

## BRIEFING PAPER 1:

# MEDIATION IN LOCAL ADMINISTRATIONS

February 2024

This briefing paper is the result of a webinar held in September 2023 that aimed at exchanging the experiences from Germany with African mediators and the successful implementation of mediative practices in the Town Hall meeting project in Nigeria.

## KEY TAKEAWAYS

- Mediation in public administrations facilitates a commitment to the common good, transparency, legality, neutrality, and inclusivity, fostering collaborative decision-making and effective conflict resolution.
- The diverse applications of mediation in public administrations span from civil service in Germany to town hall meetings in Nigeria. Challenges are often related to acquisition and use of funds and inclusivity.

## DEFINITIONS

- **Local administration** implements laws, political guidelines, and government decisions. It also provides services and direct contact with citizens.
- **Mediation** can be both **internal** and **external**: internal as workplace-mediation, and external as mediative citizen participation formats.
- Mediation finds its **main legal basis** in civil service law, state and federal administrative law, and German Mediation Law.
- Mediation and mediative participatory formats can assist administration in **cop**ing with the **complexity** of **administrative tasks**.

## SPEAKER:



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Juliane Ade holds a degree in law and has been working as an independent mediator, consultant and coach in conflict resolution since 2001. She teaches mediation, negotiation, ADR procedures and conflict management in economic, social, non-governmental and academic organizations and in the public sector.

## APPLICATION

**Public administration bodies** include citizens' offices and district governments, universities, ministries, museums, regulatory authorities, and public utilities.

Within these public administration bodies, **mediation could be applied** within teams, amongst colleagues, between hierarchical levels, amongst superiors of the same level, and between departments.

**Conflict** requiring mediation could arise due to:

- Internal structures;
- Workload pressure;
- Changes in leadership;
- Conflict interests.

## CASE STUDY: GERMAN CIVIL SERVICE

The **German Civil Service** working relationship has features that are significant for mediation, namely:

- Prescribed and hence transparent salary system;
- Strong emphasis on hierarchical structures;
- Principle of legality (every enforcement act must be covered by a law).



Some examples of **conflicts** that may arise in this setting are:

- Conflict between research officers of cooperating universities regarding the handling/use of funding;
- Incidents of discrimination by superiors, amongst colleagues, against citizens, students, etc.;
- Conflicts following a change in leadership.

**SIGNIFICANCE FOR MEDIATION:** Overall, mediation in this context is non-problematic in a legal sense; it is voluntary, informal mediation and conflict resolution regarding communication and relationships. Its scope is often more limited than in the private sector.

## CASE STUDY: TOWN HALL MEETING (NIGERIA)

In 2014, the Centre for Sustainable Development and Education in Africa (CSDEA) launched a project for the transformation of public town hall meetings in Nigeria, focusing on principles of mediation and reflective dialogue.

The Town Hall Meetings helped to improve communication quality and inclusive participation through reflective dialogue. It became possible to bring different interests groups together to talk and decide on how revenues for local governments are to be spent for the common interest of the citizens in an accountable and transparent manner. This included those often absent or under-represented in society's formal discourses, such as women and youth.

**CHALLENGES:** Resources (financial, time); Fluctuation of engaged parties (leaders, employees, civil society); Culture of distrust; Late insertion of mediative, participatory process.

**CONDITIONS FOR LONG-TERM SUCCESS:** Development of competences in conflict management; Secured financing; Long-term planning; Early involvement of all parties/stakeholders; Integration of local practices.



A community dialogue takes place in North Eastern Nigeria.



## INTEGRATION OF MEDIATION IN ADMINISTRATION PROCESSES

Mediation can support administration processes by facilitating a commitment to the common good, as well as the need for transparency, the principle of legality, the obligation to neutrality, and bringing together the perspectives of a large number of parties and people.

Examples of mediation and mediatory participatory formats are:

- Public hearings and information events;
- Large group intervention dialogue formats;
- Interventions for de-escalation;
- Preparation of interest/consent-based decisions/solutions with multiple stakeholder groups;
- Multiple perspectives/inclusive procedures.

These could be applied to, for instance, urban planning, building projects, resolution of environmental conflicts, or preparation and communication of municipal decisions.

## ACTIONABLE RECOMMENDATIONS:

- **Build Mediation Skills:** Provide training to foster a culture of constructive dialogue and enable effective conflict resolution within administrative contexts.
- **Institutionalize Mediation Processes:** Integrate mediation into administrative procedures to ensure consistency and transparency.
- **Promote Stakeholder Engagement:** Engage diverse stakeholders early in decision-making processes to enhance legitimacy and effectiveness.

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