

Introduction to International Negotiations

Semester: Spring Semester 2024

Root Number: 455763

ECTS: 3

Lecturers: Prof. Dr. Felix Addor

Dates: 1 March, 8 March, 15 March and 22 March 2024 (09:00 – 18:00 incl. one hour lunch break)

Audience:

- Government officials; Embassy staff; people working for international organisations and NGOs
- Master of Advanced Studies of International Law and Economics (MILE) Students
- Joint LL.M. / Diploma of Advanced Studies Trade and Investment Law (TRAIL+) Students - World Trade Institute / Faculty of Law, Unibe
- University of Bern Students

Course description

To be effective in negotiations is of crucial importance in every profession. The negotiation process is an extensive strategy, based on skills that can be acquired, experienced and developed to solve conflicts and to reach a mutual acceptable outcome.

This is a practice-oriented, interactive, 'learning-by-doing' course focusing on the basic skills of negotiation. It might change participants' view on how negotiations should be planned, structured and conducted. The course involves negotiation theory and concepts as well as preparation readings, combined with role-play exercises, moot negotiations, case analyses, in-class discussions, and self-assessment instruments.

The course is for those, who are eager to learn and reflect on how to solve conflicts of interest in a sustainable way, who are interested to apply newly learnt knowledge in exercises, and to actively participate; in short, who are willing to go the extra mile.

Learning objectives

The course aims to form and enhance participants' awareness about the negotiation process, including the influence of human interests, goals, perceptions, and emotions. Moreover, it provides concepts and tools for addressing negotiations, and enables participants to develop skills in diagnosing and managing negotiations from different contexts. Overall, it aims at developing participants' skills and confidence as a negotiator.

Learning outcomes

On successful completion of the course, students shall be able to:

- have a sense of how negotiations are conducted on a bi- and multilateral level,
- have an improved awareness,
- understand the concepts and tools for analysing and addressing negotiation situations from different contexts,
- understand the influence of human interests, goals, perceptions, and emotions on the negotiation process and the negotiation result, and to
- have gained awareness and skills in negotiation situations as well as confidence as a negotiator.

Lecturers

Prof. Dr. **Felix Addor** serves as the [Deputy Director General of the Swiss Federal Institute of Intellectual Property](#) (Swiss Ministry of Justice), the federal agency in charge of all intellectual property matters in Switzerland. As the Institute's General Counsel and Director of the Legal and International Affairs Division, he has been responsible for all legal and policy matters regarding all fields of intellectual property at the national and international levels since 1999. Among other things, he is responsible for the instruction and supervision of Swiss negotiating delegations to the relevant international fora, such as the World Trade Organization and the World Intellectual Property Organization, and

to bilateral and plurilateral IP-negotiations. He also acts as Co-Head of the Swiss Federal Inter-Ministerial Working Group on Public Health, Innovation, Trade and IP, and is a Member of the Strategy Committee on Swiss global health foreign policy.

In addition, Prof. Addor has been a [member of the external faculty of the World Trade Institute](#) since its establishment (1999). Since 2008, he has been a [Professor \('Titular professor'\) at the Faculty of Law, University of Bern](#). He lectures on intellectual property law, international negotiations and global governance, and is, among others, co-responsible with Katie Rügsegger for the [Model United Nations Seminar](#). Moreover, since 2013 Prof. Addor has been a [Senior Fellow at the Global Health Centre of the Graduate Institute of International and Development Studies](#), Geneva. Since 2020, he is a [lecturer on international negotiation at the Law Faculty of the University of Zurich](#) as well as a [senior fellow at the Institute for Global Negotiations](#) jointly hosted by the Chair of Political Philosophy of the University of Zurich and the Chair of Negotiation and Conflict Management of ETH Zurich.

Prof. Addor has authored numerous articles, and is a regular guest lecturer on a broad range of intellectual property and negotiation issues. He received his MLaw (magna cum laude) and his Dr. iur. (*summa cum laude*, awarded 1997 by the Professor Walther Hug Foundation) from the University of Bern, and has been admitted to the Canton Bern State Bar since 1990.

Grades and assessment

Participants, who take the course to obtain an advanced master's degree or a Certificate or Diploma of Advanced Studies, will be assessed on their preparation to the negotiation simulation between days 3 and 4 of this course. The preparation will consist of a short and concise written paper detailing the participant's role and objectives for the negotiation simulation. The individual roles as well as requirements for this assessment will be handed out on course day 3 during the introduction to the case study. The paper will need to be handed in electronically prior to the negotiation simulation of day 4 – that is to say no later than Thursday, 30 March 2023, 24:00. Be aware of the fact that you will receive 1.0 as a grade if you hand in your paper late!

In addition, your overall oral performance during the course (i.e., your participation and the quality of your contributions during class and in the negotiation exercises) will be taken into account to adjust your grade up or down (+/- 0.5). A note on confidentiality

A sense of openness and trust among participants will increase our ability to share with and learn from each other. To foster the free exchange of experience, suggestions, and ideas, participants are asked to treat the information that they receive in the negotiation exercises as confidential. In addition, please refrain from discussing the exercises and cases with persons outside this course. If either the structure of a case or the substantive facts of an exercise should become widely known, the exercise risks being of little use to participants of future courses.

Handling of absences

It is crucial that participants organize themselves in such a way that they can follow all four course days from 09:00 – 18:00! If somebody is missing partly or fully on ONE of the course days because of being ill, this person can exceptionally continue to follow the course on the condition that this person has send a written information to the course teachers and the WTI secretariat prior to that course day. Moreover, this person has to prepare all the missed material, i.e. has to read the corresponding compulsory AND non-compulsory background reading before the next course day. It goes without saying that this person needs to write the set paper, which has to be written after course day 3 and has to be handed in before course day 4. If somebody does not write this paper within the set time limits, this person will not get any grade for the course.

If someone is absent for more than one course day, then it makes no sense to have that person write the position paper (between day 3 and 4). In consequence, this person will NOT get a grade, since the entire course only goes for four course days and thus 50% has been missed.

If somebody is missing for another reason than illness or without any prior written excuse, this person can NOT continue the course because the participation in all four classes is mandatory.

Compulsory reading material (to be read before the 1st course day)

- Roy J. Lewicki, Bruce Barry and David M. Saunders, Essentials of Negotiation, 7th International Edition 2020, New York / McGraw-Hill, ISBN: 9781260570458 (note: the International Edition of the book is a condensed version of and considerably

cheaper than the standard edition, Negotiation, 8e.). Several examples of this book are available at the WTI library, too.

This book explores the major concepts and theories of the psychology of negotiation, and the dynamics of interpersonal and inter-group conflict and its resolution. Participants are encouraged to read the whole book (it's an interesting book and easy to read); in any case, they must have read at least chapters 1 -4 and 10-12 **before** course day 1.

Additional homework assignments (preparation and debriefing materials) will be sent to the participants electronically at the end of each course day.

Optional additional reading material

This is a list of selected optional bibliography for those who are interested in more negotiation literature:

- Babcock, Linda / Sara Laschever: Women Don't Ask: Negotiation and the Gender Divide, Princeton University Press, 2021 .
- Babcock, Linda / Sara Laschever: Ask For It: How Women Can Use the Power of Negotiation to Get What They Really Want, Bantam, 2009.
- Bazerman, Max H. / Margaret A. Neale: Negotiating rationally, Free Press, New York, 1994.
- Carter, Jimmy: Keeping Faith – Memoirs of a President, Three Rivers Press, New York 1998.
- De Callières, François: De la manière de négocier avec les souverains: De l'utilité des négociations, du choix des ambassadeurs et des envoyés et des qualités nécessaires pour réussir dans ces emplois (1716), Édité par Alain Pekar Lempereur, Librairie Droz, Genève 2002
- Erbacher, Christian Eric: Grundzüge der Verhandlungsführung, 4. Auflage, vdf Hochschulverlag der ETH Zürich, Zürich 2018.
- Fells, Ray: Effective Negotiation - From Research to Results, Cambridge University Press, 4th ed., Port Melbourne 2019.
- Fisher, Roger / Daniel Shapiro: Beyond Reason – Using Emotions as You Negotiate, Penguin Books, New York 2006 (Deutsch: Erfolgreicher Verhandeln mit Gefühl und Verstand, Campus, Frankfurt am Main 2007).

- Fisher, Roger / William L. Ury / Bruce Patton: Getting To Yes – Negotiating Agreement Without Giving In, Penguin Books, updated and revised, New York 2012 (Deutsch: Das Harvard-Konzept, DVA, 5. Aufl. 2018).
- Grenny, Joseph / Kerry Patterson: Crucial Conversations: Tools for Talking When Stakes are High, McGraw Hill, 3rd ed., 2021.
- Haft, Fritjof: Verhandlung und Mediation – Die Alternative zum Rechtsstreit, 2. Aufl., Beck, München 2000.
- Hall, Edward T. / Mildred Reed Hall: Understanding Cultural Differences, Nicholas Brealey Publishing, 2000.
- Lax, David A. / James K. Sebenius: 3-D Negotiation – Powerful Tools to Change the Game in Your Most Important Deals, Harvard Business Review Press, Cambridge MA 2006.
- Lewicki, Roy J. / Hiam, Alexander / Karen Wise Olander: Praxishandbuch Verhandlungstechnik, Midas Management, erscheint im Juli 2022.
- Lohmann, Friedrich: Konflikte lösen mit NLP – Techniken für Schlichtungs- und Vermittlungsgespräche, Paarberatung und Mediation nach Virginia Satir, John Grinder und Thies Stahl, Ein Lern- und Übungsbuch, Junfermann, Paderborn 2003.
- Menkel-Meadow, Carrie / Michael Wheeler (Eds.): What's fair: Ethics for Negotiator Jossey-Bass, Cambridge MA 2010.
- Mnookin, Robert H. / Scott R. Peppet / Andrew. S. Tulumello: Beyond Winning – Negotiating to Create Value in Deals and Disputes, Belknap Press of Harvard University Press, Cambridge MA etc. 2004.
- Mnookin, Robert H.: Bargaining with the Devil: When to negotiate, when to flight, Simon & Schuster 2011 (Deutsch: Verhandeln mit dem Teufel, Campus, 2012).
- Ponschab, Reiner / Adrian Schweizer: Kooperation statt Konfrontation – Neue Wege anwaltlichen Verhandeln, 2. Aufl., Dr. Otto Schmidt, Köln 2010.
- Ponschab, Reiner / Adrian Schweizer (Hrsg.): Schlüsselqualifikationen – Kommunikation, Mediation, Rhetorik, Verhandlung, Vernehmung, Dr. Otto Schmidt, Köln 2008.
- Raiffa, Howard: The Art and Science of Negotiation, Harvard University Press, 13th ed., Cambridge, MA etc. 1996.

- Saner, Raymond: The Expert Negotiator, Martinus Nijhoff Publishers, 4th ed., Leiden etc. 2012 (Deutsch: Verhandlungstechnik – Strategie, Taktik, Motivation, Verhalten, Delegationsführung, Paul Haupt, 4. Auflage, Bern/Stuttgart/Wien 2012).
- Starkey, Brigid / Mark A. Boyer / Jonathan Wilkenfeld: International Negotiation in a Complex World – An Introduction to International Negotiation, Rowman & Littlefield Publishers Inc., 4th ed., Lanham etc. 2015.
- Stone, Douglas / Bruce Patton / Sheila Heen: Difficult Conversations – How to Discuss What Matters Most, Penguin Books, Rev. ed., New York 2011 (Deutsch: Offen gesagt! Erfolgreich schwierige Gespräche meistern, Goldmann, München 2011).
- Trompenaars, Fons / Hampden-Turner, Charles: Riding the Waves of Culture – Understanding Diversity in Global Business, McGraw-Hill, Rev. 3rd ed., New York etc. 2012.
- Ury, William L.: Getting past no – Negotiating with Difficult People, Bantam Books, New York 1991, paperback ed. 1993.
- Von Senger, Harro: The 36 Stratagems for Business – Achieve Your Objectives Through Hidden and Unconventional Strategies and Tactics, Cyan Communications 2005 (Deutsch: 36 Strategeme für Manager, Piper Taschenbuch, 5. Aufl., München etc. 2016).
- Wyss, Lukas: Die Kunst der Verhandlungsführung – Strategie – Taktik – Konfliktlösung, Helbing Lichtenhahn Verlag / C.H.Beck, Basel 2021.
- Zartman, William / Maureen R. Berman: The Practical Negotiator, Yale University Press, New Haven 1983.

COURSE OVERVIEW

	Date	Time	Topic	Preparation
Session 1	March 1, 2024	9:00 12:30	– Introduction Cooperation v. Competition (incl. case 1) Information re course	Roy J. Lewicki, Bruce Barry and David M. Saunders, Essentials of Negotiation, 7 th International Edition 2020, New York, chapters 1-4, 10-12
		13:30 18:00	– Strategy – Tactics Distributive Bargaining (incl. case 2) How do conflicts usually arise Forming of working groups	id.
Session 2	March 8, 2024	9:00 12:30	– How do conflicts escalate (incl. group work) How to de-escalate conflicts How do we usually solve conflicts	You will get all relevant information at the end of session 1
		13:30 18:00	– Integrative Bargaining (incl. case 3) How to effectively prepare	

				your negotiation Stages of a negotiation	
Session 3	March 15, 2024	9:00 13:00	–	Multiparty negotiation under the leadership of a chair (incl. case 4)	You will get all relevant information at the end of session 2
		14:00 18:00	–	Debriefing of case 4 The Harvard Negotiation Concept Introduction to the multiparty negotiation of day 4	
Session 4	March 22, 2024	9:00 12:30	–	Multiparty negotiation (case 5)	You will get all relevant information at the end of session 3
		13:30 18:00	–	Debriefing of case 5 Closing the 'gaps' and Final discussion	

DAY 1
Friday, 1 March 2024
An Introduction to Negotiations
Prof. Dr. Felix Addor

Content:

- Introduction
- Cooperation v. Competition (incl. case 1)
- Information re Course Organization (15')
- Strategy – Tactics
- Distributive Bargaining (incl. case 2) incl. ZOPA and BATNA
- How do Conflicts usually arise?
- Course Organization
- Qs on the Day and the Course in general

Individual Compulsory Preparation for Day 1 (which you must read before Day 1)

Roy J. Lewicki, Bruce Barry, David M. Saunders , Essentials of Negotiation, 7th int. ed. 2020,
chapters 1-4 and 10-12.

DAY 2
Friday, 8 March 2024
Integrative Bargaining and Principle-Based Negotiation
Prof. Dr. Felix Addor

Content

- How do conflicts escalate (incl. group work) and how to de-escalate them?
- How do we usually solve conflicts?
- Integrative Bargaining (incl. case 3)
- How to effectively prepare your negotiation

Stages of a Negotiation **Individual Compulsory Preparation for Day 2**

Additional homework assignments will be distributed in class / sent to you electronically after day 1.

DAY 3
Friday, 15 March 2024
Multi-Party Negotiations
Prof. Dr. Felix Addor

Content

- Multiparty negotiation under the leadership of a chair (incl. case 4)
- The Harvard Negotiation Concept

Introduction to the multiparty negotiation of day 4. You will receive an introduction to the case study, your individual negotiation role as well as the assessment guidelines for the written paper

Individual Compulsory Preparation for Day 3

Additional homework assignments will be distributed in class / sent to you electronically after day 2.

DAY 4
Friday, 22 March 2024
Multilateral WTO/TRIPS negotiation simulation and Closing the “gaps”
Prof. Dr. Felix Addor

Content

- Multiparty WTO/TRIPS negotiation (case 5) and case debriefing
- Closing the 'gaps'
- Final Discussion

Individual Compulsory Preparation for Day 4

Additional homework assignments will be distributed in class / sent to you electronically after day 3.