
Kluwer Mediation Blog

Getting to Yes...or No?!

John Sturrock (Core Solutions Group) · Sunday, August 31st, 2014

On Thursday 4 September, Collaborative Scotland hosts a Day of Dialogue which will focus on respect and reconciliation in the lead up to, and after, the independence referendum in Scotland on 18 September. It is not about Yes and No but how we will live and work together regardless of the outcome of the referendum.

Conversationalists include David Melding, the deputy presiding officer of the Welsh Assembly, Conservative politician, and author of *Reforming the Union: Britain as a Federation*, who will address the wider constitutional issues in the British Isles with Conor Murphy, a Sinn Fein MP and influential figure in Northern Ireland politics. At lunchtime, Douglas Alexander, MP, shadow foreign secretary, will discuss the impact of the referendum on Scotland with well-known SNP strategist and commentator, Andrew Wilson. Well-known business figures will lead a breakfast session on Collaborating across Silos in the Scottish economy.

But the most interesting session for mediators and negotiators may be the video link with world-renowned negotiation and conflict resolution specialist, William Ury, Harvard professor, adviser to presidents and international negotiator. Ury is best known as co-author of the most famous book on negotiation, *Getting to Yes*. The book has sold tens of millions of copies worldwide and is credited with being the one of the most influential factors in the global transition from win/lose, or zero sum, bargaining to win/win, or “interest based”, negotiation. His later books include *Getting Past No* and *The Power of a Positive No*, the latter of which emphasises how it is possible to say No and still get to Yes.

None of these texts was written with the Scottish independence referendum in mind! But their titles are nevertheless fascinating at this time in our history. And not irrelevant. Whether the result of the referendum is Yes or No, there will be much to do after September 18. Negotiations will commence either on how to bring about independence for Scotland or, we assume, on how to extend further powers to Scotland and perhaps on how to transform the UK constitutional set-up generally.

William Ury points the way to achieving necessary cooperation, even after the tensions and inevitable polarisation of a campaign in which the question is a binary one: Yes or No. Ury focuses our minds on finding and articulating our real interests – rather than our positions. What will we – and they (whoever “we” and “they” are) –

really need to achieve? What are the realistic options? And how do we find the common ground with others?

It will no longer be about political posturing but about what happens if...? If we can't achieve such and such a deal, what is our BATNA - our Best Alternative to a Negotiated Agreement? The players will need to search for added value, not to knock each other down but, paradoxically, to help each other to come to a solution which meets the needs of their economies, societies and futures. This will take hard work, discipline and imagination on all sides.

Ury would say: identify the interests of the others as well as your own and look for ways to build bridges and alliances with others to help achieve an outcome. He would contrast looking over the precipice to test the impact of prolonged antagonism with looking from the balcony at the big strategic picture. He would emphasise the need, whatever the situation, to maintain good relationships with present and future negotiating partners: to separate the people from the problem. The challenge will be to apply all of this in the realities of a post-referendum world with its cocktail of joy and regret. That will make William Ury's early evening session in the Day of Dialogue fascinating!

<http://collaborativescotland.org/day-of-dialogue/>

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The screenshot displays the 'Explore Practice Plus' interface. At the top, there is a navigation bar with a checkmark icon and the text 'Explore Practice Plus'. Below this, a profile for 'Gary R. Egan' is shown, including a profile picture, name, and contact information. The main content area features several data visualizations, including three donut charts and a list of results. The interface is clean and professional, with a blue and white color scheme.

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