

A View from Frankfurt

Kluwer Mediation Blog

November 29, 2018

John Sturrock (Core Solutions Group)

Please refer to this post as: John Sturrock, 'A View from Frankfurt', Kluwer Mediation Blog, November 29 2018, <http://mediationblog.kluwerarbitration.com/2018/11/29/a-view-from-frankfurt/>

My last blog reflected on an excellent mediation conference in Frankfurt on the Oder where the strength which comes from working together was clear. I started this present blog on the day that the EU agreed the terms of the UK's departure from the organisation that has been such a significant part of Europe's post-second world war peace and prosperity. Ironically, I write this from Frankfurt on the Main, where I am conducting a mediation in a commercial matter in a city which stands to gain from the possible demise of London as a leading financial centre. Our waiter in the restaurant on Sunday evening shared our bemusement that events could have reached this stage. It doesn't seem to make sense. Why have we got into this situation? What could we have done to avoid it? What have we not heard?

That earlier blog also discussed the role of mediators in the political process. When do our own beliefs matter? When might we need to express them? Or should we remain impartial throughout? Last week, in another of my roles (training politicians in the skills they use to scrutinise decision-makers), I found myself faced with the conundrum of what to do when asked to train politicians who, it turns out, do not believe in "liberal political correctness." For me, this raised many of the questions posed in my last blog even though on this occasion I was not acting as a mediator. I reached the conclusion that being involved is essential. I was able to listen to, understand and engage with these politicians while still retaining impartiality. We then need to ask how our engagement can make a difference?

Last week I was honoured to be appointed by the Scottish Government to conduct a review into allegations of bullying in a Scottish health service. While not an appointment to mediate, I am encouraged that this will be, primarily, a listening role. I emphasised this point in my [comments in the media](#):

The terms of reference for the review include to:

- "Create a safe space for individual and/or collective concerns to be raised and discussed confidentially with an independent and impartial third party.
- Identify proposals and recommendations for ways forward which help to ensure the culture ... in the future is open and transparent and perceived by all concerned in this way."

I cannot and should not say much but there is an opportunity here to bring into play the principles which we understand underpin effective mediation. I hope that this will be a good thing. In Brexit times, it feels like a useful contribution.

There seems to be one recurring theme in all of this. It can be summed up in these words I heard again very recently: "I wish we had talked about this two years ago." We mediators are called to help people to talk - and to listen to each other. And, of course, when a mediator really listens to others, he or she helps them in turn to listen to - and hear - each other. To conclude, I commend Greg Bond's excellent recent [post on listening](#).

Post script: At the conclusion of today's mediation, after the signing of the settlement agreement, one of the principals produced two bottles of champagne and thanked everybody. He emphasised the importance of the parties' renewed business relationship based on the trust which had been rebuilt in the mediation. They had heard each other.