyone has two types of interests: 1) concrete interests -- needs such as money, time, goods or resources, and 2) process interests -- needs related to how we are treated, how things are done, how we feel or the conditions of an ongoing relationship.

### Moving From Positions To Interests

Often, a third party neutral or one of the disputant groups can move the debate from positions to interests in several ways. After positions have been stated, the disputing groups can be asked several questions:

- ▶ "Why is your position important to you?"
- ▶ "What is at stake with this issue?"
- ▶ "Can you help us understand why you feel the way you do?"
- ▶ "What do you really want?"
- ▶ "What do you think others involved in this situation really want?"

The groups involved in the dispute may respond to the questions about interests in several ways. It is useful if those interests can be restated on a flip chart so that everyone can see. If necessary, group members may want to

clarify or restate their interests after seeing it on the flip chart.

Let's reexamine the case of two groups that have taken strong positions on school consolidation. One group is in favor of it while another opposes it. In interest-based problem solving, we attempt to understand why the groups take such strong positions.

For example, those who want school consolidation might believe it will lead to a better education for their children. They may also believe it will be more cost-efficient than maintaining the present school. Those who oppose school consolidation may be concerned about losing their community identity if the local school closes. They may also be concerned about the quality of education at the proposed consolidated school.

What are the key interests in this dispute? In this particular case, three major interests have been identified:

- 1) educational quality for the community's children
- 2) cost-efficiency
- 3) maintaining a strong community identity and a sense of local pride through the presence of the local school.

Note that both groups share a common interest. They are both concerned about educational quality.

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## **Reframing the Question: Moving From Positions To Interests**

Reframing involves changing how the disputants view the conflict and how the structure of the situation is defined. Reframing involves a movement from positions to interests.

Originally, the school consolidation issue was defined by the two positions: "Should we permit or oppose school consolidation?" Note that the question sets the stage for a bitter power contest or divisive debate. If the question is reframed in a way that reflects everyone's key interests it becomes a puzzle to be solved rather than a debate. Ideally, the disputants are asked to restate the problem in ways that reflect key interests. They are asked to move from a "Should we . . ." question to a "How can we . . ." question. The "How" question should reflect the tensions involved in key interests. For example, in the school consolidation case, the participants might reframe the issue to: "How can we provide high quality education for our children in cost-efficient ways and still maintain our community pride?" After the reframing of the question to reflect key interests, the group can move towards identifying some options that could meet everyone's interest.

## **Further Analysis of the Problem:**

In the early stages of the discussion, the group may also need to identify and clarify the factors that contribute to the problem. This stage could take place before or after the problem has been re-framed. Several questions can be asked. Why is this an issue? What are the factors that contribute to this dispute or issue? Why is it so important? What kinds of facts or information do we need to understand this problem better?

## **Group Identifies Criteria For Success**

In the early stages of discussion, the participants are asked what they might gain from the interest-based problem solving approach. The focus is not a specific solution but rather how would they measure whether the discussion is successful. For example, an end product could be "a public policy that everyone can live with." Or it could be a memorandum of understanding or a written contract between the

parties. The participants may be satisfied if they only understand themselves better as well as others. In any case, the criteria for "success" is set by those who have a stake in the issue or their representatives.

### **After Re-Framing: Identifying Options**

After the problem has been re-framed in ways that satisfy the parties involved, the group can respond to the "How to" question by brainstorming options. These ideas are often recorded on flip chart paper so that everyone can see what is being said. No attempt is made at this point to judge the worth of ideas. The emphasis is on generating as many creative options as possible to address the question.

### **Comparing Alternatives**

After brainstorming options, the group compares alternatives and moves towards options that seem to best fit everyone's interests. There may be a recognition that there are trade-offs in interests. Groups may have to prioritize their interests and understand what interests are absolutely essential and which are secondary.

### **Implementation and Monitoring**

After coming to a decision, the group decides how to implement it and how to monitor the decision. In some cases, a third party may be required to implement or monitor the decision.

### **Does Interest-Based Problem Solving Really Work?**

Interest-based problem solving has been used in a variety of settings. Mediation centers throughout the country boast a 60 to 65 percent success rate of parties who go through the interest-based problem solving process. In some cases, former disputants become friends through problem-solving. It can lead to a greater public ownership of the problem, more community harmony and strengthen the capacity of citizens and community leaders to address other controversial issues and problems. Citizens and leaders who are involved in interest-based problem solving are more likely to have a stronger sense of ownership about the problem and are more likely to carry out agreements. In

contrast, public disputants who are involved in litigation tend to demonize each other and are often dissatisfied with the outcome regardless of who wins in court.

It should be noted there are times when interest-based problem solving does not make sense. If it is impossible for parties to trust each other, the compromise approach or litigation may be most effective conflict resolution tools available. In other cases, organizations or communities may not have the time and energy to use interest-based problem solving. They may choose to let an authority figure make the decision for them. In other situations the dispute may not be that important and it may be easier to avoid the conflict or accommodate a disputing group by meeting their needs and sacrificing one's own interest.

### **A Step-By-Step Method For Doing Interest-Based Problem Solving**

There are eight major steps in doing interest-based problem solving. Several major questions need to be asked along the way.

#### **1. Pre-Problem Solving Phase.**

- *Agreement on Problem-solving:* Is the group willing to do problem-solving? What are their concerns about the process?
- *Representation:* Who do you think should be involved in discussing this issue? Who would benefit the most or be harmed the most by whatever outcome is chosen? Who might prevent the implementation of any agreement?
- *Procedural Agreements:* Identify several ground rules for behavior at upcoming meetings. How would you minimize the negative aspects of conflict and make sure that key voices are heard?

#### **2. Problem Definition Phase.**

Can you clarify what the problem is from everyone's perspective? What are the key interests here? Do we need to break the problem down into parts?

- *Legitimizing Perceptions:* Has everyone's feelings been heard? Do you believe

people understand your feelings and beliefs about this particular issue?

- *Re-Framing:* Can this problem be re-framed into a 'How can we . . .' question. If so, how can it be re-framed?

### 3. Products of the Process Phase.

- *Alternatives:* What are the alternatives to interest-based problem solving for this particular case? (i.e, litigation, avoidance, etc.) Are there better alternatives to doing interest-based problem solving?
- *Potential Products of Problem-Solving:* What do you think the group would want as an end product from the discussion. A written agreement? A public policy decision? Something else?

### 4. Analysis Phase.

- *Identify and Clarify Interests:* Why does the problem exist? How does it affect each party?
- *Joint Fact Finding:* Who should be involved in sharing information? Do you need expert opinions? If so, where would you draw them from?

### 5. Criteria for Success.

Agree on the performance criteria for success. What are the major needs/interests that must be satisfied to be successful?

### 6. Generating Alternatives.

What are some of the wide range of possible solutions that might be identified by the group?

### 7. Decision-making phase.

What are some possible agreement packages for the group to consider?

### 8. Implementation phase, monitoring and follow-up.

Can we identify a subcommittee or a group to work on implementation of our plan? How can we make sure that the plan will be implemented? Who will monitor the plan and be involved in its evaluation?

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### Workshop Questions:

1. Can you identify a recent conflict in which positions were clear? What were the positions?
2. What do you think were the interests underneath the positions? What did each of the parties really care about?
3. What were the contributing factors to the conflict?
4. Could you re-frame the conflict into a problem that reflect the real interests of the disputants? If so, how would you do it? Ideally, the reframed question should be formed into a "How To" statement -- "How can we meet the x, y and z interests in solving problem a?"
5. What are some of the options that could be generated for addressing the problem (after it is reframed)?
6. Which options would meet everyone's interest?