

A Joint Submission by Collaborative Scotland and Core Solutions

*"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 in Getting to Yes

Introduction:

This 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, world-famous Harvard professor and negotiator, 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.

Acknowledging the pressure of time, the complexity of issues and the diversity of views, we also 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.

Background:

1. **Collaborative Scotland** was established in early 2014 to promote respectful dialogue in the run up to and after the referendum. Its Commitment to Respectful Dialogue was signed by hundreds of people and published in the national press six months prior to the referendum and again the weekend before. See www.collaborativescotland.org.
2. Collaborative Scotland also held a number of well-attended events, using the process of dialogue to discuss the kind of Scotland participants would like to see in the future. These are written up on its website. Two weeks prior to the referendum, it held a sixteen hour Day of Dialogue with several conversations with senior business people, senior politicians from Scotland, Ireland and Wales and one of the world's leading international negotiation experts. Again, all these have been captured on the website: <http://collaborativescotland.org/day-of-dialogue-resources/>. Some of the output from

that event is very significant indeed, focusing on important issues more broadly – and deeply - than much of the debate had done. The focus on “dialogue” rather than “debate” is an important enabler of richer conversations.

3. **Core Solutions Group**, which supports Collaborative Scotland, is Scotland’s leading mediation service, working across all sectors. It has extensive experience of mediating significant commercial, public sector (including government) and other disputes and conflicts in Scotland and beyond, in addition to extensive training in negotiation and problem-solving for many professionals (including politicians and others, in effective scrutiny techniques). See www.core-solutions.com

“It’s not our differences that divide us. It’s our judgments about each other that do.”

Margaret Wheatley

Principles:

4. We suggest that the real areas of difference between the political parties (and between activist and silent others in Scotland and the rest of the UK) may be less than perceived. One participant at the Day of Dialogue, having listened to Douglas Alexander and Andrew Wilson, 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.”
5. The areas of difference between the political parties (and others in Scotland and the rest of the UK) should be addressed in creative ways. The binary nature of the referendum question often denied voters the opportunity to discuss the complexity and subtlety of many issues and to examine some of the ambiguities which arose. Indeed, 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. It can encourage group think, polarisation and partisanship. 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. See also two recent books describing the failures of Government in the UK in recent years: “The Blunders of our Governments”, by King and Crewe, and “Conundrum: Why Every Government Gets Things Wrong”, by Bacon and Hope.
6. We believe that politics in Scotland and the United Kingdom would be greatly enhanced by a more collaborative approach and that both the work of the Commission and its recommendations for the future of the Scottish Parliament should be rooted in encouraging greater collaboration in policy-making, allocation of resources and future planning. The same would apply to relations between constituent parts of the UK. 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.

“Shades of grey are not easy to articulate. Black-and-white is seductive because it is simple and absolute. It appears clear and decisive.

Because of that, we will often gravitate toward yes or no answers when a “both” or a “maybe” is closer to the truth.”

Richard Stengel in Mandela’s Way

Proposals:

7. To that end, this 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.
8. 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.
9. 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 live in a blame culture – we want to know whose fault it is and how they are going to pay.

In our personal, social and political worlds.... we rarely hold people accountable.”

Brene Brown in The Gifts of Imperfection

10. We say that economic and social activity in Scotland would be enhanced by the greater use of collaborative techniques generally to help government, organisations, public sector bodies and business to find mutually beneficial ways to work together. This would have the goal of reducing unnecessary, and often expensive and time-consuming, disputes and confrontation and instead focusing on cooperation (or, in the words of Edward de Bono, co-opetition) to build on competing ideas and to develop better outcomes based on common interests and the common good, rather than bipartisan

politics or historic enmity. The focus would be on responsibility and accountability, rather than fault-finding and finger-pointing, which can breed defensiveness and lack of transparency. Constructive civility in the public square, in the parliament, in committees and the boardroom, in budget decisions, and in strategy and decision-making, would greatly enhance confidence and competence while encouraging sustainable growth and civic dignity in Scotland. It would also build on the energy of the referendum and the engagement of so many people in the discussions about independence. To achieve these outcomes requires education, training, capacity-building and a new way of thinking for many sectors, including parliament and government. We suggest that this should be recognised explicitly.

11. In particular, we propose that work which has been ongoing for a number of years in the Scottish Parliament (and in the Northern Irish and Welsh Assemblies and the House of Commons), to enhance the skills of members and support staff in effective scrutiny techniques through better research, preparation, questioning skills and analysis of evidence, should become more structured so that the Parliament operates even more effectively in decision-making and in policy and legislative scrutiny and accountability. All of this will help to strengthen the Parliament's ability to use powers devolved to it sensibly and competently and thus increase public confidence and support.
12. 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.

"Just as important as the outcome is that we now understand where you folk are coming from...."

Senior participant in a dispute in a very high value major Scottish project

"Our metrics will never be a substitute for public dialogue and thinking about what constitutes a good society"

Joseph Stiglitz

Addendum:

13. 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.

Final Reflections:

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.

"Insanity is doing the same thing over and over again and expecting different results."
Albert Einstein

We need to change **how** we do things as much as **what** we do.

We would be very pleased to discuss these ideas further.

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