

Introduction to International Negotiations

Semester: Spring semester 2022

Root Number: 455763

ECTS: 3

Lecturers: Prof. Dr. Felix Addor / Katie Rüegsegger

Dates: 18 March, 25 March, 1 April and 8 April 2022 (09:00 – 17:45 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 are not innate but can be acquired and developed in order to solve conflicts of interest sustainably.

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 led. The course involves negotiation theory and concepts as well as preparation readings, combined with role-play exercises and negotiations, case analyses, in-class discussions, and self-assessment instruments.

The course is for people, who are keen 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 in class as well as in out-of-class daily practice, and to actively participate in all modules of the course; in short, who are willing to go the extra mile. Note: *It is crucial that participants organize themselves in such a way that they can follow all four course days.*

Learning objectives

The course aims to improve participants' awareness and skills in negotiation situations, in particular

- (1) to give them a sense of how negotiations are conducted on a bi- and multilateral level,
- (2) to provide them with concepts and tools for analysing and addressing negotiation situations from different contexts,
- (3) to support them understanding the influence of human interests, goals, perceptions, and emotions on the negotiation process and the negotiation result, and
- (4) to develop their skills and 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 leads 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 \('Titularprofessor'\) 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 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, and since 2020, 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.

Katie Rügsegger works as an advisor on innovation, intellectual property and public health at IPI. She holds a master's degree in International and European Law (University of Bern) and a bachelor's degree in International Relations (University of Geneva). Besides German and English which are her mother tongue, she is also fluent in Spanish and French. One of her great passions is international negotiations. Together with Prof. Felix Addor, she is also responsible for the [Model United Nations Seminar](#) at the University of Bern. Ms. Rügsegger has been a member of the Global Negotiation Conference, an association which has now been newly conceptualized as the [Institute for Global Negotiation](#).

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 on day 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 1 April during the introduction to the case study. The paper will need to be handed in prior to the negotiation simulation of day 4 – that is to say by Wednesday, 6 April 2021 at the latest.

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.

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

- Roy J. Lewicki, David M. Saunders and Bruce Barry, *Essentials of Negotiation*, 7th International Edition 2020, New York (be aware that the International Edition of the book is considerably cheaper than the standard edition, the content in both is identical).

Participants should read, if possible, the whole book (it's an interesting book – easy to read); in any case, they must have read at least chapters 1 -4 and 10-12.

Additional homework assignments (preparation and debriefing materials) will be distributed in class / sent to you electronically.

Optional additional reading material

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

- Bazerman, Max H. / Margaret A. Neale: Negotiating rationally, Free Press, New York, 1994.
- Bühring-Uhle, Christian / Horst Eidenmüller / Andreas Nelle: Verhandlungsmanagement, Analyse – Werkzeuge – Strategien, C.H. Beck im dtv, München, 2. Auflage 2017.
- Cameron A. Maxwell / Brian W. Tomlin: The Making of NAFTA: How the Deal was Done, Cornell University Press, Ithaca 2002.
- 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).
- Glasl, Friedrich: Selbsthilfe in Konflikten – Konzepte, Übungen, Praktische Methoden, Haupt und Verlag Freies Geistesleben, 8. Auflage, Bern 2017.
- Gukelberger, Beatrice: Konflikt als Luxus – Innenansichten zum Konflikt in Justiz, Mediation sowie ausserhalb davon, Stämpfli, Bern 2004.
- 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. / Bruce Barry / David M. Saunders: Essentials of Negotiation, McGraw-Hill, 7th ed., New York etc. 2020.
- 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. / Lawrence E. Susskind (ed.): Negotiating on Behalf of Others – Advice to Lawyers, Business Executives, Sports Agents, Diplomats, Politicians and Everybody Else, Sage Publications Inc., Thousand Oaks etc. 1999.
- Mnookin, Robert H.: Bargaining with the Devil: When to negotiate, when to flight, Simon & Schuster 2011 (Deutsch: Verhandeln mit dem Teufel, Campus, 2012).
- Odell, John S.: Negotiating the World Economy, Cornell University Press, Ithaca etc. 2000
- 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.
- Ury, William L. / Jeanne M. Brett / Stephen B. Goldberg: Getting Disputes Resolved: Designing Systems to cut the Costs of Conflicts, Jossey-Bass, California 1988, paperback edition 1993 (Deutsch: Konfliktmanagement: Wirksame Strategien für den sachgerechten Interessenausgleich, Heyne (Taschenbuch), München 1996).
- 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 18, 2022	9:00 – 12:30	Introduction Cooperation v. Competition (incl. case 1) Individual Tendencies in Conflicts	Roy J. Lewicki, David M. Saunders and Bruce Barry, Essentials of Negotiation, 7th International Edition 2020, New York, chapters 1-4, 10-12
		13:30 – 17:45	Distributive Bargaining (incl. case 2) How do conflicts usually arise?	id.
Session 2	March 25, 2022	9:00 – 12:30	Stereotypes in Negotiations and Gender Differences Why do conflicts escalate (incl. group work)? How do we usually solve	id.

			conflicts?	
		13:30 – 17:45	Integrative Bargaining (incl. case 3) How to effectively prepare your negotiation	id.
Session 3	April 1, 2022	9:00 – 13:00	Multiparty negotiation under the leadership of a chair (case 4)	You will get all relevant information at the end of session 2
		14:00 – 17:45	Debriefing of case 4 The Harvard Principled Negotiation Model Introduction to the multiparty negotiation of day 4 (case 5)	
Session 4	April 8, 2022	9:00 – 12:30	Multiparty negotiation (case 5)	You will get all relevant information at the end of session 3
		13:30 – 17:45	Debriefing of case 5 Closing the 'gaps' and Final discussion	

DAY 1
Friday, 18 March 2022
An Introduction to Negotiations
Prof. Dr. Felix Addor

Content:

- Introduction
- Cooperation v. Competition (incl. case 1)
- Individual Tendencies in Conflicts
- Distributive Bargaining (incl. case 2)
- 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, David M. Saunders and Bruce Barry, Essentials of Negotiation, 7th int. ed. 2020, chapters 1-4 and 10-12.

DAY 2
Friday, 25 March 2022
Integrative Bargaining and Principle-Based Negotiation
Prof. Dr. Felix Addor

Content

- Stereotypes in Negotiations and Gender Differences
- Why do conflicts escalate (incl. group work)?
- How do we usually solve conflicts?
- Integrative Bargaining (incl. case 3)
- How to effectively prepare your negotiation

Individual Compulsory Preparation for Day 2

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

DAY 3
Friday, 1 April 2022
Multi-Party Negotiations
Prof. Dr. Felix Addor / Katie Rügsegger

Content

- Multiparty negotiation under the leadership of a chair (case 4)
- The Harvard Principled Negotiation Model
- Introduction to the multiparty negotiation of day 4 (case 5). You will receive a short 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 before day 3.

DAY 4

Friday, 8 April 2022

Multilateral WTO/TRIPS negotiation simulation and Closing the “gaps”

Katie Rügsegger / Prof. Dr. Felix Addor

Content

- Multiparty WTO/TRIPS negotiation (case 5) and case debriefing
- Closing the ‘gaps’

Individual Compulsory Preparation for Day 4

Additional homework assignments will be distributed in class / sent to you electronically before day 4.