Negotiating independence. Switzerland in 1647–48: Johann Rudolf Wettstein, mayor of the state (canton) of Basel City and negotiator for the Swiss Confederation

Raymond Saner[1]

Diplomacy Dialogue, CSEND, Geneva

This article recounts a historical negotiation success during the Westphalia negotiations in the 17th Century. Mr. Rudolf Wettstein, the then Mayor of Basel City, was able to single-handedly obtain exemptions for the Swiss cantons from being accountable to courts of the Holy Roman Empire of German Nations (HRGE), amounting to a de facto declaration of independence. As a first step, the author describes the historical context of the negotiations and subsequently the negotiation process involving multi-actor international negotiations during the peace negotiations at Westphalia which consisted of multi-actor internal negotiations within the Swiss Confederation and external multi-party negotiations with the leading powers who participated in the Westphalia negotiation process. As a second step, concepts of negotiation theory are used as an attempt to make sense of Wettstein's negotiation approach. The article concludes with a proposition for more theory building and provides initial concepts to better capture multi-actor negotiations.

Keywords: multi-actor negotiations, principal-agent dilemma, pragmatic-evolutionary negotiation method, multiple negotiation role performativity.

Cet article relate l'histoire de la négociation entreprise par M. Rudolf Wettstein, maire de Bâle, qui a pu obtenir du Saint-Empire germanique, lors des négociations qui aboutiront au Traité de Westphalie au 17ème siècle, l'indépendance *de jure* de la Confédération suisse. L'auteur fait d'abord le récit du déroulement et de la conclusion des négociations ; elles ont impliqué des négociations internationales multi-acteurs en Westphalie et des négociations internes multi-acteurs au sein de la Confédération suisse. Les concepts majeurs en théorie de la négociation sont ensuite mobilisés pour tenter de donner un sens à l'approche de Wettstein dans cette négociation pour l'indépendance. L'article se termine par une proposition visant à renforcer la théorisation et fournit des suggestions de concepts pour mieux saisir les négociations multi-acteurs.

Mots-clés : négociations multi-acteurs, dilemme principal-agent, méthode de négociation pragmatique-évolutive, performance de rôle de négociation multiple.

INTRODUCTION

In the years 1647 and 1648, the great European powers were negotiating the peace of Westphalia. As many as 16 European states, 66 Imperial States of the Holy Roman Germanic Empire (HRGE) and 38 principalities or observing cities were present at the talks. Johann Rudolf Wettstein, mayor of the city of Basel, single-handedly took it on himself to use this opportunity to obtain the general exemptions from German courts amounting to a de-facto independence of the old Swiss confederacy and all its constituting cantons from the HRGE. He succeeded and what follows recounts how his negotiation developed in a context where, in addition to the complexity of the Westphalia negotiations, he had to cope with the lack of a clear negotiation mandate from all of the Swiss cantons at the start of his negotiation. His high level of tenacity and his ability to negotiate simultaneously on the internal and external sides made it eventually possible for Wettstein to obtain independence for the Swiss confederation.

1. HISTORICAL CONTEXT[2]

During the Holy Roman Empire, the Hohenstaufen emperors, kings of Germany and the Holy Roman Empire, had granted some communities of the valleys in the Central Alps a *reichsfrei* status in the early 13th century. As *reichsfrei* regions, the cantons (or regions) of Uri, Schwyz, and Unterwalden were directly subordinate to the emperor without any intermediate liege lords and thus were largely autonomous. An alliance between these communities was established to form the Old Swiss Confederacy in 1291 while it remained part of the Holy Roman Empire.[3] This Confederacy lasted till 1798. The purpose of this alliance was to facilitate the management of common interests such as free trade and to ensure peace along the important trade routes through the mountains (Wikipedia contributors, 2018).

The Swiss Confederation established from 1291 onwards between the three cantons Uri, Schwyz and Unterwalden, had enlarged in 1353 when five more entities where added to the Confederation namely: the cantons Glarus and Zug, as well as the cities Lucerne, Zürich and Bern. However, already from the 13th century, most of these founding territories were able to obtain certain privileges and liberties from the Emperor. These privileges were anxiously renewed with regularity (Daniel Hoegger (2014).

---

2. This historical information of this article draws on contributions made by Gauss, Julia (1948), Bürgermeister Wettstein und die Trennung der Eidgenossenschaft vom Deutschen Reich", pp 1-34 and by Daniel Högger (2014), "The Swiss Confederation" in "The Recognition of States", pp 119-124.
3. The difference between confederacy and confederation is that confederacy is an alliance while confederation is a union or alliance of states or political organizations.

With the rise of the Habsburg dynasty, the kings and dukes of Habsburg sought to extend their influence over this region and to bring it under their rule. What emerged was a conflict between the Habsburgs and these mountain communities who tried to defend their privileged status as *reichsfrei* regions (Wikipedia Contributors, 2018)[4].

Over time, a gradual dissociation between the Swiss Confederacy and the Empire occurred. This was obvious in the decisions of the Imperial Diet of Worms (1495) and certainly the Peace of Basel (1499) terminating the Swabian War fought and won by the Swiss against the HRGE. The Old Swiss Confederacy was then *de facto* recognized as a separate political entity. Its desire for independence of the Confederacy and its allied towns and territories became all the clearer with the gradual refusal to pay imperial taxes and to abstain from participating in the imperial diet (Julia Gauss, 1948).

As Switzerland increased in size over time, some of the new members of the Swiss confederation like the cantons of Basel and Schaffhausen (new members in June 1501) had to face the difficulty of being members of the Swiss confederation while at the same time being considered by many members of the HRG Empire as still belonging to the HRGE. The cantons and their respective cities were considered as remaining a Reichstadt (free imperial city), formally part of the HRGE.

Nonetheless, the formal, legal separation from the Empire—let alone the recognition of such a separation—had never been an issue as such in spite of the increasing factual independence of the Confederacy. In the middle of the 17th century, two circumstances however gave cause to a reassessment of the relationship of the Confederacy with the Holy Roman Empire (Gauss, 1948).

1.1. Independence: a security issue

The first concern was political security, given the risk that the region of Alsace, neighbouring Basel in the North, might become integrated into the Kingdom of France. Incorporating Alsace-Lorraine into France had been a long held aspiration of French kings which appeared to become more likely during the end 16th Century. Merchants from Basel held possessions in Alsace and traded closely with the Alsatians neighbouring cities like Mulhouse, Colmar and Strasbourg.

It was feared that an incorporation of Alsace into France could jeopardise property owned by Basler citizens and merchants and their established trade and cultural ties between Basel and Alsace (both areas speaking a similar Germanic dialect, allemanisch), not to mention the religious ties since Basel, Strasbourg and other parts of Alsace had changed from Catholicism to Protestantism. It was anticipated that an incorporation of Alsace-Lorraine would complicate the larger central European political situation, as the Swiss confederacy could become vulnerable

---

4. https://en.wikipedia.org/wiki/Growth_of_the_Old_Swiss_Confederacy

to future armed confrontations between the expansionary France and the Holy Roman Empire (Hoegger, 2014).

1.2. Independence: judicial and commercial issues

Being treated as a member of the HRGE had major legal implications. The Imperial Chamber Court *(Reichskammergericht)* [5] In Speyer continued to permit appeals against judgments from the Basel municipal court. The Imperial Court justified its competence with reference to the fact that Basel, as well as some of its allied towns and territories, were still included in the *Reichsmatrikel* of 1521 and the Procedural order of the Imperial Chamber Court *(Reichskammergerichtsordnung)* of 1555 (Hoegger, 2014) hence still considered to belong to the imperial territory. Hence, Basel and Schaffhausen, having joined the Confederacy later than others, experienced repeated trade disputes with merchants form different parts of the HRGE who took their merchants to the High Court of the HRGE based in Speyer.

Losing a case at the Speyer commercial high court meant that goods and property of Basler merchants located in the HRGE were confiscated. Initially, Basel denied the competence of the Imperial Chamber Court and sought to clarify its legal status and that of the Swiss Confederation towards the Empire: Basel approached the Swiss Diet *(Tagsatzung)* in 1643 (Gauss, 1948) suggesting to de-link itself from the Imperial Court, but to no avail. Yet the situation gradually changed when other cantons became aware of the trade and commercial implications of not being still considered as citizens of the HRGE. Thus, gaining independence from to HRGE jurisdiction slowly became crucial to Basel and the other confederacy cantons. The idea of getting free from the HRGE jurisdiction and from being subject to HRGE rule in general was gaining momentum. Reaching de-facto independence from German courts became a priority for cantons of the Swiss confederacy.

1.3. Wettstein' negotiation mandate and negotiation approach

After several unanswered notes of protest to the attention of the Emperor about the territorial overreach of the commercial court in Speyer, Basel suggested to turn the issue into a diplomatic one. Basel suggested that a diplomatic mission guided by the mayor of Basel, Johann Rudolf Wettstein (Gauss, 1948), would join the peace negotiations in Westphalia in order to represent the interests of the Confederacy regarding the territorial claim of the court of Speyer.

Who was Johann Rudolf Wettstein? Born in Basel, son of Hans Jakob Wettstein who emigrated from Zurich to Basel[6], he had been educated in the city. After doing chancellery apprenticeships in Yverdon and Geneva, spending four years in the

---

5. https://en.wikipedia.org/wiki/Reichskammergericht
6. Swiss cantons during the time of the confederacy were states with their own army, government, currency and measurements. To move from one canton to another required permission to settle in the new canton, hence is comparable to intra-EU migration.

service of the Republic of Venice, he had returned to Basel and was elected to the city council in 1620, where his career progressed regularly. His political career culminated in the election as Mayor of Basel in 1645.

The plan to send Wettstein with a full mandate, however, found only limited approval among the confederate cantons, mainly for religious reasons: Basel, a city that had turned protestant in 1529, had initially no support from the catholic cantons, who remained loyal to the HRGE and its catholic Habsburg monarchy based in Vienna. Regarding the protestant cantons, their support was only partial, as some saw no urgent need to obtain exemptions from the German courts.

Despite the fact that the Catholic cantons withheld their support, Wettstein embarked on his mission to Westphalia on 14 December 1646. His mandate was supported by only four protestant towns (Zurich, Bern, Basel, and Schaffhausen) and by the two allied protestant towns of Biel and St. Gallen. In addition to this, he had the backing of the French ambassador in Solothurn Jacques Lefebvre de Caumartin, and the head of the French delegation and duke of Neuchatel Henri II d'Orleans-Longueville. Caumartin had first hesitated to support a separate Swiss delegation to the negotiations in Westphalia due to his concerns that the Swiss cause might conflict with overall French interests; but eventually changed his mind once he learned that the French territorial gains concerning Alsace-Loraine had been secured (Hoegger, 2014). The Wettstein mission lasted two years and is based on a paradox: while the Wettstein managed to advance in his negotiations and to deal successfully with the diplomatic intricacies of the major powers of the time, the internal support of his mission remained poor until the very end.

On the external side of his negotiation, Wettstein succeeded to gain and intensify the support for his cause by France and Sweden and several plenipotentiaries of the Emperor. This meant navigating between the French, German, Austrian, Swedish, Spanish, Dutch and various other polities and to gain enough momentum in his favour.

The process of the peace negotiations was lengthy and complex. The catholic powers resided at Münster while the major protestant powers set up their headquarters at Osnabrück. Talks took place in the two cities, as each side wanted to meet on territory under its own control. A total of 109 delegations arrived to represent the belligerent parties, but not all delegations were present at the same time.

Three treaties were signed to end each of the various wars which continued even during the Westphalia negotiations. The treaties were the Peace of Münster, the Treaty of Münster, and the Treaty of Osnabrück. These treaties ended the Thirty Years' War (1618–1648) between the Holy Roman Empire, with the Habsburgs and their Catholic allies on one side, against the Protestant powers (Sweden, Denmark, Dutch, and Holy Roman principalities) allied with France (Catholic but anti-Habsburg). The treaties also ended the Eighty Years' War (1568–1648) between Spain and the Dutch Republic, with Spain formally recognising the independence of the Netherlands (Wikipedia Contributors, 2019).[7]

---

7. https://en.wikipedia.org/wiki/Peace_of_Westphalia

Because the Emperor wanted to prevent a closer relationship between France and the Swiss Confederacy, he issued a decree in October 1647. Based on the acknowledgement that the thirteen States of the Confederation had already been free and independent for some time, he awarded the desired exemption from the court in Speyer (Gauss, 1948, 1948). Anticipating rivalries with France in the post-Westphalia period, the Emperor did not want to risk seeing the Swiss confederacy become an ally or vassal of France.

However, Wettstein, not being fully satisfied with the Emperor's answer, responded in February 1647 with a clarification *(Recharge)* of his request requesting fuller acknowledgement of exemptions from all German courts thereby delinking the Swiss Confederacy from the German Holy Empire (Hoegger, 2014).

Wettstein was able to reach his objective after two years of difficult multiparty consultations and negotiations in the German cities of Münster and Osnabrück despite the fact that he did not have a clear negotiation mandate from the members (cantons) of the old Swiss confederacy. At that time, Switzerland was divided between catholic and protestant cantons who fought several domestic battles amongst themselves as was the case with the major powers of central and northern Europe.

On the internal side, as described above. Wettstein decided to go Osnabrück and Münster just one year after being elected mayor of Basel under conditions which were not optimal. For instance, he had no clear mandate from the catholic cantons of the confederacy and a very limited budget to pay for his expenses initially provided only by Basel on a time limited basis. He had no financial means to organise representations and receptions in the two German cities and was constantly looking for ways to get invited to official receptions where he could negotiate, network and create alliances.

Like a start-up entrepreneur of today, he had an idea (obtaining independence for the Confederacy) but had no clarity yet how to get there. He was able to shape and influence the process of negotiations while at the same having to re-invent himself in regard to representation, mandate, and alliances and continuous re-inventing of alliances and making different written and oral proposal at Osnabrück and Münster. At the same time re-negotiated his mandate with the other cantons and also with his own city where some politicians started to have doubts about his negotiation abilities as he could not deliver quick solutions and instead only reported vaguely about his negotiation process.

2. WETTSTEIN'S NEGOTIATION STYLE AND APPROACH

Wettstein had to face and succeed in multiple negotiations which unfolded over time, starting with getting a mandate from the Government (Council) of Basel and renegotiating it throughout the negotiations in Westphalia, then negotiate and obtain a mandate from the protestant and subsequently from the catholic cantons

and finally while being in Westphalia manoeuvring between allies and foes until he obtained agreement for a full and unconditional exemption from the HRGE emperor.

He had to make do with very limited resources. Basel city provided him with minimal financial resources and two staff, one his personal servant and the other his assistant. His limited budget forced him to stay in low grade hostels, moving around in rented carriages drawn by work horses and being obliged to wear modest attire in contrast to the conference participants who were dressed in elegant clothes and enjoyed the cultural events and receptions given during the negotiation process. In addition, Wettstein suffered from gout and serious family situations at home in Basel which he had to cope with while being in Münster, then Osnabrück for 10 months in a row.

KEY MILESTONES AND TACTICS OF WETTSTEIN'S NEGOTIATION APPROACH

What follows are the key milestones of Wettstein's negotiation before, during and after the Westphalia Peace Negotiations (see Table I, II and III in annex. 1).

Wettstein's negotiation style and approach were diverse, adaptable, strategic and rich in terms of personal negotiations skills and conceptual analysis of multi-party alliance building. The question now is which negotiation theory could best explain his negotiation style and strategy and if not demonstrating sufficient explanatory power, what might be new concepts that could capture and explain his negotiation style and strategy.

Two negotiation theories in particular might provide concepts that could be used to explain Wettstein's negotiations and negotiation style.

2.1. Principal Agent Theory

In political science and economics, the principal agent problem, also known as agency dilemma or the agency problem, occurs when one person or entity (the "agent") is able to make decisions and/or take actions on behalf of, or that impact, another person or entity (the "principal"). This dilemma exists in circumstances where agents are motivated to act in their own best interests, which are contrary to those of their principals, and is an example of moral hazard.[8] Common examples of this relationship include corporate management (agent) and shareholders (principal), politicians (agent) and voters (principal), or brokers (agent) and markets (buyers and sellers, principals). Consider a legal client (the principal) wondering whether their lawyer (the agent) is recommending protracted legal proceedings because it is truly necessary for the client's wellbeing, or because it will generate income for the lawyer is a good illustration of this relational ambiguity (Wikipedia Contributors, 2019).

---

8. https://en.wikipedia.org/wiki/Principal%E2%80%93agent_problem

As stated by K.M. Eisenhardt (1989, p. 58),

> "The problem here is that the principal cannot verify that the agent has behaved appropriately. The second is the problem of risk sharing that arises when the principal and agent have different attitudes toward risk."

The literature on Principal Agent (PA) theory is long and only partially applicable to international negotiations particularly in regard to Wettstein' s negotiations in Osnabrück and Münster. For instance, Pollack (2007) suggests that *the PA approach draws from rational-choice theories of domestic and international politics and has become the dominant approach to the study of delegation in domestic (American), comparative, and international politics.* (p. 3)

Wettstein is the principal agent (PA) who acted on behalf of Basel and the other cantons (Principles). However, his limited mandate, at the beginning from Basel and a few cantons, then enlarged as negotiations at Westphalia proceeded and most importantly as he was able to carve out negotiation space during the two year negotiations. He negotiated with the multitude of foreign representatives and at the same time re-negotiated with his growing number of principals (cantons) his mandate.

Another important difference compared to traditional PA theory is that Wettstein was not reported to have made financial gains. The only gain was the success of having been able to obtain a de-iure independence from the Holy Roman Empire. The satisfaction of having been able to succeed despite all odds was not very much honoured by his principles. Leading politicians of his main principal, Basel, expressed relief that his mission was over and no more money has to be attributed to him and the other cantons did not publically express much public gratitude. Wettstein's crucial role, hardworking negotiations and contribution to the future of the confederacy remains under-published and inadequately recognised by political scientists with the exceptions of a few such as Julia Gauss (1948) and Daniel Högger (2014).

Negotiation scholars have discussed the usefulness of applying PA theory to negotiations. Mnookin and Susskind (1999) provided examples of negotiations on behalf of others e.g. in the fields of labour-management relations, international diplomacy, sports agents, legislative process, and agency law and Christian Morel (2009), highlighted the fact that most negotiations required three agreements, namely between the parties and within the parties also called intra-organisational negotiations building on Lewicki and Litterer (1985).

Principal Agent Theory provides a useful explanatory concept that helps readers appreciate the difficult tasks that Wettstein had to master during the two years of intense negotiations. However, Wettstein did not aim nor obtain financial benefits from playing principal agent, only some recognition and even this was limited. Hence PA theory is not adequate to explain Wettstein's negotiation behaviour.

2.1. Theory of Ripeness

William Zartman has been instrumental in analysing conflicts and related negotiations from a time perspective looking at phases of negotiations and the unfolding of concession making leading to agreement or withdrawal of parties.

A key concept introduced by Zartman is the notion of "ripeness" (2001) indicating that parties resolve their conflict only when they are ready to do so and such a moment often occurs when parties are faced with a Mutually Hurting Stalemate (MHS) which neither party can win. The additional two concepts of MHS are the perception of a Way Out of the conflict and the presence of a Valid Spokesman for each side (Zartman, 2001).

Wettstein's situation however was characterized by two not one Way Out options (remaining in the HRGE or alliance with France) and regarding the concept of Valid Spokesman, there were several (French, German, Swedish, Dutch) hence Zartman's ripeness theory is less relevant for the case being analysed.

However, what could be useful to add as a future research topic is the question how a negotiator like Wettstein continuously observes and contributes to the reaching of a ripeness moment—here the acknowledgment of de facto independence of the Swiss confederacy from the Emperor while at the same time coping with shifting mandates from his principles, equally shifting positions of his many-actor opponents and continuous building and re-building of alliances.

3. EMERGING MULTI-ACTOR AND MULTI-PARTY NEGOTIATIONS

Wettstein had to negotiate on several fronts. For instance internally within the Council of Basel regarding his mandate and financial resources and within or better between protestant and catholic cantons. Externally, he negotiated simultaneously with the representatives of the HRGE, France, Sweden and other third parties with the aim of creating alliances in favour of his tactical objective (end of Basel enterprises from being subject to the commercial court in Speyer and strategic goal of getting de-iure recognition for Switzerland as a sovereign nation independent from the HRGE.

Gaining exemption from the Court of Speyer and finally from the HRGE all together was also complicated because of the complexity of the HRGE. The Holy Roman Empire was neither a centralized state nor a nation-state. Instead, it was divided into dozens—eventually hundreds—of individual entities governed by kings, dukes, counts, bishops, abbots, and other rulers, collectively known as princes. There were also some areas ruled directly by the Emperor but at no time could the Emperor simply issue decrees and govern autonomously over the Empire. His power was severely restricted by the various local leaders and German kinds and princesses.

The Imperial Diet (*Reichstag*, or *Reichsversammlung*) was not a legislative body as we understand it today, as its members envisioned it more like a central forum where it was more important to negotiate than to decide. The Diet was theoretically superior to the emperor himself. It was divided into three classes. The first class, the Council of Electors, consisted of the electors, or the princes who could vote for King of the Romans. The second class, the Council of Princes, consisted of the other princes. The Council of Princes was divided into two "benches", one for secular rulers and one for ecclesiastical ones. Higher-ranking princes had individual votes, while lower-ranking princes were grouped into "colleges" by geography. Each college had one vote. The third class was the Council of Imperial Cities, which was divided into two colleges: Swabia and the Rhine. The Council of Imperial Cities was not fully equal with the others; it could not vote on several matters such as the admission of new territories.[9]

The complexity of the HRGE was incredibly high with multi-layered competences overlapping each other and a great multitude of actors claiming rights and demanding to be involved in the HRGE characterised by decentralisation of powers. To understand these multiple vectors of influence embedded in different networks of affiliations demanded enormous knowledge and most of all openness to learn while interacting within these complex systems of powers, influence and dependencies. Wettstein was able to learn while being immersed in the Westphalia negotiations both in Münster and Osnabrück.

The complexity of the negotiation process at Westphalia was higher than today's negotiations within the European Union. At the same time, retroactively understanding the complexity of the negotiation process at Westphalia, one can appreciate the challenges EU governments face when engaging in EU negotiations. What were useful skills and competencies in Westphalia are equally needed competencies in the EU negotiation context.

In order to better understand such high levels of negotiation complexity, an enlarged negotiation theory is needed which encompasses bilateral, plurilateral, multilateral and multi-institutional negotiation theory (Saner, 2010, 2012) and can propose causal links between concessions made and exchanged at different levels of multi-level negotiations.

Such a broader understanding of negotiation theory should also include an ability to conceive of complex negotiations as consisting of non-linear and linear processes and of observation methods shifting between fore-and background perception (Yiu, Saner, 2007) and of negotiation processes varying between slow and suddenly accelerated movements all of which Wettstein knew he had to move along these complexities either consciously or intuitively by simply accepting to immerse himself into the fluidity of such complex negotiations.

It would also be useful to draw up a list of behaviour skills and roles which a negotiator has to employ when facing similar multi-level and multi-actor

---

9. https://en.wikipedia.org/wiki/Holy_Roman_Empire

negotiations. Examples could be the enacting of diffrent roles depending on the counterparts across the negotiation table such as roles of a commercial diplomat, an entrepreneurial politician and of a business diplomat (Saner, Yiu, 2014). Examples are for instance, Wettstein's ability to persevere in exploring, building and re-building alliances with different countries represented by multiple representatives' (e.g. different representatives of the Holy Roman Empire who acted as intermediaries to the Emperor) and at the same time he was able to enact more consensual roles with his Swiss internal counterparts with whom he had to continuously negotiate and consult in order to get their agreement to his negotiation approach at Westphalia.

CONCLUSION

This article describes an important negotiation which took place before, during and after the Westphalian treaty negotiations. The case in point is the exceptional ability of a negotiator, the mayor of the city of Basel, who single-handily was able to get important concessions from the HRGE emperor on behalf of the Swiss confederacy culminating in obtaining the de-iure independence from the HRGE.

The objective of this article was to narrate this exceptional historical negotiation and to use existing negotiation theory to make sense of Mayor Wettstein successful negotiations. Principal Agent theory and Ripeness theory were applied as analytical constructs but both theories could not sufficiently explain Wettstein's negotiation process and final success.

In conclusion, the author proposed new avenues of theory building needed to better capture the unfolding and conclusion of a multi-level and multi-actor negotiation.

REFERENCES

EisEnhardt, K.M. (1989), Agency Theory: An Assessment and Review. The Academy of Management Review, 14(1), 57–74. Retrieved from: https://www.jstor.org/stable/258191

Growh of thE Old Swiss ConfEdEraCy, Wikipedia: https://en.wikipedia.org/wiki/Growth_of_the_Old_Swiss_Confederacy

Gauss, Julia (1948), Bürgermeister Wettstein und die Trennung der Eidgenossenschaft vom Deutschen Reich", Helbin & Lichtenhahn, Basel pp 1-34.

höGGEr, Daniel (2014), "The Swiss Confederation" in "The Recognition of States" pp 119-124, Lit Verlag GmbH, Wien and Zurich.

lEwiCki, Roy and littErEr, Joseph (1985), « Negotiation », Irwin, Homewood, Illinois.

MEErts, Paul (2019), Concert Diplomacy: Past, Present, Prospects, Global Policy Volume 10 Issue Supplement 2 June 2019, Wiley Online Library.

Morᴇl, Christian (2009), "La négociation intra-organisationnelle", *Négociations*, 2009/2 (n° 12), p. 183-193.

Mnookin, Robert and susskind, Lawrence (1999), *Negotiating on Behalf of Others: Advice to Lawyers, Business Executives, Sports Agents, Diplomats, Politicians, and Everybody Else*, Sage Publ., CA.

PollaCk, Mark (2007), "Principal-Agent Analysis and International Delegation: Red Herrings, Theoretical Clarifications, and Empirical Disputes", *Bruges Political Research Papers*, No. 2, February.

SanEr, Raymond (2010), "Negotiations: Contributions by Scholars from Social and Economic Sciences", *Diplomacy Dialogue*, Geneva, p. 6-7: http://www.diplomacy-dialogue.org/images/files/20181215-Negotiation_Theory_Main_schools_and_scholars.pdf

SanEr, Raymond (2012), *The Expert Negotiator*, 4th Edition, Martinus Nijhoff, The Hague, p. 217-236.

SanEr, Raymond and yiu, Lichia (2014), "Strengthening cooperation in cross-border regions in the European countries", *Journal of Public Administration*, Vilnius, Lithuania: http://www.csend.org/images/articles/files/20141223_Zurnalas%20 2014.pdf

WikiPEdia Contributors (2018, September 17). Growth of the Old Swiss Confederacy. In Wikipedia, the Free Encyclopaedia. Retrieved 23:11, February 25, 2019, from https://en.wikipedia.org/w/index.php?title=Growth_of_the_Old_Swiss_Confederacy&oldid=859952136

WikiPEdia Contributors (2019, February 15). Principal–agent problem. In Wikipedia, the Free Encyclopaedia. Retrieved 23:49, February 25, 2019, from https://en.wikipedia.org/w/index.php?title=Principal%E2%80%93agent_problem&oldid=883420038

WikiPEdia Contributors (2019, February 21). Peace of Westphalia. In Wikipedia, the Free Encyclopaedia. Retrieved 23:37, February 25, 2019, from https://en.wikipedia.org/w/index.php?title=Peace_of_Westphalia&oldid=884461127

ZartMan, I William (2001), *The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments*, School of Advanced International Studies, Johns Hopkins University.

yiu, Lichia; sanEr, Raymond (2007), Witkin's cognitive styles and field theory applied to the study of global managers and OD practitioners. *book chapter 6, winter 2006-2007: research in organizational change and development, volume 16- research in organizational change and development, edited by William A. Pasmore and Richard W. Woodman),* Emerald Publ, Bingley, UK.

ANNEX. 1

Tableau I. *Wettstein's Negotiations at Westphalia I (annexe of R. Saner on "Wettstein", to be published in 2020)*

	1499 Swabian War	1618-1648: 30 year war	1640 Speyer Court Cases	20 Jan. 1646	1646
Historical-Political Context and Negotiations with external parties	10 original States/ Cantons of Swiss confederacy defeated HRGE army and became de factor independent from HRGE	1629 HRGE emperor requested full and free access through the Alps 1630 Sweden asked for alliance with the cantons of the Confederacy against the HRGE including access through the Alps Swiss confederacy aligned to position of neutrality to prevent being drawn into 30 year war	Impact on Basel and Schaffhausen who joint Swiss Confederacy only in 1501 and who not covered by the peace treaty agreed after the Swabian wars won by the victorious 10 cantons against HRGE		Intervention by French Ambassador located in Solothurn near Basel stating that Switzerland was not involved in the 30 year war and hence had no right to participate in the Westphalia negotiations
Negotiations at home in Basel Government and Negotiations with internal parties (other cantons)		Basel merchants threatened by Speyer Commercial Court. Possibility that their assets could be confiscated Decision by Basel government that Basel should get exemption from Speyer Court		Protestant Cantons support decision by Basel and nomi-nated leaders from Schaffhausen and Basel to meet with imperial represent-atives during the peace negotiations at Westphalia	After French Amb's intervention, prot-estant cantons shy away from attempt-ing to send an envoy to Westphalia Basel Government decides instead to nominate Wettstein to go to Westphalia

Tableau II. *Wettstein's Negotiations at Westphalia II (annexe of R. Saner on "Wettstein", to be published in 2020)*

14th Dec 1646	1647	1647	1647	2nd January 1647	1647
	Wettstein asks France for its counsel. French delegate advises that the exemption should be enlarged to include all of Swiss cantons, not only Basel. Wettstein sees the support of France as a means to further weaken the HRGE. France was able to facilitate independence of Portugal, an ally of HRGE and of the Netherlands.	French Count of Henri d'Orléans declares himself friend of the Confederacy and submits request for exemptions from Speyer courts of all cantons and submits his request to all parties of peace treaty. ("de Helvetiis").	Dr Isaak Volmar, representative of the Emperor at Westphalia takes interest in Wettstein's request and supports him. Before the French conquest of Alsace, he was the HRGE governor of Alsace. He hopes to regain Alsace and does not want to see Basel and the Confederacy become linked to France	Volmar sends Wettstein's request for exemption to the Emperor in Vienna but only mentions exemption for Basel. Wettstein subsequently sends a clarifying text to the Emperor stating that the exemption should be valid for all cantons. Wettstein sends a second requests to the Emperor reiterating his demand that exemption be valid for all Cantons	No response from Vienna, Wettstein has to wait
On 14th December, Wettstein embarked on a Rhine boat to travel to Münster at Westphalia	Wettstein reports back to Basel government and expressed doubts that his enlarged request would succeed	Wettstein was worried that the French request would be rejected by other powers He submits his own request for exemption of all Swiss cantons only to the representatives of the Emperor, not to all HRGE kingdoms and cities. (expands his mandate to include catholic cantons without yet having obtained their agreement)	Wettstein gets support from the representatives of Sweden, a protestant country, allied with France against the HRGE but committed to the protestant cause.	Wettstein informs all cantons of the state of affairs, mentions that request was sent to Vienna but no reply. Also mentions that he requested exemption of all cantons and that support of France and Sweden puts request to higher level that making it only dependent on the Emperor's gesture of consenting	Catholic cantons reassess situation and finally give mandate to Wettstein to negotiate exemption also on their behalf

Tableau III. *Wettstein's Negotiations at Westphalia III (annexe of R. Saner on "Wettstein", to be published in 2020)*

	6th Nov 1647	1647	1647	24th October 1648	1653
Sweden joins France in submitting request to the peace treaty parties that all of Switzerland should request for exemption and that the request be included in the final text of the Peace Treaty	Agreement arrives finally from Vienna however Emperor's text only mentions exemption for Basel, not for all Swiss cantons. Emperor's text is retro-dated to 16th May 1547 to avoid being seen as having yielded to France and Sweden's official request	No corrected text arrives from Vienna confirming exemption for all cantons Dr Heider, representative from Lindau, a city of the HRGE bordering the confederacy promises Wettstein that he will look out for him in Westphalia for signs of a revised text from the Emperor. Resistance to an improved text is attributed to some German cities who insist that Basel should first acknowledge claims deposited at the Speyer court and make payments	Waiting for revised text from Vienna continues	End of 3 year peace negotiations in Westphalia. Final and revised text of the Emperor is included in the Peace Treaty making exemptions public and resulting in a de-facto recognition of Swiss independence.	Augsburg, Emperor Ferdinand III offers knighthood to Wettstein and two other prominent Swiss citizens with the objective to prevent the Swiss Confederacy from agreeing to a treaty with France
	21th Nov 1647, Wettstein arrives in Basel, his wife died in his absence. He shows to the cantons a copy of the assurances that text was submitted by France, Sweden and to the representative of the HRGE.	Wettstein makes urgent visit to French Ambassador in Solothurn to get his advice how to prevent the peace treaty from including an incomplete reference to the exemptions of all Swiss cantons Wettstein decides to write strong messages to the HRGE representatives in Westphalia threating that Basel and the Confederacy might join France in an alliance in the Upper Rhine area	Wettstein meets with all cantons and informs them of situation and that a revised text from Vienna has not been received. Cantons express their support in him and in his negotiation approach	Wettstein informs all cantons of the state of affairs, mentions that request was sent to Vienna but no reply. Also mentions that he requested exemption of all cantons and that support of France and Sweden has put his request to a higher level and making it dependent on the Emperor's consent	