



Foro Mundial de Mediación
World Mediation Forum
Forum Mondial de Médiation

Xth Conference – Luxembourg

Workshop 12 - Mediation in the public organizational context

Tuesday, July 9, 2019 – 16:00 to 17:30

“Grupo Avançado de Mediação Institucional” and the dilemma of the institutionalization in public organizations

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Presentation outline



- GAMEI's initial steps and context;
- Objectives of the group;
- Some works and results;
- Institutionalization?
- The identity dilemma;
- Final considerations.

The dawn of GAMEI - Context



- Some executive public institutions, among their duties, have the competence to resolve disputes among parties within the related operational environment;
- Most institutions prefer to issue administrative decisions (fast, controllable, easy, empowers the institution and DMs, $W \times L$);
- But the context of permanent relationships and required stability demands different approaches...
- Mediation appears as a good instrument in many cases (not so fast, uncontrollable, not as easy, empowers the parties, $W \times W$).

The dawn of GAMEI - Context



- The “mediators” in those institutions are usually public servants with little or no training at all in the subject of mediation;
- They rely on their intrinsic standards, communication skills and gather experience through practice;
- Mediation is not the core business of the institution;
- Small groups of mediators or solitary individuals;
- Little space for the exchange of ideas and knowledge;
- Needs: contact with members of the same “species”; sense of belonging to a larger group!

Initial steps of GAMEI



- Begins in 2010;
- Exchange of e-mails among fellow mediators and fans of the theme;
- Internet became insufficient...
- Meetings for the exchange of ideas about the processes of each institution;
- Regular schedule of meetings;
- Individual misfortunes and hardships, but also theory and practice;
- The group grew and began further actions under the umbrella of GAMEI – the Advanced Group for Institutional Mediation.

Permanent members (heterogeneity)



- Alex Sandro Feil - Aneel (Electricity regulation – National level);
- Carolina Mendonça - Funai (Indian Protection Foundation – National level);
- Cristina Riche – UFRJ (Federal University);
- Leopoldo Muraro – CNPQ (Council for Scientific and Technological Development – National level);
- Raquel Tiveron – MPDFT (Public Prosecutor's Office – Federal District);
- Ricardo Dornelles - OAB (Bar Association – State level);
- Samira lasbeck - Adasa (Water regulation – Federal District).

Agreed initial objectives



- Continuous training of mediators;
- Specific training for mediators acting within the public administration;
- Diffusion of information about member's activities;
- Supervision among the members (required some level of confidentiality).

Examples of actions



2011 – Course on basic concepts about mediation



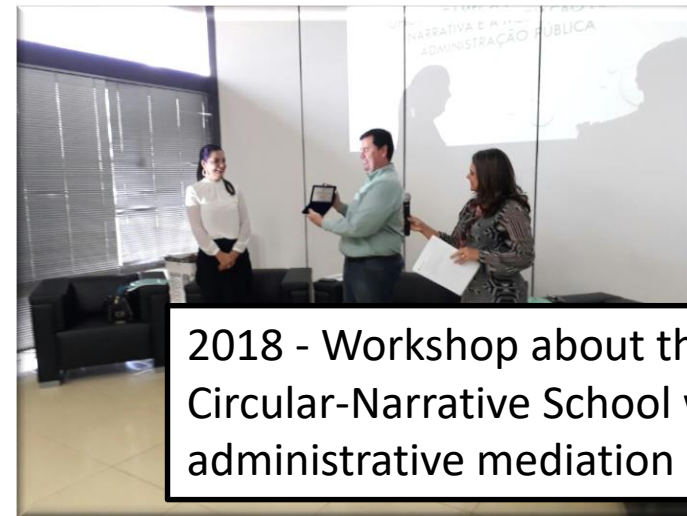
2012 - VIII Conference of the World Mediation Forum – Valencia (Spain)



2014 – Workshop about mediation in the public administration - UFRJ



2017 – Workshop about mediation in the public administration - ADASA



2018 - Workshop about the Circular-Narrative School within administrative mediation

Most recent action

2018 - Training of 60 mediators for the Government of the Federal District



Costs and Benefits....

- This informal endeavor demanded:
 - (-) Time, \$, energy, ...
- But also allowed:
 - (+) Freedom, autonomy, flexibility, ...
- Glue: personal relations, thrust.

Dilemmas....

- How to do more?
 - How could the group be personified?
 - How to manage resources or even profit from this effort?
- ➔ GAMEI felt the need for “institutionalization”.
- ➔ And then a new aspect emerged: our identity as mediators!

The core of the dilemma



- Should a “formal” GAMEI be formed by individuals or by the public entities they belong to?
 - Who is the mediator?
- ➔ The answers were not obvious for the group members and could profoundly affect GAMEI and its activities.

Aspects to be considered

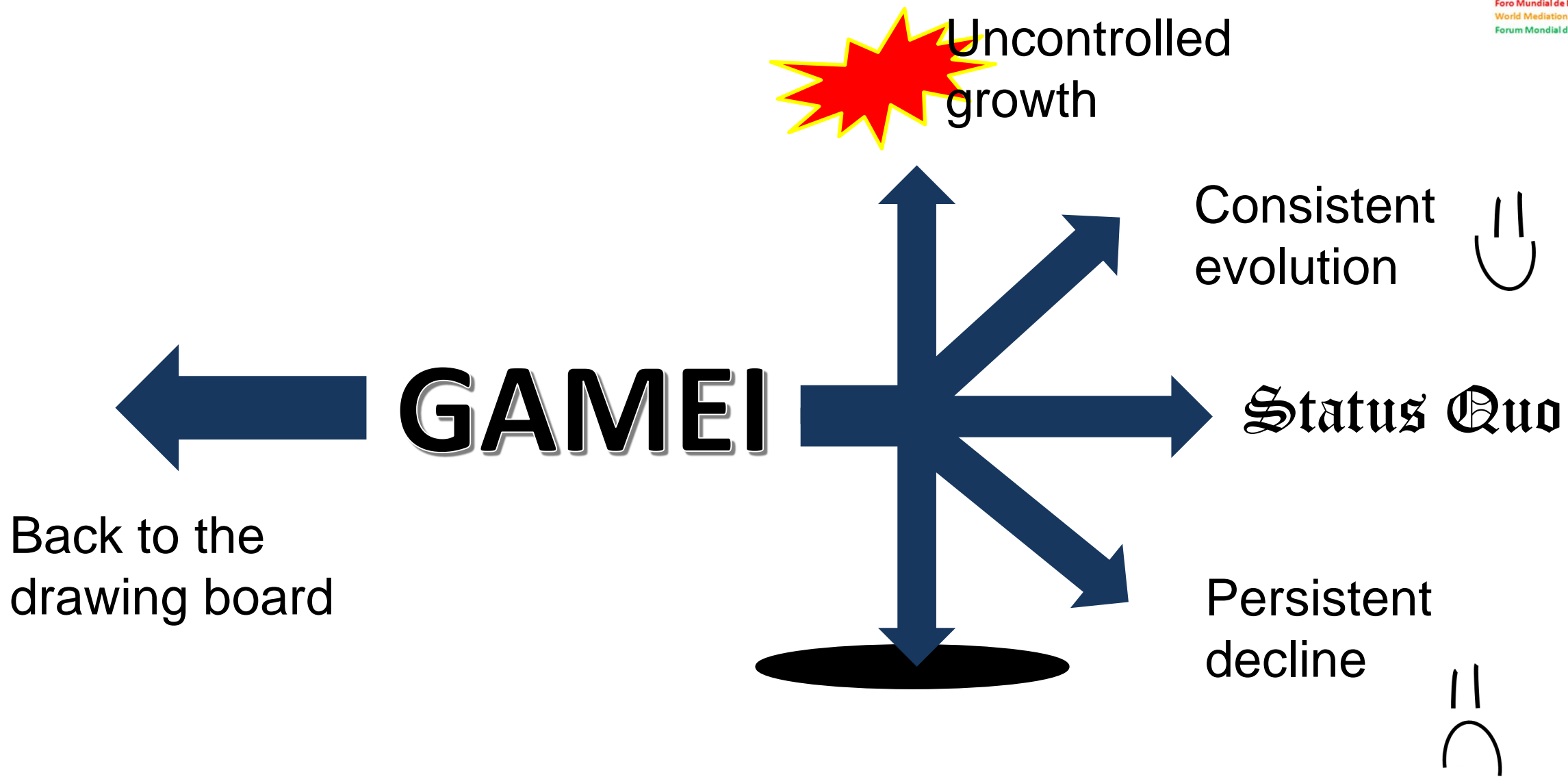
- Personal features (individual style, knowledge, experience);
- Authority (legal attributions, job assignment);
- Perception of the mediated parties;
- Public interest x private interest;
- Changes in the team of mediators within the organization;
- Etc....

Conclusions and final considerations



- It is only possible to go up to a certain point based on enthusiasm and self-sacrifice...
- ...but in the process it is possible to do a lot!
- There are important trade-offs related to the formalization of a group of mediators who work within the public administration;
- The identity of the group and the extension of the work are affected by the decision on how to organize.

Possible paths



Conclusions and final considerations



- This discussion consumed a lot of energy, but was supplanted by everyday life;
- Attributions changed and the group “lost” its initial vivacity;
- Nevertheless, there is always hope, and outside perceptions may be helpful;
- Main reason for this presentation!



Thank you!

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Disclaimer: the views and information expressed herein are those of the authors; they do not necessarily reflect those of the Brazilian Electricity Regulatory Agency (ANEEL) and of the Federal District Regulatory Agency for Water, Energy and Sanitation (ADASA).