
Commercial Dispute Resolution and Settlement Strategy Training Course

11 – 15 October 2027
Cape town





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Programme Summary

Commercial dispute resolution and settlement strategy is a one-week training course for senior commercial leaders at strategic level, culminating in a dispute resolution playbook for their own client and partner portfolio. Disputes with clients, distributors and suppliers can freeze revenue and end valuable relationships. The approach equips leaders to diagnose a dispute early, select the right resolution route and negotiate settlements that protect value and the relationship. Mars Training Centre UK delivers this programme in commercial dispute resolution and settlement strategy.

The Business Case

Most commercial disputes are settled by the people who own the relationship, yet they rarely follow a structured method. Settlement offers are improvised and contract escalation steps are ignored until positions harden. Leaders who assess exposure early, use agreed escalation steps and negotiate from interests rather than positions recover revenue sooner and keep accounts that would otherwise be lost.

- Revenue at Risk: Shortens the period in which invoices, renewals and orders are frozen by an unresolved disagreement.
- Cost and Duration of Disputes: Reduces external legal spend and management time by resolving matters at the lowest effective tier.
- Account Retention: Preserves strategic client and channel relationships by separating the commercial issue from the relationship.

Principles and Evidence Base

- Interest-Based Negotiation: The principled negotiation model of the Harvard Negotiation Project Fisher and Ury reframes positions into interests and options in Session 2.
- BATNA Analysis: The best alternative to a negotiated agreement sets walk-away points and settlement ranges in Session 2.
- Multi-Tier Dispute Resolution Clauses: Tiered escalation from executive negotiation to mediation and arbitration is redesigned in Session 3.
- ICC Mediation Rules and ICC Arbitration Rules: Institutional procedures are compared for timing, confidentiality and enforceability in Session 4.



Intended Participants

- Leaders accountable for revenue from key clients, distributors or partners where disagreements put renewals at risk.
- Executives who authorise settlement offers, credit notes and concessions in disputed contracts.
- Senior managers who lead escalation meetings with counterparts and brief legal advisers.
- Commercial leaders who shape the dispute and escalation terms of new contracts.

The programme serves sales, key account, contracts and commercial functions in construction, energy, technology and distribution.

Learning Outcomes

1. Participants will be able to diagnose the root causes, stakeholders and financial exposure of a commercial dispute.
2. Participants will be able to construct an interest-based negotiation plan with a defined BATNA and settlement range.
3. Participants will be able to evaluate negotiation, mediation, expert determination and arbitration for a specific dispute.
4. Participants will be able to design multi-tier escalation provisions for new and renewing contracts.
5. Participants will be able to justify a settlement recommendation and a relationship recovery plan to executive colleagues.

Programme Structure

Day 1: Anatomy of Commercial Disputes

Why do commercial disagreements escalate, and what is really at stake?

- Dispute Triggers: Scope, Payment, Performance and Termination
- Early Warning Signals in Client and Channel Relationships
- Stakeholder Mapping on Both Sides of the Dispute
- Quantifying Financial and Reputational Exposure
- The Dispute Resolution Spectrum From Negotiation to Litigation

Day 2: Interest-Based Settlement Negotiation

How can positions be converted into a settlement both parties can accept?

- Principled Negotiation: Interests, Options and Objective Criteria
- BATNA, Reservation Point and Zone of Possible Agreement
- Structuring Concessions, Credits and Payment Plans
- Managing Anchoring, Escalation of Commitment and Reactive Devaluation
- Without Prejudice Communication and Settlement Records



Day 3: Contract Escalation Design

How should escalation steps be written so that disputes are resolved at the lowest effective tier?

- Multi-Tier Dispute Resolution Clause Structures
- Executive Escalation Meetings and Time Limits
- Notice, Documentation and Evidence Discipline
- Expert Determination for Technical and Valuation Questions
- Clause Review of a Participant Contract

Day 4: Mediation and Arbitration Choices

When does a third party add value, and which process fits the dispute?

- Facilitative and Evaluative Mediation Compared
- Preparing a Mediation Position Paper and Opening Statement
- Arbitration Process, Tribunal Selection and Enforceability
- ICC Mediation Rules and ICC Arbitration Rules in Practice
- Route Selection Matrix: Cost, Speed, Confidentiality and Relationship

Day 5: Applying Commercial Dispute Resolution Strategy

How are the methods combined to resolve a live dispute and protect the account?

- Applying Exposure Analysis to a Participant Case
- Settlement Negotiation Simulation With a Key Client
- Mediated Session Role-Play With Observer Feedback
- Relationship Recovery Plan After Settlement
- Dispute Resolution Playbook Presentation

Methodology

The programme is built around simulation. Participants work on realistic disputes between suppliers, clients and distributors, prepare negotiation plans and take part in escalation meetings and mediated sessions with observer feedback.

- Suggested activity: Negotiating a disputed variation claim between a contractor and an energy client.
- Suggested activity: Rewriting the escalation clause of a technology services contract in peer review.
- Suggested activity: Choosing a resolution route for a distributor termination dispute.



Capstone Output

Each participant completes a dispute resolution playbook for their own portfolio. It contains an exposure assessment template, a negotiation plan with BATNA and settlement range, recommended escalation clause wording, a route selection matrix and a relationship recovery checklist, ready for account teams and for briefing legal advisers.

Frequently Asked Questions

Does commercial dispute resolution training suit senior commercial leaders rather than lawyers?

Yes. It is written for leaders who own client, partner and supplier relationships. It assumes experience of commercial contracts but no legal qualification.

Which models underpin commercial dispute resolution and settlement strategy training?

It rests on principled negotiation from the Harvard Negotiation Project, BATNA analysis, multi-tier dispute resolution clause design and the ICC Mediation Rules and ICC Arbitration Rules.

How is the playbook from commercial dispute resolution training used at work?

You can use it as the standard approach for account teams when a disagreement emerges, and as a briefing pack when legal advisers or mediators become involved.