
Kluwer Mediation Blog

Scotland: The Final Word?

John Sturrock (Core Solutions Group) · Wednesday, October 29th, 2014

“The key to doing well lies not in overcoming others, but in eliciting their co-operation.”

Robert Axelrod

“Although negotiation takes place every day, it is not easy to do well. Standard strategies for negotiation often leave people dissatisfied, worn out or alienated.....”

Roger Fisher and William Ury

For probably the final time, I am writing about the referendum which was recently held in Scotland. Now, a Commission has been set up to address the need for additional powers, which the “No” vote has prompted.

Collaborative Scotland and Core Solutions have submitted views. These may be of interest to all of those who are pondering how the future of politics and our mediation work may intersect. Here are some excerpts (the full text can be read here: <http://www.core-solutions.com/core/assets/File/Collaborative%20Scotland%20and%20Core%20Solutions%20submission%2028oct14.pdf>):

Our submission is about “how” we do things rather than “what” further powers Scotland might have. However many powers Scotland has and whatever these are, they are only of real utility if the processes of decision-making work effectively.

We live in an age that William Ury calls “the negotiation revolution.” In an increasingly inter-connected world, people are looking for new ways to communicate and work together in order to arrive at shared solutions based on common interests.

The Scottish Referendum was, to an extent at least, characterised by division into “sides” and by binary thinking. At the same time, it released significant creative energy. We believe that the process of further devolution needs to build on this energy and embed a new approach, and that there is real need for more collaborative approaches to politics, the making of hard choices and the allocation of limited resources.

We suggest that “third-sider” mediators and facilitators could aid the work of the Commission and, later on, assist other and ongoing processes to achieve sustainable political decision-making.

We suggest that the real areas of difference between the political parties may be less than perceived. One participant at an event with politicians from each “side”, commented “Two very able people who agree on almost everything and seem clearly to be friends – yet stand on different sides on this issue. We have to find a better way forward, at all levels.”

The areas of difference between the political parties (and others in Scotland and the rest of the UK) should be addressed in creative ways. There are nearly always more than two ways of looking at problems and yet the application of a right/wrong, or Yes/No, paradigm can limit the ability to find creative and expansive solutions. Now is the time to be more constructive. We refer to this article (<http://www.core-solutions.com/core/assets/File/Perspectives-Autumn%202014.pdf>) which discusses the limitations and loss of opportunity presented by the binary question and the opportunities which now arise for more creative approaches to process as well as substance in addressing political issues. At the same time, such an approach, rather than seeking simplistic outcomes, would explicitly acknowledge the complexities and uncertainties of the real world and use these as positive virtues.

To that end, the submission contends that (a) more awareness of, and competence in, the use of collaborative problem-solving would enhance the functioning of the Scottish Parliament and how it is perceived by the electorate and (b) using skilled and independent third parties (mediators) would enable the UK and Scottish governments to work together more effectively generally and, in the short term, more rapidly reach agreement on proposals for further devolution to Scotland and more efficiently carry through their implementation.

It is also suggested that the Commission itself could use the techniques associated with effective mediation to explore the real, underlying issues, find common ground, address serious concerns and aspirations, and identify and assess the many options which are available, including the less obvious. There is value in using those skilled in non-adversarial methods to help build consensus and agreement between parties at this critical time in our nation’s history, and thereafter. Often, such an approach will uncover hidden possibilities which are concealed by the traditional approach to debate, proposal and counter-proposal.

We suggest that the use of independent mediators – or process “wizards” – could greatly enhance the work of the Commission and, later on, other processes for political decision-making. These individuals would explore issues with key players, help devise processes for speedy and effective consideration of topics and be in a position to offer suggested ways forward which could be adopted or rejected without loss of face. (The term “wizard” emanates from their successful use in the START talks in the 1980’s). These process experts can also help devise “victory speeches” to help outside constituencies to buy into proposals and build bridges where serious impediments seem to exist.

We also propose that Collaborative Scotland’s Commitment to Respectful Dialogue (<http://collaborativescotland.org/respectfuldialogue/>) would be a good benchmark for the work of the Commission and a worthy exhortation to others who will be charged with taking forward its recommendations and implementing them. Indeed, it would be

a good benchmark for political activity in Scotland generally. Often, what people need is not to see their views acted on but to feel that they have been listened to, their views valued and their concerns acknowledged. Decision-making, with a genuine sense of influencing inbuilt, is likely to be more sustainable and durable. Making this a central part of the political process and policy-making in Scotland would enhance the common good. Encouraging subscription to the Commitment would be a good start.

We suggest that it is also useful to incorporate in the process current learning from behavioural science, now regularly applied in economics for example (see the work of Daniel Kahnemann), as a result of which many of us are now aware of the impact on decision-making of such well-recognised concepts as confirmation bias, over-reliance on intuition, missing the obvious, risk aversion, reactive devaluation, selective attention and many others. Along with the need for really effective listening, patience and face-saving (which is much more important than we often think, especially when the context is partisan), making good use of this understanding could add significantly to the Commission's ability to find new ways of considering the issues and come up with creative solutions. It could also form one of the central planks in skills development in the Scottish Parliament.

We conclude that new approaches to process and decision-making are likely to be as important as new approaches to the substantive constitutional arrangements in and for the United Kingdom. We need to change **how** we do things as much as **what** we do.

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