

Kluwer Mediation Blog

BREXIT – what can I learn from it?

Virginie Martins De Nobrega (Creative Resolution) · Thursday, July 7th, 2016 · Young Mediators Initiative (YMI)

Writing a post in the aftermath of what happened on Friday, the 24th of June 2016, is an opportunity to reflect on what it takes to conduct an effective mediation process, and above all a constructive dialogue.

Clearly this post is an insight on my own personal reflections to date. With the weeks ahead, I am sure my thoughts will be transformed precisely by the dialogue that might (will?) occur between confronting parties, opposite views, and a number of beliefs and values.

First, this dialogue reminded me of the importance of the third “invisible” parties – “invisible” in the sense that they are not physically around the mediation table and/or do not have, per se, full decision-making power. In the EU referendum, it was the citizens even though a referendum is by definition a vote by which citizens are asked to express their opinion or decision on an important political or social question.

However, because they do not take part directly in the process nor do they appear to be a powerful counterpart, one could diminish their real impact on the process itself or in the implementation of the agreement.

Undermining their position, as well as providing them with a discourse that does not respond nor address nor respect their fears, doubts or concerns ends up in compromising the whole process, and facing costly backlash effects and uncertainties. Obviously, by underestimating the real concerns expressed – constructively or not – by some citizens in the UK, we missed out on the opportunity to reach out to them to know what were they profoundly concerned about, and therefore failed in providing them some clarity to make an informed decision.

This could seem more obvious in a political context than in a commercial transaction. But is it really?

The lack of representation of economic actors in peace negotiations, for example, shows that we tend to forget that our perceptions can be biased by being surrounded by peers and, to some extent, disconnected from the third parties we should serve and take into consideration.

In that regard, I believe ethics and leadership are key.

Engaging in a dialogue involves that you are committed to be fully prepared, to get informed and

to inform your counterpart(s) around the table by acting in good faith and disclosing true information. If not, you construct your strategy on false information, as it was the case during the campaign, and you end up being trapped in a monologue where you are serving your own perceptions and wishes without really connecting with the core issues, and again with the people involved.

I believe this is where ethics shows. If you really want to engage, you have to act with ethics.

You want to give your utmost to put the parties in the best conditions to gain clarity, and to enable them to make the best decision at a certain point. It requires constant self-awareness of your own prejudices and beliefs, as well as clear intentions on what you bring on the table.

As for leadership, it shows in the manner of managing emotions, such as fear, whether as a mediator or a party.

By nature a dialogue is a human interaction, and because we are social animals, emotions are automatically and organically involved.

Fear is the most common emotion related to a frightening vision of life. Living in fear is living with the constant anxiety that my basic support system (home, country, family, job...) could be damaged or destroyed, leaving me powerless. Pr. HAWKINS has scientifically demonstrated that fear is one of the lowest frequency emotions (100 Hz), which has a significant impact on the capacity for judgement.

And yet, fear is an emotion still over manipulated instead of dealt with.

True leaders do not act upon their counterpart(s)' fear, but rather inspire people (teams, citizens, communities, and opposing parties) to reach out beyond their fears to build bridges of understanding towards a solution. By building a safe space in a mediation/dialogue, mediators have this incredible responsibility to support the expression of such fears, and support parties in demonstrating true leaderships.

It is where I believe the UK referendum campaigns failed badly. .

But, as always, it is easier to see things when you are at a distance and not personally involved. Stepping up fully in the process without being fully absorbed by it is undoubtedly a challenge also for a young mediator.

Lastly, the UK referendum makes me reflect again on a question I have been regularly asked: can lawyers be peacemakers?

My answer remains: why wouldn't they be? Aren't we all peacemakers?

Depending of your role in a conflict, depending of the job you have, you might not be in charge of the mediation/dialogue process, but I believe you can certainly behave as a peacemaker.

Being a peacemaker/mediator requires to be trained in mediation and facilitation processes and tools, but above all it is a mind-set.

Peace and resolving conflicts is a vision of society and human interactions. It is not something rather unreachable that would constitute a ground to categorize, and thus separate individuals.

For me, here is the art of mediating and dialoguing: much more than designing and conducting a process, it is what you put in it, how you connect with people at every level of the decision ladder, how you build rapport and trust, how you communicate, what you hear and what you decide to make of it.

Surely, the fractures between the UK and the EU, as well as within the UK whether between regions, between generations, among families and political parties, reminds us that diversity and democratic dialogues require from us – mediators, peacemakers and citizens – not to be complacent, but rather raise our voice, tell our truth and stretch our thinking to connect better with others to build up a true dialogue, which will nurture our democracies and enrich us.

As a young mediator, this is fascinating, inspiring and daunting sometimes. It is also an incredible opportunity to be an actor of change in those times where new social, economic and political paradigms are needed and being built. It is also about remembering that every conflict is full of possibilities to create something unexpected, and is so rewarding if we fully invest and engage into it.


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