



THE UNIVERSITY of EDINBURGH
School of Social and
Political Science

A Pop-Up Mediation: Multi-Party Dialogue using Mediation

Brexit: A Constitutional Crisis?

On the evening of **Tuesday March 28th 2017**, a pop-up mediation event on Brexit took place at the Grassmarket Community Centre in Edinburgh. This event's dialogue focused on the topic of the Article 50 letter being sent by the United Kingdom to the European Union the following day, triggering the anticipated withdrawal process, a situation emphatically rejected by the majority of Scots. There was the additional backdrop that, on the day, the Scottish Parliament had voted in favour of a second independence referendum. We had three and a half hours of engaging conversations, negotiation, diplomacy, plenary feedback and process reflections.

On arrival, participants were randomly assigned to a table which allocated them to one of ten different delegation groups. The groups represented: *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, Orkney and Shetland and the young people of Scotland.*

Led by **John Sturrock, QC**, founder and senior mediator of Core Solutions (www.core-solutions.com), the session began by acknowledging the sensitivity of the issue and participants agreed upon and, if they wished, formally signed up to a framework for Commitment to Respectful Dialogue before the discussions commenced (see Appendix 5). The parameters of the workshop were less attentive to the political issues, as delegates may have had relatively little information about their assigned delegation. The true goal was not to negotiate the best deal out of Brexit but rather to consider how negotiations might occur, and to draw on the power of purposeful mediation techniques in this process.

The groups were first tasked to identify *common interests* (see Appendix 1) amongst all delegations, which seemed a strikingly different approach to conventional negotiations where parties will often outline their objectives and concerns with no interest in those of the other parties. Commonalities included ongoing friendship, peace and security, and minimising uncertainty. We summarised the underlying processes taking place within the delegations, which were dialogue, listening, thinking about other players, preparation and creativity through the process. The dynamic in the room at this stage was exciting and open minded, as delegates introduced themselves to their newly acquired colleagues and discussion kicked off.

After introducing the commonalities, the delegations then turned to some guided questions which had a focused framework (see Appendix 4). The delegations discussed the concerns and questions their respective parties raised about the process. In a plenary report-back to

the full room, selected representatives of each delegation joined together onstage to present for their groups, including a whirlwind speech in French from the EU. Identification of participant groups became an issue and why some of delegations were present at all (eg from outside of the EU or otherwise represented by the UK government and/or the EU in any event). Many of the parties expressed *concerns* about not being heard and of having to navigate an unclear process (see Appendix 2) along with *clear needs* about the process (see Appendix 3). Co-facilitator, **Charlie Woods**, Associate and Mediator at Core Solutions, reminded the participants about clarity, clear ground rules for balance between all parties, open-mindedness and reflection.

By way of closing the first half of the evening, **Dr Oliver Escobar**, a Lecturer in Public Policy at the University of Edinburgh (www.ed.ac.uk), was invited to share his analysis of the evening thus far. He drew parallels with his research on dialogue and public discourse. He emphasised that, during this event, he heard a consistent focus on interests, fears and the needs of each delegation, rather than what we might think of as political positions. He also noted a tendency of delegates, as in real politics, to make assumptions about other participants, ‘othering’ them before engaging with them. Quoting traditions in democratic theory, he reminded us that: ‘good individuals don’t make good society, a good society creates good individuals’. He then noted how the same group of people will produce completely different outcomes depending on the communication process they undergo. This means that ‘process matters’ and we must pay attention to the quality of the communication process in the next 18 months.



After a brief break for some food and inter-delegation mingling, delegations returned to the drawing board and again discussed commonalities. The next task was to find another delegation with similar interests and stakes in the Article 50 process and seek to create alliances. This became an extensive, haphazard and volatile process. Partnerships were negotiated and reneged on. After a frenzy of diplomatic activity, it became apparent that the EU was the hottest ticket. A major coalition between Scotland, Orkney and Shetland, and Young Scotland all joined the European Heads of States. The US Congress and the UK Government joined forces, after the UK rejected a partnership overture from the Welsh Government. For the Welsh delegates, this seemed to indicate how quickly the UK would turn to the prospect of a more powerful relationship. The two Irish delegations speedily and unanimously united. Wales and regions of England outside London and the South East felt marginalised in the process. The Young People wished to fragment and join a number of other groups as individuals. These negotiations began the slow shift into what **Professor Fiona Mackay**, Dean and Head of the University of Edinburgh’s School of Social and Political Science,

described as representative of 'realpolitik' as delegations became fixed on forming alliances seemingly based on wielding power.

In a plenary report back, representatives of newly-formed coalition delegations sought to explain their positions, articulate new joint objectives and respond on how they could each help to make a constructive contribution. The mediators sought to preserve respect and dignity throughout, while maintaining a sense of some order. In a further contribution, Professor Mackay noted that the room reflected a 'real life international security lesson' as she saw tempers flare whilst deliberation and patience decreased amongst delegates. She pointed out that, as delegations sought to build alliances, the focus of the workshop shifted away from mediation and collaboration, towards more tense and rational relations, power grabs and anarchy. In implicit agreement with Dr Escobar's earlier comments, she observed that the process had changed and therefore participants had changed.

In a concluding plenary session and closing remarks, John Sturrock noted both that commonalities and assumptions had played a significant role in this process. He noted it was perhaps not so much the differences amongst the groups that divided them, but the judgments and misinformed inferences each group had made about the other. He drew the group back to the real political Brexit situation and noted that assumption and misperceptions like these must be addressed during the negotiations following the triggering of Article 50. Perhaps what we could take from this exercise is that governments will need to find a way to work together as much as possible through preparation, dialogue, listening, focus, creativity and open mindedness. The issue of process management and the role of mediators/facilitators also merited real consideration.



This article is based on an earlier draft by **Rebecca Spross**, an undergraduate student at the University of Edinburgh. Rebecca comments:

“As an observer and an International Relations and Law undergraduate student, I found this workshop to be a microcosm of international diplomacy. It was a fascinating, real life example of the power of discourse. Negotiation forums in political debate are notorious for their lack of consent. My personal insight from this evening and from observing John Sturrock’s three-day Spring School on “Using Mediation Skills as a Professional” is that the one of best ways to approach a difficult subject is to not get muddled in personal allegiances, but rather to flourish through the commonalities.”

John Sturrock observed:

“There seems to be 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 should 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 – even at the margins.”

Appendix 1: Some common interests of parties

- Ongoing friendship
- Peace and security
- Affordability
- Minimising uncertainty
- Economic prosperity and market access
- Border management
- Clarity and pace of the process
- Health/wellbeing of citizens
- Opportunities arising from revisiting the status quo

Appendix 2: Concerns of the parties

- Feeling like outsiders/lack of status
- Lack of voice/votes/bargaining power
- Poor balance of representation
- Predetermined outcomes
- Internal differences
- Lack of clarity of role
- Lack of trust
- Misunderstandings about language
- Conflict within groups
- Management of diversity, including gender roles
- Finding a voice for the marginalised

Appendix 3: Needs of the parties

- Clear process/framework for dialogue
- Opportunity to sit at other tables and engage
- Balance of airtime for feedback/reporting
- Clarity of ground-rules
- Neutral facilitator
- Open minds for option generation and discussion of possible outcomes
- Space and time for private discussion
- Opportunities to reflect/deliberate

Appendix 4: Multi-Party Questionnaire/



Multi-Party Dialogue using Mediation

Brexit: A Constitutional Crisis?

Tuesday 28 March 2017

Name of your delegation:

Assumption:

This is the first opportunity for all parties to meet in this structured way to assess how things stand as the UK is about to issue its Article 50 letter to the EU.

Initial Task

Introduce yourselves

As a delegation, what do you need to do to ensure that your delegation works effectively in discussing the issues this evening?

Identify 3 key ground rules for effective working:

- 1.
- 2.
- 3.

Decide who is going to be:

- a. Your table facilitator (*enabling you all to participate and work together*)
- b. Your table rapporteur (*taking notes about the points emerging*)
- c. Your table observer (*commenting on process*)
- d. Your table representative(s) (*taking part in the plenary meetings with other delegations*)

Objectives

What are your specific interests as a delegation?

What are the common interests of all delegations in the room?

What does your delegation really need to achieve out of this process and why?

What one aspect of this process can help you to achieve that outcome?

Process

What, if any, are your delegation's main concerns about participation in this process?

What would help you to have confidence in the process?

What questions do you have about the process?

What worries you most as a delegation?

How will you deal with all this?

The Issues

What are your delegation's main concerns about the constitutional situation at present?

What are likely to be the main concerns of other delegations?

How are you going to present (and recognise) these concerns in a plenary session?

In what way can your delegation make a difference?

What will your representative(s) say and how?

How will you benchmark progress?

Alternatives

What will be the consequences for your delegation if matters are not progressed constructively?

What do you think will be the consequences for the other parties?

Reflecting on these questions, what are the options for moving forward using a mediated process?

And finally.....

Personal Reflection

What have you learned from this process

(a) for yourself

(b) about the current situation and

(c) about the process of mediation?

Commitment to Respectful Dialogue

We, as signatories to this Commitment, believe that it is a privilege to be able to engage in discussions about our future. How we engage with each other in Scotland, and with those outside Scotland, may be just as important as the outcome of our discussions.

We believe that it is in the interests of a flourishing Scotland that we continue to conduct all discussions about our future with civility and dignity. Therefore, we undertake to do our best, and will encourage others to do their best, to:

- Look for common ground and shared interests at all times
- Show respect and courtesy towards all those who are engaged in discussions, whatever views they hold
- Acknowledge that there are many differing, deeply held and valid points of view
- Listen carefully to all points of view and seek to understand what concerns and motivates those with differing views from our own
- Use language carefully and seek to avoid personal or other remarks which might cause offence
- Ask questions if we do not understand what others are saying or proposing
- Express our own views clearly and honestly and with transparency about our motives and interests
- Respond to questions asked of us with openness and, whenever we can, with credible information.