
N° 4, 2025 – Mediation and Administrative Justice

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OUTLINE

Introduction to the subject
Non-exhaustive suggestions of topics
Procedure

TEXT

Introduction to the subject

- 1 All perspectives (law, history, sociology, administrative science) are welcome and the approach can be theoretical and/or practical. The paper may focus on existing and/or prospective legal procedures. It may either deal with a specific legal order or with different legal orders by using the comparative methodology in a systematic way.
- 2 In a broad sense, mediation refers here to the ternary process of co-creation of a solution to a dispute involving a public administration and framed by an impartial and neutral third “party”. Therefore, it also includes the so-called procedures of “conciliation” even if the two notions are not strictly synonymous.

Non-exhaustive suggestions of topics

- Cultural openness or, conversely, resistance of the administrative justice system towards mediation/conciliation with a public administration
- Interactions between Ombudsmän and administrative courts
- Mediation/conciliation procedures "within" the judicial review: either as a previous requirement to refer the matter to the court (prior mandatory mediation/conciliation); or in the course of proceedings; or as a mean to enforce a court's decision.

Legal status of the third party in charge of the mediation/conciliation
"within" the judicial review: the judge, a public institution such as the
Ombudsman, lawyer, free-lance mediator, etc.

- Administrative case law on mediation/conciliation with a public administration
- Effectiveness of the agreement resulting from a mediation/conciliation; administrative
- judge's approval (homologation) to enforce such agreement
- Potential specificities of the principles governing mediations/conciliations (freedom and equality of the parties, neutrality, confidentiality, etc.) when applied to administrative law, especially regarding private law.

Procedure

- 3 Papers are due by 1st September 2024 and will be submitted to a double blind peer review procedure.
- 4 They can be written either in English or in French, and their length must be between 30.000 and 50.000 characters, including spaces.
- 5 Author guidelines are available [here](#).
- 6 Please send your proposal and/or any previous question to Prof. Rhita Boust, scientific editor of this issue: rhita.bousta@univ-lille.fr
- 7 The issue will be published in Summer 2025.
- 8 *(Please note that we also accept initial papers for the "Varia" section of the journal).*