

Program & Abstracts

affiliated to



6th INTERNATIONAL BIENNIAL ON NEGOTIATION

November 16 to 18, 2016 - PARIS



Program and Useful Information

Wednesday, November 16, 2016
2:30 pm – 7:00 pm

Auditorium

2:30 pm – 3:30 pm	Welcome - Registration
3:30 pm – 3:45 pm	Welcoming address: Anne Stéfanini , Director of Novancia Business School Paris
3:45 pm – 4:00 pm	Opening by Yves Portelli , Deputy Managing Director in charge of Education, Research and Training at the Paris Île-de-France Chamber of Commerce and Industry
4:00 pm – 5:30 pm	<p style="text-align: center;"><i>Round Table on Daniel Druckman's Work</i></p> <p><i>Panelists:</i> Lynn Wagner: Justice and Durable Peace, International Institute for Sustainable Development (IISD), USA Valérie Rosoux: Focal Points, Catholic University of Louvain, Belgium Larry Crump: Turning Points in Trade Negotiations, Griffith University, Australia William Zartman: Turning Points and Pointed Turns, The Johns Hopkins University, USA Guy-Olivier Faure: Daniel Druckman with PIN/IIASA, The Clingendael Institute, The Hague, The Netherlands Sanda Kaufman: Tipping and Turning. Daniel Druckman at IACM, Cleveland State University, USA</p> <p>Discussant: Daniel Druckman, Queensland University, Australia</p>

Parallel Sessions

5:30 pm – 7:00 pm

Room 1.026	Room 1.028	Room 1.030
Session 1	Session 2	Session 3
<p>Failures in Existing Conceptions of the Field</p> <p>Chair: Nadja Alexander, Singapore</p> <p>▶ <i>Mediating in Mali and Chad: Lessons from Practice to Inform Theory.</i> Sanda Kaufman, USA Eric Blanchot, France</p> <p>▶ <i>Negotiating While Black in the Workplace with Mediator Competency.</i> Michael Z.Green, USA</p> <p>▶ <i>Negotiating with Scripts and Playbooks: What to Do When Big Bad Companies Won't Negotiate.</i> Carrie Menkel-Meadow, USA</p> <p>▶ <i>The Market(s) for Mediators.</i> Michael Lee Moffitt, USA</p>	<p>Negotiation and Tactics</p> <p>Chair: Larry Crump, Australia</p> <p>▶ <i>Impact of Unconscious Bias and Marginalities in Negotiation.</i> Matthew Hill, UK Ranse Howell, UK Susanne Schuler, UK</p> <p>▶ <i>Physical Violence as a negotiating Tactic and the Criminalization of a CEO.</i> Leslie Shaw, France</p> <p>▶ <i>Cast a Brick to Attract Jade. Getting Beyond Reciprocity.</i> Jack Nasher, Germany</p> <p>▶ <i>Games of Deterrence and Argumentation as a Source of Agreement.</i> Michel Rudnianski, France</p>	<p>Pedagogy and Negotiation</p> <p>Chair: Laurence-Claire Lemmet, France</p> <p>▶ <i>Why Training in Negotiations Become Indispensable for Everyone Today?</i> Anastasios Bisopoulos, Greece</p> <p>▶ <i>Une approche innovante de la pédagogie de la négociation : la création de jeux de rôles dans le cadre de partenariats école /entreprise.</i> Patrick Germain-Thomas, France Catherine Lafarge, France Doudou Sidibé, France</p> <p>▶ <i>Former à la médiation civile et commerciale, premier bilan d'une expérience certifiante de formation continue.</i> Olivier Cachard, France Guy Deloffre, France</p> <p>▶ <i>A Multifaceted Role for Mediators in Civil and Commercial Disputes: Implications for Practice and Mediator Training.</i> Barney Jordaan, Belgium</p>

Room 2.124	Room 2.126	Room 2.128
Session 4	Session 5	Session 6
<p>Negotiation Strategies</p> <p>Chair: Enrico Colla, France</p> <p>▶ <i>The Firm's Strategy and its Negotiation Capability: the Ryanair Case.</i> Adrian Borbely, France Andrea Caputo, France</p> <p>▶ <i>Mitigating Risks: When Making the First Offer in a Negotiation.</i> Bilan Ariel Stribling, USA</p> <p>▶ <i>Buyers' Variables Pay as a Determinant of Negotiation Strategies.</i> Ali Hotait, Germany</p> <p>▶ <i>The effect of Interpersonal Trust on Relationship Managers' Subjective Value and Customer Satisfaction.</i> Julian Mansur, Brazil Felipe Sobral, Brazil</p>	<p>Negotiation and Mediation</p> <p>Chair: Valérie Rosoux, Belgium</p> <p>▶ <i>Getting Beyond 'ground zero': Dialogue Structures in Company-community Disputes.</i> Jose Pascal da Rocha, USA</p> <p>▶ <i>Negotiation and International Mediation in Political Conflicts.</i> Ida Manton, Czech Republic</p> <p>▶ <i>Does Med-Arb Reduce Dispute Rates? Evidence from a Quasi-Experiment Involving Police and Firefighters in Canada.</i> Chris Riddell, Canada</p> <p>▶ <i>Le Cameroun dans les négociations des otages de Sabongari.</i> Emmanuel Bayock, Cameroon</p>	<p>Nuclear option and diplomatic negotiation</p> <p>Chair: Michael Ambühl, Switzerland</p> <p>▶ <i>Escalating to an Agreement: The Prologue of the Iran Nuclear Talks.</i> Tobias W.Langenegger, Switzerland</p> <p>▶ <i>The Nuclear Option in a Bargaining Model.</i> Daniela Scherer, Switzerland</p> <p>▶ <i>On Different Tracks: Disarmament Diplomacy from the Pacific.</i> Timothea Horn, Australia</p> <p>▶ <i>Voyage dans la négociation nucléaire avec l'Iran.</i> François Nicoulaud, France</p>

7:00 pm – 8:00 pm	Networking Cocktail
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Thursday, November 17, 2016
8:00 am – 2:00 pm

Auditorium

8:00 am – 8:30 am	Welcome Coffee
8:30 am – 9:00 am	Keynote Speaker: Pr William Zartman , The Johns Hopkins University, USA Subject “ Negotiability (Tribute to Christophe Dupont) or Impossibility to Negotiate ”
9:00 am – 10:30 am	<p style="text-align: center;">Round Table <i>Should we Negotiate with Terrorists?</i></p> <p>Panelists: Guy-Olivier Faure, Senior Visiting Fellow in Diplomacy and Foreign Affairs, The Clingendael Institute, The Hague, The Netherlands Laurent Combalbert, President-founder of ADN Agence des négociateurs, France Moty Cristal, Ceo and Founder of NEST Consulting, Israel Eric Blanchot, Directeur des opérations, Promediation, France</p> <p>Moderator: Guy-Olivier Faure</p>
10:30 am – 10:45 am	Coffee Break
10:45 am – 12:15 am	<p style="text-align: center;">Round Table <i>Negotiations of ODD-SDGS and Public-Private Partnership (PPP)</i></p> <p>Raymond Saner, Director Diplomacy Dialogue, Switzerland Litchia Saner Yiu, Director CSEND, Switzerland Rainer Geiger, Lawyer, Former Deputy Director Investments and Multinational Enterprises, OCDE, France Huub Ruel, Professor of International Business, Windsheim University, The Netherlands</p> <p>Moderator: Raymond Saner</p>
12:15 am – 2:00 pm	Lunch

Thursday, November 17, 2016
2:00 pm – 9:30 pm

Auditorium

2:00 pm – 3:30 pm	<p>Round Table Negotiating Security Issues in Eurasia</p> <p>Panelists: Terrence Hopmann, The Johns Hopkins University, USA Mikhail Troitsky, Moscow State Institute of International Relations, Russia William Zartman, The Johns Hopkins University, USA Paul Meerts, The Clingendael Institute, The Netherlands Guy-Olivier Faure, The Clingendael Institute, The Netherlands</p> <p>Moderator: William Zartman</p>
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Parallel Sessions and Simulation Workshops
3:30 pm – 5:00 pm

PARALLEL SESSIONS			
Room 1.026	Room 1.028	Room 1.030	Room 2.128
Session 7	Session 8	Session 9	Session 10
<p style="text-align: center;">Complexity as a Rising Branch of the Field</p> <p>Chair: Guy-Olivier Faure</p> <ul style="list-style-type: none"> ▶ <i>Understanding Intractable Conflicts and Influencing Intractable Conflicts.</i> Peter Thomas Coleman, USA Joshua Fisher, USA Nicholas Redding, USA ▶ <i>Negotiations in the Public sector: Implications for applying negotiation theory to Dyadic versus multi-party Conflicts.</i> Sanda Kaufman, USA Deborah Shmueli, USA Connie Ozawa, USA ▶ <i>Achieving Process and Outcome Justice in Negotiation procedural and substantive justice.</i> Lynn Wagner, USA Daniel Druckman, USA ▶ <i>The Resolution of Intractable Conflicts.</i> Alan Jenkins, France ▶ <i>Getting in Sync: What to do When Problem-Solving Fails to Fix the Problem.</i> Peter Thomas Coleman, USA Rob Ricigliano, USA 	<p style="text-align: center;">Gender and Negotiation</p> <p>Chair: Leslie Shaw, France</p> <ul style="list-style-type: none"> ▶ <i>What Difference does Gender Difference Make in ADR?</i> Andrea Schneider, USA Carrie Menkel Meadow, USA ▶ <i>Kindness Across Cultures: Reversing Competitiveness in Intercultural Negotiations through Honor and Emotions.</i> Jimena Ramirez Marin, France Adrian Barragan Diaz, France ▶ <i>The Female Touch: An intergenerational Study on Negotiation Strategies, Stereotype Impact and Leadership.</i> Ann-Sophie de Pauw, France ▶ <i>The Expression of Emotions in Negotiations: An Experimental Investigation on Emotion Behavior of German and Italian Negotiators.</i> Elena Nuernberger, Germany Katrin Zulauf, Germany Ralf Wagner, Germany ▶ <i>Elections and Conflict Prevention: Lessons from Sud-Saharan Africa.</i> Jose Pascal da Rocha, USA Eva Paul, USA Fabian Schmid-Grosse, USA Brienne Watkins, USA Ratha Khuon, USA 	<p style="text-align: center;">International Negotiation</p> <p>Chair: Terrence Hopmann, USA</p> <ul style="list-style-type: none"> ▶ <i>Audience and Issue Saliency in International Negotiations: The United States-South Korea Beef Dispute.</i> Holger Janusch, Germany ▶ <i>Mediating the World. An Assessment of the French Presidency of the 2015 UN Climate Change Negotiations.</i> Hayley Walker, Belgium ▶ <i>Analyzing the Negotiation Dynamics Leading to the Prominence of Forests in the Paris Agreement of the UN Framework Convention on Climate Change.</i> Kristy Buckley, Canada Hosny El-Lakany, Canada Bas Arts, The Netherlands ▶ <i>Global Summit Prenegotiation: The G20 and the Case of the Global Economic Steering Committee.</i> Larry Crump, Australia Christian Downie, Australia ▶ <i>The European Union in Multilateral Negotiations. A Strategic Approach to Evaluate Negotiation Results.</i> Frank Pfetsch, Germany Andreas Isensee, Germany 	<p style="text-align: center;">Law, Mediation and Entreprises</p> <p>Chair: Catherine de Géry, France</p> <ul style="list-style-type: none"> ▶ <i>Du délicat équilibre entre liberté d'informer et protection des informations confidentielles des entreprises négociant l'apurement de leur passif: réflexions sur un arrêt récent de la Cour de cassation (Cass.Com., 15 décembre 2015, n°14-11500).</i> Coralie Esther Fiori-Khayat, France ▶ <i>Si la médiation et la conciliation m'étaient contées: la médiation et la conciliation en France : un changement de paradigme.</i> Laurence-Claire Lemmet, France ▶ <i>L'arbitrabilité du contentieux administratif en matière d'investissement : étude comparée.</i> Lamyaa Moudine, Maroc ▶ <i>Ethique et négociation.</i> Chahrazad Lammari, France

SIMULATION WORKSHOPS		
<p>Simulation 3:30 pm– 5:00 pm Room 2.126</p>	<p>Simulation 3:30 pm – 5:00 pm Room 2.124</p>	<p>Simulation 3:30 pm – 5:00 pm Room 2.006</p>
<p>▶ <i>Getting Physical about Negotiation: Embodied Techniques for Enhanced Performance and Protection.</i> Philippe Martin, European Commission, France</p>	<p>▶ <i>Agree Online: A New Social Network for Dispute.</i> Moty Cristal, Ceo and Founder of NEST Consulting, Israel Itai Brun, Founder of CYTYCE, Former Head of Analysis Division, Directorate of Military Intelligence, Israel</p>	<p>▶ <i>EU Negotiation.</i> Paul Meerts, The Netherlands</p>
5:00 pm- 5:30 pm	Coffee Break	
<p>Auditorium 5:30 pm – 5:45 pm</p>	<p>Keynote Speaker: Carrie Menkel-Meadow, University of California Negotiation: Where we came from and where we should be going</p>	
<p>Auditorium 5:45 pm – 6:30 pm</p>	<p>Awards Ceremony Best Paper Prize - President of the jury: Pr William Zartman Young Researcher Prize - President of the jury: Pr Raymond Saner Lifetime Achievement Awards – Anne Stefanini, Director of Novancia</p>	
6:30 pm – 7:30 pm	Cocktail Party	
8:00 pm	Dinner Banquet	

Friday, November 18, 2016

8:30 am – 12:15 am

Auditorium

8:30 am – 9:00 am	Welcome Coffee
9:00 am – 9:30 am	Keynote Speaker: Christian Thuderoz , INSA Lyon, France <i>Qu'est-ce-que négocier...</i>
9:30 am – 11:00 am	PIN Round Table <i>How negotiations end?</i> Valérie Rosoux , Catholic University of Louvain, Belgium Daniel Druckman , Queensland University, Australia Terrence Hopmann , The Johns Hopkins University, USA Michael Butler , Clark University, USA William Zartman , The Johns Hopkins University, USA
11:00 am – 11:15 am	Coffee Break
11:15 am – 12:45 am	Round Table on Iran : <i>Negotiations on Nuclear issues with Iran and Economic perspectives</i> François Nicoullaud , Former Ambassador of France in Iran Michael Ambühl , Professor, ETH Zurich, Former State Secretary, Ministry of Foreign Affairs, Ministry of Finance, Switzerland Ahmad Salamatian , Former Member of Iranian Parliament, France Moderator: Christian Chesnot , Journalist at Radio France
12:45 am – 2:00 pm	Lunch

Auditorium

2:00 pm – 3:30 pm	<p>Round Table What do we know about the markets for mediators?</p> <p>Sanda Kaufman, Cleveland State University, USA Christophe Honeyman, Convenor Conflict Management, USA Andrea Schneider, Director Dispute Resolution Program, Marquette University Law School, USA Michael Lee Moffitt, Dean of Oregon Law School, USA</p> <p><i>Chair: Sanda Kaufman</i></p>
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3:30 pm – 4:00 pm	Coffee Break
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Parallel Sessions
4:00 pm – 5:30 pm

Amphi 1.026	Room 1.028	Room 1.030	Room 2.124
Session 11	Session 12	Session 13	Session 14
<p style="text-align: center;">New conceptions of the field</p> <p>Chair: Deborah Shmueli, USA</p> <p>▶ <i>Mediating Beautifully: Aesthetics in Collaborative Processes.</i> Michelle LeBaron, USA Nadja Alexander, Singapore</p> <p>▶ <i>Negotiation and Professional Boxing: the Ringside Physician.</i> Habib Chamoun, USA Randy D.Hazlett, USA Joe Estwanik, USA Russell Mora, USA Gilberto Mendoza, USA</p> <p>▶ <i>Learning How to Learn to Negotiate.</i> Scott R.Peppet, USA Michael L.Moffitt, USA</p> <p>▶ <i>Who Prepares Ahead for Inevitable Conflict?</i> Christopher Honeyman, USA Andrea Schneider, USA</p>	<p style="text-align: center;">Power and Negotiation</p> <p>Chair: Daniel Druckman, Australia</p> <p>▶ <i>Power in New Liberalism: Interaction Effects Between Different Forms of Bargaining Power.</i> Holger Janush, Germany</p> <p>▶ <i>Legal Limitations of Negotiating Power: A Global Perspective.</i> George John Siedel, USA Gregory J.Marsden ,USA</p> <p>▶ <i>Overcoming Power Asymmetry in Humanitarian Negotiations with Armed Groups.</i> Ashley Jonathan Clements, Australia</p> <p>▶ <i>Pie in the Sky: Negotiating an equitable distribution of the carbon budget.</i> Andreas Knobel, Switzerland</p>	<p style="text-align: center;">Negotiation and Complexity</p> <p>Chair: Peter Thomas Coleman, USA</p> <p>▶ <i>"Hard" and "Soft" Complexity of Sovereign Debt Negotiation.</i> Czeslaw Mesjasz, Poland Lidia Mesjasz, Poland</p> <p>▶ <i>Modeling Complex Social Conflicts.</i> Sanda Kaufman, USA Hung The Diep, USA Miron Kaufman, USA</p> <p>▶ <i>When is "Enough" Enough? Settling for Suboptimal Agreement.</i> Terrence Hopmann, USA</p>	<p style="text-align: center;">Negotiation, Renegotiation and Partnerships</p> <p>Chair: Guy Groux, France</p> <p>▶ <i>Peut-on et comment nouer des compromis valoriels ?</i> Christian Thuderoz, France</p> <p>▶ <i>Une analyse des risques de renégociation des contrats de franchise : Une approche par la théorie des coûts de transaction.</i> Catherine de Géry, France Laurence-Claire Lemmet, France Enrico Colla, France Martine de Paris, France Maryline Schultz, France</p> <p>▶ <i>Vers une meilleure compréhension de la place de la négociation dans le partenariat public-privé : Etat des lieux et perspectives en Tunisie.</i> Ibtissem Dellagi, Tunisia Houda Zarrad, Tunisia Abdelfattah Triki, Tunisia Mohsen Debabi, Tunisia</p>

Room 2.126	Room 2.128
Session 15	Session 16
<p data-bbox="488 416 743 443" style="text-align: center;">Mediation and Negotiation</p> <p data-bbox="443 472 707 499">Chair: Sanda Kaufman, USA</p> <p data-bbox="443 528 783 663">▶ <i>"Sense of Access to Justice "as a Framework for Civil Procedure Justice Reform: An Empirical Assessment of Judicial Settlement Conferences in Quebec (Canada).</i> Jean-François Roberge, Canada</p> <p data-bbox="443 719 775 853">▶ <i>Legal Design Lawering: Rebooting Legal Business Model with Design Thinking.</i> Véronique Fraser, Canada Jean-François Roberge, Canada</p> <p data-bbox="443 887 756 1077">▶ <i>Transcending the Transaction : From Distributive and Integrative to Trans-Generational Negotiations.</i> Habib Chamoun, USA Francisco Rabadan Perez, Spain Randy D. Hazlett, USA Raquel Ibar Alonso, Spain</p> <p data-bbox="443 1111 762 1211">▶ <i>Omniprésente médiation : Prolifération et spécialisation des acteurs de la résolution des conflits.</i> Charles Tenenbaum, France</p>	<p data-bbox="810 416 1118 443" style="text-align: center;">Political Conflicts and Mediation</p> <p data-bbox="810 472 1074 499">Chair: William Zartman, USA</p> <p data-bbox="810 528 1123 640">▶ <i>Political Mediation in Intrastate Conflicts: Challenges, opportunities and Lessons Learned.</i> Jose Pascal da Rocha, USA</p> <p data-bbox="810 663 1134 797">▶ <i>"There is no Plan B" – Explorative analysis of the coalition formation negotiation in Germany in 2013.</i> Ali Hotait, Germany Anika Wille, Germany</p> <p data-bbox="810 831 1134 999">▶ <i>Adaptive Mediation: An Evidence-Based Approach for Mediating Dynamic Conflicts.</i> Peter Thomas Coleman, USA Katharina Kugler, USA Ljubica Chatman, USA</p>

INFORMATION AND REGISTRATION

INFORMATION

Dr Doudou Sidibé
Scientific Coordinator of the 6th International Biennial on Negotiation
3 rue Armand Moisant - 75015 Paris
Contact: + 33 (0)1 55 65 51 68
Email: dsidibe@novancia.fr

REGISTRATION

Stéphanie Jean-Mangin
Research Administrator
3 rue Armand Moisant - 75015 Paris
Contact: + 33 (0)1 55 65 56 68
Email: smangin@novancia.fr

Pr Christophe Loué
Research Manager
3 rue Armand Moisant - 75015 Paris
Contact: + 33 (0)1 55 65 56 85
Email : cloue@novancia.fr

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William Zartman, Paul H. Nitze School of Advanced International Studies (SAIS), Johns Hopkins University, USA

Novancia Scientific Organizing Committee

Scientific Coordinator: Dr Doudou Sidibé

Contact: + 33 (0)1 55 65 51 68 – email: dsidibe@novancia.fr

Philippe Broda, Professor-Researcher

Thierry Coville, Professor-Researcher

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The members of the Scientific Steering Committee are part of the permanent faculty of Novancia.

<http://www.novancia.fr/corps-professoral>

USEFUL INFORMATION FOR PARTICIPANTS

Language

English and French are the official languages of the conference.

Localisations

Level 0:

Moisant Reception Room: Lunch - Networking

Level 1:

Entrance / Exit

Registration

Auditorium

Amphitheatres 1.026 – 1.028 – 1.030

Level 2:

Rooms 2.006 -2.124 – 2.126 – 2.128

Level 3:

Computers, room 3.004

Presentations

Each session will last 1h30 and each communication 20 minutes. We recommend using 15 minutes for presentation and the remaining 5 for discussion.

All rooms are equipped with a computer and a computer projector. If you wish to use a computer, your work should be saved on a USB pen drive.

In order to meet our timetable, and to allow participants to attend subsequent sessions, we ask for **maximum punctuality**.

Chairman of the sessions

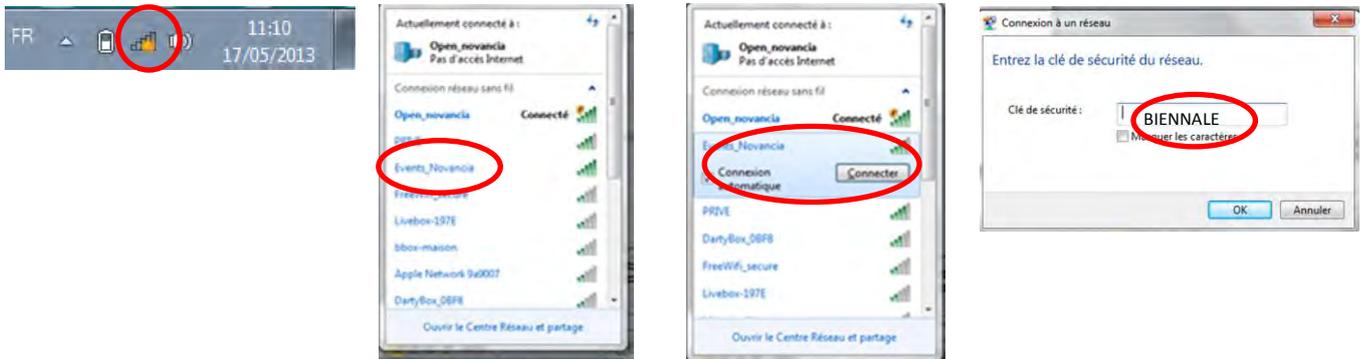
Moderators are chosen to chair each session. In case one of them is late or missing, the last author to present his communication will be required to chair the session and to assist time-keeping.

Business center (free)

Throughout the conference, 22 computers connected to the Internet will be available at room 3.004 level 3

Wireless access

All participants who come with a laptop computer may use our wireless network to access the Internet.



Guests should know that:

- We are not responsible for any virus that affects your computer. We recommend that you always use an updated antivirus program and operating system.
- Not all computers are compatible with our wireless network.

Updated information

Updated information about the conference can be found at www.novancia.fr/biennale-programme

Further information

If you need any assistance, please do not hesitate to contact:

Doudou Sidibé: dsidibe@novancia.fr – Scientific coordinator, 6th International Biennial on Negotiation

You may also call this number: +33(0)6.59.43.60.92

Official website of the Paris Convention and Visitors Bureau

If you wish to visit Paris, this website will provide you with information: www.en.parisinfo.com

Access to the papers

The full papers will be available on the conference website: www.novancia.fr in the section “Programme and speakers”, during the week following the conference.

You can access these documents by using the following user name and password.

PLAN OF ACCESS TO NOVANCIA

3 rue Armand Moisant
75015 Paris

Subway: Montparnasse Bienvenüe / Falguière / Pasteur

Bus: 28 – 58 – 91 – 92 – 94 – 95 – 96



Accommodation

These hotels are near the conference and their websites are in english as well

Hôtel Berkeley ***

2 rue Odessa

75014 Paris

Contact: 01.43.22.25.37

www.hotel-berkeley.com

email : reservation@hotel-berkeley.com

Hôtel Ibis Tour Montparnasse ***

22 avenue du Maine

75015 Paris

Contact: 01.45.48.95.52

www.accorhotels.com

Hôtel Ibis Gare Montparnasse ***

71 boulevard de Vaugirard

75015 Paris

Contact: 01.43.20.89.12

www.accorhotels.com

Hôtel Miramar ***

6, place Bienvenue

75015 Paris

Contact: 01.76.46.02.82

www.hotelmiramar75.com

Hôtel Louison ***

105 rue de Vaugirard

75006 Paris

Contact: 01.53.63.25.50

www.louison-hotel.com/fr

TimHotel Paris Gare Montparnasse ***

22 rue de l'Arrivée

75015 Paris

Contact: 01.45.48.96.62

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Hôtel Edouard VI Montparnasse ***

61 boulevard de Montparnasse

75006 paris

Contact: 01.45.48.94.99

www.hotel-edouard-vi-paris.com/Hotel_Edouard_VI_Hotel_information_fr.html

Hôtel Arcadie Montparnasse ***

71 avenue du Maine

75014 Paris

Contact: 01.43.20.91.11

www.hotel-paris-arcadie.com

Hôtel La Maison Montparnasse **

53, rue de Gergovie

75014 Paris

Contact: 01.45.42.11.39

www.lamaisonmontparnasse.com

Hôtel Korner Montparnasse **

54 rue Falguière

75015 Paris

Contact: 01.43.20.70.70

www.hotelkorner.com

Abstracts

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Mediating in Mali and Chad: Lessons from Practice to Inform Theory.

Prof. Sanda Kaufman
Cleveland State University
2121 Euclid Avenue
Cleveland, OH 44115
United States of America
Phone 2166872367
E-Mail: s.kaufman@csuohio.edu

Eric Blanchot, Promediation, France

Abstract. Western countries' governments and NGOs and the United Nations (UN) spend considerable resources yearly on intervention in inter- and intra-state, ethnic, tribal and other conflicts around the world. Their underlying belief is that all such disputes can and should be resolved only through negotiations. They intervene - often through the UN - to stop armed conflict and then to encourage the warring parties to negotiate. Interventions follow guidelines (e.g., UN Guidance for effective Mediation) which closely track prescriptive negotiation theory and derived best practices developed in the West (mostly in the United States). We ask here how these prescriptions and best practices work in places that are quite different from the contexts in which they evolved.

Based on the experiences of one of the co-authors, who mediates disputes in Africa's Sahel region, we seek to sharpen our questions rather than our answers. We pit observed behavior against theoretical prescriptions to assist in generating effective intervention in non-Western conflicts. We hold a mirror to our prescriptions to see why at times they do not work as we would expect, or even fail, to improving practices in non-Western and even in Western countries. We illustrate with examples from conflicts in Mali and Chad – where one of the co-authors plies his mediation trade - some negotiation prescriptions that are taught, enshrined in guidelines, and applied in the field of international mediated negotiations. We pit several negotiation prescriptions against examples from negotiation episodes to surface what works well, what needs some adaptation and what does not seem to work at all in these contexts. We explore some reasons for the matches and mismatches observed in our examples. To conclude we offer some ideas for making the best of negotiation theory prescriptions while avoiding some of the pitfalls in their application to specific contexts.

Keywords: intergroup mediation, theory to practice to theory, international intervention

Negotiating While Black in the Workplace With Mediator Competency.

Prof. Michael Z.Green
Texas A&M University
School of Law
1515 Commerce Street
Fort Worth, TX 76102
United States of America
Phone 817-212-4140
Fax 817-212-3965
E-Mail: mzgreen@law.tamu.edu

Abstract. The United States' increasing multicultural population has led to some purported beliefs that the country, with a black President, has approached a post-racial society where concerns about race have become passé. This paper demonstrates that race still matters as an important factor in negotiations, especially in the workplace. The paper attempts to capture and describe as much of the key literature and cases in the United States that identify the unique experiences for black persons in negotiation. The paper uses a workplace hypothetical and aspects of critical race analysis regarding covering and stereotype threat to make some suggestions to address these challenges especially in salary negotiations. One of those key suggestions involves the use of mediation to level the racial playing field when issues of negotiating while black may arise. The parties must seek mediators with the cultural competency and skills to address the unique racial implications that may be affecting the negotiations. Those mediators can validate the dispute resolution process when individual employees in the United States find themselves negotiating while black.

Keywords: negotiation, mediation, race, employment, discrimination

Negotiating with Scripts and Playbooks: What to Do When Big Bad Companies Won't Negotiate.

Prof. Carrie Joan Menkel-Meadow
University of California
Law School and Political Science
University of California Irvine LAW SCHOOL
401 E. Peltason Drive
Irvine, CA 92697
United States of America
Phone 949-824-1987
E-Mail: cmeadow@law.uci.edu
E-Mail: meadow@law.georgetown.edu

Abstract. This paper (co-authored with Robert Dingwall, UK) looks at the world of consumer negotiation with large companies who use manuals, playbooks and e-negotiation to deal with consumers disputes. The paper reviews practices, past, present and anticipated future and suggests strategies for the new world of routinized repeat player negotiation. This is both a domestic and internationally relevant paper.

Keywords: e-negotiation, routinized negotiation, transborder disputes

The Market(s) for Mediators

Prof. Michael Lee Moffitt
University of Oregon
School of Law
75 Constantine Place
Eugene, OR 97405
United States of America
Phone +1-541-346-3836
E-Mail: mmoffitt@uoregon.edu
E-Mail: michael.l.moffitt@gmail.com

Abstract. We know surprisingly little about the market(s) for mediators. Who hires mediators? What do they think they're buying when they hire mediators? Who do they hire as mediators? Part of the reason we know so little about this market has to do with the nature of mediation itself, its confidentiality, its informality, its variable relationship with the state, with the courts, and with institutional players. Part of the reason we know so little about this market is that we have not developed a conceptual framework for understanding the mediation market(s). In some ways, this fluidity has served to permit the field to evolve dynamically. Not having an understanding of the market structure, however, makes it harder for consumers, practitioners, and educators. With this paper, I will seek to offer a set of organizing principles for understanding these foundational questions about the market(s) for mediators.

Keywords: mediation

Impact of Unconscious Bias and Marginalities in Negotiation.

Ranse William Howell

Centre for Effective Dispute Resolution
Skills Solution
70 Fleet Street
London
Ec4Y 1EU
United Kingdom
Phone 0207 536 6000
Fax 0207 536 6001
E-Mail: rhowell@cedr.com
E-Mail: ransehowell@gmail.com

Matthew Hill, Centre for Effective Dispute Resolution, UK
Susanne Schuler, Centre for Effective Dispute Resolution, UK

Abstract. It is the tendency of many negotiators who are experiencing stress to come from an ethnocentric or marginal position. That is to say they feel the socio-cultural norms, including gender-biases, that they have experienced growing up apply to the other party as well. This manifests as the projection of what is normal for them to be understood by the other party.

When individuals negotiate within the same/similar ethnic background there will often be assumptions and shortcuts about norms of behaviour. While, negotiation practitioners and theorists have been comfortable discussing ethnic and regional differences they have differed on the impact a gender-biased approach may have on the negotiation strategy, the outcome and the perception or misperception of equality.

An even more discrete cultural difference is that of marginality and how it impacts on the basic norms of behaviour or if there is some inherent bias towards those who are not of the same in-group (e.g. pale, male, stale, straight). What this uncovers is an inherent inequality which is rarely articulated but can be felt by those who are identified as being different and not part of the group.

In negotiation conflict is an inherent part of the process and conflict is generated by an emotional response to a set of circumstances or stimuli. There are many who find that emotion is something that can be rejected and seen as a distractor to the process, these same individuals might label those who do not share the same gender identification or sexuality as being too emotional and the need to express these emotions, as a sign of weakness. However, these same individuals who are perceived as different, might be able to come to a better agreement because they are able to collaborate and are comfortable with a creative and 'out-of the-box'-approach, reaching agreement using a less conventional combination of factors. A reconciliation-before-negotiation-approach might be required.

Keywords: Cross-cultural - Interculturalité, Gender - Genre, Marginality - Marginalité, Bias - Préjugé, Emotion - Émotion, Reconciliation - Réconciliation

Physical Violence as a Negotiating Tactic and the Criminalisation of a CEO.

Dr Leslie Shaw, France
ESCP Europe
7 rue Coysevox
75018 Paris
France
E-Mail: lshaw@escpeurope.eu

Abstract. This paper looks at the use of physical violence as a negotiating tactic in France, illustrated by the case of the bitter dispute between French taxi drivers and mobile ride hail company UberPop.

Keywords: Negotiation - violence - digital economy

Cast a Brick to Attract Jade. Getting Beyond Reciprocity.

Prof. Jack Nasher

Munich Business School
Leadership and Organization
Elsenheimerstr. 61
80687 Munich
Germany

E-Mail: jack.nasher@munich-business-school.de

Abstract. The norm of reciprocity is a law of human behaviour that is found in all cultures. Previous research on the norm of reciprocity applied in the business context has mostly focussed on not being tricked into feeling obliged. However, it can be utilized proactively by conceding strategically. A set of practical negotiation tactics, such as 'good cop, bad cop', the 'Bogey' and the 'Decoy', along with psychological phenomena 'Hyperbolic Discounting' and 'Prospect Theory' are being scrutinized in order to maximize the effect of reciprocity.

The old 'good cop, bad cop' ploy is a means to create the feeling of indebtedness in the other party. Otherwise, the value of a concession depends on perception., receiving more than giving can be achieved by using the Bogey/Decoy ruses as well as Hyperbolic Discounting and Prospect Theory.

The Bogey ruse suggests that nothing should be conceded without receiving something in return, the Decoy implies that concessions should even be invented.

According to Hyperbolic Discounting, the negotiator who offers their concession immediately but is patient to receive theirs in the future, will receive a higher yield. Prospect Theory suggests that negotiators who grant their concessions piece by piece will be perceived as being more generous and will receive more in return.

While each of these phenomena has been explored before, much can be gained by combining them in the context of a negotiation, particularly by maximizing the effectiveness of the norm of reciprocity.

Keywords: Norm of reciprocity, Bogey, Decoy, Hyperbolic Discounting, Prospect Theory

GAMES OF DETERRENCE AND ARGUMENTATION AS A SOURCE OF AGREEMENT.

Prof. Michel Rudnianski
ORT france
75016 Paris
France
E-Mail: michel.rudnianski@wanadoo.fr

Abstract. The exchange of arguments between the stakeholders of a negotiation has already been formalized through a particular type of qualitative games called Games of Deterrence, enabling to determine which arguments in favor of a particular agreement are to be considered valid and which are not. On this basis, the present paper proposes to address negotiations, not through a direct analysis of agreement proposals, but on the opposite through starting from the arguments put on the table by the parties, and determining the characteristics of agreements consistent with these arguments.

Keywords: agreement, argument, deterrence, games, graphs, playability, posture

Why Training in Negotiations Becomes Indispensable for Everyone Today? The Case of Greece.

Dr Anastasios Bisopoulos

Network for Dialogue and Negotiations, Thessaloniki, Greece

28th October 7B

54642 Thessaloniki

Belgium

Phone +32475363652

E-Mail: tassosbiz@yahoo.gr

E-Mail: abisopoulos1@gmail.com

Abstract. Most of the decisions taken today are the result of negotiations. The main claim of this paper is the widespread ignorance about negotiations that inhibits the smooth functioning of our increasingly complex democracies and societies. It argues that voters should be aware of negotiation principles and practices when they are asked to decide on negotiated solutions for today's economic, political or interpersonal problems. However, negotiation principles and skills need time to be digested and to be used in practice. The paper argues that early training in negotiation principles is indispensable and would offer multiple benefits that would help all persons to participate responsibly in our democracy and to be successful in their profession and in the society. An association for this purposed has just been established by the author in Thessaloniki, Greece, that aims to undertake teaching, research, and analysis of negotiations. All comments/suggestions are welcome.

Keywords: Negotiation, training, education, adolescents, Greece

Une approche innovante de la pédagogie de la négociation : la création de jeux de rôles dans le cadre de partenariats école/entreprise.

Prof. Patrick Germain-Thomas

Novancia Business School Paris, France

E-Mail: pgermain@novancia.fr

Catherine Lafarge, Novancia Business School Paris, France

Doudou Sidibé, Novancia Business School Paris, France

Abstract. Durant l'année universitaire 2015-2016, une expérience pédagogique innovante a été menée avec deux groupes d'étudiants en apprentissage, inscrits en deuxième année de master. Il s'est agi de confier à ces étudiants la tâche d'élaborer des jeux de rôles à partir de situations réelles vécues dans les entreprises partenaires accueillant des apprentis. Pour mettre en place cette expérience, les enseignants ont pris contact avec l'ensemble des entreprises pour leur proposer de participer au projet pédagogique. Six d'entre elles ont répondu positivement (trois pour chaque groupe) et il a été possible, à partir d'un entretien approfondi avec les professionnels chargés de l'encadrement des étudiants (maîtres d'apprentissage) d'y identifier des exemples concrets de négociations complexes reflétant bien les activités habituelles des organisations concernées. Pour chacun de ces exemples il a été demandé aux maîtres d'apprentissage de fournir les informations nécessaires pour que les étudiants puissent construire eux-mêmes des cas pédagogiques destinés à être mis en scène dans le cadre d'une séance de jeux de rôles.

Keywords: simulation, pédagogie, négociation

**FORMER A LA MEDIATION CIVILE ET COMMERCIALE,
Premier bilan d'une expérience certifiante de formation continue.**

Dr. Guy Deloffre

ICN Business School Nancy

13, rue Michel Ney

54000 Nancy

France

Phone 0683806833

Fax 0354502501

E-Mail: guy.deloffre@icn-groupe.fr

E-Mail: deloffreguy@hotmail.fr

Olivier Cachard, Faculté de Droit de Nancy, Université de Lorraine, Nancy, France

Abstract. This paper is a first milestone after the operation of the continued legal education syllabus on mediation of civil and commercial disputes dedicated to practising lawyers. In a first part, the context and the purposes of the syllabus are underlined. In a second part, light is shed on the first results, the theoretical and practical basis being presented. A syllabus on mediation requires from learners to reorganize the knowledge they already have, to assimilate new methods and theories, and, last but not least, to reconsider their attitude as regards mediation as a result of a self-reflexive process.

Keywords: Mediation in civil and commercial matters, ethics, guidelines, law, third neutral

A MULTI-FACETED ROLE FOR MEDIATORS IN CIVIL AND COMMERCIAL DISPUTES: IMPLICATIONS FOR PRACTICE AND MEDIATOR TRAINING.

Prof. Barney Jordaan
Vlerick Business School
People & Organisation Area
Reep 1
9000 Gent
Belgium
Phone +32471134594
E-Mail: barney.jordaan@vlerick.com

Abstract. Debates about mediator styles in civil and commercial disputes have obscured the multi-faceted role that mediators could play in helping parties involved in civil or commercial disputes resolve their differences. By imagining the resolution of such disputes as involving three distinct but inter-linked phases - the planning, negotiation and post-negotiation phases - mediators could play diverse roles in helping disputants resolve their disputes in a manner that is both efficient and cost effective.

Keywords: Evaluative mediation, Facilitative mediation, Mediator style, Transformative mediation, Guided choice

The Firm's Strategy and its Negotiation Capability: the Ryanair Case.

Dr. Adrian Borbely
IESEG School of Management
International Center on Negotiation (ICON)
Socle de la Grande Arche
1 parvis de la Défense
92044 Paris la Défense
France
Phone 0689989385
E-Mail: a.borbely@ieseg.fr

Andrea Caputo, Lincoln University Business School, UK

Abstract. This paper investigates the potentially reciprocal relationship between negotiation and corporate strategy, with the aim to start answering the following two questions: how does the strategic positioning of a firm impact its negotiation practices and how does negotiation influence strategy implementation? We assemble literature in strategy with research in negotiation, focusing on the concepts of the integrated approach to negotiation and dynamic capabilities. To unveil the intricate relationship between our two fields of interest, we use Ryanair as a case study, as this company has built a unique negotiation approach, based on its market power, which stands at the roots of its competitive advantage. This has implications for both practice and research, as an integrated study of negotiation and strategy could lead to a better understanding of the strategy making process and its foundations for success

Keywords: Negotiation, Capabilities, Ryanair, Resource-Based View, Case Study

Mitigating Risks: When Making the First Offer in a Negotiation.

Bilan Ariel Stribling
Columbia University
2 Bent Branch Court
Durham , NC 27704
United States of America
Phone 919.937.3066
E-Mail: bas2229@columbia.edu
E-Mail: bilanariel@gmail.com

Abstract. This paper discusses the driving factors that can help parties mitigate risks when making the first offer in negotiations. The first section explains the potential benefits of making the first offer. The second section describes the potential risks or cost that can occur when making the first offer. Lastly, the paper discusses ways in which negotiators can mitigate risks when making the first offer. Furthermore, the research in this paper suggests that risks can be mitigated if parties prepare and conduct relevant research, possess strong self-confidence, and have a clear objectives and expectations during the negotiation process. However, these elements needed to mitigate risks are interconnected. The confidence needed in the negotiation will develop after strong preparation and research. The discovery of underlying interests will allow parties to make informed decisions and set realistic expectations when making the first offer in the negotiation.

Keywords: Conflict Resolution, Negotiation, Bargaining, Agreements

Buyers' Variable Pay as a Determinant of Negotiation Strategies.

Ali Hotait

University of Erfurt

Neuhausweg 6

13583 Berlin

Germany

E-Mail: ali.hotait@uni-erfurt.de

Abstract. Negotiations in procurement are of crucial importance for the economic profitability and the competitiveness of a company. Buyers spend a significant portion of their working day negotiating, up to 50 percent of their time negotiating. Especially in increasingly competitive markets it is important for companies to understand buyers' negotiation behavior in order to adapt their wage policies. Consequently, negotiation strategy – characterized as observable patterns of behavior – have captured the attention of many scholars. Although studies thus concentrate on a variety of determinants to get a deeper understanding of how negotiation strategies are influenced, there are barely any studies so far that consider consciously set incentives – such as variable pay – for negotiation strategy. Hence, the main purpose of this empirical study is to examine the relationship between purchasing managers' variable payment and their negotiation strategy. I also analyse whether the negotiation experience and crucial long-term business orientation in the purchasing context influences negotiation strategy. My findings show that the negotiation experience and the long-term orientation of purchasing negotiators had an impact on their applied negotiation strategies. My results reveal that the collaborative negotiation strategy is the most prevalent strategy among buyers in Germany. My findings also show that the negotiators that obtain variable payment indeed use more of compromise strategy and do not apply competing significant more intense. My study offers important insights and further understanding of the relationship between variable pay and buyers' selection of negotiation strategies in B2B settings, further; my study offers a contribution to negotiation theory and also provides valuable recommendations to practitioners.

Keywords: Negotiation Strategy, Variable Pay, Buyers' Negotiation Behavior, Long-Term Orientation

The Effects of Interpersonal Trust on Relationship Managers' Subjective Value and Customer Satisfaction.

Juliana Mansur

Getulio Vargas Foundation FGV
EBAPE - Brazilian School of Public and Private Administration
Praia de Botafogo, 190, Botafogo / 5th floor
Rio de Janeiro - RJ
22250190
Brazil
E-Mail: juliana.kopp@fgv.br

Filipe Sobral, Getulio Vargas Foundation FGV

Abstract. In the present research we examine interpersonal trust between relationship managers and customers as an antecedent of customers' satisfaction. We explore the role of managers' satisfaction with the outcome of the negotiation in mediating this relationship. Our results points to a positive relation between cognitive based trust and customer satisfaction, mediated by managers' feelings about the negotiation outcome..

Keywords: Negotiation, Interpersonal Trust, Negotiation Outcome Satisfaction, Customer Satisfaction

Getting beyond 'ground zero': Dialogue structures in company-community disputes.

Dr. Jose Pascal da Rocha
Columbia University
Negotiation and Conflict Resolution
2970 Broadway
Lewisohn 510E
New York, NY 10027
United States of America
Phone +16464368155
E-Mail: p.darocha@columbia.edu
E-Mail: josepascal.darocha@gmail.com

Abstract. Companies in the extractive industries context may believe that their social investment in communities, for example, building schools and hospitals, is what creates fairness. But sometimes this is done without proper consultation or assessment of what communities really need. Corporate social responsibility initiatives cause more harm than good if community voices are not heard in their design and execution. It is crucial to get community buy-in. People need to feel that their participation in a process is meaningful – that they are helping to shape their own future, not just benefiting from immediate improvements of the local infrastructure. This paper will elaborate on the establishment of best practices in community grievance mechanism, which put the onus on the company to set up redress mechanisms that comply with human rights global best practices and which provides social equity in terms of the communities being involved in the design of the grievance mechanism. The paper will present the global best practices and then explore the practices through two case studies, where the presenter has been involved in large stakeholder engagement consultation processes, resulting in the set up and implementation of dialogue structures between company and community.

Keywords: environmental disasters, human rights, large-scale extractive business, grievance mechanisms

Negotiation and international mediation in political conflicts.

Ida Manton

N/A

Hristo Uzunov 9

1000 Skopje

Macedonia, Former Yugoslav Republic of

Phone +38972 220 577

E-Mail: ida.manton@gmail.com

Abstract. The paper looks into how international mediation can contribute to the negotiation between antagonistic political forces in a society, whose functions and values are undermined by this existential fight and their behaviour takes a form of a zero-sum game. The hypothesis is that unless well designed, inclusive and built upon step-by-step safeguards, the mediation effort in internal political conflicts could be misused by the parties for further escalation. That would then lead to an increased gap and decreased likelihood of finding common ground and a mutually acceptable way forward.

Available literature does not consider the ad hoc nature of assembling multiparty mediation actors and usually presupposes that they act in a coordinated and cooperative manner. The experience from the case analysed in this article, the political crisis in Macedonia (that displayed deep societal confrontation since 2015) and other similar cases show that it is not always rationally decided who has the potential for the task at hand, based on their terms of reference. Sometimes it is the personality, other times it is the energy or the cooperation possibilities package created by all of the involved mediators. Also these are not all actors who would be brought from policy centers outside the country as experts. On the contrary some of them are caught in the process while carrying out their otherwise routinely diplomatic service and the relationships are already built. The article looks into this topic as the role of the mediator in such fragile political cases extends beyond formulating positions or facilitating communication and necessitates long-term commitment and supranational overview until democratic institutions are rehabilitated and the state can assume its expected duties.

Keywords: international mediation, third-party intervention, internal political conflict, cooperation, incentives

**Does Med-Arb Reduce Dispute Rates?
Evidence from a Quasi-Experiment Involving Police and Firefighters in Canada.**

Dr. Chris Riddell
Cornell University
ILR School
196 Ives Hall
Ithaca, NY 14853
United States of America
Phone 6075920057
E-Mail: cr443@cornell.edu

Abstract. We study the effect of the introduction of mediation-arbitration (med-arb) as a dispute resolution procedure. Our setting is compulsory interest arbitration for collective bargaining in the police and firefighter sectors in Canada over the 1982 to 2012 period. We exploit a quasi-experiment where med-arb was introduced for firefighters while police continued with the existing system. While the introduction of med-arb was clearly predicated on the notion that med-arb would create a bargaining environment more conducive to negotiated settlements, we find that the use of arbitration by firefighters substantially increased relative to the police. We also conduct some interviews with stakeholders in these sectors to understand the mechanisms that contributed to the increase in dispute rates.

Keywords: Mediation-Arbitration, Public Sector, Collective Bargaining, Interest Arbitration, Mixed-methods

LE CAMEROUN DANS LES NEGOCIATIONS DES OTAGES DE SABONGARI.

Emmanuel Tonton BAYOCK

Université de Douala

Direction des Affaires Administratives et Financières/FSJP

BP.2134

0000 DOUALA

Cameroon

Phone 00237 77 60 77 62

E-Mail: e_bayock@yahoo.fr

Abstract. Cette communication se propose d'interroger la délicate question de l'activité du Cameroun dans les négociations pour la libération de la famille Tanguy Moulin-Fournier, otages français enlevés dans la localité de Sabongari à l'Extrême-Nord du Cameroun. L'auteur analyse ce qu'il convient désormais d'appeler l'affaire Tanguy Moulin-Fournier aux travers de certains facteurs tels que: le comportement de L'État du Cameroun, la nature des acteurs, la complexité de l'accord conclu dans le secret total, l'impact diplomatique.

Dans un contexte mondial d'insécurité grandissante, particulièrement marqué par des conflits transfrontaliers, gracieusement nourris par des affaires d'otages, la question fascine les observateurs de tout bord. Dès lors, les négociations pour libérer les captifs méritent sérieusement d'être prise en considération.

Au bout du compte, on constate que le Cameroun, dans les négociations des otages de Sabongari, a démontré à travers son comportement, une certaine survivance des réflexes d'un non-alignement, avec une volonté de transcender les méthodes de la coopération classique dans les négociations de crise. Une véritable diplomatie de positionnement entre les interlignes, construite autour de la recherche des retombées stratégiques.

Keywords: Otages, Sabongari, négociations, libération, Tanguy Moulin-Fournier.

Escalating to an Agreement: The Prologue of the Iran Nuclear Talks.

Tobias W. Langenegger
ETH Zurich
MTEC
Weinbergstrasse 56/58
8092 Zürich
Switzerland
E-Mail: tlangenegger@ethz.ch

Abstract. The prologue of a negotiation can significantly influence its onset and outcome. It seems obvious that overcoming separating obstacles is an essential precondition for opening a dialogue. However, increasing pressure can also, under some circumstances, influence the start of negotiations. This study expands on the literature of escalation and negotiation in international conflicts by introducing a formal analysis of escalation and agreement. This model illustrates the conditions under which escalation can occur and shows that mutual escalation can play a role in increasing willingness to establish a space to negotiate. The underlying mechanisms are illustrated and discussed with data on the sanctions towards Iran, as well as the development of the Iranian nuclear program, over the last ten years.

Keywords: escalation, negotiation, Iran nuclear talks, sanctions

The Nuclear Option in a Bargaining Model.

Daniela Sereina Scherer

ETH Zürich

Negotiation and Conflict Management

Chair of Negotiation and Conflict Management

Weinbergstrasse 56/58

8092 Zürich

Switzerland

E-Mail: dscherer@ethz.ch

E-Mail: ds38@princeton.edu

Abstract. What are the game theoretic mechanisms that drive a rational actor's decision to face a conflict in a world with or without nuclear weapons? Drawing on the Rubinstein bargaining model of conflict, we have developed a model that distinguishes between a nuclear and a non-nuclear armed conflict. From the overall equilibria, we can identify the critical conditions that determine the choice between these two options. We find that the relevant factors include the status quo as well as the interplay between the general expected costs implied by a nuclear world and the expected costs of a nuclear escalation. We will discuss these findings and give an outlook on how the approach at hand might be implemented into other contemporary models.

Keywords: nuclear weapons, game theory, bargaining model, international conflicts

On Different Tracks: Disarmament Diplomacy from the Pacific.

Timothea Horn

Asia-Pacific College of Diplomacy,
Coral Bell School of Asia Pacific Affairs,
130 Garran Road,
Australian National University | ACTON ACT 2601 Australia
Timothea.Horn@anu.edu.au

Abstract. Canada, New Zealand and Australia championed international treaties to respectively ban landmines and cluster munitions and regulate the arms trade. Yet while leading on one treaty cycle, these three countries were absent from others. These parallel yet different negotiating tracks point to the question, when do states build international regimes? To address this, this paper looks at the three phases of three multilateral negotiations to compare and contrast how Canada, New Zealand and Australia have at times contributed to, and at times impeded, regime building. This paper finds that these states championed treaty making when political leadership, substantive expertise and diplomatic resources were all present. In the absence of one or more of these factors, these states had the opposite effect, slowing down progress and hollowing out the substance of treaties. By examining these parallel yet different negotiating tracks, this paper adds to our understanding of the drivers of regime building in order to identify the critical elements that led to successful codification of arms control by in Canada, New Zealand and Australia.

Keywords: Conventional weapons, international negotiation process, turning points analysis

Voyage dans la négociation nucléaire.

François Nicoullaud

Former Ambassador of France in Iran

nicoullaud@aol.com

Abstract. Contrairement à mon habitude, j'adopterai pour le récit qui suit un ton résolument personnel, en décrivant ma propre vision des choses, au risque de me faire contredire. Je développerai les événements dont j'ai été le témoin direct. Mon rôle dans la longue et multiforme négociation nucléaire avec l'Iran n'a pas en effet été suffisamment central et durable pour que je puisse espérer en présenter une relation exhaustive et à peu près objective. Il est d'ailleurs probable qu'aucun de ceux qui y ont été mêlés ne puisse nourrir une telle ambition, ce qui rendrait utile qu'un nombre suffisant d'entre nous puisse un jour apporter chacun son récit propre, pour dégager peut-être enfin de l'ensemble une vision certes fracturée, mais quand même à peu près générale, du moins en ce qui concerne le point de vue français.

Understanding Intractable Conflicts and Influencing Intractable Conflicts.

Dr. Joshua Daniel Fisher

Advanced Consortium on Cooperation, Conflict, and Complexity (AC4),
at The Earth Institute, Columbia University
475 Riverside Drive
Interchurch Center, Suite 253
New York, NY 10115
United States of America
Phone +1 435-764-0383
E-Mail: jf2788@columbia.edu

Peter T. Coleman, Advanced Consortium on Cooperation, Conflict, and Complexity (AC4),
at The Earth Institute, Columbia University, USA
Nicholas S. Redding, Teachers College, Columbia University

Abstract. Scholars report that between five and eight percent of contentious relationships between nations become intractable: they intensify, become locked-in, and persist for an average of thirty-six years. Similar patterns of entrenched conflict are found in families, organizations and communities. Although uncommon, these destructive dynamics wreak havoc and bring considerable suffering, cost and instability to the families, communities, nations and regions involved. For negotiators and conflict resolution practitioners working with parties to resolve these types of conflicts, traditional negotiation tactics are at best insufficient, and at worst can serve to perpetuate or exacerbate existing tensions. This contribution illustrates how recent findings from complexity science and dynamical systems theory can be applied to these seemingly intractable conflicts, offering new insights into innovative levers for change.

Keywords: dynamical systems, systèmes dynamiques, conflict, conflit, systemic change, changement systémique

Abstract. This is the second of two chapters that illustrate how recent findings from complexity science and dynamical systems theory can be applied to seemingly intractable conflicts, offering new insights into innovative levers for change. For the current chapter, a second set of guidelines will be presented. These guidelines address engaging with intractable conflicts, in terms of the initial steps for encouraging positive change, and methods for learning and adapting from feedback throughout the change process. Systemic engagement is one of the least predictable and thus most challenging phases of nonlinear change processes. However, the study of complex systems of all types has provided important insights into this phase. The guidelines outlined in this stage focus on effectively entering the system, engaging levers for change, and conducting proximal change experiments. The guidelines for systemic learning and adaptation focus on dynamic decision-making and assessment of nonlinear impact.

Keywords: dynamical systems / *systèmes dynamiques*, conflict / *conflit*, systemic change / *changement systémique*

Negotiations in the public sector: Implications for Applying Negotiation Theory to Dyadic Versus Multi-Party Conflicts.

Prof. Sanda Kaufman
Cleveland State University
2121 Euclid Avenue
Cleveland, OH 44115
United States of America
Phone 2166872367
E-Mail: s.kaufman@csuohio.edu

Deborah Shmueli, University of Haifa, Israel
Connie Ozawa, Portland State University, USA

Abstract. In this paper, we identify and analyze differences between dyadic and multiparty negotiations with or without intervention, using three cases that vary in scale.

Collaborative processes in the public sector involve multiple parties and occur at scales ranging from the very local, to city-wide, and to regional. (Forester, 1987; Innes and Booher, 2009; Nolon, et al., 2013.) The first case began as a land use dispute in a small locality Israel; the second is a city-level transportation/land use conflict in Oregon, and the third is a regional planning effort in Northeast Ohio. While facilitation/mediation of these processes relies heavily on negotiation theory, much of the negotiation literature (Diamond, 2010; Fisher and Ury, 1981; Lewicki and Litterer, 2012) still focuses on two-party interactions. We explore qualitative and quantitative differences and ask whether they warrant special attention.

We find that certain elements of negotiation theory hold true in multiparty negotiations (although often at a heightened level of intensity and complexity). However, there are important qualitative differences between dyadic and multiparty negotiations that have not received sufficient research attention. Six categorical characteristics of multiparty, distinct from dyadic, negotiations emerge from the three case studies, expanding the findings Susskind, Mnookin and Fuller (2005). The heightened complexity, long time frames and changing contexts lead to multiple and sometimes parallel processes, create challenges of representation/alliances/coalitions, information imbalances. They require tailored intervention processes and

Keywords: multi-party negotiations, intervention, theory to practice, public conflicts

Achieving Process and Outcome Justice in Negotiation.

Dr. Lynn Wagner
IISD and JHU SAIS
298 Riley Street
Falls Church, VA 22046
United States of America
Phone 7035343754
Fax 7035343754
E-Mail: lynn@iisd.org
E-Mail: lynnwagner@jhu.edu

Daniel Druckman, George Mason University, US;
Macquarie University and University of Queensland, Australia

Abstract. Individuals and groups experience justice through just exchanges and right action (procedural justice) as well as through outcomes that conform to just principles (distributive justice). Critically for negotiators and mediators, the two aspects of negotiation justice are linked. Outcomes that are reached through a process that participants deem to have been just are more likely to be implemented, even by those participants whose preferences were not favored in the agreement, and better joint outcomes have been found to result from processes that are deemed to be more collaborative (Hollander-Blumoff and Tyler 2008; Wagner and Druckman 2012). In this light, justice can be considered a compound variable, and those who seek to achieve justice through negotiations should consider both its process and outcome components. Through this review of the justice and negotiation research, we identify a path through which justice variables influence implementation of negotiated agreements. The path unfolds with an evaluation and adjustment of issue framing followed by adherence to procedural principles of justice. Such adherence increases the chances that equality principles will be emphasized in the outcomes. The combination of procedural justice and equality improves relationships among negotiators, which encourages compliance with the terms of agreement.

Keywords: procedural justice, distributive justice, negotiation process

The Resolution of Intractable Conflicts.

Prof. Alan Jenkins
ESSEC Business School
M.
51 rue du Montparnasse
75014 Paris
France
Phone +33627397735
E-Mail: jenkins@essec.edu

Abstract. In this paper I essentially argue critically that Peter Coleman's synthesis on the resolution of intractable conflicts, ICs, (in the book "The Five Percent") is fascinating but premature. It brings together much of what we know about many types of different intractable conflicts, but its quest for synthesis, based as it is on a suggested "universality" of IC system dynamics not only claims for more than can be delivered, but also runs the risk of erecting a new reductionism in effacing differences between conflict fields, in being highly selective regarding our existing knowledge of those fields, and in effacing the differences of level of intractability (indeed, civil wars and family disputes need to be carefully differentiated ...). In order to make the argument, I focus on what I see as three essential "complications" to the picture that Coleman presents, complications that need to be highlighted instead of effaced.

Keywords: intractability, complexity, conflict resolution

Getting in Sync: What to do When Problem-Solving Fails to Fix the Problem.

Prof. Peter Thomas Coleman

Columbia University

Psychology

450 West End Ave 12C

New York, NY 10024

United States of America

Phone 2126783112

Fax 2126783112

E-Mail: pc84@columbia.edu

E-Mail: coleman@exchange.tc.columbia.edu

Rob Ricigliano, Columbia University, USA

Abstract. Negotiators, mediators and conflict resolvers like to fix things. We prefer to enter problematic situations and use our conflict resolution tool kit to help mend fences, solve problems, find win-win, and get to yes. But in approximately 1-in-20 of our more difficult cases we fail. Despite our best efforts, the challenges we face grind on, escalate, become ever more costly, and burn us out. At some point we wash our hands of them, refer them out to the courts, psychiatrists, and call it quits. Faced with this dilemma, what is a committed negotiator to do? This paper outlines a third way. Rather than “fix” or “flee”, negotiators can think and work in sync with the “flow” of these more extraordinarily challenging situations to help unlock the potential energy, ideas and actors from within the system to change the system. Think of it as the “turning into the skid” advice for drivers approach to conflict resolution – counterintuitive but correct. This paper outlines this approach and highlights the importance of an alternative negotiation skill set for guiding constructive change when addressing unfixable problems.

Keywords: intractable problems, systems, complexity

What Different does Gender Difference Make in ADR?

Prof. Andrea Schneider
Marquette University
Law
1215 W. Michigan St.
Suite 302
Milwaukee, WI 53233
United States of America
Phone 4142885373
E-Mail: andrea.schneider@marquette.edu

Carrie Menkel Meadow, University of California Irvine School of Law, USA

Abstract. This presentation examines several key elements of gender difference. First, we look at the studies of women and negotiation--what has been shown in terms of propensity to negotiate for salary and how that also varies depending on role, training, and education. Law students, for example, showed no gender difference. Second, we examine what strategies have been shown to work to minimize backlash for women negotiators and also what institutional changes still need to occur. Finally, we look at the broader field of dispute resolution and share the results of a study done by the ABA of mediators and arbitrators outlining gender differences in terms of types of cases, amount of money at stake, and overall level of employment. Strategies for improving this situation are also discussed.

Keywords: Gender, Negotiation, ADR, Women

Kindness across Cultures: Reversing Competitiveness in Intercultural Negotiations through Honor and Emotions.

Prof. Jimena Ramirez-Marin
IESEG School of Management
3, rue de la Digue
59000 Lille
France
E-Mail: j.ramirez@ieseg.fr

Adrian Barragan Diaz, IESEG School of Management, France

Abstract. Negotiation between parties from different cultures is challenging. Intercultural negotiators reach lower outcomes compared to intracultural negotiators (Brett, 2013). These effects can be attributed to increased competitiveness between negotiators from different cultures. Three negotiation studies test two boundary conditions in which competitiveness is reversed in intercultural negotiations: honor concerns and emotions. Results show that honor norms moderate the effect of type of negotiation (Intra vs. Inter) on concessions such that French participants high in honor norms give higher concessions to French participants and French participants low in honor norms give higher concessions to the Chinese. Results show that emotions moderate the effect of type of negotiation on concessions, anger generates more concessions in intercultural and happiness in intracultural. Moreover, we show a three way interaction effect, in which anger only generates concessions in intercultural negotiation when honor concerns are low and in intracultural negotiation when honor concerns are high.

Keywords: Culture, Negotiation, Honor, Emotion, Concessions

THE FEMALE TOUCH: AN INTERGENERATIONAL STUDY ON NEGOTIATION STRATEGIES, STEREOTYPE IMPACT AND LEADERSHIP

Prof. Ann-Sophie De Pauw
IESEG School of Management
International Negotiation and Sales Management
3, Rue de la Digue
59000 Lille
France
E-Mail: as.depauw@ieseg.fr

Abstract. Three studies investigate in an integrative approach the individual and institutional barriers between women and negotiation excellence, withholding them to advance in their careers into leadership positions at the same rate than their male colleagues. The first qualitative inter-generational study explores women's negotiation strategies, gender roles, stereotype threat and leadership. The results of the interviews show a clear difference in counter-stereotypical behavior and female negotiation strategies across generations. The second experimental study investigates the effect of stereotype activation – in women and men alternately - on economic and relational negotiation performance in mixed-gender negotiations. In the third study senior management level delegates in different organizations were interviewed to gain a better understanding of the institutional barriers that impact women's negotiation performance and career advancement.

Keywords: Gender; Stereotypes; Leadership; Negotiation performance; Careers

The Expressions of Emotions in Negotiations: An Experimental Investigation on Emotion Behavior of German and Italian Negotiators

Elena Nuernberger

University of Kassel
Business and Economics
Mönchebergstr. 1
34125 Kassel
Germany

Phone +495618047404

E-Mail: elena.nuernberger@web.de

E-Mail: zulauf@wirtschaft.uni-kassel.de

Katrin Zulauf, University of Kassel, Germany

Ralf Wagner, University of Kassel, Germany

Abstract. This paper analyses the cohesion between culture and emotion in negotiations. The guiding question in this empirical study is to what extent cultural differences affect the use of emotions in negotiations. Many studies compare cultures with strongly diverging behaviors. Research in geographically concentrated areas like European countries is rare. Hence, this paper aims at revealing differences in emotional behavior between Germany and Italy.

We conduct an online-based negotiation experiment with 32 participants from Germany and Italy. Emotions are measured with the emotion recognition software SHORE™ as well as with the observation of the emotional behavior in terms of expressiveness. In both examined countries significant differences were found. The Italians show emotions more frequently and more intensively than Germans. This especially holds for negative emotions. In terms of emotion regulation Germans are ahead of Italian participants as they suppress their emotions in negotiations. There is a slight trend that Italians show more positive emotions and less negative ones than the Germans and that a high level of uncertainty avoidance goes along with a high expressiveness of emotions.collaboration between worlds

Keywords: emotions, intracultural negotiations, nonverbal communication, emotion regulation, emotion recognition

Elections and conflict prevention – Lessons from Sub-Saharan Africa.

Dr. Jose Pascal da Rocha

Columbia University
Negotiation and Conflict Resolution
2970 Broadway
Lewisohn 510E
New York, NY 10027
United States of America
Phone +16464368155
E-Mail: p.darocho@columbia.edu
E-Mail: josepascal.darocho@gmail.com

Eva Paul, Columbia University, United States of America
Fabian Schmid-Grosse, Teachers College, United States of America
BriAnne Watkins, Teachers College, United States of America
Ratha Khuon, Teachers College, United States of America

Abstract. This paper explores the contexts of, dynamics of and lessons learned from the nexus between elections and conflict prevention. It underscores that electoral processes are essentially linked to democratic control by the citizens and, thus, paramount to good governance, transparency, and accountability. These factors contribute legitimacy to the governments and, ultimately, promote conflict prevention, conflict transformation, and peace infrastructures. Drawing on the lessons from four African states, this paper will examine the conditions and variables of the contexts that either support or hinder leaders to relinquish power according to constitutional term limits, explore the role of political parties and non-governmental organizations as intermediaries of civic dialogue between the governments and their citizens, and elaborate on the prospects of “project democracy” and its linkages to peace infrastructures.

Keywords: Elections, conflict prevention, democracy, governance, political parties

Audience and Issue Saliency in International Negotiations: The United States-South Korea Beef Dispute.

Dr. Holger Janusch

Friedrich-Alexander-Universität Erlangen-Nürnberg

School of Business and Economics

Findelgasse 7-9

90407 Nuremberg

Germany

E-Mail: info@holgerjanusch.de

E-Mail: holger.janusch@fau.de

Abstract. A theoretical gap in the audience costs theory is the missing and undifferentiated definition and analysis of its central feature: the audience. The audience is often equated with the selectorate and seen as some kind of non-actor. This article defines the audience as a collective actor that can punish a government and also pays attention to the issue being negotiated. Thus, the audience can vary depending on the issue and its saliency. When the public issue saliency is high, voters form mainly the audience. Yet, the audience comprises just interest groups when the issue saliency is low. The audience's composition – voters or interest groups – in turn determines the level of the audience costs. Because voters tend to evaluate national reputation more highly and have lesser access to information than interest groups, the audience costs should be higher when the issue saliency is high. Furthermore, when the audience is considered to be an actor, it can take actions that prevent the effect of potential audience costs or generate exogenous audience costs. The negotiations between the United States and South Korea over the import ban on US beef serve as an empirical example to illustrate the above hypotheses.

Keywords: Audience costs, issue saliency, international negotiations, bargaining theory, attentive public

**Mediating the World.
An Assessment of the French Presidency
of the 2015 UN Climate Change Negotiations**

Hayley Walker

Leuvense Internationale en Europese Studies (LINES) (OE)
Parkstraat 45 - bus 3602
3000 Leuven

Abstract: The French Presidency of the 21st Conference of the Parties to the UNFCCC has been widely praised for being instrumental in the achievement of a long-awaited global agreement on climate change. How can we assess its role and contribution? Through a case analysis this study integrates concepts from psychology and mediation studies with mechanisms from international relations and diplomacy concerning the role, behaviour and effectiveness of the chair of multilateral negotiations. It argues for the significance of both systemic and behavioural approaches to mediation, however evidence gathered reveals the skilful behavioural approach adopted by the French Presidency constituted the 'extra ingredient' that was critical in assuring the success of the negotiations and the eventual adoption of the Paris Agreement, and which set this Presidency apart from their predecessors.

Analyzing the Negotiation Dynamics Leading to the Prominence of Forests in the Paris Agreement of the UN Framework Convention on Climate Change.

Kristy Buckley

Wageningen University
Forest and Nature Conservation Policy Group
#908 2788 Prince Edward Street
Vancouver, BC v5t0c8
Canada
Phone +12027010956
Fax +12027010956
E-Mail: kristy.buckley@gmail.com
E-Mail: kbuckley@merid.org

Hosny El-Lakany, University of British Columbia
Bas Arts, Wageningen University

Abstract. The Paris Agreement under the United Nations Convention on Climate Change (UNFCCC), that many observers welcomed as ‘historical’ explicitly calls out the role of forests in addressing climate change. Other sectors (e.g., transportation, energy, agriculture) were not as prominently featured in this global agreement. The agreement also underscores the role of conservation and sustainable management of forest carbon stocks, including creating global financial incentives to facilitate national-level policy change, through the mechanism to reduce deforestation and degradation (REDD+) which has been under negotiation in the UNFCCC since 2005. Through a theory-guided case study on specific aspects of the REDD+ negotiations under the UNFCCC and supporting REDD+ processes, this paper systematically analyzes the key dynamics, challenges, and innovations of the REDD+ negotiation process to provide insights into how consensus on forests and REDD+ was reached. The study identifies which negotiation dynamics presented the greatest constraints to reaching agreement, and those dynamics that were most enabling to parties’ ability to reach agreement, both within the UNFCCC negotiation context and in external supporting multistakeholder processes. The study also explores relationships: between negotiation dynamics – how some dynamics were drawn upon to overcome challenges in others; and between supporting external REDD+ processes and the formal UNFCCC REDD+ negotiations. This example of REDD+ negotiations contributes to understanding the key negotiation dynamics of international public policy negotiations which may provide insights into other multilateral public policy contexts and which may prove useful to facilitating other international agreements.

Keywords: climate change, forests, international negotiations, REDD+

Global Summit Prenegotiation: The G20 and the Case of the Global Economic Steering Committee.

Prof. Larry Crump
Griffith University
APEC Study Centre
Department of International Business
Griffith University
Brisbane, QLD 4111
Australia
Phone 61 7 3735 7534
Fax 61 7 3735 5111
E-Mail: l.crump@griffith.edu.au

Christian Downie, University of New South Wales – Australia

Abstract. Global and regional leader summits occur regularly, although we know little about the factors that support an effective summit. The summit host or chair likely plays an instrumental role in summit (in)effectiveness. This article reviews relevant knowledge about the chair, agenda building and prenegotiation preparation within an institutionalized régime, then turns to our venue: the G20. We review G20 background and challenges, including transparency, legitimacy, accountability and identity, which establish a foundation for our specific case: the 2014 G20 Australian presidency. Through case analysis, we develop a Summit Prenegotiation Framework, identifying tasks and key issues that can usefully be addressed at a leaders' summit. We also demonstrate a relationship between agenda building and régime identity that allows us to examine the debate surrounding G20 identity and legitimacy. We recognize that the G20 will have legitimacy challenges similar to the UN Security Council if G20 leadership does not eventually address issues of régime continuity and change, which is the real long-term G20 challenge.

Keywords: histoire diplomatique, négociations valorielles, identité, protocole, logistique

The European Union in Multilateral Negotiations. A Strategic Approach to Evaluate Negotiation Results.

Prof. Frank Pfetsch
University of Heidelberg
nc
nc Heidelberg
Germany
E-Mail: frank.pfetsch@urz.uni-heidelberg.de

Abstract. The Treaty of Lisbon (a reform treaty strengthening the European Union competences and institutions) lays the foundations for the European Union to become a more visible and active player in international relations by linking its complex composition as intergovernmental and supranational institutions in the hands of one personality; internally the EU has succeeded to establish its own personality as foreign policy player. Even before 2009 when the Treaty was put into force the EU was a visible player in regional as well as in international arenas. Negotiations are the most important tools in the hands of its representative politicians. What are the results of negotiations which involved the EU? In order to evaluate these results, it is necessary to have instruments in hand which allow to measure its accomplishments and/or failures.

Concerning negotiations, there is a strong scientific interest directed toward the development and the resolution of conflicts (Pfetsch 2006; Bercovitch 1991 Zartman 1991a, Nordlinger 1972; Kecskemeti 1970). Moreover, there are publications about further negotiation aspects, particularly regarding their structure (Berton / Kimura / Zartman 1999; Zartman 1991b; Hofstede 1989).

Keywords: european union, negotiation, multilateral

Du délicat équilibre entre liberté d'informer et protection des informations confidentielles des entreprises négociant l'apurement de leur passif : réflexions sur un arrêt récent de la Cour de cassation (Cass. Com., 15 décembre 2015, n° 14-11500).

Dr. CORALIE ESTHER FIORI-KHAYAT

NOVANCIA

DROIT ECONOMIE GESTION

19 RUE D ARCY

78390 BOIS D ARCY

France

Phone +33(0)6 62 84 91 65

E-Mail: coralie.khayat@gmail.com

Abstract. Cette communication prend pour point de départ un arrêt récent de la Cour de cassation, dans lequel cette juridiction fait clairement primer, sur la liberté d'informer, la confidentialité des négociations en cours portant sur l'apurement du passif d'une société dans le cadre de la prévention de ses difficultés. La décision fournit alors le point de départ d'une analyse relative à cet équilibre fragile, la liberté d'informer étant constitutionnellement garantie. On observe alors que la mesure et la limite de la confidentialité (et, en creux, de la liberté d'informer) tiennent à la prise en compte de l'intérêt des parties prenantes. Cette mise en perspective permet également de rendre compte des mécanismes conventionnels et légaux visant à assurer un équilibre dans les relations entre les parties, nonobstant les inévitables asymétries d'informations.

Keywords: Confidentialité. Liberté d'informer. Prévention des difficultés des entreprises. Théorie des Parties Prenantes. Scoring

Si la médiation et la conciliation m'étaient contées : la médiation et la conciliation en France: un changement de paradigme ?

Dr. Laurence-Claire Lemmet
Novancia Business School Paris
Decanat
3 rue Armand Moisant
75015 Paris
France
Phone 0155655107
E-Mail: llemmet@novancia.fr

Abstract. Les MARD (la conciliation et la médiation) bénéficient d'une promotion remarquable et remarquable si l'on en juge par les dernières évolutions législatives, réglementaires, et jurisprudentielles en France. Comment interpréter un tel engouement, au-delà des classiques justifications des MARD comme symptôme d'une crise de la justice ou comme réponse à cette même crise ? Assistons nous en à un changement de paradigme de ces derniers ? Telle est notre interrogation aujourd'hui . Qu'ils soient portés par le système judiciaire, voire imposés par ce dernier si l'on tient compte des nouveaux articles 56 et 58 du Code de procédure civile, ou qu'ils fassent l'objet d'une démarche volontaire et consensuelle des parties hors cadre du procès, nous essaierons de démontrer que d'une certaine façon ils renouvellent le paradigme de la théorie générale du contrat.

Keywords: Médiation, conciliation, lien entre médiation/conciliation et la justice, MARD, théorie des contrats.

L'arbitrabilité du contentieux administratif en matière d'investissement : étude comparée.

Lamyaa MOUDINE

Doctorante à la Faculté Hassan II de des
Sciences Juridiques, Economiques et
Sociales Mohammedia -Maroc-

Adresse : Rue el Fadila 13 n° 74 Hay Rakbout SM, Casablanca -Maroc-

Email : lamiaa52@gmail.com

Abstract. L'arbitrabilité du contentieux administratif en matière d'investissement était et resta encore un sujet polémique, suscitant un débat doctrinal marqué par des positions différents entre parfois l'admission pour des raisons liées à des considérations économiques et d'attractivité des IDE, et la réticence pour des considérations liées à l'ordre public et à l'intérêt général dont l'administration est supposée assurer la garde. Cette question d'arbitrabilité du contentieux administratif, nous amène à un phénomène très frappant, une confrontation d'intérêts que nous paraît difficile à concilier, entre d'une part, l'intérêt général que représente l'administration et d'autre part, les intérêts privés que représentent les investisseurs.

Keywords: Arbitrabilité, Administration, ordre public, investissement.

Éthique et négociation.

Chahrazad Lammari

université du Maine

droit économie et gestion

20 avenue Bartholdi c 222

72000 le mans

France

Phone 0664096763

E-Mail: Chahrazad.Lammari.Etu@univ-lemans.fr

Abstract. Dans un monde en perpétuelle évolution, l'homme se retrouve quotidiennement confronté à de nouvelles épreuves où il doit arbitrer entre devoir et désir dans l'unique but de maximiser sa satisfaction. La question de l'éthique est au cœur de plusieurs interrogations. Cet article a pour objectif de fournir des repères pour apporter un éclairage à l'éthique dans la négociation commerciale. En commençant d'abord par définir la négociation et l'éthique et identifier les enjeux. Il se centre ensuite sur les contraintes d'éthique, et sur ce qu'elles permettent de dire quand il s'agit de l'enjeu de l'éthique dans le comportement du négociateur. Il conclut sur les diverses techniques de manipulation qui nous sont fréquentes dans le champ de la négociation commerciale afin d'informer le public et le rendre apte à les détecter.

Keywords: Négociation, éthique, manipulation, choix, confiance.

Getting physical about negotiation: Embodied techniques for enhanced performance and protection

Dr. Philippe Martin

European Commission

ORBN 4/17

1049 Brussels

Belgium

Phone +32471863946

E-Mail: philippe.martin@ec.europa.eu

Abstract. Negotiators engage in negotiation with their body since cognition is an embodied process. In this experiential workshop, I plan to share physical practices that I developed or modified, tested, and use as a practitioner to enhance my negotiation performance and protect myself amid conflictual and/or emotionally charged negotiation situations. At the request of the Human Resources of my employer, the European Commission in Brussels, Belgium, I periodically block a slot in my busy schedule as a senior administrator to share the techniques with my fellow European civil servants. The practices focus respectively on breath as an emotional shield, priming and projecting as means to communicate with yourself and others with your body, protecting your space as a means to set physical, emotional, and economic boundaries, performing the negotiation with the body to understand its dynamics, and preparing yourself as an athlete.

Keywords: negotiation, breath, body, movement, preparation

Mediating Beautifully: Aesthetics in Collaborative Processes.

Prof. Michelle LeBaron

Allard School of Law, University of British Columbia
1822 East Mall
UBC Faculty of Law
Vancouver, BC V6T1Z1
Canada
Phone 6048221830
Fax 6048221830
E-Mail: lebaron@allard.ubc.ca

Nadja Alexander, Singapore International Dispute Resolution Academy.

Abstract. We propose to write and present a paper on the essential roles that aesthetic elements from beauty and nature play in mediation. Overlooked through lenses that accent utility and orderliness, metaphors and experiences involving beauty introduce a range of sensual, embodied ways that our human thirst for belonging and for feeling moved is implicated in mediation. When these threads are introduced to mediation theory, the importance of intuition and relational capacities comes into focus. Mediation becomes more vivid and compelling; fields of possibility appear that were unavailable via more analytic ways of imagining mediation processes.

We will propose an alchemical frame for understanding ways to accent and integrate aesthetic aspects into mediation. Drawing on the four elements – earth, water, air and fire – and Jung’s teachings, we will outline ways to reconceptualize mediation and their practical effects. After examining each element, we will suggest related ways to deepen capacities for reflexive mediation proficiency. This will necessarily involve building broader awareness — of ourselves, of parties and of the contexts within which mediation interactions unfold. By developing greater awareness among these multiple dimensions, mediators will be better able to navigate the emergent and complex nature of the process itself. Our ultimate goal is to connect theory and practice in ways that foster a deeper, more holistic and aesthetically-grounded understanding of mediation.

Keywords: mediation, transformation, resilience, neuroscience, constellations

Negotiation and Professional Boxing: The Ringside Physician.

Dr. Habib N Chamoun

University of St Thomas Cameron School of Business
Cameron School of Business
4414 Pine Breeze Dr
Kingwood, TX 77345
United States of America
Phone 713-8540197
E-Mail: hchamoun@me.com

Randy D Hazlett, University of Tulsa

Joe Estwanik, American Association of Professional Ringside Physicians

Russell Mora, Las Vegas Boxing Referee

Gilberto Mendoza, World Boxing Association

Abstract. In mediating conflicts, it helps to understand the Thomas-Kilmann (TK) styles of dispute resolution as used by negotiators. This paper focuses on a modified TK instrument, designed for use in a very nontraditional environment: professional boxing. The mediation in question is performed by boxing doctors.

This is a follow up study from the new tool introduced to classify the negotiation style of boxing referees in terms of preference and style adopted when exposed to a particular situation.

A modified TK instrument was developed to assess the conflict management style of fight doctors with designed redundancy and the ability to identify style preference and situational choice, because when the safety of competitors is at stake, different doctors manage the tension differently. This model allows the physician to “mirror” in order to analyze and understand his personality and personal approach to his mission. We therefore take the liberty of supplanting traditional conflict management style labels of competing, collaborating, compromising, avoiding, and ac-commodating with Fight Like a Spartan, Negotiate Like a Phoenician, Judge Like Solomon, Avoid Like a Politician, and Delegate Like a Diplomat, respectively.

The tool was administered to a group of fight doctors. We note that the dominant physician style can change with referees, combatants, time, and experience. In particular, we found 40% of the fight doctors evaluated were Spartans and 50% were avoiders. Thus, we found avoiding is a very typical conflict management style for the ringside physicians. However, it should be noted that when faced with a described set of circumstances, style migrated to strict adherence to the rules using the Judge like Solomon style. We find the role of ringside physician, a vital one to the sport of boxing, to be rich in negotiations and conflict management styles. The public sees the role of the fight doctor as a dichotomy – those who took an oath to do no harm hold a job that calls many to act only in dire circumstance. Indeed, 50% of the fight doctors tested with our instrument would prefer to avoid making a decision to end a bout, and instead, let the referee control the interaction and the combatants decide the outcome. We found this unexplored negotiation context rich for further study, especially among players with other roles.

Keywords: Negotiation Training, Pedagogy, Boxing, Conflict Management and Mediation

Learning How to Learn to Negotiate: New Conceptions of Mediation.

Scott R. Peppet

University of Colorado Law School
420 Wolf Law Building
401 UCB
Boulder, CO 80309-0401
Office: 420
Phone: (303) 735-0818
E-mail: scott.peppet@colorado.edu

Michael L. Moffitt, USA

Abstract. This chapter is for everyone who ever wondered if they could really implement all the new negotiation ideas they have read. By analyzing research on how we can learn to learn, the authors of this chapter provide specific advice to negotiators and negotiation trainers. (For those whose students—or colleagues—are more hardheaded than most, this chapter should be read in conjunction with the chapter by Kirschner.)

Who prepares ahead for inevitable conflict?

Christopher Honeyman

Convenor Conflict Management

308 River Bend Dr

Paw Paw, WV 25434

United States of America

Phone 2029664129

Fax 2029664129

E-Mail: honeyman@convenor.com

Andrea Schneider, Marquette University Law School

Abstract. This paper is a theoretical discussion of a professional practice that has been obviously needed, but hard to find in practice. Our method is primarily based in hundreds of cases of mediation experience within long-term relationships, as well as informal discussions with scholars and practitioners over the past decade. We have been concerned for a number of years that organizations of all kinds routinely fail to prepare for conflicts even though these can be safely predicted within any ongoing relationship. Our initial view (published 2007) was that this might become a specialized professional practice---a kind of mediation-in-advance---that had yet to be established. The aftermath of the 2008 economic crisis demonstrated over years of public investigations, however, that a class of organizations with unusual economic influence had developed an apparently embedded (though never stated) policy of deliberately avoiding any mention of the possible conflicts their banking and other activities were risking. By contrast, over a very broad geographic area and many different cultures, the heavy construction industry had developed sophisticated and differentiated functions that do much of what we had been advocating. This resulted in the first revision of our thesis, to the effect that organizations might be consciously or unconsciously adopting a culture of either seeking or hiding from ways of managing future conflict openly. The results were published in and after 2010. Subsequent reflection persuades us that a third formula may be closer yet: that in fact professional specialties do already exist which encourage individuals and organizations to prepare ahead to minimize the impact of inevitable conflict---but that all of these operate under titles far from "mediation" or even "conflict anticipation." They do not even use the same occupational title or work description from field to field, keeping the practice unnecessarily obscure. We will argue that it is time to recognize and begin to tally all forms of this work as a kind of mediation-in-advance, so that it can be both studied and encouraged.

Keywords: Mediation, organizations, preparation

Power in New Liberalism: Interaction Effects between Different Forms of Bargaining Power.

Dr. Holger Janusch

Friedrich-Alexander-Universität Erlangen-Nürnberg
School of Business and Economics
Findelgasse 7-9
90407 Nuremberg
Germany
E-Mail: info@holgerjanusch.de
E-Mail: holger.janusch@fau.de

Abstract. Theories of New Liberalism have taken various concepts of bargaining power and analyzed their impact on international negotiations. Yet the compatibility and interaction effects between the different forms of bargaining power remain unexplored. This article aims to fill this gap by connecting three rationalistic concepts of bargaining power that define the credibility of threats: veto power, asymmetric interdependence, and reputation. By showing that domestic veto players are only semi-veto players in international politics – because they can veto an improvement but not a deterioration of the status quo – threats based on asymmetric interdependence to break up a mutual beneficial cooperation can be connected with veto power. Theories of reputation can help here to solve the theoretical problem that rational actors would never carry out a threat that deteriorates the status quo. The trade negotiations between the United States and Andean countries serve as empirical example to illustrate the new hypotheses.

Keywords: Bargaining power; two-level game; veto player; asymmetric interdependence; reputation; international negotiation

Legal Limitations of Negotiating Power: A Global Perspective.

Prof. George John Siedel

University of Michigan
Ross School of Business
701 Tappan
Ann Arbor, MI 48109
United States of America
Phone 7347641392
E-Mail: gsiedel@umich.edu

Gregory J. Marsden, Pace University

Abstract. A negotiator's Best Alternative to a Negotiated Agreement ('BATNA') is a key source of negotiating power. The BATNA concept was originally developed in the United States and has been exported to other countries through negotiation books and courses. But can negotiators legally rely on BATNA strategies in civil law countries, where there is a duty to negotiate in good faith? And when does a duty to negotiate in good faith arise in a common law country like the United States? In addressing these research questions, this article concludes that the duty to negotiate in good faith under the civil law weakens the ability of negotiators to rely on their BATNA power and subjects them to the possibility of reliance damages when they violate the duty. Under the common law approach used in the United States, negotiators can exercise their BATNA power unless they decide to assume a duty to negotiate in good faith. The risk of assuming this duty increases when negotiators use preliminary agreements—such as term sheets, memoranda of understanding, letters of intent, and agreements in principle. In light of a recent Delaware Supreme Court decision allowing the plaintiff to recover expectation damages, the consequences of breaching this duty can be severe. The article includes several practical lessons for negotiators who are considering the use of preliminary agreements.

Keywords: international, power, BATNA, good faith

Overcoming Power Asymmetry in Humanitarian Negotiations with Armed Groups.

Ashley Jonathan Clements

Australian National University
Asia-Pacific College of Diplomacy
13/5 Sydney Avenue
Barton
Canberra, ACT 2600
Australia
E-Mail: ashley.clements@anu.edu.au

Abstract. Humanitarians operating in many contemporary armed conflicts negotiate access with armed groups from a position of weakness. They consequently concede many of their demands, compromising humanitarian operations and leaving millions of vulnerable civilians beyond reach. Using a structural analysis of the negotiation process this article demonstrates how this power asymmetry is not as pronounced as the literature suggests. Further, humanitarian negotiators have access to a range of tactics that can alter the structure of the negotiation and thereby reduce the power asymmetry. These strategies have proved effective in many recent negotiations, but can carry significant risks to humanitarians and the civilians they seek to serve. Further study of when and how to apply these tactics is therefore needed.

Keywords: Humanitarian, negotiation, conflict, armed groups, power asymmetry

Pie in the Sky: Negotiating an equitable distribution of the carbon budget.

Dr. Andreas Knobel
ETH Zürich
MTEC
WEV K 516
Weinbergstrasse 56/58
8092 Zürich
Switzerland
Phone +41 44 632 84 07
E-Mail: aknobel@ethz.ch
E-Mail: andreas.knobel@acm.org

Abstract. The science is unequivocal: if we wish to limit global warming to 2°C we have at our disposal a certain carbon budget. We may burn this coal, oil or gas in the next thirty or fifty years and must leave the rest of the fossil fuels in the ground. How this carbon pie can be shared equitably has been the subject of fierce debate and is one of the most intractable problems of any climate change negotiation.

We present a simple mathematical model which will facilitate the negotiations: first participants will propose the equity principles by which they want to share the pie, then they will determine the weights they want to accord to each principle.

The model can also be used to assess the outcomes of past negotiations: by linear regression we can calculate the weights which best fit a negotiated result, and with the current “bottom-up” approach, we can assess the fairness of the individual contributions.

Keywords: climate negotiations, carbon budget, equitable distribution, fairness

“Hard” and “Soft” Complexity of Sovereign Debt Negotiation.

Prof. Czeslaw Mesjasz

Cracow University of Economics
Management Process Department
ul. Rakowicka 27
31-510 Krakow
Poland
Phone +48122935619
Fax +48122935067
E-Mail: mesjaszc@uek.krakow.pl

Lidia Mesjasz, Cracow University of Economics, Poland

Abstract. The situation on all kinds of financial markets is determined by their increasing complexity. Negotiation of sovereign debt is also a complex endeavor. Its complexity results both from structural characteristics – number of actors, problems of coordination, communication, cooperation and conflict and from cognitive limitations. The survey of literature on sovereign debt management shows that no research has been done on complexity of sovereign debt management, and sovereign debt negotiation in particular. The aim of the paper is to provide initial framework concepts of complexity of sovereign debt restructuring negotiation referring to a universal collection of characteristics of negotiation. A model of debt restructuring negotiation is elaborated and a set of its complexity-related characteristics is proposed.

Keywords: complexity, complexity studies, negotiation theory, sovereign debt negotiation

Modeling Complex Social Conflicts.

Prof. Sanda Kaufman
Cleveland State University
2121 Euclid Avenue
Cleveland, OH 44115
United States of America
Phone 2166872367
E-Mail: s.kaufman@csuohio.edu

Hung The Diep, Universite de Cergy-Pontoise, France
Miron Kaufman, Cleveland State University, United States of America

Abstract. We model the trajectories in time of conflicts between social groups using quantitative tools from statistical physics, a subfield of physics that quantifies the aggregate properties of groups that include many individuals whose actions appear stochastic. Developed originally to describe properties of materials (made of many atoms), statistical physics methodology is increasingly used in social sciences to describe possible outcomes of numerous, complex interactions. This approach belongs to the emerging fields of social physics and network modeling.

In our model of conflicting groups, each individual can have one of several preferences, ranging from intransigence/ideological purity (even at the cost of continued confrontation) to ideological flexibility (which can promote settlement). Each individual is susceptible to arguments from others from the same group or from the opponent group. Thus over time individuals can change their preferences as a result of multiple influences. This time evolution is governed by a probability distribution that depends on the intensity of interaction between individuals. We explore here the role of the underlying network of individuals' interactions on the evolution of a conflict. For example we consider a network of individuals, each interacting with all others; and, a network of individuals interacting only with a few others who are geographically or socially close. Our model enables exploration of various scenarios of conflict outcomes, resulting from the interactions within and between groups.

We use Monte Carlo simulations and other analytical tools to study the temporal evolution of individual and resulting group preferences, given a variety of assumptions about the social and/or spatial distance between the individuals engaging in conflict. The resulting scenarios capture ranges of possible outcomes that can be used to devise negotiation strategies.

Keywords: social conflict, statistical physics, networks, scenarios

When is "Enough" Enough? Settling for Suboptimal Agreement.

Prof. Terrence Hopmann
John Hopkins university
1619 Massachusetts Ave., NW
Suite 420
Washington, DC 20036
United States of America
Phone 1-202-663-5674
E-Mail: pthopmann@jhu.edu

Abstract. Situation in which parties in a negotiation reach essentially satisfactory but suboptimal agreements that leave potential joint gains on the table. I claim that many negotiated agreements are in fact suboptimal, in the sense that all parties could have achieved mutual gains through continued negotiation, but for various reasons to be elaborated below they conclude that an agreement is “good enough” and suspend negotiations before reaching the optimal outcome that might have further advanced the value for all parties if they had continued to negotiate. In the first systematic modern treatment of international negotiations, Fred Charles Iklé asserted that at any point in a negotiation the parties face three choices: 1) to accept an agreement around which the parties have converged for whatever reason; 2) to terminate negotiations with no plans to resume them, or 3) “to try to improve the ‘available’ terms through further bargaining” (Iklé, 1964, pp. 59-60). This paper analyzes the apparent dilemma of why so often negotiators opt for the first choice of accepting a “satisficing” agreement rather than the third, that is continuing to negotiate to seek mutually better terms of agreement.

Keywords: Negotiation Outcomes, Optimality, Bargaining, Problem-solving

Peut-on, et comment, nouer des compromis valoriels ?

Christian Thuderoz

Centre Max Weber et ESSEC-Irenée

403 Route des 3 Lacs

74560 Monnetier-Mornex

France

E-Mail: c.thuderoz@orange.fr

Abstract. Cette communication examine la question du conflit de valeurs et de la possibilité de sa résolution sous la forme d'un compromis valoriel. Pourquoi et à quelles conditions ce dernier est-il possible ? Quels scénarios de construction de compromis valoriels peuvent être distingués ?

Keywords: Conflit valoriel, compromis valoriel

Une analyse des risques de renégociation des contrats de franchise. Une approche par la Théorie des Coûts de transaction.

Catherine de Géry

Novancia Business School Paris
3, rue Armand Moisant
75015 Paris
France
E-Mail: cdegery@novancia.fr

Laurence Lemmet, Novancia Business School Paris, France

Enrico Colla, Novancia Business School Paris, France

Martine Deparis, Novancia Business School Paris, France

Maryline Schultz, Novancia Business School Paris, France

Abstract. A travers son adhésion à une franchise, un franchisé cherche à entrer dans un réseau d'entrepreneurs légalement et financièrement indépendants. Il fait ce choix, tout comme celui de l'enseigne, parce qu'il le considère le plus avantageux pour lui. Pour cela, il investit dans le site dont il est le plus souvent propriétaire.

Après l'adhésion, les franchisés sont tenus à la mise en œuvre d'un concept commercial selon les règles établies dans un contrat leur imposant une série d'obligations. Les franchiseurs quant à eux disposent de nombreux mécanismes pour assurer le respect de ces obligations, utiles à garantir l'homogénéité de l'image de la marque/enseigne et le succès du réseau. Mais ils ne peuvent pas aller au-delà de ce qui est nécessaire pour atteindre les objectifs de la franchise.

En même temps, les franchisés sont libres de rester ou pas dans le réseau, en renouvelant ou pas leur contrat, et ils conservent ainsi toute leur indépendance. Ils assument tous les risques d'un entrepreneur individuel et peuvent céder leur entreprise avec ou sans l'enseigne du réseau. Ils peuvent disposer aussi d'une réelle autonomie de gestion sur toute une gamme d'activités, ce qui leur permet d'exprimer leur know-how et de contribuer au succès collectif du réseau.

Cependant lorsque les résultats ne sont pas au rendez-vous, la tentation pour le franchisé de renégocier son contrat est importante. Le risque d'opportunisme est important. Comment expliquer un tel risque ? C'est ce que nous tenterons de faire dans cette étude.

Keywords: renégociation, franchise, contrat, coût de transaction

Vers une meilleure compréhension de la place de la négociation dans le partenariat public-privé : Etat des lieux et perspectives en Tunisie.

Dr. Houda Zarrad

ISG de Tunis

Marketing

3 Rue Mohamed Ammar El Quartatani El Menzah 6

2091 Tunisia

Tunisia

E-Mail: houdazarrad@yahoo.fr

Ibtissem Dellagi, Higher Institute of Management, Tunisia

Abdelfattah Triki, Higher Institute of Management, Tunisia

Mohsen Debabi, High School of Business, Tunisia

Abstract. Le concept de partenariat, essentiellement une forme de collaboration, entre le public et le privé est généralement défini comme un terrain de rencontre de deux secteurs ayant comme occupation l'achèvement d'un projet. Le principe de base est que l'État passe de propriétaire et exploitant d'actifs à acheteur de services du secteur privé. Quant au secteur privé, il devient fournisseur à long terme de services qu'il offre en prenant la responsabilité de la conception, la construction, financement et l'exploitation des actifs. Toutefois, dès le stade initial du processus d'obtention d'un projet de partenariat public privé, tous les acteurs vont commencer à exercer une influence significative et surtout pendant la négociation.

Nous proposons, d'une part, une approche par la littérature dont la synthèse permettra de définir la négociation et de comprendre son rôle au sein des partenariats public-privé. D'autre part, un état des lieux en Tunisie est présenté afin de mieux saisir la réalité des négociations des partenariats public-privé en Tunisie.

Notre recherche aboutit à la conclusion que les partenariats public-privé peuvent jouer un rôle important dans la croissance inclusive et durable de la Tunisie si les bonnes conditions sont en place.

Keywords: Partenariat public-privé, Négociation de projet, Négociation entre acteurs publics et privés, Orientations stratégiques

**”Sense of Access to Justice “as a Framework for Civil Procedure Reform:
An Empirical Assessment of Judicial Settlement Conference in Quebec
(Canada).**

Jean-François Roberge
Professeur de Droit
Faculté de droit
Université de Sherbrooke
150, place Charles-Le Moyne
Bureau 11834
Longueuil (Québec) J4K 0A8
Jean-Francois.Roberge@USherbrooke.ca

Abstract. An emerging worldwide civil procedure justice reform trend takes the user’s point of view into account in order to promote access-to-justice and support for the rule of law. In the Canadian context, the Quebec civil law province has taken the lead to renew its legal culture towards a participatory justice, rooted in fair-minded processes that encourage the persons involved to play an active role. In an effort to monitor such ambitions, carried by the civil procedure code reforms of 2003 and 2014, our paper offers an empirical evaluation through the lens of litigant’s “Sense of Access to Justice” (“SAJ”).

We empirically tested this framework in settlement conferences conducted by Quebec trial court judges practicing under a facilitative integrative problem-solving approach. The results herein show that settlement conferences are evaluated by litigants and lawyers as fairminded processes, providing them with a sense of access to justice. This study provides a new framework and methodology to monitor the civil procedure justice reform and legal cultural shifts taking place in Quebec. Adaptations to other dispute resolution mechanisms and various jurisdictions seem promising. This study helps ascertain user’s views, determining whether they are in support of public policies, private policies, or actions in response to the accessto-justice challenge.

Legal Design Lawering: Rebooting Legal Business Model with Design Thinking.

Professor Véronique Fraser

LL.M., Ph.D. Lawyer and Professor in the Graduate Dispute
Prevention and Resolution Program,
Faculty of Law, Université de Sherbrooke (Canada).
E-mail: veronique.fraser@usherbrooke.ca
Tel: 1-810-821-8000

Professor Jean-François Roberge, Canada

Abstract. This article focuses on giving lawyers a competitive edge in the evolving economy. It puts forth a framework for a new legal business model. Why should the legal business model be called upon to change? For at least two reasons: One is that clients' needs are evolving toward pluralistic processes providing tailor-made added value solutions. Another reason is that the core legal business model is based on legal risk analysis, which has been proven to have flaws and limitations. A large-scale empirical study conducted by Kiser, Asher, and McShane demonstrated that risk analysis methodology has poor predictability potential. Additionally, the risk analysis model leaves aside global value. Thus, the potential to reach desired value for clients is limited under the traditional legal business model. Therefore, lawyers need to adapt to stay competitive in the "trust market."

A need for rethinking legal services has been acknowledged in many jurisdictions and particularly in the Canadian context where the Supreme Court invited a cultural shift, hence legitimising the suggestions made by the Canadian Bar Association in a recent report encouraging a rethinking of legal services. Ongoing reflections challenge both the private sector on creating economic value and the public sector regarding access to justice. On this latter topic, a major step has been taken with Quebec's new Code of Civil Procedure, effective early 2016, suggesting a cultural shift toward dispute prevention and resolution processes.

Transcending the Transaction: From Distributive and Integrative to Trans-Generational Negotiations.

Dr. Habib N Chamoun

University of St Thomas Cameron School of Business
Cameron School of Business
4414 Pine Breeze Dr
Kingwood, TX 77345
United States of America
Phone 713-8540197
E-Mail: hchamoun@me.com

Francisco Rabadan, Universidad Rey Juan Carlos (Campus Aranjuez), Department of Applied Economy

Randy D Hazlett, University of Tulsa

Raquel Ibar Alonso, Universidad San Pablo CEU, Department of Applied Mathematics and Statistics

Abstract. In this paper, we identify a type of negotiation beyond the well-documented distributive and integrative categories in which the negotiators transcend the transaction and break away from the paradigms of individualism, which dictates that the only possible way to achieve success is by manipulating others, and personal gain, emphasizing selfishness. Traditionally negotiation literature covers the distributive (win-lose) and the integrative negotiations (win-win) (Fisher & Ury 1991, Patton 2005, Zartman & Berman 1982, Lewicki et al. 2007, Schneider and Honeyman 2009, Druckman et al. 1982, Raiffa 1982). However, the vision of negotiation needs to be rethought in light of human virtues (Peiper, 2003) such as fortitude, justice, prudence, temperance, and discernment.

A negotiation can only be transcendent by recognizing the human dimension of other, prioritizing being over having, respecting the dignity of others, honouring agreements and maintaining the power of the word. Negotiations conducted in this manner have the potential to extend benefits to future generations.

A statistical analysis of an opinion poll based upon 5000 homes in Spain from the CIS (Centre of Sociological Research of Spain) was used to find out what are the characteristics of groups that transcend. In the analysis, four factors (Spiritual happiness, negotiating power, interpersonal ethics, institutional ethics) and two variables (level of interpersonal trust, degree of self-empowerment) were used to form respondents identity groups (free riders, passer-by's, pretenders, equilibrated well-positioned, outraged, equilibrated mediocre, and fighters). We observed from the statistical data the following:

- A general tendency for the groups that transcend to be more attached to good ethical behaviours with respect to both people and institutions.
- For all groups, with exception of the pretenders, transcendence increases with the degree of interpersonal trust.
- Since transcendence is directly proportional to happiness, we believe the pretenders feign happiness because their levels of happiness are higher than the rest, and we infer they don't like to reveal that they are unhappy, since they value more position and connections than their own hard work.

Keywords: Transcendent Negotiations, Ethics, Trust, Resilience and Happiness

Omniprésente médiation : prolifération et spécialisation des acteurs de la résolution des conflits.

Prof. Charles Tenenbaum

Sciences Po Lille

120, Avenue de Suffren

75015 Paris

France

E-Mail: charles.tenenbaum@sciencespo-lille.eu

Abstract. Prolifération et diversification des acteurs et des pratiques de la médiation caractérisent l'évolution du champ de la résolution des conflits depuis la fin de la Guerre froide. Alors que les organisations multilatérales renouvellent leur capacité de médiation des conflits politiques, les ministères des Affaires étrangères affichent un intérêt inédit pour la médiation des conflits politiques de la scène internationale. On assiste ainsi à l'émergence d'une pratique multidimensionnelle de la médiation, produit d'interactions complexes entre acteurs privés (ONG expertes, personnalités éminentes) et acteurs publics investissant, à leur tour, les stratégies alternatives et négociées de sortie de conflits.

Au sein des institutions publiques d'Etat ou intergouvernementales, l'adoption d'une stratégie de médiation provoque un débat sur les transformations de la diplomatie que nous souhaitons retracer. Le développement d'une diplomatie médiatrice s'insère dans un mouvement de recomposition des interactions entre acteurs de la scène internationale. Suivant des logiques de professionnalisation et de spécialisation, cette tendance contribue à dessiner les contours d'une nouvelle expertise sur les conflits et leur résolution que notre communication entend présenter, à l'appui d'une enquête de terrain auprès d'acteurs de la médiation dans l'Union européenne.

Keywords: prolifération, diversification, professionnalisation, expertise, spécialisation, UE

**Political mediation in intrastate conflicts –
Challenges, opportunities, and lessons learned**

Dr. Jose Pascal da Rocha
Columbia University
Negotiation and Conflict Resolution
2970 Broadway
Lewisohn 510E
New York, NY 10027
United States of America
Phone +16464368155
E-Mail: p.darocha@columbia.edu
E-Mail: josepascal.darocha@gmail.com

Abstract. This paper on international mediation will focus on political mediation as a means of conflict regulation, whereby a violent conflict is terminated and the mandated third party assists the parties in finding new or alternative structures and mechanisms to address their underlying grievances. The third party makes use of the mediation mandate to extract concessions from the parties, provides incentives for peace dividends, keeping spoilers at bay, coordinates a multilayered peacemaking system and contributes to the foundation of peacebuilding. Learning from 3 case studies, the paper will extrapolate how mediators have engaged into a mediated process to end violent conflict, who they engaged with, what strategies they used to adapt to changing contextual parameters, and how they generated an outcome that brings about peace. It will conclude with overall lessons and key policy recommendations.

Keywords: International mediation, strategy, civil wars, complexity, political conflict regulation

**“There is no plan B” – Explorative analysis
of the coalition formation negotiation in Germany in 2013.**

Ali Hotait

University of Erfurt

Neuhausweg 6

13583 Berlin

Germany

E-Mail: ali.hotait@uni-erfurt.de

Anika Wille, University of Erfurt, Germany

Abstract. Coalition formation bargaining are complex negotiations and the political actors negotiate about numerous issues sequentially and sometimes also simultaneously. Formalized theories of coalition formation have largely neglected issues of politicians' negotiation behavior during coalition formation bargaining. So far, however, negotiation strategies in coalition bargaining have not been the focus of empirical analysis. Hence, we want to shed light on this topic. As we ran our study purely explorative, no predefined hypotheses were tested. Yet our empirical approach included a variety of research questions and expectations. This explorative study seeks also to explore the impact of the membership vote on the coalition agreement of one party after the conclusion of negotiations, relative power, concessions made and satisfaction on the politicians' behavior during the coalition forming negotiation in Germany 2013. To investigate the negotiation strategies of German politicians we used the Thomas Kilmann mode instrument. Our results reveal that the most applied negotiation strategy in our politician's sample are the competing negotiation strategy, followed by the collaborating and the compromising negotiation strategy. Politician barely used the accommodating and avoiding strategy. A significant relationship was found between politicians' perceived negotiation power and their satisfaction. Our findings also show that the SPD's membership vote has a negative effect on the competing and compromising strategies. This research offers a contribution to coalition negotiation theory and also provides valuable issues for future research.

Keywords: negotiation strategies, coalition forming negotiation, negotiation power

Adaptive Mediation: An Evidence-Based Approach for Mediating Dynamic Conflicts

Prof. Peter Thomas Coleman

Columbia University

Psychology

450 West End Ave 12C

New York, NY 10024

United States of America

Phone 2126783112

Fax 2126783112

E-Mail: pc84@columbia.edu

E-Mail: coleman@exchange.tc.columbia.edu

Katharina Kugler, Columbia University, United States of America

Ljubica Chatman, Columbia University, United States of America

Abstract. Two studies are presented which contribute to the development of a new situated model of adaptive conflict mediation. Although mediation has increased considerably in popularity and usage, it has been lacking a coherent theoretical framework and evidence-base, contributing to a persistent science-practice divide. This has resulted in a wide array of tactics being offered to mediators, with little evidence of which tactics work best under different conditions. The current article presents findings from focus group and survey research with experienced mediators, which helps to further develop and specify the model. Implications for mediation research are discussed

Keywords: situated mediation, adaptive, evidence-based practice