

**ESSEC**

IRENE

INSTITUTE FOR RESEARCH  
AND EDUCATION  
ON NEGOTIATION

# **EU negotiations: methods and practice**

**Course delivered by  
Francesco Marchi**

**GLOPEM  
M.A Degree in Global Politics and Euro-Mediterranean Relations  
University of Catania**

**Module 1**

## **Negotiation: theory, practice and methods**

*Duration: 2 days*

### **Objectives:**

- a) *Understand key dilemmas in negotiation strategies, from analyst's viewpoint, and to raise awareness on typical traps in negotiation [Day 1, morning]*
  - Cooperation Vs. Competitive strategies; Consistency Vs. Pragmatism; Assertiveness Vs. Empathy; Principal Vs. Agent
- b) *Prepare a negotiation [Day 1, afternoon]:*
  - The quantitative and qualitative elements; the three dimensions: people, problem, process;
- c) *Understand quantitative negotiations and hard bargaining tactics [Day 2, morning]:*
  - The Zone of Possible Agreement and the quantitative dimension; the effects of cognitive biases and hard bargaining tactics; framing techniques: persuasion and conviction; Communication skills: active speaking and active listening
- d) *Structure the negotiation process and prepare when negotiating in delegations [Day 2, afternoon]:*
  - Agenda building; typical models of negotiation dynamics and sequences; 10 key principles to sequence a negotiation process; the preparation phase in a delegation; the challenge of internal/external coherence;

## **Module 2**

### **EU negotiations: from theory to practice**

*Duration: 1,5 days*

### **Objectives:**

- e) *Understand the complexity of the EU multilateral context: actors and dynamics [Day 1, morning and afternoon]*
  - The EU multilateral complexity; the typology of coalitions and the alliances; the rules of procedures and voting rules; the role of the Chair/Presidency; the negotiation sequence and the different formats; the tension between secrecy and publicity;
- f) *Identify a typology of EU negotiations and the corresponding behavioural models [Day 2, morning]*
  - The EU internal and inter-institutional negotiations; the EU external negotiations with IGO and third Countries; the EU bargaining behaviour typology; discussion of a real case study on the Climate Change Package negotiation;

## **Module 1**

### **Negotiation: theory, practice and methods**

## Structure of the sessions

### Day 1 Morning Session: Negotiation Strategy

#### 1. **Simulation exercise – “The Interest Rate”**

This session will be dedicated to a simulation exercise in which students will experiment the major tensions and strategic dilemmas that negotiators usually face: cooperation Vs. competitive strategies; consistency Vs. pragmatism; assertiveness Vs. empathy; principal Vs. agent. The exercise will be followed by a debriefing session during which the teacher will engage into a discussion with the students in order to draw important practical lessons from their experience and to explain the key underlying theoretical elements.

#### References:

Lempereur (Alain) & Colson (Aurélien) (2010). *The First Move: A Negotiator's Companion*, Wiley. (Chapter 1)

Odell, John S. 'Three islands of knowledge about negotiation in international organizations', *Journal of European Public Policy*, 2010, 17: 5, 619 — 632

### Day 1 Afternoon Session: Negotiation Preparation

#### 2. **Simulation exercise – “The Norket District”**

Students will engage into the preparation of a negotiation linked with the settlement of a conflict in a neighbour country. Students will test their own personal skills in negotiation preparation, and then will try to identify the key best practices. The exercise will be followed by a debriefing session during which the teacher will present a comprehensive framework which students can apply in order to prepare the quantitative and qualitative elements of negotiations.

#### References:

Lempereur (Alain) & Colson (Aurélien) (2010). *The First Move: A Negotiator's Companion*, Wiley. (Chapter 2)

### Day 2 Morning Session: Quantitative Negotiations

### 3. **Simulation Exercise – “The Cooperation Budget”**

In this interactive role-play, students will be involved in a bilateral summit over the annual allocation of EU funding to a developing country. The exercise will prompt reflections on how to deal with the quantitative elements of a negotiations and how to indentify and react positively to hard bargaining tactics. The exercise will be followed by a debriefing session during which the teacher will engage in a discussion with the students in order to draw important practical lessons from their experience, and will explain and clarify the key underlying theoretical elements.

#### References:

Lempereur (Alain) & Colson (Aurélien) (2010). *The First Move: A Negotiator's Companion*, Wiley. (Chapter 4)

McKibben, Heather Elko 'Issue characteristics, issue linkage, and states' choice of bargaining strategies in the European Union', *Journal of European Public Policy*, 2010, 17: 5, 694 — 707

#### Day 2 Afternoon Session: The Negotiation Process

### 4. **Simulation Exercise – “The Airline Negotiation”**

In this interactive role-play, students will be involved in a bilateral summit over the issue of air traffic rights. The exercise will prompt reflections on agenda building strategies, and on typical negotiation dynamics and process. The exercise will be followed by a debriefing session during which the teacher will engage in a discussion with the students in order to draw important practical lessons from their experience, and will explain and clarify the key underlying theoretical elements.

#### References:

Lempereur (Alain) & Colson (Aurélien) (2010). *The First Move: A Negotiator's Companion*, Wiley. (Chapter 3)

## Module 2

### EU negotiations: from theory to practice

#### Day 1 Morning and Afternoon Session: The EU multilateral context

##### **1. Simulation exercise – “The Election of the EU Council President”**

These two sessions will be dedicated to a simulation exercise in which students, divided in 16 EU delegations, will have the task of electing the President of the European Council. The exercise will prompt reflections on how to deal with the delegations’ internal coherence, the alliances, the formats of a negotiation and the role of the Chair. Each of the two sessions will be followed by a debriefing during which the teacher will engage into a discussion with the students in order to draw important practical lessons from their experience and to explain the key underlying theoretical elements.

#### References:

Lewis, Jeffrey(2010) 'How institutional environments facilitate co-operative negotiation styles in EU decision-making', *Journal of European Public Policy*, 2010, 17: 5, 648 — 664

Tallberg, Jonas 'Explaining the institutional foundations of European Union negotiations', *Journal of European Public Policy*, 2010, 17: 5, 633 — 647

#### Day 2 Morning Session: A typology of EU negotiations and behavioural models

##### **3. Lecture and case study analysis;**

This session will summarize the main theoretical and practical elements of the course with the purpose of providing a comprehensive classification of the different negotiation settings and actors in the EU. In the light of the theoretical tools and the personal experience acquired during the course, students will be invited to analyse and discuss with the teacher a concrete case study of an EU negotiation.

#### References:

Elgström, Ole and Jönsson, Christer(2010) 'Negotiation in the European Union: bargaining or problemsolving?', *Journal of European Public Policy*, 2010, 7: 5, 684 — 704

Andreas Warntjen, Mode(l)s of Decision-Making in the Council of the European Union, Paper prepared for the 11th Biennial Conference European Union Studies Association, Los Angeles, April 2009

## TIME SCHEDULE, LOGISTICS an evaluation

**INSTRUCTOR:** Francesco Marchi ([marchi@essec.fr](mailto:marchi@essec.fr))

**LANGUAGE OF INSTRUCTION:** English

**TEACHING HOURS:** 7 Session of 3,5 hours (24,5 Hours)

**NUMBER OF STUDENTS:** from 24 up to 36

**LOGISTICS:** 1 room for the entire group and 2 rooms for sub-group work

**EVALUATION:** 70% class participation and attendance, 30 % simulation report

**WORK REQUIRED:** Each student at the end of the two modules will have to write a simulation report (1000 word length) in which he/she will assess his/her challenges and strength during the class exercises using the concepts developed during the course.

## EXTENDED Bibliography module 1

Axelrod (Robert) (1984). *The Evolution of Cooperation*. New York: Basic Books.

Colson (Aurélien) (2008), « The Ambassador Between Light and Shade: The Emergence of Secrecy as the Norm for International Negotiation », *Journal of International Negotiation*, 13, pp. 179-195.

Faure (Guy-Olivier) (ed.) (2003). *How People Negotiate*. Dordrecht: Kluwer.

Fisher (Roger), Ury (William) & Patton (Bruce) (1981). *Getting To Yes. Negotiating Agreement Without Giving In*. New York: Penguin.

Fisher (Roger), & Brown (Scott) (1988). *Getting Together. Building Relationships As We Negotiate*. New York: Penguin.

Icklé (Fred Charles) (1964). *How Nations Negotiate*. New York: Harper & Row.

Kremenyuk (Victor) (ed.) (1991). *International Negotiation*. Oxford: Jossey-Bass.

Lax (David) & Sebenius (James) (1986). *The Manager as Negotiator*. New York: The Free Press.

Lempereur (Alain) & Colson (Aurélien) (2008). *First Things First: A Negotiation Method*. Paris: CO-DEV.

Lewicki (Roy J.), Litterer (Joseph), Minton (John) & Saunders (David) (1994<sup>2</sup>). *Negotiation*. Chicago: McGraw Hill, 1985.

Mallaby (Sebastian) (2005). *The World's Banker*. New York: Penguin Press.

Mnookin (Robert), Peppet (Scott) & Tulumello (Andrew) (2000). *Beyond Winning. Negotiating to Create Value in Deals and Disputes*. Cambridge, MA: Harvard University Press.

Mnookin (Robert) & Susskind (Lawrence) (eds.) (1999). *Negotiating on Behalf of Others. Advice to Lawyers, Business Executives, Sports Agents, Diplomats, Politicians and Everybody Else*. Thousand Oaks: Sage.

Neale (Margaret) & Bazerman (Max) (1991). *Cognition and Rationality in Negotiation*. New York: The Free Press.

Raiffa (Howard) (2002<sup>16</sup>). *The Art and Science of Negotiation*. Cambridge: Harvard University Press, 1982.

Ross (Lee) (1995). Reactive Devaluation in Negotiation and Conflict Resolution. In K. Arrow, R. Mnookin & alii (eds), *Barriers to conflict resolution*. New York: Norton, 26-42.

Spector (Bertram) & Zartman (I. William) (eds.) (2003) *Getting It Done: Post-Agreement Negotiation and International Regimes*. Washington: United States Institute of Peace Press.

Stone (Douglas) & Patton (Bruce) & Heen (Sheila) (1999). *Difficult Conversations*. Viking.

Susskind (Lawrence E.) & Field (Patrick) (1996). *Dealing with an Angry Public: A Mutual Gains Approach to Resolving Disputes*. New York: The Free Press.

Tversky (Amos) & Kahneman (Daniel) (1971). "The Framing of Decisions and the Psychology of Choice." *Science*, 211, 453-458.

Thompson (Leigh) (2001). *The Mind and Heart of the Negotiator*. Upper Saddle: Prentice Hall.

Zartman (I. William) & Berman (M.) (1992). *The Practical Negotiator*. New Haven: Yale University Press.

Zartman (I. William) (1994). *International Multilateral Negotiation: Approaches to the Management of Complexity*. San Francisco: Jossey-Bass.

Beach, D., Mazzucelli, C., (2007) "Leadership in the big bangs of European integration" Hampshire ; New York : Palgrave Macmillan.

Beach, D. (2007) "The European Parliament in the 2000 IGC and the Constitutional Treaty negotiations: from loser to winner" *Journal of European Public Policy*, 1466-4429, Volume 14, Issue 8, 2007, pp. 1271 – 1292.

Beach, D. (2005)"The dynamics of European integration: why and when EU institutions matter". New York, Palgrave Macmillan.

Dür, A., Mateo, G. (2009) "The Choice of Bargaining Strategies in the European Union: Power, Preferences, and Culture" UCD Dublin European Institute Working Paper 09-08, May 2009.

Farrell, H., Héritier, A. (2004) "Interorganizational Negotiation and Intraorganizational Power in Shared Decision Making: Early Agreements Under Codecision and Their Impact on the European Parliament and Council" *Comparative Political Studies*, Dec 2004; vol. 37: pp. 1184 - 1212.

Elgström, O., Jönsson, C. (2000) "Negotiation in the European Union: bargaining or problem-solving?", *Journal of European Public Policy*, 1466-4429, Volume 7, Issue 5, 2000, pp. 684 – 704.

Hayes-Renshaw, F. and Wallace, H. (2006) *The Council of Ministers*. Second Edition (New York: Palgrave Macmillan).

Hayes-Renshaw, F., Van Aken, W., Wallace, H. (2006) "When and why the EU Council of Ministers votes explicitly" 44:1 *Journal of Common Market Studies* 164.

Heisenberg, D. (2008) 'How Should We Best Study the Council of Ministers?' In Naurin, D. and Wallace, H. (eds) *Unveiling the Council of the European Union: Games Governments Play in Brussels* (New York: Palgrave Macmillan), pp. 261-76.

Heisenberg, D. (2005) "The institution of consensus in the European Union : formal versus informal decision-making in the Council" *European Journal of Political Research*, 2005-01) vol.44: n°1, p.65-90.

Jönsson, C., Elgström, O. (2005) "European Union negotiations: processes, networks and institutions", *Routledge advances in European politics* .

Jørgensen, K. (2009) "The European Union in Multilateral Diplomacy", *The Hague Journal of Diplomacy*, Volume 4, Number 2, September 2009 , pp. 189-209(21), Martinus Nijhoff Publishers, an imprint of Brill.

McKibben, H. (2009) "Issue Characteristics, Issue Linkage, and States' Choice of Bargaining Strategie in the European Union" UCD Dublin European Institute Working Paper 09-07, May.



Meunier, S. (2007) "Managing Globalization? The EU in International Trade Negotiations" *Journal of Common Market Studies*, Volume 45, Issue 4, November 2007, pp. 905-926.

Meerts P.W. and Cede, F. (2004) "Negotiating European Union" Houndmills, Basingstoke, Hampshire; New York, N.Y., Palgrave Macmillan.

Niemann, A. Mak, J. (2009) "(How) do norms guide Presidency behaviour in EU negotiations?" UCD Dublin, European Institute Working Paper 09-10, May.

Niemann, A. (2006) "Explaining Decisions in the European Union", Cambridge: Cambridge University Press.

Pfetsch, F. (1998) "Negotiating the European Union" *International Negotiation*, vol.3: n°3, pp 289-514.

Tallberg, J. (2008) "Bargaining Power in the European Council", *Journal of Common Market Studies*, Volume 46, Issue 3, June 2008, pp. 685-708.

Tallberg, J. (2003). "The Agenda-Shaping Powers of the EU Council Presidency." *Journal of European Public Policy*, 10(1): 1-19.

Tallberg, J. (2004) "The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations", *Journal of Common Market Studies*, Volume 42, Issue 5, December 2004, pp. 999-1022

Tsebelis, G., Proksch, S. (2007) "The art of political manipulation in the European Convention", *Journal of Common Market Studies*, (2007-03) vol.45: n°1, pp.157-186.

## Teacher Biography



**Francesco Marchi** is a researcher and training officer at the Institute for Research and Education on Negotiation (ESSEC IRÉNÉ) where he is in charge of trainings and the research project “*Negotiators of Europe*”. He regularly delivers training at the European Commission, the General Secretariat of the Council, the French Ministry of Foreign Affairs and other public bodies. He teaches Negotiation at ENA (Ecole Nationale d’Administration) and in the Master of European Affairs at Sciences Po Paris. He is a Phd candidate at the Centre d’études européennes of Sciences Po Paris where he is about to complete his PhD thesis on the constitutional Convention chaired by Valéry Giscard d’Estaing. In this framework he was visiting research fellow at the CEFRES (Prague) and the Instituto Affari Internazionali (Rome) within the CONNEX and CONSENT European networks of excellence. Before joining ESSEC IRÉNÉ in 2009, he was teaching Comparative Political System and EU Politics at the Paris antenna of the Dallas Southern University and he was research assistant at the Jean Monnet Chair of Sciences Po Paris. Since 2003 he is a member of the steering Committee of the Cluny European Summer University (ENSAM) where he organizes the simulations of the European Council. He holds a Master in European Studies (with Honors) from the Ecole doctorale of the Institut d’Etudes Politiques in Paris, a Certificate of International Studies from the School of International Studies and Law of Coventry and a Laureate in Political Science and International Studies (Magna cum Laude) from the Faculty of Political Studies of Catania.

## CONTACT

ESSEC  
Avenue Bernard Hirsch  
95021 Cergy-Pontoise

Avenue Bernard Hirsch - BP 50105 Cergy - 95021 Cergy-Pontoise Cedex –  
France  
Phone: +33 1 34 43 30 79 - Fax : +33 1 34 43 31 89 – Email: [irene@essec.fr](mailto:irene@essec.fr)

[www.essec-irene.com](http://www.essec-irene.com)