

Reconciliation and mediation: alternative or consensual methods for resolving conflicts

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Abstract:

The Algerian government is committed to modernizing its justice system and simplifying judicial procedures for litigants in order to adapt to contemporary life. Due to the increasing complexity and volume of legal disputes, the legislature has introduced alternative ways to resolve disputes in a shorter time and with greater effectiveness under the new Civil and Administrative Procedures Law 08-09. Mediation and conciliation are two methods that are used within the framework of a lawsuit, and they raise the question of whether they are alternative methods.

This study aims to determine the legal status of reconciliation and mediation as amicable ways to resolve disputes. The litigants are required to choose these methods and abandon judicial disputes.

Keywords: justice; litigants; alternative methods; disputes; reconciliation; mediation.

الملخص

إن سعي الدولة الجزائرية الدؤوب نحو عصنة العدالة وتبسيط الاجراءات القضائية أمام المتقاضين في ظل تطور الحياة المعاصرة؛ بما تشهده من تعقد وازدياد حجم العلاقات القانونية، الأمر الذي دفع بالمشرع إلى إيجاد طرق بديلة لحل النزاعات في ظل قانون الاجراءات المدنية والادارية الجديد 08-09 بأقل وقت ممكن وبفعالية أكبر. على غرار التحكيم والصلح والوساطة غير أن هذه الأخيرة يقومان في إطار دعوى قضائية بتدابير خاصة وهو ما يثير التساؤل بشأن اعتبارهما من الطرق البديلة.

والقصد من هذه الدراسة تحديد المكانة القانونية لكل من الوساطة والصلح كطرق ودية لحل النزاعات، تفرض على المتقاضين اختيارها والتخلي عن الخصومة القضائية.

الكلمات المفتاحية: العدالة، المتقاضين، تبسيط، طرق بديلة، النزاعات، الصلح، الوساطة.

1. INTRODUCTION

Alternative dispute resolution techniques encompass all approaches that result in mutually agreeable solutions for the involved parties. The term "settlement" must be interpreted broadly, as it can refer to averting conflict, resolving it at an earlier stage before it is appealed to the courts, or ending the dispute before it is brought before the courts. Reconciliation and mediation are therefore associated with the intention to unite the parties and discover solutions; this is not a matter that falls within the purview of the judiciary's regular duties.

In general, they all tend toward one vision, which is the alternative or option to the classical judicial system, to save time and embody contemporary judicial policy, to reduce the number of files presented and thus reduce the burden placed on the judicial authorities, as well as simplifying the procedures for the opponents, and at the lowest costs.

Similar to reconciliation and mediation, these alternative procedures are governed by the Civil and Administrative Procedures Law. A cursory reading of these regulations will lead one to the conclusion that these processes do not occur until the lawsuit is filed with the court and the judge proposes the procedure to the opposing parties, who then accept it. What is more telling, though, has to do with mediation. If the judge offers it and the parties accept it, and this process ends or fails, it leaves open the possibility that the parties will use the legal system to resolve their disagreement once more.

The importance of studying this topic lies on the basis that finding solutions to disputes existing between individuals is through amicable means that emanate from the core of the will of the parties, and also given the speed of resolving disputes and improving relations between members of society, the simple procedures they require, and what they entail. It also reduces the burden on judicial bodies, saves public expenses, and reduces judicial expenses for both parties to the dispute.

In light of the aforementioned, are mediation and reconciliation regarded as alternative approaches? Being aware that the latter can occur and happen without a lawsuit, are they among the consensual methods, or is that a more accurate statement?

The descriptive and analytical approaches were used to familiarize oneself with the subject matter. The objective was to clarify the conceptual framework for the study's elements, after which the legal texts governing conciliation and mediation were examined in light of the new Civil and Administrative Procedures Law as well as other pertinent legal texts, with a practical approach.

We separated the topic into two primary axes so that it could receive the appropriate examination and analysis. The Law 08-09 conceptual framework for alternative dispute resolution procedures was part of the first axis. Regarding the second axis, our focus was on understanding the legal framework that surrounds mediation and reconciliation, as well as how much of each is regarded as an alternative dispute resolution process.

2. First axis: The conceptual framework of alternative methods for resolving disputes under Law 08-09

Alternative approaches, which permit the parties to a dispute to find a resolution outside of the established litigation procedures, are regarded as one of the contemporary approaches mandated by Law 08-09. They also result in the dispute being emptied of all content with both parties' consent because they believe that an unjust reconciliation is always preferable to a just decision.

Due to the novelty of these dispute resolution techniques, we first had to clarify their concept to eliminate any potential taint, and then we had to discuss the features of these techniques that led the Algerian legislator to include them in the most recent amendment to Law 08-09 (second).

2.1 First: Outlining substitute dispute resolution procedures

The two meanings of the term "alternative methods" are as follows: In other words, it centers on the significance of non-judicial dispute resolution techniques. Based on the European notion of alternative methods, arbitration, for instance, is not regarded as an alternative method since the arbitrators possess judicial authority. This phrase can also refer to the process of resolving conflicts outside of the formal legal system. Since the arbitrators are not members of the official judiciary, arbitration is then regarded as an alternative method; this is the American interpretation of alternative methods¹.

Administrative jurisprudence has provided multiple definitions in this context, attempting to clarify the meaning of these substitute procedures that the Algerian Civil and Administrative Procedures Law 08-09 introduced. We cite, for instance, the definition that describes them as: "those non-specific procedures for resolving disputes, which are carried out frequently; through the intervention of a third person to find a non-judicial solution to it".

It was also defined as "legal means aimed at resolving a dispute non-judicially, and this does not require intervention or assistance from another neutral person who seeks to assist the parties to resolve the dispute" by another facet of administrative jurisprudence. Perhaps this definition is consistent with the content of the term consensual methods because they stem first and foremost from the will of the parties, as they cannot be resorted to except after obtaining their consent. Therefore, it is permissible to use this term instead of the codified legal term.

Accordingly, it can be defined as: "several means resorted to in resolving the dispute between the parties, whether during the judicial dispute, such as mediation and reconciliation, or outside it, such as arbitration"².

The Algerian legislature designated Chapter Five of Civil and Administrative Procedures Law 08-09 to address alternative dispute resolution methods. In this area, conciliation and mediation have been included, as long as they are conducted in response to an ongoing lawsuit presented before the judge. This is in contrast to the conciliation process, which was subject to provisions and regulations that required its implementation. There is

no need for an ongoing lawsuit because this procedure is independent. It would have been preferable if the legislator had used a different phrase when referring to reconciliation and mediation, like consent³.

2.2 Second: Characteristics of the alternative methods developed to resolve disputes under the new Law 08-09

The traditional judiciary is typified by an overabundance of formalities, which the legislator has deemed necessary in the majority of cases that come before it and which the judge is only allowed handling impartially. In fact, the judge may bring up any of these formalities at his discretion because they pertain to public order; in the event that they are absent, he will rule that they are not. Acceptance of the lawsuit on the grounds of incapacity and lack of interest, as well as all restrictions pertaining to public order in line with Law 08-09's Article 13 text, or invalidation of the lawsuit in line with Article 64 of the same law.

A) A feature that sets these alternate mechanisms apart is their ability to settle disputes quickly. Considering the length of the dispute and the traditional judiciary's slow processes, the opponents may feel pressured to give up their rights or to give up their dispute, which could cause transactions to become unstable and cause them to lose faith in the judiciary.

The law 08-09 came in ways that would avoid these procedures and achieve speedy resolution of the dispute in an amicable and consensual manner between the opponents. These methods have been used to achieve speed in resolving the dispute in a consensual and consensual manner, especially since they are not subject to complex formal procedures that would prolong the duration of the dispute or expose it to methods of appealing the decisive rulings in these cases, in addition to the prolongation of the dispute between the disputants. For instance, as stated in Law 08-09's Article 996, the maximum duration of mediation is three months, and the decisions made during that time are final and cannot be challenged.

Apart from the fact that both mediation and reconciliation are consensual processes, they also share the feature that parties to a dispute accept mediation or reconciliation of their own free will, though they are free to decline it if it is presented to them as a way to settle the conflict. They only need to act in good faith and settle the conflict peacefully. When their disagreement is settled through mediation or reconciliation, consensus is also fully realized, especially considering that every opponent is allowed to express his or her opinions and interpretations of the conflict in full. The judiciary, which oversees and monitors it, comes to approve the outcome of the mediation or reconciliation when it reaches that point.

B) These contemporary methods are also distinguished by their secrecy, in contrast to the workings of the conventional judiciary, whose procedural law mandates that concerning cases decided, the majority of its sessions be open to the public. Furthermore, its decisions are made in the public interest and on behalf of the people, which is one of the fundamental tenets that regular or administrative judiciary bodies cannot uphold. Also, in compliance with Law 08-09's Article Seven (07) criteria, along with any deviations from it, excluding

matters about public order, the integrity of the family, or trade confidentiality as a safeguard for foreign investors, among other things.

C) Rather than using the courts to resolve their differences, these alternative legal methods attempt to hold the disputing parties accountable for their actions and for coming to a mutually agreeable resolution. It is preferable to resolve a dispute by making a final decision about it without consulting the opponents and instead include them in the process through consent and negotiation overseen by a third party. One of them might be satisfied, while the other would reject it.

D) Because the objective of these creative, non-judicial dispute resolution techniques is to bring opposing viewpoints closer together—as is the case with mediation—or to achieve reconciliation between them outside of the courtroom, they would remove those parties from the conflict and dispute domain. Their purposes are met in proportion as they accomplish a greater judicial aim. social in that it brings people from all walks of life together who were previously estranged by a disagreement and ultimately leads to their mending their relationship, preventing the violent altercations that can take place during court proceedings⁴.

3. The second axis: the reconciliation and mediation approach to alternative methods of conflict resolution

We have chosen to name both reconciliation and mediation, which the legislator included in Chapter Five of the new law, on the basis that they are among the alternative methods for resolving disputes. By consensual methods, as it requires their presence within the scope of an existing lawsuit, especially since they are subject to the consent of the parties. Below, we will review the rules regulating conciliation in the new Civil and Administrative Procedures Law (first), then the rules regulating mediation in the same law (second).

3.1 First: The rules regulating conciliation in the new Civil and Administrative Procedures Law

Understanding the provisions regulating conciliation within the framework of the new law requires us to define the concept of conciliation (a), and then how it is concluded (b).

A- The concept of reconciliation as an alternative consensual procedure for resolving disputes

To define the concept of reconciliation, we will define reconciliation as an alternative consensual means of resolving the dispute (1), and then find out the elements that must be present for the validity of this procedure (2).

1- Definition of reconciliation

Reconciliation in language means ending the dispute, so we say “he is righteous” if he reconciles and makes it clear with him, and we say he is reconciled with something; and righteousness by breaking the *ṣād*: the source of reconciliation, and the Arabs pronounce it feminine, and a thing is made right if corruption is removed from it⁵.

As for reconciliation, terminologically, it has been defined as follows: “An agreement regarding a disputed right between two people, according to which one of them waives his claim in exchange for the other giving up his claim, or in exchange for performing something”⁶, or it is: “settlement of the dispute by amicable means”⁷.

The Algerian legislator has dealt with conciliation within the framework of the provisions of the Algerian Civil Code previously, where Article 459 defines conciliation as: “a contract by which the two parties end an existing dispute or prevent a potential conflict, by each waiving from them in exchange for his right”⁸.

However, what is worth noting in this regard is that the reconciliation procedure within the framework of this law has an objective nature, except that we studied it as one of the procedural methods for resolving disputes, that is, in particular, judicial reconciliation.

The Algerian legislator also previously addressed it in the repealed Civil Procedure Code, although at that time it was satisfied with the text of Article 17, which allowed the judge to reconcile the parties during the case and in any article.

Additionally, the fourth article of the new Civil and Administrative Procedures Law maintained these same requirements. However, this time, it addressed the reconciliation procedure within the preliminary provisions and codified it with general procedural principles because of its growing significance as a substitute resolution for individual disputes.

Nevertheless, as is evident from Law 08-09's Articles 990 to 993, this most recent law does not define conciliation, which is in contrast to the Civil Code. Additionally, the memorandum outlining the rationale behind the issuance of Article 990 stated that the conciliation rule is the same in both articles. Yet because it restricted its application to the parameters and phases of the legal conflict, the conciliation whose rules were included has a narrower meaning than that specified in the Civil Code. This means that the procedural laws discussed in the earlier articles are connected to the judicial aspect of this settlement because they are carried out during the legal dispute, either spontaneously by the parties or on the judge's order, and they are documented in a report that is signed by the clerk, the judge, and all parties involved before being filed in writing with the judicial authority. It will thereafter be considered an executive document⁹.

2. Necessary elements for implementing reconciliation

Reconciliation is required for its validity as an alternative and modern method in Law 08-09 to resolve disputes amicably, provided that certain conditions are met, which we will discuss accordingly:

2.1. Existence of an existing or potential dispute

The filing of a lawsuit determines whether reconciliation can be considered valid. Reconciliation occurs within the context of a dispute over potential interests, which could mean that the lawsuit is still pending and the attempt at reconciliation is related to the lawsuit in inception. Alternatively, it could be just potential conflicting interests.

The settlement will be judicial if there is an ongoing dispute in front of the courts and both parties want to use this process. The fact that there is a serious disagreement, either current or prospective, is crucial.

2.2. Desire to end the conflict

The will of the parties to the dispute must be directed toward resolving the dispute between them through reconciliation, either by ending it if it exists or by preventing it if it is possible. This procedure doesn't need to lead to an end to all the disputed issues, as reconciliation may resolve some of them for the court to decide on what remain¹⁰.

2.3. Claim waiver on the part of both disputing parties

To reach a solution that pleases both parties and ends the dispute in its entirety, or with regard to some of the issues and points in dispute, reconciliation necessitates that the two parties to the dispute concede their claims to each other.

B- How to conclude reconciliation

Conciliation is a consensual method of resolving disputes within the parameters of the Civil Procedure Code, and under the new text, the Algerian legislator has approved a general rule that states that the judge has full authority to determine the appropriate place and time for the process, except in some exceptional cases in which the legislator may stipulate otherwise. The administrative matter shall be under the discretion of the judge before whom the dispute is brought. Below, we will specify the parties that have the right to initiate this amicable procedure

(1), then the method of convening (2), and finally the method by which the reconciliation is concluded (3).

1- Initiative for reconciliation

Whether it happens on its own or in response to a judge's request at any point during the legal dispute, initiating conciliation is the first step in the process by which the parties request conciliation. As per the provisions of Law 08-09's Article 990, which permits parties to automatically reconcile or at the judge's request, at any point during the ongoing dispute, it is acceptable for parties to use this option as long as they believe it will benefit them to settle the dispute and avoid having to wait for a court decision¹¹.

2- Concluding reconciliation

Unless there is a ruling to the contrary in special legal texts, reconciliation occurs at the time and place determined by the judge. The procedure itself and its execution are not the gain or loss; rather, it emphasizes the outcome that this procedure adds to, such as lowering the number of cases offered to the adversaries, lowering litigants' expenses, and accelerating the realization of the desired outcomes¹².

3- End of reconciliation

The formal report that is issued, signed by the parties, the judge, and the registry officer, and filed with the secretariat of the judicial authority signifies the ultimate conclusion of the conciliation process. A court decision is not rendered in relation to a dispute that is resolved through conciliation. As per Law 08-09's Article 993, which states that the reconciliation report functions as an executive document immediately upon its deposit with the registry¹³, the report verifying the settlement takes the place of the ruling¹⁴.

3.2 Second: The rules regulating mediation in the new Civil and Administrative Procedures Law

In addition to what was contained in Executive Decree No. 09-100, which outlines the procedures for appointing a judicial mediator, the new Algerian Civil and Administrative Procedure Code specifies the provisions and rules that regulate mediation as an alternative procedure for resolving disputes under Articles 994 to Article 1005 of the aforementioned law.

A- The concept of mediation as an alternative consensual procedure for resolving disputes

Reaching the concept of mediation as one of the consensual methods leads us to resolve the dispute amicably. We are required to define this procedure (1), and then the types of mediation to determine the type that the Algerian legislator has adopted within the framework of the Code of Civil and Administrative Procedures in this new chapter (2).

1- Definition of mediation

The definition of mediation as an optional, amicable procedure that resolves conflicts between parties outside of the public sessions and corridors of the judiciary encompasses this

alternative method as well. To improve communication between the parties involved in the conflict, the parties are also eager for the mediation process's procedures to be swift and confidential. This current dispute is settled by agreement between the parties through the intervention of a neutral third party known as the mediator, who uses new techniques in managing negotiations.

The Algerian legislature implemented this procedure as part of the recently adopted Civil and Administrative Procedure Code. He saw it as a required process that the judge had given to the opposing parties. If accepted, the judge names a mediator and gives him the task of resolving the conflict amicably through consent and consensus. Recognizing that there are elements that influence the legislator to choose this course of action, we will list the most significant of these elements below:

The first factor is that Algerian society's ingrained customs and traditions, combined with religious motivations, make mediation an ideal means of resolving conflicts between its members who choose to present and settle their differences through mediation, or between sane members of the community who possess the wisdom necessary to act as mediators.

The second factor is that mediation gives the parties involved a way to lessen the level of hostility they are experiencing and to preserve their relationship, if not strengthen it. This helps to resolve the conflict because mediation gives the parties the flexibility to organize and specify how they will resolve the disagreement in accordance with their mutual agreements. the volume of cases that are brought before the courts, which is a bad indicator of the caliber of court decisions and rulings ¹⁵.

The third factor is that this new system benefits the disputing parties by saving them money on high court costs and expenses, particularly if the dispute proceeds through the various legal stages of litigation that are required by law. There are no costs and fees

associated with mediation, including attorney fees, judicial experience fees, official costs associated with the judicial report, and their associated costs at all levels.

This forces opponents to turn to mediation since it is less expensive for them to settle disagreements between them, in addition to the waiting period and the ensuing high expenses and costs ¹⁶.

2- Types of mediation

We will outline the salient characteristics of mediation as one of the alternative approaches created under Law 08-09 in the following sections. These characteristics include the confidentiality and privacy it offers, the expediency of the process, the admissibility of its use, and the benefits that both parties to the dispute receive from employing mediation.

In actuality, mediation comes in a variety of forms. One is basic mediation, which is akin to reconciliation in that it involves an intermediary trying to appease both parties without changing their positions or points of view.

Moreover, there is an alternative type of mediation that occurs within the framework of official justice, wherein a mediator strives to achieve a resolution that meets the needs of both sides involved in the conflict.

The disputing parties hire a lawyer or other expert to mediate their disagreement in advisory mediation. The term "arbitration mediation" is also defined by law; in this case, the parties agree that if the mediator's mediation mission is unsuccessful, he will conduct the arbitration.

Apart from the criminal mediation that the majority of nations have advocated, which would enable the victim to receive just recompense for the damages he suffered, and thereby terminate the chaos and devastation brought about by the crime ¹⁷.

The Algerian legislator incorporated judicial mediation, akin to the Anglo-Saxon approach, into the Civil and Administrative Procedures Law. This means that the courts, before rendering a decision, recommend to the parties that they seek judicial intervention. The courts do not view this as an infringement upon their authority or meddling in the court's duties, but rather as a means of resolving the dispute through the judge in a cooperative and mutually agreeable manner.

B- Implementing judicial mediation as an alternative to resolving disputes

Due to the limited space in this section, we will only talk about the most important steps that are needed to make judicial mediation work. We will also talk about the tasks given to the judicial mediator, including how he is appointed (1) and how his duties are carried out (2).

1- The task of the judicial mediator

The opponents' consent serves as a suspensive requirement that must be met before a court mediator can be appointed. This need is mentioned in the first paragraph of Article 994 of the Code. a. M. A: "If the opponents accept this method, the judge appoints a mediator to hear each party's perspective and attempt to bring them together so they can resolve their differences"¹⁸.

As a result, this mediator is selected from a list. created at the judicial council level¹⁹, as long as this mediator is appointed from within the jurisdiction of the judicial council whose court is considering the case in question. The exception to this rule is if the matter involves disputes that call for a mediator with a specialty or level of training that is not typically available and it is not possible to register on more than one list of judicial mediators under penalty of disbarment ²⁰.

Once both parties consent to mediation, the judge is required by Law 08-09, Article 999, to select a judicial mediator. The judge is responsible for ensuring that the mediator possesses the fundamental credentials required of all judges, including membership in the department, the court, and the authority. The case's characteristics, the appointment session date, the parties' identity, their acceptance of mediation, the mediator's role, the deadline set by law, and the date the case is brought back up for hearing ²¹.

1- Ending judicial mediation as an alternative to resolving the dispute

Following Law 08-09's Article 995, which states that mediation does not imply the judge has given up on the case, Article 1002 also gives the judge the option to end the mediation at any time, either at the opponents' or mediator's request or automatically when it becomes apparent to him that it cannot proceed successfully. In every instance, the case is brought back to the session, and the opponents and mediator are called via the judicial officer. We shall discuss these scenarios in the following manner:

2.1. Ending the mediation at the request of the mediator

The case is returned to the session attended by the mediator and the opponents by summons through the judicial officer to continue the case procedures in accordance with the general rules. The case concludes with a judicial ruling that is subject to appeal through standard channels. The judicial mediator may request to end the mediation ²².

2.2. Ending mediation at the request of the opponents

The degree to which disputing parties are willing to engage in negotiation and reconciliation, facilitate the conflict, and recognize the viability of this quick, easy, and efficient alternative approach that doesn't require formalities to satisfy the parties is what determines whether mediation is successful²³. One of the opponents might nevertheless conclude that there's no use in carrying on with the negotiations. Article 1002 of Law 08-09 permits the opponents in this case to request that the mediator discontinue the mediation. The matter then returns to a hearing when the parties and the mediator are present, and the litigation is pursued until a decision is made by the court.

However, Law 08-09 accuses the Algerian lawmaker of failing to address the problem of the disputing parties failing to come to a mutually agreeable resolution because they either didn't take mediation seriously enough or didn't show up for the sessions. Not like some comparable laws that penalize parties who agree to mediation and all of its legal requirements but then forget to follow through on them ²⁴.

2.3. Automatic termination of mediation by judge

If the mediation is not successful, the judge has the option to instantly terminate it if it becomes evident to him that it cannot move forward effectively and is pointless. The Algerian legislature granted this ability, which is a positive development. If the mediation's

objective is to resolve disputes quickly, then the judge has the right to end it immediately without waiting for the mediator or the opponents to ask him to do so. He observed that the mediation was not accomplishing the desired results and that it was dragging out the conflict as a result of the opponents' inaction ²⁵.

4- Conclusion

To decrease the cases that have grown too heavy for the judiciary, shorten the adjudication process, and enhance the caliber of court rulings and decisions, the Algerian legislator introduced alternative dispute resolution techniques by introducing conciliation, mediation, and arbitration procedures. With these contemporary methods, the Algerian lawmaker wishes to convey observing current legal requirements.

It was only natural for the state to put a lot of effort into creating a framework that would ensure the legalization of alternative dispute resolution methods given the prominent place that these methods hold in international legal and economic thought as well as the significant role that they currently play in litigation. Then, put it to use as a powerful instrument for upholding rights, establishing justice, and attaining both.

We draw attention to the fact that the word "alternative procedures" was used by the legislator even though it implies non-judicial techniques that are used independently of the judiciary's control and supervision. This is untrue; rather, as the texts state, they are merely processes that the judiciary oversees and controls and are not outside of its authority and jurisdiction. It specifies that the judiciary is to handle its processes.

All of the alternative dispute resolution procedures introduced in Law 08-09 are, in general, of a consensual nature. This is because neither party to a dispute may be forced to use the reconciliation procedure or mediation, or to make decisions based on that agreement; these two adversaries may agree, but only if resorting to mediation or conciliation is required before using other dispute resolution procedures, such as resolving a disagreement over a contract except for arbitration, which falls under the category of "alternative procedure".

It is acceptable to carry out judicial reconciliation, whether the resolution is reached automatically at the judge's request or voluntarily by the parties in line with Article 990's provisions, which let the parties automatically or voluntarily reconcile at any point during the litigation process. In contrast to arbitration, which can be used even in the absence of a case that has been filed with the court, it is also implied that it will occur during litigation, judicial councils and courts.

Regarding mediation, if the judge is required to present it to the adversaries, the process will be carried out following the parties' desire to accept or reject the judge's offer to settle the dispute. This is in line with Article 994 of the same law, which mandates that the judge present the mediation procedure to the parties. If the opponents agree to this process, they can choose a mediator to hear each side's position and work to bring them together to arrive at a decision that benefits both of them.

Therefore, we urge the Algerian legislator to reword Book Five of the Code of Civil and Administrative Procedures from its current designation of "alternative methods for resolving

disputes" to "by consensual methods or means for resolving disputes" through Law 08-09. This is subject to the condition that arbitration be placed in a separate chapter or section. This last heading can include it so that the term "alternative" is not interpreted to mean that these approaches have replaced judicial institutions, but rather that they have arrived to complement and finalize the work of the judiciary—the judiciary itself being one of the elements that makes this path possible.

We further demand that efforts be made to qualify judges and mediators for them to conduct the mediation process in a professional manner, as well as the development of mediation centers and the provision of suitable equipment and meeting spaces to facilitate the mediation and settlement process in the resolution of disputes more quickly, particularly considering that the concepts of peacemaking and mediation are inherent in our culture, our beliefs, and our real religion, which both encourages and rewards these practices. How many conflicts were settled in various parts of our nation by the head of the clan, tribe, or neighborhood mediating and offering reconciliation, as a result of his unique social standing, his intelligence, or the fact that people in society recognize and embrace him and can attest to his piety and integrity.

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