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Social mediation as a tool of peace and consent at community level

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Abstract. This article is about social mediation and its applicability in Kazakhstani socio-cultural setting. The author writes that the relevance of this study is determined by the need for scientific understanding of social mediation as a relatively new tool for conflict management and transformation. Social mediation as a new type of socio-communicative practice can contribute to the achievement of peace and harmony within and between communities.

The author defines the term, further presents a brief history of its evolution, rooted in the history of the development of human relations, as well as the effectiveness of its application and the role of mediators in the settlement of social conflicts. The methodological basis of the article is the general scientific methods of cognition and the results of the research on the example of 11 conflicts of South Kazakhstan in the period 2006-2021. The article concludes with some conclusions and discussion. In addition, the practical significance of this article will allow to form a strategy of social mediation to prevent social conflicts.

Key words: Kazakhstan; social mediation; community conflicts; peaceful consent; social conflict; mediation problem; peace; consent.

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Introduction

Defining the terms.

Two main terms are going to be used here: social mediation and community conflicts.

The term «social mediation», coined to designate a recently born social practices remains controversial. Historically, it was used mainly within the scope of communication research, sometimes expressing the use of technical means in the interaction between subjects – in a very simplistic perspective –sometimes representing the process of negotiating meanings that involves the reception of messages, based on cultural elements of the societies where it occurs (de Maio, 2016). As such, it is related mainly to the capacity of media to mediate or mediatize the social reality and thus, with the social control executed by them (Martin Serrano, 2007).

Lately, however, «social mediation» took place in conflict analysis and conflict management research, meaning a «process for creating and repairing social bonds, leading to peaceful resolution of the conflicts in daily life in which an impartial and independent party seeks, by organizing exchanges between persons and institutions, to help them to improve a relationship or to resolve a conflict opposing them» – a definition given in 2000, by the European Seminar on Social Mediation and New Ways of Conflict Resolution defined in its final declaration (Délégation interministérielle à la ville, 2000).

Social mediation has its main foundation in the complexity of society, which moves between the dynamics of pluralism and diversity, and between individualism, the construction of identities and social cohesion. The interaction of these phenomena can threaten the preservation of social coexistence and call into question traditional regulatory systems, which becomes a call for innovation and creativity to respond to different forms of conflict (Rincon, Eslava et al, 2016). This, of course, does not mean abandoning traditional values, but rather embedding or updating them into tools and approaches that respond to changes in the wider society. This applies with particular force to countries with great ethnic and cultural diversity, and deep regional differences, such as Kazakhstan.

Methodology, methods and materials

The construction and deconstruction of conflict is a central element of the social mediation process while its main objective is «to achieve community self-reliance by altering conflict patterns, and to cultivate sustainability by rebuilding and strengthening society's social fabric. It can be best understood as a conflict resolution tool, as it aims to restore, foster, and sustain peace within and across communities... The tool of social mediation aims to act as a resource for ensuring community resilience in societies characterized by increased uncertainty and change, such as societies in conflict (Kornioti & Antoniou, 2022). As far as resilience is the ability of societies to return to their pre-conflict state, this return is possible in two ways: either by absorbing the shock of the conflict, softening, and channeling it, or by transforming the local community itself. In both cases, if applied correctly, social mediation is able to contribute to changing communities and relationships between them in a positive direction.

In order to avoid the long definitions, which are much more comprehensive and detailed, I will stick the idea that social mediation is a form of a grassroots practice, carried out by a third party, called mediator, serving for creating and repairing social bonds before, during and after the conflict.

The second category widely used here is community conflicts. If conflicts as such are rooted in some basic dissatisfaction or grievances which await detonation at the slightest opportunity (Adejo, 2002), then communal conflict could be defined as «violent conflict between non-state groups that are organised along a shared communal identity» where the state is not active as a warring party». An important feature of the groups organised along a shared communal identity, is that they are not formally organised rebel groups or militias but that the confrontation takes place along the line of group identities (Brosche, Johan & Elfversson, 2012). Other defining characteristic of communal conflicts is their high degree of symmetry – it is communities that are the primary actors fighting each other, while the state with its superior firepower only intervenes at times, and often merely stands by (Schaub, 2014). Communal conflicts are violent conflicts that do not include the state as one of the key parties. Even if the killing subsides after only a few days, they tend to leave behind serious legacies of trauma, displacement, loss of market structures and income, and weakened social trust (Krause, 2020).

Short history.

In 1976, in San Francisco, the first structured community mediation initiative emerged: the creation of a center in the Visitation Valley neighborhood. In a short time, the Community Board Program was extended to six neighborhoods of the city, until reaching, in 1981, service coverage for one third of the population. Already in 1986 it had 400 volunteers and 20 paid workers. At the beginning of 2000, it was estimated that the community mediation program had trained more than 1,600 people in alternative conflict resolution and that its coverage could be expanded to the entire city. The creator of the programs, Raymond Shonholtz, professor of criminal law, highlights their preventive nature since mediators intervene where traditional criminal legal instruments cannot operate. Indeed, only citizens are capable of becoming aware of the initial phases of conflicts and to «prevent» the criminal act by seeking help from the mediator (Shonholtz, 1984).

Social mediation later came as a practice and as a concept in Europe. A look at the old continent after the crisis 1973-1975 could be of great assistance to better understand its origins and evolution. The end of the era of rapid economic development and general prosperity changed the social context and gave way to industrial restructuring, unemployment, growing poverty and unpopular reforms linked to housing in most European countries. All those factors negatively impacted the most vulnerable groups. In France, for example, a context of rapid transformation of French society and evolution of social relations on which it was based, a need of new tool for overcoming the cleavages in local communities (chiefly in declining urban neighborhoods and impoverishing rural areas) was felt (Giraud, 2023). Social mediation, which consolidated as such a tool, appeared also as a response to some important challenges to the co-existence of different cultural and ethnic groups. Claude Bartolone, then French Minister for Urban Affairs, described those challenges as «in part directly connected to an urban lifestyle especially in deprived areas, where tensions are aggravated by unemployment and economic difficulties (Délégation interministérielle à la ville, 2000). In the French civic culture, the use of third parties, whether they are elected officials, trade unionists, neighbors, friends, as conflict resolvers of social problems or conflicts, has always constituted a prerequisite before any ultimate recourse to governing or judicial authorities. This, together with the complexity

of the institutional administrative procedures, often incomprehensible for foreign migrants, precariousness and exclusion they were exposed to, urged on civil society, local authorities and public service companies to recure to social mediation.

In Finland, social mediation appeared in the mid-2000s, when, with local and international efforts, the project under the title «Let's Talk – Social Mediation for Refugee Communities in Europe» was started. Kotilo project, that is still running, can be seen as a kind of its continuation (Salonen, 2003). Both projects aim solving disputes between migrant communities emphasizing the relevance of the effective conflict management as a precondition for fulfillment of their political rights: «No political right is enough if the people are deprived of their right to live in peace in their local communities» (Jokinen, 2013). Social mediation started being used as a tool for combating social exclusion. The Finnish model put emphasis on the parties and the kinds of conflict dealt with, creating the understanding that conflicts can be ordinary things, not just crimes with statutory punishments (Jokinen, 2013).

In Cyprus, from May 2018 to January 2022 a series of workshops and public discussions on social mediation and its applicability in the specific conditions of the country took place. They were carried out under the 'Social mediation for Social Transitions' project. Citizens of Greek and Turkish nationality participated in them. The main goal was to foster communication and interaction between two ethnic communities; to address the challenge of peacebuilding structures, created with the help of international community during the years and to empower community members to rebuild by themselves the fabric of their society. It gave impetus to research in the field, which before was almost absent. As a result, several manuals and publications appeared in help of practitioners working on community level.

Social mediation in Colombia can be found implicitly in many types of practices that aim to resolve social conflicts between groups and communities, in the context of the search for peace and overcoming violence.

Discussion

Scope of implementation.

Social mediation it is not just a process of conflict resolution between two or more parties which take place in the office of a neutral and impartial mediator but involves «the identification of consequences of common knowledge of rationality and farsightedness in social environments». As such, «it plays a central role in operational terms, integrating roles, strategic functions, and actions of multidimensional actors in a specific local context». At its basis the importance of dialogue, respect towards others, and the enhancement of citizenship in the process of 're-sewing' social ties» could be found. It aims is «to create a common space of experience and promote solidarity and inclusivity in communities» through «reflexive, promotional, and collaborative helping relationships, aiming to construct a shared vision of a situation and evaluate possible solutions» (SCISPACE).

It seems to me that grassroot mediation, understood as «an alternative dispute resolution mechanism for minor disputes, conflicts and violations of the law arising in the daily lives of communities» (UNDP, EU, 2020) should be consider a kind of social mediation. It covers all the criteria needed. It has non-formal, but structured character – «non-formal conflict resolution

tool that empowers everyday citizens to resolve social conflicts through non-legal and non-political routes».

It is widely accepted among researchers that social mediation can be implemented in different contexts such as ethnic, religious, national, or cultural ones; lack of understanding among communities and proper integrative policy by government can lead to inflammation of old and appearance of new conflicts. Social mediation not only can help in their resolution, but also can contribute to formation of new values and new basic value consensus through addressing actual conflicts, preventing conflicts from happening and addressing a post-conflict setting. As such, social mediation can be used for both interpersonal, group and or structural conflicts in a variety of community settings and on a multitude of levels. Including in conflict where there is danger of violence.

As a rule, the social and cultural mediator provides an interface function between families, social workers, associations, or institutions. J.-P. Bonafe-Schmitt describes in details these roles in France: the social mediator in public space contributes to ensuring a peaceful environment for neighborhood residents; social mediator in schools addresses and fosters the culture of non-violence and respect to the diversity; the social mediator in public health carries out his activities of prevention, individual and collective information or accompanying patients to hospitals, or places of care, or prevention; the social mediator in transport contributes to humanizing public transport, to preventing and calming situations generating conflicts between users, and between users and the carrier; the social mediator in information and public service points welcomes and participates in running a reception point with a view to facilitating residents' access to market and non-market public services; it puts users in contact with institutional agencies or with competent dedicated structures (administrations, social services, employment-training structures, associations, etc.) (Bonafe-Schmitt, 2000).

Roles of mediator.

Even though roles of social mediators are similar in different societies, their construction and implementation are strongly impacted by the relevant cultural context. Social mediation strives not only to settle compensation but also to support the opposing parties to understand the conflict, its origins, and consequences (Jokinen, 2013).

Giraud pays attention that social mediation is not gender-blind. He points out that in France, for example, before institutionalization and progressive professionalization of this activity, two main figures stood out: female mediator, focused on social cohesion activities, and local social mediation agents (LSMA), focused on public services locally provided (Giraud, 2023). LSMA, as a rule young people from neighborhoods and the capacity to intervene with gangs and other youth groups, are recruited by public authorities, local authorities and certain transport companies or social landlords. Their first mission undoubtedly becomes the strengthening of human presence: social mediators guarantee an active human presence necessary for living together, but also for the proper functioning of services. Indeed, beyond this presence, social mediators perform an interface function: between educators and families, between the landlord and a tenant, between neighbors, between school professionals and parents, students, between users on public transport, between patients and healthcare teams at the hospital. They also prevent and manage conflicts in the daily life of residents (Giraud, 2023). Taking into consideration that vulnerable communities often have rigid gender roles system, it would be needed to keep optimal gender balance in the selection of social mediators.

Kazakhstan case.

In the last 15 years, in Kazakhstan grew a generation of mediators, which modernized and professionalized this conflict resolution tool which has always been a part of Kazakhstan cultural tradition. They contributed a lot to the opening of the door of justice to everybody, including for vulnerable social sectors which don't have enough economic resources to pay for it. They disseminated information on the opportunities of out-of-court alternative dispute resolution and created an impressive body of practices adapted to the national and regional context of their country. This generation, however, was educated and socialized in the spirit of formal, above all, court mediation – the only kind of mediation supported by Kazakhstani legislation. The model of a mediation session taking part in the mediator's office and ending with an agreement became the only one they knew and were encouraged to implement. They were and are not prepared to work at community level when intercultural, intercultural, and other kind of conflicts.

The research.

To prove the hypothesis formulated at the beginning, I took from my data basis of community conflicts in Kazakhstan 11 ones that took place in the South of the country between 2006 and 2021. They are as follows: Kazakh-Uighur conflict, Chilik (Shelek), Alma-Ata region, November 2006; Conflict in Molovodny between Kazakhs and Chechens March 17-19, 2007; Conflict in Karabulak, between Kazakhs and Uzbeks (Fall 2007); Conflict between Kazakhs and Kurds in the village of Mayatas, South Kazakhstan region, Tolebi district, October-November 2007; Conflict between Kazakhs and Uzbeks in the village of Karamurt, August 27, 2014; Conflict between Kazakhs and Tajiks in the village of Bostandyk February, 2015; Conflict between Kazakhs and Dungans in the Kordai region on February 8, 2020; Conflict between Kazakhs and Uighurs in the village of Shonzhy, Uyghur district, Almaty region, June 16, 2020; Conflict between Kazakhs and Uzbeks in the village of Ashchysay, Almaty region August 15, 2020; Conflict between Uzbeks and Kazakhs in the village of Shornak, Turkestan region, July 21, 2020; Conflict between Kazakhs and Uighurs in the village of Pijim, Pamfilovsky district of Almaty region, October 27, 2021.

The stories have been reconstructed mainly in the basis of Kazakhstanian open sources, above all media publications, speeches, and statements of government institutions and state leaders from Russian-speaking news sites. I used Google search engine, as well as some data basis as JSTORE, Sage publications and Springer. Then I elaborated a set of 18 variables to be checked through the empirical data. The results of the checking of three of them are used here.

Results

The first negative of the lack of trained social mediators is the inability of local communities for conflict prevention.

In each case, there were alarming signals which have not been decoded. In Chilik, residents recall that back in the 60s there were fights between Uyghurs and Kazakhs. In Malovodny, elderly women claim that violent incidents occurred at parties during the Soviet era, where Chechen guys went with knives. A month before the tragedy, after an incident between a Kazakh and a Chechen, the brother of the Chechen warned the head of the district police department

that Kazakhs coming from another village were gathering with threats to «drive the Chechens out of Kazakhstan». In Karabulak, at the beginning of the year, members of the local peasant cooperative (predominantly Uzbek) announced illegal operations with land plots and addressed their angry demands to the local authorities. The action of which, allegedly, heated the situation to the limit. In Mayatas, law enforcement agencies and local lawyers have repeatedly warned that a serious conflict is brewing in the village. They informed the duty officer of the regional department of the National Security Committee and the regional police, which didn't react properly. In Karamurt, perhaps the incident was a continuation of a fight that took place two days earlier – on August 25, 2014 – in a neighboring village between youth of Kazakh and Uzbek nationalities. In Bostandyk, there were those who say that Tajiks should leave here. In Kordai, there were conflicts before the explosion of violence in 2020. In Shonzhi, the local population regularly proposed renaming the Uyghur region and put to it some Kazakh name. In Ashtysay, the man who set fire to the property of the Chechen Makhmakhanov family in 2007 was attacked more than once, first by shooting at him, and then by planting an explosive device under the car. There were also precedents in Schornak. Residents of Pijim say there has long been ethnic tension in the area; a fight between schoolchildren «exacerbated long-standing ethnic tensions». According to locals, there are disagreements related to agricultural and other issues. In the past, Kazakhs and Uighurs had separate mosques in Pijim. Everyone went to their mosque and gave sadak there. Later a common mosque was built, but it failed to unite the two groups.

The second negative which has to do with lack of social mediators in the inability of communities to avoid violence.

In Chilik, the conflict, which began as a domestic dispute, flared up only after one of the members of the Uyghur community shouted: «The state is yours and the land is ours». In Malovodnoe, 5 people were killed during the conflict, including 3 Chechens and 2 Kazakhs. Both settlements were cordoned off for a long time by detachments of the Kazakh police and special forces. Three brothers from the Makhmakhanov family were killed – born in 1956, 1969 and 1975. More than forty people were detained by the police. As a result, a hotbed of tension appeared 150 kilometers from the southern capital, blocking the strategic Almaty-Khorgos highway for several hours. Law enforcement officers took the surviving members of the Makhmakhanov family out of Malovodnoe. In Karabulak a conflict which started as a land dispute, threatened to turn violent. The Uzbeks claimed that for five years they have not been able to officially legitimize the common right to own 850 hectares of land. In their opinion, the division of acreage was carried out clandestinely and incorrectly. The Kazakhs were against the fact that the Uzbeks wrote all the documentation in the Uzbek language – this is illegal. They believe that they did not divide the land according to the rules. As a result, Kazakhs are not allowed to sow there or build a house. In Karamurt, a conflict began between a buyer and a seller over an unpaid invoice. Persons from nearby villages began beating people near the local akimat, including taxi drivers, and damaged cars and windows of several shops. Some of them covered their faces with masks. There was gunfire at the scene of the event. The attack by dozens of guys of Kazakh nationality continued for an hour. It stopped after the arrival of the police, whose department is located a few meters from the scene of the incident. Ten people were admitted to hospital with injuries. The initiators of the riots damaged eight buildings (shops,

cafes, a photo salon, etc.), two trucks and more than 15 cars. In Bostandyk, the violence began with a fight between two friends, a Tajik and a Kazakh, in which the Kazakh was killed with a knife. On the same day, in the village of Yntymak, «about 200 representatives of Tajik nationality and 300 representatives of Kazakh nationality, armed with clubs and pieces of metal, gathered to sort things out». Among Them There Were Strangers. By six o'clock in the evening, in the center of the village, a Kazakh group of young people burned several cars and began to destroy houses and shops belonging to Tajiks. They also wanted to set fire to the school principal's office. A group of residents then headed to the village of Bostandyk. «About 200 people who came to the village set fire to more than ten cars and houses, which most likely belonged to Tajiks, and broke about ten cars. The violence in Kordai started from a road accident and escalated into mass violence in only two days. At least 10 people were killed, about 170 were injured of varying degrees of severity. As a result of the unrest, according to official data, in Masanchi (more than 13 thousand people) damage was caused to 30 residential buildings, 15 shops and 23 cars. Representatives of the Dungan community were forced to flee to Kyrgyzstan. According to preliminary unofficial information, due to the riots, about 12 thousand Dungans – almost all women and children – fled to neighboring villages in Kyrgyzstan, where representatives of this nationality also live compactly. In Shonzhy, two young people almost collided on an unregulated section of the road because neither was willing to give way to the other. On June 16, an incident occurred – a stabbing – between young people aged 19 to 20 years. They simply did not share the road – on an, two cars almost collided, which led to a conflict. A verbal spat between Kazakhs and Uyghurs escalated into a mass violence. Five guys were injured, 3 remained in the hospital, two returned homes. In Ashtysay, the assassination of Nurlan Ahmetov is explained by his role in the burning of the home of the Chechen family Mahmaganovi 13 years ago. In Shornak, a drunken brawl quickly escalated into violence between Kazakhs and Uzbeks. Property of several Uzbek families was destroyed, and three were taken to hospital. In Pydjim, a fight between 9th and 10th grade students of the local school of Kazakh and Uyghur origin escalated into violence between adults of both ethnic groups. In all cases listed violence was cut by the police and other law enforcement agencies; all the cases were sent to the court to identify the truth. In community conflicts, however, issues of factual truth might reveal very little about who is wrong or right: «In mediation it is not the factual truth that is of importance but the relational one, the one that gives way for the lived experience of the participants. This kind of truth is not justified by reasoning it through but by the shared moral responsibility that meeting another person constitutes» (Jokinen, 2013). Social mediation, implemented under such circumstances, between communities that need to live together, next to each other, would contribute to the democratic and responsible decision-making process and cooperation in conflict management.

Least but not last, as a rule and despite of the appeals of institutions and traditional leaders (aqsaqals) the process of healing wasn't very effective and the trust in the relations has not been completely restored.

Deutsche Welle, whose journalists covered the event in Chilik, expressed doubts about the effectiveness of the measures taken to restore confidence: «How effective these measures are, time will tell. ... Serious concerns are also caused by versions that the Uyghurs allegedly want to create an autonomous region on the territory of Kazakhstan, and that some Kazakh Uyghurs

are connected with extremist organizations from Xinjiang. Now there are representatives of Kazakh national-patriotic movements. They want to take part in resolving the conflict. But the country's authorities are worried about this initiative, so as not to aggravate the situation» (Козыбаева, 2006). Almost 15 years afterwards, Russian newspaper *Kommercant* wrote the same. In Malovodnoe, local people testify than Chechen and Kazakh communities continue living together, «but don't mix» as one female inhabitant of the village said. In Karabulak, the peasants' complaints to the prosecutor's office and the financial police remained unanswered, and people embittered by the endless struggle for land are ready to go to court. But before that, the Uzbeks promised to start a hunger strike. In Mayatas, an angry mob of people began to destroy and set fire to the Kurds' house, accusing them of all their troubles, before the guilt of a 16-year-old boy was proven in court. There is no information available about the post conflict restoration of relationships between communities in Karamurt, Shonzhy Shornak, and Pijim. In Bistabdyke, local tadjiks left the vilage. In Korday, 12 000 out of 13 000 Dungans left their homes and emigrated in Kyrgyzstan. Ashtanay is the new name of Malovodnoe: the conflict in 2020 is closely related to the conflict of 2007 what means that for 13 year the passions didn't cool.

Conclusions

The empirical verification confirmed the formulated hypothesis. Lack of social mediators in Kazakhstan has at least three negative consequences: poor prevention, inability to avoid the violence during the acute stage of the conflict and damaged relationships between communities. Indeed, the significance and the might of social mediation as a tool for conflict management and conflict transformation (elimination of violence) should not be overestimated. There are many other factors that can impact the outcomes. Nevertheless, an intervention of professionally prepared social mediators can contribute a lot to the achievement of peace and consent between communities in Kazakhstania society while decreasing violence and healing damaged fabric of wider society.

The research presented has certain limitations. First, the reconstruction of the conflicts has been made only based on media publications which could be in certain cases biased. No other research method of gathering information has been used, what hides the risk of one-sidedness and incompleteness. It would also be needed to hear voices of the participants and experts as well as of the professional mediators themselves. Hope this will be done in the future.

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Әлеуметтік медиация бейбітшілік пен қоғамдық келісімнің құралы ретінде

Аңдатпа. Мақала әлеуметтік медиация және оның қазақстандық әлеуметтік-мәдени ортада қолданылуына арналған. Автор бұл зерттеудің өзектілігін конфликттерді басқару мен түрлендірудің салыстырмалы түрде жаңа құралы ретінде әлеуметтік медиацияны ғылыми тұрғыдан түсіну қажеттілігімен айқындалатынын жазады. Әлеуметтік медиация әлеуметтік-коммуникативтік тәжірибенің жаңа түрі ретінде қауымдастықтардың ішінде және арасында бейбітшілік пен келісімге қол жеткізуге көмектеседі.

Автор адами қарым-қатынастардың даму тарихына негізделген оның эволюциясының қысқаша тарихын, сондай-ақ оны қолданудың тиімділігін және әлеуметтік конфликттерді шешудегі бітімгерлердің рөлін ұсынып, терминге анықтама береді. Мақаланың әдістемелік негізін 2006-2021 жылдар аралығындағы Қазақстанның оңтүстігіндегі 11 конфликт мысалында жалпы ғылыми әдістері мен зерттеу нәтижелері құрайды. Мақала талқылау және зерттеу қорытындысымен аяқталады. Сонымен қатар, мақаланың практикалық маңыздылығы әлеуметтік конфликттердің алдын алу мақсатында әлеуметтік медиация стратегиясын қалыптастыруға мүмкіндік береді.

Түйін сөздер: Қазақстан; әлеуметтік медиация; қоғамдық конфликттер; бейбіт келісім; әлеуметтік конфликт; бітімгершілік мәселесі; бейбітшілік; келісім.

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Социальная медиация как инструмент мира и общественного согласия

Аннотация. Статья посвящена социальной медиации и ее применимости в казахстанской социокультурной среде. Автор пишет, что актуальность данного исследования определяется необходимостью научного осмысления социальной медиации как относительно нового инструмента управления и трансформации конфликтов. Социальная медиация как новый вид социокоммуникативной практики может способствовать достижению мира и согласия внутри сообществ и между ними.

Автор дает определение данному термину, далее представляет краткую историю его эволюции, уходящей корнями в историю развития человеческих отношений, а также эффективность его применения и роль посредников в урегулировании социальных конфликтов. Методологической основой статьи являются общенаучные методы познания и результаты исследования на

примере 11 конфликтов Южного Казахстана в период 2006-2021 годов. Статья завершается некоторыми выводами и обсуждением. Кроме того, практическая значимость данной статьи позволит сформировать стратегию социальной медиации в целях предупреждения социальных конфликтов.

Ключевые слова: Казахстан; социальная медиация; общественные конфликты; мирное согласие; социальный конфликт; проблема посредничества; мир; согласие.

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