

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

Being an effective negotiator is a critical skill in any profession. Negotiation skills are important in all life situations and in every profession. The negotiation process is a comprehensive strategy for resolving conflicts of interest in a sustainable way. It is based on skills that are not innate, but can be acquired and improved through intensive and practical study.

This course will introduce you to some of the basic aspects of negotiation theory and practice. It is an interactive learning-by-doing course that focuses on the basic skills of negotiation. It can change participants' perspectives on how negotiations should be planned, structured and conducted to be successful. The course includes negotiation theory and concepts as well as extensive preparatory reading, combined with role-playing and mock negotiations, case analysis, class discussions and self-assessment tools.

The course is designed for those who would like to learn and reflect on how to resolve conflicts of interest in a sustainable manner – even under time pressure; who are interested in applying what they have learned in exercises in class and in daily practice; and who are willing to actively participate in all modules of the course.

“To me, this course was about more than just grades, which is not something I can say for a lot of courses” (M.J., course participant, WTI, spring term 2022)

Learning objectives

This course is designed to increase participants' awareness of the negotiation process, including the influence of the negotiating parties' interests, goals, perceptions and emotions. It teaches practical concepts of negotiation and participants will develop and improve their negotiation skills in different contexts. Participants will also learn how to negotiate under pressure, how to step out of their comfort zone, and how to critically evaluate themselves and their performance. Overall, this course aims to increase participants' skills and confidence as negotiators.

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 plurilateral level,
- have an increased awareness of the negotiation process and your own performance, understand the concepts and tools for analyzing and addressing negotiation situations in a variety of 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 in negotiating.Lecturers

Prof. Dr. **Felix Addor** is the [Deputy Director General of the Swiss Federal Institute of Intellectual Property](#) (Swiss Ministry of Justice), the federal agency responsible for 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. He is responsible, among other things, for directing and supervising Swiss negotiating delegations at the relevant international fora, such as the World Trade Organization and the World Intellectual Property Organization, as well as at bilateral and plurilateral IP negotiations. He also co-chairs the Swiss Federal Interdepartmental Working Group on Public Health, Innovation, Trade and Intellectual Property, and is a Member of the Strategy Committee for Swiss Foreign Policy on Global Health.

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 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 (masters@wfi.org) prior to the negotiation simulation of day 4 – that is to say no later than Thursday, 21 March 2024, 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 in 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 encourage the free exchange of experiences, suggestions, and ideas, participants are asked to keep the information that they receive in the negotiation exercises as confidential. In addition, please refrain from discussing the exercises and cases with anyone outside of this course. If either the structure of a case or the substantive facts of an exercise should become widely known, the exercise risks may be of little use to participants in future courses.

Handling of absences

It is essential that participants organize themselves so that they can attend all four course days from 09:00 – 18:00! If someone is unable to attend all or part of ONE of the course days due to illness, this person may exceptionally continue with the course provided that this person has sent a written notice and an official Swiss medic certificate issued by a Swiss doctor or medical service to the course teacher and the WTI office 24 hours prior to that course day. In addition, this person will have to prepare all the missed material, i.e. read the corresponding mandatory and non-mandatory background reading before the next course day. Of course, this person must also write the assigned paper, which is due after course day 3 and before course day 4. If someone does not write this paper by the due date, that person will receive a grade of 1 (fail grade) for the course.

If someone is absent for more than one day of the course, it makes no sense for that person to write the position paper (between days 3 and 4). In consequence, that person will receive a grade of 1 (fail grade) for the course, since the entire course is only four course days long, and therefore 50% of the course is missed.

If someone is absent for any reason other than illness or without a prior written excuse, that person will receive a grade of 1 (fail grade) for the course and will NOT be allowed to continue in the course, as attendance at all four classes is mandatory.

Compulsory reading (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 the main text, Negotiation, 8e, and is significantly less expensive). The book can be ordered from Orell Füssli. Several examples of this book are available at the WTI library, too.

This book explores the major concepts and theories of negotiation psychology and the dynamics of interpersonal and intergroup conflict and resolution. Participants are encouraged to read the whole book (it's an interesting, informative 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 wish to delve deeper into negotiation topics:* 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.
- Brett, Jeanne M.: Negotiating globally how to negotiate deals, resolve disputes, and make decisions across cultural boundaries, Jossey-Bass, San Francisco 2014
- 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.
- 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 12:45	– Introduction Cooperation v. Competition (incl. case 1) Course organisation	Roy J. Lewicki, Bruce Barry and David M. Saunders, Essentials of Negotiation, 7 th International Edition 2020, New York, chapters 1-4, 10-12
		13:45 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 14:45	–	Multiparty negotiation (case 5)	You will get all relevant information at the end of session 3
				please bring sth. too eat with you!	
		15:00 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.