

Kluwer Mediation Blog

A “Pop Up” Mediation: Brexit and Devolution

John Sturrock (Core Solutions Group) · Wednesday, March 29th, 2017

I am at my desk, an hour after the conclusion of a really fascinating event here in Edinburgh, in which my colleague, Charlie Woods, and I acted as mediators in a simulation of a mediated process involving 10 delegations representing different interests in the current Brexit negotiations. With over 50 participants, allocated randomly to one of 10 stakeholders (the Scottish Government, the UK Government, the Welsh Government, the Northern Ireland Government, the Republic of Ireland Government, EU Heads of Government, American Congress, regions of England outside London and the South East, the islands of Orkney and Shetland and young people of Scotland), we had three and a half hours of engaging conversations, negotiation, diplomacy, plenary feedback and process reflections.

There was the additional backdrop that, on the day, the Scottish Parliament had voted in favour of a second independence referendum and the Prime Minister of the UK Government has signed the Article 50 letter announcing Britain’s withdrawal from the EU – a situation emphatically rejected by the majority of Scots.

We worked within the framework of a prepared structure with a sequence of questions and exercises, featuring both process and substance. We encouraged written commitment to respectful dialogue. We explored guidelines for effective working within delegations, common interests and real concerns about process. We asked each group to appoint a facilitator, a rapporteur, an observer and a representative to attend plenary sessions. After a while, we encouraged delegations to approach other delegations with a view to working together. This resulted in intriguing manoeuvrings and setbacks, rejections and shifts in allegiance. We ate together, promoting informal contacts among delegates. People kept a record of what they were learning.

As participants experienced being in the shoes of those with whom they may not naturally have had sympathy, familiar themes arose: the need to be heard, fear of being excluded, power plays, the need for and absence of trust, the value of a structure, misunderstandings about language, conflict within groups, management of diversity, gender roles, finding a voice for the marginalised, and so on.

There is a thirst for this sort of thing. Everyone participated and gained something from it. We had no talking heads, simply a few insightful reflections from seasoned observers about process. We mediators had cause to reflect on our role, not least when matters seemed to be getting out of control as delegations sought and refused to merge. When should we intervene? How far should we let things go and wait to see what happened? How should we deal with apparently abusive conduct

(simulated of course). When do we improvise? How do we manage limited time?

A heartfelt reflection at the end: why can't we see this kind of process being used in the real negotiations? It might actually make a difference – for the better – at the margins.

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