

Summary of the contribution

Process variation and mediation development in conflicts in superdiverse contexts and migration

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Since the 20th century, the law and the culture of extrajudicial conflict resolution have been subject to increasing and constantly accelerating change and therefore also share the dynamics of change in their social environment. The field of conflict resolution and conflict prevention in the context of flight and migration is of particular social relevance.

The many years of interdisciplinary practical experience of the founding partners of FRIMAP Partner show that in our increasingly complex society with its super-diverse cultural backgrounds and facets, not least due to refugee and migration movements, the extrajudicial conflict resolution procedures practiced in it should also take these developments into account.

The following topics in particular serve as starting points in this context, highlighting both opportunities and risks and making recommendations for action:

- Mediative procedural innovation and its integration into the German legal system
- The change in society, law and conflict management culture
- The aspect of conflict management culture in societies characterized by superdiversity
- The conflict management traditions of stakeholders and mediation law
- The aspect of variation through "mediation process innovation" and its dissemination
- The development of new hybrid procedural forms based on an expanded procedural framework and their acceptance
- The prevention of parallel justice in the constitutional state
- The aspect of self-determination as a common basis of the democratic rule of law and mediation
- Proof of practicability on the basis of pilot projects

In line with Jabbour's aptly formulated premise: "Just as a conflict must be examined in the context of the culture in which it arises, so must every peace process. It is absurd to try to describe a conflict without taking into account the background of the relationship between the parties involved and the ongoing social context. It is just as pointless to try to resolve this conflict in a way that is alien to the cultures involved." The article shows that it can be worthwhile to focus on developing tailor-made combinations of mediation procedures and conciliation or arbitration processes for super-diverse cultures. arbitration procedures for super-diverse contexts in order to develop novel system design tools for the planning and implementation of tailor-made and practicable mediative step and hybrid procedures which, taking into account conflict management traditions from the ancestral homelands of the stakeholders with their centuries-old social control mechanisms, can prove useful in the prevention and management of conflicts among refugees in Germany and can also help to counteract any loss of authority by the state.

At the center of the considerations here are system design tools developed by FRIMAP partners, which

- comply with German mediation standards and uphold the unity of the legal system and the state's monopoly on the use of force, and
- on the other hand, the stakeholders perceive and recognize these as legitimate, fair and at the same time easily manageable forms of procedure and systems.

The practical suitability of the new mediative step-by-step and hybrid procedures developed by FRIMAP partners is demonstrated by successfully completed pilot projects throughout Germany, which prove their efficiency.

Methodological concerns and risks, such as dangerous, uncontrollable dynamics of their own that could place the newly developed conflict resolution procedures in a conflicting, de facto competitive relationship with state jurisdiction, for example, also had to be taken into account and eliminated.