American University of Central Asia

Department of International and Comparative Politics

Mediation Process in Kyrgyzstan: Practice and Perspectives of Conflict Resolution

A thesis submitted as the part of the requirements of the degree of Bachelors of Arts in International and Comparative Politics in the American University of Central Asia

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Abstract

The concept of mediation is very new for Kyrgyzstan and it does not have a universally agreed definition. Since 2010 the interest for mediation as a tool for conflict resolution increased in the country. This research aims to contribute to the existing study of mediation process through examining the case of interethnic conflict in Maevka village in 2010. Although the case of Maevka does not complement the major requirements of mediation process, it succeeded in its implementation. It is a positive starting point to the aspiring practice of mediation in Kyrgyzstan.

Acknowledgement

I would like to express my gratitude to the number of people and organizations that helped me to write my senior thesis. I would like to pay deep appreciation to my supervisor, Jomart Ormonbekov, for his endless guidance, support and encouragement during the year.

Furthermore, I am grateful to ICP department for the knowledge I gained and for the friends I made.

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Introduction

The purpose of this paper is to give understanding of what is mediation in the context of intrastate violence and analyze mediation practice and perspectives in Kyrgyzstan. Mediation is as old as a conflict itself but it does not have a universally agreed definition. United Nations defines mediation as follows: "Mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements"[1] Mediation is a tool to prevent conflict through facilitating negotiations and providing dialogue platform for opposing parties. The interest to this alternative conflict resolution approach emerged after interethnic conflict in the South of Kyrgyzstan in 2010. Thus this concept is new for Kyrgyzstan and efficiency of the mediation attempts in the country are under the question mark.

The interethnic conflict in the Southern regions of Kyrgyzstan was not the only push for the interest to mediation. There was another interethnic conflict between Turkish ethnic group and Kyrgyz ethnic group in Maevka village right after the revolution in April 2010[2]. There are many reasons why this conflict took place including the fact that Kyrgyz ethnic group wanted to take lands of the Turkish ethnic group representatives. Both interethnic conflict between Kyrgyz and Uzbek ethnic groups in the Southern regions of Kyrgyzstan and the conflict between Turks and Kyrgyz people in Maevka village happened in the same year. The government was not ready to respond to those

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[1] "Guidance for Effective Mediation", *United Nations*, September 2012, p.4, http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf

[2]"Киргизия: Среди 11 подоженных в селе Маевка домов русских нет ", *News agency Komsomolskaya pravda,* April 20, 2015, http://www.kp.ru/online/news/653475/

conflicts and different non-governmental organizations took responsibility to deal with the conflicts.

Mediation has a potential to contribute to the prevention of violence in intrastate conflicts both in political and society levels. In order to identify what mediation is and what constitutes institute of mediation, both conflict and mediation deserve a more richly textured analysis. Then practice and perspectives of conflict resolution through mediation in the framework of Kyrgyzstan should be identified and analyzed.

The rationale for undertaking this research lies in the interest for the application of mediation as a peaceful way of conflict resolution and prevention in Kyrgyzstan. Many NGOs, mediation centers, academics, ethnic leaders and journalists tackled the role of mediation process in conflict prevention and resolution in the country during the last three years. The government of Kyrgyzstan along with international organizations and local NGOs were not able to prevent interethnic conflicts in the country in 2010. However most of them put efforts to prevent future clashes through projects for mediation propaganda and practice. This paper highlights the fact that those initiatives raised by different actors were not effective due to the facts that they did not work coordinately with each other.

The senior thesis hopes to make contribution to the study of mediation in Kyrgyzstan by providing additional factors and novel approach into the dynamics and complexities of mediation in Kyrgyzstan by expanding on the existing body of knowledge. The theoretical and conceptual framework that is used is based on exploring the literature on mediation and intrastate conflict and its contextualization within the

broader field of conflict resolution. In order to test the existing knowledge of mediation and conflict resolution two intrastate conflicts as case studies will be examined. Mediation effort in Maevka village in 2012 as the result of interethnic conflict in 2010 was the attempt to prevent violent escalation of the interethnic conflict.

The aims of the thesis research are: to explore the various theoretical and conceptual studies in the field of conflict resolution; and to outline and examine the key mediation efforts by state and non-state actors in Maevka village. Finally it aims to ensure that aforementioned elements provide analytical and coherent thesis on mediation process in Kyrgyzstan in a manner that contributes to the knowledge of the country.

In order to assure so, it is necessary to examine a thesis hypothesis which states: Mediation in Kyrgyzstan is more likely to be successful when the mediators are assumed to belong to international and nongovernmental organizations that work coordinately with each other and the government.

The thesis furthermore endeavors to address some critical questions which assist in discussing, examining and analyzing the subject at hand. Seeking answers to these questions will enable the researcher to construct findings that will be coherent and will make a contribution to knowledge in relations to the notion and practice of mediation in Kyrgyzstan. These questions are central to the research: Under which conditions do mediation activities contribute to the conflict prevention? What was the nature of the mediation intervention by international organizations and local NGOs in Maevka village?

These questions seek to address fundamental and central question of the research which is related to the potential of Kyrgyzstan to practice mediation in line with the

conceptual and practical conditions of mediation process. What is the potential of Kyrgyzstan to address conflicts prevention and resolution through mediation process within the country?

In order to answer all these questions there is a need of making a research based on the theoretical framework of mediation in peaceful conflict resolution. First chapter provides theoretical, conceptual and empirical context regarding mediation and conflict resolution in general. It addresses a range of activities, actions, processes, and models of preventive diplomacy and conflict management in the form of mediation. The contribution of such scholars as Jacob Bercovitch and Augsburger are employed in order to expand on the understanding of what is mediation. Second chapter analyzes the interethnic conflict in Maevka village. One example of mediation effort in Maevka village in 2012 is provided and analyzed. The weak points of mediation in Kyrgyzstan are established and highlighted in the second chapter. After the entire conclusion based on the findings of the research is framed.

Methodology

Qualitative research methodology was employed for the research. The structure of the research method is simple in its steps but complicated in terms of time and availability of people who had to be interviewed. The methodology includes literature survey, case studies and data collection through interviews.

In this part of the research the secondary data was reviewed through university library, internet search engines, bibliographic databases that are available for the university students, academic articles and international organizations report.

To make the search more effective the list of key concepts and terms was designed and relevant literature was correlated with that. It is also important to view the literature from different perspectives. For that purpose the table with the main points of each literature was constructed. And the overall analysis was made out of these techniques.

This method is used to study the practice of mediation in Kyrgyzstan in depth. Two case studies were examined for this research: The practice of mediation in Jalal-Abad after interethnic conflicts in 2010 and practice of mediation in Maevka village. The chronology of the events was studied and the main actors of these events were found with the aid of media coverage.

After the features of case studies were found they were examined through testing scientific theories and models in the real situation.

In order to find reasonable data it was necessary to conduct face to face interviews with relevant people such as high level experts, program managers of small initiatives, mediators, journalists and other persons who approach the issue of mediation in various perspectives.

The preparatory stage is the most important one. The final goal of each interview was designed based on the person who will be interviewed. The list of basic questions was be formulated in order to see the whole picture and then the more specific questions were prepared to see the peculiarities of certain aspects.

Literature review

Mediation is the conflict resolution by the involvement of the third party. However this concept does not have the only single definition. Jacob Bercovitch in his articles "A case study of mediation as a method of international conflict resolution: Camp David experience" and "Religion and Mediation: The role of Faith-Based Actors in International Conflict Resolution" are heavily used in order to identify the concept of mediation. He provides very accurate reasoning of what are the main elements of mediation and what kind of weaknesses it has. These two articles are the one of the main contributors to the research to identify the scope of mediation.

David Augsburger in his work "Conflict Mediation across Cultures: Pathways and Patterns" states that "Diversity can be the source of harmony, rather than a source of conflict"[3]. He describes universal, cultural and individual conflicts. He pays a great attention to the theory of the conflict and analyzes it from numerous perspectives. This will help to provide clear and better understanding of the world conflict which will further influence the quality of the analysis of the hypotheses and evidences discussed in the senior thesis. Moreover, Dr. D. Augusburger gives very detailed explanation of mediation's role in the conflict resolution which will be used in order to examine the importance of Mediation Institute in Kyrgyzstan.

United Nations' "Guidance for Effective Mediation is heavily used to identify the scope of fundamentals of mediation process in order to get positive outcomes. It provides

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[3]Augsburger David, "Conflict Mediation across Cultures: Pathways and Patterns", http://books.google.kg/books?hl=en&lr=&id=m4WGmadvOvIC&oi=fnd&pg=PR7&dq=Augsburger+David+-+Conflict+mediation+across+cultures:+Pathways+and+patterns&ots=BeQGRVgPuy&sig=CE55P6_566tIIS4VldPc94Am3nk&redir_esc=y#v=onepage&q=Augsburger%20David%20-%20Conflict%20mediation%20across%20cultures%3A%20Pathways%20and%20patterns&f=false

very intensive and accurate formula for mediation process where it highlights the importance of various stakeholders to act coordinately with each other. This guidance is used in order to identify the overall progress of mediation processes in Kyrgyzstan.

Three literatures mentioned above are conceptual and they will contribute to the first chapter of the paper which will cover all the theoretical aspects of the research. It means that the assumptions that will be made in other chapters will directly depend on the theoretical part of the paper which deals with the key words of the topic.

The report "Peacebuilding and Reconciliation Projects in Southern Kyrgyzstan" written by Nick Megoran, Elmira Satybaldieva, David Lewis and John Hearthershaw provides quite meticulous discussion on peacebuilding and reconciliation projects that were conducted and are being conducted by international donors. They argue that those projects are not effective in terms of making real positive changes in Kyrgyzstan. In order to show that, they examined two conflicts that occurred in 1990s and 2010, after they came up with certain recommendations.[4]

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[4] Megoran Nick, Satybaldieva Elmira, Lewis David and Hearthershaw John , "Peacebuilding and Reconciliation Projects in Southern Kyrgyzstan"

Chapter I: Theoretical and Conceptual Framework: Mediation and Conflict Resolution

The chapter aims to make contribution to the understanding of mediation in the broader concept of conflict resolution where the works of different scholars along with the guidance of United Nation will be accumulated. Moreover for relevant and credible outcomes of the research it is significant to identify all the key words of the study and the subject at hand. The rest of the work will be based on the following concepts defined by the author as accumulated from diverse sources.

1.1.Conflicts and Conflict Resolution

It is often tough to catch the difference between conflicts and disputes but to know and realize the difference between two defines the further approaches to solve the issue. According to John Burton disputes are negotiable while conflicts are not negotiable and he concludes with the idea that "'settlement' refers to negotiated or arbitrated outcomes of disputes while 'resolution' refers to outcomes of a conflict situation that must satisfy the inherent needs of all"[5] These definitions gives very clear image of conflict and conflict resolution.

Conflict as a social phenomenon of competition between actors with incompatible goals is as old as human civilization. The very significant point to mention is that a conflict and conflict resolution involves all the sciences, economy where the market value and financial sustainability of this or another group is taken into account, psychological where according to Hobbes people are selfish and inherently violent, and

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[5] Burton John, "Conflict Resolution as a Political Philosophy", Dispute and Conflicts, http://www.tandfonline.com/doi/pdf/10.1080/14781159108412733#.VTUGqI6UfTo

demography where the raise of the number of population and internal migration increase the tensions between groups in the competition for land and territory. It can be drawn in the legal framework where justice and the rule of law do not work all the time.

Conflict remains a prevalent dimension of social interaction within states and between states in a broader concept. The study of conflict has significantly evolved over time without establishing much consensus over the causes and consequences of and best responses to conflict. "Conflict is essential to, ineradicable from, and inevitable in human life; and the source, cause, and process of conflict can be turned from life-destroying to life-building ends"[6] states David W. Augsburger. He believes that nowadays methods of solving conflicts are rude and not effective and he claims the way the conflicts are transformed and solved has to be changed. He argues that the win-lose situation should not be the case anymore. Moreover he proposes to use more effective means of conflict resolution such as mediation and negotiations because without a third party two opposing parties are not able to come up with "constructive way out or creative way through"[7]. He is optimistic enough to show that any conflict has potential to a positive conclusion. It highly depends on the way people deal with a conflict and it is justified in terms of looking at the origins of the conflict, at the triggers and actual causes of it.

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[6] Augsburger David, "Conflict Mediation across Cultures: Pathways and Patterns", p.5
http://books.google.kg/books?hl=en&lr=&id=m4WGmadvOvIC&oi=fnd&pg=PR7&dq=Augsburger+David+-+Conflict+mediation+across+cultures:+Pathways+and+patterns&ots=BeQGRVgPuy&sig=CE55P6_566tIIS4VldPc94Am3nk&redir_esc=y#v=onepage&q=Augsburger%20David%20-%20Conflict%20mediation%20across%20cultures%3A%20Pathways%20and%20patterns&f=false
[7] Ibid

1.2.Conflict Cycle

The conflict cycle shows the phases of conflicts that are common to most of the conflicts. According to Peter Dahl Thruelsen, each conflict is unique and exists in its own context. However most of the conflicts go through a conflict cycle by this or another way[8]. The cycle shows steps of conflict from instability before violence and ends with conflict resolution. However any conflict can break out again and the cycle will be renewed and repeated with the same phases. "A key feature of the conflict cycle is to demonstrate that conflicts can easily escalate into new fighting even after peace has been agreed and post-conflict peace-building initiated"[9]. Thus once a conflict took place it is significant to keep working on it and build dialogue between confronting parties. Therefore conflict cycle is an essential part for the conflict management.

Figure 1.1: The Conflict Cycle
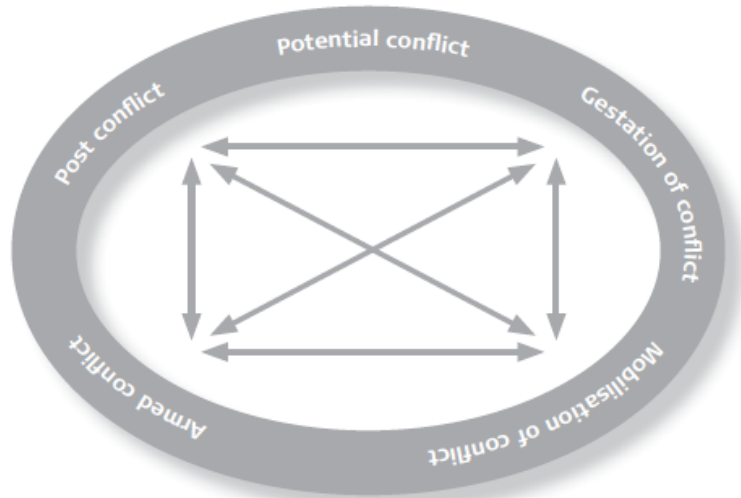
[10]

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[8] Peter Dahl Thruelsen, "International Organizations: Their Role in Conflict Management", *Royal Danish Defense College,* 2009, p. 14,
[9] Ibid, p.15
[10] Ibid, p.15

Here each phase of conflict demands specific measures to be taken for conflict prevention, meaning to avoid escalation of conflict into another phase. It can be minimization of violence through facilitation the transition from armed conflict phase to post-conflict phase[11]. Thus each conflict phase has its own peculiarities and operations to be taken in order to stop violence and sustain peace.

However for this particular study it is necessary to look at the last phase which is post-conflict period because it has constant potential to revive. This period is very sensitive and requires comprehensive management approach. Here, both structural and operational measures have to be taken in order to break the cycle of violence. From the beginning of conflict many factors and root causes might have been changed or evolved over the period of conflict[12]. Thus conflict management in post-conflict period requires a platform for conflicting parties where they will be able to compromise and eliminate root causes through constructive dialogue together by mutual agreement.

1.3. Mediation

The concept of mediation is complex and contains elements that are necessary to accomplish in order to consider the process to be full of value. There is no universal definition of mediation as it is. However United Nations developed guidance for the effective mediation on September 2012 under Secretary-General Ban Ki-Moon. It was the first high level guidance for the mediators published by the United Nations and it was organized by the Group of Friends of Mediation which is a grouping of UN member

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[11] Peter Dahl Thruelsen, "International Organizations: Their Role in Conflict Management", *Royal Danish Defense College,* 2009, p. 14
[12] Ibid, p.19

states cochaired by Finland and Turkey.[13] According to the guidance "Mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements"[14]Thus mediation should have voluntary basis where the consent of opposing parties can play a vital role in durable outcome. It is not only conflict resolution process where third party comes to facilitate conflict resolution but also a process where parties agreed on solving issues between them, thus ready for compromise and cease-fire.

According to Bercovich overall aim of mediation is "to stop violence and establish peaceful relations between conflicting parties"[15]. Although mediation has a clear goal, it does not have a single definition and different scholars provide various definitions of the concept. Bercovitch provides the number of common characteristics that are common for the most of mediation efforts:

1. "Mediation is an extension and continuation of peaceful conflict management.
2. Mediation involves the intervention of an outsider – an individual, a group, or an organization – into a conflict between two or more states or other actors.
3. Mediation is non-coercive, nonviolent and, ultimately, nonbinding form of intervention.
4. Mediators enter a conflict, whether internal or international, in order to affect it, change it, resolve it, modify it, or influence it in some way.
5. Mediators bring them, consciously or otherwise, ideas, knowledge, resources, and interests of their own or of the group or organization they represent. Mediators often have their own assumptions and agendas about the conflict in question.

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[13] "UN provide Guidance for Effective Mediation", *United Nations, Department of Political Affairs*, http://www.un.org/wcm/content/site/undpa/main/issues/peacemaking/mediation_guidance
[14] "Guidance for Effective Mediation", *United Nations*, September 2012, p.4, http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf
[15] Bercovitch Jacob, "Religion and Mediation: The role of Faith-Based Actors in International Conflict Resolution", "International Negotiation", 175-204, *Martinus Nojhoff Publishers, 2009, p. 178,*

6. Mediation is a voluntary form of conflict management. The actors involved retain control over the outcome (if not always over the process) of their conflict, as well as the freedom to accept or reject mediation or mediators' proposals.
7. Mediation is usually an *ad hoc* procedure only"[16].

Thus mediation has seven elements that were highlighted above where mediation is involved into the conflict as the part of peaceful conflict management, where the third party in the form of a group, organization, state or individual enter a conflict and influence it. Mediation is voluntary and that is why parties of a conflict are always free to accept or not ideas and mediation proposals.

According to Bercovitch suggests two models of mediation, "a model that treats mediation essentially as a subset of the structure and process of negotiation, and a model which treats it very much as an independent input with its own unique features and characteristics"[17]. He states that the role of the third party is to structure participants' discussions, to give participants freedom, motivation and opportunity to move from the official positions and analyze a conflict through looking at it from various perspectives[18]. Thus this approach of conflict resolution makes conflict parties move towards elimination of misunderstanding and misperception of each other and establish self-sustaining resolution of the conflict. It also increases knowledge and understanding of conflicting parties and assist in acquiring "new insights into each other's goals, intentions, and

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[16] Bercovitch Jacob, "Religion and Mediation: The role of Faith-Based Actors in International Conflict Resolution", "International Negotiation", 175-204, *Martinus Nojhoff Publishers, 2009, p. 179*
[17] Bercovitch, Jacob, "A case study of mediation as a method of international conflict resolution: Camp David experience", Review of International Studies, 1986, 12, 43-65, p.43
[18] Bercovitch, Jacob, "A case study of mediation as a method of international conflict resolution: Camp David experience", Review of International Studies, 1986, 12, 43-65, p.44

fears"[19]. Thus any outcome of a mediation process makes them interdependent and puts responsibility to take joint action to restore their wellbeing and preserve it.

Mediation process does not have only positive characteristics and strong points but it also has weaknesses. The weaknesses are the following; areas of disagreement may intensively increase along with increase of communication between conflicting parties, there is no linkage between workshops process and factual policy making process, mediation strategies do not fit various levels of conflict intensity and finally it is a mistake to consider that once a conflict is analyzed it can be resolved[20]. Therefore, communication is not necessary leads to a positive. It is often tangible to failure because the more conflicting parties dig a problem the more negative information hinting to injustice can be found. Even though there are various workshops can be conducted in order to build trust dialogue between conflicting parties, the outcomes of a mediation process will not turn into actual policies. Thus it will not have legitimate, fixed, sustainable output. It is also generates minimum positive result out of conflict analysis. Certainly not only conflict analysis has to be conducted but also policies should be initiated and implemented.

Mediation will not have positive changes all the time but it also can undergo a failure. Nevertheless mediation is a tool to build a dialogue and a platform where conflicting parties can negotiate and establish peace themselves. The main principle of mediation is that in the right environment, parties in conflict can move towards

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[19] Bercovitch, Jacob, "A case study of mediation as a method of international conflict resolution: Camp David experience", Review of International Studies, 1986, 12, 43-65, p.44
[20] Ibid, p. 45

cooperation through improving their relationships.[21] Mediation aims not only to resolve

the conflict but it goes beyond to the collaboration and interaction between parties. The

outcome of mediation can be only the resolution of the conflict or plus the achievement

of a particular agreement. In order mediation to be effective mediators have to look at the

specific issues of the conflict because there are no identical conflicts with the same root

causes and triggers.

According to the UN guidance, in order a mediation process to be successful it

has certain requirements to accomplish. The first very important thing is that conflicting

parties should be "open to trying to negotiate a settlement", mediator has to be "accepted,

credible, and well supported", and there is a need of "general consensus on regional and

international levels to support the process"[22]. It is important to preserve all these three

components in order to get all the parties engaged into the conflict resolution procedure.

Thus the successful mediation is hard to achieve without the great will to achieve peace

between confronting parties.

Except for the above mentioned requirements there are eight fundamentals that

should be met in order the mediation process to be effective. Those fundamentals are: 1)

preparedness, 2) consent, 3) impartiality, 4) inclusivity, 5) national ownership, 6)

international law and normative frameworks, 7) coherence, coordination and

complementarity of the mediation effort and 8) quality peace agreements.[23] Since

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[21] "Guidance for Effective Mediation", *United Nations*, September 2012, p.4,
http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf

[22] "Guidance for Effective Mediation", *United Nations*, September 2012, p.5,
http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf
[23] Ibid

mediation process is never strict and not everything goes in line with the initial plan, all

the strategies should be flexible and able to meet certain changes. Thus not only the

mediator but the whole team should be prepared to all pre-negotiation, negotiation and

implementation periods based on mappings and researches. Sometimes not all the parties

of the conflict are ready to agree on mediation and it creates very complicates situation

the mediator who received only partial agreement. There are also cases when mediation is

rejected by the main stakeholders of the conflict due to the fact that they do not

understand the notion of mediation and afraid that it will worsen the situation. It is also

essential to preserve impartiality in order for mediation process not to be biased. This fact

can undermine the whole progress of the process. Here a mediator should be able to

communicate the balanced and fair treatment to each and every party of the conflict. As

the guidance states, "an inclusive process is more likely to identify and address the root

causes of conflict and ensure that the needs of the affected sectors of the population are

addressed"[24]. This means that the process and the outcome of the mediation process

directly depends on the way the needs and values of all the stakeholders are represented.

National ownership component of the successful mediation process is vital to

assess in this paper due to its idea to adopt mediation process according to the local

culture taking into account international laws and norms. National ownership is justified

by the vital significance of the communities that suffered the conflict; the parties of the

conflict who are the decision makers to stop the conflict, thus the whole society must

work on the establishing peace and sustaining peaceful future.[25] Thus it is about

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[24] Ibid, p. 11

[25] "Guidance for Effective Mediation", *United Nations*, September 2012, p.14,
http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf

commitment of the society to the mediation process, agreements and the most important thing their implementation. It involves the whole society as the agent of peace. Here mediator cannot impose the solutions of the conflict but he or she can assist in generating the possible solutions for the conflict parties. It is essential to mention that inclusiveness of the process has an impact on the complexity of ownership. This notion provides very complex approach to the mediation process.

According to the guidance, mediation has to take place within normative and legal frameworks and mediators conduct their activities on the basis of the mandates, within framework constituted by the international laws, norms and different conventions.[26] Thus it involves another complex issue where a mediator should be able to balance between laws and norms, and certain understandings of conflict parties. The big responsibility lies on the mediator when it comes to the need to stop the conflict and at the same time address certain human rights violations and commitments of other international crimes. Here a mediator also should take in to account the fact that in some cases national norms contradict international one which is also the subject for the inclusive research and flexible strategy.

There are many various actors in the society meaning stakeholders and each stakeholder can play a grand role in this or another stage of the mediation process. Therefore "coherence encompasses agreed and/or coordinated approaches, while complementarity refers to the need for a clear division of labour"[27] which is based on the

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[26] Ibid, p. 16
[27] "Guidance for Effective Mediation", *United Nations*, September 2012, p.14, http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf

actors assessment. It is also considered as a tool for joint collaboration of various international organizations and NGOs.

Quality peace agreements' main purpose is to "end violence and provide platform to achieve sustainable peace, justice, security and reconciliation"[28]. In order the agreements to sustain peace it is necessary to address past injustices and establish a common vision of the future. Consequently, quality peace agreements are influenced by every single component of the whole mediation process, starting from getting the consent of the parties ending with the compliance with the laws and norms, and establishing justice.

All the eight components are fundamental for the successful mediation process to be accomplished. It has to be recognized that mediation process cannot be all the time successful and as it is described above it is quite tough, rigorous and comprehensive approach to the peaceful conflict resolution. However mediation is the way to build a dialogue between parties, to establish justice, to create compromises and to sustain peace. There is a great portion of probability that mediation process will last for more than a year, decade or even more but the dialogue will remain which is the bridge od peace between conflict parties.

1.4. Mediator

Mediator is a key factor in the mediation process. The strategy a mediator uses during mediation process is a key for the successful outcome of the workshops and activities conducted. The abilities a mediator has along with his or her skills and knowledge will shape the overall process.

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[28] Ibid, p. 20

The mediator clearly exercises some influence, but he does so as a party in the

negotiations with control over the information, learning and other resources. The way a

mediator exercises his influence is thus affected by the particular context of negotiation

and his ideas, attributes and capabilities[29]. Marieke Kleiboer analyzes the work by

Zartman and Bercovitch where they distinguish between three roles of a mediator:

"communicator", "formulator", and "manipulator"[30]. The first one serves as a channel of

communication to carry information and proposals back and forth between conflicting

parties. The second has more active role in conflict resolution due to his or her ability to

help parties redefine conflict issues or to discover formula for resolution of a particular

conflict. The third role comes when there is a little progress about reduction of a conflict.

Here a mediator can use his leverage to manipulate negotiation into agreement[31]. Hence a

mediator can combine three characters that can overlap in a real life situation. A mediator

can pass messages and can interpret them in a way that can manipulate the agreement set

between parties.

There are three types of strategies that mediators usually stick to:

Communication-Facilitating strategies, Procedural-Formulative strategies and Directive

strategies[32]. Directive strategy according to Su-Mi Lee and Bercovitch is the strongest

intervention among three strategies. The first two strategies can be applied at the very

start of mediation process. When a mediator needs to gain trust and confidence of the

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[29] Bercovitch, Jacob, "A case study of mediation as a method of international conflict resolution: Camp David experience", Review of International Studies, 1986, 12, 43-65, p.45

[30] Kleiboer Marieke, "Understanding success and Failure of International Mediation", *University of Leiden, Journal of Conflict Resolution,* Vol. 40 #2, June 1996, 360-389, p.360

[31] Kleiboer Marieke, "Understanding success and Failure of International Mediation", *University of Leiden, Journal of Conflict Resolution,* Vol. 40 #2, June 1996, 360-389, p.375

[32] Bercovitch Jacob and Su-Mi Lee, "Mediating International Conflicts: Examining the Effectiveness of Directive Strategies", *The International Journal of Peace studies,* http://www.gmu.edu/programs/icar/ijps/vol8_1/Bercovitch.html

parties; clarify the situation by supplying missing information; avoiding taking sides and other approaches to build clear communication between conflicting parties[33]. Hence it is the foundation for the mediation process to start and assert its position. The second strategy includes more confident way of approaching the mediation process. Here a mediator takes control over the venue of mediation, agenda and progresses. Consequently this strategy takes a higher responsibility to enhance situational powers of weaker parties and keep parties at the table[34]. Thus a mediator demonstrates his or her potential to regulate, monitor, organize and stabilize the process.

In two previous strategies a mediator uses rather passive approaches to the mediating procedures and takes a role of a facilitator and logician. Directive strategies imply the direct influence over the content of negotiations. "Directive strategies deal with, and aim to change the motivation and behavior of the parties in dispute"[35], it means that here a mediator is not impartial anymore. Consequently, one of the fundamental elements of mediation is changes as well. Here a mediator imposes his or her ideas and proposals. Moreover a mediator can press conflicting parties to come up with an agreement, change perceptions and "show flexibility"[36]. Therefore directive strategy is the last stage of a mediator involvement. It is very effective tool in terms of quality and time management. It helps to control the process and the content of a conflict resolution. However this approach limits the freedom of conflicting parties to take control over their own issues and affairs. According to Touval and Zartman, there is a possibility that

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[33] Ibid

[34] Ibid

[35] Ibid

[36] Bercovitch Jacob and Su-Mi Lee, "Mediating International Conflicts: Examining the Effectiveness of Directive Strategies", *The International Journal of Peace studies,* http://www.gmu.edu/programs/icar/ijps/vol8_1/Bercovitch.html

parties of a conflict may reject the mediator's proposals or even mediation itself when mediators put too much pressure on them[37]. Therefore if a mediator is willing to stick to this strategy he or she should be confident of being able to keep the balance.

The main role of a mediator is to keep the track of a mediation process and make sure that it goes accordingly with the outline. In theory it sounds very simple and possible to implement even if some challenges will occur at any time of performance. In practice it will look a little different and a mediator may change its main role from an independent party to a manipulator seeking to reach consensus.

The concept of mediation is very broad and vague. It has massive dynamics and instruments that can be interpreted and used in various ways. Many scholars contributed to the knowledge of mediation and most of them claim that mediation is one of the best tools for peaceful conflict resolution and prevention. When speaking about mediation it is significant to identify what is conflict and conflict resolution and line up with appropriate stage of a conflict to draw in a mediation process. Abilities, competence, knowledge and endowment of a mediator have its own place in the puzzle of mediation process. It is consequential for a mediator to identify specific strategy to apply in this or another stage of a mediation process. Therefore a mediator should be ready to change his or her strategy at any time and circumstances and have all the necessary tools to do so.

Mediation is a complex approach for peaceful resolution of a conflict, thus needs sophisticated plans, capacities, tools and strategies to enter conflict resolution stage.

Chapter II: Maevka Case

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[37] Ibid

2.1. Maevka Case: Interethnic conflict between Turkish and Kyrgyz ethnic groups

Another spring in 2010 turned into the revolution in Kyrgyzstan as it happened in March 2005. The first tensions started in Talas region and it was spread to the whole country. The consequences of the revolution were chaos and anarchy that led to further small conflicts that occurred through the country. The disorder that was left by the revolution influenced the disputed territories near the capital city. One of such cases is the Maevka village. On 19th of April, 2010 the territory dispute occurred in Maevka village which transformed to interethnic conflict. According to the news agency Stan Radar, more than one thousand people were trying to occupy the agricultural territories of Turkish people. During the conflict five people died and around 40 people were injured.[38]

2.1.1. Conflict Description

According to Tatyana Vygovskaya, the head of Social Fund "Egalite" who specialized in conflict studies in her response during the interview said that the conflict between Turks and Kyrgyz ethnic groups was the outcome of the very long hatred and the lack of territory[39]. Moreover the conflict happened because the balance between economic and ethnic interests was disturbed.[40] Thus the interethnic conflict in Maevka had both economic and ethnic roots. The chaotic environment at that moment was one of the triggers that developed further escalation of the conflict. Tatyana Vygoskaya states according to the witnesses Turks were quite rude towards Kyrgyz people who migrated

[38] "Кыргызстан: потенциал мира или угрозы?", *STAN RADAR*, 01.11.2013, stanradar.com
[39] Interview with Tatyana Vygovskaya, the head of Social Fund "Egalite", interview was conducted by the author, on April 24, 2015
[40] Ekaterina Ivashenko, "Национальная политика в Кыргызстане: От братских народов к враждующим племенам", *Fergana News*, 27.01.2012, fergananews.com

from peripheries of the country. Another triggering fact was the rape attempt (or actual rape which is not clear yet) of a Kyrgyz girl by Turkish young people.

According to Meerim Sultankulova, the person who was collecting the first hand information from the people who lived in the village the next day the conflict happened, the houses of Turkish people were burnt and destroyed.[41]M. Sultankulova was collecting the information for the international Kazakh media, thus the information that she received was from the local Russian people and Turkish people. The main story to tell was the fact that on 19th of April, 2010 the track with the group of young people, the representatives of Kyrgyz ethnicity came to the village and occupied one Turkish house and threatened the owners to give up the house. When she was walking further she became the witness of a meeting on the courtyard of the big house the owner of which was the local authority of Turkish ethnicity. Turkish people gathered there and were discussing the discriminatory attitude and unjust treatment of their ethnicity in Kyrgyzstan. The topic of their discussion was the necessity of asking for a help from Turkey and they were willing to apply to the Turkish embassy. Thus they were prepared to accept the status of refugees. M. Sultankulova was able to ask the witnesses of the conflict what was the reason of such violence. The respond she got was that the ground for the conflict was the fact that Kyrgyz ethnic group representatives who came there from the regions of the country wanted to build houses in Maevka where Turkish people had their own lands with very well developed agriculture. The financial wellbeing of the Kyrgyz people in Maevka was much lower in comparison to Turkish people. The head of the village was a Turkish man and it was another trigger of the conflict. Thus the representatives of Kyrgyz

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[41] Interview with Meerim Sultankulova, social activist and senior student of International Politics, interview was conducted by an author, on February 10, 2015

ethnic group wanted to establish new *novostroyaka* there as it is popular in the periphery zones of Bishkek city. The Turkish ethnicity have the official authority were not willing to give the territories they occupied and developed.

Vygovskaya states that the local government initiated first attempts of mediation in Maevka village. However the wrong mediation strategies they used even more complicated the situation and brought to further escalation of the conflict. According to Vygovskaya before the actual violent actions in the form of arson the *aiyl okmotu* of Maevka village played the role of "communicator" between conflicting groups meaning they were passing massages back and forth. Vygovskaya claims, "After the conflict occurred, Maevka became a springboard for experiments"[42]. Along with various NGOs, State Committee of National Security was working there as well. However due to the fact that there was no a legitimate power in the country their commitments did not bring any results. There were many other projects involved into the conflict resolution in Maevka. The project of "Egalite" aimed to stabilize the situation in the village and provide the feeling of security with the cooperation of local government[43]. This is one of the cases when a non-governmental organization worked in cooperation with the local government.

2.1.2. *"Bridge of Friendship"*

The League of Child's Rights Defenders implemented their own project which was called "Friendship Bridge" two years after violent actions in Maevka took place in 2012. The initial aim of the project was to build a road so that school children have

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[42] Interview with Tatyana Vygovskaya, the head of Social Fund "Egalite", interview was conducted by the author, on April 24, 2015
[43] Ibid

appropriate facilities go to school but the further framework of the project had changed[44].

The construction of the road was the main point of project implementation. Both Turks

and Kyrgyz people were involved into the construction process. According to the project

manager Ravshan Nabijanov, at the first stages of the work Kyrgyz young people that

were involved to the road construction were quite unhappy with the fact that they have to

work side by side with Turkish young people. One of the Kyrgyz leaders started to claim

that Turkish people have to speak Kyrgyz language as they live in the territory of

Kyrgyzstan. His speech received a great support from the rest of the group and two

groups started to fight[45]. The hatred between two groups was not diminished since 2010.

Nabidjanov had interfered the confrontation and talked to each group. After, he had asked

about their concerns and their needs. As the result both parties did not have anything

serious against each other despite of the fact that they hated each other. For that very

moment they were able to reach some consensus and Turkish people agreed to try to

speak Kyrgyz language.

    Local content of the workers constituted around 30 people, one half is Kyrgyz

people and another half is Turkish people. During the road construction they had other

activities together as well. They were gradually playing football together which was

another push for the establishment of good relationships between two groups. They

successfully completed the construction of the road and preserved positive relationship

between each other. The evidence for such a conclusion would be the fact that the final

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[44] Interview with Ravshan Nabijanov, the former Project Coordinator of "Friendship bridge"
project of The League of Child's Rights Defenders, interview was conducted by the author, on
February 10, 2015
[45] Interview with Ravshan Nabijanov, the former Project Coordinator of "Friendship Bridge"
project of The League of Child's Rights Defenders, interview was conducted by the author, on
February 10, 2015

activity they were involved in was the wedding ceremony of a representative of the Turkish minority. He invited all the representatives from both ethnic groups who participated in the road construction project. This outcome shows the preserved friendship relations between two groups in the framework of the project.

2.1.3. Analysis of the mediation process

Now it is essential to analyze if this particular project may be considered as the mediation process. First fundamental element of a mediation process: preparedness of a mediator to get involved into the negotiations between two conflicting parties was not met. The project was not oriented to the conflict resolution and prevention it has another goal. Thus the mediator (The League of Child's Rights Defenders) was not properly prepared to address certain peculiarities of the conflict and root causes of it. However according to Nabijanov, they were researching on the status quo of the conflict and were ready to address possible difficulties misunderstandings during the implementation of the project. One of the elements of this stage should be the discussion of the principles that will govern the peace negotiations which includes the outline of ground rules. The conflicting parties in this project did not come up with the rules and principles of joint work but a mediator imposed them. This stage sets the tone of the mediation process and allows establishing favorable conditions. Although the mediator did not take all the issues into account before entering the establishment of peace between conflicting parties, they were able to solve critique moments during the road construction activities.

Second, fundamental element according to UN guidance is consent. The main point to consider in this example is the fact that both conflicting parties did not know that they are manipulated to resolve the conflict and establish a sustainable peace. Consent of

the parties is one of the main stages which allows mediator to enter the conflict resolution. Conflicting parties should realize that they need a mediator to come and assist them in communicating with each other in order to sustain peace and stability. If the conflicting parties are ready to build a dialogue then they are more capable of finding common grounds and live in good neighborhood. Therefore this stage of the implementation of the mediation process in Maevka village was not met. Thus it is automatically cannot be considered as a mediation process.

Another irreplaceable element if mediation process is impartiality of the third party. This key element was complemented by the Social Fund The League of Child Rights Defenders. The main mission of the organization is to protect and promote child's rights and freedom[46]. This organization is non-governmental and absolutely impartial in this context. However every actor pursues its own goal and eager to implements its mission. In any outcomes it is not appropriate to consider that the third party should be absolutely impartial. Being a third party it always has its own side.

However they did not show a proper cooperation between other stakeholders of the conflict. Each NGO along with the government was doing something but their actions were not complemented with each other.

Mediation intervention in Maevka village was adequately entered in a corresponding stage of the conflict (post-conflict period). However the project of the League of Child's Rights cannot be considered as a mediation process due to the fact that it did not met first two major requirements for this project to be called a mediation process. It did not get the consent of the conflicting parties and did not have a relevant

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[46] Child's Rights Defenders League, http://crdl1.kloop.kg/?page_id=411

preparatory program. Nevertheless this project had positive outcomes but those are not the result of the ideal mediation process.

Even though Kyrgyzstan does not have successful case of mediation process as a peaceful conflict resolution approach, it has a potential to practice so. First, the given case showed that the dialogue between two conflicting parties was built. Second, it had a complex approach to mediation process through the "Friendship Bridge" project. Third, there are vast number of non-governmental organizations that can contribute to the practice of mediation process in Kyrgyzstan. The government cannot preserve partiality but it can create an environment for the creation and development of the institute of mediation.

Conclusion

The concept of Mediation is broad and vague. It has certain peculiarities, advantages and disadvantages. Mediation process requires intensive preparedness and should be based on voluntary ground. Mediation process not always brings to positive outcomes but it can be prolonged for a very far extended period of time. Kyrgyzstan is very young in the field of mediation and already had an experience of failure and improper use of the tool. Mediation in Kyrgyzstan is more likely to be successful when the mediators are assumed to belong to international and nongovernmental organizations that work coordinately with each other and the government. The above hypothesis was not either fully proved or disproved. However it is the starting point of a bigger research as it is the initial stage of development of mediation concept in Kyrgyzstan.

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