

N a t i o n a l
f o r u m
of **Urban** Affairs
Professionals

New ways
of conflict resolution
in everyday life

SOCIAL media -tion

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**Social mediation
and new methods
of conflict resolution
in daily life**

Social mediation and new methods of conflict resolution in daily life

*Proceedings of the Seminar organised
by the Interministerial Delegation for Urban
Affairs under the French Presidency
of the European Union - Oisin Programme
Paris-Créteil, 21-22-23 September 2000*

***Social mediation: the time has come for reflection
at the European level***

The number of “social mediators” in France today is beyond counting, as is that of the practices known as “social mediation”. The emergence of the concept and the burgeoning number of local and national campaigns subscribing to it have been the subject of many discussions and colloquia in France. The time has now come, in my view, for the issue to be addressed at the European level.

Social mediation appeared in response to very concrete problems of daily life which, while they may vary from one country to another, seem nonetheless to be shared by almost all the European Union countries.

Some difficulties are closely linked to urban lifestyles, and particularly those of the most deprived areas where tensions between inhabitants are exacerbated by unemployment and economic problems. In France and in Belgium, through city contracts or local security contracts, social mediation has made its mark as one solution within a range of measures introduced by local partnerships.

Many of these social mediation practices are directly concerned with facilitating the integration of populations of foreign origin. The need for greater understanding at the everyday level is pressing in many areas: in the strictly administrative field, naturally, for everything to do with conditions of residence in the country, but also in the field of schools, social services or even hospitals, as illustrated by the remarkable experience of Italian women mediators in Milan hospitals.

Lastly, the field of social mediation has grown substantially in France at the level of relations between citizens and public services. Is this linked to the legendary French attachment to the concept of public services? To the extensive presence of these services across the country? To high public expecta-

tions of those services? No doubt, but the reference which the Swedish Ombudsman represents for the mediator of the French republic clearly shows that we are far from being alone in our concern for such matters.

For this seminar, I was keen not merely to juxtapose the experiences of each contributor, but to succeed in creating a real confrontation. Clearly, such an objective cannot be attained at a single meeting. The process of reflection has been initiated, but I would like to see it taken on from here, continued, capitalised upon, enriched, refined.

We are aided in our long-term approach by the European Union which, firstly, is engaging in a process of in-depth exchanges over time concerning practices in different countries and, secondly, developing a broader conception of the prevention of criminality which pays greater attention to the everyday living conditions of European citizens.

Claude Bartolone

Minister for Urban Affairs

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1- Social Mediation: Novelty and Diversity of Practices

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The development of so-called "social mediation" practices is of particular interest to the Ministry for Urban Affairs, since such practices frequently reflect considerable involvement on the part of society, local inhabitants, associations, volunteers etc. in the everyday working of the local community. They also make it possible, through dialogue, to resolve the tensions and misunderstandings of urban life. Such practices thereby contribute to the prevention of violence and the recognition of a place for all within the city. Social mediation also forges links between people coexisting within a family, a neighbourhood or a community.

These practices are not, however, self-evident. A number of questions have thus emerged: how is social mediation to be defined? How should it operate? In order to take its thinking forward, France decided to instigate an in-depth investigation at European level and a comparison of practices that are similar though they may be defined differently.

The Créteil Seminar required a substantial body of preparatory work carried out partly by three young researchers from the Institute for Advanced Studies in Social Sciences (Ecole des Hautes études en sciences sociales, Centre d'analyse et d'intervention sociologique – CADIS) directed by Michel Wieviorka,

as well as by Michèle Guillaume-Hofnung, Professor of Civil Law at the University of Paris XI and by Vincent Delbos, magistrate and Vice-President in charge of sentencing at the High Court of Versailles.

Alexandra Poli, Nicola Tietze and Moussa Khedimellah were tasked with reporting on the status of European research into social mediation. Their work has been incorporated into this publication in summary form and will shortly be published in full by the Interministerial Delegation for Urban Affairs.

Michèle Guillaume-Hofnung addressed the establishment of a precise definition of social mediation, and the links that exist between this term and human rights, while Vincent Delbos catalogued a number of relevant initiatives in various European countries.

At the European level, this seminar also makes it possible to take forward an approach to security and to crime prevention that is much closer to people, that more closely involves civil society at large, without systematically resorting to the powers of the police and justice systems to resolve the difficulties experienced by inhabitants in their everyday life. A more searching analysis of this concept – used as such by only a handful of countries – plus the comparative

analysis of different practices should be followed up by the mobilisation and extension of the network created on the occasion of this seminar.

For France, the challenge is to respond to the concerns of many social mediators and their employers, as well as those to whom social mediation is addressed, and to provide them with the resources (conceptual, but also material, statutory, training and qualification) - to pursue these practices under improved conditions.

Isabelle Passet

Interministerial Delegation for Urban Affairs

Opening Addresses

A new conception of citizenship

To address the issue of social mediation in Europe within the framework of France's Presidency of the European Union is to seek to make Europe a sound edifice at the service of its inhabitants and their daily life.

Which is why I am happy to greet you here, ladies and gentlemen, who have travelled from throughout Europe, so that together we may define the principles and resources that will make it possible to help European citizens in their everyday life.

You have gathered here to examine the many practices that have emerged under various headings, which in France have summed up under the term "social mediation".

Without entering further into the debate ahead of you, I think I may say that these practices reveal a desire to resolve the tensions inherent in any form of life in society, and in any urban setting in particular, through community-based action through a process of empowerment.

Participation

Proximity and empowerment are, in my view, two essential foundations of our democratic societies. These principles govern what in France we refer to as "citizen participation" or community

involvement, i.e. people's ability to intervene as active citizens and not merely as passive users.

Such participation goes far beyond the mere exercise of the right to vote; it is connected to the concept of political and social integration: to be a citizen is to feel a sense of belonging to the community.

Citizenship of this sort is far removed from the usual definitions which confine it to nationality, i.e. to the strict legal affiliation to a nation.

The construction of Europe has already contributed to widening our conception of citizenship by allowing the free movement of goods and persons and, by extending the right to vote to all European nationals.

This supranational development must now be echoed at the local level, in close proximity to the members of society. In this sense, the development of so-called "social mediation" practices contributes to giving a full-fledged role to the European citizen in his or her daily life.

New professions in the city and in Europe

I want social mediation to play a key role in marking out the line to be followed by my Ministry. Mrs. Brévan, Interminis-

Opening Address

terial Delegate for Urban Affairs, and Mr. Picard, former Mayor of Mantes-La-Jolie, have also, at my request, carried out an in-depth study of the new professions emerging in our towns and cities, and first and foremost the professions of mediation.

On the basis of their findings, I will very shortly be convening the main ministries and concerned stakeholders, in order to define pragmatic methods for ensuring the quality and sustainability of social mediation practitioners and practices in France.

“It seemed to me, however, that France was not the only country to be raising questions about these practices. Indeed, this is one of the objectives of today's meeting: numerous experiments have been carried out in Europe and around the world on ways to improve the relations between neighbours, between cultures or between users and institutions.”

To evoke these different experiments together, to compare them and to draw common conclusions from them, is not to seek to render them uniform.

I do not want to see, in France or anywhere else, all mediators certified

or regulated by a central body. I would not seek to prevent anyone from using the term “mediation”.

I wish simply to gain a better understanding of this ever-increasing multitude of actions, a better sense of their efficacy, and to be better able to guarantee respect for fundamental individual rights through these new forms of action.

A vision going beyond prevention

Such is the intent of this seminar that must enable us to arrive at general recommendations.

This is not my sole objective, however. This seminar is also an important landmark on the European map.

Last year in Tampere, the heads of state and government of the European Union again gave priority to the prevention of delinquency, alongside actions already under way to combat major crime.

In May, we met in Faro, at the instigation of the President of Portugal, to lay the foundations for common principles in the matter of prevention.

Today's seminar is a continuation of those meetings: our aim is to intensify our co-operation and the comparative

Claude Bartolone

Minister for Urban Affairs

...

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... analysis of our practices. It is also to construct a broader vision of prevention.

Mediation can certainly not be summed up as a means of preventing criminality. But nor is prevention itself limited to the actions of the police and the judicial system. Both have their place, incontrovertible and indispensable.

Prevention must be designed and implemented, however, in all its many facets: education, social and economic integration, access to rights, etc.

“All methods of conflict prevention and resolution involving a third party and all mediating actions aimed at better mutual understanding contribute, when fundamental human rights are respected, to the well-being of the community.”

More importantly still, when such practices are implemented, as I mentioned earlier, by community stakeholders, ranging from the local authorities to the citizen including social housing agencies, with the intention of assuming responsibility for their actions, these practices make a powerful contribution to keeping our democracy alive.

Resolving conflicts by involving the civil society

It is for this reason that I believe it necessary to pursue within the European Union a clearly marked policy based on alternative methods of conflict resolution involving members of the civil society.

I know that this conception is shared by the Commission, as well as by several Member States. I know that Sweden too places great emphasis on this broader approach to prevention.

What we refer to in Euro-jargon as the “JIA” (Justice/Internal Affairs) sector has hitherto covered primarily police co-operation programmes and the building of a common judicial space. These objectives are primordial. The construction of Europe has made great advances possible, even if efforts must be continued.

These may now be supplemented by a second dimension, one which is less institutional and involves local authorities and society as a whole.

We share this conception with Sweden, which is due to succeed France to the presidency of the European Union; we are therefore naturally prompted to combine our efforts.

With a view to continuing this

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movement of opening up and enrichment of European co-operation in the field of prevention, early in December our two countries will present a project to create a European network for the prevention of criminality. The network will pursue precisely this broader, horizontal and multidisciplinary approach to prevention.

Akin to a resource centre, the network will be tasked with intensifying co-operation and exchanges of practices, with formulating multidisciplinary training programmes and organising events on a European scale.

Through your debates and the recommendations you will submit to the Member States and institutions of the European Union, you will be making a contribution to this important development.

Claude Bartolone

Minister for Urban Affairs

Chairman, Mr. Minister, Ladies and Gentlemen,

Allow me first of all to thank Minister Bartolone for giving me this opportunity to speak before you, and open this Seminar, with a presentation of the Swedish view on the prevention of crime in general, and on social prevention in particular.

Social mediation is a way of solving conflicts at an early stage, perhaps before they reach the level of overt conflict. In a way, you could compare it with the role of preventive diplomacy in a domestic context. We have been undertaking efforts in Sweden that resemble social mediation, although that collective label is one we have not been using so far. You will mostly find the elements of social mediation appearing in individual projects in Sweden, where mediation-projects will normally contain a large portion of traditional mediation in the penal procedure itself. This seminar will provide us - in fact just by being organised, it already has provided us - with new perspectives and ways of looking at what we are already doing, as well as inspire us in new ways of addressing existing problems. Let me underline what I see as three important contributions of this seminar.

1. Comparing traditional mediation with social mediation, you can say that traditional mediation intervenes once

tensions have reached the level of overt conflict, whereas social mediation intervenes at an earlier stage. Together with other preventive measures, Sweden is addressing the earlier stages as well, but I think one main achievement of France in this field, is that *you have made us all rethink the different levels and stages of intervention, by launching the concept of social mediation*. It covers a series of events starting at root causes, through conflict reduction to conflict management, which in fact is something more comprehensive than the concepts of mediation and prevention mostly being used today.

2. But the French achievements do not stop there - the organisation of this seminar is an active effort to *raise the level of knowledge in Europe*, by identifying the leading experts in the field of social mediation. Valuable experiences will be exchanged and distilled here in Créteil, and Europe will by the end of this week have taken an important step forward thanks to this positive and knowledge-raising ambition of France.

3. In my own country most efforts in the field of social mediation are made by voluntary organisations, albeit strongly encouraged by the Government. This way of handling social mediation has advantages of course, but in a context such as this I can clearly see some of the shortcomings as well. The French approach

strikes me as being commendably structured and coherent, which makes both goal-setting and evaluation clearer. As Sweden and, I might add, the European Union, is turning towards a more scientific approach in its preventive efforts - including the efforts fitting in the context of social mediation - we will greatly benefit from the French experiences and from the knowledge of all the experts France has gathered here for the seminar.

Social mediation acknowledges the existence of social frictions as one of the root causes of crime, and it suggests a way of addressing it - this is exactly how an enlightened crime policy should challenge crime problems. Just as France, Sweden believes that a stable welfare system is instrumental for the development and safeguarding of a humane and modern democracy with social peace. Not only in that it guarantees socially secure citizens, but more so since it requires a commitment from citizens, non-governmental organisations, political parties, and other civic institutions.

“Social mediation is an expression of empowering the individual components of that good society, empowering them to take responsibility for maintaining social peace and preventing crime.”

As we focus on strategic considerations for the future, I would also like to stress the need for a *knowledge-based approach*. Today we undertake a wide range of activities at the national and the EU-level to prevent and combat crime. But are we sure that we are doing the right things in order to be effective? *Whatever strategy we ultimately decide to use, it has to be based on knowledge of the causes and development of crime and of the efficient ways to prevent and combat it.* Knowledge is not a linear project - it is a constant process, just as criminals adapt to preventive measures and social change and new technologies alter the way we live and work. Our knowledge of what works in crime reduction must constantly be developed through evaluation and innovation. This is again underlined by the important topics that will be addressed here in Créteil.

In conclusion, Ladies and Gentlemen, I would like to stress that Sweden is an ally of France in the fight against crime. We believe that it is absolutely essential to define a modern anti-crime policy, based on the right balance between prevention and repression. However we also need to understand the root-causes of crime, and what social problems underlie discords within the social fabric. In our view, *social mediation* constitutes a straightforward way to involve society as a whole in meeting this challenge.

Erik Wennerström

Director for International Relations, Ministry of Justice, Sweden

...

A d d r e s s

... You may rest assured that Sweden will make a contribution to resolving this issue, as attested by the presence of its representatives today.

I hope this conference will be fruitful for all participants and I would like to extend my warmest thanks to our hosts and organisers.

Erik Wennerström

Director for International Relations, Ministry of Justice, Sweden

The place of mediation in new urban professions

Statement by Claude Brévan, Interministerial Delegate for Urban Affairs

Over the last twenty years or so, the French state and local authorities have engaged in an urban policy, calling widely on new players and new professional energies to overcome the processes of social and urban segregation and the marginalisation of whole sections of cities and fragments of urban society.

Professions linked specifically to urban policy and urban social development have developed and have diversified, adopting a territorial and comprehensive approach, based above all on the concept of "proximity", or grassroots level.

Alongside these professions linked to the development and implementation of urban policies, in recent years new functions have grown apace in the field of mediation, raising the issue of the emergence of new professions. These new players, along with the new context of urban policy which has led to their emergence pose a substantial challenge to traditional sectors, first and foremost that of social work.

In the light of the challenges involved, Claude Bartolone, Minister in charge of Towns and Cities, asked Paul Picard and myself to produce a report on the development of these different professions within the context of urban policy. The second section of this report, which was recently submitted to the Ministry, is devoted to professions engaged in mediation, the theme of this European seminar.

The mission statement of the report were to provide answers to two indissociable questions: *"Are new professions emerging, particularly in the field of youth employment and mediation?"* and *"How can traditional professions evolve to adapt to the new context of urban policy and the decentralisation of public actions?"*

In order to find responses to these questions, the report took as its starting point ...

Claude Brévan

Interministerial Delegate for Urban Affairs

- ... the quantitative and qualitative emergence of practices to be classified under the heading of mediation, and the difficulty of defining this term. The concept of mediation is in fact an uncontrolled, partial and often inappropriate designation. It is applied to extremely heterogeneous realities and professional practices, governed by different types of rationale. As a result, we must talk of mediations in the plural, actions which are defined by their field of application: social, family, cultural, judicial, educational, and the field of prevention and public peace.

In the field of social mediation, we have identified:

- local agents of social mediation (7,000 existing and 15,000 planned ultimately under "local security contracts", via jobs created by the "new services, youth jobs" scheme),
- various other persons involved (under youth employment or other contracts) carrying out social mediation functions as all or part of their tasks, particularly for public transport authorities and social housing agencies,
- hundreds of "night correspondents" performing technical, social and mediation functions at night in social housing areas,
- around one thousand female social and cultural mediators (called "relay-women").

Under the circumstances, and beyond the diversity of their practices, techniques and fields of intervention, all these forms of mediation demonstrate a political intention, described as a new method of social regulation; in most cases, it takes the form of a presence in the local community, working to re-introduce the standards of society and recreate societal links between inhabitants and institutions, as well as between the residents themselves, particularly between generations, between neighbours and between different cultures.

This burgeoning of activity raises five key questions:

1/ The appearance of these new jobs has revealed new social needs and practices

Mediation provides a full-scale social laboratory and the medium for a new operating method which is now carried on by specific workers, outside the framework

of traditional employment: supply anticipates demand, which is considered in all its diversity of nature and origin. Through their permanent, informal presence, mediators generate real availability.

These new functions give rise to four questions of great importance to their future:

- The inadequate definition of the tasks entrusted to them and the lack of information and management available to these mediators, which may lead to misjudgements or to a feeling of uselessness on the part of new recruits,
- The possible durability of a specific and externalised framework of employment, in view of the fact that the very legitimacy of their actions depends on the contacts they are able to activate and the follow-through that their findings and suggestions will generate,
- The professional status of these jobs and the problems of professional boundaries between these emerging professions and existing job categories, in particular social work and community work.
- The subcontracting of difficult situations to individuals merely by virtue of their belonging to problem neighbourhoods.

2/ Mediation offers an opportunity of modernisation for public services

Where there has been a breakdown in relations between institutions and a section of the population, the use of mediation is an attempt to remedy the apparent failings and pave the way for mutual recognition. The revelation of new needs and the introduction of new forms of intervention also help to consolidate re-engineered public policies, particularly through the joint production of institutional presence and services in the public area. Public services and institutions must take advantage of these initiatives to adapt: under no circumstances must mediation be used as a screen between users and themselves.

3/ In this context, where mediation is destined to bring about an adaptation of public services, **the question arises of the reclassification of traditional jobs**, e.g. that of building supervisor or public transport driver.

... In this respect, there is a real opportunity for integrating mediators into the public sector in the wake of the large numbers of expected retirements implied by the employee age pyramid in public services.

4/ Given the wide diversity in levels of education and objectives of employment frameworks that may become permanent, **the need to support the professionalisation of local social mediation agents and other so-called social mediation functions would appear to be essential.**

The process of professionalisation must focus on the type of qualification specific to the activity, but also on training for young mediators and must be based on some form of formal recognition of skills acquisition. The skills and value added developed by mediation agents provide an opportunity for setting up recruitment agreements with various professional sectors.

5/ In bringing to light a number of new needs, **mediation plays a part in the creation of new professions** (social and cultural mediator or night correspondent), which are recognised in the “relay-adult” programme set up this year by the Ministry for Urban Affairs. These professions raise serious questions, however, regarding the code of ethics governing their exercise and the need for training and supervision.

Development of alternative dispute settlement methods: a promising field

Statement by Jean Claus, Directorate of Legal Affairs, Council of Europe

At a time when alternative means of settling disputes are undergoing remarkable development, the initiative of the French presidency in organising this seminar comes at a particularly opportune moment and carries within it the seeds of a new move towards an ever-broader use of mediation in ever more numerous areas.

The Council of Europe is highly satisfied with the excellent co-operation it enjoys with the European Union. This seminar could lay the groundwork for close co-operation between the Europe of 15 and the Europe of 41 as regards the development of alternative modes of dispute settlement.

In opening this seminar to representatives of the civil society who thus enjoy an opportunity to present their arguments and their experiences of mediation at the day to day level, the French presidency has taken a step that is doubly useful, in combining the scientific approach - as demonstrated in the remarkable report on the State of the Art of Social Mediation in Europe - with the practical approach of those active at grassroots level.

Work in progress in Europe

Having noted the development of different forms of mediation in several Member States, and fully aware of the need to consider mediation within a European context, the Council of Europe has in recent years been pursuing initiatives intended to promote the use of mediation, as an innovating alternative to court or administrative decisions.

The work undertaken in the wake of the European Conference on Family Law in 1995 led to the adoption by the Council of Ministers on 21 January 1998 of a recommendation on family mediation presented to the Council of Europe Member ...

Jean Claus
Directorate of Legal Affairs, Council of Europe

- ... *States, a recommendation which in fact constitutes the first international legal instrument laying down the main guidelines for family mediation and the basic principles applicable to this process for settling disputes.*

The text defines family mediation as a process for dealing with all disputes which may arise between family members, whether linked by blood or by marriage, and between persons who have or have had family relationships as defined by national legislation. In formulating the terms of the text, the greatest attention was paid to the overriding interests of children. The text was also based on the finding that recourse to family mediation could, where appropriate, improve communication between members of a family, reduce conflict between the parties in dispute, arrive at amicable settlements, ensure the continuation of personal relationships between parents and children, reduce the economic costs of separation and divorce both for the parties and for the state, and reduce the time otherwise needed for the settlement of disputes.

In reality, most of the effects described above, with the exception of those specific to family situations - although even these are fairly readily transposable - are also found in mediation in the wider sense, whether in schools, commerce, the judicial system or elsewhere, in that mediation tends to pacify the relations between the parties in conflict, avoids the hardening of positions and enables parties to leave behind the time-worn logic of "winner" and "loser", in such a way that the parties arrive, with the aid of the mediator, at a negotiated agreement which is all their own.

Achievements of the Council of Europe in the field of mediation within the judicial system

This aspect is still little developed in most Member States. In addition, where it exists, judicial mediation - often known as "victim/offender mediation" is frequently based on rather different models related to the judicial system and transposed into legislation.

It was deemed opportune, therefore, to formulate an international legal instrument setting out the guidelines to be taken into consideration in developing existing mediation models and in introducing new models.

In 1999, the Council of Europe Committee of Ministers adopted a recommendation to Member States on mediation in criminal justice which included a definition of such mediation, a number of general principles along with legal justification for such mediation.

The guidelines contained in the text were to be applied to any process enabling the victim and offender, should both consent freely, to participate actively in solving the difficulties resulting from the offence, with the aid of the mediator.

Let me mention here some of the most crucial guidelines: confidentiality of discussions, the right to legal assistance, a translation/interpretation service. Minors must have the right to be accompanied by their parents. Finally, any agreements must be reached voluntarily by both parties, and should contain only obligations that are reasonable and in reasonable proportion.

The European Convention on Human Rights

It goes without saying that mediation in criminal justice must be legally recognised and must operate in accordance with the fundamental human rights of the individuals concerned. The regulation applying primarily in this instance is Article 6 of the European Convention on Human Rights, which relates to the right to a fair trial.

It is essential within the context of the judicial system that, before agreeing to mediation, both parties should be fully aware of their rights in the procedure in the light of the facts of the case. As shown by the Deweer case of 27 February 1980, the parties may renounce their right to a trial, as long as that renunciation is subject to careful scrutiny. The legal authorities should also ensure that the decision by the parties to accept mediation is taken in the absence of any constraint.

Mediation in the wider sense

The Council of Europe's initiatives in the matter of mediation may also form part of co-operation programmes aimed at Central and Eastern European states. To ...

Jean Claus

Directorate of Legal Affairs, Council of Europe

- ... give one example, in 1999 a multilateral seminar on alternative methods of dispute settlement was held as part of the Council of Europe programme of activities for the development and consolidation of democratic stability. In the course of this seminar, the emphasis was placed on commercial or consumer-related disputes, areas in which mediation also has a major role to play and one that should be encouraged.

Finally, a regional meeting is planned for next December to examine mediation and alternative means of settling disputes as part of the implementation of the Stability Pact for South Eastern Europe. In addition to family, criminal and commercial mediation, the agenda includes mediation in working relations, a particularly interesting area in which mediation is bound to find developing applications in the future. Mediation therefore clearly plays a part in reducing the overburdened role of the courts.

Expert work in progress

At the intergovernmental level, the Council of Europe Expert Committee on the efficacy of the justice system has also addressed this issue. The Committee was assigned the task of identifying situations in which mediation might be an appropriate means of settling disputes, as an alternative to traditional procedures of settlement under civil law. Work on this issue is scheduled for completion in 2001, in co-operation with the European Union in particular, with a view to:

- formulating a programme destined to encourage recourse, where appropriate, to alternative, non-judicial procedures for the settlement of disputes
- circulating information on national laws and procedures in the matter, via a Council of Europe website.

Such co-operation could be based on the conclusions of the Presidency of the Council of Europe in Tampere, which call on the European Commission to co-operate with the Council of Europe to ensure better access to justice.

The Council has not ruled out the creation of a European network in this area or the establishment of a partial agreement bringing together certain Member

States on a voluntary basis. It would be delighted to see the realisation of such co-operation and co-ordination with the European Union, as this would have the major advantage of creating greater awareness of and recourse to mediation, not only among states which are members of both Council and Union, but also in Council of Europe Member States candidates for accession to the European Union.

Jean Claus

Directorate of Legal Affairs, Council of Europe

...

On Friday 23 September, political and administrative managers, experts and field workers from all over Europe met in three forums moderated by André Bruston, scientific advisor to the French Interministerial Delegation for Urban Affairs. Their objective was to present and compare viewpoints and experiences, identify similarities and differences and refine concepts on the basis of practical experience.

"Mediation and the management of high-risk behaviours and of conflicts in everyday life"

Chair: **Michel Marcus**, Delegate General of the European Forum
for Urban Security, France

Speaker: **Duccio Scatolero**, University of Turin, Italy

Contributors: **Michel Magnier**, European Commission **Ronny Ceulemans**,
Prevention Officer, Brussels, Belgium **Sharyn Kinder**, Director of the
Association "The Independent Mediation Service", Great Britain

Hibat Tabib, Director of the Pierrefitte Social Centre, France

Guests: **Frantz Denat**, Centre international de prévention de la criminalité,
Canada **Georges Apap**, Honorary Magistrate, France

"Mediation and integration"

Chair: **Angela Mickley**, Professor at the University of Potsdam, Germany

Speaker: **Tony Gayibor**, Centre for Equal Opportunities, Belgium

Contributors: **Adem Kumku**, Sociologist, Institute for Migration and Ethnic Studies,
University of Amsterdam, Netherlands **Joffre Antonio de Sousa Justino**,
Programa Integrar, Lisbon, Portugal

Noël Lufuma Tondo,
Director of the Association Evreux Plus, France

Guests: **Bénédicte Madelin**, Profession Banlieue, France
Ferdinand Ezembe, Afrique Conseil, France

"Institutions and local initiatives in the mediation process"

Chair: **Jean-Pierre Bosino**, Mayor of Montataire, Conseil National des Villes
(National Towns Council), France

Speaker: **Brendan Mac Allister**, The Mediation Network for Northern Ireland

Contributors: **Josep Lahosa I Canellas**, technical adviser to the Directorate of
Prevention Services, Municipality of Barcelona, Spain **Loderwyl Tonino**, Senior
Policy Officer, Ministry of Justice, The Hague, Netherlands **René Lai Hong Ting**,
Deputy Mayor of Saint-Denis-de-la-Réunion **Torkel Spindler**,
Chairman of "Mums and Dads", Sweden

Eric Lenoir, Project Manager
with the Interministerial Delegation for Urban Affairs, France
Guests: **Claude Moreau**, Centre international de résolution des conflits, Canada
Jean-Pierre Bonafé-Schmitt, CNRS, France **Jean Claus**, Directorate General
for Legal Affairs, Council of Europe

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Georges Apap, Honorary Magistrate, France

"Mediation and the management of high-risk behaviours and of conflicts in everyday life"

As an introduction to the discussions, Michel Magnier stressed the fact that "social mediation is totally virgin soil in Europe", and that it still remained to be determined how far a European policy should develop in accordance with the principle of subsidiarity, i.e. with respect for the national sovereignty of each state. This was an exploratory phase, he pointed out, and there was a need to know the initiatives taken in the field in the various countries of Europe. He welcomed this exchange of "best practices" with the corollary question: can experiences be transposed from one corner of Europe to another?

Taking responsibility

"I run a community mediation service," explains Sharyn Kinder, "one of the one hundred and fifty so of its kind in Great Britain at present. My centre must have dealt with close on 15 000 disputes in 1999. In Britain, we do not use the term "social mediation" used here in France, but we are certainly concerned with disputes in everyday life: the behaviour of animal owners, problems with children, cars parking on pavements, all very much everyday matters. Many disputes are also drugs-related. As far as we are concerned, there is no difference between the problems of rural communities and those of urban communities.

... The mediation service consists of salaried staff and around thirty volunteers, and is financed by local authorities. Most of our cases are passed on to us by the police. To be more exact, the police send the families in conflict to the "community" mediation service. 90% of our cases come to us via the police, and the others are notified to us by social workers who have often already attempted preventive measures."

The aim is to prevent violence. To offer those concerned a neutral space in which to give vent to their emotions and aggression. "We take great care not to judge people, we simply allow them to become positive in their emotions."

One of the main objectives of the community mediation service is to teach people to take responsibility for themselves and their actions. Mediators themselves learn to cope with and express themselves in all kinds of situations, including situations where aggression levels are very high.

"We often find," continues Sharyn Kinder, "that people who have benefited from mediation and found satisfaction in it then offer to become voluntary workers for the association in their turn. They therefore become mediators. They receive around forty hours of training, then go out into the field with an experienced person for 3 to 6 months, during which time they come into contact with all sorts of situations, and the most different sets of circumstances possible."

The association encourages this kind of development: "We don't want specialists who would only handle specific cases. Beneficiaries of mediation who become mediators in their turn provide a service to the community. At a later stage, some of them may be taken on as salaried staff. It's a form of recognition, where they are given a status they did not have previously."

Breaking out of the judicial system

The pioneering experience in which Georges Apap, honorary magistrate and former public prosecutor, played a part dates back to 1983. "The word mediation was never mentioned at the time," he remembers. "I felt the need for a new approach, I believed we could employ something other than repression to solve conflicts. We therefore sought at all costs to break out of the institution of the judicial system and to set up neighbourhood mediation services. Because we had

become aware of the often negative impact of a trial on the two parties in conflict. The judicial system does not settle conflicts."

Conciliators were therefore chosen from among the inhabitants of the neighbourhood, people known for their involvement in voluntary groups, for their tolerance towards others, and foreigners in particular.

"We experienced enormous difficulties at first," Georges Apap explains. "And yet by 1985, just two years later, neighbourhood conciliation was beginning to work. We would ask the offender and the victim to talk to the conciliators and thus, little by little, a peaceful solution emerged in the interests of the whole neighbourhood. It was important that the conciliators should not see themselves as judges, or police officers, or there to teach a lesson. But once commitments were given, the role of the conciliators was to ensure that they were kept. One of the positive points of the experiment was that, while conciliation was under way, the intervention of the justice system was suspended. This was a key factor in the success of the initiative," stresses Georges Apap.

Conflict is possible

Sabine Ketels, a mediator in Hamburg, explains that she began to offer training in the political sphere when her attention was drawn to the frequency of conflicts between institutions and social groups. In Germany, large numbers of marginal alternative groups never consider addressing state institutions in the event of conflict. The squatters are a good example: "The squatters' only means of exchange was violence. In this context, I realised that talking is the first step to finding a solution. We have the right to different opinions, yes, and conflict is possible," she acknowledges, "as long as we can also exchange ideas, talk".

Sabine Ketels now works in a communal mediation structure where "certain mediators are trained by their political parties, they do not speak in their own name and so they are not good mediators. We are now looking for people whose experience is in the social rather than the political field and who are willing to commit themselves in order to facilitate communication".

... *She notes that one of the keys to successful mediation is that the mediators should always be recognised and accepted by the people involved in the conflict. In her view, mediators acting on the orders of an institution have a clear problem of independence and freedom.*

New reality or new question?

Mediation, virgin territory? The image used by Michel Magnier at the beginning of the forum surprised and intrigued speaker Duccio Scatolero. "I've been involved in social work for a very long time, and never would I have imagined that there could still be virgin territory". In his view, reality presents us all with this new social issue that mediation represents, "or have we discovered another way of looking at reality?"

Duccio Scatolero also admits to being surprised by the capacity of mediators "to speak lightly of matters heavy with importance". In his view, "at bottom, learning to express oneself in every situation comes down to learning to live with different opinions, it is the very philosophy of life in society".

Restoring a perspective

Ronny Ceulemans, a prevention officer in Brussels, prefaced his remarks by explaining that his work in the field is carried out within a deliberate institutional framework, that of a "social contract" as part of a programme of "urban renewal". He cites the example of the Moroccan immigrant community which experienced violent confrontations between young people and the police in the early 1990s. "This is a 40% immigrant community, living in conditions of severe deprivation".

Mediation campaigns were launched with the aim of teaching the community's young people "democratic values". "The mediation process takes place in three phases. First we work with the police in order to restore their image as police officers serving the population, but also to restore the status of their profession in their own eyes, to help them rediscover their pride in possessing know-how that can be used effectively in difficult situations. At this stage we also present the humanist principles of human rights. The second phase is to instil a sense of responsibil-

ity in the young people. Youth workers talk about the law, they make their audience understand that deviant behaviour is the result of their being manipulated by groups with their own agendas, such as organised crime or religious fundamentalists. We try to get them to understand that the role of the police officer is that of a guardian of democracy, and must be respected. Also that a respect for democratic values gives them new perspectives.

The third phase is to initiate dialogue between the two groups. We get them involved in activities together, sports for example, or highway code lessons. The involvement of police officers in their activities, in an unofficial role, encourages the young people to make contact, make friends, exchange points of view. I would even add that some of the young Moroccans concerned have expressed an interest in joining the police...".

Yet all this approach work can easily be jeopardised if a new outbreak of violence flares up in a neighbourhood with a high immigrant population. *"In the event of conflict," Ronny Ceulemans continues, "we have noticed that mediation can bring about a certain change of attitude. The presence of a mediator can stop things from going too far, calm down overheated spirits. I have to admit that the mediation can sometimes be very tough and if a police officer has overstepped the mark, we intervene on the spot in the course of a debriefing session with the police officer concerned, the young person and the mediator. We analyse what has happened together and the results are sometimes surprising. In such circumstances, people rediscover in themselves the freedom to change".*

Each individual is a source of enrichment

In 1992, explained Hibat Tabib, certain areas of Pierrefitte were lawless zones where minors exercised a reign of terror over adults. Local inhabitants were afraid to go out after 7 p.m. because "underage children had turned the public places into their own private domain".

At the time, the answer was not mediators but security guards. "Then we moved on to considering mediation as a way of finding collective solutions to these community problems. We worked on the principle that security is everybody's business, ...

- ... not just that of the police and the justice system". The Pierrefitte social centre therefore decided to bring local inhabitants, Africans for example, into the system on the basis of an extended family council designed to encourage parents to ensure that their children were home by 8 p.m.

"Each individual, each culture is a source of enrichment, and the task is to bring communities together, to bring them to acknowledge each other". If peace is to be restored to a neighbourhood, allowances have to be made for the differences between all concerned. Our core message is mutual respect. *Mediation means being more demanding with people, it means saying to them: we think you can change*".

Mediation is no longer virgin territory

"Much has already been done in terms of mediation," stated Frantz Denat, "but one might be forgiven for thinking that little progress has been gained from the various experiments carried out. *The history of mediation so far needs to be told.*"

Frantz Denat also stressed the risk of mediation becoming the poor man's justice. "Beware of introducing a two-tier justice system," he said. Final comment: "The term mediator covers what are often very different forms of reality, and *regulators are passed off under the name of mediators. The distinctive characteristic of mediation is partnership*. In English, the word "partner" initially referred to the person who shared in the booty. The same thing is true in mediation, each individual must find what he or she is looking for".

The "spirit of mediation"

Duccio Scatolero provided a form of open conclusion by asserting that, in his view, it is reductive to consider mediation only within the context of prevention. "In my view, mediation has to do with the civilisation of the urban territory. This is what is new: the discovery of a "spirit" of mediation, that is to say the ability for the mediator to consider several aspects of the same problem. It is the discovery of a real relationship between offender and victim.

Although my work is with the excluded, I must not forget those who might be termed the "included" and I must consider the relationship between them. This is the new approach to reality that mediation represents. Here lies the hope for change".

Questions/Opinions/Testimonies/Floor debates

"Is the most important thing to have a clear vision of the conflict? And, indeed, is this always possible? One day I had to mediate in a conflict between two girls of 11 and 12 who were throwing stones at one another in school. In the course of two hours, we heard the lot: racism, really harsh verbal violence, but, in the end, the important thing was that they were able to talk to one another, even if we didn't have a very clear picture of the conflict as such. By talking, they were able to change attitudes."

"The term mediation is too often associated with the word conflict. Mediation is also a point of contact between two populations, each unaware of the values of the other."

"I work in a network which has 3 000 voluntary workers for a population of 20,000 young people. What is the status of these voluntary workers? Could they not, for example, be given tax breaks or could a tutorship system be introduced?"

"Voluntary work will be increasingly necessary. An acceptable status will have to be found for it."

"The prevention of delinquency means people taking on board the problems that affect them."

"Does mediation not risk becoming institutionalised? In Sweden for example, it is often the judicial system that has initiated experiments in mediations, and this is true in many European countries."

"The question of institutionalisation is the eternal question of social action."

...

"One of the basic issues in mediation is really about people taking responsibility for the problems that concern them."

"Mediation also means reintroducing democracy at the local level. Very many young people are disturbed by the attitude of certain politicians, who sometimes present deplorable examples of corruption."

"The first violence of all is inequality. The first mediation is giving access to their rights to those who lack that access."

"Why seek to lock mediation into a final and narrow definition? Let's stick with complexity: mediation has to do with crises in the city, relationships between people, relationships between young people and adults, for example. That makes it possible to vary and adapt problem-solving solutions. Let us not try and standardise, as the legal world has sought to do for so many years. Mediation is a reaction against the standardising world of law, it is a rediscovery of a reality of conflict."

"No to bureaucratic standards, no to extremist standardisation!"

"Expressing what one is experiencing, oppression, injustice..., that is what makes mediation so valuable."

Chair: **Angela Mickley**, Professor at the University of Potsdam, Germany
 Speaker: **Tony Gayibor**, Centre for Equal Opportunities, Belgium
 Contributors: **Adem Kumku**, Sociologist, Institute for Migration and Ethnic Studies,
 University of Amsterdam, Netherlands **Joffre Antonio de Sousa Justino**,
 Programa Integrar, Lisbon, Portugal **Noël Lufuma Tondo**, Director
 of the Association Evreux Plus, France
 Guests: **Bénédicte Madelin**, Profession Banlieue, France,
Ferdinand Ezembe, Afrique Conseil, France

“Mediation and integration”

Angela Mickley, Chair of this second forum, introduced proceedings with a presentation of her work at the Universities of Potsdam and Berlin where she trains social workers operating in multicultural environments. Their major problem at present is the severe xenophobia that prevails in the region of Brandenburg where foreign students suffer severe racial problems. Mrs. Mickley works on the social, legal and theoretical aspects of such conflicts in Brandenburg schools.

Integration and the “colonial” heritage

In Portugal, according to Joffre Antonio de Sousa Justino, mediation suffers above all from a problem of language. Immigrants from former Portuguese colonies speak the national language poorly. They use a sort of Creole which makes dialogue difficult. “In Guinea alone there are fifteen vernacular languages.” Problems therefore arise of understanding, translation and interpretation which mediators must take into account. “Plus, of course,” he adds, social and cultural problems because family traditions may be very different from one country to another.

“We also come up against problems of lack of skills. Workers from former colonies are among the lowest-skilled. In Portugal, almost 10% of the population come from Portuguese-speaking African countries, 30% of these from Angola alone, and most of them live in Lisbon. Which in turn gives rise to very many conflicts of everyday life with the native Portuguese.” The latter were completely unprepared ...

- ... for such a situation which has led to a kind of cultural confusion in complete opposition to the tradition of the country where, as Mr. de Sousa Justino points out, the concept of an authoritarian state lives on in people's minds. Hence a number of political confrontations.

Lastly, there exists in Portugal an identity problem among third generation young people, where crime levels are high. A lack of reference points seems in part to explain this trend. "They find themselves caught in a kind of duality. At the Olympics, for example, when a Portuguese-speaking African wins he is acclaimed as Portuguese by the whole country. If he loses, he goes back to being an African..."

Mediation alone cannot solve these structural problems, but does help to cool down passions, to make people aware of the complexity of the issues. In Portugal, many immigrant families suffer the consequences of political problems. "Take the example of the political refugees who do not want to fight in the war in Angola. When they arrive in Portugal, they expect to be welcomed but they are not, because the conditions of social insertion are extremely difficult. Conclusion? They begin to think that the whole of Europe is against them. I feel this problem getting worse every day, this difference between people looking for integration and the European Union."

Mediators: cultural bridges

The Association Evreux Plus, of which Noël Lufuma Tondo is the director, was founded in 1992 on an initiative by some local residents to cope with the enormous problems of exclusion.

After three months of debates, there emerged a mediation project. After a year of positive discussions with the institutions concerned, the association was founded. It put in place a system of street mediators who initially went out and met children loitering on the streets at night. The mediators then gradually addressed the parents themselves and discussed the issue of parental authority with them. Many parents found it impossible to exercise their authority. "There is a real cultural divide," explains Noël Lufuma Tondo, "between the parents born in Africa and the children born in France. The role of the mediator is therefore to explain to the child why his father reacts in this way, where his values originate, and then to explain

to the father the difference of the environment in which his child is being brought up. The mediator also carries out the same task of explanation with the institutions concerned with family conflicts."

The association's primary concern is to re-establish people's rights and give them proper weight with all concerned, including institutions. In this instance, the mediator acts as a cultural bridge. "Here is one example: on a housing estate, a Frenchwoman living on the first floor of a block complained about the noise made by a Senegalese woman living underneath on the ground floor. One day, she invited us in to hear the level of the noise made by her neighbour. We asked the Senegalese woman to come up too, and listen to the noise coming from her flat. She acknowledged that it was unbearable. Then we suggested that they should switch flats."

"In our neighbourhoods," concludes Noël Lufuma Tondo, "there are journeys to be made without having to get on a plane."

Mediation and immigrant entrepreneurs

Mediation has existed for some time in the Netherlands, sociologist Adem Kumku explains, but this has not prevented numerous Turkish entrepreneurs based in Amsterdam from encountering difficulties. "The Turks were very strongly represented in the garment industry; in 1980 they owned over 1,000 workshops employing around 18,000 people of many different origins. In 1992, in a bid to put an end to clandestine work, tax fraud, unfair competition and other problems of a similar nature, the Amsterdam city council tried to solve the problems by adopting a repressive attitude. It had most of the workshops closed down and took the whole affair to court. Now there are only about 20 workshops still in operation and around 300 employees."

Adem Kumku regrets that there was no attempt at social mediation to understand the cultural problems encountered by the Turkish entrepreneurs. It was these selfsame entrepreneurs who asked third generation immigrants to help them to integrate better into Dutch society.

A mediation project was therefore set up with a group of researchers from ...

- ... Amsterdam University and, at the end of five years, local councils agreed to take over the financial burden initially assumed by the entrepreneurs. *"The entire mediation strategy,"* explains Adem Kumku, *"is based on restoring confidence. Without that confidence, nothing is possible."* The mediator seeks therefore to create links between Dutch and Turkish businessmen, inviting them to shared business meals. That alone would not be enough, however, if the Turkish entrepreneurs had not learned the rules of democracy and how business is done in the Netherlands."

Women and mediation

In Seine-Saint-Denis, as Bénédicte Madelin of Profession Banlieue explains, the role played by women intermediaries ("relay-women") from very different cultures is a dual one: on the one hand, they teach that multiculturalism can indeed exist and, on the other, they question institutions about integration policy in France. You cannot say to families at one and the same time, "you don't know how to go about things," and "it's you that have the power."

"Thanks to these relay-women, we started asking ourselves questions about the meaning of mediation and our conclusion is that mediation has become a social necessity. Even when it is not a matter of resolving conflicts. *The most important thing is to get a dialogue going. The women mediators launch a dialogue and that makes it possible to guarantee the rights and obligations of users but also of institutions."*

Reporting on a mediation experiment with immigrant women in the Milan hospital sector, Letizia Parolari reached the same conclusion. The exchange of cultural experiences, fostering a better understanding between different nationalities, can only take place through dialogue. "In the hospital environment, and particularly in the sectors of sexual and maternal health, in family planning centres or gynaecology departments, there are enormous difficulties in dialogue between Italian and immigrant women. Immigrant women do not have the same perception of life in Italy, since many of them live entirely within the home and almost never go out."

"Mediation was able to focus on their shared interests: health, their body, their relationship with their husband, their children, etc. With one particular point to be made: the current context in Italy is very delicate, with political debate raging

over the issue of legalising abortion. *Little by little,* Letizia Parolari continues, “women of foreign origin have entered into the spirit of mediation and have become mediators in their turn. It’s a good way of achieving integration and rediscovering a positive identity. It also helps their professional integration since they receive formal training.”

Dialogue groups

For Ferdinand Ezembe of Afrique Conseil, cultural differences from one generation to another are often at the root of conflicts. “In my view,” he says, “*mediation is the translation of the implicit into the explicit, of what is unsaid into a clear explanation.*” Hence the importance of dialogue groups. Let me give you as an example the story of what happened on a bus carrying a group of African girls. They were regular passengers on this bus but one day refused to show their tickets to the driver, who wanted to throw them off the bus. Conflict, crisis. We finally understood that the girls were complaining that on some days the bus driver refused to stop and pick them up, and asked them only and no other passengers, to show their tickets. They were convinced that this was deliberate harassment. By bringing both sides together to present their point of view, we learned that the bus driver, who was Portuguese, was very hostile towards Angolans because he still resented them for driving the Portuguese out of Angola.”

In his conclusion to this second forum, Tido Gayibor of Belgium’s Centre for Equal Opportunities, stressed that mediation is useful in bringing together opposing parties and opening dialogue. “*It poses the simple question: exactly who are the parties in conflict? This question forces us to ask ourselves questions about those who are excluded, but also about those who are included, about their role and their position.*”

Another question: just whom, at bottom, do we want to integrate? Everyone is concerned by integration, not just immigrant populations.

In conclusion, Tido Gayibor left us with this final thought: “Knowing oneself is not enough. The important thing is to go beyond knowledge to question our own motives.”

...

Questions/Opinions/Testimonies/Floor debates

"When you educate a woman, you educate an entire people" Mao Tse Tung

"We have an impression of very great diversity in the meaning of the word "mediation" depending on countries and experiences... Mediation of disputes in differences?"

"The role of the mediator may be terribly ambiguous. How can this role be legitimised? How can the mediator be assured independence... and a salary?"

"What can be done to make the rights of the excluded heard by our institutions?"

"Whom do we want to integrate, what differences do we want to eradicate?"

"On this issue of mediation, we are in fact all invited to change. Mediators themselves must be trained and must train others to develop an aptitude for change."

Chair: **Jean-Pierre Bosino**, Mayor of Montataire, Conseil National des Villes
(National Towns Council), France

Speaker: **Brendan Mac Allister**, The Mediation Network for Northern Ireland

Contributors: **Josep Lahosa I Canellas**, technical adviser to the Directorate of
Prevention Services, Municipality of Barcelona, Spain **Loderwyl Tonino**,
Senior Policy Officer, Ministry of Justice, The Hague, Netherlands

René Lai Hong Ting, Deputy Mayor of Saint-Denis-de-la-Réunion, France

Torkel Spindler, Chairman of "Mums and Dads", Sweden

Eric Lenoir, Project Manager with the Interministerial
Delegation for Urban Affairs, France

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for Legal Affairs, Council of Europe

"Institutions and local initiatives in the mediation process"

"Is there any one particular mediation policy? What is its place alongside the work of the police, the justice system and social services? Are certain traditional modes of insertion still appropriate to today's realities? Finally, what institutional framework is most conducive to the development of mediation? These are all questions which Jean-Pierre Bosino, Mayor of Montataire and member of the Conseil National des Villes (National Towns Council), tries to address within his municipality and proposed the assembly as an introduction to the forum. In Montataire, he works to keep the network of associations alive and to create, for example, associations dealing specifically with young people, but he has found that the work of the associations remains parallel to that of municipal services.

Hence this final question addressed to the meeting: how can municipal authorities make an effective contribution while encouraging the involvement of the local population?

Mediation specialists?

Another fundamental question put by Josep Lahosa I Canellas, technical

- ... advisor on prevention at Barcelona City Hall: "No one method of intervention can become a universal remedy. In the matter of mediation, each problem has its own specific response. In Barcelona, each neighbourhood is very different, and the problems that arise are not the same. As a result, the methods of approach are different. In fact, each community manages its own approach to conflict."

Within the still-young Spanish democracy, explained Mr. Lahosa I Canellas, there exists not only social mediation but also cultural and political mediation, and in each instance it is necessary to call on special experts. "In Spain, this is a real debate. Lawyer, psychiatrist, social worker - each may become a mediator. All universities in Catalonia, as well as in the rest of Spain, organise seminars on mediation, on conflict resolution. The glaring lack of a definition of mediation is one subject of debate, for example. No one agent or department has preferential status in mediation, but the work of all is important."

Josep Lahosa I Canellas stressed that it is essential for these different specialists to work jointly. As he pointed out, "in the prevention department at Barcelona City Hall, it is out of the question to adopt a bureaucratic approach to mediation. Each person must be able to identify the nature of the conflict. Then we decide together on which specialist we need. We are not in favour of specialists in mediation but of specialists who are also trained in mediation."

Houses of justice

René Lai Hong Ting, Deputy Mayor of Saint-Denis de La Réunion, a French Overseas "Département" of 2,500 km² lying to the east of Madagascar, emphasised the fact that the island is a volcano both in real and symbolic terms. The population is swift to react, driven by the rhythms of the volcano. "There is 40% youth unemployment, rising to 50% in some areas; as you can imagine, the sources of conflict are numerous."

In the context of "City/State Contracts", a number of mediation experiments have been carried out in Saint Denis de la Réunion since the events of 1990, known as the "Chaudron events", which left behind over a million Francs worth of damage. "We realised that dialogue was necessary. In liaison with the prosecutor's office,

we set up a mediation structure through the “Houses of Justice”. The campaign began with discussions between the families and the young people who had clashed for the first time, with retired citizens acting as intermediaries.

The experiment is now 10 years old, and there are 24 Houses of Justice on the island, including 4 in Saint-Denis, which have already dealt with 9,000 cases. The Houses of Justice are designed to be centres of citizenship, of access to rights. They dispense neighbourhood justice, which means that the young people are required to make reparations as their punishment, rather than receiving prison sentences. The Houses of Justice also serve as integration centres for the many Malagasy people living on the island, since Saint-Denis is a kind of America in its region, with many young people from nearby regions coming to look for work.”

René Lai Hong Ting warned, however, that a fresh flare-up of violence cannot be ruled out, so intense is the pressure of young people's frustration at their exclusion from society. “Fortunately, the network of associations is very strong in the island. This is good for forging social bonds.”

“In 1999, a group of institutional partners and employers conducted a mediation campaign in public transports, shopping malls and health centres, in an attempt to educate people about the law, and explain what is allowed and what is prohibited.”

One crucial question remains, ended the Deputy Mayor of Saint-Denis: what kind of training and opportunities can we provide for our young people?

Mediation and criminality in the Netherlands

Loderwyl Tonino, head of prevention at the Ministry of Justice in the Hague, explained that many mediation programmes exist in the Netherlands, in the fields of health, commerce, the environment, conflicts in daily life, but also in the area of criminality. “Since 1990, for example, the police offer young people between 12 and 18 the possibility of settling their problem by mediation, provided they are first-time offenders. The mediation takes place between the

- ... offender and the victim, but the two parties do not systematically meet in the early stages. The measure is always accompanied by compensation for the loss or damage suffered. The young offender does not emerge with a criminal record. The measure is educational rather than repressive. We recorded 900 settlements of this sort in 1991, and now we are running at 25 000 annually."

Prevention campaigns are run in parallel, financed by municipal authorities, or justice conferences at which all the parties take part in the resolution of the conflict. *"This reinforces social structures and makes it possible to create other forms of conflict resolution in criminal law.* These conferences are financed by the Ministry of Justice."

The purpose of these experiments, which will be assessed over the coming months, is to encourage young people to take responsibility for themselves and their actions. They also contribute to a better atmosphere in schools.

Mediation and Europe

As underlined by Jean Claus, a member of the Council's Directorate General of Legal Affairs, the Council of Europe has for several years taken an interest in mediation. "As early as 1995, a recommendation on family mediation was put forward. An excellent means of finding amicable solutions, avoiding hardening in the positions of the parties concerned and going beyond the classic position of winner and loser."

Mr. Claus stressed the need to remain vigilant on a number of points which he feels are essential to any mediation, namely confidentiality, legal aid, and translation.

It is also clear, in his view, that a further advantage of mediation, appreciable though insufficient in itself, is that it is also a beneficial way of reducing the overload of cases presented to the courts.

Jean Claus concluded with his view that a European network should be set up on the issue of mediation.

Wandering children lacking parental role models

Torkel Spindler, Chairman of the Swedish association "Mums and Dads", spoke of the experiment under way in Stockholm since 1990, aimed at reducing juvenile delinquency. The experiment was prompted by awareness that many children were wandering the streets of Stockholm lacking male role models. "We started sending in mediators, men, whose role was to act as big brothers and even as substitute fathers. Over time, however, we found that these young people lacked maternal role models just as badly. Female mediators were then brought in alongside the men." "Mums and Dads" now numbers 3,500 voluntary workers, organised into 150 groups, whose work is directed primarily towards young people between 12 and 18. They seek to reduce the problems of drugs, violence and crime.

"In concrete terms, what these adults do is go out in groups of 2 or 3 into the neighbourhoods where young people hang out, on weekday evenings, at weekends and during the school holidays, to build up special relationships with them. They wear special red and green jackets, which are now instantly recognisable to young people. Their task is to inform young people of their rights, but also of what they do not have the right to do. In a way, they lay down the law."

"These voluntary workers meet regularly to swap experiences, and all work with a tutor. On starting out, they must all be aged over 25 and are all aware of the important personal responsibility they are taking on. *They must also respect the fundamental obligation of confidentiality, avoid any form of moral judgement and not intervene directly in crisis situations. Their work focuses primarily on restoring a dialogue which, Torkel Spindler believes, young people feel a desperate lack of.*" He noted in addition that the presence of a mediator when a fight is brewing is often enough to defuse the confrontation.

"It is a task of social pacification," he concluded, "a task of restoring missing links."

... Learning mediation in childhood

Claude Moreau, of Canada's Centre International de Résolution des Conflits (International Centre for the Resolution of Conflicts), emphasised the absolute need to train children in mediation from a very early age. "An awareness programme in Quebec has already reached 55,000 children. The ultimate objective is to reach 80,000 in 2000. This involves practical lessons and training in which everyone learns to speak the same language. *If people are to hear and listen to one another, we must all give the same value to words.* If we want mediation to win its spurs, I think we must train all children, from nursery school upwards, in the peaceful resolution of conflict."

A message which is perfectly understood by Jean-Pierre Bonafé-Schmitt, of France's CNRS science research council, who remarked that in Lyons eight mediation bodies are operating in sensitive neighbourhoods, as well as in the schools of these neighbourhoods. "In the hope that these children, trained in the spirit of mediation, will become mediators themselves." But, as he stressed, *"if we want children to lean mediation in schools, the State authorities need solid reference points on which to found their teaching programmes."* As a member of academia himself, he returned to the idea that a history of mediation is in the making. He cited the example of Georges Apap in Valence, but also the creation of a European Master's Degree in mediation in the university curriculum. "Consideration is being given to the diversity of European models of mediation, their differences and the points they have in common. What matters above all in this issue of mediation is that citizens should reclaim the management of their own conflicts. Social mediation is above all an issue of citizenship. Neighbourhood associations are a highly concrete opportunity of recreating intermediaries between citizens and institutions. This is a way somehow to return to ritual forms that have largely disappeared from our western societies."

The inexorable development of mediation

Eric Lenoir, Project Manager for the Délégation Interministérielle à la Ville (Interministerial Delegation for Urban Affairs), highlighted the development in France, over recent years, of a broad range of initiatives under the generic heading of mediation.

These initiatives are a response to a general desire to promote a method of intervention in social relations that is based on dialogue and negotiation. Within the justice system, judicial mediation since 1993 and now family mediation fall within a codified framework.

Outside the remit of the judicial system, different practices involving a third party have developed under the generic heading of "social mediation" or even "social and cultural mediation" to cope with the tensions of everyday life or to recreate the fabric of social bonds. "Ever since the 1980s," he recalled, "many initiatives have been taken by citizens themselves. In France today, for example, there are over 1,000 women intermediaries who help facilitate people's access to their rights and to public services, and help encourage their social and cultural integration. These initiatives were initially based on voluntary actions of good citizenship, then temporary jobs or jobs based on assisted contracts were created. Other campaigns aimed at preventing conflict in sensitive areas (public transport, public places, commons in social housing projects, shopping malls, etc.), or at specific times (night-time correspondents) have often been encouraged and supported by municipal committees for the prevention of delinquency."

These practices reveal a considerable need for upstream intervention in addition to the regulation provided by governing institutions. They often form part of a local neighbourhood project associated with urban policies. In the past three years, various initiatives have been taken within this framework to accompany and support the emergence of these local needs. Thanks to "local security contracts", thousands of youth jobs (part of the "new services, new jobs" programme) earmarked for unemployed under-25s, have been allocated to social mediation tasks. In 2000, the Minister for Urban Affairs set up a programme of 10,000 adult intermediaries ("relay-adults"), recognising the profession of social and cultural mediator. These measures are designed in particular to encourage the work of associations which seek to rebuild social bonds, improve dialogue and ensure a better understanding between users and institutions.

Much remains to be done to extend and improve the training of those involved in mediation, with a view to promoting multidisciplinary skills since the mediator ...

- ... operates within a network of partners from different horizons (services responsible for security, social and health workers, services responsible for urban community management, etc.). There is also a need to better define the principles governing mediation and their application, with special emphasis on defining a relevant code of ethics. What is required here is the establishment of a framework of references and guarantees for mediators and their employers, but also for the public and the partners. Another issue at stake is the link with traditional professions whose practices must evolve in line with the new needs of society and in response to the dysfunctional aspects so often revealed by social mediators. *Mediation must not form a screen between the public and the institutions but must, on the contrary, encourage their adaptation and modernisation.*

European mediation

Following his own awareness-raising experience as a mediator in Northern Ireland, Brendan Mac Allister, keynote speaker of this third forum, first pointed out the low proportion of women among the specialists and field agents present at the various round tables. No comment. He went on to stress the fact that "within Europe there exist well-established societies, and these are the large majority, and the societies where consensus finds it hard to gain a foothold, such as Northern Ireland and the Basque Country. Let us not forget, however, that knocking at the gates of Europe are a considerable number of countries which belong to this minority I have just mentioned. The example of what is happening in Ireland in terms of mediation could therefore still be useful."

Brendan Mac Allister emphasised that the promotion throughout Europe of the culture of mediation, of consensus, is a narrow path between democracy and populism, whose dangers are either a lack of freedom of action in the field or an excess of demagoguery. A kind of paradox to be avoided by any government, and by Europe itself, with mediation lying somewhere between these two trends.

For lack of time to open the discussion with the floor, André Bruston, moderator of the three forums, closed the intensive daylong proceedings, richly filled with exchanges of views and experiences shared by a wider audience of mediation professionals. He concluded on the importance of agreeing on the terms to be used in mediation. This task is under way, as illustrated by this Seminar, whose ultimate

purpose is to submit recommendations to the European authorities. "We must ask ourselves today: what is the most effective public action to be taken in order to respond to the democratic aspirations of our societies? On what theory should the public authorities base their action to introduce mediation on a European scale?"

Mediation and the regulation of conflicts in European cities and neighbourhoods: an overview of current practices

Vincent Delbos, Magistrate

Introduction

Sixth sense: might mediation be the sixth sense of urban policies, after rehabilitation of buildings, prevention of delinquency, involvement of the population, reform of public services, economic micro-development and the related rebuilding of social bonds? Can mediation serve to federate all these components, act as a catalyst and a trigger? A magic word, a refuge for many an uncertainty or a real motor for development and social regulation?

The organisation, prompted by the French EU Presidency, of a seminar on practices and research in the field of social mediation is a particularly opportune initiative.

To sum up this fast-growing movement, with all its diverse contours, in a matter of a few pages, is something of a challenge.

I make no claim, therefore, to being exhaustive, but rather I shall share a number of remarks, some comments based on several starting-points:

- *the field: some five hundred mediation practitioners were contacted for this seminar, from within the Europe of Fifteen and beyond. They are the ones who have provided information on their practices, and who have supplied the matter for this document;*
- *the author's experience in the field, enriched by the initiative under way over recent months in the suburbs of Paris aimed at rebuilding the foundations for dialogue between young offenders sentenced for urban violence and the police, fire brigade, house of justice staff, bus and train drivers, or building supervisors. To rebuild, as part of their sentence, an area of reparation and*

civic dialogue. This initiative has its counterparts in Europe, in the Greater Brussels area, or in Padua in Italy.

■ and, finally, research findings ¹.

This movement towards the development of mediation is as clearly marked at the international level as at national level, in the makings of peace-keeping processes, of conflict resolution in civil war, as witness the recognised role of the Sant Edigio community in Italy around the various zones of civil conflict, in the Great Lakes region, in Mozambique or in Algeria. Or, the mission that took Christian Blanc to New Caledonia a few years ago with his "Mediators of the Pacific", which eventually led to the Matignon and then the Noumea accords in 1998. Or the emergence of institutional mediators during the 1970s in France and Spain, based on the ombudsman model of Scandinavian countries.

It also appears to be growing rapidly in certain sectors which are often a nexus for the generation of conflict, like the press where, ever since the introduction of a reader-editor mediator at the Los Angeles Times in the 1980s, it has become customary for the major media to avail themselves of the services of a mediator.

Mediation, which is the object of this address, concerns the conflicts which take place along the shores of our towns and cities throughout Europe, conflicts which find their expression in different forms of violence.

Mediation first appeared clearly and loudly during the 1980s, initially through family mediation developed in Quebec and North America, lands of predilection for finding alternative solutions to criminal trials. It then expanded throughout Europe in several directions, as evidenced by the work carried out by the European Forum for Urban Security or by European networks of cities or associations. Mediation has often been at the core of urban renewal policies in the UK with a special concern for insecurity-related problems, while the Netherlands placed the emphasis on minority integration, and Germany focused on fighting racism and xenophobia. And of course, traditional mediation has existed for a long time in certain parts of the world, as

- ... evidenced by the various forms of "palaver huts" in Western African communities. We should not imagine that we are inventing anything new hic et nunc!

..... Any retracing of these experiences will necessarily be elliptical.

First and foremost, **we must decide on a definition**, from among the many definitions: mediation may be considered as an undertaking designed to reach an agreement, a solution for conciliation between the parties to a dispute. Mediation is an alternative method of resolving conflicts and building a social bond. Mediation is a particular form of translation and construction of social reality as well as a open field for conflicts of interpretation. In other words, Mrs. Guillaume-Hofnung distinguishes between mediation as a means of re-forging the fabric of society, of conflict management, as mediation of differences and mediation of disputes.

The next step is to carry out a rapid overview based on a series of questions:

- What types of conflicts are we seeking to resolve today by way of mediation?
- What are the domains open to mediation?
- Who are the agents of mediation?
- Is there a "European paradigm" of mediation?

1- Mediation implies a conflict : what is at stake in mediation

It is clear today that, in most European countries, social conflict takes place on battlefields other than the workplace, home of the conflict between capital and labour.

This seminar will not address certain types of mediation, which is not to deny their importance.

- **mediation in labour relations**, even though, on a European scale, the concept of social dialogue is clearly gaining ground.

- **mediation in the economic field**, between the world of business and the outsiders. Here we find players who may not personally relate to the concept of mediation but are nonetheless engaged in some form of reweaving of the social bond. When we see large corporations, under the UK Business in the Community initiative, grant

special leave to allow their executives to share their knowledge with immigrant children in the local schools, is this not also a form of mediation? It might also be said that, alongside the many positive aspects, the disappointment of this seminar stems from the fact that, with each passing day, the economy is increasingly responsible for structuring the social domain.

■ mediation as a tool for preventing conflicts, mediation as **facilitator of the social bond**: here too, as we enter the information society, a new field is clearly opening up for mediation and mediators, a field well known to users of newsgroups, and no doubt also a field that can be used to build bridges between the “connected” and the “unconnected”, a way to prevent the great digital divide.

What is this conflict? The conflict born of segmentation, of fragmentation, of individualism in society, to quote Manuel Castells, in this information era. While nation-states acquire the capacity for violence, in other areas they are losing their monopoly, in areas contested by transnational networks and by local groups which do not recognise themselves in their policies and which, in a variety of forms, contest the legitimacy of such policies.

Conflict arises from the opposition between groups for the sharing of knowledge, access to know-how, as well as in the challenges of everyday life. It is this dimension which is of particular interest to us at this Seminar.

Is it a matter of resolving individual or group conflicts? If so, what kinds of conflicts?

In Barcelona, the association “Ponent per a la millora del barri” (Raval neighbourhood) seeks to resolve and prevent conflicts between individuals and groups who share this urban territory. From the knowledge and recognition of “different neighbours” to more mundane issues such as shop opening-hours, health issues, noise nuisances; in short, mediation of the “urban ecology” type.

In Valladolid, Spain, the task is about resolving individual and group conflicts:
■ conflicts among gypsy families, using the strategies and mechanisms of traditional mediation specific to this community.

- ... ■ **community and intercultural conflicts:** reactions of opposition to the rehousing of gypsy families, rejection of the gypsy community prompted by certain events or inappropriate attitudes (extending to drug traffic issues), attacks, fights, etc.

For the Asociación Secretariado General Gitano which operates within the framework of the Madrid municipal rehousing support programmes, it also involves resolving group conflicts. A breakdown in peaceful cohabitation, caused by ignorance and mutual rejection of cultural codes, is the root cause of most conflicts.

2- Accordingly, mediation opts for a preferred scope of action and specific territories

If we would seek to define the territories of mediation, we must no doubt look to the territories of conflict, the city and its neighbourhoods, the use of public places.

In neighbourhoods, mediation takes the form of mediation of daily-life conflicts, as well as conflicts originating in what are termed incivilities, part of a fraying of the social bond. The experiences presented here in Évreux or Pierrefitte, in France, belong to this category (see annexes for accounts).

Mediation also operates in privileged public arenas such as **schools**. In Essen in Germany, the organisation of mediation is designed to make teachers aware of intercultural conflicts, to qualify them in order to apply mediation methods in intercultural communication and, finally, to pass on these skills to pupils.

Similarly in **health centres**: as in the Rome Medical Centre, where intercultural mediators encourage understanding between foreign citizens and health institutions, not only by facilitating linguistic communication but, more broadly, by ensuring access to healthcare. The explanations given to the medical staff on the customs prevailing in the countries of origin, finally allow immigrant populations to have access to health services they would otherwise have refused.

Public spaces, such as **urban transit networks** are also territories for mediation. Take a tram or a bus in almost any European town or city, and you will find agents, often young people, in charge of comforting passengers' expectations, and appeasing any tensions that may arise. A few years ago, the European Forum listed all

the existing experiments in this field. Such initiatives now appear to have been adopted by a large number of public transport networks. Many have instituted social support programmes, based on an recognition that they were on the front line of any social crisis. A recent example in the Paris suburbs is illustrative of this trend. It is an ordinary example, but relatively original. The local Sous-Préfet (local State representative) assumed the role of mediator on the occasion of an attack on public transport employees. This State officer personally visited the victims at hospital, requested a meeting of the Health and Safety Committees, and finally saw to it that the employees felt reassured and supported in their duties. A low-key approach that prevented a vicious circle of hardening tensions. A mediation approach.

Commercial facilities too, shopping malls, multiplex cinemas, major cultural facilities, by introducing programmes to reinforce human presence and support in largely dehumanised surroundings, have helped to forge a new territory for mediation. Public places are now occupied by intermediary bodies responsible for mitigating conflicts of use likely to arise at any moment.

Certain specific fields deal with relations between populations. These are first and foremost mediations between communities, between cultures. In Frankfurt, the Bureau of Intercultural Affairs is undoubtedly an experiment that has sparked many others. Throughout Europe, however, such forms of mediation may be less systematic. Their aim is to learn about the cultures of others, to find ways that will allow those from other cultures to integrate the local society, to enter the very complex organisation of our societies, without sweeping aside all differences. In Montfermeil, immigrant women provide support to members of their community in dealing with public services, explaining and translating formalities. A few weeks ago, a Turkish woman was explaining to a symposium organised by Profession Banlieue that, because she spoke French and Turkish, in her neighbourhood she functioned as much as a mediator in administrative formalities as a translator in problems of lack of understanding between institutions and immigrants, on subjects such as wearing the veil in school, for example. The Centro per la Mediazione dei Conflitti in Milan covers four municipalities in the Milan suburbs (Bresso, Cinisello Balsamo, Cormano, Cusano Milanino): the overall objective is to offer to the local residents (Italian nationals or foreigners alike) a social mediation service, i.e. a place where

- ... the experience of conflict can be heard by an expert ear and help given to identify possible solutions.

■ **Civil mediation versus judicial mediation:** the boundaries are often unclear. In Belfast and in Northern Ireland, the Mediation Network is made up of 60 voluntary workers who seek to promote recourse to a third party in disputes, within the overall context of the peace process.

The experience of "Rikos- ja riita-asioiden sovittelu", in Finland (roughly translated as "mediation of civil and criminal conflicts"), began in 1983 in the town of Vantaa, located in the Helsinki metropolitan area, as an attempt to offer an alternative to court procedures, based on a deliberate involvement of the civil society to resolve criminal or civil disputes. Although the mediation movement asserts its independence from the judicial system, it nonetheless respects its rules. Instead however of trying to establish how the rule was violated and what sanctions should be imposed, it seeks alternative ways of re-establishing relations and bringing reparation to the victim of the offence.

In Denmark, too, an experiment is under way as part of a government programme of victim support.

In Liege in Belgium, mediation is part of a contractual approach: the City of Liege Contract for Security and Society. Its tasks are to participate in the restoration of the social bond by solving local neighbourhood conflicts – managing conflicts of apparently minor importance but whose repeated occurrence adds to the feeling of insecurity – as well as managing individual and group conflicts: problems of personal relations, noise, animals, disruptive children, gatherings of young people, vandalism, etc., through the promotion of quality communication between neighbours. *With an overriding civic concern: to allow the individual to resolve his own conflict.*

Mediation around and in housing. Around Madrid, the action of the Association for Gypsy Studies is to guide and support families rehoused by the EMV (council housing agency) in social housing, to enable them to gain access to basic services. The association analyses and monitors the situation of the gypsy population living in Madrid, channels demands, provides answers to any needs, and offers

mediation in conflicts arising from inter-ethnic cohabitation. It aims primarily to create social bonds in recently-built social housing projects to which gypsy families now have access, after having long been housed in slums where contact with the non-gypsy population, in terms of occupying the same area, was virtually non-existent.

3- The agents of mediation

A distinction must be made between institutional mediators and natural mediators. The former perform a role of interfaces between institutions and users. The latter, carrying out what is termed “off-stage” mediation or citizen mediation, have as their objective the construction of a social fabric. In Naples, volunteer members of the Association for the Spanish Neighbourhood, who do not define themselves as mediators but who are undoubtedly a prototype, have concentrated on listening. In the association’s premises, Anna says very little when people from the neighbourhood come to talk about the problems they are having with government agencies, with social security over pensions, conflicts with parents, the poverty of everyday life, the lack of jobs, etc. She prepares food or a drink at any time of the day. Then she takes the papers, sends the young person to the homework support centre, goes to visit the neighbourhood’s craftsmen, who are always in need of a helping hand. A preventive form of conflict resolution prevails through knowledge of the problems people face and a constant presence in the neighbourhood.

In Finland, in the programme mentioned earlier, citizens are essential as volunteer mediators. “Suomen sovittelun tuki” (Finnish Mediation Support), is a major national association founded in 1990 as a centre for debate and exchange of experiences between mediators, and now has 400 members plus seven collective members (local mediation organisations). It organises training and publishes training aids as well as a mediation newsletter. In Finland, 75% of the population lives in a municipality where matters of civil and criminal justice may be subject to mediation. In Valladolid, the initiative stems from the Gypsy Association, although requests are also received from other groups of citizens, from the local administration and professional groups (teachers, social services, ombudsmen, etc.).

- • • **Male and female mediators:** what is striking is the role and importance of women in mediation.

..... Cospe, in Tuscany, has experimented with an initiative involving women intermediaries in two local municipalities.

The “Muetterforum” is a network of mothers in the Baden Württemberg region who take an interest in the marginalisation of non-working women or women from foreign communities, with the aim of helping them both to re-enter public life.

Women spend more time at home and in the neighbourhood than men. They use these areas not only as recreational spaces: these are above all their work-place and working environment. As a result, they often have practical knowledge of urban infrastructures and of possible improvements to the environment to meet the needs of the main users: women, children, teenagers, the weaker members of society, the elderly. In short, all those who do not spend the bulk of their life at the work-place and in the world of labour.

Women at grassroots level are involved in the constitution and support of communities. They acquire an elaborate knowledge of what is needed in terms of buildings, local infrastructures, design of public services and development of their communities.

They know the impacts of a society in which children are not welcome, which does not integrate citizens into public life on the basis of trust, vitality and the development of their children.

The role played by women in the everyday management and practical implementation of urban projects must be fully recognised. It is essential to acknowledge:

- the place of women in the system of economic exchanges and, more generally, in the social, educational and cultural development of our societies and neighbourhoods,
- the role of women as neighbourhood intermediaries in urban policy and, in particular, the role of women of immigrant origin (particularly from the Maghreb countries).

A number of investigations are under way: into the status of the mediator, methods of appointment, remuneration, status (volunteer or professional), and qualifications.

3-1 The status of the mediator is far from uniform

How is the mediator appointed: by whom and how?

In the Barcelona association mentioned earlier, representatives are appointed by the social base of the civic organisations.

In Valladolid, they are “natural mediators”, with special prestige, and recognised as such within the gypsy community (where that have traditionally performed this function) and by the city’s institutions.

In Essen, they are appointed by pupils and teachers after passing qualifying tests to check their aptitude for reconciling opposing points of view.

In Cinisello Balsamo, Milan, the mediators report regularly on their activity to the heads of the four municipalities involved in the project. They are paid by the Istituto Nazionale di Prevenzione e Difesa Sociale in Milan which has signed an agreement with the four municipalities. The mediation office is very well positioned in Milan, alongside a market and at street level for better visibility and easy access for residents.

In Dublin, a group of mediators known as the Pavee Point Travellers’ Centre was founded by fifteen travellers and former travellers who all attended a prior training programme. They operate as volunteer mediators throughout the country.

How do the authorities assist these initiatives? *It must be stressed that, among the pioneers of the movement, the very concept of mediation implies the greatest possible independence from the authorities.* In practice, more nuances are apparent, with the mediation structures themselves not regarding themselves entirely as complete alternatives to the official system. Some countries, however, such as Norway or France, have fairly advanced legislation defining the

- ... framework of mediation within the judicial process in particular. In Finland, the Criminal Code of Justice provides since 1996 for the possibility of an agreement between victim and offender as an alternative to trial or sentencing.

3-2 How is the mediator appointed, by what authority?

In Finland, where for a number of years mediation offices have existed in over a third of the country's municipalities, intervening in matters of criminal justice and occasionally in civil conflicts, the local organisations have access to a pool of voluntary mediators who are assigned in pairs to investigate a situation.

At the Neighbourhood Mediation Service run by the City of Liege Contract for Security and Society, the mediator is appointed by the municipal authorities of Liege after a selection process; the mediator is remunerated, and must be a sociologist, a lawyer, a criminologist or a psychologist. The present mediator has a degree in psychology.

In the Madrid municipal rehousing support programme, the mediators are appointed by the Asociación Secretariado General Gitano, on a contract of full-time employment. In Madrid, the team consists of two mediators, a man and a woman, with one gypsy mediator and one non-gypsy.

3-3 Is the mediator remunerated?

The answers on this point vary widely. Of the experiences gathered in the preparation of this seminar, a majority indicate that the mediators are not paid but that the service is often remunerated in order to cover its organisational costs.

3-4 Is the mediator a volunteer?

The trend here is clearly positive. Volunteer work here relates to status in respect of remuneration rather than carrying any connotation of lack of expertise. Obviously, however, more structured interventions intended to settle certain disputes, particularly on public transport systems, are remunerated.

3-5 Mediators' qualifications

Mediator training is to some extent the corollary to this debate over unpaid and volunteer work. It would appear to be self-obvious, despite the importance of natural mediators, even if these do not emerge spontaneously. In Bologna, Cospe is an NGO which over recent years has organised sessions to train inter-cultural mediators and intercultural interpreters. New professional profiles are emerging. The trained mediators are then placed in public and private administrations to facilitate immigrants' access to these services, and ensure the recognition of civic and social rights for citizens from minority groups. By giving appropriate information to the staff working in the Italian social system, they help prevent racist behaviour. The latest session organised by Cospe over recent years has led to the creation of an on-line interpretation service, funded by the Tuscany regional authorities, currently providing assistance in thirteen languages.

The Centre project stems from an initiative launched by a group of expert mediators who work in the office of victim-offender mediation in Milan and, some years ago now, became involved in the subject of mediation. These expert mediators undertook to run the organisation of the Centre and the management of its mediation activity.

Some mediators have had over 300 hours of training in mediation. All have the minimum of 160 hours required in order to qualify to work on the project.

Mediators in Finland are given 30 to 40 hours of preliminary training to learn the basic legal concepts, as well negotiation and mediation skills. Local organisations insist that mediators, if they wish to continue to be active, should take part in further in-depth training.

Lastly in this description, mention should be made of the recent appearance of what may be termed mediation intermediaries providing services, in particular training for local initiatives, along with comparative studies and various resources.

... 4- Towards a European paradigm of mediation?

From this analysis would appear to emerge a European paradigm of mediation. With clear methodological guidelines on the mediator and the mediator's status, on the continuing professionalisation of the mediator which in no way precludes citizens' involvement if properly organised. With, as its corollary, mediation training as a response to urban and societal the crisis, as an instrument for the prevention of newly emerging forms of social conflict, as well as a tool for building social bonds.

Status of the mediator, respect of human rights, and time management, constitute the key methodological guidelines.

4-1 Finally, is there such a thing as a virtuous circle in mediation? Conditions for success that, if not guaranteed, can at least be safely assumed?

There are four very obvious prerequisites:

- a clear vision of the conflict to be resolved,
- legitimate mediators who are clearly identified as independent third parties,
- mediators trained in mediation,
- mediation that respects the rights of the individual, that offers guarantees of adequate neutrality and that respects the principles of the right of reply.

There is still scope for delimiting common goals, if we are to avoid any fragmentation or dilution of the concept. Today's aspiration of creating a corpus of common objectives is becoming widespread. This year, no fewer than three international conferences have been held on the subject, bearing witness to the strong interest it attracts.

4-2 Can the results of mediation be measured?

In Liege, Belgium, mediation has clearly reached a pragmatic target, with a successful and proven reduction in neighbourhood disturbances. No comprehensive data are however not available on the subject.

A study carried out a few months ago by World Bank economists revealed that the duration of conflicts is inversely proportional to the impartiality and neutrality

of intervening agents external to the conflict. The need to carry out transnational assessments now clearly appears as an additional means to define common goals.

On a broader front, mediation experiments have shown that they can contribute to strengthening the capabilities of individuals within their neighbourhood, within their community. This is precisely what Americans call “empowerment”, namely building up the capacity of individuals to act on their own and become full-fledged actors.

4-3 Mediation in European programmes and reports

Implicitly, or sometimes more explicitly, European programmes refer to mediation actions as support for policies to combat exclusion or to stimulate urban renewal. It is obviously no easy matter, on an operational level, to fit hours of voluntary work into the strict criteria of the European Social Fund or the Regional Development Fund.

Yet such recognition does emerge, as attested by recent reports. Witness for instance the report of the Committee of European Regions on Urban Crime and Security drafted by Mrs. Catharina Tarras-Wahlberg, or the Commission's communication of July 1999 on crime victims, or more implicitly, the findings of the Poverty programmes or, more recently still, the Commission's communication on integration.

Conclusions

The challenge this seminar faces is undoubtedly to enter in greater detail into the outlines of this European paradigm, by taking the issue further than a mere juxtaposition of initiatives and experiences. Fostering dialogue, working together on issues such as mediator training, capitalising on initiatives and the conditions for their transfer. A body of experience has been built up by networks such as the Forum for Urban Security, LIA, etc. It will however not be possible to move ahead any further, unless the European institutions, the Commission, the Parliament and EU Member States acknowledge these initiatives and give them real support.

...

To close this overview of mediation initiatives within the European Union, the following injunction spoken by President Abraham Lincoln offers a note of optimism: “discourage the contentious, persuade your neighbours to reach a compromise whenever possible,... Make them understand that the apparent winner is often the real loser”. Or, as John Lennon sang, “How come, in a world so full of solutions, there are so few answers?”.

In preparation for this seminar, the Interministerial Delegation for Urban Affairs asked European researchers and agents in the field to submit accounts of their experiences and reports on their research work. All are presented in the annexes.

1/ See reports by N. Tietze, A. Poli and M. Khedimellah, under the direction of Michel Wieviorka, of CADIS, and of Mrs. Guillaume-Hofnung.

2 - Social mediation: a concept under development

The objective of the Créteil Seminar was to go beyond the sterile opposition between theoreticians and practitioners, and to bring together researchers, those active in the field, representatives of institutions and high-level decision-makers to formulate, despite the many differences in experience and cultural traditions, a language of mediation that would be of use to Europeans.

Another objective of this gathering was to **reach an understanding on terms** in order to make common proposals for guidelines in mediation on the basis of a definition accepted by all.

Over a period of two days, 42 experts worked together to draft the foundations for a European recommendation. The following pages describe the stages in the development of a vocabulary, country by country, the measurement of differences and the advances made around the concept of mediation.

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 to social mediation in Europe
 Moussa Khedimellah, Alexandra Poli, Nikola Tietze,
 EHESS-CNRS Centre for Sociological Analysis and Intervention

Presentation of the draft recommendation on social mediation in Europe

**Statement by Michèle Guillaume-Hofnung, Professor of Civil Law
at the University of Paris XI**

In the absence of any institutional competence to give a presentation of the terms of reference, I have collected here the information necessary to our common task. This presentation, which will serve as a statement of terms of reference, will follow closely the structure of the text which we are working to produce: first a Preamble and then the body of the recommendation.

Findings

1) The Preamble sets out a number of findings, the first of which is of particular importance. It highlights a feature which partially conditions any consideration of mediation, i.e. its diversity and the absence of any agreed terminology on the subject.

2) The dynamic of mediation is undeniable. Since the 1980s, mediation has found its way into every sphere of life in society, from the most intimate (family mediation) to the most public.

3) The city is not exempt from the effects of this phenomenon; mediation has made its mark here, too, to no-one's surprise. Every aspect of mediation is called into play in this environment: conflict prevention, conflict resolution, improvement of relations between institutions and their public, establishment of the social bond.

Objectives and concerns

*A number of objectives and concerns recur **at every stage** of the Recommendation and sometimes appear implicitly in the Preamble, but all inspire it to a certain degree.*

Most objectives form part and parcel of any urban policy:

- *to make the city a more humane place*
- *to bring institutions closer to their public*
- *to improve relations between institutions and their public*
- *“the battle against social exclusion and the lack of integration of certain populations, particularly in the most deprived neighbourhoods” (mentioned in III)*
- *“the management and prevention of violence” (ditto).*

A phrase from the Preamble unequivocally indicates the scope of the issue: “The city - a place of conviviality but also of tensions, a place of mingling but also exclusion, of exchange but also of isolation - is a natural candidate for mediation.”

Added to this are broader social concerns such as ensuring equal opportunities for all.

The objectives and concerns expressed in the Preamble also provide cement for the common feeling that has brought us together at this seminar: “An awareness of wanting to do things differently, to break new ground, either because traditional modes of social intervention have failed or at least shown their limitations, or because the desire for greater humanisation requires it.”

Values

The values of mediation are developing in two directions: those which it must respect, and those which it may invoke for its purposes.

They form two aspects of a diptych of which each is an inseparable part.

Mediation must include guarantees for its intended beneficiaries and, once it can be shown to respect those guarantees, its liberty may be recognised.

1) The values which mediation must respect: national laws, the laws of the European Union and “all the guarantees set out in the European Convention on Human Rights”.

Preparatory Research

... The importance of this latter point cannot be overstated. Let no-one be deceived by the cursive form of its wording; it aims at density and not ellipsis.

..... Although conventional, the reference to the values of the Human Rights guaranteed by the Convention is more than mere wielding of words. While mediation may permit a certain flexibility within the Law, it by no means authorizes overlooking the Law, especially in its most eminent form expressed in our European societies: the corpus of Human Rights of which the Convention, a copy of which you have all received, is a common symbol.

In concrete terms, Human Rights should be the guide for all those drawing up *codes of ethics* (local, national, European, private and public, voluntary groups and associations, other organisations) and should rank high in mediation training programmes.

If in our work you were to agree to attribute to Human Rights the eminent position afforded to it by the authors of the draft Recommendation, the development of mediation would be then firmly set in an unequivocal perspective.

Mediation should also guarantee a certain quality, which is why the Preamble recognises the need for a specific qualification: *throughout this document, training in social mediation will be the subject of considerable concern*. It will be set out in the statement of general principles that such training must be appropriate, i.e. specific.

Mediation recognises and fosters the creativity of the resident population, but also of civil society as a whole (Associations, businesses, private organisations), of local authorities and of organisations responsible for managing public places. This confidence in the partners of social life allows for a redistribution of opportunities: it avoids locking members of society into roles that are immutably passive or degrading.

2) *Values protecting mediation*: in return, mediation must enjoy broad freedom.

The final phrase of the Preamble specifically refers to this: it concerns the free development of mediation. There is a strong temptation for some to devour and exhaust the dynamics of mediation, so positive and innovative is its image.

It seemed wiser to respect mediation in order to retain its innovative potential.

Presentation of the body of the Recommendation

It first of all gives substantive form to recognition of the need for clarification contained in the Preamble, opening with a proposed definition of mediation.

Secondly, it identifies certain general principles of particular importance.

It sets out the main precepts which could act as guidelines for the functioning of mediation, which the Recommendation endeavours to encourage.

Finally, it presents the broad outlines of an action plan to ensure positive development for social mediation.

§1: proposed definition

The correct approach was deemed to be that of reflection on a definition of mediation in order to give our seminar a consistent scientific grounding. On this basis, an initial option presented itself to the authors of the Recommendation:

■ *to refer to the definition annexed to Recommendation No. R (99) on judicial mediation (page 18): “In its general acceptance (i.e. not related specifically to the criminal justice context), the term mediation is normally restricted to describe a form of settlement of disputes involving an impartial third party and seeking to encourage the parties to reach an agreement by mutual consent”.*

Although useful, this definition offers the major drawback of being only partially “general”.

It assigns to mediation the sole function of contributing to the amicable settlement of conflicts, but leaves out three other functions: the prevention of conflict, the creation and the restoration of the social bond.

Preparatory Research

- ... *Mediation is thus seen to perform four functions: creation of the social bond, restoration of the social bond, prevention of conflicts and, finally, resolution of conflicts.*

.....
The categorisation can be narrowed down by simplifying and grouping these four functions more neatly, but it is impossible to avoid making a distinction between:

- mediation of conflict
- mediation of the social bond.

Mediation cannot be limited exclusively to a means of resolving conflicts, even if this is its best-known application and the one most studied because the most spectacular.

The possibility should therefore be considered of:

- proposing for your discussion a *holistic* definition, not excluding mediation as a means of conflict resolution, but taking also into account other functions assumed by social mediation.

"Mediation is to be understood holistically as a means of construction and management of social life thanks to the intervention of an independent, neutral third party (the mediator), who has no other power than that conferred by the persons who have freely chosen or recognised the mediator."

This definition, should you accept it, would apply equally to the mediation of conflict resolution (as inferred by the term "management of social life" of which conflicts are part and parcel) and the mediation of the social bond suggested by the term "construction of social life".

The investigations and research carried out in preparation for this seminar would suggest a refinement to this definition, which is also put forward for your consideration.

There appears also to be a horizontal distinction, i.e. one which applies to both the mediation for conflict resolution and social mediation:

- institutional mediation emanating from and controlled by the institutions,
- citizen mediation arising from and controlled by civil society.

While aware of the relativity of such a distinction (citizen mediation sometimes seeks consecration by institutions at the cost of a certain functional alignment), the authors have considered it to have a certain pertinence, and therefore submit it for your consideration.

S2: general principles

This section, deliberately dense, highlights 5 essential themes (we will pass rapidly over principles 2 and 3, which have already been covered in the terms of reference relative to the Recommendation on judicial mediation).

1) The principle of clarity or the need for clear responsibilities

This principle reflects a key concern of the authors which the oral form of this presentation of terms of reference, and a reliance on your indulgence, prompt me to present as follows:

- Mediation must not become a substitute product destined for second-class citizens, leading to a system of poor man's justice or a two-speed public service.
- Mediation must not allow the authorities to shuffle off the responsibilities inherent to their competence. Authorities must accept and assume such responsibilities in full. *Mediation can only be a "plus", not a "consolation prize".*

2) The free consent of the partners to mediation also appears in the Recommendation on judicial mediation, where it is justified as a psychological condition for success. In social mediation, where the issue may not necessarily be amicable settlement of a dispute, the insistence on respect of the freedom of the parties also carries an ethical connotation.

3) The principle of confidentiality features in both Recommendations and may lay claim to the same justifications. It creates a climate of trust conducive to "a fruitful exchange and a positive outcome".

It protects the interests of the parties. In addition, it provides respect for privacy. ...

- ... *The requirements of professional confidentiality will encourage such respect when professionals are involved. The principle of confidentiality must nonetheless compromise with certain requirements of public order.*

.....

4) Paragraph §4 inviting all public authorities to **encourage** social mediation “in its various acceptances” presents certain differences from its counterpart in the field of judicial mediation, differences which merit attention:

- *its general scope: it applies equally to the mediation of conflict resolution and to the mediation of social bond.*
- *it contains a plea to encourage social mediation, not to make it available (as in the Recommendation on judicial mediation), which does not require the same degree of commitment from public authorities. This difference is understandable in that criminal justice is linked by inherent bonds to the sovereign powers of the State. Since criminal justice is available everywhere, so too should be the related form of mediation.*

The public authorities referred to in the draft Recommendation, whether local, national or international, are not called upon to become systematic providers of social mediation. Other partners in society could take on this responsibility.

5) The Recommendation pays particular attention to the **training of mediators**, justifying the fifth principle. Training brings immeasurable benefits to all concerned. It provides a guarantee of quality to the beneficiaries of mediation and to the institutions which promote it. It gives mediators a legitimacy which ensures their independence with regard to the authorities.

It was felt that the European Union could, and even should, play a decisive role in promoting the training of mediators. European training programmes, even European training institutes, would be a useful addition to the private, national or local initiatives already in place.

The creation of a European Observatory would provide European Union and Member States authorities with the information needed to develop programmes geared to realities and to requirements (see also IV §2).

§3: functioning

This section of the draft Recommendation addresses two issues of urban life which in particular call for the development of mediation in all its forms: the problem of exclusion and the problem of conflicts.

It also provides a number of guidelines on the attitude that the authorities should adopt with regard to social mediation.

In addition, this section clearly illustrates the variety of functions that mediation may assume in the city.

1) As regards exclusion: since mediation cannot be reduced merely to a means of reaching an amicable settlement of conflicts, it also helps to facilitate the creation of social relations between minorities or between the many categories of marginalised populations and the other components of society. Mediators will act as “bridges”, and not just as “fire-fighters”.

2) Dealing with conflicts: mediation can, of course, function as an alternative means of settling conflicts and, when the conflict takes the form of a criminal offence, judicial mediation will be able to take over.

Mediation, in all its forms including preventive as suggested in §1 III-b, is also a response to urban violence.

In the struggle against violence, some European Union countries play the education card. Mediation, through its relationship to the Socratic maieutics, a pedagogical method seeking to bring out in each individual what he/she already knows deep down without being aware of it, will prove to be extremely valuable in “education for peace, at school as in the city...”.

3) A proper balance must be found between the dynamics of mediation and the responsibilities of public authorities.

As an aid in this delicate process, the draft Recommendation puts forwards certain precepts which echo the general principles set out above.

Preparatory Research

... The first of these is the idea that mediation should not be used to conceal any failure by the State to assume its major responsibilities. Of particular concern here is the risk of a "poor man's justice" developing which could lead to inappropriate recourse to alternative methods of dealing with criminal matters. The inhabitants of deprived areas, victims of criminal offences, would find themselves entitled only to the alternative justice system, for lack of any recourse to criminal prosecution. Would they find any consolation in the fact that mediation would, in the end, be of more use than a case otherwise dismissed openly indicating the disinterest of criminal authorities in the injury suffered? Or would they find that systematic recourse (restricted to their neighbourhoods) to this "innovative" solution for palliating the overloaded justice system, to be a covert way of "officialising" their status as second-class citizens in a two-speed society?

The development of judicial mediation must not exonerate member states from the requirement to guarantee a high quality traditional justice system.

Recourse to mediation must be reserved for cases where it provides a real benefit.

Mediation should not be used as an easy way out, but only because it is a better way. As shown in the Recommendation on judicial mediation, there is no shortage of good reasons for turning to mediation. The draft Recommendation put before you at this seminar seeks, on the contrary, to prevent its use for the wrong reasons.

In the same spirit, mediation does not replace reform. The French will be familiar with the famous comment by Georges Clémenceau "When you want to bury a reform, you set up a commission". It surely has its counterparts in your own countries. The draft Recommendation seeks to avoid making similar empty gestures in the matter of mediation. The temptation is great to set up a mediation department or unit and appoint a mediator within an institution to improve relations between the institution and the public, or to modernise the institution, and to keep it at that.

Invoking the name of mediation is not enough, it should not be allowed to create the illusion of reform. "Mediation must be accompanied by internal reflection" within institutions "to foster their modernisation and bring them closer to the population".

The other paragraphs of point IIIc concern the proper distance to be kept between public or private institutions as regards local initiatives in the matter of mediation and as regards grassroots or community initiatives, stemming from the civil society. The principle of subsidiarity might have offered useful indications for the distribution of responsibility between the various state authorities and the civil society. Since this principle has taken on a very precise significance in European law, however, the authors preferred not to use the term in order to avoid any confusion. Instead, preference was given to the term of *partnership*.

The final paragraph calls for some explanation: “States must take care to respect the diversity of forms of mediation thanks to appropriate legal frameworks”.

This brings us back to the finding mentioned in the Preamble on the diversity of the forms of mediation that have developed. In all legal systems, legal frameworks reflect the nature of the activities they regulate. This is a realistic precept that enables the *de jure* rules to be geared to the *de facto* reality governed by the law. Mediation cannot be an exception to this precept. How could rules of law intended specifically for the mediation of conflicts be imposed on social mediation, and vice versa?

It is not possible to impose block legislation or regulation in the matter of mediation, since mediation itself is not a block.

§4: development of social mediation

This is the shortest section, since its content will largely be supplied by you:

- through your analysis of future trends: what will mediation be ten years from now, will it have contributed to improve life in society, particularly in cities? Or will it have been swallowed up, caught between institutional strategies, whether public (state-controlled, local, or emanating from other public bodies) or private, professional (the quest for recognition of mediators) or driven by voluntary groups? And if it should prove successful in bringing about positive changes among social agents, how was it done, and with what consequences?

Preparatory Research

- ... ■ *through your recommendations: these will depend, of course, on the conclusions of the above analysis, but there is one that should not be neglected and the draft Recommendation makes no attempt to avoid it; "training in social mediation within the framework of Europe must be encouraged and developed".*

Without claiming the gift of prophecy, it can safely be stated that the future of mediation will depend to a very large extent on the training effort that accompanies it.

The content and the provenance of the mediator's code of ethics will certainly have great influence on the development of mediation. As was mentioned earlier, any such code of ethics should be considered particularly from the viewpoint of compliance with the European Convention on Human Rights.

Finally, because this seminar is European, it is within the framework of Europe that the issue of the future of mediation needs to be considered, and it is within the framework of Europe that the search for answers must be carried out, as indicated in paragraph §1 IV:

"Member States and the European Union must foster exchanges of good practice, develop training, implement the necessary studies, research and assessment, support experiments, particularly the most innovative, in accordance with the principles set out above."

The tools to be requested by experts, as they re invited to do in the final paragraph, could include a European Observatory of mediation and a European mediation training centre.

This seminar casts us in the role of pioneers. Ours will be all the pleasure and enthusiasm, including the satisfaction of feeling ourselves useful in opening up new avenues.

We must also assume our responsibilities, however; enthusiasm and the search for innovation do not obviate the need for rigour.

The primacy of the practical emergency should not be allowed once again to take precedence over the theoretical emergency.

It is important that we should begin by taking care to use consistent terminology.

If we can succeed in all addressing the same subject, this seminar will not only open the way towards a more humane urban policy but will also be a scientific success.

Draft

.....
recommendation on social mediation in Europe

Report on research into social mediation and methods of conflict resolution in everyday life

**Statement by Michèle Guillaume-Hofnung, Professor of Civil Law,
University of Paris XI**

The report is broken down into two sections:

- a table of comparative research,
- identifiable aspects of the issues for future recommendations.

Although it constitutes the outcome of a comparative survey, this report also seeks to offer a simple starting-point for the seminar's collective deliberations:

- its preliminary conclusions are subject to verification by the experts gathered together on this occasion,
- while the report is intended as an international comparison, it must also respect the wealth and complexity of the research, which sometimes overlooks international boundaries. Divisions arise not just between countries but between "schools of thought" and may exist on an infra-national level.

The comparative table of results

The table is based on data supplied to the Interministerial Delegation for Towns and Cities by the Cadis team in its interim reports of 20 July and 28 August, as well as on my own personal information. Unfortunately, for certain countries the data are either lacking or incomplete.

Its purpose is comparative. The intent is not therefore to present a series of monographs on each country, which would duplicate the Cadis reports mentioned above, but rather to establish a table of similarities and differences on relevant issues. The most pertinent questions are also the simplest: who is carrying out research? with whom? for whom? on what? when? how?

This apparently naive process of questioning covers virtually all avenues at the first stage of the analysis. In addition, it lends itself to clear groupings, making it possible to move on to useful comparisons at the next stage.

Using this method produced:

- *a list of researchers by category: it is a matter of some interest to be aware of who is doing research, within what framework, on what status, and with whom;*
- *a comparative table for the object of the research;*
- *a preliminary table of the influence of national contexts which provides answers to a large number of questions.*

The influence of national contexts

In all the countries surveyed, two items of information influence research: attitude towards immigration and attitude towards minorities.

The first varies depending on the strength of national awareness (Germany, France), the length of the tradition of immigration or, on the contrary, of emigration (Italy, Spain and Portugal offer interesting examples of countries once a source of emigration recently becoming countries of immigration).

The second attitude also has a powerful effect. Studying mediation in a country which preaches universalism is a very different matter from research in a country which accepts a community-based society. Assessment of the cultural difference or cultural specificity will above all have an influence on the research and facilities relating to intercultural mediation.

In all the countries surveyed, urban violence is a central concern for both field workers and researchers. While one section of public opinion frequently associates it with immigration, for the most part researchers clearly distinguish between the themes. They present mediation as an alternative to repression, less strict but no less effective, particularly because of its role in prevention or reparation.

Preparatory Research

... National contexts influence the choice of research topics and how they are dealt with. Mediation may be eclipsed or swallowed up by another theme dominating the country under consideration, or may on the other hand be fairly free thanks to great flexibility in research, and may thus remain an independent object of study. To take one example: in certain countries, the link between mediation and the justice system weighs doubly heavily on mediation research. Quantitatively by mobilising large numbers of researchers and substantial funding, qualitatively by restricting mediation to the category of alternative methods of conflict resolution, to the detriment of its role in communication and forging social bonds.

Social mediation is clearly subject to social values. A greater or lesser sensitivity to human rights, a stronger or weaker tradition of individualism, will or will not lead researchers to ensure that the systems of mediation growing in their country, will not invade privacy or infringe liberty (strict confidentiality imposed on the mediator or, on the contrary, a requirement to inform the authorities that verges on denunciation).

Once this is clarified, it is possible to begin drawing up a classified presentation of the national contexts for research into social mediation and methods of conflict resolution in everyday life:

Belgium

The scale of cultural divisions, and in particular of the language issue which has marked the institutional development of the country so profoundly as to give rise to a federalism of fragmentation, cannot fail to have an influence on the search for intercultural mediation. The difficult coexistence between native Belgians, with their own linguistic quarrels and their own competing cultural identities, means that the field of intercultural mediation concerns not only Belgians and immigrants, but Belgians amongst themselves.

In Belgium, the quest for national cohesion is the central feature of the context in which research into mediation takes place.

The second feature arises from the enormous interest in criminal issues (the Dutoir affair served as the detonator for but also a revelation of a crisis in the criminal justice system which had prompted a search for solutions well before this

affair was triggered), and in questions of security and prevention. This explains the importance placed on research into alternative modes of managing deviant behaviour, research which receives state funding. The emphasis on this second feature explains why social mediation is eclipsed by the legal regulation aspect, with the social role of mediation seen as linked more to its process of settling disputes outside the justice system.

France

France loves a great theoretical dispute. Mediation has benefited from this peculiar French tradition. And the benefit has been real, not ironic, in that the doctrinal clashes of the late 1980s and early 1990s led not only to a more profound conceptual understanding but also to intense debate on the conditions of implementation of mediation in accordance with the concept.

The scale of the role played by the State in a country with France's Jacobin tradition comes as no surprise. It has led to a distinction between institutional mediation and citizen mediation which has made it possible to demonstrate the difference in nature and hence the major differences in approach between a form of mediation that is very close to conciliation and which applies less onerous procedures than a full-blown mediation process, and a mediation that has emerged from society, less influenced by models and institutional imperatives. Local authorities and private institutions are increasingly taking over from state authorities in setting up mediation systems, but their logic and the way in which they use mediation and mediators in no way does away with the need for the distinction initially imagined as regards state "mediation-conciliation". It merely increases the scope of institutional mediation at the expense of citizen mediation which it rivals or subsumes.

The state's role in research is demonstrated also by the existence of a body, the CNRS (Centre National de la Recherche Scientifique), which has few or no apparent equivalents (see below - categories of researchers).

The vast scope of the field of research into mediation also constitutes another dominant characteristic which could be laid at the door of the Cartesian spirit, which makes researchers systematic and dedicated to exhaustive investigation. Research is directed both at an increasing number of branches and at general fundamentals. ...

... The downside to this is acrimony between different schools of thought.

Italy

The relatively recent nature of the Italian state explains the wide dispersal of initiatives as regards both action and research in the field of mediation. There are far more local than national programmes and co-operation with foreign programmes operates less through the international level than at the infra-state level. Communes themselves and voluntary groups often establish direct relations with the countries of origin of the immigrants towards whom social measures are directed.

The recent nature of immigration in a country traditionally a land of emigration is another important factor, although it is impossible to tell for certain how it influences research into mediation. All I can do is hazard a personal guess, that this reversal of roles has perhaps stimulated research by creating a feeling of pride that prompts generosity.

One original feature that cannot be explained directly by the national context, but which merits a mention: mediation in hospitals is becoming increasingly frequent, in terms of both research and practice. It is of benefit primarily to the immigrant men and women supported by the intercultural mediators because in the hospital environment immigrants are doubly vulnerable, both as patients and as people in particular need of help in communicating, in understanding their treatment, and in expressing informed consent.

Norway

In the absence of fuller information, we will concentrate on one feature which dominates research into mediation, i.e. the closeness of its links with public policy (at both state and local, particularly municipal, level) in the matter of juvenile delinquency. Norway is one of the very few countries to have passed a law on mediation (1991).

In addition, research into mediation enjoys a rare consensus on ruling out the professionalisation of mediation and encouraging voluntary engagement.

Netherlands

Research, along with action in the field of social mediation, carries the burden

of the negative outcome of the “minorities policy” applied from the early 80s to the early 90s, a policy very much inspired by a community-based philosophy which in the previous century had steered the construction of a national society by delegating many social missions to religious communities. Transposed to the ethnic minorities created by immigration from the 1960s onwards, this philosophy encourages communities to organise independently under the virtually exclusive control of social leaders who emerged from their own ranks and who were paid by the authorities. The authorities hoped that this system would promote multiculturalism, the emancipation of ethnic communities and the development of equal opportunity.

The policy was in fact to give rise to quite the contrary effects; introspection, dependency, partitioning, insurmountable confinement in the culture of origin, a system which enabled immigrants to live in the Netherlands for years with no knowledge whatsoever of the country's language or system of values.

In reaction, the need has now been recognised for mediation to encourage dialogue, with inter-ethnic relations breaking down the divisions in society and defusing the very violent conflicts in neighbourhoods where 50% of the residents are of immigrant origin.

Portugal

The state likes to exert substantial centralised control, the characteristic sequel to a period of authoritarian government, but civil society plays an important part thanks to strong popular participation.

The theme of mediation in schools appears to dominate research, even if the practice goes beyond the school context in seeking to restrain urban violence and the term mediation is more widely used in the field of the justice system.

The university system has responded to the social concern caused by the first signs of the emergence of disruption and violence in schools in the early 1990s, with the launch of a pioneer project at the Institute for the Study of Children at the University of Minho in Braga.

Preparatory Research

- ... *Portugal's colonial past plays a part in perceptions of the social problems connected with immigration.*

Germany

Thinking on the subject of mediation is profoundly marked by facts reflecting the traces left on contemporary society by recent history.

*Research into mediation is often associated with a wider examination of the management of racist violence and on civic education. Researchers provide social workers with methods of mediation in the field of education, a context revealed by Christoph Besemer's work, *Mediation, Vermittlung in Konflikten*, 1995.*

Added to this is the federal context. The federal system and the independence of the Länder plus the considerable autonomy enjoyed by cities leads to widespread dispersal of funding and a multiplication of programmes.

*A highly-developed sensitivity to ecological issues has prompted study of the resolution of everyday conflicts arising from pollution (Moeller-Streibörger Wolfgang, *Mediation statt Konfrontation in Natur* 18/5, p.90-92).*

UK

British society is certainly marked by its history as a great colonial power in its manner of coming to terms with immigration, and perceives social mediation in terms of the multitude of nationalities represented on its soil. The themes of otherness, the management of cultural differences therefore play an important role. The British model offers an answer that is community-based, with clear resemblances to the value system of the North American model.

The concern aroused by the growth of urban violence serves to explain a degree of state control over research programmes that is somewhat surprising in a country still strongly marked by a tradition of self-government which is generally more favourable to local initiatives. The introduction of a ministerial mediation group bears witness to the level of concern.

Sweden

More than in any other European country, immigration was encouraged prior

to the economic recession of 1975. The overall context of Swedish socialism is the other key factor to be taken into consideration.

In this environment, four themes dominate research into social mediation or its equivalents:

- that of immigration and its associated issue, ethnicity. The Ceifo (Centre for Research in International Migration and Ethnic Relations, as it introduces itself on the Internet), founded in 1993 at the Stockholm Faculty of Social Sciences, orchestrates research. In addition, the University of Uppsala's Centre for Multi-ethnic Research provides a cross-disciplinary forum for discussion of cultural questions with an ethnic dimension.
- that of prevention of violence and of conflicts which are particularly distressing to a system which prides itself on its social performance. The Malmö Department of Education Sciences and Psychological Research works on the prevention of violence and conflict resolution, primarily in the school environment. It stresses the teaching of an anti-violence message effective in prevention at an early age. The fact that this research is undertaken in a department with a psychological component explains the richness of its analysis of the fundamental needs of the human being, which is extremely valuable in conflict resolution.
- that of urban issues, particularly urban violence, which is particularly disturbing in a country with a long history of a scattered population and a forest tradition. In conjunction with the European Forum for Urban Security, the Swedish government is sponsoring research into the youth population of urban suburbs (Prof. Hanne Haavind).
- that of ecology, the importance of which is explained by another national statistic: 50% of Sweden's territory is given over to forestry. The National Resources Centre (NRC) or Dalarana plays a leading role and encourages action and research on the frontiers of ecological mediation.
- a singular feature to be pointed out, due to Sweden's early emancipation of women, is the role of the Centre for Women's Studies in action and deliberation on social mediation.

Preparatory Research

... Categories of researchers

Categorising researchers offers the benefits of a clear presentation as long as perspective is maintained and the categories are properly explained, in particular that of the practitioners. A French researcher like Jean François Six appears here by default, since he is neither university faculty, nor on the staff of the Centre national de la recherche scientifique (CNRS) and because he does actually practise mediation, yet the abundance and quality of his theoretical work would qualify him as the theoretician of mediation par excellence. Conversely, university and professional researchers are not confined to their ivory towers.

The activity of research may be manifested in the authorship of “learned” works, of articles, reports, contributions to seminars and colloquia and of practical handbooks for publication and circulation.

University researchers

These are well-represented, i.e. both numerous and diversified (lawyers, sociologists, psychologists, anthropologists, philosophers).

Austria

Jens Dangschat, Professor at Vienna Technical University. A sociologist specialising in urban issues. Has studied various social mediation initiatives by German cities.

Olivier Frey of Vienna Technical University. Under a contract with the Institute for Urban and Regional Research, carries out research into urban social policy in Germany and France. Is particularly interested in areas of social inequality, the processes of segregation, poverty and exclusion.

Belgium

Yves Cartuyvels, Professor at the Université de Saint Louis (Brussels), a specialist in social mediation.

Jean-Pierre Courtois, member of the Association pour la recherche et l'innovation en éducation et formation (APRIEF), Professor of Education Sciences. Interested

in the construction and restoration of the social bond through mediation between schools and families, particularly families in difficulty.

Jean de Munck, Professor at the Centre for the philosophy of law at the Université Catholique de Louvain, Thomas More college.

Elisabeth Volckrick, also a Professor at ULC who, as part of a European network on mediation, works on the mediation of knowledge. She also teaches in the Sion European Master's programme.

Spain

Eduardo Vinyamata, Professor at the University of Barcelona, who has nominated a lecturer from his team, Salvador Puentes, to co-ordinate research and teaching relating to mediation.

Finland

Takala Jukka-Pekka, of the National Institute for research into the police criminal investigation department, whose work is part of an experimental project in the city of Vantaa, to be extended to most larger cities. The project seeks to create or recreate social bonds jeopardised or broken by disputes or criminal acts.

France

Serge Guinchard, Charles Jarrosson, professors on the faculty of Law at the University of Paris II. The first set up the DESS (post-graduate degree course) on "disputes, arbitration and alternative means of case settlement", while the second now manages the programme. They see in mediation an alternative mode, the only aspect that interests lawyers in France today. They contribute to the work of the Centre for the study of alternative modes of conflict resolution set up in 1995 in equal partnership with the Paris Bar Association.

Jacques Salzer, an undisputed university researcher since he is a senior lecturer at the University of Paris Dauphine and also a practitioner. Has collaborated in the training of mediators (general, family, corporate, school, criminal justice, neighbourhood) in intercultural situations of international dialogue between young people.

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... Italy

..... Lucio Luison, a member of the Communication and Social Marketing department of the health services agency in Venice, studies social mediation in institutions, particularly as regards healthcare.

Duccio Scatolero, Professor of criminal anthropology at the Turin Faculty of Law. Also carries out research as part of the European Master's in mediation programme.

Umberto Melotti, Professor of political sociology at Rome La Sapienza University, works on immigration in the urban framework and co-ordinates the work of the Institute of social studies and initiatives. He draws attention to the difficulties of situations in which several cultures clash and emphasises "multicultural misapprehension".

Patrizio Emmanuele Tressoldi, doctor on the Faculty of Psychology of Padua, addresses social mediation from the psycho-social angle. Has developed a course on mediation in relation to social conflicts.

Netherlands

Evelyne Baillergeau, French political scientist and urban planner working at Rotterdam's Erasmus University. She is interested in the politics of urban social development within the context of social renovation programmes and neighbourhood management.

Rinus Penninx, Professor at the University of Amsterdam where he heads the Institute for migration and ethnic studies. He also headed the Unesco MOST project for the city of Amsterdam. Does not work directly on mediation but on associated subjects.

Portugal

Margarida Marques, of the Socinova Laboratory of the Lisbon Faculty of Human and Social Sciences. The laboratory was given the task of researching into the city of Lisbon's immigrant integration policy for Unesco's MOST programme. She works on criminality and social control at the local level.

Joffre Antonio de Sousa Justino, of the Lisbon Higher Institute of Economics, is an economist who has worked on negotiation, human resources and also on ethnic minorities, and is interested in the function of mediation.

Ana Tomas Almeida, Professor at the University of Minho, works in the field of violence in schools and the promotion of skills for living in society.

Paulo Machado, Professor of social demography at the autonomous University of Lisbon, studies social changes in urban areas and social science research methods. Amongst other subjects, is interested in ethnic exclusion.

Germany

Maria Dietzel-Papadryiadou, Professor at the University of Essen, works in intercultural mediation, in association with the Paritätische Wohlfahrtsverband.

Wolfgang Hinte, Professor of Social Sciences at the University of Essen and director of the Institute for research into communal policy. Works in the field of integration in the city through resident participation and the personalisation of administrative and political procedures.

Angela Mickley, Professor of Education Science at the Institute for social affairs, specialises in the teaching of mediation and conflict management methods at university level. In particular, she trains school mediators and police officers in Brandenburg. She also acts as a mediator in conflicts with in schools, neighbourhoods, between government departments and users and in ecological conflicts.

UK

Simon Roberts (Dean) and Michael Palmer, professors, anthropologists, one specialising in mediation in the African tradition, the other in mandatory mediation in China. London School of Economics and Political Science.

Hilary Klee, Professor of psychology at the University of Manchester. Works on the damage caused by drugs, the relational difficulties caused by drugs, the homeless, in liaison with the Ministry of Health.

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- ... Scott Lash directs the Centre for Culture Studies at London University's Goldsmiths College. He works on community-based cultures.

Sweden

Göran Cars of the University of Umea Centre for the study of migrations and ethnic relations.

Ron Eyermann and Göran Therborn of the University of Uppsala

Research institute researchers

In France, the existence of the CNRS (Centre National de la Recherche Scientifique) which has scarcely any true counterparts (the DFG in Germany and even the CNRS in Italy) is the reason why it is possible to find research centres outside universities or partnerships set up for the purpose of establishing concrete structures.

Elsewhere, research centres such as ERCOMER network with researchers based in different universities across Europe (the CEMRI in Portugal, the University of Utrecht in the Netherlands).

Italy's CENSIS enjoys highly diversified partnerships.

For this reason, researchers from countries other than France will be found distributed between the categories "university researchers" and "practitioners".

Michel Autes, a CNRS researcher (IFRESI-CNRS), studies mediation practices in the light of contemporary developments in social action and social work: how mediation modifies and sometimes calls into question the classic professions of social work.

Jean-Pierre Bonafé-Schmitt, head of research with the Lyon industrial sociology group and organiser of the Lyon Law Shops, has taken part in mediation in the suburbs of Lyon. A specialist in legal sociology, he has studied mediation primarily through a comparative approach comparing France and the USA.

Jacques Faget, head of research at the CNRS, lecturer at the Bordeaux faculty of Law and school of political studies. Specialist in criminal and judicial sociology. Works in particular on interfaces between the judicial system and social regulations. Author of numerous reports for the Ministry of Justice.

Practitioners

The term covers an extremely heterogeneous reality: professionals practising or promoting mediation in addition to another profession: magistrates, lawyers, therapists, social workers, agents of local authorities, economic agents, healthcare professionals.

At present there appear to be relatively few mediators devoting their exclusive attention to mediation, either through research or in practice. The voluntary group sector, on the other hand, is beginning to provide more frequent examples.

Deserving of mention are the members of militant groups who often perceive their research in the form of compiling dossiers to influence public decision-makers towards the group's social commitment and in favour of the development of mediation of the militant type. In most cases, such practices require full-time commitment to the work of the group.

Groups and associations

Most specialise in a precise sector of social action, with the exception of the Centre national de la médiation, which seeks to maintain a general conception of mediation. Chaired by Jean François Six, the centre combines reflection on mediation in general with study by sector, made possible by its organisation into specialised committees. It forms part of a much larger structure of groups sharing its historical consistency and continuing to pay considerable attention to research.

Profession banlieue (Profession suburbs): a resource centre set up in 1993 to support and observe the work of urban policy professionals in the Seine-Saint-Denis department, it fosters dialogue, encounters between professions from different towns ...

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- ... and cities, institutions and researchers. The centre maintains lists of documentary references, human resources and researchers.

..... Crinali in Milan, a women's group for intercultural research, co-operation and training, founded in 1996.

Austria

Reiner Steinweg, a sociologist who works closely with the police, on mediation through marginality and the prevention of delinquency.

Belgium

Jean Cornil, a sociologist, Deputy director of the Centre for Equality of Opportunity, in relation with research teams, author of many contributions to European colloquia or seminars.

Pierre-Yves Monnette, a federal mediator, and his Flemish counterpart, Erhman Wuyts.

Aldo Péressino and Hans Verrept are interested in social mediation in the hospital environment, making it possible to approach migrant populations in vulnerable situations, and to contribute to their integration through intercultural and not just linguistic mediation.

Tony Peters who works on mediation in criminal justice in structures set up to prevent delinquency, in conjunction with a team of university researchers.

France

Bénédicte Madelin combines research which takes the concrete form of teaching documents, reports, contributions to international colloquia or seminars, with the chair of the group Profession Banlieue.

Jocelyne Dahan created the European Master's in mediation for which she now provides pedagogical co-ordination. Has practised family mediation and worked in a number of local authority departments.

Maître Bourry d'Antin, a lawyer and member of the Bar Council, runs the Association

of mediators of the Paris Bar, set up in 1998. With philosopher Stéphane Bensimon and president Pluyette, co-ordinated the publication of a collective work, Médiation - esprit et pratique (Mediation: the spirit and the practice), Berger-Levrault, 2001.

Italy

Paola Tononi, a family mediator, a sociologist by training, co-ordinator of a private centre which puts forward methods of managing conflict in the family, young people's problems, corporate problems and social difficulties.

Savina Pinna, a doctor of social psychology, works on the mediation process and presentation systems.

Maria Giovanna Caccialupi, a medical doctor in charge of a health centre, Grazia Colombo, Grazielle Sachetti, also a doctor and Luisa Cattaneo, a psychotherapist, practice intercultural mediation in the Milan hospital system and are members of the Crinali group.

Norway

Graham Dyson practises mediation through the Centre for conflict management which he runs.

Netherlands

Charles Luyten, director of the CWP, an organisation for mediation, consulting and development in the field of labour relations, particularly those involving immigrant workers.

Snkezana Matijevic, director of the Healthcare centre for foreign women in Tilberg, and a member of the local council.

Latifa Lazaar, responsible for the programmes of the PALET intercultural mediation centre, her research activity takes the form of teaching documents, brochures and contributions to international seminars or colloquia.

Portugal

Antonio Farinha, a magistrate, holder of a European Master's, who has just set up a state mediation service aimed at preventing delinquency.

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... Germany

Christopher Besemer, a member of the Gewaltfreies Leben Foundation. His practice leads him to produce written ideas in the form of manuals and brochures setting out concepts and methods for avoiding violence in society. He thinks of mediation in terms of social work.

Peter Knapp, Director of the review Mediation Blatt. His work with the Franco-German Youth Agency has familiarised him with international encounters and stimulated his awareness of intercultural mediation. He works on the function of the mediator and pays great attention to the qualities a mediator must develop and to precautions governing the way the mediator operates.

Sabine Kriechhammer-Yagmur combines research leading to teaching documents, reports and contributions to international colloquia with responsibility for programmes at the Paritätische Wohlfahrtsverband, one of Germany's leading social action groups.

UK

Tony Billingham, chair of the Mediation U.K. group which comprises numerous centres carrying out mediation and/or examining the subject of mediation.

Patricia Goncalves is closely involved in groups in many areas of London and produces highly educational material in the form of hand-books for mediators and their public. Responsible for the review Greenwich Mediation.

Sweden

Mediation is examined by members of groups linked either to women's movements, or providing advice on the prevention of crime (the Mums and Dads group, for example).

Clearing the vision

It would be interesting to categorise the researchers listed above by singling out those who had received specific training in mediation.

For the pioneers, the question might seem absurd. How can you be trained in a discipline that you have helped to invent?

The question deserves to be asked, however, because it is the starting point for a serious scientific approach. A certain modesty means that we are addressing the subject by asking questions about its specific application as compared with disciplines practised hitherto, without assuming that mastery of one field automatically qualifies you to become a specialist in another.

Japanese film-maker Mizogushi used to give as his advice "clear your vision between each image". Should we not also clear our vision before looking at society from the angle of mediation, to wash away the lawyer's, psychologist's, social manager's vision we previously had of it?

The purpose of research

It is not enough merely to refer to the title of this seminar to answer that the purpose of research is social mediation and new methods of conflict resolution in daily life. In reality, the comparative survey clearly illustrates that the terms do not apply to the same object from one country to another, neither the term mediation, in the first instance, nor the term social mediation, nor even the term conflict.

The categorisation of researchers has already given us an idea of the list of their research subjects. Subjects which have been associated with the theme of the seminar either because they contain the term mediation or because they are concerned with mediation.

A degree of further synthesis should enable us to draw up the following table:

- *certain researchers focus their research on concepts (the concept of mediation, for example, but not uniquely) or on abstract themes.*
- *others focus their research on concrete structures (again of mediation, for example, but not exclusively) in which they are sometimes active partners.*

Research into concepts or theoretical subjects

Concepts are fundamental guides to thought and action: they form the matrix of simple ideas, their themes are subjects.

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... Here we encounter once again the *common characteristic* identified in the categorisation of researchers: if there are few generalists in mediation, it means that little research takes as its object the concept of mediation in its totality or in all its applications.

Research is carried out by sector of activity. In our survey, the main headings are to be found in almost all countries, but specific national characteristics, where they exist, are followed by the name of the country, in brackets.

Legal mediation, criminal justice mediation (which is associated with decriminalisation, delegalisation or alternative punishment), family mediation, mediation as a synonym for negotiation/conciliation, ecological mediation (Germany, Sweden), educational mediation, mediation in development, in schools (Portugal), intercultural mediation, conflict mediation, communication mediation, mediation to re-establish the social bond, conflict prevention mediation.

In certain countries, researchers are unaware of the term, and even more of the concept of mediation, others accord it only moderate importance, either relegating it to the status of a secondary technique or restricting it to a single field (para-jurisdictional, in most cases).

In the UK, research is almost wholly unfamiliar with the term social mediation, preferring the designation Alternative Dispute Resolution (ADR) which is also widely used in the USA.

In other countries, the term mediation exists but corresponds to fields outside the remit of the seminar. In the Netherlands, for example, mediation refers almost exclusively to the fields of justice and of corporate life. The term mediation has only recently begun to emerge specifically with regard to ethnic minorities, even if research and action which are closely related have been implicitly moving in this direction for some years.

In Portugal too, the term mediation is mostly concerned with the field of justice.

Conversely, in France and Italy researchers and practitioners use the term mediation freely, without reserve, in every field of social activity.

Concerning content

When research relates to mediation, its content is somewhat unusual. Should light be shed on mediation or on the mediator?

Function(s) of mediation: research on the third party, on the specific nature of mediation, on the distinction between institutional and citizen mediation (France), debate on the professionalisation of mediation. Mediation training, debate on codes of ethics, public service. Guarantee or constraint not matched by any real guarantee. Independent mediation by private practitioners.

The legitimacy of mediators: the legal regime governing mediation, conflict analysis (difference between conflict and dispute; multidimensional analysis of the causes of conflict), the search for solutions, carrying out mediation, the relationship between mediation and law; mediation/ethical standard of communication, mediation as a form of questioning institutions; traditional social work professions, the spirit of mediation.

Research into related subjects

The related subjects of racism, exclusion, citizenship, justice, security, prevention and urban policy provide the main outlines of the framework of reflection.

This involves exclusion, social action, resident participation, the management of violent behaviour, non-violence, harmonious cohabitation (see in Belgium the "Charter of obligations and rights for the harmonious cohabitation of the population of Brussels", 1991), social work, security, accessible justice, justice and reparation, judicial innovation, social change, the Ombudsman, urban regeneration, the improvement of public services, social control, civic education, citizenship, national cohesion, integration of immigrant minorities, community-based cultures, etc.

In Sweden it would be more appropriate to talk about related research rather than research into social mediation in the proper sense, since the term is not explicitly employed. In contrast, research into solutions to the problems of immigration (ethnicity, migratory flows, integration, racism, the prevention of crime or high-risk ...

- ... behaviour) constitutes an indirect reference. In the work of Biergit Brock-Utne and Karin Utas Carlsson eann Cha Lagerman, for example, the figure of the mediator appears in the form of a human resource.

Research on practical structures

Several *configurations* may present themselves: in terms of positioning with regard to the structure investigated, the researcher may have been requested to:

- set up, co-ordinate, run, or generally assume responsibilities in a mediation structure. In such case, there is a close link between researcher and object of research, and to a certain extent, a need for self-justification.
- to observe a structure, either for academic work, or an audit, or in response a request from a third party or from a member of the structure.
- the researcher may have taken a spontaneous interest in a structure. Close attention should then be given to explain the reasons for that choice. Acceptance of the researcher and access allowed to information then influence the research. Certain structures are permanently open to any form of research, providing detailed descriptions over the Internet. The researcher must treat this wealth of information with precaution, however.

Certain mediation structures also carry out their own research. Mention has already been made of voluntary groups or public services falling within this category.

There is a wide variety in the structures studied. Not all claim affiliation to mediation. It was occasionally difficult when preparing this report to decide whether mediation was implicitly involved on the basis of the objectives pursued (bridges, interculturalism) and/or the methods used. Conversely, on occasions, certain structures referring to mediation seemed very remote from the concept. Some were local, national, European or stemming from organisations in charge of public transport or low-rent housing.

Security

In France, the so-called "Local Security Contracts" (Contrats Locaux de Sécurité, or CLS) offer many researchers a subject for study. Other researchers look at Houses

of Justice and Law, community centres, neighbourhood justice and local police structures, or systems set up by the low-rent housing or urban transit authorities.

In Belgium, a research team of which Yves Cartuyvels is a member, investigates interactions between youth aid structures and security contracts, and their impact on the target population.

In Italy, the European URBAN programme and the "Neighbourhood Contract" launched by the Ministry of Transport have already provided subjects for research.

Fight against racism

In Belgium, the Centre for Equal Opportunities and Anti-Racism (Centre pour l'égalité des chances et la lutte contre le racisme - CECLR), founded in 1993 in the wake of the Royal Commission on Immigrant Policy, backs its actions by research on existing structures, released to public authorities and voluntary groups. The CECLR acts among other as an observatory on integration and urban policies. The centre is sometimes called upon to mediate on sensitive subjects such as recognition of the Muslim religion in Belgium or preparations for the election of a Consistory.

Minorities or immigrants

In France, women intermediaries known as "Relay-Women", and municipal structures (Messengers) or structures set up by various institutions (low-rent housing agencies, RATP-Paris public transit authority) are the subject of much debate and research.

In the UK, London University's Centre for Culture Studies (headed by Scott Lash) studies the resources deployed to enable community cultures to gain recognition in the media and identify themselves in this context.

In Sweden, the University of Uppsala's Centre for Research on Multi-Ethnicity and the Centre for Research on International Migrations and Ethnic Relations (CEIFO) analyse the integration policies of various groups of immigrants, including refugees. Tomas Hammar, Director of CEIFO, was also tasked in 1993 with ...

- ... setting up the IMER network linking Swedish researchers with an interest in this issue.

The group's role in managing and researching support for immigrant populations in hospitals has been previously described.

Elsewhere in Europe, other structures have come into existence as part of the UNESCO-sponsored MOST (Management Of Social Transformation) programme. These structures have received support (Multicultural Policies and Modes of Citizenship in European Cities) often placed in the hands of university researchers studying or evaluating them.

The war on drugs

As part of his work on social control and deviance, Belgian sociologist Claude Maquet of the Social Sciences Department of the Liege Faculty of Economics, Management and Social Sciences, takes an interest in the process of mediation practised at a family therapy centre in Liege. He also provides training in mediation in structures set up to combat drug addiction.

The battle against violence in schools

Such structures are found primarily in the urban environment and are more often presented as structures for combating or preventing violence rather than as mediation agencies.

University of London's Gold College participates in a number of European programmes on violence in schools including, for example, the European Conference on Initiatives to combat School Bullying.

The Safe Schools project in the Hague, Netherlands, or the Anti-Violence Centre in Dublin are engaged in similar work.

The Institute for the Study of Children at the University of Minho in Braga has provided extensive information stemming from its project on violence in schools. The role of mediation is to be further explored in future contacts. It is no more than implied in the structure as presented.

Urban policy

At the University of London, Professors Nikolas Rose and Michael Keith of the Department of City Challenge, compare the urban policies of various London districts against the backdrop of urban renewal. They record indices of spatial segregation, and work to encourage residents themselves to reclaim derelict areas of the city.

Justice

The terminology varies, ranging from “restorative justice” as studied by Jim Dignan of the University of Sheffield Centre for Criminology, or of “mediation” in numerous justice-related sectors, as studied by Guido Vittorio Traviani who offers an broad overview of existing structures in the province of Trentino.

Key issues of mediation in Europe

What emerges from the overview sketched out in the first part of the Seminar is not merely research-linked problems but mediation-related issues as well. The issues are presented below in a step-by-step approach.

The absence of a common terminology is undoubtedly the biggest single problem which dominates, and could even be said to undermine, research and action in the field of mediation.

The disparity of objectives and variety of heterogeneous concerns associated with mediation both engender and exacerbate this fundamental characteristic.

Objectives are the goals pursued by researchers or by promoters of mediation structures, while concerns relate to their sensitivity in attaining their objective and may have a considerable influence on both means and results.

The most striking instance of lack of definition is that the very term of mediation is not used to refer to the same concept. Yet there clearly exists a common intuition, with its inherent promises and risks.

... *The potential emergence of a federating concept is itself part of the issue.*

..... *Both the research contained in interim reports and the structures which form the subject of that research fall into two major categories.*

The first category covers research which employs the terms mediation or new methods of conflict resolution in daily life.

The second category covers research and structures which do not employ the term mediation but which are nonetheless dedicated to an object which in other countries would unhesitatingly be included in that category.

It becomes apparent on closer inspection that the term mediation covers a range of meanings which are both wide-ranging but also sometimes incompatible, to such a degree that no common meaning for the term mediation can be found.

What is there in common between: situations of power and situations where the greatest precautions are taken to maintain equality between all the partners in mediation, between the two parties to mediation (mediatees) but also between mediatees and mediator? Or between situations that take place on strictly neutral ground and those taking place in settings placed under the auspices of a power or a symbol?

Situations where the mediator must not have affiliations to either camp and those where, in order to be accepted, the mediator must come from an ethnic group, neighbourhood, community or institution which is party to the conflict? Many interventions are accepted only by virtue of the mediator's affiliation to the institution to which he owes his position.

Situations where the agent known as the mediator aids, or decides, or provides care, and a situation where he acts as a bridge, where he listens, or yet another situation where he assists in maintaining order or, yet again, in a form of justice, however alternative?

Situations where the intervention leads to a decision which maybe ratified by a social authority thereby acquiring force of law, where its leads to a "simple" com-

munication, or to the creation or restoration of a social bond, or to the prevention of conflict?

Situations where recourse to mediation is a free choice in full respect of the free will of the partners, and those where it is mandatory or strongly recommended?

Situations where the mediator goes out to meet the partners and where there exists a margin of assessment of his personal capacity to intervene, and situations in which the mediator is designated with no power to deviate from the conditions of his appointment, i.e. unable to refuse even if he feels unable to act or, worse still, unable to agree to intervene even though wishing to do so unless duly appointed as under jurisdiction?

We are navigating between richness and dilution, between mediation as "window dressing", and implicit mediation, both united by a common intuition.

This common intuition is something hard to define. It encompasses the awareness of wishing to do things differently, to innovate, either because traditional methods of social intervention have failed or at least shown their limitations (in the fight against drugs, against urban violence, or against juvenile delinquency) or because a desire for greater humanisation requires it. It oscillates between a spirit of mediation and a desire for the humanisation of our societies to make a place for the other. It is an awareness of contributing to theoretical and practical research into new ways of living in society.

Its dangers: a reassuring token of the goodwill to engage in common reflection, but with the risk of the unsaid, creating the illusion of agreement, the risk of a soft-edged consensus. A temptation towards fusion around the "common error" which, for the jurist, as the old French adage would have it, "becomes law". The desire to make a place for the other may take the form of a desire to provide assistance that is very far removed from mediation and prejudicial, in the short term, to the dignity of the other.

The theoretical emergency is as pressing at the European level as it is in France. Because of the practical emergency which we see all around us on a national ...

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... scale, we risk in our European meetings overlooking the theoretical emergency at the heart of which lies the search for a definition of mediation. For powerful reasons of society, new social practices have developed and, in the midst of this rich ferment fed by social demand, the temptation towards pragmatism has been strong. This is why, because of the practical emergency, we have often lumped these practices under the flattering banner of mediation. Despite the warnings sounded by some theoreticians, dismissed as spanners in the wheels of mediation, their warnings ridiculous and misplaced, the practice of unthinking recourse to the term mediation retained all its attraction. The key phrase was "the important thing is to do something". Then, out in the field, practitioners discovered the shortcomings of their terminological negligence. The discrediting of mediation, its poor reputation, a gap between the expectations and intentions of the partners, being not the least of these shortcomings.

A federating concept?

Such a concept is at last emerging in France, after many disputes between different schools of thought that are far from totally extinguished. France will once again serve as an example in the presentation of positions in place at the outset, not because France is exemplary but because it reveals everything that the first part of the report has brought to light. The currents which need to be brought together are based on conceptions often very far removed from mediation.

Conflict mediation: an early current very much inspired by the American model which reached Europe via Canada, linking mediation to conflicts or disputes, and which saw in mediation an alternative method of conflict resolution or resolution of disputes. Its promoters point to the benefits already identified in the USA:

- a reduction of the overload on judicial institutions,
 - savings in time and money,
 - development of an alternative form of justice in which there is no loser, where both parties find satisfaction and thus contribute to social peace,
 - restoring to the parties the responsibility for finding an outcome to their conflict.
- With the double advantage of respecting the freedom of each party and of encouraging compliance with the solution identified because it has been agreed by both parties.

The second current: **mediation of the social bond or of social fabric**. Actions prompted by the difficulties of urban living, whether emanating from the public authorities (national or local) or from grassroots level, are increasing in number. The initiative taken by the authorities is manifested in the creation of administrative structures. The National Commission for the Social Development of Neighbourhoods founded in 1981, and then the Interministerial Delegation for Urban Affairs set up in 1988, are designed to encourage the development of mediation bodies. Through these bodies, the state orchestrates initiatives aimed at improving urban life.

Local authorities are not left out: initiatives may be taken by mayors anxious to avoid the deterioration of living conditions in certain areas of their towns and cities. Paul Picard has played a pioneering role in Mantes-La-Jolie.

The following two currents are combined with the first two: there may be a mediation for the settlement of institutional or citizen conflicts as there may be institutional or citizen mediation of the social bond.

Institutional: this expression refers to the forms of mediation developed by national, local or international public institutions (European Union mediator), or by public services (Paris Urban Transit Authority, RATP) or by private institutions (insurance company mediators). These are “in-house” mediators, thereby facilitating their acceptance by the institution which generally will not tolerate the idea of bringing in a third party who would, of necessity, be an outsider. They hold either official or secondary power, operate using the resources provided by and according to rules set by the institution. Highly informal in nature when applied to mediation of the social bond, they represent a more or less “fast-track” procedure for conflict mediation.

The citizen current, with an original category of “off-stage mediation”. Spontaneous mediators emerged naturally from grassroots level, carrying out isolated acts of mediation or more regularly involved in this form of social action. They do not wait to be appointed by an institution to start helping to settle conflicts or build bridges or re-establish communication. They act alone or operate within voluntary groups strictly independent from any institution, which leaves them on an entirely equal footing with the beneficiaries of their

- ... action. Their rules of operation result from a code of ethics and a charter if they are members of voluntary groups.

Because of such differences between institutional mediation and citizen mediation, the doctrine eventually ended up diagnosing a difference in nature between them. However well-founded this distinction may be, it is now fading since part of citizen mediation has fallen under the sway of institutional mediation.

The distinction between the institutional current and the citizen current is disappearing as the result of a shift somewhere between *recognition and appropriation*.

Only the “back-stage mediation” category still offers radical resistance. The expression coined by Jean-François Six, and which remains true to its origins, refers to citizen mediation on an equal footing.

Definition of the consensus

Mediation seen holistically (“a means of construction and management of social life thanks to the intervention of an independent, neutral third party (the mediator), who has no other power than that conferred by the persons who have freely chosen or recognised the mediator”) takes into account the four missions of mediation (creation of, and repair of the social bond, prevention and resolution of conflicts).

Mediation seen as an alternative means of conflict resolution based on co-operation between the parties thanks to the intervention of an impartial third party, the mediator who enables them to arrive at an amicable settlement.

Agreement has finally been reached in France on these two characteristics of mediation which constitute its two key criteria.

The neutrality of the third party (sometimes impartiality is preferred) and his/her independence guarantee that the mediator is indeed a third party. The mediator's absence of power distinguishes him/her from other impartial third parties such as judges.

The weak link in this consensus lies in the second criterion, that of the specific nature of mediation, in that it refers back to exactly what is being sought. Even so

reduced, however, the advantage of this second criterion appears to be decisive. It means that the task of mediation cannot be likened to any other (conciliation, security, justice, policing). It guarantees the conceptual autonomy of mediation.

A wide disparity of objectives

This is not open to criticism as such. It is perfectly normal that a society should set itself a number of tasks. If precautions are not taken, however, it may lead to the fragmentation of mediation, and subject it to rationales of use, specific to partial objectives. Fragmentation is then accompanied by divergences in definition and regime between the various branches of mediation which can sometimes degenerate into rivalry. Accordingly, the Ministry of Justice denies social mediation the possibility of endorsing the term of mediation, a term retained for its own exclusive legitimate use. The Mediator's Office of the Republic has sought to prevent the spread of the term mediator.

Specialisation could go ahead without any risk provided it were based on a common core.

Specialisation would not constitute fragmentation provided constant reference were made to the common core in order to preserve consistency between practices, and provided it were based on general training prior to specialisation.

This can sometimes be highly reductive, as the example of family mediation clearly illustrates. For lawyers, there is no difference in nature between mediation and conciliation, but merely a difference in the level of intervention by the third party.

More importantly still, can family mediation be reduced, as it still is in so many family services, to dealing solely with couples undergoing separation? Family mediation cannot be fragmented to the point of neglecting the difficulties that may exist between parents and children, between siblings, with grandparents. The emerging phenomenon of "reconstituted families" has helped to broaden the overly narrow field of family mediation.

- ... *Most institutional mediators are not third parties. A true “third party” would be intolerable, and “in-house” mediators are preferred. Even when they adopt the form of voluntary groups, these groups may be what Professor de Laubdère dubbed “false fronts” for the administration.*

Most institutional mediators are not without power, whether official or insidiously implied. Their terms of appointment, the official headed paper used to “notify” the parties, the official settings in which the proceedings take place, all are indicators suggesting the possession of a power that undermines the autonomy of the parties.

In the texts establishing mediation structures, the term used to describe the task of most institutional mediators is rarely “mediation” but almost exclusively “conciliation”.

Certain concepts need to be clarified, not merely for the pleasure of the exercise, but because the words used must enable us to work on common foundations.

“Mediation” may sometimes suggest connotations of reassurance, reception and guidance, information, technical assistance, dissuasive presence, etc.

Yet these terms and the actions they describe do not correspond to true mediation: they involve neither a neutral third party nor two parties starting out on an equal footing.

Widely heterogeneous concerns

Since each of the numerous above objectives is associated with several types of concerns, the amplifying effect of the forces influencing mediation on implementation can easily be understood. Remember that objectives designate goals, concerns a certain sensitivity.

The influence of concerns is perceivable equally when implementing conflict resolution mediation and social mediation alike. The use of mediation by the justice system clearly shows the risks incurred by mediation.

The objectives applicable in France appear to be valid as well for other European

Union countries. They are in line with the rationale of alternative means of conflict resolution, compounded by security imperatives in the case of judicial mediation or adoption of Local Security Contracts.

The main concern of its promoters is also probably the same in all these countries: not to lose control over the exercise of a sovereign power on the pretext that mediators are allowed to intervene.

Judicial mediation (and particularly in criminal justice) therefore finds itself constrained by a rationale of control and power. The innovative power of mediation is thus weakened accordingly. In reality, it seems hardly possible to blame magistrates for showing concern for what "their" mediators or "their delegates", as often referred to, are doing. The mediator then becomes an auxiliary, closely integrated into the conventional system to which he/she is accountable, thereby jeopardising the confidentiality of mediation.

Judicial mediation (particularly in criminal matters) is a very singular case, and it would be of interest to see whether it is perceived by our European neighbours as a form of mediation or as another means of repression.

Another concern is perceivable with judicial mediation, namely to provide a response to offences which, for lack of sufficient resources, would otherwise not have been dealt with by the justice system, (referred to in France as "classement sans suite", or case dismissal). Judicial mediation, presented in the October 1992 memorandum issued by the Ministry of Justice as a "third way" between criminal proceedings and case dismissal, restricted to minor offences, runs the risk of becoming a "poor man's justice".

Social mediation is not without presenting its own concerns. In its concern for the social bond, it may seek to weave a social fabric whose full ramifications are not immediately obvious. Under certain conditions, when combined with security issues of relevance to the institution involved, the fabric may become a net if the "mediators" (e.g. night correspondents) are obliged to report troublemakers to police or housing authorities.

Depending on the importance of the concerns underpinning the mediation system, ...

- ... mediation runs the risks of being associated with infringements of human rights. In France, judicial mediation has been forced to evolve to overcome infringements of the rights of the defence. Suspicions are inevitable among groups on the receiving end of certain forms of social mediation. Many young people automatically regard young mediators from within their own peer group as traitors.

Intercultural mediation aimed at immigrant populations may come up against customs which infringe upon human rights (e.g. ritual sexual mutilations). Must the concern not to exclude take precedence and render the values of the host country negotiable? In this instance, mediation would not directly infringe on human rights, rather it would protect them.

Looking to the future

Mediation is destined to grow, but we can only hope that it will not be at the expense of a loss of meaning.

In France, this issue of future growth could be formulated in the following legal terms: under which institutional framework? What legal regime (institutional or contractual)? For all Europeans alike, the issue of professionalisation arises as well.

Institutional structures must combine fluidity, authenticity of mediation but also accessibility and guarantees.

Several solutions exist within the legal arsenal common to EU countries.

Voluntary groups and associations exist throughout the European Union, with different legal regimes, but fundamentally all refer to the concept of subsidiarity and citizen responsibility (in the widest sense of the term, rather than merely in the legal sense of individuals enjoying political rights, beginning with the right to vote). The associational structure offers the best adequacy with respect for mediation, provided its inherent regulatory potential is properly used.

The concept of public service remains very confused and is the subject of frequent colloquia, but there nonetheless emerges the idea of a task of general public interest orchestrated by State or local public authorities.

Independent administrative authorities appear regularly in Europe, along the lines of the SEC created in the USA in 1934. Such a system is highly constraining on the environment it regulates, and is very much under tight State control.

The public service solution is most certainly not the advisable panacea. In the matter of mediation, public services often fail to offer reliable guarantees on either training or independence of mediators.

Organising mediation according to the public service formula would present the added drawback of magnifying its fragmentation. The risk would be for each public service to have its “own” proprietary mediation. Unless a public mediation service were to report directly to the head of government, which by no means solves all the problems (in France, we are well aware of the problem linked to the “shadowy realm” of inter-ministerial co-ordination services), and which would not fail to create new problems between ministries vying for supervisory power over mediation. This phenomenon most certainly exists as well in other countries.

Towards a new profession?

The professionalisation of mediation gives rise to the following questions: should mediation be performed on a professional or a volunteer basis? Naturally, voluntary work does not preclude professionalism. While philanthropy makes the idea of the mediator's personal remuneration inconceivable, a mediator may nevertheless be a professional who declines remuneration. In addition, the volunteer status of the mediator need not always imply that the mediation is free of charge (a charge could be billed by the association for which the mediator works as a volunteer). The idea here would be to avoid fostering any “welfare-state” mentality, since passivity is not conducive to an appropriate mediation process.

Is mediation carried out occasionally or habitually? Each of us may one day be a mediator. The development of mediation may also take this form of individuals concerned for others, with respect for the other, spontaneously performing an act of mediation. Such an example could spread as a model.

Is mediation a profession in its own right or a qualification offering a “plus” in the ...

- ... exercise of a primary profession? More and more lawyers and social workers are training in mediation. This could involve a total conversion leading to a change of profession, or it could lead to improve the practice of another profession via mediation.

Mediation at the service of social life?

The remarkable potential underlying a common intuition may, indeed, have a beneficial effect in many respects. It changes our way of living with others.

So will it, then, improve our institutions? By placing the user at the centre of institutions, it is beginning to improve the hospital institution, which is no longer content merely with providing ever more advanced technical care.

Will it improve social dialogue? Will it lead to another approach to the practice of welfare occupations, by giving a more active role to recipients, turning them into partners rather than mere passive beneficiaries?

The many questions posed by researchers also bear on another hypothesis: will mediation, on the contrary, become a shapeless social therapy? The question will be whether it becomes subject to inappropriate use, attracting specious interest until utterly worn out and its flattering image discredited. Or whether, thanks in particular to seminars such as these and by following the recommendations that may emerge from them, it will be able to develop in accordance with a concept having a common meaning, based on a consistent system of values.

Outlines of a strategy

The first priority must be to establish the conditions for a genuine dialogue; to check for the existence of a common language and, if this is found to be lacking, to forge the minimum tools required. Terminological verification will be the first stage in the strategy. To neglect this would be to render this seminar a failure, an exercise of no utility.

Since research is closely linked to training, a review of the current state of training needs to be carried out. This is a central issue. Mediation is a very delicate art. There can be no skimping on training in how to practise it, or in how to study it.

A review of training would also make us aware of what already exists at the national and European levels.

The training review would therefore take the form of an inventory and of reflection on the content of existing training programmes.

Mediation itself is not neutral, it is based on a system of values. Can these be brought down to a handful of shared fundamental values? European Union values? Universal values? Can we identify the role to be played by the Law and in particular by Human Rights?

A professional code of ethics, whether or not mediation becomes more professional, will need to align itself with the values identified earlier.

Some recommendations

*A **European Observatory** should be set up with no other authority than the scientific authority represented by its founding membership.*

It would collect available data on research and action in European Union countries. It would publish an annual report on these topics and could be consulted by national or European authorities on issues related to its object. Its membership would need to ensure a fair geographical and material balance between researchers and practitioners.

*The **implementation of a general European training programme**: training is the future of mediation. The European scale is particularly well suited to guaranteeing the generalist nature of mediation.*

Only generalist mediation can avoid the destructive phenomenon leading to the fragmentation of mediation. In providing a source of indisputable legitimacy, the quality of training is a further guarantee of independence.

Do we want mediation to be independent?

...

Elements of understanding for a horizontal approach to social mediation in Europe

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Note: this text is a summary of a much denser report available in full from the Interministerial Delegation for Urban Affairs. Bibliography annexed to these Proceedings.

A state-of-the-art review on the topic of social mediation in Europe led us in the first instance to consider how far this term could be taken beyond its blurred boundaries found even within French society. From this testing of the very terminology of mediation, there emerges a sort of ambivalence in the term which, while requiring a recognition of different glossaries, has the merit of embracing phenomena observable in European society and of conceptualising them.

While the word "mediation" is to be found in many countries and thus makes language equivalencies possible, particularly in the judicial sphere, we need to refer to other concepts in order to make it intelligible amongst us. The challenge of listing exhaustively all the expressions related to mediation around Europe is scarcely to be met. We can, however, suggest some of the many echoes of the concept by quoting examples such as community development, capacity building, participation, local community involvement, integration, participation, gewaltfreie Konfliktlösung (non-violent conflict resolution), Nachbarschaftsinitiative (neighbourhood initiative) or Nachbarschaftshilfe (neighbourhood assistance). The only country which seems to use the term mediation in the fields closest to this Seminar's interests is Italy.

Based on these findings on the formal aspects emerging when we try to cross-reference perspectives, it seems important in this review of research to underline the elements likely to reveal the diversity of methods of approach to mediation from one European country to another.

Before addressing these issues and in view of the multivocal content of media-

tion, we would like briefly to sketch the outlines of the definition, or at least of a possible definition of mediation, i.e. the definition that has guided our reflection.

A tentative definition

Two key guidelines may be proposed in the definition of mediation. Mediation constituted by the existence of an intermediary between two terms may be perceived on the one hand as an operator of translations, of a shift of meanings according to its own inherent rationale. In this sense, mediation is present via the forms of constructs and representations which generate social relations. Considering also that the agents of society spend their time explaining what they do, justifying themselves, all forms of mediation may be regarded as an open field of conflicting interpretations, a critical activity arising from everyday relations.

Mediation is thus both a particular form of translation and construction of social reality, and a field of conflicts of interpretation. Such a definition implies that any social relation may give rise to mediation. We will therefore retain only the substrate of this concept, i.e. the idea of mediation as a source of standards based on which we can propose categories of mediation structures.

Tentative categorisation

In the first place, the objective of mediation may be to arrive at amicable settlements, or even to spur proposals for modifying the framework of perception and treatment of antisocial behaviour. This form of mediation is limited by the standards of law and virtually becomes itself a producer of new standards. The scope of application for this form of mediation takes us into the judicial sphere.

In second place, mediation may be perceived as a form of conformance. Structures here are linked to the difficulties that public service institutions experience in relating the service to its users. Dispute itself is not in this case at the heart of this model, but rather the fact that one of the parties is not behaving in compliance with ...

- ... the rules of the institution. The scope of application for this type of mediation is the institutional domain, with mediators acting here on a direct mandate from these institutions.

Finally, mediation may be a form of conflict management: what comes into play in the resulting practices is the creativity of new norms for social regulation, which makes conflict positive. This definition of mediation takes us into the social and cultural register.

This categorisation, which offers several levels of analysis based on the concept of mediation, provides an initial tool enabling us to raise different methods of approach. These in turn lead us to various research disciplines, different professions or different national contexts.

Over and above these distinctions, which make no claim to be exhaustive but which rather offer a preliminary framework of reference, we must now address the issues arising from differences of approach between countries.

Origin of plurality in the fields of mediation

To this purpose, we have placed considerable emphasis on three points which we consider essential. Mediation fits within traditions, political structures and national standards, hence multiple issues matched by multiple mediation practices.

Mediation may be regarded as always linked to the political structures of the nation.

The “pillar system”, for example, which defines the Dutch political system, places at the centre of the debate the issue of a compromise between the many cultural and religious factions underpinning this society (influence on the themes to which mediation will apply).

Federalism looks more to the concept of culture and traditions of a territory, which consequently take on a significant dimension. These differences enable us to highlight the locus of decision-making on mediation issues.

Finally, a centralised State structure, as in France, places the issue of relationship to institutions at the heart of the debate.

The concept of urban governance heard in international debates reveals a shift in the representations, as an attempt to re-think social organisation, particularly at the time of decision making. It could partially serve as a guide in considering this first issue relating to the State structure. The debates aroused by this concept are based on two key guiding principles. The first one is the idea that the State plays an invasive role in the economic and social sphere, and that its role should be diminished by shifting it out of the sphere of "government" and into the more general realm of "governance". The other principle is founded on joint action in areas where the State does not or cannot act as a driving force.

Mediation is always connected to historical structures. Without listing the many challenges arising from all specific historical contexts, we could cite the examples of Portugal and Germany.

Up to 1970 in Portugal, the most significant initiatives were carried out by agents and groups dependent on "primary solidarity networks" based on links between family, friends and neighbours. The political changes initiated in 1974 led to the introduction of a universal welfare state, while in other countries facing economic recession, public debates and strategic decisions were governed by the principles of individualism and responsibility for actions, both civic and private. It now seems that a weak welfare state co-exists with a powerful welfare society. A dual pressure is clearly being felt nowadays, meaning that, on the one hand, a form of partnership vigorously encourages public services to show concern for the community and, on the other hand, another form is urging the local community to take an interest in initiatives launched by the national and even international authorities. This example prompts a transverse question regarding the origin of mediation initiatives, which may be more or less institutionalised.

In Germany, the memory of Nazi crimes may be considered as one of the specific themes to have marked mediation structures, in particular those relating to racist violence. Teaching the history of National Socialism is now an integral part ...

- ... of the violence prevention programmes introduced by training centres. The link between mediation and transmission of the lessons of history also springs from the fact that Germany finds its legitimacy only through its break with the Nazi regime.

On a broader front, it can be said that since the history of immigration in the different European countries is not the same, the theme of mediation varies according to how the issue is dealt with in each country.

Lastly, mediation is always linked to normative issues in a society. One of the major debates to arise from this line of thought is the degree of legitimacy afforded to cultural expression in the public domain. If there are indeed demands emanating from cultural agents arguing for recognition of their specific identity, of their difference, these demands are inseparable from, and combine in a more or less stable manner with the social dimensions. On this point, it is interesting to see how the European countries, in the light of their national standards, allow more or less scope to one or other of these registers, social and cultural, and the adjustments to which this might give rise.

To explain this idea in greater detail, let us take the example of the Netherlands and France. In the Netherlands, by virtue of the “pillar system” mentioned earlier, the various communities were at first encouraged to organise autonomously under the management of social agents from their own ranks, paid by the authorities as specialist workers for one population or another. This minority policy based on the promotion of multiculturalism took a new direction in the early 1990s, with the development of programmes at neighbourhood level, no longer based solely on ethnic affiliation but rather on common interests related to the everyday environment. More generally, the idea of citizenship seems to be gaining ground over that of multiculturalism. Policies for minorities now include programmes for language courses and civic education, as is also the case in the UK.

In France, the predominant conception of the republican model of integration based on the idea of a secular system extolling a complete separation between public and private life, between economics and cultures, offers a very different basic premise which sets aside cultural particularities. In this context, certain mediation structures may constitute a step towards a recognition of the cultural identity of certain agents, whereas in other countries, where this issue forms an integral part of

society's traditions, mediation might take on quite the opposite connotations. It is therefore interesting to observe how, in different countries, an issue may shift from the social register to the cultural or vice versa.

The theme of urban renewal offered a fruitful starting point for considering the processes of resident partnership and participation, and this concern has enabled us to identify a kind of genealogical fabric for the theme of mediation. Around the issue of urban renewal gravitate three ideas essential to an understanding of mediation. First of all, urban renewal reveals the greater or lesser role taken by the state in these partnership initiatives. Secondly, in being for the most part centred on deprived neighbourhoods, urban renewal leads us to address the issue of exclusion of which these areas are prime examples, by considering the different dimensions of the issue. Exclusion can be identified in the inability of the people concerned to enter the institutional system or to play a full part in it (particularly true for populations of immigrant origin). It can also be understood as the result of a fall, a loss of social position, an expulsion from the system, or as being unable to enjoy recognition of one's identity in the public arena and feeling oneself to be denied or despised in private life. Lastly, the issues associated with violence are not defined in the same way in the different countries. In France, the theme of urban violence is central; in other countries, violence is defined differently. In Germany, it would be the violence of the extreme-right factions directed against foreigners; or in Spain, the domestic violence against women. Violence in schools, however, may be considered as a theme common to all the different countries.

Assets and limitations

Beyond the nuances that exist with regard to mediation, there are also confluences which may be embodied in the three positive dimensions of mediation, i.e. partnership, participation and non-violence, which constitute positive responses to three negative elements i.e. crisis of institutions, absence of social bond, violence and insecurity. Working from these topics, we detected a number of issues arising from the debates, challenging all at once the very foundations and presuppositions of mediation along with its practical applications.

Finally, our research on these themes has enabled us to identify certain limita- ...

...

tions and assets to mediation, with which we would like to conclude. One of the limitations of mediation in terms of its ideological process resides in the economy of the threat liable to underpin it. The involvement of each member of society then becomes an imperative arising from the shared fear of no longer being able to live together. The risk of entering a circle in which the feeling of insecurity engendered by the crisis of our institutions, which mediation proposes to eliminate in part, becomes the very instigator of mediation. The risk in such an outlook would lie in allowing mediation to drift erringly into a kind of "rule of citizenship". In the area of security, the task of the night correspondents, for example, has provoked much debate on the limits of a role that lies somewhere between co-operation with institutions and aid to residents. Mediation must reflect on its limits as regards the content of citizenship and as regards the risk of shifting responsibility away from the State.

Taking this thought further, since mediation addresses primarily populations suffering from exclusion, their participation and creativity must never become an alibi solely relied on to implement the most ambitious projects in favour of citizenship.

Lastly, the importance accorded to urban issues should nevertheless not confine individuals to a forced duty to their community, and should ensure that the residents of a neighbourhood or a city remain entitled to their right to remain anonymous and to choose whether or not to participate.

None of these factors, however, can cancel out the promises offered by mediation as a novel source of participatory process, of transparency and restoration of social bonds. They can, on the contrary, serve as a guide to improve existing innovative phenomena.

3 – European Determination in Favour of Action

Following the deliberations of the European Seminar on social mediation and new methods for conflict resolution in daily life held in Créteil on 22 September 2000, the European experts, convened on the initiative of the French Presidency of the European Union, formulated the following recommendations.

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Preamble

■ The experts report that within the Member States, various and multiple initiatives have emerged which favour peace resolution of conflicts, or which more broadly foster stronger social bonds, and improve relationships between institutions, social groups and individuals as well as relations among individuals.

■ The experts note that the term “social mediation” encompasses widely differing practices and that no common terminology currently exists. However they also observe that even in the absence of a shared language, a common intuition is emerging around the determination to behave differently and to innovate because the traditional methods of social intervention are in a state of crisis, or have at the very least shown their limitations, or because a desire for humanisation and recognition of individual dignity calls for it.

■ Different forms of mediation have been the object of specific norms, including legal, penal and family mediations, which have, moreover, led to Recommendations issued by the Council of Europe (family mediation: R(98)-1, penal mediation: R(99)-19). The experts believe that it is necessary to give full recognition to the concept of social mediation in order to disseminate a culture of conflict resolution and restoration of social bonds. For this purpose a clarification shall be sought to strengthen the relevance and usefulness of social mediation while respecting the guarantees to which every individual is entitled.

■ The experts note that the urban environment, a natural environment for cohabitation of differences, is one of the privileged crucibles for mediation.

■ The experts feel that the dynamic process created by the different forms of mediation shall contribute to greater equality of opportunities within our societies, to closer relations between institutions and the population, to novel experiments in new forms of social relations, and to the enhancement of human relationships among individuals.

■ Mediation must contribute to the empowerment and the autonomy of citizens: it shall not be conceived of exclusively as alternative option; but rather it shall be considered as a process seeking to create constructive social relations.

■ The experts declare that mediation must provide all of the guarantees provided by the European Convention on Human Rights and related case law, both in the procedures it implements and the solutions it encourages.

■ The experts recommend that the governments of the Member States and the institutions of the European Union take into consideration the recommendations formulated below so as to encourage and promote the free development of social mediation.

Recommendations presented by the Experts

I - Definition

Social mediation is defined as a process for creating and repairing social bonds, and leading to peaceful resolution of the conflicts of daily life in which an impartial and independent third party seeks, by organising exchanges between persons or institutions, to help them to improve a relationship or to resolve a conflict opposing them.

Other practices have been developed, sometimes designated by the term “social mediation”, pursuing the same objectives, also calling on the participation of a third party, but without fulfilling the conditions of neutrality or independence of that third party. These practices shall nevertheless be included in overall discussions about social mediation.

II - General Principles

1. Social mediation seeks protection of individuals and their rights. It shall not replace the social services and rights guaranteed to each individual. Social mediation leads to an improvement in social relations while never forcing anyone to give up his/her rights.

2. Social mediation is based on the free consent of the parties. It is possible to withdraw this consent at any time. Under no circumstances can the mediator impose a solution on the parties.

3. The information collected during a mediation process is confidential. It may not be used except with the agreement of the partners in compliance with existing laws.

III - Implementation

As social mediation fosters a better quality of life, equal rights and individual self-fulfilment, it enables populations to live together more harmoniously.

1. Scope of application

Social mediation guides the transformation of urban life around three main objectives:

- it fosters communication within society
- it helps develop and strengthen social bonds, and contributes to a better integration of certain populations, particularly in the most underprivileged neighbourhoods, as well as to improved social care for the excluded-included (III-a).
- it contributes to the control and prevention of violence (III-b).

a) Social Mediation and Communication

Social mediation shall help people to live together in greater harmony by facilitating communication between all members of society.

b) Social mediation and social bonds

■ While respecting the operating principles listed above, mediation shall foster bonds, communication and comprehension between individuals and social groups, and facilitate social integration and cultural recognition.

■ The functioning of mediation processes shall above all ensure respect for the principle of equality so as to avoid social withdrawal and exclusion.

c) Social mediation and conflicts

■ While respecting the operating principles listed above, mediation shall enable each individual to find a response to the situations of conflict he/she faces. Mediation can contribute to the prevention of violence and the restoration of social bonds.

■ The regulation of tensions and assistance in conflict resolution require the involvement of society at large, and in particular regional and local authorities.

■ The capabilities and creativity of urban resident populations shall be acknowledged when developing mediation processes.

■ Education in peaceful conflict management, in schools as well as in cities, is a privileged mean to promote citizenship and to maintain peace, and it shall be encouraged within the European Union.

Recommendations

- Learning to deal with differences is an important aspect of social mediation, and it shall be developed by all social parties.

2. Fields of operation

Social mediation challenges public authorities (State, regional and local) and institutions about their respective position and methods of action (III-c), and encourages partnerships.

a) Social mediation and public authorities

- The development of social mediation shall not free States from the exercise of their duties, both in terms of the personal and material security and in terms of the entire social fabric.

- In its objective of improving relations between institutions and populations, mediation shall be combined with internal reviews to encourage the modernisation of institutions, greater proximity to residents and adaptation to new needs. Social mediation shall contribute to the proper fulfilment of the role of public services but shall not substitute for it.

- Social mediation shall contribute to the respect of the rights of citizens and consumers.

- The partnership between States, regional and local authorities and non-governmental organisations in the processes of social mediation shall be encouraged.

- States shall ensure that the diversity of social mediation in all its forms be respected, via appropriate legal systems.

- States shall respect the integrity of the social mediation processes, and refrain from engaging in activities which might be prejudicial to the process.

b) Social mediation and partnership

Social mediation is a specific activity, which should not be confused with other public activities such as education, social work or personal and material security.

On the contrary, social mediation shall be developed on a co-operative and complementary basis with these activities.

IV - Evolution of Social Mediation

- States and the European Union shall encourage the exchange of practices, develop training, carry out the necessary surveys, research and evaluations, support experiments, in particular the most innovative ones, in full respect for the above-stated principles.

- Some experts believe that special efforts need be made by the Member States of the European Union in co-operation with the Council of Europe in the field of ethics and culture of social mediation.

- The experts request that the tools and resources needed to implement these objectives be made available.

...

On Saturday 23 September, closing the seminar, a dozen representatives of European Union member states and of the European Commission¹ exchanged points of view and gave their opinions on the recommendations drawn up by the experts. This discussion led to a number of concrete recommendations.

Declaration

Conclusions of The Presidency

The European Summit of 15 & 16 October 1999 in Tampere clearly asserted the need to define common priorities in the field of crime prevention. It also stressed the need to develop exchanges of best practices, co-operation, and networking among the various national agents having competence in the field of crime prevention. Finally, it was decided to launch an EU funded programme.

Priority was given to the fields of juvenile delinquency, urban crime, and drug-related crime.

At the high level conference on crime prevention held on 4 & 5 May 2000 under the Portuguese Presidency, these guidelines were further refined, in particular as concerns the multi-disciplinary and partnership-oriented nature of prevention. Such partnership must involve all citizens, local and national authorities, non-governmental organisations and private entities.

The European Seminar of 22-23 September 2000 devoted to social mediation, and organised with the Commission's support via the Oisín Programme, fits within a continuing process subsequent to the above decisions.

The representatives of the Member states, in the presence of the representative of the European Commission, hereby declare that the findings, as annexed hereto, reported by the Working Group of 42 experts, attending the Créteil Seminar on 21 & 22 September, present a major interest. They recommend that the Member States should give them further serious consideration and review them in depth.

On the basis of these results, the representatives wish to formulate recommendations to be submitted for adoption by the Council of Ministers. These recommendations seek to:

- define a common field of action beyond differences in terminology,
- define the guidelines for the proper functioning of the set of practices thus defined,
- define the means to guarantee free development of these practices in each Member State, and at European Union level, and in conformity with the principle of subsidiarity,

The representatives recommend:

1. fostering the development of practices of social mediation as defined and in conformity with the principles proposed by the experts, without seeking uniformisation;
2. ensuring that social mediation practices, both in terms of their processes and their results, guarantee for each individual the respect of his/her fundamental rights;
3. encouraging recourse to social mediation for the purpose of privileging a specific form of social action. This recourse shall under no circumstances constitute a solution by default because access to other forms of action, judiciary in particular, would be prohibited or difficult;
4. seeking involvement of society as a whole in implementing these practices: citizens, public authorities at all levels, non-governmental organisations, private sector;
5. requesting the adoption by public institutions to the objectives and lessons of social mediation;
6. considering the commitment of adequate resources, in particular budget resources, both at Member State and European Union levels, needed for the exchange of best practices, the development of training for social mediators, the initiation of necessary surveys, research and evaluations, and to support the most ...

... innovative experiments conducted in conformity with the principles defined by experts.

Declaration

1/ Gilbert Elkaim, General Secretary of the Interministerial Delegation for Urban Affairs, M. Leewenstein, Ministry of the Interior, Netherlands, Flora Trianta-Fyllou-Albanidou, university faculty member representing the Ministry of Justice, Greece, Anne Meerkens, Ministry of the Interior and Freddy Gazan, Belgian CID, M. Takala, member of the Finnish National Council for the Prevention of Delinquency, Monika Olsson and Erik Wennerström, Ministry of Justice, Sweden, John Thompson, Home Office Minister, Great Britain, an Italian representative, Michel Magnier, Deputy Director in charge of the Oisin Programme, Directorate General of Justice-Internal Affairs, European Commission, Valérie Sagant, Technical Advisor, Ministry for Urban Affairs, Isabelle Passet and Eric Lenoir, Interministerial Delegation for Urban Affairs, M. Darras, Gendarmerie Nationale.

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Maria Backe, Stockholm - Sweden

Lugna Gatan "Calm Street"

The Lugna Gatan project is an anti-crime youth activity that aims to create safer neighbourhoods whilst at the same time, producing job-opportunities for the young unemployed. The project started in 1995 and is run by an organisation called "Fryshuset" in co-operation with the County Administrative Board. The local Transportation Company - SL, the local government and local government enterprises finance the project.

Today, there are about 100 young men and women aged between 20-30 years that are employed full-time as "social coaches" in the project. Several of them have a criminal background, but their commitment to Lugna Gatan has changed their lives completely. The coaches have been selected to the project through their commitment to work with younger people and their multiethnic experience.

To become a coach you have to enter a three-month education that is organised by Fryshuset in co-operation with The County Labour Market Board. The participants are taught: first aid, to perform a minor rescue action, to solve conflicts, how to work with youth and some problems like juvenile delinquency. One week they are trained by the police in law questions and a couple of weeks they get to practise different fields of Lugna Gatan.

The main work for the coaches is about meeting teenagers who lack good role models and activities. The work takes place in the subways, in schools and in the suburbs of Stockholm.

Lugna Gatan Junior

Lugna Gatan has so far been very successful in creating safer environments. The coaches have become positive role models and the "Lugna Gatan" project is something that the youths want to be a part of. This has led to many questions from youths about working voluntarily within the project, so that they can become coaches in the future.

Because of this we started "Lugna Gatan Junior" in 1998. This has given us a

chance to engage youths that are showing tendencies towards criminal behaviour and give them the opportunity of a meaningful life without crime. Most of the “juniors” that we have prioritised to be engaged in the project, are teens that are living on the edge of crime today. Many of them are kids that the social authorities and the police can not reach in any other way.

The “juniors” consist of about 20 per group and are guided by a coach. In the beginning of a new junior-project, they get education in first aid, the law, moral questions etc. This education is lead by the local police, the coaches and by project managers from Fryshuset.

After this the “juniors” start “patrolling” their neighbourhoods to make them safer. As an award for their commitment we try to find different kinds of work for them in the holidays.

The main goal for Lugna Gatan is to reach out to these youths and exchange the destructive leadership in their gangs with positive role models. A lot of the work of the social coaches is about maintaining a dialogue with the “juniors” and work on their motivation to make them stay out of criminal behaviour.

In a period of three years, we aim to engage about 400-500 teenagers and 150 employed social coaches, all over the county of Stockholm.

Effects and results of the work in Calm Street

Through experience we know that Lugna Gatan have a crime preventive effect. Lugna Gatan makes it harder for criminal activity in the areas that we are active in. For ex. narcotic traffic.

The coaches in Lugna Gatan have a unique ability to reach to the youths that are in the board of starting a career in crime. Some of the explanation is of course the closeness in age, earlier experience of crime themselves, the representation among the coaches. Lugna Gatan is an organisation that creates possibilities for the youngsters to get a job in the future.

There is a positive “hype” around Lugna Gatan today. Lots of youths that ear-

...

lier were lacking faith in future job-opportunities and ways to become a member of the society are now given a new chance. They know that within Clam Street you can get a job even though you didn't succeed in school or speak perfect Swedish.

Other important aspect of Lugna Gatan is that it creates meetings between kids from different parts of Stockholm and with different cultural and ethnical backgrounds. Because of this we reduce the risk of conflicts between the youths.

One of the most important aspects for Lugna Gatan though is to function as a bridge between authorities and youths. Today, there is a big gap between these two. Youths, in some segregated parts of Stockholm, hardly ever trust the police. This is sometimes a consequence of that they grow up in a country where they were oppressed by the police. It is not easy for the social authorities to win their trust either. Some families are dependent of the social welfare as their only income. This means that youths, especially with immigrant backgrounds, don't have anybody to turn to when there are problems at home.

In Lugna Gatan we invite the social-authorities and the police to activities; go camping with us and helping us with parts of the education. This means that the youths have time to get to know these people and trust may start to grow.

Evelyne Baillergeau, Rotterdam - Netherlands

My current research work¹ concerns the contemporary changes in professional social work in Holland and more particularly the changes affecting "opbouwwerk", a form of social work that developed largely in the 1970s along with community work.

The main aim of "opbouwwerk" is to encourage the organisation of citizens and their participation in various areas of public policies that affect them, such as planning and development in their environment. Since the beginning of the 1990s this type of professional social work has been directly implicated in the imple-

mentation of integrated development policies in deprived areas where there is a need to strengthen social cohesion.

In recent years “opbouwwerk” has had to deal with new political priorities such as the promotion of security and crime prevention. My work is especially concerned with the changing missions of “opbouwwerk” professionals within this new context where they are called upon to work in the field with various other professionals including, among others, the police and the courts whose motivations are somewhat different. I am also interested in the forms of social integration promoted by the action of “opbouwwerk” professionals.

In recent years my work has also been concerned with housing renovation policies in older areas in various Dutch cities and the effect they have on the resident populations, the process of integration of social policies in deprived areas in Holland and in France and the so-called ethnic minorities policy in Holland.

Publications

- “Développement social urbain et apprentissage interculturel en Hollande” (“Urban social development and intercultural learning in Holland”)- In: *Hommes et Migrations*, 1997, Paris, No. 1206, p. 96-101.
- *Les zones urbaines défavorisées aux Pays-Bas*. Diagnostics et politiques (“Deprived urban areas in Holland. Diagnoses and policies”) – Report on the “Urban Plan”, French Ministry of Development, November 1998.
- (With Jan Willem Duyvendak and John Schuster) “Nederland en zijn omgang met marginalen” In: *Tijdschrift voor de Sociale Sector*, July / August 2000, p. 4-9.
- (With Jan Willem Duyvendak) “Pays-Bas. Des quartiers à intégrer : 15 ans de politiques de développement intégré” (“Holland. Areas to integrate: 15 years of integrated development policies”) In : *Cahiers du CRDSU Rhône-Alpes* (to be published)
- “Promouvoir la participation des habitants : des moyens et des méthodes.” (“Promoting the participation of residents: means and methods”) In : *Cahiers du CRDSU Rhône-Alpes* (to be published)

1/ Scientific researcher in Leerstoel “Wetenschappelijke grondslagen van het opbouwwerk” – a research group based at the University of Rotterdam and led by Professor Jan Willem Duyvendak. The work of this research group concerns social work and the changes affecting areas of intervention.

...

Tony Billinghamurst, Bristol - United Kingdom

Mission for mediation

For everyone in conflict in the UK to have an early opportunity to access a quality mediation service in their area dealing with a wide range of disputes.

Initiative instigated by

Mediation UK is an NGO started by individuals in the UK in the 1980s based on understanding of developments in USA and Australia. A few services formed and a co-ordinating body in 1985. It has been very detached from the state at a national level until now when it has begun to receive some state funding. Little real development until 1990 and very rapidly since 1995.

Part played by speaker

Director responsible for development of network and quality assurance for 170 local mediation services; liaising with government; developing potential applications and support for mediation; initiating new developments; seeking to increase awareness of mediation; ensuring quality of mediation service provided, quality of mediators, training programme and trainers.

Full time paid post as Director. Also volunteer mediator trained through UK National training course in community/family/victim-offender mediation.

Area of mediation

Community - largely disputes among neighbours, in the health service, planning disputes, conflicts in the workplace and within organisations (churches and voluntary groups), educational and disability provision and school exclusions.

Victim-offender (restorative justice mediation and conferencing).

Training peer mediators in schools.

Observations

Mediation is becoming well developed in the UK in the commercial/legal sector, but there is inadequate funding support for far reaching government led civil justice reforms.

These seek to incorporate mediation in a wider ranging legal and quasi-legal framework.

My comments address the early use of mediation as risk management and the role of local institutions.

The first issue I wish to raise is funding for mediation and its relationship to the state. In social mediation work in the UK, those in dispute in most cases do not pay, but funding is sought from local authorities to support the service. How impartial is a service when it may be (to some extent) funded by a party who may be involved in the dispute? If those in dispute themselves pay, then access to mediation may be dependent on ability to pay and may be viewed as a diminishing of legal rights. What is needed is a wider definition of legal response to "justiciable" disputes as in Australia where there is general public funding for disputes at an early stage, many of which would never reach the formal legal system. This raises questions of community capacity building by spreading skills and general conflict prevention. Connected to this is, who are the mediators? Who employs them or are they community based volunteers, and how does this affect their partiality ?

Secondly encouraging the use of mediation. All studies in the UK have shown poor rates of take up for mediation. We need research to see why. Is it because it is an unknown process, which would be addressed through more information? Is it because it is entirely voluntary? Should there be incentives or compulsion to attend (or at least consider mediation). This is controversially being applied in parts of the USA. The degree of voluntariness of the process is affected by context and needs to be better understood.

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Jean Pierre Bonafé-Schmitt, Lyon - France

Main research topics

A research programme in the field of industrial relations and the study of methods of dispute resolution within companies ("The workers' recourse: bodies inside and outside the company used by employees in the defence of their individual rights", 1980) and research into jurisdiction in industrial disputes ("The new Conciliation Boards in the Rhône-Alpes Region", 1982).

A series of research projects on the creation of regulations within a company ("The creation of regulations within the company. A comparative study. France-USA", 1984), on the right of expression ("The company triangle. The direct expression of employees, company social policy, trade union action", 1985).

A research programme on insecurity with research into the management of emergencies by the Police ("17, Police-Secours : l'urgence policière", 1989) and on the analysis of the phenomenon of insecurity ("Insecurity: the crisis in social regulation mechanisms", 1988).

A research programme in the field of alternative methods for the resolution of disputes in everyday life ("Everyday justice: official and unofficial methods of resolving minor disputes. A comparative study France-USA", 1986).

This work was extended into research on mediation. Firstly with a study on social mediation ("Social Mediation and regulation. A comparative study France-USA-Great Britain", 1992), and an action research project in social mediation (Establishing a legal information service, assistance for victims and mediation service in Lyon and les Minguettes, 1991).

The research programme was followed up by an analysis of the phenomenon of penal mediation based on a comparative approach ("Penal mediation: comparative approach France-USA", 1995.)

An action research project was undertaken in the context of mediation in

schools ("Mediation in schools: a comparative approach France-USA", 1997).

Finally a research project currently under way with Hubert Touzard (University Paris V): "Social representations and practices of alternative methods of dispute resolution"

Research and Teaching institute:

Researcher at the CNRS (French national centre for scientific research)
GLYSI-Sociologies et Anthropologies des formes d'Action, CNRS/
Université Lumière Lyon II.

Junior lecturer for university curricula in mediation (University of Bourgogne-Dijon, University of Provence-Marseille, University René Descartes Paris V, University Lumière-Lyon, Institut des Sciences de la Famille-Université Catholique de Lyon.)

Responsible for sciences for the European Masters in Mediation (Institut Universitaire Kurt Bösch-Sion/Switzerland) covering 8 European universities

Publications:

- "La gestion policière de l'insécurité" ("Police management of insecurity") in *Insécurité et habitat*, under the supervision of Y. Bernard, Editions de l'Espace Européen, Paris, 1992.
- "La Médiation : une justice douce" (*Mediation: soft justice*), Syros-alternatives, Paris.
- "La médiation pénale en France et aux Etats-Unis" (*Penal mediation in France and the United States*), LGDJ-REDS-MSH, Paris.
- "Médiation en France" (*Mediation in France*) in *Mediation and criminal justice*, Edited by M. Wright and B. Galaway, Sage publications, October 1988.
- "La médiation scolaire : une technique de gestion de la violence ou un processus éducatif?" (*Mediation in schools: a technique for managing violence or and educational process?*) in *Violences à l'école : état des savoirs*, co-ordinated by Charlot (B) et Emin (J-C), Armand Colin, Paris, 1997.
- "Les médiations" (*Mediations*) in *Médiation et Lien social*, Morhain (Y), Hommes et Perspectives, 1998.
- Dahan (J), Salzer (J), Souquet (M), Vouche (J-P) "Les médiations, la médiation", Erès-trajets, 1999.

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Ronald Ceulemans, Brussels - Belgium

Missions

To improve relations between the police and the youth population from North African immigrant families.

In 1991 the position of “assistant de concertation” (dialogue assistant) was created. The post was not precisely defined. It involved helping the chief of police improve relations between officers and young immigrants.

The post evolved in accordance with the policy followed by each municipality.

Sometimes the assistants act as a complaints office, sometimes they monitor young people with problems. Often a lack of precision as to their missions undermines their credibility.

Since the creation of this post, other strategies with specific aims have been put into place: sports activities involving young people and police officers, classes on the highway code for young people learning to drive, mediation for incidents taking place within the municipality with the deterrent presence of youth leaders, contact between the police and potential victims of police “errors” and young people who have no respect for the forces of law and order. The idea is to try to change the prejudices of each party rather than looking for somewhere to lay the blame.

The assistants organise training sessions for police officers, notably with the Centre for Equal Opportunities for Multiculturalism.

Who initiated the measures ?

1/ The Ministry of the Interior created the post of dialogue assistant for the ten municipalities of Brussels in 1991.

2/ Security contracts came into being at the end of 1992 with various mediation posts planned to vary according to choices made by each local authority.

Role of the speaker

Prevention officer: I was chosen by the Burgomaster because of my experience in another municipality in the field of relations between police, social workers and young immigrants.

My role, which is statutory, consists of co-ordinating and organising any initiative that might improve the climate of security on a preventive level in conjunction with the police force.

I trained as a youth worker and have 20 years' experience as a co-ordinator.

Area of mediation

All conceivable places: the street, public spaces, leisure centres, schools...

Partners

Local police, schools, youth centres, sports organisers, all immigration initiatives, all community services.

Observations

When the assistants were first employed by the Ministry of the Interior the local police misunderstood their mission (spies, monitoring, ...)

I favoured the assistants answering to the same superior as the police so that they should be better integrated into the force and for them to work more on the training side than in actual situations.

Frantz Denat and Daniel Sanfaçon, Montreal - Canada

*The CIPC, Centre International pour la Prévention de la Criminalité
(International Centre for the Prevention of Criminality)*

Based in Montreal since its founding in 1994, the CIPC is an international non-governmental organisation set up to aid towns and cities to prevent and reduce delinquency and insecurity in order to produce enhanced quality of life for all.

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The Centre's board of directors is made up of eighteen key organisations in the field at the worldwide level (towns, national prevention organisations, UN organisations).

Its advisory and steering committee includes over ten government agencies in charge of crime prevention which provide joint financing for the Centre's basic functions.

Its small multidisciplinary team of some ten professionals works in both English and French, combining the strengths of university staff engaged in practice and of practitioners keen to make use of the knowledge they have acquired.

The CIPC identifies, compiles and circulates key information on successful prevention programmes and practices around the world, listed in the 100 prevention programmes to encourage action on an international scale.

The CIPC compares prevention programmes and strategies at the national and local scale in various countries around the world. Summary Index II: Comparative Analysis of Successful Community Security (1999) provides decision-makers with the arguments for more effective prevention and successful investment in prevention.

The Centre works to produce a comparison of prevention trends between different countries, on promising programmes involving children and adolescents, reducing violence in schools, the role of local authorities and the value of security diagnostics. It also organises exchanges of experience between governments, mayors, heads of police forces and all those associated with this particular issue. The CIPC is to join forces with its network in order to offer training programmes. Lastly, the CIPC provides strategic and technical assistance to help make states, regions and towns more secure.

The CIPC's objectives include international co-operation in the areas of controlling, preventing and reducing crime. Thanks to the body of work built up and to its network, the CIPC is able to provide strategic and technical assistance to countries and local authorities wishing to develop crime prevention policies or to introduce new prevention policies and programmes.

The assistance provided by the CIPC is geared to the needs of the region or the town. It is based on a conscientious analysis of the requirements and capacities of both the Centre and its partners. It complements other forms of technical assistance commonly provided to improve the judicial system, such as training for magistrates and police officers.

Joffre António de Sousa Justino, Lisboa - Portugal

Research and teaching institute

High Degree in Economics, Instituto Superior de Economia, Lisboa, Portugal.

Post-Graduate Course in Marketing - Instituto Superior de Gestão, Lisboa, Portugal.

PhD in Lusophony Studies, Universidade Lusófona, Lisboa Portugal.

Main research topics

Course on "Function Analysis", by DIAPSI.

Course on "Recycling in Macroeconomics", Fundação Oliveira Martins.

Course for professional trainers: "Personal Development", "Group Management in Training", "Working Teams Management", "Professional Training Pedagogies", "Continuous Improvement".

1996/97 - "Small Business Consultants" - GUIA.

2000 - International meeting "Developing Good Practices in the Recruitment and Development of Ethnic Minorities" promoted by the "Centre for Business and Diversity", at Brighton - United Kingdom.

1999 - Conference "Organisational Change and Re-organisation" - Organise Change, PhD David Chaudron and CON.PRO - Consultoria e Projectos, Lda,

1997 - International Seminar on "Strategy and Leadership" - Tracy Internacional.

1996 - 1st World Seminar on Leadership - Tracy Internacional.

Co-organiser and Portuguese representative of National Meetings on Environment and Ecology, and International Conferences on the same subject.

Co-organiser and Portuguese representative of several Seminars, Conferences

...

and Workshops from the Labour International Organisation and the European Union, on Human Resources, Labour Relations and Contracting.

Participant and speaker in various National Congresses and International Conferences on Social Welfare.

Founder and Director of the Cooperative EPAR – Desenvolvimento, Ensino, Formação e Inserção, CRL, since 10 February 2000.

Founder and President of EPAR – Escola Profissional Almirante Reis, from 1990 to 2000, where is also a researcher.

Founder and managing partner of CON.PRO – Consultoria e Projectos, Lda, since 1986.

Founder and partner of CON.PRO-DOM – Desenvolvimento, Organização e Métodos, Lda, since 1993.

Main UGT Union Specialist in collective bargaining from 1980 to 1987.

Assessor to the Technical and User Department of the UGT Union, from 1988 to 1990.

Certified Trainer by the SNCP – Sistema Nacional de Certificação Profissional (Professional Certification National System).

Journalistic experience with articles on economic, social and political issues for most of the Portuguese daily and weekly newspapers namely Diário de Lisboa, Diário de Notícias, Diário Popular, Semanário, O Jornal, Expresso.

President of the AMPECS – Associação de Micro e Pequenas Empresas do Centro e Sul, (Micro and Small Companies Association for the South and the Centre of Portugal).

Publications

- Manual de Recursos Humanos – Human Resource work edited by CON.PRO (published)
- Manual de Negociação Colectiva – Collective Bargaining Guide edited by CON.PRO (published)
- CD-ROM – Criação de Micro Negócios – CD ROM Micro-Business and SME's Development, edited by CON.PRO (published)
- Cabinda – O seu papel no nascimento do Estado angolano e na Conferência de Berlim – Cabinda's Enclave, edited by EPAR e Extra Murus/SOS Imigrante (published)
- Ethnic Minorities Employees in the 500 largest Portuguese companies, 1998
- Ethnic Entrepreneurs in Portugal (1999)

Ferdinand Ezembe & Kabangu Muanza, Paris - France

Afrique Conseil

Afrique Conseil is an association that was created on 22 January 1993 by a multidisciplinary team working in cooperation with organisations, institutions and other professionals in contact with African citizens through their work. We are the only association in existence today that is managed by African psychologists and trainers specialising in intercultural mediation with the black African populations. Our own cultural background plays an important part in our mediation skills, allowing us to better answer the needs of all social professionals working with the African population and facilitating communication and understanding between them.

School for Migrant Parents: an alternative form of mediation

In the course of our work with migrant families in cooperation with professionals from social centres, we have observed:

- The difficulties migrant parents have understanding the decisions made by institutions on their and their family's behalf,
- Their lack of knowledge as to the workings of the educational processes of the host society,
- Their need for guidance in the education of their children in an intercultural environment.

In order to help migrant parents to better resolve family conflicts arising from misunderstandings between migrant parents and children about the educational processes in an intercultural environment, we have created the "school for migrant parents". This is a space where parents may come and speak freely.

Objectives

To provide migrant parents with a structure for developing parenting skills and information on educational resources.

To allow them to air their views on how they envisage their children's education and their integration in the host society.

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To propose a psychosociological answer to the conflicts that arise between them and their children.

To inform migrant parents of the processes of cultural change and how to manage them.

To listen to migrant parents and help them find points of reference in their own culture which they can pass on to their children to help them develop their own identity.

How we work

Meetings are organised around certain themes, with discussions and exchanges between African parents, social workers and a psychologist from "Afrique Conseil". The themes are based on the concerns of parents and the expectations of institutions (schools, the police, social services...), for example: education, school life, delinquency, adolescence, domestic problems, family budgeting, clothing, maternity, entering the world of work...

Background material based on the theme under discussion is used in the form of written documentation or videos. There are two meetings per month, one between professionals and one with parents. The meeting between professionals is devoted to the preparation and assessment of the meetings with the parents.

Results

Greater involvement of migrant parents in the social and educational activities of their children;

Better communication between parents and social workers;

Institutions adapting their responses to the desires of migrant families;

The development of social bonds between the families attending these sessions, putting an end to the isolation felt especially by mothers.

Our partners

"The School for Migrant Parents" has been running since 1995. It operates on a regular basis in Paris, in the 14th arrondissement with the "Service Social

Polyvalent de Secteur”, and in the 20th arrondissement with the prevention association “Feu Vert”. It has also been active with the “Fédération des Centres Sociaux” in the departments of Yvelines, in Equevilly, Chanteloup-les-Vignes, Vernouillet, Sartrouville, and Plaisir, in the Val-de-Marne (94) in Limeil-Brévannes, in Seine-Saint-Denis (93) with the “Centre Social Marcel Paul de Sevran”, in the Hauts de Seine (92) with the “Centre Social J. Prévert de Malakoff”, and in the Essonne (91) in the Coudreaux de Chelles district.

Jacques Faget, Pessac - France

Research, teaching

Institut d'études politiques de Bordeaux et Paris V

Research themes

Mediation, penal policy, urban policy, access to law

The “mediator”: a specific posture

Nowadays there is no political or social conflict without its mediator. The very announcement of the appointment of a mediator generates perceptions as if the procedure were of greater importance than its objective. Alongside the judiciary models such as penal and family mediation, we are now seeing the emergence of mediation services for social housing agencies, transport companies, local authorities, schools, etc. It is general practice to lump all these practices under the umbrella heading of “social mediation”.

In reality, however, the term covers a range of actions with very different systems of reference that may be broken down into three categories:

- conflict: mediation is a means of regulating, solving or defusing conflicts. The mediator catalyses a process of communication between the opposing parties who request such assistance and aids them to find a way out of their conflict.
- communication: the mediator is an intermediary, a go-between, a translator. His ...

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task, outside any framework of conflict, is to initiate communication between people, between people and institutions or between institutions.

■ security: the mediator, either as buffer or as source of information, is mandated by an institution to improve services, allay feelings of insecurity and enhance the sense of well-being of customers or users.

These three postures are by no means equivalent and the last of them in fact contravenes the ethical principles of mediation as laid down in doctrine. It is a democratic process which requires the support of the persons or groups, in which the third party is "in the middle" (Latin: *mediare*), impartial, with no involvement in the issue between the parties. It is not a decision-making process since the mediator is neither judge nor arbiter. He is merely the guarantor for the methodology of a process in which the solution must be arrived at solely by the opposing parties.

To say that not all programmes which describe themselves as mediation are correct in so doing is by no means to refute their social utility. The concern for greater accuracy in terminology has two objectives.

The first is to differentiate mediation from other types of traditional intervention. The mediator is neither judge, nor social worker, nor therapist and adopts a specific posture. The second objective is to unmask procedures which, under appearances of consensus, in reality represent a threat to public liberties.

Publications

- La médiation : essai de politique pénale, Erès, 1997 (Mediation: essay on penal policy)
- Justice et travail social : le rhizome pénal, Erès, 1992 (Justice and social work: the penal root)
- La double vie de la médiation, Droit et société, 29-1995 (The double life of mediation)
- Bilan de la recherche sur le crime et la justice en France dans les années 90 (avec Anne Wyvekens), Les Cahiers de la Sécurité Intérieure, n°37, 1999 (Report on research into crime and justice in France in the 1990s)
- Accès au droit et médiation (GIP Droit et Justice, Ministère de la Justice) (Access to law and mediation)

Oliver Frey, Vienna - Austria

Research themes

Urban social policy in Germany and France. Areas of social inequality. The segregation process, poverty and exclusion; the long-term regional development.

Research, teaching

Technische Universität Wien (Vienna Technical University)

Institut für Stadt-und Regionalforschung (Institute for Urban and Regional Research) (winter semester 00/01): Projekt „Soziale Stadterneuerung einer Grossiedlung in Wien“ (Social regeneration project for a major Vienna housing project) and lectures: „Qualitative und quantitative Methoden der Sozialforschung“ (Qualitative and quantitative methods of social research).

Technische Universität Berlin (Berlin Technical University) (winter semester 1999/00): Lehrauftrag: „Sozialräumliche Problemlagen und Sozialplanung“ (Problematic situations of social areas and social planning).

Publications and conferences

- May 2000: Exchange of experience at the Deutsches Institut für Urbanistik (Difu) (German Institute for Urban Development): „Politique de la Ville in Frankreich: Hilflöse Instrumente oder innovative Ansätze?“ (Urban policy in France: instruments without effect or innovative approaches?)
- July 2000: Sommerakademie der europäischen Wohnungsbaugesellschaften des sozialen Wohnungsbaus (CECODHAS) (Summer School of European social housing construction companies): „Vergleich der sozialen Stadterneuerung in Deutschland und Frankreich“ (Comparison of the social regeneration of towns in Germany and France).
- „Die Rolle der Wohnungswirtschaft in der französischen Politique de la Ville“ (The role of the housing economy in French urban policy) in: Sonderheft der Gebietsbetreuung Gumpendorf (Hg.) (special edition of Regional Monitoring), (Published by): SEG Stadterneuerungs- und eigentumsgesellschaft m.b.H., Vienna, appeared in December 2000.

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Francesca Garbarino, Milan - Italy

Social Mediation Centre of Milan

The Centro di Mediazione Sociale (Centre for Social Mediation) was established in June 1999, following an agreement between the Milan Urban District, namely its Social and Health Service Dept, and Centro Italiano per la Promozione della Mediazione (C.I.P.M.). The project, despite interest on national level, developed only in the Milan municipality and city neighbourhoods. There has been no financing by other parties, either public institutions or private agencies.

Cooperation with State and local police has been of the utmost importance. Most of the cases taken into consideration by Centro are in fact being referred by the police.

Located at the very heart of one of the most socially deprived city neighbourhoods, in these few months it has tackled more than 150 cases, 90% of which have reached a satisfactory solution.

The Project

Aims of the project:

1. fostering and spreading the culture of mediation
2. creation of a network of links enabling State and local institutions and non-State organisations (national and municipal police, courts, schools, associations, social work agencies etc), to cooperate in order to recreate some sort of social bonds
3. offering an opportunity to freely relate conflicts to competent and receptive operators
4. planning occasions of mediation
5. mapping territorial conflicts to facilitate structural interventions or envisage new projects
6. training new volunteers and operators.

Different types of conflict

If we take a look at the various conflicts Centro di mediazione has dealt with,

albeit not necessarily solved in its first year of existence, we cannot but notice a most striking disparity of cases.

In particular, the following kinds of conflict have been brought to the attention of the Centre:

- neighbourhood conflicts
- conflicts with institutions
- conflicts within the family
- conflicts between schoolmates

The 150 cases dealt with have reached the following type of solution:

- 12% mediation
- 19% referral to a different agency
- 7% attention and listening
- 58% legal counselling

Mediation and institutions

A team of specialised operators is presently working at Centro di Mediazione. They offer mediation on social conflicts or relating to school, sport, ethnic and family problems.

Each citizen is entitled to assistance.

In order to reach a better co-ordination between the parties involved, operators of Centro di mediazione have taken part in training and updating classes for the various Police Corps. Meetings have also been organised, on Centro's initiative, between representatives of State institutions and social welfare agencies. The target of improving understanding and co-operation among all interested parties has largely been achieved.

Mediators

Mediators are selected after at least 100 hours of prior training organised by C.I.P.M.

Training aims at providing mediators with the necessary qualification to perform acts of mediation by means of different tools, such as reviews, video mater-

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ial, practical courses. The mediator is a third, neutral party, his/her main target is to favour dialogue between the concerned parties, but he/she will not express any kind of judgement, opinion or advice. Needless to say, his/her attitude will always be sympathetic. Some mediators get paid, some are volunteers.

Tido Gayibor, Brussels – Belgium

The Centre for Equal Opportunities and Against Racism

Born of the political will of Parliament and Government in the wake of the proposals of the Royal Commission on Immigrant Policy, the core tasks of the Centre for Equal Opportunities are to combat racism and xenophobia. The combat is waged by means of preventive educational campaigns and by providing assistance to the victims of racial discrimination in taking legal action against its perpetrators.

As well as combating racism, the Centre is also active in the field of equality of opportunity, where it plays a role in the formulation and implementation of policies for the integration of resident of foreign origin. It also concerns itself with discrimination related to situations of extreme poverty and insecurity.

Finally, the Centre is responsible for monitoring and co-ordinating policies designed to combat international traffic of human beings.

To ensure its independence in fulfilling all these tasks, the Centre's by-laws guarantee the provision of necessary material, human and institutional resources.

Objectives

It should be made clear from the outset that the Centre's involvement in mediation remains very much limited to the framework of its main areas of activity, racism and integration policy.

In the fight against racism, our task is to give a hearing to the victims of discrimination and provide them with social and legal assistance. This in turn is designed primarily to inform them of the general conditions of application of the race relations law and then examine its applicability to their particular situation. When all conditions are met, we assist victims in taking legal action against the presumed authors of the discrimination with a view to obtaining civil and criminal convictions against them.

It soon became clear to us, however, that legal action was often not the most appropriate solution for settling racist conflicts, either because the conditions of its application were difficult to meet (lack of proof), or because the solutions were not particularly satisfactory in the light of our main objective (to combat racism). We realised that the legal process, and the nature of the penalties in which it culminated, neither gave full satisfaction to the victim nor converted the author of discrimination to greater respect for and tolerance of others. This is why we decided to resort to social mediation wherever possible, to settle racial conflicts in a more effective and sustainable manner. Some issues are more amenable than others to this approach: in particular disputes between neighbours, access to housing and employment.

Alongside the mediation approach, adopted in dealing with individual complaints, as part of its work to ensure equal opportunities, the centre sets up ad hoc mediation opportunities between the authorities and groups with collective demands. Thanks to this second form of mediation, Belgium's Muslims have for instance been able to create a national religious council and thus benefit from the privileges already granted by government to other religions. A similar approach also contributed to the introduction in certain cemeteries of sections set aside for Muslims desirous of being buried according to the tenets of their religion.

The context of emergence

The Centre was founded in 1993, on the basis of recommendations made by the Royal Commission on Immigrant Policy, itself appointed in 1991 following riots during which young immigrants had clashed violently with the police forces. The aim was to pay greater attention to the specific needs of immigrant populations and ensure that they take their full place in Belgian society.

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How can mediation achieve integration?

Our intention was to achieve not cultural integration but rather social integration. Without lingering over the usual factors of exclusion and discrimination - social and economic situation, nationality and ethnic origin - we attempt through mediation to create areas of dialogue which will allow each component of Belgian society to have its opportunity. Our action is carried out by means of individual and group assistance designed to settle conflicts, claim entitlements, permit mutual knowledge and improve relations.

What effects does mediation have on the public and on mediators?

The effect of mediation on the population is one of empowerment, in that it does no more than initiate and then accompany a discussion which takes place between the parties with a view to finding and adopting a solution. This active participation in conflict resolution by the population creates a greater knowledge of rights and hence increased autonomy and assurance. Mediation makes the population more civic-minded.

As for mediators, the process may first enable them to identify and understand the causes of the conflicts they are called upon to deal with. On the basis of these elements, they may then identify the needs for mediation within the population and draw the authorities' attention to these realities. Mediators may finally discover the limits of their ability to act and the aptitudes it requires. These findings may in turn contribute to debate on the usefulness of mediators, the need for a proper status for the function and the necessary content of training programmes.

What questions do these practices raise as regards human rights?

The main risks of our practice in this respect are our target population's ignorance of or failure to exercise their rights. The fear might be that in seeking at any price to arrive at a negotiated solution with the presumed author of discrimination or with a government agency, the victims and their communities might consider themselves to be enjoying special treatment and, as a result, might not exert themselves to protect their rights, neglecting for example to gather evidence (contact with eye-witnesses) or allowing statutory periods of limitation to expire.

In reality, we very much respect the freedom of choice of our public.

For this reason, we take care first of all to inform people of their rights and the possibilities of protecting them before, where circumstances are appropriate, proposing the benefits of a process of mediation in which the individual or group chooses freely whether or not to engage. Under no circumstances is our intervention made conditional on a renunciation of the right to legal recourse. As a result, our public is free at any time to put an end to the mediation process as, indeed, is the other party, without compromising its legal position.

Giovanni Ghibaudi, Turin – Italy

Penal Mediation Centre for Minors

Missions

The mediation missions are designed to encourage meetings between victims and offenders so as to give the offender a sense of responsibility for the psychological and physical consequences of the offence committed and to provide the victim with a listening space. We want to give special attention to the victims as well as provide a place where they can come to express their feelings and experiences. We want to encourage the offender to assume responsibility and atone for the offence committed.

Mediation can work just as well between one victim and one offender as it can between several victims and several offenders.

The Centre deals with conflicts involving assault, theft, verbal abuse etc, between young people or between young people and adults. One of the main objectives is to renew social ties that have a positive effect on community life. We also undertake to allow people to take management of the conflict into their own hands.

Who instigated the initiative?

Behind the initiative are the Ministry of Justice's Justice Centre for Minors for

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Piedmont and Valle d'Aosta, the City of Turin, the Piedmont Region, the Turin juvenile court and public prosecutor's office who signed an inter-institutional agreement on 1 February 1999.

Status and legitimacy of the speaker

The ten mediators at the Centre have been specially trained by Italian and European experts (mediators, psychologists and judges). They include four social workers from the City of Turin, three officers from the Ministry of Justice and three volunteers. They all have special legal, psychological, sociological and pedagogical training.

I am a social and educational co-ordinator from the City of Turin in charge of prevention projects and the co-ordinator of the Penal Mediation Centre.

Area of mediation

The mediation programme does not cover any specific area other than the area determined by the type of offence committed which could be on the street, at school, in a public building, on public transport etc.

The mediator, who has no special powers, uses the following methods of intervention: the mediator contacts the victim and the offender by letter inviting them to the Centre for an individual private interview. If they accept and the conditions are right, the mediation meeting can then be set up.

We offer advice and assistance to the two parties so that they might reach their own decisions as to how to resolve the conflict and come to an agreement. The mediator guarantees this agreement.

Partnerships

The Centre operates at the regional level in accordance with the inter-institutional agreement. The financial partners are the City of Turin (approx. 67,000 FF) and the Piedmont Regional Council (approx. 67,000 FF).

For the most part it is the public prosecutor's office for minors that sends peo-

ple to the Mediation Centre, but social workers from the Ministry or the City Council also play their part.

Observations

The problems encountered when setting up conflict mediation initiatives are above all cultural and administrative.

We wish to develop a democratic instrument in the context of urban security with the emphasis on education and prevention and not just repression.

We are trying to overcome the fear of passing responsibility into the hands of the citizen who should be given the means to manage and resolve conflicts in a peaceful manner.

We aim to put our efforts into the education of young people in primary and secondary schools and into informing and training adults, both those working in the public sector (teachers, social workers, police officers, etc) and volunteers.

The City of Turin has also developed social mediation by financing an association (the Group Abele) run by the House of Conflicts in the San Salvario district and in secondary schools. The City is also running a school mediation project (Project NovasRes) in primary and nursery schools in collaboration with the University of Turin, Department of the Sociology of deviance, and the Turin School Inspectorate.

Elisabeth Johnston / Michel Marcus¹, Paris - France

Presentation

Mediation is the intervention of a third party between individuals or groups, between institutions and individuals caught up in a nascent and open conflict that has arisen as a result of misinterpretation, misunderstanding or a desire to impose a rule. Mediation aims to help the protagonists in the conflict to a better understanding of each other's codes, values and behaviour. The mediator attempts

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through his presence to place the protagonists in a position of equality, instil a sense of responsibility and make them willing to listen.

The mediation professions are practised in places that either temporarily or permanently bring together people with different statuses and diverse positions. The role of the mediators is threefold. They uphold and promote equality in the use of the space, they maintain the quality of the space as well as prevent its degradation, and they monitor exceptional use of the space.

They act as a relay with existing institutions and form an indispensable link with the people furthest away from the services providing access to rights and assistance.

Mediation is defined here as a tool for intervention, a technique using the shared rules of community life. This type of action requires many specific skills and these skills alone will ensure the perpetuation of this new profession. Equally the different mediation missions rely on more theoretical knowledge of the laws governing public spaces, individual rights and freedoms and institutions, as well as specific knowledge of local realities (road safety, cultural particularities, sporting abilities...).

The emergence of a new profession practised in the public arena also means that at a national level an attempt should be made to define a professional code of conduct. With various mechanisms in place that are starting to formalise the limits of intervention and the transmission of information between public services, the notion of professional secrecy remains one of the key questions of these new agents. Because the effectiveness of their intervention presupposes the passing of information to professions for whom secrecy is essential, it calls for reflection on the kind of information that can be passed on while respecting this code of secrecy. When it concerns information about the private individual, the cohesion of the partnership makes it possible to envisage links between the different types of intervention, even new modes of joint action, without revealing the nature of the interventions of the different agents.

In all of these programmes particular attention must be paid to the continuing training of mediators. In a wider context, the emergence of these new professionals calls into question the actions of all the services working in urban security.

Research

Secretary of the Centre International pour la Prévention de la Criminalité
Member of ISPAC (International Scientific and Professional Advisory Council of the United Nations - Crime Prevention and Criminal Justice Programme)

Expert Advisor to the Council of Europe and to the Standing Conference of Local Authorities

Lecturer at Ecole Nationale d'Administration, Paris and at the Institut de Criminologie of the University of Liege.

Publications

- Nouvelles formes de criminalité urbaine, nouvelles formes de justice – November 1995
- Nouveaux métiers, contrats locaux de sécurité - November 1997
- Implication des habitants dans les stratégies locales de prévention et de lutte contre les toxicomanies - June 1998
- Sécurité femmes: l'approche différenciée par sexe est-elle pertinente en matière de sécurité urbaine? – February 2000
- Profession Sécurité manager – March 2000
- Outils pour l'action - December 1996
- Profils, missions et perspectives des agents locaux de médiation sociale, étude – February 1999

1/ Chief Executive of the European Forum for Urban Security

Michael Keith, London – United Kingdom

Professor, Department of Sociology, Goldsmiths, University of London
Leader of the Council, London Borough of Tower Hamlets

Relevant Policy Experience

Much of the research of Professor Keith has been conducted in the East End of

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London. Some of the policy related research, including reports on the racial conflict and the criminalisation of young Bengali men was conducted with the help of a range of third sector organisations in the London Borough of Tower Hamlets on which he served as a management member (inter alia CAPA Civil Rights Group, Asian Drugs Advisory Committee (ADAC), the Asian Drugs Project (ADP), and the Dame Colet House Settlement in Stepney).

Since 1994 he has been a local authority councillor in Tower Hamlets. Tower Hamlets is one of thirty-two London Boroughs. It has a population of approximately 175,000 (predicted to increase to 200,000 by 2006) and one of the most racially diverse populations in the country. Over 50% of the school age population is of Bengali origin. In 2000 the Borough was officially recognised in the Department of the Environment, Transport and the Regions (DoETR) Index of Local Deprivation as the most socio-economically deprived area in the United Kingdom.

For two years Professor Keith was chair of Economic Development and Urban Regeneration in the Council with direct political responsibility for negotiations with all external bodies, including the London Docklands Development Corporation, Bethnal Green City Challenge and the local TEC. He has also been Leader of the Authority on two occasions (1997-98 and 1999 - present) and has sat on the boards of over ten small area partnerships and complex community based urban regeneration.

Research Management

Professor Keith has a long record of research activity. He has been responsible for development, fund raising and management of over £1 million in research projects in the last five years, including the following major grants:

The Harry Frank Guggenheim Foundation: \$51,000 (with Back and Solomos) 1995-98 'Modalities of Racist Expression'

Economic and Social Research Council: £138,832 (with Back and Cohen) 1996-98 'Finding The Way Home: Local Cultures of Racism and Identity'

Joseph Rowntree Foundation Area Regeneration Programme £120,000 1997-1999 'Integrated communities and sustainable regeneration: Building Community Perspectives Into Evaluation and Training For Regeneration' (with M. Mayo, L. Hart and J. Anastacio)

Economic and Social Research Council: £280,000 (with Back and Solomos)
 Democratic Governance and Ethnic Minority Political Participation in
 Contemporary Britain 1999-2002

*Pepys Community Development Trust £230,000 Action research evaluation
 project 1999-2005 (with Back and Mayo)*

Lambeth, Southwark and Lewisham Health Authority (LSLHA) £370,000
The Evaluation of LSLHA Health Action Zone 2000-2002 (with Hewitt and Mayo)

Publications

- 1991: *Hollow Promises? Rhetoric and reality in the inner city* (co-edited with Alisdair Rogers), London, Cassell
- 1992: *Racism, the city and the state* (co-edited with Malcolm Cross) London: Routledge.
- 1993: *Place and the politics of identity* (co-edited with Steve Pile). London: Routledge
- 1993: *Race, riots and policing: Lore and Disorder in a multi-racist society.* London: UCLPress
- 1997: *Geographies of Resistance* (co-edited with Steve Pile). London: Routledge
- He is also the author of over 35 book chapters and journal articles.

Sabine Ketels, Hamburg - Germany

Professional Highlights

Organisation-Development Councillor of the Board of the Scientific
 Directory at the University of Economics and Political Sciences in Hamburg
 (Hochschule für Wirtschaft und Politik)

Since 1995 I have been working as a lead-mediator in different social mediation
 projects, and currently on behalf of a multi-professional and multicultural Social
 and Health Centre in Hamburg, St. Pauli.

Vice-Manager at *Arbeit und Leben*, an organisation of adult education and train-
 ing, responsible for training, advising, mediating and supervising civil servants,
 social workers, the police, relief agencies, unions and non-profit organisations. As

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an adviser at *Arbeit und Leben*, I dealt a lot with intercultural education. I organised and chaired exchanging meetings in Spain, Turkey, Costa Rica and other foreign countries.

Summary of current professional activities

Hochschule für Wirtschaft und Politik (University of Economics and Political Sciences) in Hamburg – Organisation-Development Supervisor
Freelancer in training, mediation, counselling

Lead-mediator in different social mediation projects, currently in a multi-professional and multicultural Social and Health Centre in Hamburg, St. Pauli

Work Experience

1999 - present: *Hochschule für Wirtschaft und Politik* – Organisation-Development-Councillor and freelancer in training, mediation, counselling
1991 - 1999: *Arbeit und Leben*: Vice-Director and trainer, mediator, counsellor
1989 - 1991: *Arbeit und Leben*: Adviser for adult education and training
1983 - 1989: *Office for Adult Education of the Hamburg City Board of Education*: adviser for training of immigrant women employed in Hamburg, trainer of social workers and instructors in adult education
1979 - 1983: *Central Film Distributor Hamburg*: media and film expert.

Publications

- (with Baymak-Schuldt, M.) *Mit offenen Augen lesen lernen - türkische Alphabetisierung nach der Methode von Paulo Freire*, (Learning to Read with your Eyes Open: Turkish Reading Instruction according to the Method of Paulo Freire), Berlin, 1985.
- *Ost-West Bildungsarbeit im Wandel - Perspektiven der Kooperation zwischen Hamburg und Dresden am Beispiel Arbeit und Leben* ("East-West Exchange-Education in Flux - Prospects in the Exchange between Hamburg and Dresden as seen in the Example *Arbeit und Leben*"), DGB Gewerkschaftlich Bildungspolitik, 9/10, 1990.
- *Innovative Dialoge in Stadtteil*, ("Innovative Dialogue in the City Neighborhood"), *DIE Zeitschrift für die Erwachsenenbildung*, 1/1997.

- “Neugierde wecken” (“Awaking Curiosity”), *DIE Zeitschrift für die Erwachsenenbildung*, 3/1997.
- Intercultural Mediation – amerikanische Ansätze auf Europa übersetzen (“Translating intercultural mediation approaches from the USA to Europe”), *Soziale Praxis* 1/1999.

Sharyn Kinder, Liverpool – Great Britain

The Independent Mediation Service (TIMS)

Mission Statements

To provide an independent mediation service to those in our communities who are involved in neighbour or community disagreements.

To develop as a progressive voluntary organisation and to ensure that all TIMS volunteer mediators can train, work and develop in a safe, yet challenging environment.

Who Instigated the Initiative?

The Independent Mediation Service (TIMS) has been in operation since November 1996 when it was set up as a multi-agency project between Merseyside Safer Cities, Liverpool City Council and a number of Registered Social Landlords to address the problem of neighbourhood disputes in the Liverpool area.

Part played by the Speaker

Sharyn Kinder is the Manager of the Service and has been with the Service since February 1999. Sharyn has a Law Degree and came to The Independent Mediation Service after working in the Liverpool Anti-Social Behaviour Unit.

The Service Manager has overall responsibility for the day to day management of the Service. This includes the management of all staff and their work programmes, overseeing the recruitment, training and management of TIMS volun-

- ... teer Mediators, the ongoing development of the Mediation Service and ensuring that the Service' budget is managed effectively.

The TIMS staff team currently comprises the Service Manager, A Volunteer and Training Officer, an Information and Support Officer and an Administrator.

Partnerships

The Independent Mediation Service is currently funded by the Safer Merseyside Partnership, Liverpool City Council, Knowsley Metropolitan Borough Council, Wirral Metropolitan Borough Council, Liverpool Housing Trust, CDS Housing Association Riverside Housing Association, Liverpool Housing Action Trust and Maritime Housing Association. Liver Housing Association and The Villages Housing Association.

In October 1998 Liverpool City Council undertook to act as the Service's Managing Agent.

This was in recognition of the linkages between Mediation and the development of Liverpool City Council's innovative Anti-Social Behaviour Unit with its holistic, inter-agency approach towards tackling anti-social behaviour.

The Service pays a management fee to Liverpool City Council and in return the City Council provides a support structure that will facilitate the Service's move towards attaining independent charitable status, without compromising its independence or impartiality.

An integral part of the Service's development plan for 1999 was the expansion of Service Provision into other areas of Merseyside. The Service expanded into the Knowsley area in April 1999 and into Wirral in November 1999.

Merseyside Police Pilot

On 1 February 2000, the Service embarked upon a pilot with Merseyside Police. The purpose of the pilot is to monitor the impact of mediation in areas where complaints are made to the police as a result of conflicts between residents of that area.

TIMS Steering Group

The overall management of TIMS is provided for through the existence of the Service's Steering Group. The Steering Group consists of representatives from all of the Service's funding organisations, Merseyside Police, the Liverpool Federation of Tenants and Residents, two Volunteer Mediators and all paid staff members. It is chaired by the Co-ordinator of the Safer Merseyside Partnership, Social Programmes Unit. The Steering Group meets on a quarterly basis and directs the work of the TIMS management committee.

TIMS Management Committee

The management committee meets on a monthly basis and provides management direction to the TIMS Service Manager and the managing agent. It consists of the Service Chair, a representative from each of the funding Local Authorities and two other representatives from the other funding organisations and the Service's paid staff members.

Area of Mediation

The Independent Mediation Service is primarily a Community Mediation Service. However, members of the team have recently undergone training in order to become Victim/Offender mediators. In addition, the Service is currently exploring the possibility of developing a peer education/mediation programme.

Observations

The Independent Mediation Service has developed rapidly during the past twelve months. The success of the Service exemplifies the benefits of a 'Best Value Approach'. It illustrates what can be achieved when statutory, voluntary agencies and other organisations with different cultures and perspectives pool resources, expertise and agree to share best practices. The cost of Mediation at between £250 - £350 per case, speaks volumes for the "cost effectiveness of early intervention" in community disputes.

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During the next twelve months the Service plans to diversify into other areas of Mediation and is currently looking to develop a Peer Mediation/Education Programme. The Service Manager is working closely with Wirral Youth Offending Team to develop a training package for Victim/Offender Mediation. In addition the Service's Steering Group will be meeting, for a planning and development day, on 13 September 2000 to discuss the Service's plans to attain charitable status.

The Independent Mediation Service has consistently proven to be a valuable tool when utilised as a part of a comprehensive strategy, to tackle anti-social behaviour and social exclusion. It is increasingly viewed by all of its stakeholders as the "first stop, rather than the last resort" in community dispute cases. The Independent Mediation Service does not regard Mediation as a panacea for all societal ills nor is it a 'soft option'. It is however, a viable, cost effective means of securing long term solutions to many disputes and has a key role to play in the construction of safer, more cohesive communities.

Peter Knapp, Berlin – Germany

*KOM Institut für Konfliktmanagement Organisationsentwicklung
Mediation (Institute for conflict management, organisational development
and mediation)*

Tasks of the Institute

Mediation within companies and in the world of work, training in negotiation, mediation and mediation between individuals of different cultural origins.

Involvement

Corporate human resources manager. My role is to act as mediator.

Mediation area

Company, working team, intercultural mediation, etc.

Partnerships

Mediation Training Institute, University for Mediator Training, the Bundesverband Mediation e.V. federation, Bundesverband für Mediation in Wirtschaft und Arbeit, Centrale für Médiation.

General remarks

What are the criteria for a good mediator? How can the quality of mediators be recognised and the public given guarantees as regards the quality of the mediator's work?

Quality assurance in the field of mediation

Mediation is spreading wider and wider into the most varied fields. In particular, there is an increase in demand for mediator training. The practical aspect of mediation itself is often only of secondary importance. As mediation becomes more widely known, so the question arises of the standards to be applied. Who is entitled to call himself or herself a mediator, how are users of the service to recognise a mediator with approved training, and who exercises this profession?

Practical training is especially essential for mediation. Reading a few books on conflict and mediation is not much help. The mediator must have a certain experience of personal confrontation as regards the conflict and his/her own personal history.

In Germany, mediators are trained by specialised private institutes, instructors, universities and schools of higher education. In recent years, the practice of a 200-hour training course over one year has emerged.

Training for the most part takes the form of seminars of two to four days outside working hours. There are also shorter training sessions, such as the 120-hour course offered by the Chamber of Lawyers.

At the end of May 2000, after three years of work on the subject, the Bundesverband für Mediation e.V. (BM) (Federal Association of non-Profit

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Mediation Services) ratified standards for the recognition of mediators and training managers.

The directives require 200 hours of training and the proof of four mediation missions. The mediator is then entitled to style himself BM-approved mediator. For trainers and training managers, there is a further recognised category as Head of Training. This requires proof of a further four mediation missions, making a total of eight.

The Bundesverband für Familienmediation (BAFM) (Federal Association for Family Mediation) has for several years applied standards governing the training of approved family mediators.

Debate on the subject of the introduction of standards into mediation is also very controversial in Germany. The general interest lies in the assurance this would provide of quality in mediation. Those who support the idea see the greatest danger as residing in the fact that no criteria exist by which the outsider is to distinguish a good mediator from a bad, a trained mediator from one with no training. Standards encourage an awareness of the need for quality and require mediators to undergo initial and ongoing training. Furthermore, no substantial improvement in the sector would be possible unless such standards existed for mediation. If mediation is to continue gaining in importance as it has in recent years, there is an absolute need for mediators with approved training who are well able to explain the advantages of mediation in practice. To encourage people to take an interest, it is not enough merely to be convinced that mediation is a useful process.

The opposing party resists excessive regulation by directives on recognition and sees it as one of the strong points of mediation that not everything is regulated. Recognition remains an external fact which in reality is unable to guarantee that the holder does indeed have the necessary skills. Good mediators come on recommendation and readily find cases to handle. Recognition would act to narrow the multiplicity of the field.

The future will show how mediators accept the introduction of the standard and the possibility of recognition, and how the market will respond. Objective criteria for recognition will allow the interested parties to check the skills the mediator possesses.

In the immediate term, recognition by one of the mediation associations could prove decisive in the choice of a mediator. The question “Are you recognised as a mediator by one of the existing professional associations?” could then be put at selection interviews and the response could be decisive in the selection or otherwise of the mediator.

As far as I know, there are no major efforts under way to create a recognised professional image for the mediator in Germany. It is the associations that commit themselves to the interests of mediation and mediators. Mediation is thus a supplementary skill for psychologists, those working in the social sciences, educators, social workers, lawyers and corporate legal advisers.

Josep Lahosa I Canellas, Barcelona – Spain

Conflict Management in the Clot Quarter

Missions

Our aim is to develop a project that generates new social dynamics and that involves the community in the resolution of its own conflicts. It is our intention to involve all the services in the District on an equal basis in the elaboration of a project that aims to improve the effective management of the conflicts that occur most frequently and that are more complex to resolve:

- By developing co-ordination between departments,
- By promoting the participation of citizens, and by studying the possibilities of implementing alternative methods of dealing with conflicts such as arbitration, conciliation and mediation.

The basic principle of the project is that we do not intend to create another bureaucratic service, but rather to offer a service to the city. Often when new projects are set up, public administration departments create new administrative structures with heads of departments, civil servants, secretaries and bureaucracy.

Information and viewpoints from each department dealing with these conflicts

- ... have been pooled. Proposals have been made for methods of dealing with them and for the establishment of suitable strategies and organisation. A work group has thus been created consisting of the following departments: Personnel Department, Technical Department (Inspection and Maintenance), Municipal Police, Technical Legal Secretariat, Communication and Quality, Board of Prevention. The group was initiated and led by the Board of Prevention Services and by the Technical Secretary of Prevention in the district whose task is to centralise all types of conflicts that may arise.

One of the aims of the project was to go beyond the present discussion on mediation and the abilities of mediators. To this end it is our intention to define and identify a core of professionals who, with their own skills and work experience, are capable of understanding and participating in a joint project that aims to apply alternative measures to the resolution and management of conflicts generated in the urban environment. A training programme in the form of a practical workshop will allow these professionals, when faced with a conflict, to identify immediately all the possible means of intervention.

The initial list of possible conflicts included conflicts that derive from the use of public spaces, disputes between neighbours, in both the public and private domain, intercultural conflicts, conflicts relating to recreation/leisure, conflicts outside school establishments and conflicts between landlords and tenants. After first analysing the most frequent conflicts, we were able to verify that these concerned above all the use of public spaces, disputes between neighbours and those arising as schoolchildren leave school at the end of the day.

Who is behind the initiative?

The Board of Prevention Services of the City of Barcelona instigated the project on conflict management through its interest in opening up new channels for law and order in the city and in conceiving new dynamics in the resolution of complaints and petitions which are addressed to the local authorities.

Their role

The Board of Prevention Services has a supervisory role and provides technical support in the initial setting up stages.

Area of Mediation

The Clot quarter, an urban heartland of 80,000 inhabitants in the Sant Martí district. We work in public spaces, including community facilities and public centres.

Partnerships

At the present stage of the project, public administration professionals are involved, such as the technical and legal departments, the municipal police, the district board of prevention services, the cleaning and maintenance department, as well as non-profit institutions such as Associació Catalana pel Foment de la Mediació ACDMA, EspaiTercer Mediació, Institut Barcelona de Mediació, Xarxa Catalana de Mediació. In the phase that will start in the final quarter of this year, the project will be open to involvement from volunteers and representatives of citizens' and local business associations.

Observations

As with any new project, it has come up against two types of problems. Some are more subjective and are due to the fact that this is a dynamic project in an evolutionary process. There is a certain resistance to change from some of the agents involved. This results from the fact that the project implies a break from the usual routines and procedures acquired over the years.

There are other problems that are more objective, such as those stemming from the scope of action being conditional upon existing legal practices that mark out the limits of the action, responsibilities, extent of disciplinary action... This means that a large part of the project is also devoted to examining the most efficient way of dealing with conflicts while respecting the existing legal framework.

We would like to emphasise, however, that one of the positive aspects of this project has been to take mediation out of its ideological or theoretical academic context and confront it with everyday realities. This has allowed us to see the possibilities and the limitations of this means of intervention in the daily lives of our citizens.

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The project has thus given us the opportunity to re-examine the routines and concepts established over the years. The emphasis has also been on examining the alternatives available to a civilised society, such as arbitration, conciliation or simply the analysis of how institutions and public services work to improve or transform impoverished social relations.

In this way mediation has not been confined to a remote theoretical ambition. Instead, by determining its application in certain defined conflicts, we have been able to establish its possibilities and its limitations.

The approach we have used in Barcelona – where the entire project is based on the search for solutions through the contributions and daily experiences of all the different professionals involved without favouring any particular one – consists in attempting to incorporate new forms of conflict management, to face up to the complexity of the urban living environment and to maximise the value of a collective approach and working methods.

Noël Lufuma Tondo, Évreux - France

The Évreux Plus Association

Tasks

Contribute to intercultural mediation.

Foster intercultural dialogue between professionals and immigrants.

Facilitate access to their rights for the populations of deprived areas.

Assist those experiencing difficulties with integration and insertion.

Foster harmonious relations between different sections of the population to live together amicably.

Contribute to prevention among young people in order to stamp out anti-social behaviour and re-establish parental authority.

Objectives

To make men and women of foreign origins living or born in France into citizens of the Republic while respecting their links to their own origins.

Initiative for the approach

Association des Congolais de l'Eure (Association of Congolese Residents of the Eure Department).

Involvement

A legal expert in civil law by training, I was selected to write up the project and present it to institutions. I am Director of the structure.

Mediation area

In neighbourhoods, schools and various institutions (national government, local authorities, decentralised services and numerous associations, etc.)

Partnerships

House of Justice and Law, Point jeunes, Jeune Cité, ALM, AJM, ACDE, Réseaux Réciproques, SSAE, UDAF, PJJ, Secours Catholique, schools, FOL, Sida 27, Codes, PAIO, hospitals, Jeanne d'Arc, Contact Service, departmental social services, CPAM (national health agency), PMI (mother and baby service), CEDIF, Courts of Law, ADAE.

General remarks

The support available to the structure is inadequate in the light of our involvement in neighbourhoods. The population and the institutions recognise the value of our activities, but the funds available are not sufficient to support our tasks, which means that the structure is unable to pay its bills.

We hope to secure funding to enable us to continue this work which is so necessary to the populations concerned.

...

Lucio Luison, Udine – Italy

Main fields of research

Organisational analysis (globally applied to the health services).

Sociological practice and the intervention of the sociologist: specific tools in social and community mediation; clinical sociology; professionalisation of the sociologist.

The following short notes¹ deal with institutional mediation.

The development of institutions, coupled with citizens' perception of and attitudes towards them, has created a context favourable to the emergence of new conflicts and, at the same time, of new means for dealing with those conflicts. Government administration is frequently involved in these processes, in which references to conflicts, as to the use of mediation, take on characteristic aspects which are defined here in outline only:

■ Conflicts between government administration and citizens implies a specific sphere, generally covered by the concept of "citizens' rights".

■ The more public sector services come out of the public domain and enter that of the market, and the more the administration takes on the role of a service provider In a free marketplace, the more numerous conflicts arising from citizens' rights will be dealt with as part of the framework of "consumer protection".

■ Poor administration² is a subject of particular relevance in this area, where complaints play an essential role and where - whilst continuing to serve as an indicator of quality - they for the most part express an underlying conflict. This point becomes even more relevant if we consider that the European seminar on urban security sees good administration as one of the four key challenges in the sustainable development of towns and cities.

■ European political integration as well as the growth in economic activities on the internal market or an increase in travel - not mention the Internet and e-commerce - are creating in the European Union a need to find and/or develop means

of connecting measures relating to citizens' rights to measures for consumer protection³.

■ Violence has driven many local authorities directly affected by the phenomenon to launch communication initiatives (informing people about services on offer, their rights and means of protecting themselves), mainly aimed at the elderly, young people and women. In addition, the spectacular increase in immigration has created a need for "cultural" interventions based on information campaigns, to facilitate access to institutions and to create forums for dialogue.

■ Criminality in the institutional field (like corruption) is for many a question of a lack of transparency and information in government administration, while the prevention of crime is based on information and an adequate knowledge by citizens of their rights. Complaints relating to environmental issues and to the Internet, e-commerce and new technology (where new forms of crime are appearing) are typical examples.

In practice, following the experience of other countries with similar documents, different sectors of the Italian administration have produced a "Citizen's Charter" setting out declarations of objectives, organisations, individuals, duties, etc. This Charter has become the standard to which government agencies refer in their dealings with citizens (and hence the main basis of reference for complaints). Different aspects of the Charter concerning issues of information, communication, transparency, and of initiatives to "open up" government offices to citizens, either singly or in groups, are generally forwarded to the Citizens' Relations Offices (URP) which have already been opened by most government agencies⁴. At the local level in particular, these offices are directly involved in the production of culturally targeted information (which also includes mediation of knowledge and languages depending on the different cultures) and they work with social services on projects to remedy specific social problems. As part of this task, certain mediation services offering both social and cultural mediation have been set up.

The health sector URP has developed special expertise in the field of information, receiving complaints and initiating attempts at finding ways of settling disputes. Case study groups have been set up using volunteers or members of health

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agencies concerned, and conciliation commissions consisting of consumer protection associations and practitioners. Sometimes chaired by the local spokesperson, these groups seek to settle disputes overall on the basis of better clarification and/or information on the facts of the case (they do not have the authority to impose penalties but only to make reports and inform agencies of their responsibilities). In conjunction with other departments - e.g. health (drug rehabilitation services, for example) or otherwise (schools, for example), mediation has been introduced by way of training in the use of communication tools and in the use of conflict awareness to solve and prevent conflicts and violence.

References and publications

- Lucio Luison e Silvia Liaci (a cura di) *Mediazione sociale e sociologia*, Franco Angeli, Milan 2000
- Lucio Luison (a cura di), *Introduzione alla sociologia clinica*, Franco Angeli, Milan 1998
- Leonardo Altieri e Lucio Luison (a cura di) *Qualità della vita e strumenti sociologici*, Franco Angeli, Milan 1997
- *Il sistema di gestione del reclami: riferimenti teorici ed esperienze*, Ministero della Sanità, Dipartimento della Programmazione, Laboratori n° 4, Rome, December 1997
- Lucio Luison (a cura di), *Introduzione alla sociologia clinica*, Franco Angeli, Milan 1998

1/ This information and these ideas cannot be considered complete: a more thorough examination is currently in the process of printing.

2/ Defined by the European spokesperson as "what happens when a public body does not act in accordance with a rule or principle by which it is bound" (1997 report by the European spokesperson).

3/ See also the recent Commission working document on the creation of a European extra-judiciary network.

4/ In recent weeks alone, the Italian police have set up 103 URP in major urban centres.

Umberto Melotti, Milan – Italy

Social mediation in Italy

Social mediation has only recently been introduced to Italy. For a long time it was considered a provocative, not to say reactionary topic. In intellectual circles the dominant view was conflictual and the very word “integration” appeared to be unacceptable.

The situation changed in the 1990s along with the ideological changes associated with this period. In the beginning people spoke more of “cultural mediation” than of “social mediation”. Italy, which for several decades had been the leading European country for emigration, now became the fourth EU country for immigration and the first in the Mediterranean basin. For the most part the immigrants came from countries with very different cultures (the Arab countries in North Africa, countries in black Africa, Albania and other Eastern European countries, China etc). It is for this reason that the importance of cultural mediation that was introduced into the public administration and above all into the courts and schools was recognised. As well as “cultural mediators”, there are also “cultural facilitators” who work in close and continual contact with schoolchildren from foreign countries and those with immigrant backgrounds.

Then people began to speak of “social mediation” in a more general manner, certainly under the influence of the German experience in Frankfurt-am-Main. The German experience is well known among specialists in the field of migration thanks to the influence of Daniel Cohn Bendit who for a long time was an adviser on multicultural affairs in that city. His position to the left of the political spectrum (he was elected from the list of ecological candidates) brought certain assurances of the “political correctness” of mediation.

Nowadays mediation services are to be found in several Italian cities, including Bologna (traditionally socialist, but presently under right-wing administration) and Milan (traditionally socialist, but after the fall of the Socialist Party administered by the Northern League and then by the right, which in Milan as in Bologna has important social connotations).

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Although relatively recent, it is already possible to see the results of mediation activities and they are fairly positive results at that. But we must not forget that in order to function in a truly satisfactory manner, social mediation requires a coherent institutional and administrative framework. This is not the case in Italy where immigration is still subject to indecisive and inadequate laws. The approach of the political class, who have no specific skills or training in the sector, is too ideological and they are only willing to listen to those that prove them right in their arguments, including their arguments on immigration.

Main Research Topics

Migration sociology
Political sociology
Sociology of ethnic relationships

Publications

- Marx and the Third World, Macmillan, London, 1979
- L'immigrazione, una sfida per l'Europa, Edizioni Associate, Roma, 1992
- Immigrazioni, nazionalità, cittadinanza, Il Mondo 3, Roma, 1997
- Etnicità, nazionalità e cittadinanza, Seam, Roma, 2000
- L'abbaglio multiculturale, Seam, Roma, 2000
- Forewarod to "La médiaciòn sociale", Buenos Aires, 2000 (under publication).

Prof. Dr. Angela Mickley, Berlin – Germany

Social mediation in Berlin and in Brandenburg

In 1995 the Technical University of Potsdam became the first German University to endow a chair of education for peace, conflict management/mediation and ecology as part of the curriculum on social work and social education. Students from vocational courses and full-time students learn the basics of constructive conflict management, of violence-free explanation that makes possible de-escalation and mediation in the fields of school, family (including cases of sep-

aration and divorce), young people and also, in a more intensive and targeted fashion, in the battle against all forms of structural and direct xenophobia.

In 1998 and 1999, we created at the Technical University a pilot European module comprising 600 hours of teaching and practical work on conflict management/mediation for Brandenburg youth representatives, in which police officers, hostel managers and staff of shelters for battered women also participated. We deliberately addressed representatives of widely differing professions for this training programme, since it is essential, for the purposes of dealing concertedly and effectively with young people's problems, to ensure that all the persons, professions and institutions concerned should participate in the process of conflict management.

The programme was based on the experience of several years in the matter of training for mediation in schools, in the field of security (the juvenile violence section of the police), and of policy and administration, as well as a one-year training course in mediation (which I set up in 1994) as part of professional training for the Conflict Management and Mediation Company in Berlin.

The aim was to broaden conflict management skills and to acquire new skills at various stages in escalation. By the end of this course, participants were expected to be able to identify developing conflict situations that had already begun to take on serious proportions, to intervene effectively or to organise other interventions by third parties and to set up with the interested parties a system of management to modify behaviour over the long term. This is one of the pillars of overall conflict management and has the maximum possible effect on readjusting structures, since the youth population is the very area in which educational work has the best chances of success. The general and increasing tendency, in Brandenburg as elsewhere, to offer only police or legal solutions to the problems of juvenile delinquents or young people at risk, leaves the young people concerned with very little opportunity of acquiring other forms of culture associated with the struggle for their interests and respect. The multi-method teaching programme addresses three areas:

1. Awareness of the development, structure, dynamics and function of conflict.
2. Ability to learn, perfect and apply appropriately to various crisis situations methods of de-escalation, conflict resolution and mediation.

...

3. Development of personality, for which we use artistic exercises, broadening of skills and intercultural activities as well as self-guided reflection on given themes.

One of the visible results reported by course leaders, participants and their colleagues, is an ability to retain one's calm and ability to act in considerably more heightened situations and to control and manage the crisis. The ability to intervene in fairly large groups, and confidence in this ability, were also noticeably improved.

In addition to extending their own skills, participants learned how to pass on to young people these methods for handling conflicts, representing interests and intervening, by inspiring in them a taste for these methods as a new skill.

Berlin and Brandenburg now possess a large number of teachers, educators, social workers and police officers trained in mediation, and hundreds of pupils for whom these new skills are synonymous with the opening up of wholly new fields of action enabling them to function confidently in their environment.

The first courses on acute problems of violence, aggression and conflict escalation for teachers, pupils, parents and school principals in Berlin started in 1991, first in four schools of different types (1st and 2nd cycle general education, high school, middle school) with committed teachers prepared to take the initiative with new forms of conflict management and to take on substantial organisational tasks. Initial interest was extended by institutionalised mediation set up both inside and outside the schools in the field of youth and social work. A further contribution was made by a growing awareness among politicians of the place, now undeniable, that this form of autonomous conflict management, leading to the identification of case by case solutions, now has in training, education and the everyday life of society.

Group mediation training programmes have now been set up in a number of building and construction companies in Berlin and Potsdam, to which the Technical University contributes in a research and advisory capacity.

Publications

- *The creation of justice districts*: paper presented to the symposium of the Potsdam Centre for Research on Justice, 3 & 4 July 1998, in A. Dieter, L. Montada, A. Schulze: *Gerechtigkeit im Konfliktmanagement und in der Mediation*, Campus Ffm, 2000.
- *Mediation with young people within institutions and outside*: paper and workshop at the Vienna Conference on Mediation, 15-18.9.99, published in *Mediation - die neue Streitkultur*, edited by Dr. P. Geissler/K. Rückert, Psychosozialverlag Gießen 2000.
- *Mediation in schools*: a third way between ignorance and punishment, in *Mediation*, edited by Marianne Gumpinger, Edition pro mente, Linz 1996.
- *With de-escalation and mediation against hatred and violence*, in *Überall Haß: Krisen, Kriege und Gewalt - Gründe und Auswege*. Edited by Norbert Sommer, Wichern Vlg, Berlin 1994.
- *Publication for the Paris Conference 09.2000*: Ziviler Friedensdienst im Inland - EU Modellprojekt der Ausbildung in Brandenburg in *Handbuch ZFD*, edited by T. Evers.

Claude Moreau, Montreal – Quebec

The Centre for Conflict Resolution and Mediation (CIRCM).

Conflict Resolution and Peer Mediation: an effective solution

The increase in violence in schools is worrying. There is an effective method of dealing with it: the promotion of peaceful behaviour among children and adolescents. This is the solution proposed by the Centre for Conflict Resolution and Mediation (CIRCM).

The CIRCM has developed an approach that is proving to be both effective and very promising for the future: training young people in conflict resolution and peer mediation. This programme, known as *Vers le pacifique...*, has the advantage of giving young people an active role in the resolution of conflicts. They themselves find concrete solutions to the phenomenon of violence.

... In just a few years this programme has proved its worth. Already in 1999-2000 more than two hundred schools have adopted the programme which continues to spread throughout Quebec.

Internationally...

The Centre's reputation and the benefits of the programme have even reached beyond our borders. In the winter of 2000 we were invited by UNESCO to give a presentation of our work at a conference on mediation. As a result of this an experimental project is being developed for schools in the Paris suburbs. A pilot project in partnership with the C.E.C.I. (Canadian Study and International Cooperation Center) is already under way in Peru and another one is to start in Bolivia in autumn 2000.

"Vers le Pacifique..." in two phases

The programme is aimed at primary and secondary schools. A pre-school programme as well as training for parents is now being developed. The introduction of the programme is in the context of a real school project where all the participants are actively involved.

Conflict resolution

The first part of the programme teaches young people how to resolve conflicts peacefully. In workshops they are made aware of different aspects of conflicts and they are informed of the means available to them for resolving them in a positive way. They acquire knowledge and are taught about attitudes as well as being taught the appropriate skills.

Mediation

When the first phase of the programme is complete, the school can then initiate the second phase: establishing a peer mediation service. Pupils who are elected by their classmates and school staff are trained in the mediation process. The student mediators, available on request or at specified times (during break, meal times...), thus become a human resource specially designated to help their peers resolve conflicts.

Concrete results

Young people improve their skills. A team of researchers from the Department of Psychopaedagogy and Andragogy at the University of Montreal and from the Montreal Public Health division did an assessment of the programme *Vers le Pacifique...* (Rondeau, Bowen, Bélanger, 1999). The study looked at the impact of the programme on five primary schools.

The general conclusion is clear: the programme has had a positive effect on both the student mediators and on all the children in the schools studied: their social skills and their ability to resolve conflicts improved significantly.

Over 54,000 pupils trained since 1998

The University of Montreal's assessment confirms what schools are becoming increasingly aware of and explains the programme's growing popularity. Within just a few years the programme has been adopted by a large number of schools. More than 200 schools now use the programme, with 54,124 young people trained in conflict resolution and 1,280 pupils trained as mediators.

Assessment... an ongoing process

The assessment of the *Vers le Pacifique...* programme is an ongoing concern for the C.I.R.C.M. From the introduction of the programme in Quebec to its adoption in Peru and France, different aspects of the programme are continually being assessed: its content, success factors, pre-school mission, parental training...

Assessment at the C.I.R.C.M. also involves partnerships with universities - Montreal, Laval, La Catalica in Peru - as well as with research organisations such as CADIS (Centre for Sociological Analysis and Intervention) in France.

The continuing assessment of the programme demonstrates that *Vers le Pacifique...* is adapted to the reality of young people and the school environment.

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Mary Moriarty, Dublin - Ireland

Pavee Point Mediation Service

Mission

The purpose of the Mediation Service is to support better relations between Travellers and members of the majority population by responding proactively and reactively to conflict between the two communities in order to bring about just and peaceful solutions.

The following are other objectives of the Service:

To promote the use of non-violence as an approach to resolving conflict;

To develop a 'climate' in which mediation and creative approaches to dispute resolution are seen as relevant or appropriate for transforming conflict between the settled and Traveller communities;

To bring together the various stakeholders who are concerned about conflict between the two communities, including Travellers and Traveller support groups, local authority and health board officials, police, politicians, community leaders and residents' associations and to encourage them to develop new and constructive approaches to the resolution of disputes, conflicts and injustices;

To strengthen relationships between Travellers and State authorities, such as the police, local authorities, etc;

To provide new and innovative methods for preventing and/or resolving disputes which arise between Travellers and members of the settled population;

To enhance relationships between Travellers and the settled population through the direct involvement in negotiations of all parties;

To provide Travellers with the skills required to use alternative techniques to resolve disputes;

To help build local capacities by providing training and educational workshops which contribute to a greater awareness of conflict transformation options, norms and approaches;

To create an environment which enhances work already taking place with Travellers in the areas of health, community work, education, training and broad socio-economic development.

The Mediation Service - an initiative of Pavee Point Travellers' Centre

In Ireland the relationship between the Traveller community and the majority population is one which is often characterised by hostility, prejudice, discrimination and conflict. In recent times, conflicts have been on the increase, sometimes giving rise to physical violence. The causes of these conflicts are deep and complex and cannot usually be solved quickly or easily. Sometimes conflicts expose major cultural differences and even racist attitudes and practices. Finding a satisfactory solution to this situation is time consuming and requires personnel with specific skills and expertise. Pavee Point has responded to this situation by establishing a mediation service, which it believes will have positive ramifications for relations between the Traveller and settled communities far beyond the locations where disputes take place.

Mary Moriarty – representing the Mediation Service at the seminar

Mary Moriarty is a voluntary mediator working with the Mediation Service. She also sits on the voluntary Co-ordinating Group, which is responsible for planning and overseeing the implementation of the actions of the Mediation Service.

Mary is a graduate of a Pavee Point pilot training programme in conflict resolution and mediation skills, accredited by the Northern Ireland Open College Network. Tuition during the programme was provided by experts in mediation, interculturalism and ethnic relations from Britain and Northern Ireland, the United States, the Netherlands and the Republic of Ireland.

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Area of Mediation and Partnerships

Community Mediation

The Mediation Service is part funded by the Joseph Rowntree Charitable Trust and the Department of Justice, Equality and Law Reform.

Letizia Parolari, Milan – Italy

Le CRINALI Association

Le Crinali is a non-profit women's association for research, co-operation and intercultural training.

The association was founded in 1996, in Milan, and operates at national and international level to promote dialogue, training, solidarity with women of other cultures, worlds, religions and visions, with respect for their differences. It pursues the strategic objectives announced at the Peking Conference in 1995 by the UN and the Huairou Foundation. It concerns itself particularly with the link between human rights and women's rights.

Le Crinali is one of the first associations in Italy to have implemented in recent years projects for the training and placement of women cultural mediators, particularly in the social services and mother and baby services of hospitals and local health services. It also concerns itself with training in cross-cultural awareness for Italian healthcare staff, whether medical practitioners or psychologists and sociologists, with a view to critical collaboration with healthcare institutions to make them more attentive to the subjectivity of the women, Italian or foreign, using their services.

In our country, with the recent phenomenon of family rapprochements and the growing development of individual immigration by women, social and health services (family aid centres, hospital obstetrics and gynaecology departments, social services, etc.) are receiving an increasing volume of demand from immigrant women, particularly in the areas of contraception and sexuality.

The number of immigrant women giving birth is on the increase (rising in

Milan hospitals, for example, from 7-8% in 1996 to 20% in 1998) and their children - aged between birth and 6 years old - are beginning to emerge as users of healthcare services.

Schools - particularly kindergarden and primary schools (and now, increasingly, middle schools) and child-care nurseries - are all seeing increasing numbers of immigrant children among their pupils.

Women's issues

It was in this context that, early in the 1990s, spontaneous forms of linguistic and cultural mediation began to develop between women. In every culture, questions concerning sexuality, maternity, contraception, growing children are all typically feminine concerns and, as a result, it is typically another woman who will act as an intermediary in gaining access to local social security services.

If women are not available, it is the husbands or sons and daughters who have to play the role of mediators, which often has the result of making all concerned feel ill at ease: the women using the services are embarrassed when having to deal with extremely intimate feminine questions with their husband or children acting as translators; the men feel out of place or incompetent on certain issues; Italian professionals feel the presence of the husband or other family member as an obstacle to communication with the woman or as a screen between themselves and the personality of the user.

To counter these disadvantages and in view of the extremely delicate nature of this task, the first training courses for women cultural mediators are now taking place and a process of professionalisation is under way.

On another front, it is women who - often to meet the needs of their children and regardless of ideological positions and the fears of the men in the community - begin to promote a process of integration which presents a challenge to institutions and professionals through the new requirements it represents. These same professionals and institutions must in their turn examine the question of the type of relationship to be established with these new users.

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In this process, the linguistic and cultural woman mediator plays a central role:

- She facilitates access to services.
- She helps to transform the services into a relational microcosm where cultural diversities not only meet but interact with the intention - at least on the part of the services that decide to use the mediator - of facilitating cohabitation in society. Some of the principal themes discussed are themes fundamental to women's identity such as maternity, family roles, the balance of power between the sexes within the family.

It is above all women (both Italian and foreign) who, through their engagement within the family and outside it, contribute to the process that encourages relations between individuals, processes that safeguard social cohesion. Training women for a new social care profession prompts us Italian women to ask ourselves questions about the social value of our work (we all work in health-care professions) and the image we have of ourselves.

Such is the status of female mediators in the social and health services; a profession more readily practised by women, particularly women who are married or who, at least, enjoy the support of a family. Seen from another angle, it is an "attractive" profession for foreign women who, although alone, would like to find employment more consistent with their average/high level of education and who are therefore more willing to make a number of sacrifices and accept very long working hours as long as they can reconcile their housework or childcare commitments with their new job and associated studies. They all hope that in the short term they will be able to devote themselves full-time to this new activity.

Jacques Salzer, Paris – France

University of Paris IX Dauphine
Conservatoire National des Arts et Métiers (ongoing vocational training)

Key research themes:

Multi-component analysis of conflicts and problems
Mediation and its methods

Mediation and the causes of resistance to and refusal of mediation: arguments used against and in favour of mediation

Mediation and its effects in different fields: family, neighbourhood, school, consumption, work, business and administration, etc.

Some publications

- *La médiation dans les organisations (entreprises, administrations, associations)* in “les médiations, la médiation”. J.P. Bonaffé-Schmitt, J. Dahan, J. Salzer, J.-P. Vouche, Coll. Trajets, Ed. Erès, Nov. 1999
- *Dix classifications et une infinité de médiateurs* in “Actes du colloque de l’ESSEC” (Proceedings of the ESSEC colloquium)14-18 December 1998. Ed IRENE-ESSEC, Tel: 0134433079
- *Les résistances à la médiation (dans l’entreprise et l’administration)* in a special issue on “La médiation et l’entreprise”, Non-violence actualité, N°245, May 2000
- *La médiation : Révolutionnaire ou conservatrice?* in “Pratiques de médiation” Ed. Charles Leopold-Mayer- NVA, 2000
- *Possibilités et limites du savoir-être/savoir-faire en médiation: avant, pendant et après une crise* in “La crise : risque ou chance pour la communication”, proceedings of the Symposium of the University of Toulouse Le Mirail, directed by M. Fournier and J.-L. Martin, Ed L’Harmattan, 1999

Carla Scaramella, Rome – Italy

Research Institute

Censis Foundation (CENTRO STUDI INVESTIMENTI SOCIALI)

Main research topics

Social mediation for urban security

Cultural mediation

School policy for the integration of immigrant and foreign background children

Accommodation and integration policy for immigrants by local authorities.

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Selection of Publications

In the framework of the CHIP project, I was co-author of the following articles:

- *Il disagio dei bambini*, il Mondo Domani (UNICEF Italia), vol. XXIII, n.1, 1/2000, pp. 13-15.
- *L'immigrazione familiare e l'evoluzione interculturale*, Centro Italiano Femminile: Cronache e Opinioni, 12/1999.
- *La ricerca CHIP e la condizione dei minori di origine immigrata in Italia*, Pianeta infanzia: dossier di documentazione 11, 11/1999, pp. 246-248.
- *Scuola senza strategia fida sui maestri disponibili*, l'Unità, 27/10/1999, p. V (inserto scuola).
- *L'immigrazione familiare: indicatori di insediamento*, Gli Stranieri, no. 2, vol. VI, 5-6/1999, pp. 261-268.

Duccio Scatolero, Turin - Italy

Research

University Of Turin

Psychology Faculty – Chair Of Criminology

NGOs: Gruppo Abele Turin – Project: “La Casa Dei Conflitti” (The House Of Conflicts): Urban security – conflict management (mediation) - victims.

The “La casa dei conflitti” project (where I am responsible for scientific aspects) comes within the context of programmes on urban insecurity.

The aim is to open different spaces (in urban and rural areas) that will receive people affected by this type of conflict (Social Mediation).

In the areas covered by this initiative, we are developing a programme to publicise the culture of conflict management (schools, places for socialising, sports and leisure facilities for citizens of all ages from 5 to 100 years old).

In the same “house” we also welcome victims (all types of victims, including potential victims) and offer them psychological and material support.

Publications

- *Né terapia né giudizi : dare un posto al disordine*, Narcomafie
- *Prima che il conflitto diventi guerra*, Narcomafie, December 1995
- *Educare al conflitto*, Narcomafie, July-August 1998
- *Vite complicate, vite violente : a scuola di conflitti*, Ecole September-October 1999
- Preface to: "La mediation" Besemer, Ed. E.G.A. TORINO 1999

Frans Spierings & Bram Peper, Utrecht – Netherlands

This article evaluates experiments with community mediation in the Netherlands¹.

Many neighbourhoods in the Netherlands have reached the stage of colliding subcultures and interpersonal conflict. In some places, this social-cultural diversity leads to fear, uncertainty and irritation. Multi-ethnic community boards are starting to function as mediatory panels for settling disputes between neighbours and neighborhood residents. This article claims that community mediation– a form of alternative dispute resolution designed to resolve interpersonal conflict in the neighborhood– is both an attempt to rejuvenate the idea of community and a new way to settle differences and interpersonal conflicts between neighbours in the Netherlands. It suggests that the neighborhood may be a level too high for social intervention, and that instead the focus should be on the house, the block or, at most, the street. A need-based orientation to solving conflicts can be an important starting point in a process of institutional analysis. From a need-oriented model, it is important that community mediation can develop in an inductive way, bottom-up, pre-institutional, by people defining their own problems and by mediators accepting and starting from the definition of the situation made by the complainant and the respondent.

Main Terms

Crime prevention measures

Index Terms: Community action programs; Conflict resolution; Neighborhood

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justice centres; Mediation; Alternative dispute settlement; Dispute settlement; Local criminal justice systems; Mediators; Netherlands

Conclusion

Many socially deprived groups come to cities like Rotterdam and The Hague to find housing. Their vulnerability in the housing market leads to problem situations in the area of housing (overcrowding, annoyances), usually in districts that are already vulnerable. The social competences of these groups necessary to take part in the system of social housing seem inadequate. On the other hand, living in HMOs seems partly voluntary for them. They seem to look for housing where no questions are being asked. The options they have however, seem rather limited. Without an integrated approach to these problems, these groups will not be best served. Also, policy aimed at improving the living and working conditions in vulnerable neighbourhoods will not succeed. Housing associations and public relief institutions cannot solve these problems alone.

Our conclusion is: making a contribution to the solution of the issues mentioned above, will be impossible without involving both the commercial landlords and social or welfare institutions.

1/ Summary and conclusion of an article about experiments with community mediation in the Netherlands.

Hibat Tabib, Pierrefitte-sur-Seine – France

Areas of activity

Children; Youth; Employment-training; Family; Parent Centre; Culture.

Georges Brassens Social and Cultural Centre

In 1992 the Pierrefitte Council and the Seine-Saint-Denis Family Welfare Office agreed on the idea of creating a place for people to come and be listened to, a place for meeting other people and for social activities.

The Georges Brassens Social and Cultural Centre opened its doors in the heart of the Poètes district in Pierrefitte.

This district, with 850 residential buildings, is home to 3,000 people, 19% of whom are registered jobless. The population of the Poètes district is young and the children reflect the cultural characteristics of the area: 9% of the children are of French origin, 56% are French with “foreign origins” and 35% are foreigners.

This district is typical of all problem districts: unemployment, insecurity, violence, debt...

At that time, violence was a daily feature in the life of the district, and especially at the Georges Brassens Social and Cultural Centre. 25% to 30% of homes were vacant. After 7pm, people would not dare leave their homes. The situation inside the Centre was worse.

Violence and juvenile delinquency caused us considerable concern. In response to this situation the Pierrefitte Council and the housing authority “3F” decided to employ night security guards. They patrolled the Georges Brassens square from 6pm onwards. This proved to be unsuccessful. Everyone was powerless in the face of this difficult situation.

In February 1995 the young people in the area vandalised and stole everything from the Brassens Centre. The Centre was closed for five months.

Given this situation, the fight against violence and the management of conflicts generated by violence have taken on more and more importance.

With the reopening of the Centre and the birth of a new project, the following issues are being dealt with:

- How can we work together and what method of conflict management should be used?
- How can we create a process within the community to deal with the violence?

The objectives defined were: firstly, how to integrate the presence of public authorities and institutions into the life of the community, and secondly how to

... develop a sense of solidarity among the inhabitants and create closer bonds between the inhabitants and the institutions?

The idea was to work together to win back the public spaces that had been taken over by a certain category of youths.

Next we defined several working principles:

How can we be attentive to the needs of children and young people? How can we communicate with them and cater to their needs without merely buying peace? Mutual respect is a byword of our prevention policy. To put an end to the feeling of impunity and to introduce punishment as an element of the project, punishment in an educational sense and integral to the notion of prevention.

Today everyone agrees that there is much less violence in the public areas of the district. Inside the Centre there is none at all.

Parents as well as young people now use the Centre and protect it from any possible acts of violence.

The Centre has become a place for mediation and the management of conflicts generated in daily life.

In spite of these results, considerable difficulties remain and the situation is still fragile.

The synergy in the Poètes district is neither a miracle answer nor a model to be transposed elsewhere. It can however provide a basis for reflection and debate.

Partners

The Pierrefitte Council; the Ministry of Education; Prevention/Health Department; Ministry of Justice (Bobigny Magistrate Court, Bobigny Public Prosecutor's Office, Division for Judicial Protection of Minors (P.J.J.), police station); National School of Magistrature in Paris; the Family Welfare Office (C.A.S.); the regional support mission for Law and City affairs; landlords; local associations, police and shopkeepers; the Département Council.

Financial Partners

The Family Welfare Office (C.A.S.); the local Department of Social Services; the Regional Council; the Interministerial Fund for City Affairs (Prefecture) (F.I.V); the Pierrefitte local authority; the Social Action Fund (F.A.S.); the European Social Fund – Interministerial Delegation for Urban Affairs (F.S.E.-D.I.V.); the Département Council.

An account of this project is to be found in the book: La Cité des Poètes, Nathalie DOLLE, in cooperation with Hibat TABIB, Publisher Le Temps des Cerises, Citizenship Prize

Jukka-Pekka Takala, Helsinki – Finland

Research institute

National Research Institute of Legal Policy

A description of the Finnish project of Mediation of crimes and civil disputes

The project started in 1983 as an experiment in the city of Vantaa. Today it is set up in most big municipalities and many smaller ones, so that its services are available for four-fifths of the population. Its aim is to offer a civil-society based, voluntary alternative or supplement to the judicial process for resolving disputes that relate to crimes or non-crime conflicts.

The project seeks to create and re-create social bonds that have been severed or threatened by the dispute or crime. In many cases, successful mediation will lead to dismissal of charges by the public prosecutor, but this does not need to be the case, and is certainly not the only criterion of success.

The project deals mostly with crimes and other conflicts that clearly involve individual parties. However, in certain types of crime, such as vandalism, it is commonplace that the victim is an organisation.

...

The local mediation organisations have a pool of volunteer mediators (a recent count recorded some 1000 active mediators). When a case is referred to a municipal mediation co-ordinator, s/he assigns the case to (usually) a pair of mediators from their pool.

The mediators have taken a 30-40 hour training course in mediation. This includes basic law and mediation/negotiation skills. The mediators are not paid for their services—apart from a modest reimbursement of their costs.

Generally, mediation is offered to everyone in need of it. Some local mediation projects specifically target young people, including (but not limited to) those under the age of criminal responsibility (i.e. under 15). While the project does offer services for non-crime civil disputes, in a recent count only 2% were such cases (while as many as 98% cases were criminal offences). Most cases to the project are referred by the police (40%) and prosecutors (45%).

As of now, there is little legislation in Finland on mediation of crimes and civil disputes. The mediation movement emphasises the voluntary nature of the movement. No state or municipal institution has the responsibility to set up mediation services. This has been a cause of concern and currently suggestions as how to guarantee that mediation services would be available everywhere in the country are being discussed.

The Penal Code recognises mediation in a general way. Since 1996, the criminal code mentions "an agreement or settlement between the offender and the victim" as a possible ground for waiving charges by the prosecutor, or waiving punishment by the court.

Main research topics

Criminal justice, young offenders and community sanctions
Sentencing
The criminally insane and the criminal justice system
Mediation

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Grégoire Turkiewicz, Angoulême – France

Objectif Médiation dans le Grand Angoulême (O.ME.GA).

The O.ME.G.A. association consists of a group of employers covering all the municipalities of the Angoulême urban district. Given their professional abilities in the field of crime prevention, the association wanted to come up with innovative means of dealing successfully with the many different aspects of urban insecurity (defacement of buildings, minor conflicts, isolation and vulnerability of certain sections of the population...).

The choice of a group of employers corresponds to the twofold desire to har-

- ... monise the initiative in all of the municipalities and to pool resources for recruitment, training and logistics (cell phones, uniforms, offices...)

Role of the speaker

The initiative was conceived and elaborated within the Inter-Communal Council for Crime Prevention under the leadership of Grégoire Turkiewicz, permanent co-ordinator of this body and responsible for monitoring the Local Security Contract (postgraduate studies, DESS and DEA, in urban criminology).

The association's mission

The "O.M.E.G.A" association has two objectives:

The prevention of acts of incivility, with Local Social Mediation Agents in charge of:

- encouraging inhabitants to respect public spaces and local regulations
- promoting cultural and sporting activities organised by community workers in order to encourage younger members of the population to be responsible and respectful of their environment.

Improving the quality of life in the areas where the Local Social Mediation Agents operate:

- by encouraging responsibility being taken for damage caused to the living environment
- by encouraging the amicable resolution of minor disputes inherent in community life
- by providing a reassuring presence and taking the time to listen to vulnerable sections of the community.

Mediation area

The mediators, who work in pairs, are permanently assigned to a geographic area (a municipality or district) where their broad mission is to identify the reasons for insecurity and to reinforce the social bonds between the different categories of inhabitants (residents, consumers, shopkeepers, professionals...)

Partnerships

The network of Local Social Mediation Agents, which enjoys financial support from the state, local authorities and housing authorities, contributes to a large extent to the implementation of the joint policy of crime prevention and safety as specified in the Local Security Contract:

Close co-operation between Local Social Mediation Agents, housing authority staff and local police in the management of neighbourhood disputes and in dealing with instances of insalubrity in residential areas.

Close involvement of Local Social Mediation Agents in community activities run by social centres out of normal working hours and during school holidays.

Joint action by Local Social Mediation Agents and security officers from public transport companies at the request of school authorities to prevent acts of violence among youngsters at the end of the school day.

The network system is facilitated by the fact that all the institutions involved use the same liaison document in which the requests for action between services and the steps undertaken are recorded.

Remarks:

To fully legitimise the initiative and to ensure neutrality, each candidate to the post of Local Social Mediation Agent is heard by a selection panel made up of representatives of the main institutions taking part in the Local Safety Contract:

- the Mayor of the municipality concerned
- the Public Prosecutor
- the Departmental Head of Public Security
- a representative of the housing authorities
- a representative from the Ministry of Education
- one or more representatives from social or sociocultural associations.

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The European Seminar on social mediation and new ways of conflict resolution in daily life was held on 22 September 2000 in Créteil, under the aegis of the French Presidency to the European Union. It was organised by the French Interministerial Delegation for Urban Affairs, with the support of the EU Commission via the Oisin Programme.

Nearly 300 persons attended the Seminar: European mediation experts, field workers, local authorities, elected officials, administration agents, representatives from associations...

The Seminar was backed by preliminary research carried out by some 42 European experts, who met on the previous day to draft their Recommendations to be submitted for approval to Member States government officials and to European Union institutions.

These Proceedings reflect the wealth of existing initiatives and practices on this issue. They further attest to the determination of French government authorities to respond to the concerns expressed by many social mediators and their employers, by providing support and assistance in pursuing these practices under the best conditions.

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