

Introduction to International Negotiations

Semester: Spring semester 2020

Root Number: 455763

ECTS: 3

Lecturer: Prof. Dr. Felix Addor

Dates: 20 and 27 March, 3 April and 24 April 2020.

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
- Students from different universities across Switzerland

Course description

To be effective in negotiations is of crucial importance in almost every profession. The negotiation process is an extensive strategy, based on principles that can be learnt, experienced and applied to solve conflicts of interest in a sustainable way.

This is a practice-oriented, interactive course that involves negotiation theory and concepts as well as preparation readings, combined role-play exercises, moot negotiations, case analyses, in-class discussions, and self-assessment instruments.

The course is for people who are eager to learn how to solve conflicts of interest in a sustainable way and are willing to actively participate. It is crucial that participants organize themselves in a way that they can follow all four course days.

Learning objectives

The course aims to form and to 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, enables participants to develop systematic skills in diagnosing and managing every-day negotiation situations.

Lecturer

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 (www.ige.ch). 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. 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. Prof. Addor has authored numerous articles, and is a regular guest lecturer on a broad range of intellectual property and negotiation issues. He received an MLaw (magna cum laude) and a 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

The type of assessment will be announced at a later stage.

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, 6th International Edition 2016, New York / McGraw-Hill (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 reading material

This is a list of selected optional bibliography for those who are interested in more negotiation information (during or after the course):

- Bazerman, Max H. / Margaret A. Neale: Negotiating rationally, Free Press, New York, 1994.
- Buchheit, Carl / Schamber Ellie: Transformational NLP: A New Psychology, White Cloud Press, Oregon 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.
- Diallo, Issa Ben Yacine: Introduction à l'Étude et à la Pratique de la Négociation, Éditions Pédone, Paris 1998.
- 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, New York 2012 (Deutsch: Das Harvard-Konzept - Sachgerecht verhandeln, erfolgreich verhandeln, Campus, Frankfurt am Main 2011).
- Glasl, Friedrich: Confronting Conflict – A first-aid kit for handling conflict, Hawthorn Press, Gloucestershire 1999 (Deutsch: Selbsthilfe in Konflikten – Konzepte, Übungen, Praktische Methoden, Haupt und Verlag Freies Geistesleben, 8. Auflage, Bern 2015).
- Gukelberger, Beatrice: Konflikt als Luxus – Innenansichten zum Konflikt in Justiz, Mediation sowie ausserhalb davon, Stämpfli, Bern 2004.
- Hall, Edward T. / Mildred Reed Hall: Understanding Cultural Differences, Nicholas Brealey Publishing, 2002.
- 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.
- 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 Negotiators 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 fight, Simon & Schuster 2011.
- 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. überarbeitete Aufl., Dr. Otto Schmidt, Köln 2010.
- 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, 2. Auflage, Bern/Stuttgart/Wien 2008).
- Starkey, Brigid / Mark A. Boyer / Jonathan Wilkenfeld: Negotiating 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 2001).
- 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 edition 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, München etc. 2006).

- Will Martin / Alan L. Winters: The Uruguay Round and the Developing Countries, Cambridge University Press, Cambridge/UK 1997.
- Zartman, William / Maureen R. Berman: The Practical Negotiator, Yale University Press, New Haven 1983.

COURSE OVERVIEW

	Date	Time	Topic	Preparation
Session 1	March 2, 2020	9:00 – 12:30	Introduction Cooperation v. Competition (incl. case 1) Stages of Conflict	Roy J. Lewicki, David M. Saunders and Bruce Barry, Essentials of Negotiation, 5th ed., International Edition, Boston etc. 2011, chapters 1-4, 10-12
		14:00 – 18:00	Individual Tendencies in Conflicts Introduction to Negotiation Distributive Bargaining (incl. case 2)	id.
Session 2	March 27, 2020	9:00 – 12:30	Integrative Bargaining (incl. case 3)	id.
		14:00 – 18:00	Principle-Based Negotiation (incl. case 4)	id.
Session 3	April 3, 2020	9:00 – 13:00	Multi-party	You will get all

			simulation exercise (= case 5)	relevant information at the end of session 2
		14:00 – 18:00	Case 5 debriefing The role of emotions in negotiations How to effectively prepare your negotiation	id.
Session 4	April 24, 2020	9:00 – 12:30	Intercultural Negotiation (presentations by teams) Closing the 'gaps'	Hand in your reflection paper on the issue of culture affecting your negotiation <u>before</u> session 4

SESSION 1
Friday, 20 March 2020
An Introduction to Negotiations
Prof. Dr. Felix Addor

Content:

- Introduction
- Cooperation v. Competition (incl. case 1)
- Stages of Conflict
- Individual Tendencies in Conflicts
- Introduction to Negotiation
- Distributive Bargaining (incl. case 2)

Individual Compulsory Preparation for Session 1 (which you will have read before Session 1)

Roy J. Lewicki, David M. Saunders and Bruce Barry, Essentials of Negotiation, 6th int. ed. 2016, chapters 1-4 and 10-12.

SESSION 2
Friday, 27 March 2020
Integrative Bargaining and Principle-Based Negotiation
Prof. Dr. Felix Addor

Content

- Integrative Bargaining (incl. case 3)
- Principle-Based Negotiation (incl. case 4)

Individual Compulsory Preparation for Session 2

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

SESSION 3
Friday, 3 April 2020
Multi-Party Negotiations
Prof. Dr. Felix Addor

Content

- Multi-party simulation exercise (= case 5)
- The role of emotions in negotiations
- How to effectively prepare your negotiation

Individual Compulsory Preparation for Session 3

- Additional homework assignments will be distributed in class / sent to you electronically.
- Pathmarajah, A., *Preparing for a Meeting: Some Practical Advice for Diplomats*, in Boisard, M.A. and Chossudovsky, E.M. (eds), *The United Nations system at Geneva: Scope and practices of multilateral diplomacy and co-operation*, Geneva: United Nations Publication, 1984, pp. 149-152.
- Williams, G.R., *Stages of the Negotiation Process: From Materials on Negotiation and Conflict Resolution for Lawyers*, 1996, pp. 40-48.
- Verellen, L., *Speaking in a Meeting*, Publication by the Center for European Negotiation and Decision Making, 2007 (5 pages).

Individual Background Literature

- Dawson, R., Chapter 37 *Time Pressure: From Secrets of Power Negotiation*, Franklin Lakes: Book-mart Press, 2nd ed., 1999, pp. 171-178.
- Raiffa, H., Chapter 1 from *The Art and Science of Negotiation*, Cambridge/MA: Harvard University Press, 13rd ed., 1982, pp. 11-19.

SESSION 4
Friday, 24 April 2019
Intercultural Negotiations and Closing the 'Gaps'
Prof. Dr. Felix Addor

Content

- The Role of different cultural backgrounds in negotiations (incl. group presentations)
- Key Lessons
- Closing of 'Gaps'
- Final Discussion / Q&A

Individual Compulsory Preparation for Session 4

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