



FTI FOUNDATION FOR
TOLERANCE INTERNATIONAL

International Alert.



CASE STUDIES OF MEDIATION PRACTICES IN THE KYRGYZ REPUBLIC



This project is funded by
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Case Studies of Mediation Practices in the Kyrgyz Republic

Bishkek, 2013

This document was produced as part of the 'Conflict Mitigation and Peacebuilding in The Kyrgyz Republic' project funded by the European Union and implemented by the Transition and Rehabilitation Alliance for Southern The Kyrgyz Republic (TASK). This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of International Alert and Foundation for Tolerance International and can in no way be taken to reflect the views of the European Union.

This publication is made possible by the support of the American people through the United States Agency for International Development (USAID). The contents are the sole responsibility of International Alert and Foundation for Tolerance International and do not necessarily reflect the views of USAID or the United States Government.

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Layout and illustration by Maksat Bolotbekov, Aidar Egimbaev.

About International Alert

International Alert is a 27-year-old independent peacebuilding organisation. We work with people who are directly affected by violent conflict to improve their prospects of peace. We seek to influence the policies and working approaches of governments, international organisations, such as the United Nations, and multinational companies to reduce conflict risks and to increase the prospects for peace.

We work in Africa, several parts of Asia, the South Caucasus, the Middle East and Latin America, and have recently started implementing projects in the UK. Our policy work focuses on several key themes that influence prospects for peace and security – the economy, climate change, gender, the role of international institutions, the impact of development aid, and the effects of good and bad governance.

We are one of the world's leading peacebuilding NGOs, with more than 200 staff based in London and 14 field offices. To learn more about how and where we work, visit www.international-alert.org.

About Foundation for Tolerance International

Foundation for Tolerance International (FTI) is a non-governmental organisation working for the prevention and non-violent resolution of conflicts. The Foundation was established in 1998 as a follow up to the 'Conflict Transformation and Teaching Tolerance' initiative, implemented in 1996 with the support of the UNHCR.

To date, FTI has completed more than 100 different projects and programmes. FTI is currently one of the largest and most experienced NGOs working in conflict prevention and resolution in Central Asia. The Foundation employs 20 staff with different specialisations, representing a range of ages and nationalities. FTI has its Head Office in Bishkek, and three branch offices in Batken, Osh and Jalal-Abad. It is a founding member of the 'Valley of Peace' NGO network, which covers the Kyrgyz Republic, Tajikistan and Uzbekistan. It is also a member of a number of other international networks, and is the regional coordinator for Global Partnership for the Prevention of Armed Conflict in Central Asia.

About the European Union

Since the independence of the Kyrgyz Republic in 1991, the European Union has been a committed partner of the country and its citizens in their endeavours to achieve political, economic and social reform. In 1999, a solid foundation for EU-KR relations was established in the form of a broad-ranging Partnership and Cooperation Agreement. In 2007 the Strategy for a new Partnership between the EU and Central Asia was adopted, bringing a renewed and strengthened focus of the EU on the Kyrgyz Republic and other countries of the region.

Partnership includes political dialogue and economic cooperation in spheres such as democracy building and human rights, strengthening the rule of law and penal reform, border management, education, social protection and support for food security.

In its cooperation with the Kyrgyz Government, the EU, in cases where suitable conditions can be met, directly supports the national budget, and assists in making the use of the budget more effective for meeting the country's priorities. The EU is committed to assisting the peoples of the Kyrgyz Republic in moving towards a market economy and parliamentary democracy, and in establishing closer relations with Europe. The EU Delegation places particular importance on cooperation with civil society; on supporting non-governmental organisations and think tanks; and on encouraging cooperation between them and with state and local authorities, all to the benefit of the country as a whole. In fact, developing and strengthening partnerships has become one of the EU Delegation's main strengths.

In the last twenty years of successful partnership, the EU and the Kyrgyz Republic have established strong relationships which focus on both economic cooperation with financial aid and political dialogue on issues of mutual interest to promote human rights, democracy, rule of law and good governance. To achieve further progress in these areas, the EU stands ready to continue cooperating with the Kyrgyz Republic in the future.

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INTRODUCTION

Programme Brief

In 2011 the TASK Alliance of international non-governmental organisations (NGOs) began implementation of the 'Conflict Mitigation and Peacebuilding in The Kyrgyz Republic' project. The project is being implemented with the financial support of the European Commission through the Instrument for Stability.

The goal of the project is to mitigate sources and factors of arising conflicts, and to promote peace and stability. The goals of the project are to be reached through building conflict mitigation capacity in 100 target communities in the Kyrgyz Republic, as well as through creating additional opportunities for social and economic development to relieve tension and promote common peaceful interests. The main target groups of the project are vulnerable community members, women, youth and small businesses. Geographical programme coverage focuses on the southern oblasts of the Kyrgyz Republic: Osh, Jalal-Abad and Batken. A series of events will also be held in Chui Oblast.

One of the six strategic directions of the project is a component called 'Expanding and strengthening a mediators' network to resolve local disputes/conflicts in target communities'. A guide for mediators was developed within the framework of the component by FTI, in close partnership with International Alert (hereafter 'Alert'), as well as the publication before you, which provides a large-scale, informative base of mediation practices which have taken place in the Kyrgyz Republic.

At the early stage of the project, an agreement with the Organization for Security and Cooperation in Europe (OSCE) was reached to include Osh and Jalal-Abad oblasts in the collection of case studies. The OSCE also proposed involving local partners (local NGOs cooperating with the OSCE) in the activity to assist with case collection in these oblasts.

Goals and Objectives of the Collection

Initially, the case study collection was to be considered as 'thematic research on mediation practices'. When launching the project it was important to identify what kind of research

needed to be conducted and what product we wanted to have at the end, while considering the goals of this publication identified in the project documents. At the early stages of collection, the following goals had been identified:

1. To assist beginning and practising mediators in their activities through providing a review of existing practical mediation experience in the Kyrgyz Republic. The Collection encompasses mediation experiences from the Kyrgyz Republic, collected and extracted from mediation case study publications. At the moment, there are no widely distributed publications which demonstrate mediators' work, the methods they apply and their successes in solving conflicts. This Collection could serve as a guidebook for beginner mediators, which describes various types of conflicts, tools and methods used to resolve them, and styles of behaviour during the resolution of conflict situations. The Collection is also intended to be a methodological addition for practising mediators who would like to improve their skills.

2. To assist mediation trainers in training mediators, using the Collection as training material. Cases in the Collection could be used as tasks and cases for resolution during training processes. Mediation practices indicated in the Collection serve as examples for exercising different styles of behaviour, for studying possible difficulties and mistakes, and also for determining a specialisation for each mediator.

3. To assist in the development of mediation in The Kyrgyz Republic by publicising the most successful mediation practices. The publication itself is aimed at informing the public about the achievements of mediators in the Kyrgyz Republic, and to demonstrate the significance and topicality of the process for the Kyrgyz Republic at the current stage of its development.

The following groups were defined as target groups (beneficiaries) for the Collection:

1. Beginning and practising mediators interested in studying the experiences and practices of other mediators (priority target group)
2. Mediation trainers who would use this manual as a training material
3. Public institutions (interested govern-

ment agencies, civil society organisations (CSOs), local communities, international organisations) and other organisations interested in information on mediation and practicing mediators in The Kyrgyz Republic.

Methodology

When drafting the methodological framework of the Collection, the following subjects were identified for study:

1. Conflict and its resolution (conflict mapping, development, dynamics, resolution);
2. Mediators' actions aimed at solving a particular conflict (stages of conflict);
3. Mediators' success stories and lessons learned during conflict resolution processes.

Based on these identified subjects we developed a questionnaire to collect information on cases (the toolbox), which focused on the following topics:

1. Information on the mediator;
2. Conflict mapping;
3. Mediation;
4. Success stories and lessons learned.

It was decided that case collection would be conducted through personal interviews with mediators. Compared to other methods, this allowed for more information on cases and the mediator's experience (e.g. survey, focus groups) to be obtained.

Mediators were selected using the 'snowball' method, i.e. the survey was passed from one mediator to another. As we lacked a concrete database or an official registrar of mediators and their specialisations, this method worked well.

Geographical coverage of the project included Chui and Batken oblasts. After the involvement of OSCE local partners and a consultant for case collection in the process, the geographical coverage of the project was expanded to Osh and Jalal-Abad oblasts. As a result, the Collection included cases of mediators who carried out their activities in four oblasts: Batken, Jalal-Abad, Osh and Chui.

Case collection Lessons learned

In Chui and Batken oblasts cases were collected by FTI staff. In Osh and Jalal-Abad oblasts cases were initially collected by OSCE partner organisations (the Public Foundations 'Iret' and 'Aimira'). At the final collection stage an additional consultant was hired to complete collection in Osh and Jalal-Abad oblasts.

Lessons learned

1. What is mediation and how should it be identified?

'Today an armed conflict took place on the border. So, your mediators are already there?'

Quote of an individual after the incident on the Kyrgyz-Uzbek border

When the case collection had just begun, there were some initial challenges regarding the understanding of mediation as a concept. Mediators themselves, as well as partners and other individuals with whom they had to interact, barely understood which processes could be considered as mediation. It led to difficulties both in the field when collecting cases and during the interim planning. This problem was identified by partners at the initial stage. Alert proposed using the following definitions of mediation.

Mediation implies intervention of an impartial outside third party whose participation all parties agree with and does not obtain an official authority to make decisions to assist the concerned parties to a dispute in reaching a solution. (Berkovich & Jackson, 2012)

...a mediatory activity of a third party that intends to reach compromise parties who dispute over certain issues or at least to put an end to disruptive behaviour..(Mitchell, 1981).

Facilitative mediation is a mediative process which allows conflicting parties to solve their conflict without the direct involvement of a mediator, who rather offers or recommends to them ways to solve a conflict as an impartial third party.

Evaluative mediation is a process that involves a third party that offers and recommends to conflicting parties ways to solve a conflict (Zumeta, 1991). It is defined as a process where a third party first investigates and defines a problem, then works with each party separately, and finally develops recommendations on a mutually beneficial decision (Blake & Muton, 1985).

Transformational mediation is similar to facilitative mediation, but it proposes parties look at the conflict from another point of view.

Narrative mediation offers parties the possibility to look at the conflict from another angle, as if they were listening to someone's story.

The partners agreed to use these definitions in the official documents when expressing official positions. They set clear borders between mediation, negotiations and arbitration. Defining these terms was extremely important in collecting cases, as it served as a sample of the collected success stories.

2. In search of 'clean' mediation

The case study collection was initially focused on searching for so-called 'clean' mediation. However, during the process it was found that such cases are rare. During conflict resolution processes mediators often played roles of negotiators and intermediates. As most of the mediators were people with authority and a good reputation in their communities, they often had to use their names to influence conflicting parties or to mitigate conflict escalation. Therefore, one can conclude that mediators often need to interfere in the conflict themselves. Throughout the conflict resolution process mediators play various roles and apply each of them correspondingly to different stages in order to resolve conflict. For example, a mediator interferes in a conflict at the crisis stage as a negotiator or an authoritative person. After the parties have calmed down and are ready to participate in mutual communication, the mediator then starts mediating and finally reconciles the parties.

It was decided to study conflict resolution cases in which peacebuilding was employed, as it involves the principles and elements of mediation. The reader should understand that the term 'peacebuilding' implies positive peacebuilding activity and the non-violent resolution of conflicts, not exerting pressure or even using the threat of force to prevent violence.

3. Inter-personal and inter-group mediation

Most of the mediation cases describe the conflict resolution process between specific people. These cases can be called 'inter-personal' mediation. As a rule, mediators conducted this mediation as conflicts arose or upon the request of people who sought to solve the conflict.

As a separate group, one can identify mediation cases conducted as part of large projects which covered larger groups of people and territory. As a rule, these projects were funded by international donors and made up of complex measures aimed at changing conflict situations in larger communities. Naturally, one mediator would not be able to

solve such processes alone so the mediation is conducted in teams; this is known as 'inter-group' mediation.

4. Special features of mediation development in the Kyrgyz Republic

In contemporary understanding, mediation is a relatively new phenomenon for the Kyrgyz Republic. The contingent of mediators in the Kyrgyz Republic has just started to form and the general population (beneficiaries of mediators' actions) has just started to understand mediation and its culture. Cases of 'clean' mediation which include all elements and stages are quite rare. However, there are many mediators in the country who have already obtained significant practical experience and knowledge. Thus, reviewing of cases collected in the publication will help us to learn about the special features of mediation development in the Kyrgyz Republic and not to claim that a high level of development of mediation exists there.

OSCE activity in Kyrgyzstan on establishing and building the capacity of a public-private network of "Peace Ambassador" teams in the city of Osh, and the Osh, Jalal-Abad and Chui oblasts

Objective of the initiative: Assisting communities and local authorities in the city of Osh and in the Osh, Jalal-Abad and Chui oblasts in identifying and responding to potential conflict situations through the establishment and capacity building of a "Peace Ambassador" network.

Partners: Public Foundation "Iret", Public Foundation "Aimira", Public Union "Alga", the Mayor's office of Osh city, Offices of competent representatives of the Government of the Republic of Kyrgyzstan in Osh, Jalal-Abad and Chui oblasts.

General information about the "Peace Ambassadors":

"Peace Ambassadors" are individuals who assist conflicting parties reach a mutually agreeable solution to their conflict. "Peace Ambassadors" can work both individually and in teams, based in each administrative/territorial unit (district or a town) of the oblasts covered by the project. "Peace Ambassador" teams are legally bound to work within their

particular jurisdiction and to bear responsibility for that area. Local leaders who are well known and respected in the area may become team members; they are, in any case, frequently approached to help resolve conflicts within their communities. The teams created within the framework of the project will pursue two main goals:

1. Analysing the nature of conflict and identifying potential areas of tension in communities, actively cooperating with the authorities and civil society in addressing these problems, and assisting in building dialogue between the conflicting parties;

2. Responding to emergency situations with an aim to resolve conflicts in cooperation with law-enforcement authorities and other governmental institutions.

The "Peace Ambassador" (PA) teams will serve as a bridge between representatives of various ethnic and age groups, as well as between citizens and the authorities. While the direction of their activity is set by the government, the "Peace Ambassadors" have autonomy within their areas of competence. Any individual from any community may approach the team members when seeking a solution to their conflict.

Project activities and expected outcomes:

1. Selecting the "Peace Ambassadors"

In 2011-2012, 748 individuals from the city of Osh and the Osh, Jalal-Abad and Chui oblasts were selected. Together they have made up 34 teams of 22 people. The "Peace Ambassadors" were selected through the joint efforts of the representatives of relevant government authorities and civil society partners, with the support of the OSCE, and in compliance with the rulings of law-enforcement bodies. When selecting the candidates, the selection committee considered many factors: they made sure that the teams created within the project framework would represent respected representatives of various ethnic and religious groups of different ages and genders so that the composition of the teams would be balanced and reflect the composition of the community as a whole. As a rule, 50 percent of the teams are represented by governmental structures.

2. Training the "Peace Ambassadors"

In 2011 an international consultant conducted a series of Trainings of Trainers for each team in south of the country in order to develop key technical skills. The trained team members later conducted further training sessions for their own teams. In 2012, following

the same scheme, new teams from Chui oblast were trained to apply basic skills when working on conflict. Other teams created in 2011 were also trained.

In 2013, an international expert, who had already worked with the PA teams in the city of Osh and the Osh and Jalal-Abad oblasts in 2011, will continue building the capacity of these teams through additional training. Two local consultants will be invited to assist in the provision of this training.

3. Practical exercises/training

In 2012, 25 training sessions on working in crisis situations were organised for PA teams in the city of Osh and in the Osh and Jalal-Abad oblasts. These trainings were conducted with the joint efforts of an expert on security issues, law enforcement bodies and other project partners.

In 2013, the project plans to conduct joint practical training sessions for PA teams in different southern districts, and to run two separate training programmes for teams in Chui oblast. Two local consultants on security issues will be involved in conducting the training. PA team members and local government authorities, including law-enforcement bodies, will take part in the training sessions. 35 training sessions are planned in total, with one course per district, and one major training session involving local government authorities and all eight teams in the city of Osh.

4. Activity on preventing conflicts

In 2011-2012 the trained "Peace Ambassadors" conducted a number of roundtables in their communities aimed at building dialogue to solve serious problems, at evaluating situations when problems may grow into conflicts, and at eliminating possible causes of conflict. The OSCE financed this activity through allocating mini-grants. Some of the teams took part in mediating conflict situations. In 2013 further assistance will be provided to PA teams to continue activities to identify tension in their communities and cooperate with PA teams from neighbouring districts experiencing inter-district conflict.

In 2011-2012 a special consultant on security issues developed a Code of Ethics and a working concept of operational activity for PA teams to work with law-enforcement bodies in crisis situations. The other consultants on security issues, who will be involved in developing and conducting training, will also continue to

cooperate with PA teams so that they will be ready to quickly react to crisis situations in cooperation with government authorities.

5. Statute on the activity of "Peace Ambassadors"

In 2013, in cooperation with the government structures in coordination with the Jogorku Kenesh Committee on Defence and Security, project staff will discuss the acceptance of a statute regulating PA teams' activity. This will provide the teams with an official status at the city and oblast level. It is worth mentioning that all PA team members are volunteers and do not get paid for their work. After the completion of the project, the teams' activity coordination function will be passed on to the relevant government authorities: the Mayor of Osh and the state oblast administrations. General coordination will be carried out by the government.

6. Public awareness on PA teams' activities and the creation of a network of teams

In 2013 it is planned to conduct a number of events aimed at raising public awareness about PA teams and their activities, such as the creation of video materials, and drafting and publishing a book on their activities. This will be done with the assistance of specially invited consultant documentary maker.

In 2013-2014, PA team network members, as well as local government authority and law-enforcement body representatives will be provided with mobile phones. This will provide free communication between them, reinforce cooperation between different territories, and enable them to share information during crisis and conflict situations.

How to use this Collection?

1. All cases in the Collection have been divided into four groups according to geographical criteria:

- a. Batken oblast;
- b. Jalal-Abad oblast;
- c. Osh oblast;
- d. Chui oblast and Bishkek.

2. Cases can be conditionally divided into the following groups:

- a. Mediation and peacebuilding cases where principles and tools of mediation (i.e. going through all stages and elements of mediation) were applied;

b. Mediation between individuals and mediation between groups and communities (i.e. quantity of subjects).

3. Case classification by conflict type seems to be impossible as separate cases include simultaneous processes and features, e.g. family, criminal, inter-ethnic, household, conflicts over resources, political, etc. Qualification of conflict and how it relates it to a certain group is extremely difficult.

4. The structure of each case includes four informational segments:

a. A table with brief information, including the name of the case, geographical oblast and the location of the conflict, and information on the parties concerned, as well as information about the mediator. The table is aimed to provide quick and clear identification of the content of a case.

b. 'Conflict mapping', which includes a description of the initial situation, geographical peculiarities of the conflict, and timeframes. This segment also includes information about how the mediator was involved in the resolution of the conflict.

c. Mediation, which includes three sub-sections: a) the preparatory stage of mediation; the decision-making stage (mediation stage); the post-mediation period (implementation of decisions, monitoring results).

d. Successes and lessons learned. This segment provides the following information; methods and tools used by mediators; challenges faced by mediators during the mediation process; factors which facilitated the success or failure of a particular mediation process.

5. At the end of a case, there is sometimes a comment from FTI to direct the reader's attention to specific features of that particular case and how it may be understood.



Batken oblast

Conflict between residents of Yangiabad and Chagatai streets, Isfana town

Household conflicts



'They started solving the problem when they found the real causes of the situation'

Where?	Main conflicting parties		Mediator
Isfana	First party Residents of Yangiabad Street	Second party Residents of Chagatai Street	Kurbanova Gulsara, local leader

Timeframe of the conflict

The conflict began in August 2012 in Isfana between the Yangiabad and Chagatai Streets and lasted for more than a month.

Background information

The starting point of the conflict was when three neighbours who lived on Yangiabad Street expanded the boundaries of their gardens by one metre in the direction of a major road. A local woman had also built a kiosk near the road. Thus, these actions narrowed the roadway, which had previously been used for heavy goods traffic moving in the direction of Chagatai Street. As the road became narrower it became impossible for the residents of Chagatai Street to drive freely, becoming suitable only for pedestrians.

One day a heavy cargo truck loaded with hay driving down the Yangiabad Street caught part of a local woman's kiosk. With the kiosk broken, the unhappy owner blocked the road, followed by Yangiabad street residents, bringing the road to a total standstill. This led to a conflict situation between the residents of Chagatai and Yangiabad Streets.

As a result the juz bashy of Chagatai Street decided to request that mediator Gulsara get involved to solve the conflict.

Involving the mediator

The mediator was involved from the very beginning of the conflict situation. The juz bashy of Chagatai street addressed Gulsara as she had a great experience in working with women, as well as in solving family and household conflicts. Gulsara was also respected among the local population. The initiative to solve this conflict came from the local community itself.

Preparatory stage of mediation

At the beginning of the preparatory stage the mediator studied all documents in the kiosk owner's possession (including land documents). As a result of the study she found that the woman had no right to construct a


kiosk in the area. By constructing her kiosk one metre beyond the permitted boundaries and illegally occupying a part of the roadway, she had violated town-planning norms. The mediator talked to neighbours to listen to ideas for solving problem. Various opinions and proposals voiced said, including destroying of the kiosk.

Decision-making process

A meeting near the city gymnasium was organised to discuss a settlement to the conflict. Around 10 (influential) residents from Chagatai Street and three residents from Yangiabad Street, including the kiosk owner.

The parties expressed various opinions and gave different solutions. Due to views such as the blocking of a road as a 'sin' and that 'one has to fear from God', the resolution process was long and disputed. Residents stated that during summer this road was so dusty it was impossible to walk; that those who fenced the road violated a land law as they did so without permission; that the State Auto Inspectorate should erect warning signs for heavy goods vehicles to stop them driving along the road and damaging local residents' properties. The mediator gave each party a separate chance to speak and made sure that parties would not shout at and bicker with each other, ensuring proper order. As a result the parties came to the opinion that, first of all, people had to provide for normal traffic along the road, and that the local community would dismantle the remainder of the kiosk and pavement which was blocking traffic, thus widening the road.

The problem of ice on the roads was also raised. During wintertime, schoolchildren walk along the road, but there were cases when water would freeze on the surface of the road, resulting in the children falling and hurting themselves. Water dripping from the roofs of buildings built along the road had not been channelled to the drainage system, as the gutters and drainage ditches were all clogged. Residents of Chagatai Street promised to



relay pipes and clean the drains so that the water dripping down from the roofs would not freeze on the road. Residents of Yangi-abad Street promised to dig deeper drainage ditches to catch rain water. As mediator said the meeting was documented, the residents of both streets decided that they would monitor each other in the implementation of the agreements made.

Post-mediation period

The work has not yet started; however, the preparatory stage is under way. The parties are waiting for the SAI to erect warning signs and for each other to start carrying out their responsibilities.

What tools did the mediator use?

- Active listening
- Meetings with both sides
- Analysis of legislation
- During separate meetings with the owner of the kiosk and the local government the mediator collected a lot of information related to the state of the road. This allowed for resolving the problem of the clogged drainage system

What challenges did the mediator face?

The greatest challenge faced by the mediator was the woman who illegally built her kiosk, as it was difficult to explain the essence of the situation to her. She would not make any concessions, as she already spent a lot of money on constructing the kiosk. However, after the mediator told her that the law was not on her side as she had no land acquisition permits from the local state registry for expansion, she agreed in order not to incur more losses in the future.

What facilitated the success of this mediation?

1. Local influential people from Chagatai Street made clear arguments and reasoned statements regarding the road expansion so that the kiosk owner would not face damages. They began to resolve the issue after learning the real reasons surrounding the situation.

2. Private conversation with street residents; active listening to different positions and interests allowed for reaching consensus, because all the people involved wanted to live in peace and harmony.

3. Convincing arguments over the illegal construction of the kiosk. Had the residents addressed the state registry authorities after studying all documents, they could have destroyed the kiosk, negatively affecting its owner.

4. The parties came to a shared solution.

The mediator's personal comments

Sometimes negotiations lead to deadlock, in this case the local community turned out to be forward looking and found a good solution. Such problems may negatively affect other communities, as there is a lot of illegal construction in this area. Local people cannot solve the problems on their own and no one wants to file lawsuits regarding such issues.

Conflict between students of two schools in Kalacha village

School conflicts



'There was a sort of 'hazing' relationship in their own school (i.e. bullying)'

Where?	Main parties of the conflict		Other parties		Mediator
Kalacha village, Uch-Korgon ayıl district, Kad-amjai region	First party 11th grade students, Pushkin secondary school	Second party 11th grade students, Aini secondary school	Third parties Anonymous provocateur	Other participants School administrations, Inspection of Juveniles staff, Uch Korgon district.	Madazimov Abbos , local leader

Timeframe of the conflict

The conflict arose at the beginning of 2012 and lasted for about a week. The mediator worked with the conflict from the moment it arose.

Background information

According to the mediator, the conflict lasted for about a week. Before the conflict arose, the senior class students had some minor misunderstandings. The conflict occurred as a result of a provocation, when someone sent to students of both schools a text message (SMS) saying 'You are nothing'. Additionally, the students of Pushkin school received a number of other SMS: 'We, the 11th graders of Aini school, can beat you up', etc.

Having received these messages, the Pushkin school students gathered their classmates and friends in order to clear up the situation with the Aini school students. Following an angry war of words, some students from Aini school who came to the meeting, reacted violently to the accusations of sending the SMS messages and started a fight. A deputy director saw the fight, intervened and parted the students. He asked students about the causes of their actions, but the students of both schools hid the true cause of the conflict and refused to disclose any information.

Involving the mediator

The mediator had taken part in all the seminars and training sessions which were conducted within the framework of the TASK project and had participated in other training courses on conflictology, negotiation and consensus building. The mediator became involved in this particular conflict situation towards the end of the conflict. A Juvenile Inspection staff member approached the mediator as he believed that the mediator could solve the situation peacefully. The mediator

decided to take part in the conflict settlement after hearing that his involvement had been requested by law-enforcement authorities.

Preparatory stage

The preparatory stage of mediation started with collecting information on the conflict. The mediator decided to collect all information from students from the 9th and 10th grades of both schools. They said that there had been clashes between senior students both within their schools and between other local schools, a so-called 'informal hierarchy relationship', i.e. bullying.

When concluding their research the mediator and Juvenile Inspection staff member found the telephone number from which the SMS messages were sent, as well as identified the person who sent it to the students of both schools. This person was then questioned.

The sender of the SMS messages turned out to be a student of another school, whose motive was to start a fight between the Pushkin and Aini schools. The culprit then apologised to the students of both schools.

Decision-making process

In cooperation with the deputy directors of the Pushkin and Aini schools, the Juvenile Inspection staff member of Uchkorgon ayıl district invited the conflicting parties to Kalacha village for a meeting. 6 students from Pushkin school and 7 students from Aini school came to the meeting with their parents.

At the beginning of the meeting the Aini students' parents blamed the meeting's organisers that for blaming their sons for the fight. Thereafter, the participants listened to the positions of both conflict parties. After that, everybody was told that the author of the SMS messages was a student from another school.

The students of the two schools apologised to each other, shook hands as the sign of reconciliation, and promised each other that they would not fight again. The students of both schools also apologised to their school deputy directors for fighting. All decisions were made verbally, and new obligations were not formalised in writing.

Post-mediation period

After reconciliation the mediator witnessed that the two parties carried out their obligations. A sports event was organised for the parties to interact and play with each other. It emerged that the boys dreamed of creating a single sports team and competing against their peers in national athletic competition.

What tools did the mediator use?

- Collecting information on senior students through junior students of junior classes. This widespread allowed junior students, who are aware of current school events, to freely share information, as they were not linked to senior students and chances of retribution were minimal
- Working with the Juvenile Inspection office. As the initiative to bring in a mediator belonged to a Juvenile Inspection staff member, cooperation was initially implied and proved that the office was interested in resolving the conflict peacefully
 - Conducting negotiations
 - Cooperation with other teachers and school deputy directors. When working with schoolchildren such cooperation is extremely important
 - Personal meetings

What challenges did the mediator face?

It was challenging to find an impartial party. In this case, assistance was given by the Juvenile Inspection office. The students did not want to disclose the real cause of the conflict. Students were not aware of mediation or negotiation. The mediator believes that tolerance and 'conflictology' lessons should be introduced into the school curriculum to facilitate children's better understanding of how to solve school, familial and societal problems. He also proposes the introduction of mediation into schools. There was a language barrier, as in the Uchkorgon ayil district most of the population speaks Tajik.

What facilitated the success of this mediation?

1. Knowledge of the mediation process, how to conduct and manage the process, what to say and what not to say.
2. The decision was made by the students, thus they took personal responsibility for the decisions and their further implementation.
3. The parties, particularly teachers and Juvenile Inspection office, were interested in a positive settlement. The result was achieved thanks to the teachers and school deputy directors.

Mediator's personal comments

Paying particular attention to school life, parents began to pay attention to their children at home and started to conduct counselling work within families. There should be the conducting of educational programmes to familiarise children with the art of mediation to cultivate tolerance.

Conflict over a water spring at Sary Talaa pasture

Water conflicts



Batken oblast	Mediation Case №3		2011	
'The Local Pasture Committee is experienced in solving problems with pastures, such cases happen quite often'				
Where?	Main conflicting parties		Other parties	Mediator
Sary Talaa location, Kadamjai district	First Party Chaban B	Second Party The rest of the chabans and members of the local community	Third parties Pasture Committee	Kambarov Tolkunjan, teacher, Pasture Committee Chairman

Timeframes of the conflict

The conflict started in spring 2011 and lasted for about a year.

Background information

The conflict began when Chaban A of the Sary Talaa pasture, which is owned by the local community, fenced off land around a water spring used for watering cattle. The shepherd fenced off around 20 acres of land around the water spring and started to plant trees in that area of land. The shepherd did not want to let others' grazing cattle enter the territory. Neighbouring chabans and residents of local community requested that the water spring be opened to the public and the fence removed. In spring 2011 the conflict reached its crisis. Thereafter, the parties approached the Chairman of the Pasture Committee and asked him to intervene in the conflict, as it is within the authority of the Pasture Committee to consider and settle the situation. He was told that in the last two years livestock numbers had increased, and that the water was insufficient. The local ranchers had three barns' full of livestock, equalling roughly 1,000 heads of sheep and 50 heads of cattle. With the increase in livestock, water had become an object of dispute between the shepherd and the local community.

Involving the mediator

The mediator was involved in the process from the confrontation stage, when the two parties could not find a solution and approached the local Pasture Committee. The local community initiated approaching the chairman of the Committee. This was due to the fact that the parties were unable to reconcile and settle the conflict. It is within the competence of the local Pasture Committee to consider pastoral issues at the local level.

Preparatory stage

At the preparatory stage, the mediator studied The Kyrgyz Republic's normative legal acts related to the use of pasture, and organised a meeting with the chaban who had fenced off the area, preventing the other shepherds from accessing the water. During the meeting, various opinions were voiced. The solution was possible if the chaban changed his attitude toward others and found a common language on the watering issue. The chaban who fenced off the water spring did not have any private property right to the land, as all pastures belong to the state.

Decision-making process

Two meetings were organised and conducted in Sary Talaa, in which all conflicting parties participated. The meeting where the final decision was made took place in Pulgon village. The decision-making process took place in Pulgon in the cabinet of the Chairman of the Pasture Committee. At the beginning of the process, each party was given a chance to speak in order to facilitate an easier compromise. The parties presented their positions, interests and needs, and both of them agreed to solve the problem peacefully and were interested in finding of a point of contact. The mediator made sure that no one was interrupted. The parties thus came to a decision that there was no alternative and that they would try to solve the problem without incurring expenses and without blaming each other. During the decision-making process the second party proposed removing the fence around the water spring. The chaban did not agree, as his 10-year efforts of planting would have been undone. From an ecological point of view, it made sense to the local community to keep the plants around the water spring.

As a result the parties came to the following solution:

1st party: the shepherd who fenced off the area agreed to channel part of the water flow to a catchment beyond his fence.

2nd party: Local community representatives agreed with the newly proposed access to water. They also agreed to provide a 600m pipeline. The local Pasture Committee promised to provide construction assistance in the form of cement and armature. The construction of a catchment would require KGS4,500. Agreements were made verbally and no written agreements were signed.

The shepherd was not punished for his illegal actions because he took a good care of the water spring, cleaned it, planted trees around the spring, etc.

Post-mediation period

A compromise was found at the first stage of negotiation, when the first party agreed to channel a proportion of water to flow into the territory of other shepherds. The local community (the second party) agreed to provide four bags of cement and 32m of armature to build a catchment. The first party provided around 20m of pipes for the water to flow beyond the fenced territory. The pasture committee promised to provide crushed rocks. All the obligations of parties are being implemented, and only one issue is left open – the construction of the catchment.

What tools did the mediator use?

- Studying specific legislation, including the Law 'On pastures', which has been in force since 2009 and the Law 'On farmland leases'
- Consulting with the local Pasture Committee
- Negotiations and meetings with all conflicting parties

What challenges did the mediator face?

During the mediation process the mediator did not face any challenges as he knew the situation very well. The parties of the conflict found solutions on their own so the process was solved to the benefit of both parties. The local Pasture Committee is experienced in solving of problems related to pastures; additionally, such cases are not rare in this area. The committee agreed to allocate money from the funds collected by pasture users. This money should go directly to the development of pasture infrastructure. Therefore, it was decided to allocate funds for the construction of a catchment.

What facilitated the success of this mediation?

1. The mediator's status, as all parties knew this mediator as Chairman of the Pasture Committee.
2. Knowledge of Kyrgyz laws.
3. Respect as well as trust enjoyed by the mediator.

Mediator's personal comments

Mediation should be conducted on a certain territory in a certain community, and decisions should be made locally. One mediator can easily solve a problem of 2,000 people in a peaceful way without conflict.

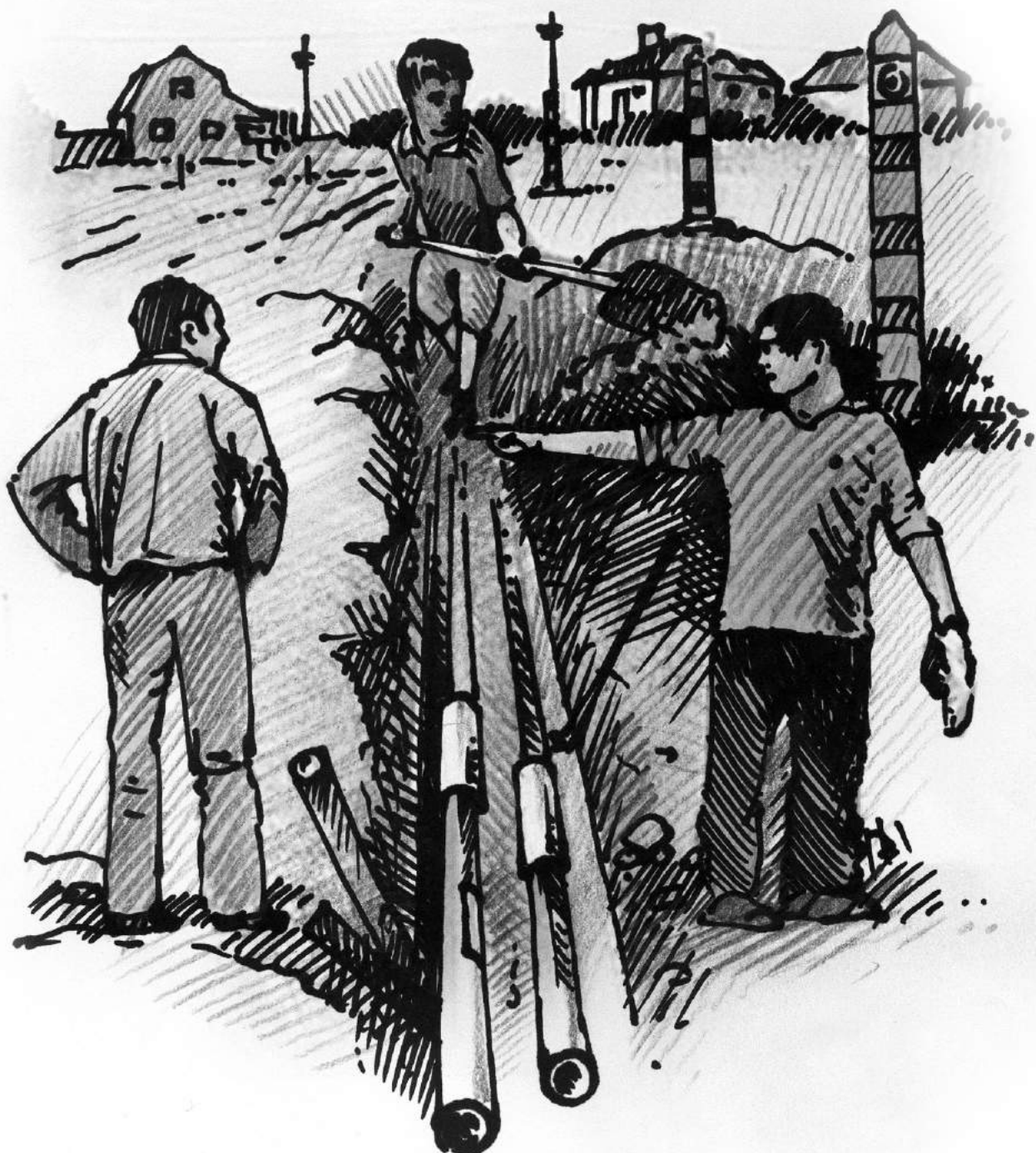
FTI comments

There can be certain doubts regarding the status of the mediator and how the parties perceived him. In this situation the mediator was simply carrying out his duties as Chairman of the Pasture Committee; however, when settling the conflict he did use mediation tools and approaches.

A catchment is a trench which intercepts and collects groundwater in places where it is brought up to the surface. Approximately US\$94 as of March 2013.

Conflict over a water pipe in Mazeittin Jeri

Water conflicts
Border conflicts



'In communities where Kyrgyz and Tajiks live together, conflicts over land, water and pastures are not rare'

Where?	Main conflicting parties		Mediator
Mazeittin jeri, Batken oblast	First Party Residents of Mazeittin jeri	Second Party Residents of Brigade №4 Chorkuh jamoat	Maksat Imetov, head of Aktatyr ayıl district

Timeframe of the Conflict

The dispute between two communities (Kyrgyz and Tajik) lasted for about a year, beginning in 2011 when the construction of a water pipeline to Mazetitin jeri (in The Kyrgyz Republic) had begun.

Location of the conflict (special geographical features)

The Mazeittin jeri area is located on the The Kyrgyz Republic-Tajikistan border, on Kyrgyz territory between Ortoboz village (Kyrgyz) and Chorkuh jamoat, Brigade #4 (Tajik). The population of the village is 243 people and, as the area had never had a watersource, there was no drinking water, with people having to drink water from an irrigation ditch (aryk). During winter, people drink water from the Isfana river.

Background information

The dispute arose in 2011 between the local population of the Mazeittin jeri area and the residents of Brigade #4 of Chorkuh jamoat, when the residents of Mazeittin jeri started digging a trench in order to install a water supply. The dispute arose over unclearly defined border territory. There was a small plot of land between two Tajik houses, which was intended to be used for the Kyrgyz community's water supply. The owners of the houses did not want the water supply to be based on their territory, whereas the residents of Ortoboz nad Mazeittin jeri insisted that it was Kyrgyz land. The two parties could not come to a consensus; therefore, the problem was not solved. As a result, construction on the water supply has stopped. Before this situation occurred, the local population had enjoyed a friendly relationship, held meetings, celebrated holidays together, and visited each other. After the incident, the relationship of the two communities has changed for the worse.

Involving the mediator

Maksat Imetov, a mediator with a good reputation as a young and energetic head of the ayıl ökmötü, started studying the dispute when the construction of the water supply stopped. He started studying relevant documentation, and found out who owned the land. He did a great job, meeting with the State Registry of Batken district and the head of Brigade #4. On two occasions the Kyrgyz community dug the land by hand, but the Tajik residents refilled the trench with soil. The mediator became involved in the dispute in early August and initiated a cycle of meetings with both sides to facilitate a solution.

Preparatory stage

At the preparatory stage the mediator conducted a meeting with the head of the Chorkuh jamoat Sharapov, the aim of which was to explain the context of the problem to the communities, so that they permit further building of the water pipeline to the Mazeittin jeri area. After the head of the jamoat gave written permission to build the line, the mediator conducted another meeting with the Tajik residents of the land plot and the Chorkuh jamoat deputy head. He explained that there had been permission to construct a water supply pipe, which had started long before the conflict situation arose. The conflict started after some of the work had already been finished, and the Kyrgyz community wanted to build the line through Tajik property. Why the Tajiks opposed the work remained unclear for him. The Tajik side was principally against any activity on their territory, despite any mutual benefit which might arise.

Decision-making process

The decision-making process was long, as the parties could not come up with a solution. As the land was disputed, both of parties argued that the land belonged to them.

This had been caused by a failure to delimit and demarcate the borders between the two states. Progress was achieved only when the head of Chorukh jamoat gave written permission to erect the water pipeline.

Regardless of 3-4 meetings conducted between both sides, the dispute remained unresolved. In the end, after the final meeting with the chairman (head), the parties came to the opinion that one water pump should be installed on the Tajik side.

The role of the mediator was to reconcile the parties and assist them to come to an agreement, considering that the Tajik part of population did not need water. The mediator initiated and facilitated all meetings, as well as initiating decision making.

Post-mediation period

After the final meeting, the Kyrgyz side proposed to build one water pump for the Tajik community, so that they also had access to drinking water, which was accepted. The building work was re-started. The local community, with the help of the mediator, came to an agreement and solved the conflict peacefully. At the moment parties are rebuilding their trust in each other and construction is under way.

What tools did the mediator use?

- Active listening. While actively listening, he managed to obtain complete information about the problem and identify key problematic areas
- Conducting meetings with the head of the jamoat, local residents and the State Registry department

What challenges did the mediator face?

The mediator faced challenges such as ambiguous borders, as there is no delimitation and demarcation of the borders. Conflicts over land, water and pastures often occur in communities where Kyrgyz and Tajiks live together; aggressive attitudes from people on both sides; Mazeittin jeri is an enclave; challenges in conducting negotiations with the Tajik side, as they are under a different sovereignty, i.e. different interests, motivations and legal system. Nevertheless, these challenges were overcome thanks to face-to-face meetings to discuss the problem. The Kyrgyz persuaded the Tajiks that the water line was necessary, and in doing so a close relationship between the two communities was maintained. As

neighbours they often depend on each other (for example, Tajiks frequently use Kyrgyz pastures).

What facilitated the success of this mediation?

1. Non-stop meetings with both parties with the aim not to allow further escalation of the conflict
2. The parties understood that without peaceful resolution of the conflict there would be no further development.
3. The parties understood that they were interdependent.

Mediator's personal comments

The mediator was an interested party himself, as he was a head of the Aktatyr ayıl district. To solve a conflict situation, a mediator should really be a third party, with no personal interest affected by the final decision. However, there was no unbiased alternative person at hand who could solve the situation; moreover, there were no funds available to hire an outside mediator.

Conflict in the Zardalek mine

Conflicts over resources
Conflicts in mining areas



'... rioting and blocking roads are not a solution to a problem, only dialogue and cooperation based on trust can bring conflicting parties to an agreement ...'

Where?	Main parties of the conflict		Other parties	Mediator
Tunuk Suu village	First Party Residents of Tunuk Suu village, Sary Talaa, Kan	Second party Sparkler Mining Inc. (China)	Third parties Batken district administration	Hait Aikynov pubic activist, mediator

Timeframe of the conflict

The conflict started in May 2011. In previous actions, the local population had expelled Chinese workers.

Location of the conflict (special geographical features)

The central location of the conflict is Tunuk Suu village of Batken district, Batken oblast, where mining exploration has been undertaken. The conflict also covered residents of the neighbouring villages of Sary Talaa and Kan. Zardalek, a hotspot for aluminium deposits is situated 5-6 km away these villages.

Background information

The Chinese company Sparkler Mining Inc. employs workers from different regions of The Kyrgyz Republic and has been undertaking mining activities and investing in The Kyrgyz Republic for 6-7 years. In 2010 it began mining activities in Tunuk Suu village and started constructing roads to Zardalek. Shortly after, local residents expelled the Chinese workers on the grounds of environmental degradation which harmed local people. Later the company resumed activity and in May 2011 locals started protesting against the company again.

In October 2011 the residents of Sary Talaa, Kan and Tunuk Suu villages in Batken district strengthened protests against mining exploration activities for aluminum in the Zardalek mountains. Sparkler Mining

Inc. had a mining licence for exploration activities; however, several groups in the local population opposed this work. Locals supported actions taken against the Chinese company to halt the exploration work.

Representatives of local communities approached the Batken district administration in order to solve the conflict with the Chinese company. During the meetings between local residents and the akims, the following concerns were raised:

1. Drinking water;
2. Renovation of the school in Tunuk Suu;
3. Local levels of unemployment.

After community leaders met the akim of Batken district, they organised a general meeting for villagers, where were able to voice their concerns to the Chinese company. The company resolved to address these concerns, taking the obligation to train local unemployed youth to work in the mines.

Involving the mediator

Following local protest it was decided to involve a mediator.

Preparatory stage

During the meetings with local residents it came to light that the locals knew nothing about the company and the ecological surveys it had conducted. A local community group was created in order to engage with the populations of the three villages, organising meetings and conducting surveys.

At the preparatory stage the mediator studied relevant legislative acts of the Republic of The Kyrgyz Republic, conducted a conflict analysis of the situation, and conducted a meeting between local residents and the Chinese company in order to control the situation. While conducting the meetings, the mediator explained that he was a third party, an autonomous person without prior interest, and had no interest in solving the issue in favour of a specific group.

Decision-making process

At the beginning of the process he told all the participants that he was neutral person, that he could not give recommendations or advice, that all discussions would stay at the negotiation table, and that the company and the local people would make the final decision together. The parties studied relevant documentation and eventually agreed that the aluminium deposits provided benefit for the region and its people and that mining them did not adversely affect the environment. It was agreed that the development process would involve local residents as well as the company's employees. The mediator explained that protesting and blocking roads was not a solution to the problem, and that the problem could only be solved through dialogue and cooperation based on trust.

In the end, the locals agreed and promised not to hinder the company's mining activities. People had initially been suspicious as they had a lack of information on the company's activity and on how they stood to gain/lose. People spread various rumours (e.g. that the company planned to construct an aluminium plant which would eventually lead to enormous environmental damage). Local activists also tried to pressure investors by requesting compensation and other benefits.

The conflicting parties, together with Batken district administration representatives, were gathered for two meetings. Governor of Batken oblast Burkanov also took part

in the second meeting. During the meeting the company agreed to allocate KGS1.2m to improve infrastructure (as obliged by law) and build a school in Kan village in 2012-3. The company decided to pay tuition for students who chose to enrol in mining faculties/universities. It also said it would hire 100 local inhabitants, who would not require special training in mining, geology, exploration, etc.

The local administration agreed to invite an independent expert to organise a seminar to raise legal literacy among the local community. The locals agreed to provide the company's employees with food products upon request and to not obstruct exploration work.

Post-mediation period

The parties carried out their obligations, which were formally signed and the conflict did not resume. Nevertheless, the parties agreed to monitor implementation of the decision in order to avoid future conflict.

What tools did the mediator use?

- Meetings with local people and the Chinese company. These provided the necessary results, as the parties understood all the benefits they would get, and gave them the opportunity to analyse and prioritise local community problems

What challenges did the mediator face?

Low levels of juridical literacy among the local population; the danger of the dissemination of baseless rumour; little trust in local government authorities; groundless accusations of corruption against government officials by local people, for example bribes paid by the Chinese company. The mediator had extreme difficulty in regulating this process; as the locals did not trust him at the initial stage of the process, they were ready to close down the mine. However, after they heard the mutual pros and cons at the negotiation table, the population started to understand the potential benefits of the mine.



What facilitated the success of this mediation?

1. Knowledge and skills in mediation, as well as studying Kyrgyz legislation.
2. Timely reaction to the situation and close contact with the authorities.
3. Communication.

Mediator's personal comments

The process was successful: the company managed to deliver their message, stating benefits for the people, e.g. solving socio-economic problems and limiting environmental damage. The aluminium deposits are only being explored at this point, no processing plant has been constructed. The local population will be involved in the process, as they will provide the company with food products.

School bullying in Minchynar village

School conflicts



Batken oblast	Mediation Case №6		2012	
'...students of much younger grades (6-7th grades), as they are yet to be engaged by the older graders in such activities... can freely provide information on goings-on without being afraid of bearing any kind of punishment.'				
Where?	Main conflicting parties		Other parties	Mediator
Minchynar vil-lage, Kadam-jai district	First party 10th graders, Turaliev secondary school	Second Party 11th graders, same school	Third parties Tynybek Diusheev, young schoolteacher who works with youth	Kanzaada Shakirova, schoolteacher

Timeframe of the conflict

The conflict between students of different classes had been going on for at least a few years (minimum 1-2 years). The crisis stage took place in March 2012 during the Norouz holiday. The mediator worked on this conflict from April 22nd until May 20th 2012.

Location of the conflict

Minchynar village in Kadamjai district, Batken oblast at the Turaliev Secondary School, the only school in the village. The nearest schools are located in neighbouring villages.

Background information

According to the mediator, this conflict had lasted for a long time. The conflict revolved around bullying in a school, where the upper grades (in this case, the 11th grade) would give the lower grade students (here, the 10th grade) a 'rite of passage'. This so-called 'tradition' has existed at this school for a long period of time (several years). However, in 2012 the 10th grade class contained students who refused to participate.

To mark the beginning of the Norouz holiday, the 11th grade student were selecting participants for the traditional contest concert. As a result, the majority of the selected participants came from the 11th grade. This caused discontent among the 10th grade students, who reacted with statements such as 'Why are so few 10th-graders taking part in the concert? We also have something to show, and we also want to participate!'

Following the selection process a fight broke out between a 10th grade student and an 11th grade student after school. The 11th grader was beaten up by the 10th grader. The reasons for the fight were not fully known, but it was clear that the earlier discontent had played a major role in the violence.

On the next day during school hours, the students of both grades began to form groups. Two groups started settling their scores verbally on school property, which was noticed by one of the schoolteachers, Tynybek Diusheev, who intervened in the escalating conflict. He starting asking the students about the reasons for their actions; however, the students concealed the reasons for the conflict and evaded answering. They denied any intention of fighting each other and that explained everything away as 'usual banter'. The teacher gave them a warning and asked them to part their ways.

Thereafter, during the initial stages of the students' preparation for the concert, the 10th grade students openly expressed their discontent over the selected performers and the lack of 10th grade students involved. The organisers of the concert (the teachers) responded that students from all grades should, and would, participate. The teachers conducted the selection again and, as a result, the newly chosen school team included more students from the 10th grade. Subsequently, the village holiday concert went very well and the school team won 1st place.

Batken oblast

Alongside the aforementioned tensions, small conflicts of various sorts broke out between students of the 10th and 11th grades, which demonstrated the existence of wider disputes between the students of different grades.

Involving the mediator

The mediator had taken part in the mediation training within the framework of the project. Upon arrival home in Minchy-nar, she shared the content of the training course and the knowledge and skills she had received at the Paedagogical Council meeting at the school. Her teacher colleagues gave a positive assessment of the experience she had received, and recommended that she share it with the children. The mediator decided to hold mini-lectures for participants at the school's Youth Centre.

After holding her first lectures on mediation, the mediator asked the students to cite examples of conflicts at the school which could be resolved with the help of mediation. The students told her about the existing conflicts between the students of the 10th and 11th grades, and that confrontations were continuing. The mediator decided to resolve this conflict.

Preparatory stage

The mediator collected information on the conflict through speaking to girls from the 10th and 11th grades. She decided to go through them, as the conflicting students themselves would not reveal any information. Soon enough, the female students told her that this was a sort of a tradition, and that older grades would subjugate the younger ones. According to the girls, the older students were confused as they believed that the 10th grade students should submit to them as they had had to in the past.

The mediator also noted that, in order to collect information, it was useful to work with students of much younger grades (6-7th grades), as they were yet mix with the older grader students in such activities. Therefore, they could freely provide information on goings-on without being afraid of retribution.

After that, the mediator commenced cautious negotiations with the 10th grade students and their student representatives and asked them about the conflict. The students told her about the oppressive activities un-

dertaken by the 11th grade. They said that the 11th graders beat them up, tormented them, and extorted money from them to buy food, drinks and alcohol. During collective study days 11th grade students would abuse the 10th grade students, for example forcing them to do their work, hurling insults, behaving in an arrogant manner and giving orders. However, they did not name specific reasons for these attitudes and behaviour.

The mediator decided to involve another teacher, following the advice she had received earlier at the project training session. She said that, in working with a conflict, it was preferable not to work alone but, if possible, with an assistant, or a team of assistants. The young schoolteacher she chose was very popular among the students of the school and was deputy principal for educational affairs. He supported her initiatives on working with youth and was active in out-of-school events. He enjoyed an excellent relationship with the students and was seen as a calm and rational figure. According to the results of an anonymous survey of students, this teacher had twice been elected as the best teacher of the school. The reasons given included the fact that had never raised his voice at a student or colleague and always listened to a student's position attentively. His role in resolving this conflict was very large. He ensured direct communication with students, particularly male students (as the mediator was a woman, she could not gain full trust among male students).

Later negotiations with the students of the 11th grade were less successful. They laughed at the accusations and said very little, questioning the fact that the 10th grade students stated they had been beaten.

Decision-making process

Personal meetings took place on the first day of the next week and conversations between students were organised.

During the conflict-resolution process the 11th grade students joked, refuted all accusations, and did not want to answer the mediator's questions about facts surrounding the conflict. Any information provided by these students seemed insincere, as the presence of the mediator (who was one of their teachers) seemed to have an influence on them. It is unlikely students would offer honest facts in the presence of their teachers.

However, the process did in fact end in reconciliation on the same day. The students shook hands and gave their word that they would no longer be in conflict with each other. In fact, after some reproach, the 11th grade students took the responsibility for the conflict.

A teacher told the senior students that they had to be an example for juniors and demonstrate positive behaviour.

The parties came to a decision to stop this kind of relationship between classes and to stop dividing into 'seniors' and 'juniors'. The parties promised not to get involved in conflict.

Post-mediation period

The mediator and her assistant observed the students' behaviour after the reconciliation process. Monitoring was also conducted through the students of the 9th grade.

The mediator believed that the conflict ended on 20th May 2012. Debates were held between the students, including over the subject: 'Bullying at school is an indicator of leadership'. The 11th grade first insisted that this was a sign of authority; the 10th grade thought the opposite. Afterwards, these grades switched their positions.

At first, the debating teams refused to participate further but the teachers assured them that it was a mock exercise and that they ought to play it through to the end. As a result, the teams finally decided to get involved again and the debates took place. Moreover, during the debates, the sides were offered the opportunity to resolve various simulated conflict situations. The students had to find a peaceful outcome for a given conflict situation. According to the results of a reflection (final discussion) of the undertaken activity, the 11th grade students announced that, since they had been in the 10th graders' place, they decided that this phenomenon needs to be fought. The 10th graders announced that they are against such bullying and that they would never do the same towards the students of lower grades.

At the 'last bell' ceremony of the school year, the students of the 10th grade gave flowers to the graduates. The mediator noted this fact as an important indicator that peace had been achieved between the conflicting students.

What tools did the mediator use?

- Collection of information through girls
- Collection of information through the students of lower classes
- Debates as a tool for monitoring and as an affirmation of results
- Conducting negotiations
- Collaborative work with another teacher
- Use simulated conflict situations

What challenges did the mediator face?

The children did not trust the mediator at first, which was solved through building dialogue with the facilitation of a trusted teacher. The mediator also said that she lacked experience and needed advice from other mediators who had more practical experience. She did not have access to consultations on mediation issues and, had a certain hotline or a consultative centre for mediation existed, this problem would have been solved. The students were not cooperative and had no knowledge of mediation; otherwise, they might have been able to solve this problem on their own. The mediator said that beginner mediators need support in their activity at the early stages, as well as the opportunity to exchange experiences with other beginner mediators: 'We do not know whom to approach with questions on mediation, as well as for experience exchange. For instance, it would be wonderful to have a periodical bulletin issued on the experience of other mediators'.

What facilitated the success of this mediation?

1. Mini-lectures on mediation for students. Providing them with information on mediation and the possibility of peacefully resolving conflicts allowed success to be achieved.
2. There was a trusted figure who was interested in resolving the students' problem. He played a huge part in the achieved outcome.

Mediator's personal comments

The following important conditions are to be considered when working with children and teenagers:

1. The students (children) are not to be regarded as lower than oneself – it is necessary to talk with the children on equal terms.
2. The location of where you hold discussions – not the head teacher's room but, for example, a student youth centre.

3. It is important how the teacher and the students are seated – it is preferable that they sit in a circle as equals.

4. Do not interrupt – listen to the children until they have finished talking.

5. Do not to restrain them – the main thing is to give them the freedom to speak out.

Comments from FTI

1. One of the guarantees of success was the fact that the school was the only one in the village, i.e. that there was no outside influence on the process of spreading peace. For instance, it would be more difficult to transfer the lessons learned from this experience to a town/city as influence would be exerted from other schools with similar goings-on, for example the students might be jeered at and blamed for cowardice by students from other schools for not 'being able to manage the youngsters'.

2. It is worth noting that the mediator in the conflict cannot be regarded as an absolutely impartial or uninterested party as she is a teacher at the school. This had a significant impact on the speed of students' decision making (which signifies a fundamental fear of the teacher, resulting in initial distrust and closing up). To ensure a more effective reconciliation procedure, it would be preferable to have an uninterested party involved, who would enjoy the simultaneous trust of all sides. This is particularly the case when resolving conflicts between teenagers.

Conflict over a water line in Voruh-Shurab

Water conflicts
Border conflicts



Batken oblast	Mediation Case №7		2000-2004	
' The population understood the essence of the problem: the water supply would ensure sustainable local community development and reduce conflicts in the area'				
Where?	Main conflicting parties		Other parties	Mediator
Voruh-Shurab border	First Party Population of Shurab (Tajikistan)	Second Party Tajik and Kyrgyz communities living along the waterline of Voruh-Shurab	Third Parties Batken (The Kyrgyz Republic) and Isfara (Tajikistan) districts	«For Tolerance International» Foundation (The Kyrgyz Republic), PU «Ittifok» (Tajikistan)

Timeframe of the conflict

There were small conflicts leading up to the millennium, but the conflict peaked after 2000, when there was a lack of drinking water. FTI and PU 'Ittifok' undertook conflict-resolution activities from 2002-2004.

Conflict location (special geographical features)

The mining town of Shurab (Tajikistan) has a population of 60,000 people. The town experienced serious water shortages because the water supply line stopped in Shurab. The town is supplied with drinking water along the 32-kilometre Tajik Voruh-Shurab pipeline. The following villages are located along it:
Tajik villages: Voruh and Hodjay-A'lo
Kyrgyz villages: Kapchygai, Uch-Dobo, Ak-Tatyr, Jany-Bak and Samarkanek.

Uncertainty surrounding the delimitation and demarcation of state borders had a significant impact on how the conflict developed.

Background information

During a bout of scorching weather in 2002-2003, the Voruh-Shurab pipeline decreased its water supply flow from 200 litres to 5-10 litres per second. Citizens from Shurab thought the Kyrgyz villages situated along the pipeline were to blame, which had a negative impact on relations between the neighbours. Additionally, actions to resolve the problem undertaken by the Shurab municipality were highly ineffective.

Involving the mediator

In 2002, the partner organisations FTI and PU 'Ittifok' intervened to resolve the issue within the framework of the 'Regional Dialogue and Development' (RDD) project, conducted through the financial support of the Swiss Development and Cooperation Agency.

Preparatory stage

RDD project staff suggested that the Heads of Batken district (The Kyrgyz Republic) and Isfara district (Tajikistan) establish a Kyrgyz-Tajik Commission to inspect the 32-kilometre pipeline to determine the true causes for lack of drinking water.

The pipeline inspection unearthed 110 unauthorised siphons of different diameters constructed by citizens of both the Tajik and Kyrgyz communities residing along the pipeline. Furthermore, 62 percent of these siphons were located on Tajik territory. Over 90 percent of these siphons were used to irrigate hillsides and undeveloped areas.

Local mediators were given training ('basis of conflictology and conflict analysis, negotiation process and mediation, conflict mitigation and prevention', etc.) in Hudjand, Leilek, Jalal-Abad, Kadamjay. The joint Kyrgyz-Tajik Commission then conducted a conflict analysis from Voruh to Shurab. As a result, the Commission identified the number of unauthorised water pumps (110) and houses irrigating garden plots, documented illegal land development around the Voruh-Shurab pipeline, and monitored the pipeline's condition from a technical standpoint.

After drawing up a full picture of situation, it was decided to cut off the unauthorised siphons and to explain the situation among communities using conciliatory measures to restore confidence and sustain the achieved results. Negotiations were held in parallel with representatives from Shurab and Kyrgyz and Tajik communities to coordinate all interests and demands.

Decision-making process

At the beginning of 2001, in order to resolve the water issue in Shurab, a multilateral agreement was signed between the Shurab Administration and the Heads of Batken and Isfarin districts with the intermediate support of RDD project staff. The agreement regulated water usage from the Shurab pipeline. Prior to signing the agreement, long rounds of preliminary negotiations had been held in Shurab and Batken to highlight the positions of both sides.

It is important to highlight the meeting between the citizens of Shurab and the leaders of Kyrgyz-Tajik communities living along the pipeline (Kapchygai, Uch-Dobo, Ak-Tatyr and Jany-Bak). After the roundtable and subsequent meeting with local citizens, the real reasons for the water shortage were presented, using the Commission's report. Community representatives then promised to prevent unauthorised siphoning of water on their territories. In addition, on the day following the meeting, the citizens of the Kyrgyz Jany-Bak community collectively (using the *ashar* method) dug a new water channel (called 'Samarkandek') 3km in length.

On 31st August 2002 the Commission cut off unauthorised water siphons from the Voruh-Shurab pipeline. As a result, the following number of siphons were uninstalled:

Khodjay-A'lo – 40
Voruh – 28
Kapchygai – 12
Uch-Dobo – 5
Ak-Tatyr – 6
Jany-bak – 19

The local population reacted positively to the mediators' actions as a result of high levels of engagement and participation (village assemblies, roundtables, etc.). The population was able to understand the nature of the problem, which would provide sustainable community development of water resources and reduce conflict in the area.

A group of local residents participated in the removal of unauthorised water siphons, which included mediators, representatives of courts of elders, influential community figures, imams, and district and local government representatives.

Post-mediation period

The agreement on the use of drinking water was signed by each water user. After the

adoption of the agreement on joint usage of the Voruh-Shurab pipeline in 2001, the population of both parties pledged to pay for the use of drinking water. Local people adhered to these obligations very well, monitored by the Kyrgyz 'Andigen Suu' NGO and the public utility company of the Shurab municipality. However, conflicts occasionally emerged when those people who were involved in decision making and mediation (e.g. mayors, heads of cities and the administration) moved to another job.


Later, through the support of the Swiss Agency for Development and Cooperation, a number of technical projects worth US\$48,000 were implemented in 2003-2004 to ensure an alternative source of drinking water in the Kyrgyz villages of Zhayylma, Uch-Dobo and Kermit-Too in Batken district. Furthermore, the Kyrgyz Andigen-Samarkandek pipeline underwent an inspection and was reconstructed.

What tools did the mediator use?

- Conducted an analysis of the conflict situation over the Voruh-Shurab pipeline (interviews, focus groups, review of documents on the pipeline, roundtables, etc.)
- Separate and joint meetings with the interested parties
- Explanatory work among Kyrgyz and Tajik communities
- Separate meetings with experts and leaders from Kyrgyz and Tajik communities
- Conducted several rounds of negotiations at the local and regional level
- Held meetings with leaders of the Kyrgyz and Tajik communities
- Cultural events (Norouz, sport competitions among residents living along the Voruh-Shurab pipeline)
- Training on negotiation and mediation
- Involvement of female leaders, elders and influential people in the joint pipeline inspection. This was done so that they could see with their own eyes how much water was flowing through the illegally-installed siphons, and indeed how many siphons existed
- Involved professionals and experts from both sides

What challenges did the mediator face?

Residents of Kyrgyz and Tajik communities with illegal siphons residing along the pipeline did not admit their connection to in the issue in Shurab. People with access to water were passive in their attitudes (for example, some villagers said 'How can you charge for water given by God?'). It was very difficult to find common ground due to the Kyrgyz-Tajik



language barrier. It was difficult to inspect certain private properties, and on occasion inspectors were intimidated by property owners, who threatened to unleash their dogs. Uncertainty over national boundaries also affected the work of the Commission. Existing conflicts over water use (i.e. water for drinking vs water for irrigation) negatively affected relations between the sides and were continually cited, slowing the decision-making process. There was a need to train people to carry out continuous monitoring and track performance of the agreement. The persons responsible for monitoring were trained to conduct the process diplomatically to avoid disagreements and tensions between the parties.

What facilitated the success of this mediation?

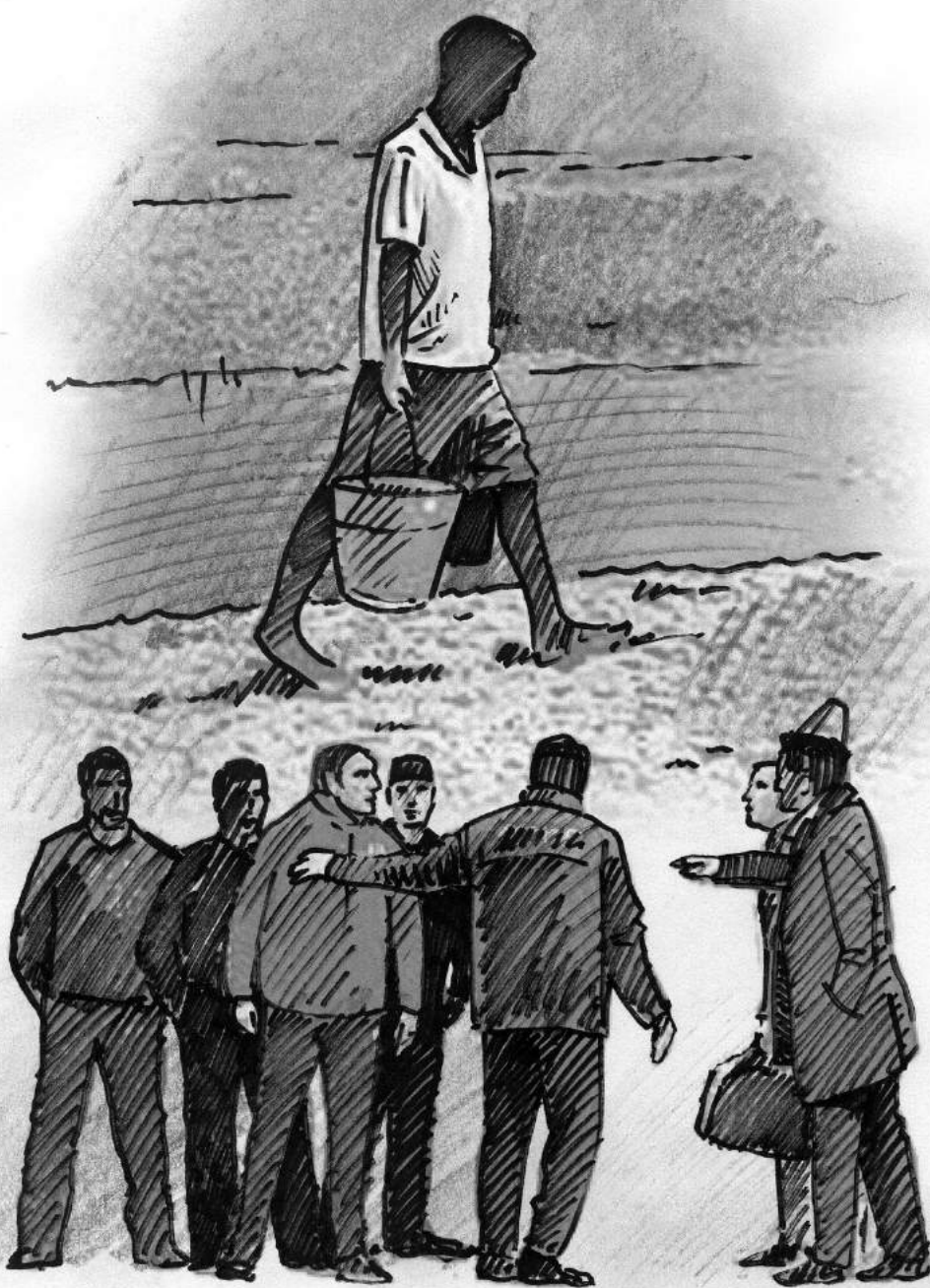
1. The existence of partner organisations on both sides (FTI and 'Ittifok') was beneficial. Field offices on both sides helped to prepare the mediation process and actively participated in it.
2. Training was provided for leaders of Kyrgyz and Tajik communities, which helped to secure success in negotiation processes.
3. Communications activities were held in Kyrgyz and Tajik communities (e.g. Norouz celebrations, trips of leaders of Kyrgyz and Tajik communities to Shurab, etc.).
4. Donors supported the mediation process.
5. Guidelines on negotiations and hand-outs were issued for mediators. An exchange of experience following the successful resolution of this conflict was organised between a network of Central Asian mediators , attended by mediators from Dushanbe, Tashkent and Bishkek.

Mediator's personal comments

The Voruh water line is jointly used. It was necessary to determine the owner of the object (state or private water user). Each party should maintain its part of the pipeline. At the moment there is no legal basis for the use of the pipeline. Border issues need to be resolved as, if the issue of delimitation and demarcation of borders is resolved, it would allow alternative drinking water sources for villages to be found, therefore eliminating tensions among the local population.

Water conflict between Lyakkan and Karabak villages

Water conflicts
Border conflicts



Batken oblast	Mediation case №8		1998-2003	
'Lyakkan residents were unhappy that they could not get enough water from the channel. Karabak residents were unhappy because strangers 'were on duty in their village and preventing access to the water which passes through Kyrgyz territory''				
Where?	Main conflicting parties		Other parties	Mediator
Karabak (The Kyrgyz Republic) and Lyakkan (Tajikistan)	First Party Lyakkan village population	Second party Karabak village population	Third Parties Village administrations	FTI (The Kyrgyz Republic), PU «Ittifok» (Tajikistan)

Timeframe of the conflict
 Conflict was initially hidden concealed and only became visible in the middle of irrigation season. It had lingered for years, but became more acute from 1998-2003.

Conflict location (special geographical features)
 Lyakkan is located in the northeastern part of the Isfara Sughd region of Tajikistan (20-25km from the district centre). Karabak is located in the northern part of the Batken district of Batken region (12km from the district centre).

The lower part of the Karabak receives water through the transit Tajik ‘Chilgazi’channel, which is supplied by the Isfarinka river. Lyakkan, located downstream of the channel, also uses the water.

Three water drains were installed for the Kyrgyz community based on previous agreements between the State Administration of Isfara Water Utility (SAWI) and the Irrigation System Department (ISD) of Batken region. In total, about 3km of the channel passes through Karabak.

Background information
 In 1988, to increase the volume of water in the channels and eliminate unauthorised water siphoning, SAWI began putting concrete on the channel bed in Karabak, fortifying over half of the channel bed. However, villagers protested against the Tajik experts’ activities because they had felled trees on both sides of the channel and they had shut off unauthorised siphons. Construction work was suspended following the protests.

The main source of income for Lyakkan and Karabak villagers is agriculture. Tension in relations between villagers was intensifying year on year during the irrigation season, when severe water shortages were felt by all. For the Lyakkan community, water in the Tajik ‘Chilgazi’ transit channel had a special meaning, as any decrease in water volume or drastic variation in supply affected crop yields and horticultural plantations, and thus the wellbeing of residents. At the same time, a lack of concrete reinforcement on the bed the ‘Chilgazi’ channel had raised the level of groundwater in Karabak village, which had led to the destruction of some residents’ homes and an increase in soil salinity, naturally to the dissatisfaction of local residents.

During the irrigation season, in order to bring water to the village through the ‘Chilgazi’ channel, Lyakkan villagers put together a special team of water experts, led by a senior hydraulic engineer from the ‘Lakkon’ farm. This water specialist closed all water siphons in Karabak and appointed people to make sure they stayed closed. These actions caused dissatisfaction among Karabak villagers, resulting in frequent brawls between Kyrgyz villagers and the Tajik person ‘on duty’. It became very difficult for Lyakkan residents to undertake monitoring at night time as they feared getting involved in open conflict.

The relationship between Kyrgyz and Tajik village residents was, therefore, one of mutual discontent. Lyakkan villagers were unhappy that they could not get enough water from the channel and Karabak villagers were unhappy because strangers ‘were on duty in their village and prevented access to the

water which passes through Kyrgyz territory', i.e. a pre-conflict situation. The conflict also was of a periodic nature, gaining momentum during the annual irrigation season (June-August), resulting in confrontations and even violence between individual villagers.

Involving the mediator

Staff members of FTI and the 'Ittifok' NGO undertook conflict-resolution activities within the framework of the RDD Project.

Preparatory stage

FTI and 'Ittifok' staff conducted a number of activities to study the situation. Staff organised a number of unilateral and bilateral meetings with community leaders, and a general assembly and civic forums with all community members. All these activities allowed for an accurate study of the positions, needs and interests of the parties, and for developing the most appropriate mechanism to address the problem. The result of this work was a joint meeting between Lyakkan and Karabak villagers in the Karabak village council building.

Decision-making process

The representatives of the villages gathered in the Karabak village council building. The Tajik side was represented by:

- the Chair of the council (jamoat);
- the Chair of the farm;
- a hydraulic specialist;
- Moorabi and community leaders.

The Kyrgyz side was represented by:

- the Head of the Karabak village self-governing body;
- farm representatives;
- civil engineers;
- community leaders (elders, women, etc.).

FTI and 'Ittifok' staff held preliminary discussions and agreed the time and place of the meeting with key actors. The project mediators acted as facilitators, aided by NGO staff. As the participants of the meeting had been prepared, all the participants behaved well and tried to engage in constructive dialogue. There were no allegations and accusations.

The process started with an opening speech by the mediator/facilitator. The meeting participants were introduced, and the meeting agenda and goals were announced. In the negotiation process each side had an opportunity to voice its opinion on the problem and its vision for a solution. As a result of the meeting, key responsible persons were

determined to design an engineering solution for the issue and the installation of a number of legitimate water siphons on Kyrgyz territory was agreed upon.

The meeting identified the following activities as a possibility for resolving the conflict:

1. Building a 1,335m concrete embankment along the 'Chilgazi' channel in Karabak;
2. Building an open drainage system in Karabak.

To implement this plan, a joint Kyrgyz-Tajik Initiative Group (IG) was formed among the leaders of Lyakkan and Karabak villages, which also included RDD project staff, hydraulic engineers and the heads of the two communities.

Post-mediation period

The IG prepared construction documents, including the engineering designs for a concrete embankment for the Karabak section of the Tajik 'Chilgazi' channel and for building an open drainage channel in Karabak. These documents were submitted to the donor (the Swiss Agency for Development and Cooperation) which received approval in March 2003. The Karabak municipality was assigned to execute the construction of the open drainage channel. The construction project was implemented in April-May 2003 and involved more than 150 people.

In November 2003, the Karabak and Lyakkan Administrations signed an agreement on mutual cooperation with the partner organisations of the RDD project. Then construction on the 'Chilgazi' channel began. Residents of both villages were interested in the implementation of the construction project, and more than 270 villagers from both villages were involved in ashlar by cleaning the channel. A joint Kyrgyz-Tajik construction team was formed to pave concrete in the channel and construction was completed in three months. 1,335 metres of the channel were paved with concrete, 10 authorised siphons were installed and the remaining portion of the channel (more than 1.5 km) was repaired. An Association of Water Users was established in Karabak to ensure efficient usage of irrigation water from the 'Chilgazi' channel, and public controllers were selected.

Upon completion of the construction work there was a decline in the groundwater level in Karabak village by 1.3-1.5 metres, and water supply increased by 20 percent in Lyakkan.

During and after the mediation process there were neither open nor violent conflicts.

What tools did the mediator use?

- Conflict analysis tools (conflict mapping, conflict tree, conflict 'onion') to identify and analyse the positions, interests and needs of the parties
- Unilateral and bilateral community meetings, general civic meetings and forums with local leaders (elders, women, youth, representatives of local government bodies) of the two communities
- Active listening tools, which enabled constructive dialogue
- 'Shuttle diplomacy' elements. These methods were chosen because they allowed for a better understanding of the nature of the conflict, its causes and sources, and the positions and interests of the parties to better manage the negotiation process
- Negotiation processes and mediation to facilitate decision making

What challenges did the mediator face?

After signing the agreement, the parties did not always fulfil their obligations because the Tajik side still had collective farms. Thus, the land and crops belonged to the collective farms. The farmers who worked on this land did not have an opportunity to participate in decision-making processes and in the distribution of profits. The concrete paving of the channel led to the closure of some existing drainage systems in the Karabak village. This happened because the technical project included water siphoning approved by both parties, which went against the interests of certain groups of Karabak villagers. Nevertheless, these difficulties were overcome during the negotiation processes and the community meetings.

What facilitated the success of this mediation?

1. Prior to the beginning work, a bilateral conflict analysis of the existing problem was conducted which had the interest of the local authorities and the heads of jamoats in solving the problem.

2. The true nature of the problem was identified and acknowledged by both parties. The mediator highlighted visual problems (houses destroyed by the high level of ground water, low crop yields, constant fights over water access, etc.). As a consequence, the residents understood the need to resolve the problem. In other words, local people understood that the problem had to be solved, and that this need was above personal ambition and community pride.

3. Training of mediators within the framework of the RDD project. Mediators were taught how to employ mediation tools and conduct negotiation processes, which was decisive in resolving the problem.

Water conflict between the Tajik community of Andarak village and the Kyrgyz communities of Iskra and Kommuna villages

Water conflicts
Interethnic conflicts



Batken oblast		Mediation case №9		2000
'... relationships between the communities were weak – Kyrgyz and Tajiks who lived together for centuries ceased to visit each other at funerals, weddings and other rural activities'				
Where?	Main conflicting parties		Other Parties	Медиатор
Leylek district	First Party Tajik community of Andarak village	Second Party Kyrgyz communities of Iskra and Kommuna villages	Other participants UNDP Reconstruction and Development Programme Tajikistan (RRDP)	FTI (The Kyrgyz Republic), PU «Ittifok» (Tajikistan)

Timeframe of the conflict

Conflicts over water resources in the villages of Andarak, Iskra and Kommuna began in the 1960s when a rapidly growing population started to expand properties and develop the territory more intensively. Water volumes in Andarak-Sarai river stayed unchanged and even began to decrease despite the population growing. Very soon problems related to water shortages, particularly access to drinking water, started to arise. The conflict peaked in 2000.

Location of the conflict (special geographical features)

The drinking water conflict occurred between the Tajik community of Andarak (more than 5,000 people) and the two Kyrgyz communities of Iskra (2,000 people) and Kommuna (1,500 people). All three villages are located in a narrow gorge in the western part of the Leylek district of Batken oblast. The total area of the gorge is a little over four square kilometres, of which only three is suitable for agricultural use. These lands are primarily local garden plots. The only source of water for the residents of the gorge is a small mountain stream, the Andarak-Sai. Andarak lies at the source of this river, while the other two villages are located downstream.

Background situation

The roots of the conflict dated back to the 1960s. The situation was aggravated by the fact that Andarak has certain advantages with regard to water access compared to the Kyrgyz community due to its location at the river source. The Kyrgyz communities have therefore accused the Tajiks in times of water shortages, while the Tajik community has ac-

cused the Kyrgyz of infringing on their rights as a minority. With the collapse of the Soviet Union, and then the subsequent period of economic crisis, the situation rapidly escalated and water access became a crucial issue for all villagers, as cultivation of fruit and vegetables in domestic plots was almost the sole source of food. As a result, the conflict stances have hardened and community relations have become more aggressive.

The conflicting parties were not prepared to find a common solution, and third-party intervention only exacerbated the situation. Increasing social and economic problems further aggravated the situation. The situation was so poor that three years (1994-1997) of complex negotiation between community leaders were required to develop a water schedule between the three villages. When FTI and 'Ittifok' intervened to help find a solution, the relationship between the communities was weak – Kyrgyz and Tajiks who lived together for centuries ceased to visit each other at funerals, weddings and during other rural activities.

While many other problems existed, the issue of water access was the greatest. The reasons were as follows: the Kyrgyz villages (Iskra and Kommuna), which were downstream of Andarak, had to use water from an open ditch. The water in these ditches flowed there after irrigating the land plots of the upstream Andarak community. There were cases when people found the remains of dead cats and dogs in these ditches; the Kyrgyz accused the Tajiks of deliberately provoking them. Importantly, Andarak already had its own water pipeline at that time.

Involving the mediator

Mutual distrust between the Tajik and Kyrgyz communities had led to the initial appointment of an Uzbek as the Head of the Sumbulinski Village Administration (SVA), which includes the Andarak, Iskra and Kommuna villages. He was appointed in 1996 by the Leylek district state administration. He wanted to solve the villagers' problem, but did not manage and shortly after resigned. In 1998 a new Kyrgyz Head of the SVA was appointed. The Head came from another village in Leylek and was deemed by the administration to be neutral, as the Tajiks would protest against a candidate from Kommuna or Iskra, and vice versa if a Tajik from Andarak were to be appointed. However, the reshuffle failed to solve the problem. Firstly, none of the local leaders analysed the internal causes and specifics of the conflict; secondly, the community itself was not involved in solving the problem; thirdly, the SVA had a reputation of 'an organisation unable of doing anything'.

In August 1999, FTI opened a regional office in Leylek district. FTI and 'Ittifok' staff then started working on a conflict settlement within the framework of a joint The Kyrgyz Republic-Tajikistan project. FTI and 'Ittifok' staff studied the problem and within a month of monitoring the situation they identified a whole spectrum of problems rooted in the relations between ethnic Tajiks and Kyrgyz. One of the priority problems identified was drinking water – shortages and incorrect distribution of drinking water were at the heart of the conflict.

Preparatory stage

In late September 1999, FTI and 'Ittifok' staff organised a joint Kyrgyz-Tajik village meeting for the representatives and leaders of the Tajik and two Kyrgyz communities. However, during the meeting the parties did not speak about water. People started bringing up other topics, which were not planned to be discussed. After first 15 minutes it was impossible to facilitate the meeting. The meeting failed.

The first step in resolving the conflict was, then, unsuccessful. However, it was not a reason to give up. FTI and 'Ittifok' staff reflected deeply in the failed meeting, and ascertained that a low level of preparedness in conducting negotiations and reaching consensus among staff was one of the reasons for the failure. Further joint analysis identified the need for the active involvement of community lead-

ers in addressing the problem as mediators. Through a survey aimed to analyse community needs, the community leaders who were more positively minded and interested in a solution were identified. A specific need identified in the survey was capacity building in negotiations. FTI and 'Ittifok' staff also determined the need for training on negotiation skills and building consensus. On this basis, a joint training session on basics of negotiation and consensus building was organised. The training course was conducted by US conflictology expert Sliema from the Kettering Foundation on the methodology of consensus building between conflicting sides.

FTI and 'Ittifok' staff mediators analysed the relationships between the conflicting parties. An additional conflict analysis was conducted, which revealed deep underlying causes, as well as the positions, interests and basic needs of the conflicting parties. A stakeholder analysis and environmental study were also conducted, which identified the positions and interests of those contributing to and those preventing the resolution of the problem.

The mediators assisted the communities to recognise the urgency of solving the access to drinking water issue in resolving the ethnic conflict. This involved separate interviews with each of the parties. During these interviews, other social and environmental issues were raised by local residents, including scarcity of land for property development for residence and education, unemployment, landslides and the need for protective dikes. However, in the end, due to the influential contribution of the institution of elders, all meeting participants prioritised the drinking water issue..

In order to increase the credibility and build relationship between the communities, two cultural festivals and two sports events were organized. These events were very well attended. In order to improve the culture of tolerance in schools of all three villages, a series of training seminars on tolerance through interactive teaching methods were held for both teachers and students.

After processing the results of the conflict analysis, FTI and Ittifok staff began to develop concrete means to resolve the conflict. This started by researching positive solutions to similar cases in other communities, as well as sharing relevant knowledge and advice. During the first joint seminar between FTI with Ittifok the nature of the conflict was then

discussed, and a strategy for a joint solution to the conflict was developed.

Decision-making process

One of the first steps in the decision-making process was to solicit all the views of the different communities with respect to solving the water issue. To do this, civil fora involving the local population were organised in which residents from each community suggested their solutions. Mediators from the Tajik community and Ittifok conducted meetings and civil forums in Andarak, whereas mediators from Kyrgyz communities and FTI worked simultaneously with the Kyrgyz communities. After these civil fora, preliminary consultations with land and water specialists and experts were held to identify effective solutions.

This resulted in a joint construction design for a pipeline was developed. This option was discussed and approved in the separate community meetings and a decision was made to raise the concept of the construction design at the general meeting between the conflicting communities.

Several rounds of talks between the leaders of the three communities were held to decide on the best option for the pipeline's construction and separate meetings continued to be held with the Tajik and Kyrgyz communities (elders, women and youth). Following the general meeting of the three communities the local population began to recognise the importance of a joint project and, subsequently, cooperation and equal participation. In the end it was decided that a new water pipeline be built to supply water to Iskra and Kommuna.

Post-mediation period

By the end of April 2000 a technical partner – the Reconstruction and Development Programme of the UNDP in Tajikistan (RRDP) – joined in the implementation of the project after the joint community decision had been made and there were clear signs of a possible consensus between the parties. RRDP agreed to provide the technical components of the project. This would include quality technical expertise, technical project development, conducting a tender process, and monitoring performance, as well as post-construction services.

In June 2000 RRDP began the tender process to identify construction companies. Construction was successfully completed on 21st November 2000. During the construction work, the mediators actively mobilised the

community – joint labour largely helped to bring communities together.

Earlier, in May, the establishment of a Water Committee had been discussed, and in July, during the joint roundtable, the Water Committee, 'Sumbula-Suu', was created, involving members of the Kyrgyz-Tajik IG. The different sides discussed the functions, rights and obligations of the Water Committee in detail, its effect it acted as an institution to assure the sustainability of the consensus reached between the communities.

What tools did the mediator use?

- Conflict analysis identifying the causes of the conflict, and the positions/interests of the conflicting parties
- Training for RDD project staff and community leaders
 - Meetings with community leaders
 - Separate meetings with Kyrgyz and Tajik communities (shuttle diplomacy)
 - Cultural festivals and sporting events to increase public confidence through mass participation
 - Training workshops on tolerance among teachers and students
 - Civic fora with local populations to determine all options for solutions
 - Establishing a joint Kyrgyz-Tajik IG
 - Negotiation processes
 - Realisation of a common technical solution by all parties, followed by collaboration on the basis of equal participation
 - Creation of a new institution – the Water Committee – as an institution to provide sustainability for the newly-built community consensus

What challenges did the mediator face?

The main difficulty in the mediation process was a lack of experience and understanding of mediation, which the mediators learned along the way. The communities did not have a history of joint problem solving. These difficulties were overcome with the help of FTI and 'Ittifok' staff members, who provided training for mediators and practical assistance, as well as establishing mechanisms to ensure the sustainability of the achieved consensus. During the execution of joint decisions (on the involvement of the community in both the pipeline construction process and ensuring sustainability of project successes) mistrust between the communities could not be fully eradicated once and issues of 'control' over the participation of other

communities kept reoccurring. However, after some time, the communities started to trust each other and accurately came to decisions, which allowed for the establishment of the Water Committee and the complete resolution of the conflict. Today, Water Committee 'Sumbula Suu' is an effective institution not only solving problems associated with drinking water, but also irrigation.

What facilitated the success of this mediation?

1. Detailed analysis of the situation which led to a more effective intervention plan.
2. A series of training sessions on conflict resolution, mediation and negotiation processes for project staff and community leaders helped build consensus between Tajiks and Kyrgyz.
3. The factor of 'the issue at hand' – all communities acknowledged the primacy of drinking water as their key concern.
4. The 'single citizenship' factor – both parties to the conflict were Kyrgyz citizens, despite differing ethnicity.
5. FTI staff working with the Kyrgyz communities and Ittifok employees working with the Tajik community helped to establish trust between the communities.
6. The establishment of a joint Water Committee, 'Sumbula Suu', to ensure the sustainability of the project.

Mediator's personal comments

Training and the involvement of community leaders in the mediation activity organised by the NGOs played an important role, as it involved the conflict communities and helped them to trust each other more.

Jalal-Abad Oblast

Conflict of Terek-Sai village with a gold mining company

Conflicts over resources
Conflict in mining areas



'He organized a forum for negotiations, which led to productive negotiations and the opening of the road'

Where?	Main conflicting parties		Other parties		Mediator
Terek-Sai village, Chatkal district	First Party Residents of Terek-Sai	Second Party A gold mining Company	Third parties Local administration representatives	Other participants Governor of Jalal-Abad oblast	Kurmanbek Ahmedov , head of the village

Timeframe of the conflict

The conflict arose in 2011 after gold mining companies' activities multiplied in the region. However, the conflict reached its crisis stage in March 2012. It ended in June 2012.

Location of the conflict (special geographical features)

A river, which is the only source of drinking water for Terek-Sai, flows through the village. Upstream a gold mining company has been processing the land.

Background information

When gold excavation works began, the villagers began to feel the negative impact of these activities, particularly as it led to the water becoming polluted and dirty. The villagers were unhappy, as the river constitutes the only one source of drinking water. The increasing number of heavy goods vehicles travelling through the village led to destruction of the main road. Also, regardless of widespread gold mining in the area, the villagers had not seen any positive economic effects in their community.

The company refused to hire local people, saying that there were no qualified specialists; however, the mediator stated that there were indeed people in the village who could work for the company. The villagers approached the village council several times to solve these problems, but the situation only worsened. The villagers then decided to take direct action, blocking the main road to bring transport to a standstill. This had a knock-on effect of halting company activities.

Involving the mediator

The mediator intervened in the conflict after the villagers blocked the road (i.e. at the crisis stage) under his own initiative. He decided to do so as he felt very responsible for the process as the leader of the Ambassadors of Peace team. The mediator lived in a neighbouring district and, as soon as he received information about the conflict, he headed to Terek-Sai.

Preparatory stage

After the mediator arrived in the village, he saw a crowd of people blocking the road. He noticed that there were two sides: village residents on the one hand, and on the other the local authorities and representatives of the company.

There was no dialogue – residents shouted down all proposals put forward by the authorities, demonstrating their distrust. The mediator decided to enter the crowd and chose a leader. It was not very difficult for him: as the village was not very far from where mediator lived (60-70 km), he knew some of the participants in the conflict personally. He chose the leader and approached him. He was told that the people blocked the only road linking two neighbouring districts and there was no alternative route. The blockage was therefore affecting other non-company-affiliated travellers. The mediator told the chosen village leader that among other affected travellers there were pregnant women, children and people requiring access to a hospital, located in the neighbouring district. One representative of the protesters responded that they were tired of empty promises on the part of the authorities and the company. The mediator then offered his help in organising a meeting gold mining company's management team, where they could discuss everything in a calm environment. The mediator also directed their attention to the large traffic jams which had built up as a result of the roadblock.

After this the mediator approached the company representatives and proposed a meeting for negotiations, saying that if they did not agree it would be unlikely that dialogue could be initiated with the villagers and the roadblock dismantled. The administration gave their consent; several people came out from the crowd. The road opened and the two sides went to the company's local office for negotiations. This was a high-level meeting in which the governor of the oblast and his

deputies, as well as management officials from China (where the parent company was based) and the district's akim participated.

Decision-making process

The mediator did not participate in the negotiations, as he was not invited. In any case, the mediator had only aimed to create a forum for building dialogue, which he had managed successfully.

When the negotiations had been concluded, it became clear that the company had agreed certain concessions, but with some conditions. It had asked for a delay of two months to improve the quality of water in the river and to hire the locals. It had also promised to provide the considerable funding to re-tarmac the road before the autumn.

Post-mediation period

As the company started mining more gold it hired a certain amount of local people, alongside its own staff quota. It also hired some workers from the neighbouring district. At the time of the interview conducted by the mediator, 80-90 percent of the road's tarmac had already been relaid.

The mediator had successfully organised a forum for negotiations, which led to productive talks and the re-opening of the road. The whole situation was solved in one day and in the evening the parties had reached a solution.

What tools did the mediator use?

- Observation
- Skills of working with a crowd, obtained by the mediator during special training. In particular, the mediator used his skills to identify a leader who could influence the crowd

What challenges did the mediator face?

The most difficult task for him was to identify a leader for the crowd. It was possible, however, because he knew some of the residents of the village. It was also difficult to persuade people to open the road. They agreed to do so only because the company to negotiate face to face.

What facilitated the success of this mediation?

1. The mediator knew some of the protesters. They knew the authority he enjoyed in his own area, and showed their respect to him by listening.

2. The mediator's location. The fact that he stood among the people was as a bonus for establishing dialogue with the protesters.

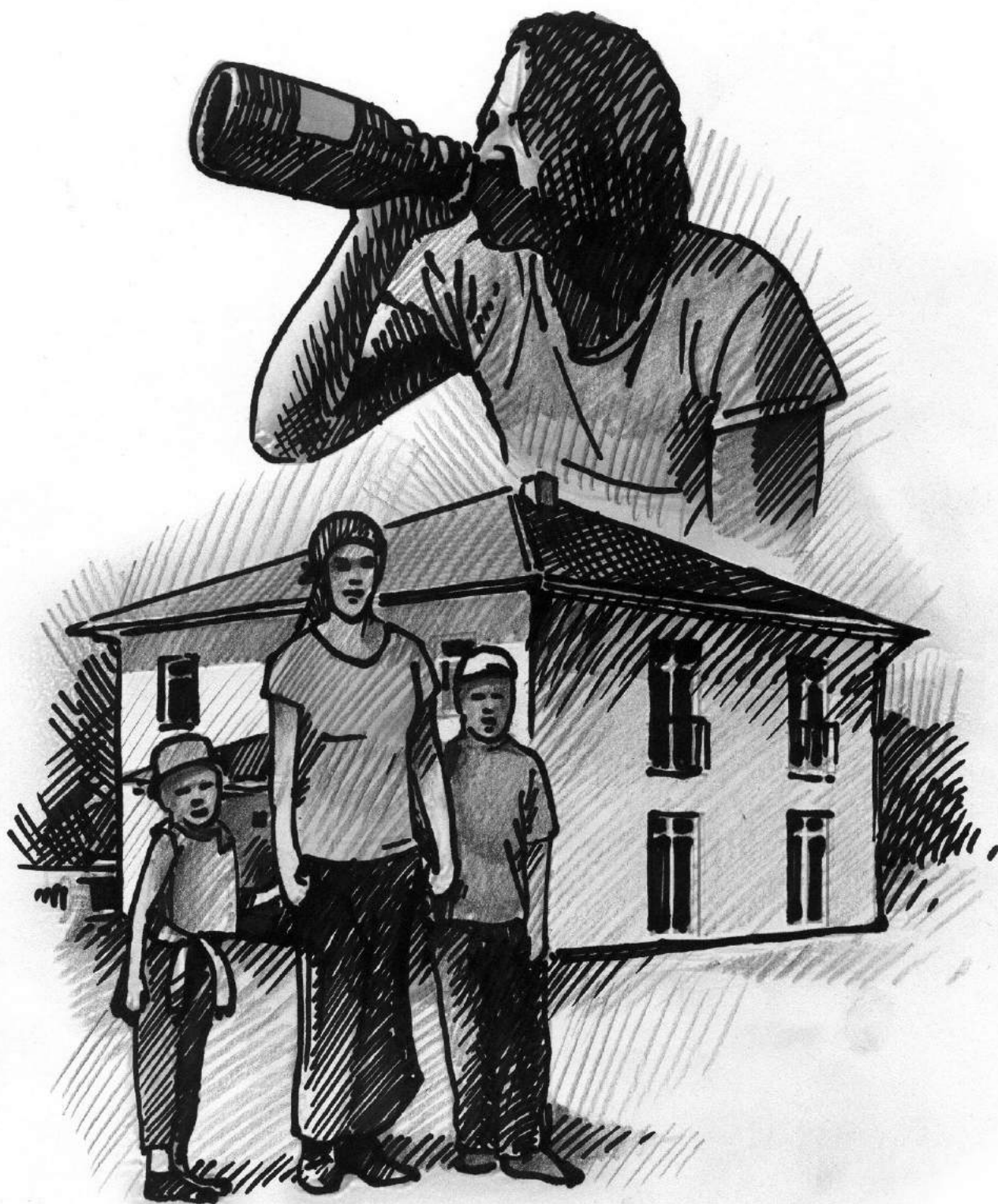
3. The ability to identify and work with the leader of the crowd.

Mediator's personal comments

Letting the parties conduct negotiations on their own, as in so doing builds communication between them and also allows for the mediation of conflict to achieve resolution.

Family reunification in Jalal-Abad

Family conflicts



Jalal-Abad oblast		Mediation case №11			2011	
‘... she assured that she had no money to treat her husband’s alcoholism, and leaving the household to an insane husband was impossible.’						
Where?	Main conflicting parties		Other parties			Mediator
Jalal-Abad	First party A man, the head of the family	Second party A woman, who kicked out her husband for drinking alcohol	Third parties Husband’s relatives	Other participants Aksakals , children of the spouses	Name of the mediator is kept undisclosed as requested	

Timeframe of the conflict
The conflict occurred in February 2011 and lasted for 2 months. The mediator took part in the conflict resolution process for 20 days.

Conflict location (special geographical features)
The conflict occurred in Jany-Konush, Kogart microdistrict, Jalal-Abad oblast.

Background situation
The Kogart microdistrict is situated on the outskirts of Jal-Abad. Plots for private houses in this district were distributed in early 2004 and now the area is has been developed into a residential area. Malik (not his real name) was one of the first residents in the neighbourhood. He lived in Kogart with his wife and her two children from her first marriage. Malik was the legal owner of the house and breadwinner. However, in late 2010 Malik was dismissed from his job for alcohol abuse. Having lost his job, Malik began to drink more frequently and in greater quantities. Bills were growing each month, yet there was no money to pay the mounting debts. Malik’s wife had to search for a job; however, as she lacked higher education, finding a job proved difficult. In the beginning of 2011 Malik decided to sell the house to settle the debts and with the remaining money purchase an apartment. However, Malik’s wife was against this, as she was sure that, after selling the house, Malik would spend the money on alcohol and the family would end up homeless. The house had been a good investment, with land, full facilities and two floors. Malik and his wife began to fight over the idea of selling, and with his continuing insistence the children stood behind their mother’s position. Malik’s relationship with his stepchildren had always been strained and after losing his job and threatening to sell the house turned openly hostile. After a short time, when he tried to enter the house, the wife’s children prevented him, threatening to kill him. His wife gave him an ultimatum that he could enter the house when he stopped drinking and started working.

For some time Malik lived at his friends’ house, but more often he remained drunk on the street. After a month of being homeless he picked up serious health problems. Due to his long exposure to the cold he contracted pneumonia and was taken to a hospital by one of the villagers.

Involving the mediator
The mediator was the head of the neighbourhood committee in Kogard. One of the villagers who knew Malik and who took him to the hospital approached the mediator for help.

Preparatory stage
In order to piece together a full picture of what had happened and to consider possible consequences at the initial stage of the conflict resolution process, a conflict analysis was conducted. This began with a meeting with Malik. Together with two aksakals, the mediator visited Malik at the hospital. His state of health was very severe, as the man was exhausted due to a lack of proper care. During the conversation Malik stated that he was the legal owner of the house, and that his wife and had barred him access. He found it insulting that that his wife and stepchildren had suddenly forgotten the times when he had taken care of them. He was very upset that he had been kicked out of his own house because he had no money, and that no one from his family had shown him any affection or concern for himself after his ‘banishment’. He shared with the mediator his idea to file a law suit against his wife and, as the legal owner of the house, expel her and her children from the house. The aksakals called on him to calm down and think about his health. They assured him that he also bore some guilt for the conflict, because he had driven his family to take such desperate action. When the mediator asked Malik about his close relatives, he responded that his relatives thought of him as of an alcoholic and avoided any contact with him. The mediator contacted Malik’s close relatives and told them that Malik was in hospital and in need of help to solve his family conflict. The rela-

tives came to the hospital and were surprised to find out that his wife had kicked him out of the house, as they thought of her as of a very good woman. They were confident that there must have been good reasons for Malik to be kicked out of the house, as they had not noticed any scandals in the family previously.

Decision-making process

The mediator decided to organise a meeting between Malik's relatives and his wife and asked the village aksakals to participate to lessen the potential of conflict emerging. The meeting was held in Malik's house. Malik's wife shared the story of the conflict with his relatives. She tried to assure everyone that she had had to kick him out as there were no other alternative ways to keep possession of the house. She also stated that she had no money to treat her husband's alcoholism, and that leaving the household to an 'insane' husband was impossible. She thought that if she kicked him out, she would make him think twice and therefore not sell the house, and the absence of money would make him stop drinking. Having learned about husband's hospitalisation, it seemed that she had not anticipated this outcome. Malik's wife said that she had had to act because of the desperate situation the family faced. Having listened to the woman's story, Malik's relatives offered to pay for his treatment and help with rehabilitation. They said it had been their mistake that Malik had been left on the street. In front all meeting participants they said they would frequently ask about the situation in Malik's family and help solve problems if needed.

After the meeting, Malik's relatives told him about the results of the conversation with his wife. They assured him that she was ready to accept him back and apologise. They offered him a rehabilitation course to treat his alcoholism, to which he agreed.

The aksakals, having met again with Malik's wife, suggested she take the first step by visiting Malik in hospital and apologising. She did so and insisted he come back home. Soon the whole family visited him in hospital, including his stepchildren.

Post-mediation period

After 10 days of treatment in hospital Malik returned home. He underwent treatment in the regional rehabilitation centre for alcoholism and was rehired in summer 2011, where he continues to work. The mediator visited the family several times and noted that there were no longer any conflicts.

What tools did the mediator use?

- Conducting meetings with conflicting parties
- Bringing relatives into the conflict settlement. Malik's wife had good relationship

with his relatives and they always listened to her opinion

- Using the help of aksakals who were able to propose peacebuilding initiatives. This group of mediators helped one of the parties to accept the responsibility for reconciliation

What challenges did the mediator face?

None. The conflict was temporary and of an impulsive nature which, once it had cooled, the mediation process ran smoothly with the participation of family members.

What facilitated the success of this mediation?

1. The help of a villager who had Malik hospitalised, avoiding his potential death through pneumonia and the consequences for the family.
2. The relatives' positive attitude toward Malik's wife created a favourable platform for negotiations, so the parties were able to easily find common ground.

Mediator's personal comments

As a rule, the most help in solving family conflicts is provided by elder members of the community. They always opt for the reunification of families and are an echelon of the community whose initiatives are unquestioningly respected and followed by conflicting parties.

A stepmother who became a real mother

Family mediation



Jalal-Abad oblast	Mediation case №12			2011	
'After their father died, their only role model was their step-mother, who had lived with them for more than 12 years al-ready, and who became their real mother'					
Where?	Main Conflict Parties		Other parties		Mediator
Jalal-Abad	First Party A woman: a widow and a stepmother of 5 children	Second Party Relatives of the deceased husband	Third party Father of the deceased, father-in-law of the widow	Other participants Neighbours, members of the Aksakals Council, members of the Women's Council	Nargiza Ergasheva , Responsible secretary of the Kurmanbek ter-ritorial district of Jalal-Abad's 'Mes-sengers of peace' team [«Yntymak jarchylyary»] (YJ)

Timeframe of the conflict

The conflict took place in June 2011 and lasted for 2 months. The mediator intervened during the entire conflict period.

Location of the conflict (special geographical features)

The conflict took place in Kurmanbek territorial district, Jalal-Abad oblast.

Background situation

A single father, Ibrahim (not his real name), was the head of a family of 5 children who had stayed with him after his divorce. When he remarried the youngest children were around 1 and 2 years old, the eldest children 8 and 9. The children accepted their new 'mother' and she showed them love and affection. This situation was shattered with Ibrahim's death in early 2011. This sudden loss brought the family even closer together; after the death of their father, the children's only role model became their stepmother, who had lived with them for more than 12 years and became like a real mother. The stepmother was working two jobs, while the children were studying at school or university. The children were always closely looked after by their stepmother, who carefully watched over them to keep them out of bad company and out of involvement with illegal activity.

The conflict occurred when, 5 months after Ibrahim's death, his relatives (brother and sisters) raised the question of their share of inheritance of his property and their responsibility to take care of the children. The stepmother had never prohibited them from seeing the children; however, before the death of her husband, his relatives had never come to visit them. After he died, they visited their nephews quite often. When visiting their house the relatives used to argue with the stepmother, criticising her behaviour and expressing total distrust in her. The children's aunts said that their grandmother and grand-

father wanted to see the children of their dead son, and managed to manipulate the two eldest children to leave their house and live with their blood relatives. When meeting with the children, the uncle and aunts constantly stressed upon the children that the woman who they believed to be their mother is in reality was a nobody and lived with them purely because she wanted to get their father's house. They threatened the children, saying that at some point their stepmother would kick them out on the street and that they would lose everything. The stepmother, of course, did not intend to do anything of the sort. She assured the husband's relatives that she did not need anything from the property, and that the only thing she wanted was to be with the children as she did not have anyone else. The smallest children did not want to part with their stepmother. They did not know their relatives, whereas they had seen the stepmother every day for 12 years and were really attached to her because of the care and love she felt towards them.

Ill will towards the stepmother on the part of her deceased husband's relatives lasted for more than a month and reached its peak when they kicked her out of the house.

Involving the mediator

After she was kicked out, the woman approached the public reception bureau for the help of a mediator. As part of the YJ team she decided to take part in resolving the conflict.

Preparatory stage

Mediation preparation commenced with a detailed examination of the conflict and the reasons for its emergence, identifying the stakeholders, assessing conditions, and searching for the best options for peaceful resolution. The mediator decided to hold meetings with each party individually to get a full picture of events.

Jalal-Abad oblast

At this stage, the mediator only possessed information which came from the wife/stepmother. From personal conversations it was evident that she (who did not have her own children) had grown very close to her husband's children from the first marriage over the 12 years they had been together. She harboured no will to financially gain from his property. Her only condition was that she kept the children, who had become the meaning of her life. She guaranteed that she would never prohibit the children from communicating with their father's relatives. She was even ready to hand over her husband's house to his relatives and move with the children into rented accommodation under the condition that they would no longer be bothered. It was visible how intimidated the woman was by the possibility of losing the children.

The next meeting the mediator held was with the husband's relatives. During the course of the conversation, it became evident that Ibrahim's brother and two sisters were the instigators for separating the children from their stepmother. They explained their motivation as a lack of trust in her. Ibrahim's relatives believed that an unrelated person could not love the children from her heart, that there could be no sensitive control over the children, and that the children's upbringing become very lax following their father's death. The uncle and aunts were certain that only they could take care of their brother's children, as they were their blood relatives. In their opinion, the status of relatives gave them full right to possess and manage Ibrahim's property. The mediator identified the relatives' main fear as the possibility that the stepmother could take the house away from the children. The relatives demanded the following conditions during the talks:

- the stepmother would no longer see the children;
- the children would live with their blood relatives;
- the house would be registered in the name of a chosen relative.

It was important for the mediator to learn the opinions of the children themselves on the matter. The children were invited to a meeting, in which the mediator, a paediatrician, and the three younger children participated. The husband's relatives did not allow the older children to attend. The younger children supported the stepmother's position completely and expressed the desire to live only with her. In response to questions regarding staying in the family and the stepmother's treatment of them, they gave only positive answers. The picture they gave of her was of a responsible and loving parent, whereas they had no knowledge of their relatives. It was easy to discern that the children were very close to their stepmother and were concerned about her future.

The next step in the conflict analysis was to question neighbours regarding the relationship between the stepmother and the children. It was important to gain a third-party view on whether the stepmother had been bringing the children up well and caring for them. The neighbours were as one in their confirmation that the children are always been taken care of, clean, neat, and fed, that no amoral conduct had been noticed on the stepmother's part. The interviews confirmed that the woman had been working hard for the sake of the family and had dedicated the rest of her time to the children's upbringing.

Decision-making process

In order to announce the results of the conflict analysis to the parties, the mediator's team decided to hold a joint meeting. The meeting took place at the Social-Preventive Centre and was attended by Ibrahim's relatives, all the children, and the stepmother. The mediators announced the results of the meetings and each party's conditions. The team did not succeed in hosting a calm discussion, as each party thought itself completely in the right: the stepmother kept stressing that she invested more energy into the children than anyone else, while the relatives dismissed her claims, saying her feelings were false and financially motivated. The meeting had to be stopped as the children started crying as a result of the noise and fighting. The parties went home without reaching an agreement.

The team held an internal meeting to determine another solution, as it was clear that the parties would flatly refuse to acknowledge or listen to each other without the intervention of an influential third party. The mediators decided to hold another joint meeting, this time with a wider circle of participants, who would possess the essential information regarding the conflict situation and were able to clearly articulate their points of view.

Within a week, a meeting was held at the same location and was attended by the conflict parties, the children, Ibrahim's father and mother, the family's neighbours, members of the Aksakal Council, members of the Territorial Unit's (TU's) Women's Council, and the mediators themselves. This time the participants took turns to speak, with the majority of participants speaking out in favour of leaving the children with the stepmother; however, the relatives were reluctant to accept their testimony.

The decisive moment of the meeting was a speech by Ibrahim's father. He listened to all the arguments and asked for the opportunity to put one single question to his children, who were trying to separate his grandchildren from the stepmother. The aksakal asked that

one specific representative from among the relatives to be nominated responsible for the children's care before everyone present and, most importantly, before God. The relatives, who had previously been adamantly speaking out, suddenly became quiet, and when the question was asked again, they hesitated and started citing various reasons for not being able to be involved in bringing up the children. The relatives began passing the responsibility for the children from one to another, saying that the relative with the fewest troubles and children should take care of Ibrahim's children. It quickly became apparent that none of Ibrahim's relatives wanted to take on the responsibility for their brother's children.

The outcome of the meeting was that, due to the absence of people willing to bring up the children, Ibrahim's father insisted that they be left with the stepmother. Furthermore, he called on his children to be thoughtful and said that, instead of having openly expressed concern for the fate of their brother's children, they should have thought about who would have actually taken care of them.

The Aksakal Council raised the issue of Ibrahim's estate. The parties mutually agreed to register the property in the name of the children, who would decide for themselves how to manage it once they reached maturity. Thus, the property remained with its legal heirs. Moreover, a decision was finally made to allow the children to live with their stepmother in the house. The relatives expressed the desire to see them periodically and to inquire about their wellbeing. The stepmother gave her full consent and the conflict was resolved. The aksakals asked the relatives not to bother the family on trivial matters, and gave the stepmother some instructions regarding greater responsibilities for the children.

Post-mediation period

The decisions announced at the meeting were implemented. The mediators checked the environment within the family many times. The family continues to live in their house; relationships within the greater family are being watched over by the Head of the Local Neighbourhood, who periodically speaks with the mediators. The conflict has not recurred.

What tools did the mediator use?

- Detailed conflict analysis. Meetings with parties, conversations with the children, interviewing neighbours
- Involving figures who would have influence on the parties

What challenges did the mediator face?

It was hard to persuade Ibrahim's relatives that the children were better off staying with the stepmother, whom the children trusted and loved. The children themselves helped the mediators in this regard, as their speeches made the aksakals change the relatives' minds. Additionally, the relatives did not want mediators interfering in what they considered a family conflict. To overcome this challenge, the mediators went all out to demonstrate their neutrality. Assessing the opinions of the two sides equally, they showed complete impartiality.

What facilitated the success of this mediation?

1. The woman was a very good woman who truly loved the children. She was ready to sacrifice everything except the right to be with the children.
2. The community elders supported the idea that the children would stay with their stepmother. They played a significant role in resolving the issue in a peaceful way.

Mediator's personal comments

Conflicts involving children require very delicate handling during meetings and conversations. One should be very tactful and careful with children's souls and minds, as during conflicts they are very vulnerable.

Incident with a transformer in Karakul

Household Conflict
Conflict with government



Jalal-Abad oblast	Mediation case №13			2012
'When speaking with them, the mediator emphasised the children and wife, for whom he was the only source of support, and that he had no right to leave them on their own'				
Where?	Main conflicting parties		Other parties	Mediator
Karakul	First Party City resident, who was in a desperate situation	Second party Landlord, local authorities	Third parties Mayor's office, local council Deputies	Adyl Darbishev , Chairman of 'Nar-ynhydroenergostroi', an associated professional union, Deputy Chairman of the city council, and honoured citizen of Karakul

Timeframe of the conflict

The conflict took place in August 2012 and lasted for 3 months. The mediator intervened for a period of 2 weeks.

Conflict location (special geographical features)

The conflict happened in the town of Karakul. It reached its peak in the centre of the city, next to the central electricity distribution transformer for the town.

Background situation

A family of four rented a house in Karakul. Karim (not his real name), the head of the household, both paid for the rent and provided for his family. His wife did not work. At the beginning of 2012, Karim was laid off and to pay the rent he had to borrow money, which he was unable to pay off. Karim’s landlord was aware of his financial situation; he was also aware that without a permanent source of income, Karim would soon start being late on his rent payments. In the spring, having found other tenants who were able to pay, the landlord demanded that Karim’s family move out of the apartment. At that point, Karim had not been late on any of his rent payments. The parties were not able to reach an agreement. The conflict arose when Karim refused to move out of the apartment, citing the reason that the landlord had not given him a warning and that he had no time to find other housing for the family. The owner of the apartment was furious and threatened to forcibly evict them from the apartment. Following another fight with Karim, the owner of the apartment gave him a deadline, after which he promised to complain to the police. Karim’s family was forced to move out. For a certain

period of time, the family stayed with acquaintances and friends in various locations. Karim was unable to find a secure job and to feed his family he had to work in various places as a handyman. He applied to the city mayor’s office for assistance numerous times with a request for a plot of land for his family; however, due to a long list of applicants, there was no possibility to provide Karim with a land plot in a short space of time.

The situation reached its climax when, having found himself and his family out in the street again, Karim took a desperate step. Karim climbed onto the central electrical transformer and, holding the zero phase with one hand, threatened to grab the high voltage cable with his other hand, and thus publically electrocute himself. In this way he decided to draw the attention of the authorities to his problem.

Involving the mediator

The mediator received information concerning the conflict from a member of the YJ team in Karakul when Karim’s landlord threatened to evict him. The mediator took part in trying to resolve the issue both before and after the family’s eviction.

Preparatory stage

At the initial stage of the conflict, when the issue of eviction arose between Karim and his landlord, the mediator decided to have talks with the conflict parties with YJ team members. The first meeting was held with Karim. He told the mediators that, despite the lack of a source of income, he had continued to pay the rent in a timely manner, and that the eviction of his family without a prior warning

was unjustified. Karim kept asserting that he needed time to find new housing and a job, and that if he were to leave the apartment at this point, his family would be forced out onto the street. The mediator suggested that he not fight with the landlord, but to instead ask him to show some compassion and understanding, to which Karim agreed.

During the meeting with the apartment's owner, it was impossible to mediate. The landlord was certain that, without a job and a source of income, the family would not be able to pay for housing; therefore, it was easier for him to rent the place out to other tenants. He asked the mediators not to interfere and stated that he had already set a deadline for Karim's family to vacate the apartment; otherwise, the police would evict them. During the second meeting with Karim, the mediators announced the landlord's conditions to him. Moreover, they informed him that the landlord had the right to evict the family since the apartment belonged to him and that Karim had not signed a lease agreement. Karim stated that he had already started looking for new accommodation and that he would vacate the apartment by the deadline.

The family moved out of the apartment before the deadline. It seemed that the problem had fizzled out, but a month later Karim's action with the electrical transformer proved that it was far from over.

The mediator received a call from the location where the action took place. Seeing Karim's desperation and threat of suicide, the mediators decided engage with him in conversation to prevent him taking his own life. Dozens of people had already gathered around the high-voltage transformer; the police had cordoned off the area. The City Council Chairman arrived shortly after. The mediator ventured to run the negotiations since he had already communicated with Karim in the past and was more or less familiar with his personality. In his conversation with Karim, the mediator stressed the importance of his wife and children, for whom he was the only means of support, stating that he had no right to leave them on their own; killing himself would be an act of weakness and a lack of willingness to fight life's challenges. The mediator kept asserting that there were no hopeless situ-

ations in life and everything was solvable. Karim calmed down a little and it was obvious that the man was weeping.

Decision-making process

The mediator suggested that Karim share why he had decided to end his life in order to jointly determine ways to resolve his problem. Karim put forward several problems: a lack of housing and work, and the authorities' indifference towards those in need. He spoke about his numerous applications to state bodies to allocate a plot of land and the lack of response.

Having heard the reasons for Karim's discontent, the mediator made a decision to invite high-level figures (who had the ability to resolve the situation) to speak to him: the City Mayor and the Head of Architecture and Town Planning. The officials listened to Karim's demands and agreed to solve the problem by allocating a plot of land immediately. Seeing that Karim had been almost driven to suicide, the Mayor signed the allocation permission there and then, in front of Karim and everyone else gathered there. The decision was signed and handed to Karim's wife. After making sure that the authorities were willing to meet his demands, Karim came down.

It was clear that such a desperate act had been caused by extreme hopelessness and, even after having been given land, Karim still had some unresolved problems. The mediation team made the decision to hold a meeting to discuss all possible ways of assisting the family. The City Mayor, the Head of Architecture and Town Planning and several Deputies were invited to a meeting at the Town Council; Karim was also present. The mediator spoke first and announced what the meeting was supposed to achieve. He stated his previous experience with Karim's problem and provided information on his financial situation. Karim described his situation, apologised for the recent incident and thanked the officials for allocating a plot of land. He further asked them for help with employment. The other participants of the meeting took turns to express their visions on how to resolve the problem.

It was decided that Karim and his family would be provided with accommodation which belonged to the city. The Deputies

agreed to pay for its renovation. Karim's wife was offered a job at a kindergarten and the authorities agreed to pay for Karim's children to attend the same kindergarten.

Post-mediation period

The decisions announced at the meeting were implemented. The wife started working at the kindergarten; the children were constantly under the kindergarten teachers' care. Later on, Karim started working as a worker in a construction crew. They continue to live in the accommodation provided by the City Mayor's office.

What tools did the mediator use?

- Holding meetings with the owner of the apartment and with Karim in order to analyse the situation
- Negotiation – the ability to persuade Karim not to go through with this threat by stressing his importance to the family
- Involvement of key institutions: the Mayor's office, Deputies, the Head of Architecture and Town Planning

What challenges did the mediator face?

It was challenging to encourage the landlord to be empathetic towards Karim's family. He refused to acknowledge the desperation in Karim's situation. Talking Karim down from the transformer was very difficult due to Karim's desperate state of mind. The mediator benefitted from the help provided by Karim's wife and other members of the crowd which had gathered. Together, they expressed understanding of Karim's situation and were able to seek out the best solution. A considerable challenge was also trying to convince the state officials at the final meeting that Karim needed assistance and that the authorities were his last hope. However, being a member of the City Council's administration, the mediator was able to influence the officials.

What facilitated the success of this mediation?

1. To persuade Karim to come down from the transformer, the mediator was helped by his previous acquaintance with Karim and his familiarity with the essence of his problem.
2. The Mayor's decision to provide land to Karim.

Mediator's personal comments

Karim's case showed the town residents that the state authorities existed and worked, and that they were ready to assist a person in desperate need.

Comments from FTI

When solving this conflict the mediator used his own reputation and the good name he enjoyed in the town. He managed to influence certain authorities and draw their attention to Karim's problem.

Riot for the mayor's resignation

Political conflicts



Jalal-Abad oblast	Mediation case №14		2012
'The unity of a team is an important factor when working with a large amount of people'			
Where?	Main conflicting parties		Медиатор
Karakul	First party Local residents	Second Party Local authorities, Mayor of the city	Mira Yusupbaeva , police officer, and trainer-mediator in the Yntymak Jarchylary team

Timeframe of the conflict

The conflict occurred in March 2012 after dissatisfaction had been brewing over 2 months. Mediators worked on the conflict for 2 days. The implementation of decisions took around 12 months.

Location of the conflict (special geographical features)

The conflict took place in Karakul.

Background situation

Several local residents organised a picket on the square in front of the Mayor's offices in Karakul to demand his resignation. They held posters characterising the Mayor as a thief and a member of an organised crime group. They used a loudspeaker to attract people's attention and expressed discontent with nepotistic acts (appointing friends to management positions in municipal offices).

One male protester read out apparent evidence that the Mayor had embezzled state funds; the protesters demanded that the city council local budget undergo an audit inspection. The noise invited more and more people and the crowd grew. Representatives of the Mayor's office tried to communicate with the protesters on several occasions, but their answers did not satisfy them. When the crowd saw that the authorities were not able to answer certain questions, many among it decided to support the protesters. The situation quickly escalated and the protesters called out of the Mayor, who refused to show up. The protest was recorded by a television crew.

Involving the mediator

As soon as a mediator received information about the riot, the head of the YJ team informed several other team members and gave them a task.

Preparatory stage

When random people came to the microphone and started shouting, 10 YJ members decided to mix with the crowd, meeting periodically to discuss their findings outside of the crowd, then rejoining it to continue their analysis. Respected Deputies from the local

council, which included YJ members, took the microphone and said they were glad that in their town lived citizens who were not indifferent to the city's destiny. They then said that this question could be solved in a more civilised way and that hard evidence was needed. They said they would be happy to satisfy the crowd's requests, as they were interested in a positive outcome.

The YJ team started working with the crowd and collecting information before the police arrived. They then analysed the information and crafted an agenda. The YJ team's work with the crowd helped to diffuse tensions and initial aggression faded. The YJ team proposed the protesters disperse, and that all city council members (deputies) and the Mayor would meet with the leaders of the protesters on the next day in the mayor's offices, which was welcomed by all parties.

Decision-making process

The next day, the parties gathered in the Mayor's hall as the Deputies had promised. At the meeting there were three leaders of the protesters, four representatives from the Mayor's office and four members of the YJ team. The YJ team took the lead role at the meeting, which proceeded peacefully. All parties showed each other respect, and the peace-building team worked as a cohesive unit. A peaceful agreement was made for a group of auditors to be invited from the government. The Deputies prepared a letter to the government, whereas the protesters took the appeal to Bishkek by themselves. All parties were pleased with this outcome.

Post-mediation period

A week later, a commission came to verify the expenditure of budgetary funds. During the course of the audit process, the Mayor made friends with the protesters and offered his help. As part of reconciliation process, the YJ team proposed that the Mayor allocate some funds from the city budget to organise sports events, which was definitely in the interests of both parties. The conflict did not recur.



What tools did the mediator use?

- Proaction to identify the nature of the problem
- Team spirit, an important factor when working with a large number of people
- Inviting all parties to the negotiating table

What challenges did the mediator face?

There was an element of unpredictability in the crowd. In this case the actions of the peacebuilding team members were as if they had been planned in advance. However, there is no guarantee that this would always be the case.

What facilitated the success of this mediation?

1. The peacebuilding team consisted of Deputies and managers who represented various professional bodies. Each one of them knew his/her own field very well.

2. To attract the protesters attention, the peacebuilding team demonstrated respect, which helped them achieve a certain extent of trust from the crowd. During the meeting the peacebuilding team listened intently to the initiatives of the protesters' leader, in order to make them feel understood.

Mediator's personal comments

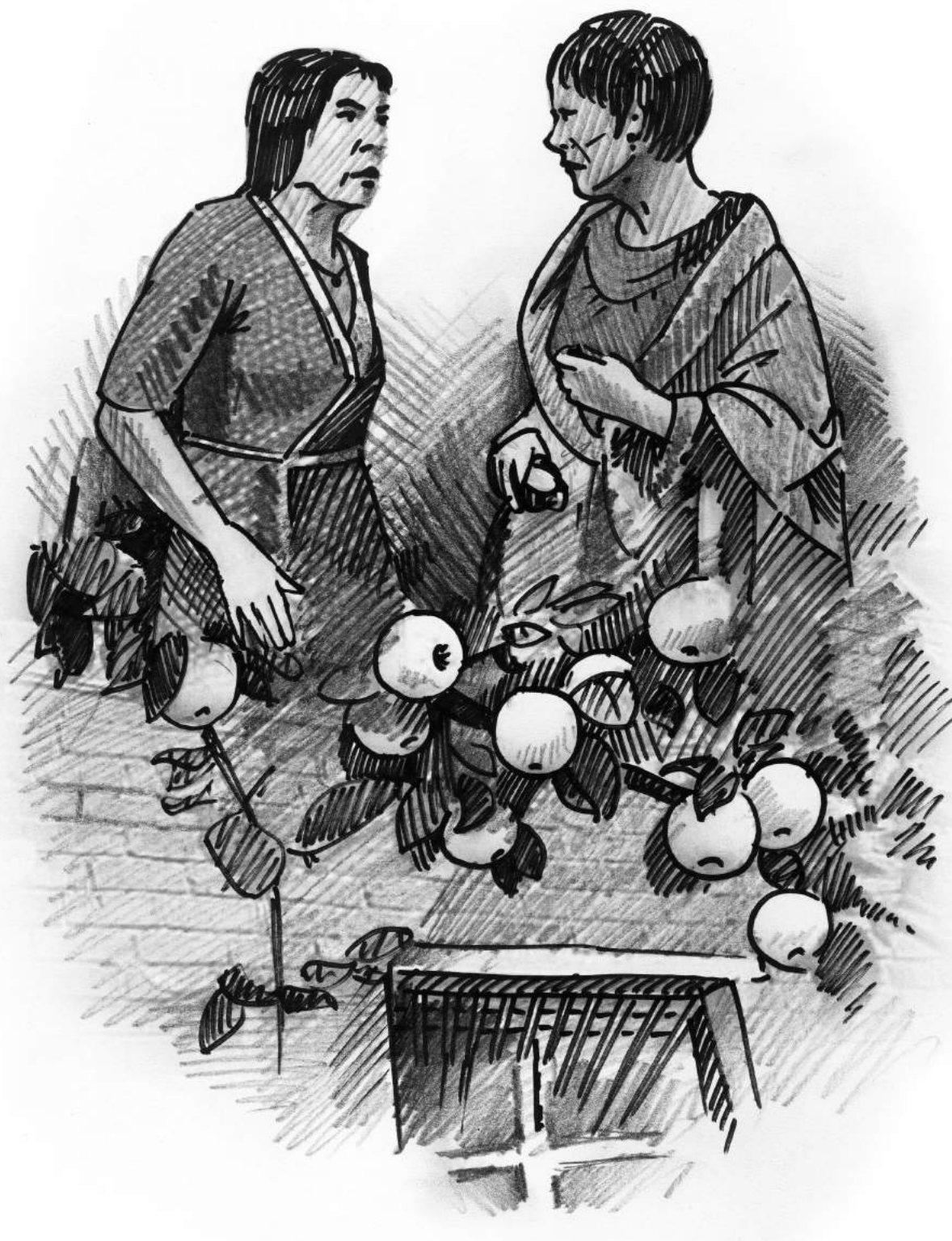
A mediator should not focus on only having a group of mediators. A peacebuilding team should consist of professionals from different fields.

Comments from FTI

A team of mediators was involved in resolving the conflict at the stage of its escalation. Having lowered tensions and calmed the protesters, they changed the direction of the conflict into negotiations. One can observe how a combination of mediator from different backgrounds led to more effective conflict management.

Neighbours and a fruit tree

Household conflicts



Jalal-Abad oblast	Mediation Case №15	2011	
'As a result of these negotiations the parties came to a decision to take turns when using the tree'			
Where?	Main Conflicting parties	Other Parties	Mediator
Mailuu-Suu	Two neighbours of a multi-storey building, who claimed their right to a fruit tree	Third Parties Neighbours	Alima Iskenderova, Chairman of the Women's Council

Timeframe of the conflict
 The conflict arose in 2011 once the fruit harvest began. Confrontation emerged in spring 2012. The conflict ended in June. The mediator only spent one day working on the conflict.

Background situation
 The seed of discord was a tree growing in the garden of a multi-storey residential building. Two neighbours, whose windows overlooked the tree branches, simultaneously claimed the right to pick the tree's fruit. From a territorial point of view, the tree belonged to both neighbours equally. The neighbours began to declare to each other their right of ownership of the tree. Many discussions ensued, but they were always in a calm manner; no quarrels took place and no insults were traded.

Involving the mediator
 Neighbours who were aware of the conflict requested that a mediator resolve the issue. The mediator was engaged from the confrontation stage.

Preparatory stage
 The mediator conducted a conflict analysis. She was clear about the context of the conflict, as she resided in the same building. Until the mediator's intervention, there had been no changes in the conflict parties' positions. Both of the sides wanted full ownership of the tree, so their positions were very similar. The tree was located directly between the two flats, so it was difficult to determine who owned that territory.

Decision-making process
 During the conflict, the mediator used the step-by-step system of negotiation. Since the mediator was also a neighbour and known as a mediator, she did not need to introduce herself. The parties convened in the garden

in question and the mediator bade them to make their arguments in turns without interrupting each other. As a result of the discussions, each side understood that the tree was located on neutral territory; however, neither of them wanted to yield to the other side, asserting that it was their side which had always taken care of the tree. During these first two steps, the mediator used the tool of active listening to help her identify the interests of the two conflicting parties, notably the tree's fruit. According to the mediator, if one of the parties' interests had been different (for instance, wanting to chop down the tree), it would have been more difficult to reach a consensus. As a result of the negotiations, the parties came to a decision to pick the fruit in turns. No written agreement was made, but the parties verbally agreed to collect the fruit harvest in turns on an annual basis (one of the parties was younger, so it yielded the first year to the other party, considering her older age).

Post-mediation period
 The parties decided to pick the fruit in turns. They had positive notions of the mediator, as all of them were neighbours. At present, the parties are no longer in conflict; however, it is yet to be seen whether the conflict will resume once the fruit ripens.

What tools did the mediator use?
 • Active listening, which enabled the mediator to determine the interests and positions of each party

What challenges did the mediator face?
 It was challenging to work with one of the parties, an elderly woman. She constantly needed to be stopped from interrupting the other neighbour. However, this was overcome thanks to the mediator saying: 'Since you agreed for me to act as a

middleperson in your conflict, it means that you will have to listen to me and to follow my instructions during the negotiations’.

What facilitated the success of this mediation?

1. The mediator was able to identify the parties’ interests and positions, and to find a point of connection.
2. Each party listened to the other without interrupting, and gave the mediator the opportunity to regulate the negotiation process.

Comments from FTI

This case demonstrates mediation at the household level. One might say this is a simple case; however, the mediator demonstrated a serious approach to the conflict analysis and its resolution.

Prevention of inter-ethnic conflict in a village

Household conflicts
Inter-ethnic factor



Jalal-Abad oblast		Mediation Case №16		2011	
'...when one understands he is guilty...that is the greatest help and support ...'					
Where?	Main Conflicting parties		Other parties		Mediator
Confidential	First Party Owner of a rice plantation	Second Party Owner of a neighbouring rice plantation	Third Parties Families and relatives of the parties	Other participants Village administration, Village Ministry, active villagers	As requested by the mediator their names remain undisclosed

Timeframe of the conflict

The conflict took place in May 2011 and lasted for 20 days. The mediator took part in the conflict resolution process for 15 days.

Location of the conflict (special geographical features)

The conflict happened in a multi-ethnic village. The population’s main economic activity is rice cultivation. The cause of the conflict was a dispute between village residents concerning violations of the rice plantation irrigation queue.

Background situation

The main area of economic activity for the village is rice cultivation. There are rice plantations at the edge of the village. As a rule, the plantation irrigation season begins in mid-spring. The irrigation water comes through a canal diverted from the river flowing through the other side of the village. In order to ensure equal provision of water to the plantations, the management of the rural area established a schedule of water usage queues for plantation owners. According to that schedule, the owners are to organise daily duties to make sure that uninterrupted irrigation of the plot of land in their possession is provided.

In spring 2011, the aforementioned duty schedule was approved and the plantation irrigation season commenced. A., the owner of one of the plantations, was implementing his irrigation process according to the established queue order, while the owner of a neighbouring plantation, B., closed off the water flow to A’s plantation and diverted it onto his own plot. In response to A’s demands to observe the queue, B refused and explained that he would water his land whenever his free time allowed him to do so.

B was not willing to hear A’s arguments that B had no right to cut off the water flow without a prior warning. A invited a water expert from the village administration to the location where the conflict was occurring. Seeing that B stood firmly on his position, the expert proposed that A make concessions and let B use the water for a couple of days. A was categorically against it and explained that he was using water according to the established order since, as everyone knew, the time for water usage was limited. Thus, by making concessions to B, A could lose the irrigation time allocated to him. B was, therefore, violating the rice irrigation schedule.

The situation was aggravated by the fact that the conflict parties had different ethnic origins. A was claiming that his rights were being abused as he was Uzbek and that B was able to do anything he wanted as he was Kyrgyz. Gradually, the water-based conflict between the parties grew into a personal one and took the form of mutual insults. The landowners out in the field gathered around the arguing persons depending on their own ethnic affiliation; thus, two confrontational camps had formed. There was no violence, but the landowners were arguing over the legality of each party’s actions.

The conflict reached its peak when, in a fit of fury, A threw a farming implement at B. B was enraged and pushed A to the ground. A hit his head on a rock and sustained a serious injury. He was carried home, but he died a few days later. The parents of the deceased filed a complaint with the police about B’s actions. The police detained B. Rumours were spreading through the village that the leaders of the Kyrgyz community wanted to hold a rally in support of the detainee. In their opinion, B was not at fault for A’s death, but that

it was tragic accident. The Uzbek community, however, fully supported holding B criminally liable. Great unrest was developing within the village.

Involving the mediator

The mediator was a resident of the village where the conflict occurred. The village was small, so the rumours about the conflict spread quickly. The Chairman of the Village Council, who had known the mediator for many years, asked him to take part in the conflict resolution process.

Preparatory stage

The mediator's activities began with a conflict analysis. In order to clarify the details of the incident, the mediator held talks with witnesses. Having received enough information, he drew up the chronology of the conflict and clarified the proportion of each party's participation. He then made a decision to conduct meetings with representatives of the conflicting parties.

The first meeting was with B's relatives. The Chairman of the Village Council, the imam of the rural mosque, and leaders from the Kyrgyz community were invited to the meeting. The imam of the mosque called on B's relatives to be thoughtful and used the incident at hand to demonstrate where conflicts can lead. The Chairman of the Village Council, in turn, asked them to adopt an understanding attitude toward A's family's tragedy and stressed that A's family's loss was irreparable. Community leaders acknowledged that A hit his head on the stone as a result of a fight with B, and that his relatives were prepared to apologise. It was evident that the relatives regretted what had happened but asked for understanding of their situation as well. They did not believe that B was guilty, and were certain that if B had known how the fighting would have ended, he would not have got involved. They kept asserting that A himself had been the instigator of the fight by throwing a farming implement at B.

The next meeting was supposed to be held with A's family, but it was impossible to hold talks with his relatives due to the memorial services at the house, and his parents were unable to communicate with anyone. A's father knew the mediator and exhibited an understanding attitude towards the mediator's activities, but he asked to hold off the meetings indefinitely. The deceased's mother decidedly avoided contact with the mediator.

Thereafter, the mediator decided to involve female mediators, who, in his opinion, could establish contact with A's mother more easily. A female mediator was nominated to talk to A's mother. The mediators designed the meeting format together and determined the approximate composition of participants. The female mediator held a talk with A's mother, together with a female war veteran and a village spiritual teacher. They expressed their deep understanding and condolences, tried to provide moral support to the grieving woman, and asked for the possibility to hold a meeting with male mediators in order to announce the results of the talks with B's relatives. At that time, the woman was not aware of the details of the conflict. The mediators assured her that she would have the opportunity to find out what had really happened that day, to which the woman consented.

The entire team of mediators gathered in order to conduct the meeting with A's parents. The Chairman of the Village Council, the imam of the mosque, the Aksakal Council and witnesses of the conflict, both Uzbek and Kyrgyz, were invited to the meeting held at the deceased's home. Having expressed their condolences, the witnesses of the fight each gave a statement. The witness accounts unanimously confirmed that B had not intended to kill A, and that A's hitting his head on a rock was a tragic accident. A's mother did not want to listen to anyone and insisted that B's push that was the reason for her son's death.

Then the village mosque imam intervened. He emphasised that everything which happens in life is God's will, that A's death was predetermined by fate, and that it was impossible to change anything. He was asking A's parents to find the strength within themselves to overcome their spiritual grief, no matter how difficult it seemed. He asked the despairing woman to think about A's children, who were left without a father. The mediator then added that B's relatives regretted what had happened and were ready to ask A's parents' forgiveness. It was decided that another meeting between the parties would be held in 2 days.

Decision-making process

At the mediator's suggestion, it was decided to hold the meeting in the Village Council building. Relatives of both parties, leaders of the Uzbek and Kyrgyz communities, the local mosque imam, the Aksakal Council and the mediators took part in the meeting. The rela-

tives expressed their condolences and asked for A's parents' forgiveness. The village elders stressed that both sides were to blame for the conflict: one party initiated it, another unintentionally finished it, but all parties were suffering together. B's relatives said they would provide support for A's family in terms of organising a memorial service and any other activities. B's family said that they would do anything that A's family needed in order to keep B out of prison.

The Chairman of the Village Council also delivered a speech. He emphasised the risks inter-ethnic conflict, which had been on the rise following this tragic event.

A turning point in the meeting was A's father's speech, who said that the acknowledgement of one's own fault provided the greatest support and assistance. He noted that A's family was not willing to have B's children growing without a father, and that it was enough that A's children had become orphans because some people were not strong enough to find it within themselves to understand the opposite side's position and to yield. The father assured the participants that he would rescind his complaint because he did not want his deceased son to become the cause of an inter-ethnic conflict.

After hearing A's father's opinion, B's relatives expressed their deep gratitude for his open-heartedness and, in turn, offered an initiative to provide for the livelihood of A's children's until they reached maturity. B's father immediately proposed dividing up the responsibility for provision for A's. B's brothers and sisters publicly divided up the obligations among themselves, e.g. arranging the children's attendance of schools and universities, the provision of housing, financial assistance, clothing, and other items. The village aksakals undertook the responsibility of ensuring proper implementation of the obligations by the family, and thanked B's relatives for their initiative.

Post-mediation period

The complaint to the police was withdrawn; B was released. He met with A's parents numerous times with peaceful intentions. The mediators witnessed B's relatives buying a plot of land for A's family; B's family had originally planned to build a house there. Also they helped one of A's children to enroll in university. Assistance to the deceased's family has not ceased to date. The rising inter-ethnic conflict was averted.

What tools did the mediator use?

- Meetings with conflict parties
- Teamwork among mediators, involving quality planning and the division of responsibilities
 - Involving female mediators to establish communication with A's mother
 - Involving persons capable of influencing the parties' opinions. The local imam took part in the meetings, which introduced a religious perspective and helped the parties to be mindful of the other

What challenges did the mediator face?

The mediator found it difficult at first to establish contact with A's parents – the grief of their loss did not allow them to meet with the mediators. Here, assistance was provided by a female mediator team. By expressing understanding and moral support, they were able to calm the deceased's mother, thus preparing her for joint meetings.

What facilitated the success of this mediation?

1. Many people knew the mediators in the village, including A's father, who had an understanding reaction to the mediator's activities and was prepared to meet them halfway towards a peaceful resolution of the conflict.
2. Quality selection of persons capable of influencing the parties' opinions by the mediation team.
3. Correct planning and distribution of work on the conflict.

Conflict between residents over canalisation

Household conflicts



‘Thanks to regulation of the discussion process, the parties could listen to each other without interrupting’

Where?	Main Conflicting parties		Mediator
Cheremushki microdistrict, Suzak	First Party Residents of multi-storey houses	Second Party Local authorities	Zuura Ahmedova , Senior Nurse of Suzak Central District Hospital Abdumannap Askarov, Deputy Head of the Village District on Social Issues

Timeframe of the conflict

The conflict occurred between February-April 2012. Mediators worked on the conflict for two days.

Location of the conflict (special geographical features)

The conflict occurred in Cheremushki microdistrict, Suzak district. In total, there are 12 residential apartment buildings in the microdistrict, but only three of these apartment buildings had a sewage-related problem. The old septic tank of the local sewage system of those three apartment buildings was located on private land nearby.

Background situation

The septic tank of the sewage system of the multi-storey houses was located on the border of the Cheremushki microdistrict. Over time, this land was allocated to the residents of Suzak village as construction plots. The owner of the plot where the septic tank was situated had built a temporary septic tank on the territory of the Cheremushki microdistrict, closed the old septic tank, and fenced off the area. The new septic tank did not comply with building standards and three years later the walls of the septic tank collapsed. The residents started to frequently put together funds to pump the sewage out of the septic tank. Sometimes it was impossible to collect funds for this, causing frequent conflict situations between the residents of these houses. Most of the conflicts took place between the residents of lower and upper floors as sewage, flowing down from the upper floors, began to seep into the ground-floor apartments of instead of flowing out into the septic tank.

The residents of the microdistrict demanded that the representatives of the local authorities settle this problem. The Head of the Village County approached the YJ team to help resolve this case. Presumably, he was

aware of the existence of this team and knew of its objectives and, therefore, decided to apply to them so that the conflict would not develop further.

Involving the mediator

The head of the village administration invited the mediators as he was already aware of the problem. There were no funds available to build a new septic tank; therefore, he asked the YJ team to get involved so the conflict would not escalate.

Preparatory stage

A meeting with the residents of these houses was organised by the YJ team and representatives of the local authorities. The head of the village administration was present on behalf of the local authorities and about 30-35 persons were present on behalf of the residents. The meeting took place in the garden of the apartment building. The members of the YJ team introduced themselves and listened to the conflicting parties. The mediators gave each party the floor individually and made sure that they did not interrupt each other. As a result, the parties came to the conclusion that the sewage system was faulty, and not the fault of those residing on the upper floors. The head of the village administration promised to resolve this issue as quickly as possible. The meeting lasted for 2.5 hours.

Following the involvement of YJ team in the conflict, the residents decided against holding a public protest. Instead they decided to wait until the local authorities found the money to resolve the problem.

The parties were able to listen to one another without interruptions and a verbal agreement was made. The enforcement of this decision was left to the residents of these buildings.



Post-mediation period

Currently, preparatory work for the construction of a new septic tank is underway. A new septic tank will be built in the yard by the end of July 2012. The authorities implemented their obligations and found the funds to resolve the issue, which they wish they could have been able to do previously. The process is under the control of the residents of the houses and the representatives of the YJ team. The residents, in turn, offered themselves as a work force.

What tools did the mediator use?

- Active listening, which enabled the YJ team to obtain complete information on this issue and to identify problem areas

What challenges did the mediator use?

In the beginning, it was difficult to steer the negotiations in one direction as, initially, no one was listening to each other. Each one of the two mediators talked to each party individually, having taken it aside, and explained that nothing could be achieved through yelling and that it was necessary to listen to each other in turns. The residents agreed and gave everyone the opportunity to speak out.

What facilitated the success of this mediation?

1. Meetings with community leaders and giving them the opportunity to speak out individually. The first meeting was organised with the building representatives, and the second meeting was held with all the residents and the representatives of state authorities. Had these meetings not been organised, the people would have publicly protested in front of the administration building.

'Crystal' plant

Labour conflicts



Jalal-Abad oblast	Mediation Case №18		2010		
'The plant's staff began to request the urgent sale of the plant to investors, or give them the opportunity to work at the plant ...'					
Where?	Main Conflicting parties		Other Parties		Mediator
Tash-Kumyr	First Party 'Crystal' plant staff	Second Party Special Administrator of the plant	Third parties Kyrgyz State Committee for Administering State Property	Other parties Investors	Sariev Mamatjan, Engineer- electrician

Timeframe of the conflict
The conflict began in 2010 and went on for two years. The mediator worked on it for one year.

Conflict location (special geographical features)
The conflict was located in Tash-Kumyr, Jalal-Abad oblast. The 'Crystal' plant produces polycrystalline silicon and is one of the largest industrial sites in Jalal-Abad oblast. Around 3.5 per-cent of the population makes up the plant's staff.

Background situation
After the plant was declared bankrupt in June 2010, the appointed special administrator fired nearly 450 employees (workers and specialists), leaving only security guards and water and energy supply personnel on duty. Because of the special administrator's failure to do anything, the plant had not been functioning for 2 years. The employees were left without work and any means to make a living. As a result of the situation, plant personnel requested the plant be sold to investors or to return the plant to the previous owner, giving them the opportunity to work. The personnel then started organising protests and riots. Requests were sent out to all authorities including fractions of the Jogorku Kenesh. The requests reflected all the requirements of the personnel and the retaliatory measures they would undertake if authorities remained indifferent, such as blocking the Osh-Bishkek road. The authorities responded by saying: 'Wait for investors'.

In 2011 an investor appeared to be interested in the project. In May 2011 a protocol of intentions was signed with a British multinational enterprise, the Reche Group. This protocol provided that over 8 months the Reche Group should sign a sales contract of the plan. They set a series of conditions before the Kyrgyz government. In the case that the government failed to comply with the conditions, the investors had the right to pull out of the deal. One of the conditions was that

over the 8 months the government would not negotiate with other investors.

1.5 years passed but the contract had not been signed. The situation remains tense. In 2011, the plant had other interested investors, who were refused. The goal and position of the State Property Committee are still not clear for the personnel of the plant.

Involving a mediator
The mediator involved is a plant staff member (he has worked as a senior energy engineer at the plant for 18 years). He closely worked with the administration of the plant in order to mitigate the conflict situation.

Preparatory stage
The mediator organised negotiations between the special administrator, the professional committee of the plant and the leader of the workers. Representatives of the team of the special administrator and plant staff went to Bishkek several times to negotiate with the State Property Committee. However, they did not manage to get a response. The staff began to lose hope that the solution would be quickly solved.

The goals, interests and positions of the parties were carefully studied, and the influential persons of the parties identified. The pre-conflict and escalation stages of the conflict were analysed. Negotiations between the special administrator, the administration of the plant, and leaders of the trade union were conducted several times. A series of agreements on the inadmissibility of legal violations and the organisation of riots were reached. An open clash between the parties was prevented (although there were some actors who still wanted to clash and coerce the other party).

Decision-making process
The mediator initially talked to both parties. While the employees were always ready to negotiate, the mediator had to spend a lot of time and energy to bring the second party

into the negotiations. After that, the negotiations were conducted. The mediation process took place in the plant and in the mayoral offices in Tash-Kumyr. As the negotiation process developed, the parties began to act differently. Among the employees there were aggressive individuals. At first the special administration team, which consisted of the director, assistant and accountant, tried to avoid all kind of meetings and negotiations for fear of reprisal, but this behavior simply intensified the tensions.

After applying mediation methods the conflict situation became more or less manageable. The negotiations led to some agreements with regard to mitigating clashes:

- 1) The special administrator team would not avoid negotiations with the employees of the plant.
- 2) Plant personnel would be informed on all decisions of superior management regarding the selling of the plant.
- 3) The special administrator team would speed up the selling of the plant to investors.
- 4) Plant personnel would not organise any riots before the selling of the plant for a specified period of time.

After the negotiations, the parties signed a protocol of agreement on temporary suspension of 'political acts' (complaints to Jogorku Kenesh, rioting, blocking roads, etc.). The team of the special administrator took the responsibility to sell the plant as soon as possible. Should the administrator fail to carry out his obligations, the employees would request that the government return the plant back to its former owner.

Post-mediation period

The team of the special administrator was given until 25th July 2012 to sign the sales contract and to organise a meeting between the employees and investors. That has still not been done. At the present time the employees of the plant are eagerly waiting for a positive resolution of the issue. Otherwise, the conflict may arise again.

What tools did the mediator use?

- Conflict situation analysis
- Identifying goals, positions and interests of the parties
- Identifying influential individuals and leaders
- Individual and group negotiations and conversations

What challenges did the mediator face?

This conflict mediator has faced some challenges when cooperating with the special administrator's team. As the special administrator did not have the competence to make

independent decisions without the approval of senior management, i.e. the State Property Committee, and the Ministry of Industry and Energy, the parties had to wait for months to get answers to even simple questions. This was the reasoning behind travelling to Bishkek to conduct negotiations. The most difficult and challenging task for the mediator was conducting negotiations and receiving a response from the government authorities. At first the State Property Committee did not want to accept any representatives of the plant's personnel. When they finally agreed, the authorities did not pay any attention to their problems.

What facilitated the success of this mediation?

1. This conflict is still in the solution-finding stage. Both of parties are waiting for the investor to come and sign the factory sales contract.
2. Mediation avoided open conflict.
3. Negotiations led to a series of agreements on stopping demonstrations.

Comments from FTI

Mediation in this case was conditional, as a member of staff played the role of the mediator. Therefore, he was an interested party, which contradicted the principle of neutrality. However, this case was a good example successfully employing mediation in labour disputes.

Conflict between neighbours over land

Household conflicts



Jalal-Abad oblast	Mediation Case №19	2012
'During the negotiations the conflicting parties come to a dingle decision and made concessions, ending the conflict'		
Where?	Main Conflicting Parties	Mediator
Toktogul	Neighbours, owners of two neighbouring houses	Kolpoch Karataev, Head of the village

Timeframe of the conflict

The conflict took place in spring 2012 and lasted for two to three months; however, the roots of the conflict date back to the 1970s. The mediator worked on the conflict for two days.

Location of the conflict (special geographical features)

Toktogul district of Jalal-Abad oblast.

Background situation

Back in the 1970s, Bakyt (not his real name) decided to expand his house. Having asked his neighbour Bolot (not his real name) for permission, he then built on part of his land (around six metres squared). Sometime later, Bolot also started building. His roof deck went over 25 metres of Bakyt’s territory. For reasons unknown to the mediator, the parties had only just started to express discontent over the issue after years of silence.

During the confrontation stage, the parties started to express discontent over seized land. Bakyt was the most vocal. His main argument was that, in exchange for the six metres he had taken, Bolot had taken 25 metres of his land. They had not been able to come to an agreement. Therefore, they decided to appeal to the village administration. The Head of the Village Administration then appealed to the mediator. Once the mediator served as a middleman, Bolot agreed to shorten his roof.

Involving the mediator

The mediator was invited to get involved at the pre-conflict stage after the Head of the Village Administration had asked for his assistance.


Preparatory stage

The mediator initially met the conflicting sides in the street and informed them that the head of village administration had asked him to help them. Since they knew him as a member of the YJ team, they agreed on a second meeting and invited him to their houses. The mediator came to their houses and they sat together at the negotiation table. A conflict analysis was not held since the mediator was aware of the problem and knew how it all started. The conflicting parties treated him well because they respected him due to his age and the fact he was the mediator.

Decision-making process

The conflicting sides agreed that the meeting would be held at one of the parties’ house. At the beginning of negotiations, the mediator listened to each party separately. Each one staunchly defended his position regarding the seized land. Bakyt stated that he had only used 6 metres and not 25 metres. Bolot agreed but stated that there had been no funds at that time to reconstruct the whole roof. The mediator stated that he understood each party was right in his own way and that when they both gave permission to use each other’s land back in the 1970s the value of land was different, this was perhaps why they had never raised this issue before. He then asked them their opinion on how to find a solution.

Bakyt was ready to return the six metres of land. However, Bolot did not want to reconstruct his roof. The mediator pointed out the fact that Bolot’s roof was already in a poor state. A long time



had passed since he constructed it and sooner or later it would need to be repaired. Bolot agreed, but said that he would need time. Bakyt responded by saying he did not have to reconstruct the roof immediately. Therefore, the parties found an opportunity to reach mutual understanding for the first time.

Bolot then asked for time until the next autumn, to which Bakyt agreed. Bakyt then asked whether it was necessary for him to hand back the 6 metres of land. Bolot responded that it was not necessary but that he would like to ask Bakyt to help him reconstruct the roof. Bakyt agreed to this proposal and the parties finally came to an agreement.

During these negotiations, the conflicting sides reached a unanimous resolution and made compromises, thus ending the conflict. There was no need for a written agreement.

Post-mediation period

At the moment, the neighbour is preparing to build. The conflict did not arise again.

What tools did the mediator use?

- Effective listening methods

What challenges did the mediator face?

None. The mediator knew these people, thus they listened to him.

What facilitated the success of this mediation?

1. Giving the opportunity to each party to speak.
2. Allowing the parties the chance to find a unanimous decision among themselves.

Taking over a building of the Oblast State Administration in Jalal-Abad in March 2005

Political conflict



Jalal-Abad oblast	Mediation case № 20	2005	
'Both the situation and the parties are ready for negotiations'			
Where?	Main conflicting parties	Mediator	
Jalal-Abad	First party Representatives of the protesting opposition, who took over the building	Second party Representatives of the incumbent power	Raya Kadyrova , FTI President, Aziza Abdurasulova, head of the 'Kylym Shamy' Foundation [Centre for human rights protection]

Timeframe of the conflict
5th-9th March 2005. Protests against the authorities and riots initiated by opposition had begun before the conflict’s climax; however, this conflict will be examined from the moment of when protesters took over the Jalal-Abad Oblast State Administration building on 5th March. An agreement was made on 9th March. The protests which started in March 2005 led to the events of 24th March, as a result of which the president fled the country and the regime changed.

Location of the conflict (special geographical features)
The conflict occurred in Jalal-Abad.

Background situation
After political instability in the Kyrgyz Republic in 2003, FTI initiated the ‘Cooperation of civil society, law-enforcement bodies and state authorities for the realisation of the constitutional rights of citizens for peaceful and free meetings’ project. The project was aimed at assisting in promoting culture and dialogue when building communication channels between the state authorities, law-enforcement bodies and the state administration during crisis and high-tension situations in the community. A National Coordination Council (NCC) and Regional Coordination Councils (RCCs) were created in seven oblasts of The Kyrgyz Republic within the framework of the project. NCC and RCCs were created to democratise decision-making processes and played the role of crisis groups during periods of destabilisation. Representatives of civil society and public institutions, as well as community leaders made up Council members.

On 4th March 2005 the Jalal-Abad Oblast State Administration (OSA) building was overrun by opposition activists. Around 200 people, 60 of them women, camped out inside the building. 6,000 people and other opposition activists gathered in the central square. Activists said that they had taken over the building because the governor refused to come out, meet them and listen to their

requests. When, upon storming the building, they did not find the governor, the demonstrators expelled all OSA employees and set up camp inside the building. The protesters demanded the president’s resignation denounced the results of the recent parliamentary elections.

Armed police took up positions around the OSA building. The protesters then claimed that, should the authorities use force against those inside of the building, they would take retaliatory measures.

Pro-government mass media wrote that protesters had destroyed furniture, office equipment and looted the OSA, and that many of the protesters (particularly the women) had been drunk. they also claimed that women had been forcibly taken against their will into the building.

Involving the mediator
Due to these events in Jalal-Abad oblast, NCC members flew from Bishkek to Jalal-Abad on 6th March.

The Ministry of Interior Affairs was informed about the reasons for the NCC representatives’ arrival – to prevent violence and further provocation. The Deputy Minister of Interior Affairs, who was in Jalal-Abad, was also informed.

Preparatory stage
On 6th March, mediators started conducting separate negotiations with the opposition and the authorities (employing shuttle diplomacy). The aim of the negotiations was to identify the parties’ views on the situation, the risks and common interests between them. Initially the parties had refused offers of intervention on the part of international organisations and mass media. However, they agreed to the NCC members facilitating the negotiations process.

Inspecting the OSA building
On 8th March, Raya Kadyrova and Aziza

Abdurasulova, members of the NCC, proposed the creation of a joint commission to inspect the OSA building. Members of the OSA, the Ministry of Interior Affairs, and the Committee for National Security, as well as other members of NCC, were invited to be part of the commission.

The building was examined, and the conditions inside turned out to be satisfactory. They found 2 broken chairs, 1 broken door latch, 4 broken door locks and broken entrance gates to the building. There were no drunk people, all offices were clean, and everything else was in order.

When the members of the committee were in the building, they asked the women why they were there. The women reported that they shared the view of demonstrators (i.e. ousting President Akaev). In addition, women were extremely angry at the rumours that they were being held by force and were drunk. In general, the building's occupiers were friendly to the commission (they were only aggressive towards the representative of the governor, who was a member of the commission).

After reviewing all the cabinets the commission wrote a statement signed by all nine members of the commission. To relieve tension, the statement was read aloud in front of 3,000 demonstrators, who had surrounded the building for five days and refused to vacate the square.

The members of the NCC continued to conduct individual meetings with representatives of both the opposition and the authorities.

Working with the opposition and the authorities

From 6th-8th March the mediators conducted shuttle negotiations. As a result of numerous meetings with the opposition and authorities, and having accumulated all claims, demands and requests of both sides, the members of the NCC and the RCC of Jalal-Abad oblast (Raya Kadyrova, Aziza Abdurasulova, Asylbek Kochkorbaev, Anara Eginalieva, Zamir Osorov and Baktykan Japarova) offered the parties the opportunity to sit down at the negotiation table. The negotiations were made possible, as both of the conflicting parties were interested in a resolution.

The parties had common reasons for negotiations:

1. Non-acceptance of violence and the danger of armed conflict;
2. Gradual loss of control over their own people.

On 8th March, the parties agreed to negotiate and started to work out the terms of the negotiations.

On 9th March, the Deputy Minister for Interior Affairs was in Jalal-Abad. He supported the idea of conducting negotiations and put together a group of five state representatives. The head of the opposition also put together a 5-person team. The parties mutually agreed on the list of representatives who would take part in the negotiations.

The parties also agreed that two people, FTI President and NCC Chairman, Raya Kadyrova, and human rights activist and NCC member Aziza Abdurasulova, mediate the process. The parties made two conditions: (i) absolute confidentiality; (ii) that no journalists, international organisations or other strangers would be present during the negotiations.

The location for negotiations was discussed separately. After lengthy discussions, a small library was selected and it was agreed that the negotiations would begin at 15:00.

The opposition agreed not to discuss the following political demands, as the negotiation participants representing the authorities did not have the authority to make any binding decisions:

1. The resignation of the president;
2. Invalidating the results of the parliamentary elections.

Decision-making process

A conflict situation arose at the beginning of the negotiations, as representatives of the authorities violated the participant agreement. When introducing the parties it was found that, instead of the Mayor of Jalal-Abad (which had been discussed and agreed by the parties beforehand), an advisor of the governor had taken his place. The opposition right away refused to negotiate as, in their opinion, after the takeover of the OSA building, the advisor was a biased party. The governor's advisor stated that he was appointed on that day to manage public security questions. After the initial dispute and active intervention by the mediators, the opposition finally agreed to proceed with the advisor present.

In the course of the discussions, the parties agreed on the following:

1. Not to use of firearms in the prevention and suppression of any provocation;
2. Not to play the 'ethnic card';
3. Not to take hostages;
4. To suppress alternative meetings to avoid violent conflict between protesters, law-enforcement agencies and the authorities;
5. Complete confidentiality of the negotiations;

6. To resume negotiations if necessary with the same participants and mediators (Raya Kadyrova and Aziza Abdurasulova).

In addition, the parties came to agreements on banning alcohol among protesters, on catering for the people inside the building of the OSA building, and on compliance with sanitary and fire safety regulations, among others. Solutions were made into written agreements and signed by the representatives of both parties.

Post-mediation period

The parties promised to take part in further negotiations if needed. In the following days, similar protests, followed by seizures of administrative buildings, began to spread across the country. No further negotiations took place, as the rapid rate of events led to a change in regime on 24th March 2005.

What tools did the mediator use?

- Shuttle diplomacy (separate meetings with representatives of both sides)

What challenges did the mediator face?

It was challenging to agree on a venue for negotiations. The parties could not agree because (i) they were afraid of becoming hostages and (ii) the opposition feared that its leaders would be seen during the negotiations and that demonstrators would accuse them of political bargaining. The mediators did not think of their own safety. They did not think of a strategy to deal with possible provocation. There were no guarantees for either the mediators or for the staff who accompanied them. A lesson learned was that security questions and behavioural strategy had to be dealt with in case of emergency situations. The change in a participant on the part of the state authorities caused friction (the appearance of the advisor to the governor instead of the Mayor of Jalal-Abad). This almost made the negotiation process collapse. The mediators had to use drastic measures to overcome the problem, talking frankly to each party and explaining worst-case scenarios were negotiations to fail. As a result, the parties agreed to continue negotiations.

What facilitated the success of this mediation?

1. Trust in the mediators. Many representatives of the parties knew the mediators as they worked within framework of the 'Cooperation of civil society, law-enforcement bodies and state authorities for the realisation of the constitutional rights of citizens for peaceful and free meetings' project.

2. The parties signed the written agreement without challenging the written conditions.

3. The parties agreed to continue negotiations if needed, with the condition that the same mediators facilitate the process.

4. Both the situation and the parties were ready for negotiations: the opposition had begun to lose control over its demonstrators; the police were tired and increasingly dissatisfied after several days of deployment (the police officers had not, unlike the protesters, been fed, been given per diems, or received compensation for 24-hour shifts). As the parties lost control over their people, they were concerned that an armed conflict might ensue.

5. Assistance provided by the Head of Osh OSCE office. He gave valuable consultations to mediators regarding the process and would have liked to have taken part in the negotiations. However, since the parties were against the involvement of mass media and international organisations in the negotiations, he was not permitted to participate.

Osh Oblast

Cement plant in Aravan

Economic conflicts
Ecological conflicts





Osh oblast		Mediation Case №21		2011	
Inconsistency of the policies of the local authorities, due to frequent changes in leadership, was the basis for a decision which affected the local population'					
Where?	Main conflicting parties		Other parties		Mediator
Aravan	First Party Local residents of Aravan district	Second Party Local entrepreneur, who initiated the construction of a second cement plant in the district	Third parties Existing Aravan cement plant	Other participants Local authorities	Jumagul Bolponova, Deputy of the Local Council, Too Moyun Ayimday Public Fund, Employee of the Project for Peace-building.

Timeframe of the conflict

The conflict occurred in 2011 and lasted for about two months. The mediator was engaged in resolving the conflict for about four months.

Location of the conflict (special geographical features)

The conflict took place in Aravan district, Osh oblast. The cement plant is located close to the regional centre.

Background situation

There was a functioning cement plant in Aravan region. One entrepreneur decided to start building a second plant. He undertook the preparatory work and obtained permission from the akim. Information about the businessman's intent to build a plant was broadcast on local television, which raised public discontent. They were concerned about the possible negative influence of a second plant on the environment and the health of the local population. People started filing complaints to the local administration, writing petitions and appeals demanding a halt to the construction of the second plant.

The owner of the first plant had obtained permission to building the plant from the former akim. The new entrepreneur had obtained his licence from the akim who replaced the former. The inconsistency of local policy caused by the frequent change of the officials led to the decision for a second plant being made, which was strongly opposed by the local population.

Local officials did not react to protests. By this time the businessman had already spent

about KGS2m on designing the plant and was unwilling to stop. As a result, people decided to turn to radical measures and to block the main road.

The roadblock led to the central government getting involved. It is possible that there were negotiations made at the highest level, which resulted in revoking the permission for the plant's construction. Nevertheless, the conflict continued.

The first plant was inspected. Two out of four exhaust pipes had no filters, which was damaging the environment. People were outraged by the fact that the land was being poisoned. The local population demanded that the plant's management contribute to improving its environmental footprint and also to hiring locals to work at the plant.

The mediator suspected that somebody had a distinct interest in the protests, as activities of that type required good logistics and organisation, and as all the demands were announced clearly at the demonstrations.

Involving the mediator

Women leaders in Aravan region had been trained in local peacebuilding and the situation in the region was being monitored to identify and prevent conflicts. The conflict over the cement plant was the key conflict in Aravan region. The mediator was involved in the conflict as she was a staff member of this project; she had lived in Aravan region for a long period of time and really cared about its future.

Preparatory stage

At the preliminary stage it was important to collect information about the essence of

the problem. Data was gathered through talking with the local population and officials.

The decision was made to organise a meeting in order to identify the requirements and reasons for discontent of the conflicting parties. The mediators appealed to the deputy akim for assistance (i.e. finding a meeting space and inviting participants). They made a list of capable and competent participants for involvement in conflict resolution (the rural council, management of the plant, representatives of the Ministry for Emergency Situations, staff from the regional hospital, and the heads of village administrations of protesting communities). Local officials provided significant support for this initiative, providing space and inviting participants.

The meeting was moderated by the mediator. Everyone was encouraged to express their opinions. The plant's director announced his position, confirmed the absence of filters, and said that replacement filters had been ordered and were already on their way. The heads of village administrations called on the plant's management team to make more financial contributions for the development of ayil ökmötü. The chief doctor of the local hospital said that plant staff underwent thorough medical check-ups in Osh, meaning that local doctors had no information about disease dynamics linked to the plant. They suggested the plant employees register with the local hospital and go through check-ups there. As a result of the discussions, each stakeholder had the opportunity to express their opinions and to present their views on the situation.

The following decisions was made at the meeting:

1. To have the plant inspected and the results studied. The inspection was made up of nine people (including the deputy akim, the mediator, and the chief doctor);
2. To organise a second meeting based on the inspection's results.

Stakeholders were provided with information of what was going on in the district, including the Ministry of Ecology. A response came from the Ministry of Ecology, noting that it had made the decision to make its own inspection. After discussing the matter with the agreed inspection team, a decision was made to combine the two inspections. The oblast division of the Ministry of Ecology provided two of their regional-level employees.

The inspection committee visited the plant,

giving plenty of notice to the director. The main goal of this visit was to monitor the plant's activity and to ensure that it followed ecological standards, safety norms and the Labour Code. The inspection committee spent a whole day at the plant. The plant's management did not hinder the inspection; indeed, the director was willing to share all materials the committee required, clarify information and answer all questions willingly. The committee learned that the plant played an active role in the region's development of the region: it had renovated a local kindergarten and assisted schools with furniture and equipment; however, locals did not know about this assistance provided by the plant.

Decision-making process

After the inspection had made its findings a meeting was held at the plant. Information on the plant's activity was discussed and recommendations made to resolve the issue. Recommendations were made based on the conditions and discontent identified at the first roundtable.

More specifically, there were deadlines set for the installation of the filters. In order to increase public awareness of the plant's financial contributions, it was suggested that local media highlight the plant's charitable acts. The director confirmed the agreement to hire locals and to provide them a range of positions based on their education and experience.

Post-mediation periods

The results achieved as a result of the conflict resolution process included:

Installation of filters at the plant in five-six months. Filters were installed by staff employees of the manufacturing plant from China. This was the reason for the delay.

The 'Dostuk' regional newspaper published information about the plant's development activities, which significantly reduced anger among local people.

All medical records of plant staff and preventative activities were transferred to Aravan region.

More locals were hired by the plant. Due to a lack of technical education many of them were employed for manual work.

Demonstrations ceased.

The municipality oversaw and conducted the monitoring of the responsibilities taken by the various parties. There were regular assessment reports on the situation for conflict prevention.

What tools did the mediator use?

- Negotiations between the parties, as people could express their opinions and listen to each other
- Engaging with media outlets (e.g. articles, columns in a local newspaper)
- Drafting and disseminating leaflets with information about the plant's activities
- Monitoring reports. These helped prevent conflicts and made a wide variety of information available to all parties

What challenges did the mediator face?

In general there were few fundamental challenges; the mediator had very good relationships with local officials. This facilitated the organisation of the process. It was, however, challenging to ensure all parties fulfilled their responsibilities. This challenge was overcome by the pressure put on conflicting parties by officials from the rural council and the Ministry of Ecology.

What facilitated the success of this mediation?

1. Desire of the conflicting parties to resolve the conflict peacefully. Everybody recognised that conflict would lead to undesired consequences.
2. The conflicting parties respected the mediator's opinion because of her high levels of influence as a mediator. The mediator used to work as the Chair of the Local Administration and proved herself as a responsible and effective employee.

Mediator's personal comments

A year later, after the conflict was resolved, the mediator learned that a new conflict had emerged at the plant – a struggle over the rights of the plant's ownership, which led residents again getting involved.

Comments from FTI

This case demonstrates the benefit of having a reputable mediator who enjoys high respect in his/her community and who has connections. This pattern of behaviour and the impact on the resolution of the conflict is very characteristic of the Kyrgyz mediation model, where mediators are influential people who possess authority in their communities.

Incident in Aravan during Ramadan

Household conflict
Inter-ethnic factor



The turning point in resolving the conflict was played by a holiday – the end of the fast of Ramadan Eid’

Where?	Main conflicting parties		Other parties		Mediator
Aravan	First Party Owner of a grocery shop	Second party A client of the shop	Third Parties Relatives of the parties	Other participants Village Aksakal Council, local law-enforcement authorities	Roziahun Ashurov , Deputy of Ugurabad Rural Council of Aravan region, participant in the ‘Onuguu’ programme for the development of rural areas, Vice-President of Dos-tuk, the local football club

Timeframe of the conflict

The conflict emerged at the end of August 2012 and lasted for over 15 days; the mediator participated in its resolution for about one week. An important detail to be highlighted is that the conflict took place during a Sacred Muslim Fast (Ramadan), specifically breaking the fast (iftar).

Location of the conflict (special geographical features)

The conflict took place in a small shop in Etti-Ogaini village which falls under the jurisdiction of the Allya Anarov rural Council. The village is located in the central part of Aravan region.

Background situation

In the middle of the village, close to the main road, there is a small shop run by an Etti-Ogaini village resident. The owner was a religious person and, due to Ramadan, he started shutting the shop a little earlier since he had to go home for iftar. When the owner was closing the shop, a drunk man came to his shop and demanded that the salesman give him service. The owner was in a hurry to get home and refused to sell anything to him, justifying it by the fact that dinner time was approaching and that he did not want to be late. The client insisted. The store’s owner asked him to leave but he would not leave, insisting that the shop had to be at the client’s service. The owner tried to take the client out of the shop and, in the end, pushed him. The client fell down. Having closed the shop, the owner left for home. The offended client went home himself and told his brothers that the shop’s owner had beaten him up in a response to his intention to make a purchase. His furious brothers sought out the shop’s owner, finding him and then beating him by

his house. The noise and screaming made the shop owner’s wife run outside. Trying to separate the fighting parties, she received an injury. Having beaten up the shop owner, the brothers left and then filed a suit with the police that the shop owner had assaulted their brother for no reason. The store’s owner was seriously injured and was hospitalised.

One of the factors which became a reason for this conflict and which contributed to its further escalation was the factor of ethnicity. The shop owner was ethnically Uzbek, while the customer was ethnically Kyrgyz.

Involving the mediator

The mediator learned about what happened after the event. The mediator was informed by YJ team members, who asked for his assistance to achieve a peaceful resolution of the conflict.

Preparatory stage

Since the mediator only knew about the conflict from information provided by the YJ team, he had to investigate the conflict, restore its chronology assess the parties’ actions and estimate the damage caused. He analysed these through separate conversations with the conflicting parties. First of all, a discussion was held with the shop owner and his wife. Having come to the hospital, the mediator asked the shop owner to describe the situation in as much detail as possible and listened to his testimony. The owner said that he was the victim: he talked about his injuries and the fact that there had been a police suit filed against him. He said that he knew his rights and if the other party was not willing to make peace, the shop owner would collect medical documentation describing all his injuries and would ‘solve the issue differently’.

The mediator tried to calm the offended man, saying that the police would be investigating the case and persuading him to keep a clear head and provide assistance in resolving the situation peacefully to avoid trouble.

The next meeting was held with the brothers. Just as in the meeting with the shop owner, they saw no guilt in their actions. They had intended to 'teach the offender a lesson'. The mediators tried to calm the brothers down by telling them what he had seen at the hospital and numerous injuries the shop owner had received. He warned the brothers that if the injured man were to file a complaint with the police, it would be hard to resolve the situation peacefully.

Having understood that both conflicting parties would be influenced by concerns about lengthy court procedures and great expense, the mediator managed to shift the situation in a peaceful direction.

The next measure the mediator took was to put a halt to legal procedures on the complaint filed by the brothers. Police staff reacted positively to the mediator's request and his guarantee of a peaceful resolution.

The relatives of conflicting parties, namely older relatives, were also actively engaged in the resolution process. The decision to include them was made as these relatives had the potential to significantly influence or change the opinions of the parties. Aksakals were also involved and, as religious people, they followed and respected sacred laws; thus, they were convinced that conflicts and fights during Ramadan was a sin. During meetings with the conflict parties, senior citizens called on their conscience, explaining that enmity brought nothing good and that peace and agreement guaranteed development and prosperity.

Decision-making process

A peaceful resolution to the situation was impeded by strong emotions, injuries and wounded pride. The team of mediators, in cooperation with community leaders and aksakals, called on the parties for peace. When the confrontation had died down considerably, the decision was made to conduct a joint meeting. The conflict had occurred during Ramadan. The mediation team decided Ramadan would be the best time to conduct a meeting, as the holiday itself called for peace and peacemaking. The meeting brought together the conflicting parties, the mediation team, Aksakal Council members, and village residents. The meeting was opened

by a speech given by senior citizens who approved of the peacebuilding activities and thanked the younger participants for listening to their advice.

The mediator then gave a brief analysis of what happened and described the parties' actions. He then discussed the consequences, and what could be avoided through a peaceful resolution of the issue. Having listened to the mediator, the parties realised that the conflict had been circumstantial and worsened by strong emotions.

The parties were given an opportunity to speak but no accusations were expressed. In fact, they both asked for forgiveness, and promised not to make mistakes in future and not to let emotions take over in relationships with others. The decision was made to withdraw the law suit filed with the police. No other conditions or complaints were raised.

Post-mediation period

The decisions made by the parties were implemented. The shop owner decided not to ask for compensation for his hospital bills. The mediation team visited his shop several times after the conflict and saw no threats or conflicts.

The resolution of this case has been used as a precedent and a kind attitude towards fellow citizens has been used as a behavioural model for the local population.

What tools did the mediator use?

- Conflict analysis, which allowed for the identification of methods for resolution and the assessment of consequences
- Analysing the psychology of the conflicting parties
- Identifying where the parties felt vulnerable
- Identifying common points of interest and conditions

What challenges did the mediator face?

Initially, the conflicting parties did not care about the mediator's opinion as he was a resident of a nearby village. However, his neutrality towards the parties and the degree of understanding he showed to the parties helped him overcome this. He explained that he had not come to 'solve' the problem but instead to help resolve it peacefully. As the mediator was ethnically Uzbek, the customer's brothers initially refused to listen to him. To resolve this issue the mediator invited local residents who were

ethnically Kyrgyz and who were respected by the brothers. Having seen that the mediator's opinion coincided with the opinion of the locals, they slowly started to give in and ask for the mediator's advice.

What facilitated the success of this mediation?

1. Relatives of the parties supported the mediator's position on finding a peaceful resolution, which helped to influence the parties' opinions.
2. The village locals, represented by the parties' neighbours, were also against the conflict and provided as much as assistance they could.

The mediator considered his personal success the fact that the resolution of this conflict helped to prevent an emerging inter-ethnic conflict in the village.

Mediator's personal comments

A mediator must be ready for different outcomes to a situation. He should not get lost in unpredictable situations and must not give in to his emotions.

School conflict in Kara-Kulja

School conflicts



‘The mediator underlined the fact that support for and understanding of her grief was very important for other insulted party’

Where?	Main conflicting parties		Other parties		Mediator
Kara-Kulja	First Party The mother of an mistakenly beaten child	Second Party Senior class students of a local village school, who beat up a teenager	Third Parties Parents of the students	Other Participants Local law-enforcement authorities, director of the village cultural centre	Gulyai Makeshova, Member of the Women’s Council of Kara-Kulja district, Chairperson of Professional Union under the District Council, and Head of Agricultural Sector of the Ministry of Emergency Situations

Timeframe of the conflict

The conflict took place in January 2012 and lasted for 10 days. The mediator participated in its resolution for 5 days.

Location of the conflict (special geographical features)

The conflict happened in Kara-Kulja, which is in the centre of the Kara-Kulja district of Osh region.

Background situation

A student of the Baki Ishmanbetov school decided to celebrate his birthday at a local café with his friends. He invited his classmates, as well as some boys from the neighboring Ergesh Osmonov school, to his party. After celebrating, the boys came out of the cafe and a fight broke out between the party guests and some boys from the Ergesh Osmonov school. The brawl was caused by the fact that some upper-grade students from the Ergesh Osmonov school were upset that they had not been invited to the birthday party. After beating up the boy and his guests, the students ran away.

Ishmanbetov school students decided to avenge this act and on the same evening, they gathered by the café and went walking around the village in the hope of finding and ‘punishing’ the hooligans who had ruined their evening. Walking around the village in search of the boys who beat them up, the Ishmanbetov school students caught one boy and, having mistakenly taken him for one of the offenders, beat him up severely. The boy received a serious head injury from a blow with a metal bar. Later it turned out that the beaten boy was not connected at all to the fistfight by the café and did not even understand why the outraged mob of schoolboys

attacked him. The next day the beaten boy’s mother filed a complaint with the police regarding the beating.

Involving a mediator

The mediator learned about the conflict incident from her son, who was also one of the boys invited to the birthday party that evening. He had left the café before the fight happened. The parents of the schoolboys, against whom a complaint had been filed with the police, approached the mediator with the request to help to resolve the case. As a member of the YJ team, the mediator decided to participate in the conflict resolution process.

Preparatory stage

The mediator already possessed some surface information on the conflict. The mediator’s son, who was also invited to the birthday party that evening, told his mother about what had happened and how. In order to get a fuller picture of the conflict, the mediator decided to hold a talk with the mother of the beaten. When she came to the house of the beaten boy, the mediator witnessed how the victim’s mother had gathered and held captive 8 schoolboys who, according to her son, beat him up. She had wanted to find out why her son was beaten up and for what, as he was not guilty of anything. The mother was very upset about her son being hospitalised as a result of mistaken identity. She was yelling at the schoolboys and threatened to put them all behind bars.

By that time, several parents of the schoolboys held by the victim’s mother arrived at her house. The parents were unhappy that that their children were being threatened with jail and shouted at; they wanted to enter

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the house and take their children home as soon as possible. The mediator met with the children's parents and suggested waiting until all the parents had gathered before entering the house altogether. Having gathered all the parents in front of the house, the mediator decided to hold a small talk in order to calm them down and avert a situation where, upon entering the house, every parent would start interceding for their child and thus let the conflict grow.

The mediator said that, first and foremost, the parents needed to keep calm and show maximum understanding to the victim's mother in order to solve the issue peacefully. The mediator emphasised that screaming and yelling would only exacerbate the situation of their children, who were currently facing criminal charges.

The mediator invited the neighbourhood policeman in case a fight would arise and, together, with the schoolchildren's parents, they all entered the house.

The presence of the boys who beat up her son in her house was making the mother furious; she was not able to calm down. The boys' silence made her more angry. It was impossible to talk to the woman in such a state and, first of all, the mediator decided to take the boys out of the room with the help of a 'trick manoeuvre'. She started scolding the boys in front of the victim's mother and threw them out on the pretence that they ought to be ashamed for what they had done and that they have no right to sit in front of the beaten boy's mother with impunity. The mediator's speech was so plausible that the indignant mother became quiet and the boys, red with shame, ran out of the room.

The victim's mother expressed her discontent to the schoolboys' parents concerning the low level of their children's upbringing and their lack of parental control. She said that she would do her utmost to make sure the boys were punished. The boys' parents then became irate, saying that the boys had not beaten up the boy for no reason and that it was fully possible that, prior to the fistfight, there might have been an oral argument, which led to the fight.

The parties were not listening to each other; the environment was growing more and more tense with every passing minute. The mediator understood that no constructive dialogue was possible; the mediator and the neighbourhood policeman told the parents

to go home so that the mediator could speak with the victim's mother alone. When the parents and policeman left, the mediator began to console the woman. She expressed understanding for the mother's problem and said that her outrage and resentment were fully justified. The soulful conversation between the two mothers notably calmed down the offended woman. In tears, she admitted that what she really wanted was some humane understanding and support. It was understood from the conversation that the woman has been raising her son alone. It was clear that the unforeseen medical expenses for her son's treatment had become a real burden. The main outcome of the conversation was that the mother announced the list of eight persons identified by her son.

The mediator's next step in the conflict resolution process was meeting with the parents of the identified schoolboys. The mediator gathered them in the Village Council building and announced the outcome of her conversation with the victim's mother. The parents understood that financial support could be an effective way to calm the atmosphere and perhaps even offer a path to reconciliation. The mediator proposed that everyone gather at the victims' house for a joint meeting. It was noticeable that the parents had regained hope for a peaceful resolution to the conflict. The mediator stressed that, for the hurt mother, support and understanding for her grief were critical.

Decision-making process

As planned, the meeting took place at the victim's house. The schoolboys' parents, the mediator, and the Head of the Village Council were present. Several parents delivered speeches in support of the mother of the beaten boy and acknowledged their boys' guilt; other parents supported them. The Head of the Village Council thanked the parents for this courageous step and asked the victim's mother to also understand the situation of the parents, who were equally concerned about their children's fate. Having heard them, the mother said that she would not want anyone to suffer and that her aggression was the result of the problems which had then befallen her and of the lack of a way out.

The mediator asked the victim's mother to propose a way to solve the problem; the other boys' parents approved that initiative. She said that she needed money for her son's treatment as the trauma required surgery to the amount of KGS60,000. The schoolboys'

parents replied that they could not promise to gather the entire amount, but would certainly try. In two days, they gathered a sum of KGS36,000. The parents, together with the mediator, handed the collected funds over to the victim's mother.

At first, the woman refused to accept the money, but the Head of the village's House of Culture, who was also present, persuaded her to take it, explaining that the money would help her cure her son and that there was little good to come out of the criminal prosecution of the boys. The woman agreed. The schoolboys' parents apologised to the victim's mother for their children's actions and asked the woman to help them resolve the issues with the police. The woman consented.

Post-mediation period

The beaten boy received the medical help he required. When he was able to see visitors, the mediators and the schoolboys paid numerous visits to him in the hospital. The schoolboys apologised for their actions and promised to never repeat the same mistake. The victim's mother withdrew her complaint to the police. Preventive work was conducted with the schoolchildren of the Osmonov school as they were the instigators of the fight by the café, which led to the conflict itself and to the injuries of an innocent person. The staff of the 'children's room' of the police carried out preventive talks with upper-grade student representatives on hooliganism and criminal liability. The case received broad publicity as a negative example of student behaviour, which led to a notable lowering in the incidence of conflicts among upper-grade students of village schools in the region.

What tools did the mediator use?

- Transformative mediation. She proposed the parties look at the problem from the other party's perspective and understand the problems which they faced
- The 'trick manoeuvre'. This soothed a heated atmosphere and provided the conditions for a calm, constructive conversation. This was used in order to get the children out of the house to prevent the intensification of the beaten boy's mother's negative emotional state
- Meetings and negotiations between the parties
- Using the help of persons who enjoyed respect among the village residents and were capable of influencing the parties' opinions. These were the Head of the House of Culture and the Chairman of the Village Council

What challenges did the mediator face?

It was difficult to explain to the parents that they were jointly responsible for the actions of their children. Some of the parents were saying that their son did not beat anyone, but was instead trying to stop the altercation; some were asserting that their children were not there at all. In order to address this issue, the mediator explained to the parents that the 8 teenagers were named in the victim's testimony to the police, and that all of them would be held jointly liable.

What facilitated the success of this mediation?

1. The parents' understanding for the beaten boy's mother's situation. The schoolboys' parents were able to recognise that she needed help and supported the initiative for the provision of financial assistance.

Mediator's personal comments

During her life the mediator had already faced such cases related to children. When persuading people to change their minds, she often gave an example of herself and her own family. In such situation one has to find enough strength to forgive, and recognise that the person who perpetrated an act would ultimately pay for what he/she had done in any case.

Conflict over associating schools in Asancheck village

School conflicts
Interethnic factors



'Due to the fact that the conflict took place immediately after the June events, when the trust between ethnic groups sharply weakened, the situation escalated quickly and the parties to the conflict were ready to resort to very radical measures'

Where?	Main conflicting parties		Other parties		Медиатор
AsancheK village, Kara-Suu district	First Party Management of a Uzbek school	Second Party Teachers and parents of students of the Kyrgyz school who were transferred to an Uzbek school	Third Parties Administration of the neighbouring Kyrgyz school	Other participants Local aksakals, representatives of the local authorities	Narynkul Dyushenalieva , Coordinator of the projects at Erkayim Public Fund, monitor of the Women Peacemakers Network in Karasu region, member of Aksakal Council (Senior People's Council) at Uchkun village

Timeframe of the conflict

The Conflict took place on 3rd September 2010 and lasted for about one month. The mediator got involved at the emergence stage and worked throughout the conflict.

Location of the conflict (special geographical features)

The conflict took place in AsancheK village which falls under the jurisdiction of the Madi rural council of Karasu region. This village has one Uzbek-language school. The regional Department of Education ordered this school to create classes for students wanting to be taught in the Kyrgyz language.

Background situation

After events of 2010, the Karasu regional Department of Education ordered single-language schools to teach classes in other languages. This decision was meant to create a friendly environment and contribute to building peace between different ethnicities. AsancheK had only one Uzbek-language school. Based on the instructions of the Department of Education, the school had to enroll four groups of students for elementary classes on 1st September 2010 (covering 50 students and ten teachers, who were residents of AsancheK and nearby villages).

When these students and teachers came to the school, the school's administration did not let them enter building, saying that the school lacked the ability to provide specific requirements for a quantity of students, as well as the inability to hire necessary additional teachers.

The students' parents met in the school's grounds and started arguing with the school's

headmaster and administrative team; some parents tried to physically assault the headmaster. Police officers and with representatives of the rural council came and calmed the crowd down by explaining that the students could start attending the school on the following day. The issue seemed to be resolved but discontent remained; however, several days later the headmaster's house in AsancheK was set on fire. Rumours spread quickly that similar reprisals awaited anyone who had not to let the students into the school.

Due to the fact that the conflict took place immediately after the June events, when the trust between ethnic groups sharply weakened, the situation escalated quickly and the parties to the conflict were ready to resort to very radical measures.

Involving the mediator

On 3rd September, the mediator received a call from the headmaster of a Kyrgyz-language school from the nearby village of Kyrgyzchek. The headmaster was an old family friend of the mediator. He briefed the mediator on the situation and expressed his concerns that the villages were located close to each other and that the potential existed for the conflict to escalate and expand. As the conflict location was part of the region where the mediator was already monitoring a post-conflict situation on behalf of the Women Peacemakers Network, she decided to get involved.

Preparatory stage

Having arrived at the school in AsancheK and having witnessed the conflict, the mediator decided to first of all split up the

crowd and create conditions for people to be able to listen to each other. The police helped her to do this. It was impossible to analyse the situation from outside, and the mediator decided to talk to the representatives of the conflicting parties and to listen to the reasons for the confrontation. Parents were very angry about the fact that their children were not being let inside the school and they wanted to teach the people responsible a lesson. The conflict was worsened by the fact that school staff were all ethnic Uzbeks. School staff were also offended by parents' statements that an Uzbek-language school had no right to be in the Kyrgyz Republic.

Having understood the situation, the mediator decided to invite representatives from the regional Department of Education to comment on the situation. Representatives explained to parents that, due to the new summer ruling and consequent force majeure, the school was not ready for the school year and that students would start studying the very next day. The crowd dispersed. School classes started the next day but the situation still remained tense. The mediator's suggestion that the conflicting parties again meet was rejected: one party was afraid, while the other one simply did not want to.

The mediator then decided to meet with the conflicting parties separately until they were ready to listen to each other.

The first meeting was held with the teachers of the Asanchev school. It was attended by the chair of the regional administration, the head of the rural council and the deputy of rural council, as well as village residents. Teachers expressed their lack of confidence, shared their fears for the future, and said they saw no way out of the situation. They refused to come to work and some even said that they were considering moving away from the area. The officials calmed them down and convinced them that there was no threat, that rumours and provocations should be ignored, and that all efforts were being made to restore order. Upon hearing these words, the teachers calmed down and expressed their readiness to make peace.

It was decided to hold the second meeting on neutral territory in the neighbouring village of Kyrgyzchek. The children's parents, teachers of elementary classes, community leaders and representatives of regional and village authorities were invited to the meeting. The mediator announced the results of the previous meeting with school staff and convinced the parents that the other party only wanted peace and that there was nothing threaten-

ing the students of classes taught in Kyrgyz. Some offended parents suggested firing all the teachers. Having listened to all the different opinions and having given the opportunity to all those willing to speak, the mediator asked everyone to consider the problem from the other party's perspective, to understand the teachers' concerns and to analyse the pros, cons and consequences of each position. The mediator stressed that in difficult situations it was important to work together.

The meeting resulted in the aksakals' suggestion to meet in the same place one week later, and implored the parties to try to forgive each other and restore peace.

Decision-making process

One week later all the parents and several aksakals met. The mediator suggested identifying a means for peacebuilding, and discussing how and where understanding should be reached. Everyone decided to meet by Asanchev school and to organize a joint meeting. This meeting took place in the building of the Uzbek-language school. This meeting was not confrontational as before; on the contrary it was obvious that the parties were somewhat ashamed of their previous actions. The mediator opened the meeting with a speech about the importance of mutual support and support for other ethnicities, whereupon several parents and teachers spoke. The conclusion was reached that, considering the events taking place across the country, positive attitudes between villages had been compromised and that in reality no one wanted a fight. The conflict participants promised to do all they could to avoid such conflicts in the future. The aksakals of the two villages also gave speeches, praising younger members of the community for acting in a noble manner, as young people would be responsible for maintaining the long historical relationship between different ethnicities, built on mutual understanding and assistance.

The meeting's conclusion was that parents said that they would not be offended by teachers and the headmaster again; they convinced school staff that there was no threat and that they would quash any provocations and rumours. The school's headmaster was offered assistance in building a new house. School staff expressed the desire to increase the number of classes taught in Kyrgyz and hire more Kyrgyz-language teachers as it would contribute to a stronger relationship between the children and the staff.

Post-mediation period

After that meeting, the mediator visited the school several times to check the situa-

tion. There were no more conflicts. In order to prevent conflicts among children, teachers held several special classes devoted to peace and understanding. The mediator considered a joint school outing as an important result of the peacebuilding work. The children, accompanied by parents and teachers, had a great time. The school in Asancheke now has classes taught in Kyrgyz and the multiethnic faculty works on the basis of mutual respect and understanding.

What tools did the mediator use?

- Assessing the power balance and ensuring equality between parties in negotiations, lending additional support where necessary
- Using influential community leaders. The aksakals motivated and urged the parties to be thoughtful and pursue peace
- Explaining the legal rights and responsibilities to the parties

What challenges did the mediator face?

The Kyrgyz Republic was undergoing a challenging period, when rumours and provocations were rife. The mediator engaged the regional authorities in resolving the conflict. Officials at the meetings managed to calm people down and guarantee them safety. There were numerous declarations of criminal responsibility made for spreading rumours. It was hard to gain trust among representatives of other ethnicities. However, the aksakals from Uzbek villages, who have known the mediator for a long time, supported her position during the joint meetings.

What facilitated the success of this mediation?

1. One party immediately agreed to build peace, i.e. the teachers. When this initiative was announced at the meeting with the parents, the parents realised that the conflict had become one sided. It was made clear that the responsibility for conflict resolution lay on their shoulders and that building peace would be proof of their good reputation and generosity.
2. Officials were neutral and let the conflicting parties figure everything out themselves and eventually forgive each other.

Mediator's personal comments

Conflicting parties must be given the opportunity to understand each other and empathise with each other; only then can they forgive.

Conflict during a quarterly 'clean day' in Osh

Household conflicts



'Both sides of the conflict thought they were right and it was difficult to explain that this kind of persistence only worsened the situation'

Where?	Main Conflicting parties		Other parties		Mediator
Osh	First Party A female technical service provider of Turan Territorial Unit (TU)	Second party Resident of a private house in Turan TU	Third parties Chairman of the Turan TU Territorial Council	Other participants Local law-enforcement authorities, the house committee of Turan TU, husband of the resident	Kariyahan Kubatova , Chairwoman of Women's Council of TU 'Turan'; pensioner

Timeframe of the conflict

The conflict took place in May 2012 on a quarterly community work day in Osh. It lasted for 5 days. The mediator took part in the conflict resolution process for 4 days.

Location of the conflict (special geographical features)

The conflict happened in the city of Osh, particularly in the Turan TU.

Background situation

In Spring 2012, a quarterly community work day was announced in Osh by decree of the Mayor. Technical personnel were engaged in cleaning the city centre and the microdistricts, including the Turan TU.

This work was carried out by Karamat (not her real name), who was a technical service worker of the Turan TU. Karamat was a woman from a low-income family and was raising her children alone. She also suffered from mental illness.

Once, while cleaning out the street irrigation ditches, Karamat found a big pile of rubbish in front of one house. Since that private plot was part of the territory which she had to clean, she cleaned up the rubbish. Afterwards she was very angry that she had had to do it and called the house's owners out. Mairam (not her real name) – the pregnant homeowner's wife and a daughter of a local successful entrepreneur – came to the gate. After hearing the cleaning lady's complaints, she rudely asked her to leave and said that she would have clean up the garbage whenever it was there. She said she was repulsed by having to talk to a cleaner and added: 'penniless riff-raff have no right to tell me what to do and when to do it'.

Karamat said that she was not going to leave until the house owners agreed to clean up the area adjacent to the house. An argument ensued, which resulted in the landlady pushing Karamat. In a state of fury, the cleaning lady picked up a shovel and threatened to hit the landlady with it, which caused the

latter to run into the house and lock herself in there. After Karamat's departure, Mariam went to the police and filed a complaint, detailing what happened and complaining about the cleaner's actions, stating the experience had almost made her lose her baby.

Involving a mediator

The mediator received a phone call from the Chairman of Turan TU, who learned about the ongoing conflict from the neighbourhood policeman who had received the complaint. The mediator was a Chairwoman of the Women's Council of the neighbourhood and, therefore, it was decided to have her deal with the conflict between the two women and help them resolve the conflict peacefully.

Preparatory stage

The mediator decided that the first thing to do would be to talk to the conflict parties in order to understand the reason for the fight. She first met with Karamat at the neighbourhood police station, where she had just been for questioning. Karamat was in despair; she accused the landlady of morally offending her by calling her poor, and of being the person who initiated the fight. Judging from the cleaner's story, the entire blame was on the landlady and the mediator decided to speak with Mairam in order to get the full picture of the conflict.

After coming to the house where the conflict occurred, the mediator did not succeed in talking to Mairam as she refused to open the door.

The next day the mediator met with the policeman who was in charge of the complaint. After asking the policeman to give her a chance to settle the conflict peacefully, she asked for assistance in organising a joint meeting between the parties. It was decided to invite Karamat and Mairam to the police station the next day.

The joint meeting did not yield any positive results. Mairam refused to budge and wanted the cleaning lady to bear legal responsibility

Osh Oblast

for her actions. Karamat considered herself right, and asserted that she was simply doing the job assigned to her. The Chairman of the TU was invited as well, but the parties were not willing to listen to him. The parties parted ways, each sticking to her own opinion.

It was decided to conduct separate conversations with the parties and then bring them together when they were ready to listen to one another.

The mediator contacted Mairam's husband and met with him. She asked him to talk to his wife, explaining that the cleaning lady was very poor and a single mother; that she threatened Mairam due to her mental illness; that in this situation one ought to simply feel sorry for her and not let the case go to court. Mairam's husband turned out to be an understanding person and promised the mediator to do his utmost to have the complaint withdrawn.

As for the offended Karamat, help was given by the head of the neighbourhood where she lived. Together with the mediator, they came to Karamat's home and in the course of the conversation, called upon her to think carefully. They said that, if she apologised to Mairam, it would be possible to withdraw the complaint. If she would not, she risked of criminal liability. It was clear from the conversation that Karamat was frightened; she assured the mediator that she would apologise if the landlady also admitted being in the wrong.

At this stage of the conflict, the mediator thought it possible and in fact essential, to hold a joint meeting. Having called Mairam's husband, she asked for both their participation in the meeting. The mediator approached Karamat's neighbourhood representative with a similar request.

In accordance with the preliminary agreement, the meeting was held in the TU police station. The environment at the meeting was calm, but the potential for confrontation was palpable. The mediator announced the schedule of speeches and the agenda for presenting demands. When the parties expressed themselves, the floor was given to the neighbourhood policeman. He stated that if Karamat and Mairam did not resolve their issue peacefully, both of them would bear responsibility: Karamat for threatening physical harm, and Mairam for provoking the fight. Mairam's husband and other attendees spoke out in favour of a peaceful resolution to the conflict.

Decision-making process

At the joint meeting it was decided that both women were to blame and that both of them were to apologise to each other. Karamat began by asking for Mairam's forgiveness for having frightened her, saying that it had not been intentional and that she had simply given in to her emotions. The neighbourhood

representative and the mediator supported her position. In response, Mairam also apologised for having insulted Karamat in front of the house.

The mediator thanked both women and led the conversation to the topic of the filed complaint, was still valid. After consulting her husband, Mairam decided to write a withdrawal statement and the policeman volunteered to help in the suspension of the case.

Post-mediation period

The complaint was withdrawn and the case was suspended. The members of the Women's Council held a conversation with the cleaning lady concerning the ethics and politeness of communication. Senior neighbourhood representatives requested that community leaders and activists carry out work with the citizens on the importance of cleaning up the areas adjacent to their houses. No more conflicts occurred.

What tools did the mediator use?

- Negotiation
- Involvement of persons capable of influencing the parties' opinions
- Explaining the nature of legal responsibility for actions
- Assistance from law-enforcement agencies

What challenges did the mediator face?

Both conflict parties believed themselves to be in the right and it was difficult to explain that this persistence only aggravated the situation. The parties did not admit their guilt; instead, each woman felt herself to be the victim. The fact that the mediator was a woman herself helped her convince Mairam and Karamat of the uselessness of being pushy and principled. Moreover, third party influence also played an important role in resolving the conflict.

What facilitated the success of this mediation?

1. The mediator's position on peaceful resolution of the conflict was approved and accepted by the party representatives, who helped the mediator to mitigate the confrontation.
2. Assistance from the policeman in explaining to the parties the undesirable consequences of conflicts, such as criminal liability and punishment.
3. The conflict parties were women and, therefore, it was easier for the mediator to communicate with them and to explain everything from a woman's point of view.

Mediator's personal comments

In personal conversations, the mediator must provide moral support to the parties, independent of their positions; however, during joint meetings the mediator must observe a strictly neutral stance.

Chui oblast and Bishkek

Conflict between a woman and her son with a businessman who gave them shelter

Conflict involving under-age offenders
Legal/restorative mediation



Bishkek	Mediation case №26		2009		
'After the mediation the victim forgave the guilty party; this is most important'					
Where?	Main conflicting parties		Other parties		Mediator
location Bishkek, Sverdlov district	First Party A man, an owner of garage and shop	Second party 15-year-old boy and his mother, They are internal migrants from Naryn	Third parties Aunt of the boy (sister of the mother)	Other participants Court	Guljan Bekembaye- va , Director of 'Pokolenie IN- SAN' ('INSAN Generation') Public Founda- tion

Timeframe of the conflict

The conflict took place in 2009. The mediator’s intervention came at the criminal investigation stage (2-3 months). Work on the conflict lasted for one month and follow-up continued for four months.

Background situation

One of the conflict parties was a 15-year-old teenage boy and his mother. They were internal migrants who came from Naryn oblast after the wife divorced her husband. The mother started abusing alcohol. Despite his age, the son had only completed the first 2-3 years of school and had not attended school after that due to an illness. Following his parents’ divorce, the boy did not go to school because of absence of documents and any willingness to study. He suffered from a rather rare bone disease, osteogenesis imperfecta, which caused him constant pain. The mother felt sorry for him and did not make him do much household work. As a result, the boy grew up both physically and negatively neglected, and his behaviour did not correspond to that of a 15-year-old teenage boy.

Having moved to Bishkek, they started living at a service station. Out of pity for them, the owner of the station decided to provide them with housing in one of his auxiliary buildings.

One day, the boy stole KGS30,000 from the shop. According to the shop owner, the boy was not suspected at first; however, when the police got involved, they figured out who the thief was and the owner was shocked. An investigation was held and the case was handed to the court.

Location of the conflict (special geographical features)

The conflict occurred in Bishkek.

Involving a mediator

Information on the conflict was received at the stage when the case was undergoing court proceedings. The ‘Insan Generation’ Public Foundation had an agreement with the court and the court sent it the information. Social workers from the foundation monitor the court and keep track of cases. The court cooperates with these social workers. Mediation was undertaken within the framework of the ‘Development of juvenile justice in The Kyrgyz Republic’ project implemented by UNICEF (who collaborated with the courts and investigative authorities).

Preparatory stage

Initial conversations started with the boy’s mother. Because of her alcohol addiction, she could not be held responsible and represent her son. On the evening when the mediators came to see her, she was intoxicated. The mediators then spoke to the mother’s sister. She agreed to take on the role of a legal representative (unofficially as the mother had parental rights and the boy’s aunt was not his legal guardian).

The shop owner was furious at first and demanded the harshest punishment. When he was offered the possibility of mediation, he rejected any possibility of a joint meeting and any kind of negotiations for a peaceful resolution to the conflict. Despite his adverse reaction, he was given the mediator’s contact information with the option of meeting and talking if he changed his mind. A week later, a social worker visited the shop owner’s house and asked if he had contemplated the offer he had been made. Amazingly, the owner agreed to cooperate and to meet the boy.

The venue for the joint meeting was selected carefully as it would need to have the facilities for rest and breaks. Preliminary con-

Bishkek

versations with the boy confirmed his illness. A request for information was made to the Ministry of Health, which stated that the boy had been refused medical care due to his lack of formal residence documentation in Bishkek.

The teenager admitted his guilt. At first he said that he needed the money for surgery as he was in constant pain. The most interesting fact was that he mentioned a third party who had talked him into committing the crime. The boy said that this person had taken most of the money. With the remaining money, he bought a mobile phone and bought ice cream for his peers. The mediator explained the positive aspects of participating in mediation to the boy.

Negotiations were also held with the judge presiding over the case. The report provided to the judge indicated the need for the boy to undergo urgent surgery.

The established goal for the mediation was reconciliation, not resolution, as it was important that the parties came to a position of mutual understanding.

Decision-making process

Several meetings were held, attended by the mother; the teenage boy; the aunt; the shop owner; two social (who represented and supported both parties); the mediator. The victim was very understanding, having read the additional information on mediation and peaceful conflict resolution with which the mediator had provided him earlier. All the participants of the process agreed on the rules of the meeting. Thereafter, each party was given the opportunity to speak.

The boy told his story. He spoke about a stranger who had forced him to commit the theft. The man had come to see him with a bottle of vodka, and sat down with him and his mother. The man started drinking vodka with the boy's mother. In fact, at that moment in the meeting the mother fell asleep and did not make a statement. The boy went on to recite all the events in order.

The victim then spoke about his feelings and his shock. He said how he had helped this family and how well he had treated them. The mediator had work hard to keep the victim rational and calm, as he was very frank in sharing the emotions he had experienced and desperately wanted to know why the boy had robbed him.

The teenager was very afraid but the rules of the meeting made him feel safe. In addition, the shop owner told the boy openly that he would not beat him or seek revenge, but

that he wanted to learn the truth and the true reasons which had prompted the boy to commit the crime.

After the parties' positions were clarified, the participants of the process began to discuss how the situation should be solved. The mother, who had woken, stated that she was prepared to pay back the stolen money. However, it was also important that the teenager be made to understand his responsibility. He was asked what he could and wanted to do, but there was little he could do in reality. The teenager's aunt expressed readiness to give jobs to the mother and the son and to guarantee their income.

The victim calmed down and was very committed to finding a way out of the conflict. After the mediation process, the details of the event became clear to him and he behaved in a much calmer fashion. He agreed to receive the reimbursement in partial payments. According to him, it was not the money that was important and he did not make a point of necessarily having all of it returned. He just wanted the teenager and the mother to bear moral responsibility.

A reconciliation agreement was signed, where the victim agreed to an arrangement in which the mother and son would work for the aunt and pay him KGS2,000 per month. The presence of an outside person had had a significant influence on the store owner. The boy was obliged to attend a rehabilitation programme. The mediators offered to help the boy have surgery. At the end of the meeting the owner was absolutely calm and stated that he had found answers to the questions which had troubled him.

Post-mediation period

Court proceedings were suspended through a petition from a lawyer following the reconciliation meeting. However, court refused say that the case was suspended as a result of the reconciliation meeting, instead citing internal procedures for the suspension.

Over the next three months the family paid their monthly financial obligations back to the store owner. However, in the fourth month, they moved away from their aunt's place and went into hiding. The aunt, who acted as the guarantor, was very upset and worried. They had had a fight over the mother's alcohol abuse. The mother and son had no permanent place of residence, which made follow-up efforts impossible.

The mediator notified the shop owner that the family had gone into hiding and it was impossible to follow up on them. However, he

said that he had forgiven them and did not care about the money. He was informed of his right to continue the criminal prosecution, but he refrained from either pursuing legal action or demanding the sum from the guarantor (the aunt).

The boy's surgery never took place as the family went into hiding and it was impossible to find them. Almost all the agreements for carrying out the surgery had already been achieved, including the provision of assistance for getting hold of the necessary medication.

As of the present time, the fate of the family and the boy's medical condition is unknown.

What tools did the mediator use?

- Negotiation
- Dialogue

• A neutral venue for mediation, as when parties have the chance to go into a separate room to relax, they feel more comfortable

What challenges did the mediator face?

It was difficult to keep emotions neutral on the part of the mediator. The mediation itself lasted for a very long time and the psychological effect it had on participants. The parties, on occasion, acted aggressively towards each other. Even if they had accepted the meeting's rules, they did not always follow them. However, at no point did the mediators feel unsafe. The mother's alcoholism meant that her engagement in the negotiations was limited. Perhaps had she had a stronger personality there might have been a different outcome. When the family went into hiding it was impossible to follow up on them. In general it is difficult to work with migrants who are not attached to one place; they can always disappear and it is a challenge to follow up on their actions.

What facilitated the success of this situation?

1. Working with the victim and helping him to find forgiveness for the infringer of the law.

Mediator's personal comments

Social workers need to work with families. If they do not reinforce the mediation process, the results will be mixed. Arriving at reconciliation by any means does not necessarily equal success. It is important to promote change inside every participant. In this particular case, the changes occurred inside the victim, but not inside the offender. The most important things to facilitate are: (i) forgiveness; (ii) healing; (iii) responsibility.

If teenagers are given this opportunity to rectify and resolve conflicts and to improve the situation, they usually use the opportunity they are given, unlike parents.

Many people refuse to raise their heads and look in front of them, as they are afraid to make an eye contact.

Following mediation, a rehabilitation programme is needed.

It is very important that the offender him/herself takes on responsibility after mediation, as opposed to his/her parents. This is a critical, psychologically speaking, and needs to happen! Mediators should be completely neutral entities (factually and practically). In criminal procedures, mediation could be (and must be) commenced at the investigation stage, as opposed to the court proceedings stage. While previously investigators refused to cooperate, now, after having worked with the prosecutor's office, investigators are keener on making contact.

With regards to a venue for conducting mediation, it is crucial that a teenager feels safe! It is necessary to provide them with the possibility to take a break from the process and to rest. Unrelated persons to the mediation process should not have access and there should be no bustle or commotion; it should be quiet.

If the parties have an aggressive stance, it is necessary to give them time to calm down and leave them with some information regarding mediation as a possibility for additional action.

Conflict between Florist Club members

Professional conflict



Bishkek		Mediation Case №27		Since 2010	
«...both parties admitted that if they had known about mediation, they would never have brought the conflict to this stage’					
Where?	Main conflicting parties		Other parties		Mediator
Bishkek	First Party Member of the Florist Club	Second party The rest of the members	Third Parties Advocate of the club	Other participants Court, investigators	Gulnara Orozova, Lawyer, Public Fund for Human Rights Protection

Timeframe of the conflict

The conflict took place in 2009 and has not been resolved. The mediator worked on the conflict for half a year.

Location of the conflict (special geographical features)

The conflict occurred in Bishkek.

Background information

The conflict started in the Florist Club, which had been established in 1985. In 2010 Anara (not her real name), a Club member, was involved in a car accident and could not come to work. Her daughter-in-law came in her place, and a small conflict arose between her and the other members of the club. Anara defended her daughter-in-law, which was negatively perceived by the rest. At the general assembly she was suspended from work for 1 month. She was unhappy with the decision. The flowers collected by Anara were not sold and died, resulting in financial loss. Anara complained and was expelled from the Club, regardless of the fact that she was considered to be one of its longest-standing members.

The conflict escalated when Anara sought advice from a lawyer, who offered his services and recommended filing a law suit to defend her rights. Anara consented and filed a law suit. As a result the Club had to hire a lawyer. The legal process lasted for more than a year; however, the results of the process did not satisfy the parties. Moreover, it only strengthened the enmity between the conflicting parties, which then developed into aggression.

The crisis reached its peak when Anara and her friends were beaten up by a hired security guard when they came to the Club. Criminal proceedings were initiated, forensic medical examination conducted, etc. At the investigation stage Anara approached a mediator.

Involving the mediator

Anara approached an NGO where a mediator worked for any kind of assistance to solve the issue peacefully. The mediator offered to solve the conflict through mediation. Anara said that if she had only known about mediation before, she would not have filed a law suit; instead, she would have tried to resolve the dispute with the other members of the Club through mediation.

Preparatory stage

The mediator asked Anara about the details of the conflict. Afterwards she conducted negotiations with another conflict party and told them about the opportunity to solve the conflict through mediation. She asked them whether they would like to solve the conflict through mediation. The majority of the members agreed with this proposal. The mediator noted that she could not establish contact and build understanding with some of the Club members. She conducted a conflict analysis, collected many materials, Club meeting minutes, etc.

Decision-making process

When the parties met, several Club members refused to use mediation, which brought proceedings to a standstill . The mediator then said that, due to the voluntary principle of mediation, she would accept the decision of that conflict party.

Nevertheless, both parties admitted that if they had known about mediation, they would not have allowed the conflict to reach this stage. The majority of Club members wanted to finish the process peacefully, but several members did not want to accept conciliatory measures or conduct peaceful negotiations. The mediator believed this reluctance was as result of advice given by the Club members’ lawyer.

Post-mediation period

The conflict is not over and the criminal investigation is continuing. The conflict parties, due to their advanced age, are in poor health as a consequence of the stress of the proceedings.

What tools did the mediator use?

- Dialogue
- Shuttle mediation

What challenges did the mediator face?

The conflict had already entered a critical stage and had a criminal dimension. It was very challenging for the mediator to work on this conflict, and ultimately she could not achieve reconciliation. It was hard to build rapport with some Club members. The Club members' lawyer was against mediation as he was financially interested in the court proceedings of the existing conflict, and encouraged certain members to refuse mediation. It was extremely difficult to apply mediation procedures in the latter stages of a conflict as tensions were so high. The mediator noted that she might have been able to deal with the problem more effectively and to manage to build dialogue between the parties if she had had training to interpret and manage conflict parties' psychological character.

What facilitated the success of this mediation?

1. A lack of knowledge among the parties on mediation in the early stages of the conflict. It could have been solved much earlier and everybody would have avoided financial losses and unnecessary stress.

Mediator's personal comments

Mediation is needed in The Kyrgyz Republic, particularly pre-court mediation. An Institute of Mediation should be introduced now during judicial reforms. Heavy caseloads in the courts could be a justifying reason, as judges cannot physically cope currently. The most simple legal processes drag on, which only exacerbates conflicts and increases enmity between parties. One of the significant merits of mediation is confidentiality. Parties do not always want to publicise their conflicts among the state authorities. Any civil case can grow into a criminal case. Mediation can help parties to prevent the further escalation of conflicts and solve them in a peaceful way.

Comments from FTI

This case demonstrates those challenges which mediators face in the course of their activities. In particular, lawyers frequently resist mediation processes. This is a systematic barrier, but ultimately mediation processes will be sufficiently developed on an official level.

Dispute between divorced parents over their child's place of residence

Family conflicts





Bishkek	Mediation case №28		2009		
'...I explained to the parties, that the mediator is a neutral party, and if I were to take someone's side, it would be the side of a child'					
Where?	Main conflicting parties		Other parties		Mediator
Bishkek	First Party A divorced woman who took her child with her	Second Party Ex-husband, father of the child	Third parties Parents of the ex-spouses	Other participants Court	Gulnara Orozova, Lawyer, Public Fund for Human Rights Protection

Timeframe of the conflict
The conflict took place in summer 2009. It lasted for about two months. The mediator was engaged in resolution activities for duration of the conflict.

Background information
The conflict occurred between a divorced couple. The divorce was a result of the fact that the husband, after getting drunk, would repeatedly beat his wife. After one assault which led to the woman being hospitalised, the wife filed for divorce as she refused to tolerate any further violence.

After the divorce, the woman kept her child, a six-year-old boy. Sometime later the child's mother left for a business trip, during which the father came to his ex-wife's parents and took the child away. He also expressed his intention to keep full custody.

When the mother went to the father to take the child back, the conflict escalated. The man did not let the woman see the child and physically assaulted her.

The woman then decided to file a lawsuit in order to legally determine custody for the child. The court refused to accept the lawsuit, saying there was a lack of documentation. The woman started obtaining these documents but also appealed to Public Fund for Human Rights Protection (a mediation NGO), where she was told about mediation.

Preparatory stage
The mediator interviewed the woman and learned that she did not really want a court hearing; all she wanted was to have her child back. She informed the mediator about the boy's desire to live with his father; therefore, the successful resolution of the law suit in favour of the woman was under question if the boy would express his desire to live with his father at the hearing. Additionally, the woman

did not have a favourable financial situation. She was renting an apartment, had a tight work schedule and had a relatively low income. The mediator suggested the woman sit at the negotiation table with her ex-husband and to try to resolve the conflict in the child's best interests.

Then the mediator spoke with the father. He was very aggressive and refused to talk about mediation at all. Later he contacted the mediator himself and asked whether his ex-spouse truly intended to appeal to the court. Upon receiving a confirmation, he expressed a desire to meet and to talk in order to attempt to resolve the conflict without involving a judge. He wanted to bring the child into this process but the mediator decided that it would be undesirable at that stage.

A joint decision was made on the meeting venue, the apartment of his ex-wife.

Decision-making process
The beginning of the mediation process was very challenging. The conflicting parties were very hostile and it was hard to maintain a conversation. Then an important step was made – the wife gave the first speech to her husband, since she was initiating the process. The man had shouted for a long time expressing his discontent and outrage. However, his ex-spouse did not interfere in any way. After he had finish, the tension lessened and the opportunity arose to peacefully continue negotiations. The parties started talking to each other and asking questions. The man apologised to his ex-wife for his previous violence, which favourably influenced the negotiations. At the beginning of the discussion, the parties agreed that they both should act in the best interests of the child.

The father gave arguments in favour of his position. He offered to provide the child with all necessities, such as the best quality educa-

tion and extracurricular activities, and to seriously work on bringing him up well. The man was fairly well-off and his financial situation would allow him to pay for everything. To provide evidence he brought documents proving measures he had already taken (information on tutors hired, a tuition fee receipt from a good secondary school, an income statement, information on sport clubs, etc.). His ex-spouse could see and learn about the specific steps her ex-husband had taken in providing care and development for their child.

The child's mother did not have an impressively high income. She was renting an apartment and had to occasionally move. She would not be able to provide the same level of care and education for their child, despite wanting to. She admitted it herself during the negotiation process.

In conclusion, the conflicting parties agreed that at that stage of their relationship the father could do more for the child in providing proper upbringing and education. It was decided that the child would stay with his father, who would take care of him. The sides agreed that the mother could freely visit and talk to her child at her convenience.

It is important to note that the couple's parents, the child's grandparents, did not interfere in the process. The mediator stressed their wisdom in leaving an opportunity open for the former couple to independently resolve the issue peacefully and to find a mutually beneficial solution for their child. According to the mediator, they wished that the family might reunite and were hoping that it might eventually happen.

Throughout the process, the conflicting sides treated the mediator well. She has expressed her non-partisan and neutral position in the early stages. She said if she were to take anyone's side it would be the side of the child. This allowed her to gain the trust of the parties. It was especially important for the child's father who, as a result, neither saw the mediator as a protector or assistant of his former wife nor as an opponent.

Post-mediation period

As far as the mediator knew, decisions made during the mediation process turned out to be sustainable and positive. She was informed that the child had grown up, was receiving a good education, and was turning into a well-developed child. She also pointed out that the child's father was taking the childcare and upbringing processes very seriously. The former couple had no further conflicts.

What tools did the mediator use?

- Shuttle mediation
- Each side had the right to speak
- Documentary evidence demonstrated how seriously the father cared about the wellbeing of his child

• Comparative tables of advantages and disadvantages: (i) used at the preparatory stage with the child's mother to help her impartially look at the situation and to act in the best interests of her child; (ii) in the meeting a 'pluses and minuses' table was used to assess the child living with his father, and the same for living with his mother

What challenges did the mediator face?

Initially many challenges arose with the child's father, as he was very aggressive. The main difficulty was explaining to him that parental confrontation and de facto child division would have a negative impact on the child. It was in the best interests of the child to find a peaceful resolution for the conflict. The father changed his attitude after learning about the lawsuit. There were also challenges in working with the mother as she strongly insisted upon keeping the child. The mediator used a 'pluses and minuses' table to help the woman understand that it was necessary to act in the child's best interests and not to be guided by her personal emotions and ambitions.

What facilitated the success of this mediation?

1. All mediation principles were effective in this situation, most importantly the principle of voluntary participation. The sides managed to build dialogue and to reach an agreement independently.

2. Confidentiality of the mediation. It was an important psychological aspect of the mediation which mattered to the conflicting parties.

3. Trust in the mediator. The mediator explained to the parties that she was a neutral party and would only take the child's side. Trust in a neutral and non-partisan third party laid the foundation for the conflicting parties' agreement to come to the negotiation table.

4. Mediation is a more efficient method for conflict resolution than a court hearing. The mediator doubted that this conflict, had it been taken to court, could have been resolved within a period of two months.

Mediator's personal comments

In civic lawsuits filed by parents in order to determine the custody of a child, mediation is one of the most effective methods for conflict resolution and for finding a mutually beneficial decision.

Conflict between grandparents with their daughter in law regarding the place of residence of their grandson

Family conflict



Bishkek	Mediation case №29		2009
'The mother's freedom was not limited'			
Where?	Main conflicting parties		Медиатор
Bishkek	First Party Child's grandparents, who wished to raise their grandson	Second party Child's mother, who took him after the divorce	Meerim Tilebalieva, Civil activist, psychologist

Timeframe of the conflict

The conflict lasted for two years prior to the mediator's involvement. The mediator started working on its resolution at the end of 2011.

Location of the conflict (special geographical features)

The conflict occurred in Bishkek.

Background situation

A young couple divorced. They had a three-year-old boy. As the young couple used to live with the husband's parents, the grandparents had a large influence on their grandson's upbringing. After the divorce, the court ordered that the child stay with his mother. The father could see the child, but his parents were very worried as they felt that they could bring up the child better than the mother on her own. The young mother moved into her mother's house, where her brother's family also lived. The young woman's brother had several children and his wife was very sick. As a result, the boy received less attention than before. The parents of the ex-husband wanted to have custody of their grandchild but their ex-daughter-in-law refused. They had been very fond of the little the boy over the last three years, but the mother did not want to part with her child after going through the divorce.

Involving the mediator

The grandparents appealed to the mediator, as they wanted to continue bringing up their grandchild. They wanted to enter into negotiations with their former daughter-in-law. They approached the mediator through a colleague who works as an attorney. The attorney advised grandparents to talk to the family mediator and to try resolving the conflict through mediation.

Preparatory stage

The mediator contacted the daughter-in-law by phone and suggested she meet her. The woman did not want to agree at the beginning; however, the mediator has assured

her of her neutral position and the need to discuss the question in person rather over than phone. As a result, the young woman agreed to meet. She still had bitter feelings caused by the divorce.

Traditionally in the Kyrgyz Republic, after a divorce the father is considered to be 'lost' to the child. Frequently grandparents are almost viewed as substitutes who assist divorced young women. For that reason the child's mother was reluctant to talk to the mediator.

At the meeting, the mediator did not ask the woman about the past and the grounds for divorce. She wanted to avoid conversations which would make the woman live through the negative process of divorce again, which might complicate further negotiation processes. Instead, the focus was placed on the future of the young woman and her child. The mediator tried to talk to the woman and to direct her thoughts towards the child's interests: where he lived, who he lived with, what she could provide for him, and what challenges she was facing. The woman started thinking and analysing the situation. The mediator asked about level of the grandparents' education and their contribution to the development and upbringing of the child.

It turned out that the woman had no significant opposition to the grandparents; they were both very intelligent and educated people. The woman's discomfort seemed to only be a result of the divorce; she did not disapprove of them otherwise.

The mediator suggested the young mother look at the conflict from the perspective of the child's best interests and then decide whether she wanted to meet her ex-husband's parents at the negotiation table. The woman said that she needed time to think about everything.

Decision-making process

After this conversation, the woman called her mother-in-law herself and informed her about her decision let then bring up the child.

She also spoke about her intention to leave the country.

The mother-in-law told the mediator about this conversation. She called the mediator and thanked her for her assistance, whereupon she said that they had agreed on everything with the daughter-in-law.

The freedom of the child's mother had not been infringed upon in any way. The mother was permitted to visit the child every day if she so wished, and to freely communicate with and educate the child. However, he would live with his grandparents and all responsibility for his future upbringing and development was handed over to them.

Post-mediation period

The mother gave her son to his grandparents and left the country, ending the conflict. The mediator did not ask the parties about why the woman left and whether she intended to return. The reached agreement made it clear to the mediator that there was no further need for her help. Further involvement of the mediator in the issue would only happen on the initiative of the stakeholders themselves.

What tools did the mediator use?

- Envisaging different future scenarios
- Direct mediation techniques

What challenges did the mediator face?

The young woman was somewhat closed at the beginning. However, the mediator informed her about her neutral stance and the nature of mediation, which helped the woman to open up. During the direct conversation with the mediator, attention was focused on the child's future and interests. That established ground for building trust. The mediator also referred to her own age, thus demonstrating her experience and honesty.

What facilitated the success of this mediation?

1. It was in the child's interests to grow up in the family where he was born and he spent his first three years. The other family, into which the child moved with his mother, would not be able to provide the same amount of attention and care as his previous family.

2. The young woman had certain plans for self-development, which included her departure.

3. The daughter-in-law had a certain level of trust in the parents of her ex-husband as a result of living together for three years and observing their participation in the child's upbringing.

Mediator's personal comments

In this case it was important to balance the statuses of both sides, as in practice it frequently happens that the husband's side predominates over that of the wife.

Conflict between a divorced couple because the ex-wife lacked the living space to bring up their child

Family conflicts



Bishkek	Mediation case №30		2010
'I am not going to speak on behalf of the wife, I am only a mediator and have No personal interest in the outcome of this process'			
Where?	Main conflicting parties		Mediator
Bishkek	First Party Divorced woman, who had taken the child with her	Second party Ex-husband, the fa- ther of the child	Meerim Tilebalieva, civil activist, psychologist

Timeframe of the conflict
 The conflict occurred at the end of 2010 and lasted for about half a year. The mediator worked on the conflict for around 3 months.

Location of the conflict (special geographical features)
 The conflict took place in Bishkek.

Background situation
 The conflict arose between a young, divorced couple, who had a 4-year-old son. While married, the wife suspected that her husband had another family somewhere else. The relationship deteriorated and led to divorce, which the husband in fact initiated. After the divorce the parties lived separately: the wife and the child lived with her relatives, as she did not have her own house, whereas the husband lived in their family apartment.

She asked a mediator to assist her in solving the issue with her husband regarding a place to live. Her aim was to get back the family apartment from her husband, to which she had a legal right, so that she and her little son would not be left out on the street.

The ex-husband refused to speak to her as she was not allowing him see their son. Even at kindergarten the father was not allowed see the boy without the mother’s permission. The wife was afraid that the husband would take her son away to the village of her mother-in law, who had earlier threatened to take the boy.

Involving a mediator
 The ex-wife appealed to a mediator for help to obtain housing. She appealed to the mediator as she was a staff member of a crisis centre, in which the mediator had worked in the past. The woman was also advised to approach this mediator by a previous client of the crisis centre, who knew her and vouched for her ability to solve problems.

Preparatory stage
 The mediator analysed the conflict in stages, assessing the psychological state of the woman and links between the conflict parties.

The ex-husband did not want to speak to the mediator at first, as he thought that she was an ombudsman on the side of the ex-wife. The mediator tried to explain who she was, and said that she was not an interested party. They set up a meeting, where the mediator managed to explain who she was, and what the pluses and minuses of mediation were, stating: ‘I am not going to speak for your wife, I am only a mediator and am not an interested party in the outcome of this process’. The mediator decided to speak with the man about his child in order to motivate him to agree to meet up with his ex-wife. She started telling him about the positive sides of communicating with his child and the importance of his participation in the child’s life. She told him that at that meeting they could discuss these questions and come to a compromise in a calm atmosphere. The husband knew that his ex-wife wanted to get the house, but could not think of a way to solve the issue, as he had only one apartment. Additionally, he feared that his ex-wife would require him to sell the property and divide the proceeds. Besides, he did not want to argue with her and have to listen to her yelling again. The mediator assured him that this would not happen and that her responsibility was to ensure calm conduct of the process for constructive dialogue.

The mediator held a preparatory discussion, with the wife, asking: ‘Are you ready to speak in a calm way and not argue? Are you ready for compromises?’ The woman was the weaker party in this conflict, so the mediator, in order to level the playing field, advised her on the topics to raise with the ex-husband if she wanted to reach a solution, and what she should say what she should not to avoid a situation where ex-husband would simply walk out.

The parties were informed on the rules of constructive dialogue. The mediator met with the husband only once, but met the wife several times as she needed to be better prepared for the meeting.

Decision-making process

The parties, on meeting, were fairly apprehensive. The ex-husband took the initiative and greeted his wife (as mediator had recommended, as it is a very important and positive step), asked her about their son and in general was positive. The woman was very nervous and stressed. The ex-husband was much older, which made him more confident and relax. He felt himself dominating.

The mediator once again explained the purpose of mediation to the parties, about a mediator's responsibilities and limitations, and the code of conduct of mediation. She stressed her neutrality but said that, as a mother and a grandmother herself, she would stand up for the interests of the child. Thus, the mediator focused the parties' attention on the child's interests and moved the parties away from discussing irrelevant mutual grievances.

The parties discussed communication with the son. The father was interested as to why he was not allowed to see his son. At this stage the mediator had to interfere to calm the growing tension. Later the parties discussed the wife's and son's accommodation issue. The wife said that she would be happy with 'any' kind of house, which was very much approved by the ex-husband. However, by the end of the meeting the parties were unable to come to a decision.

A while later, the ex-husband called the mediator and said that he was ready to buy his wife and child a room somewhere. The mediator advised him to call his wife and tell her about his decision. Later the mediator followed this up by making a call to the wife. She advised the wife to search for a room she liked and to tell her ex-husband about it as, in doing so, she would absolve the man from the responsibility of finding a room. In this way, the mediator ensured that both parties took part in the resolution process.

The mediator said that they should meet and sign a written agreement, the enforcement of which would be monitored by the mediator herself. The mediator said that she was aware that she was exceeding her authority by doing so, as the parties had to monitor the enforcement themselves. However, she did it to make the man write and

sign an agreement. However, the ex-husband refused to sign it, saying that he had already gave his word as a man. As a result he did not sign it, but he made a verbal promise.

Post-mediation period

The ex-wife found accommodation, which was bought later by her ex-husband. The mediator spoke to the parties over the phone and was assured that both of them were satisfied by the solution.

What tools did the mediator use?

- Shuttle diplomacy
- Balancing power. The mediator helped the woman strengthen her arguments, as she was the weaker party in the conflict
- Conflict mapping, which helped her understand where the parties stood and monitor the later dynamics of the conflict

What challenges did the mediator face?

It was hard to be impartial. Pursuing the child's interests did not allow the mediator to stay unbiased. She kept in her head in that she was a mediator, but only this thought restrained her. The mediator admitted it was quite challenging to separate emotion from work as a mediator. There was not an even relationship in the family: the financial and moral aspects of family life are controlled by the man, which is often challenging for the woman. In this way the man dominates, and the woman becomes dependent. The man was a priori the strongest party in this conflict. This situation is very characteristic of Kyrgyz society and there are many conflicts similar to this one.

What facilitated the success of this mediation?

1. 4 years of living together with their child. The love of the father for his first son played a major role in the solution of the conflict.
2. The ex-husband was intelligent, literate and considerate. The mediator stated this is not typical of the majority of Kyrgyz men.
3. The consent of the woman to find 'any kind of housing'. This made the man understand that his ex-wife really needed a place, and was not trying to simply manipulate him to get financial compensation from the divorce.

Mediator's personal comments

10-15 years ago this type of family situation was very rare. Nowadays it is extremely common. Mediation does more to keep families together than official mechanisms controlled by the authorities.

Divorce prevented with the help of mediation

Family conflicts
Legal mediation



Bishkek	Mediation case №31		2011	
'This served as a sign to the mediator that the client did not really want to end her marriage'				
Where?	Main conflicting parties		Other parties	Mediator
Bishkek	First party Woman, who initiated divorce	Second party Husband	Third parties Court	Gulnisa Kojoyarova, practising lawyer

Timeframe of the conflict

The mediator worked on this conflict for about 15 days in February-March 2011. The conflict had been ongoing for around one and a half years.

Location of the conflict (special geographical features)

The conflict took place in Bishkek.

Background situation

A woman who filed for divorce requested a mediator’s legal assistance. She had initially appealed to her role as a lawyer as she was aware of mediation. The initiative for divorce belonged to the wife, as she suspected her husband had committed adultery. She intended to divide jointly owned property in court. The husband was a famous defence lawyer, so the woman was scared that other lawyers would side with her husband and therefore impede a fair resolution of the dispute. This was why she first decided to appeal to a defence lawyer.

The woman herself compiled a written agreement for division of the property. Her husband agreed to all the terms of the document and gave a written certificate agreeing to her legal claims. Despite this, the woman still sought a lawyer’s assistance. The mediator thought this was a sign that, in reality, the woman did not want a divorce. The mediator then decided to use mediation to peacefully resolve the dispute.

Involving a mediator

The mediator suspected that her ‘client’ did not want a divorce. She carefully suggested that the woman attempt to resolve the dispute without going to court, and instead use mediation. Initially, the woman could not understand the suggestion; however, once the mediator elaborated, she agreed

Preparatory stage

The mediator applied her skills to identify the position and true goals of the woman, who insisted on the need for divorce and a fair division of property. The mediator helped her to analyse the situation and listened to her various thoughts on the situation. This took a significant amount of time, since the mediator ended up having long discussions with her about all of her concerns.

The mediator then approached the husband, informed him about his wife’s complaints, and asked him about his position. The mediator, in her position as a lawyer, was familiar with the woman’s husband, which simplified the process of establishing contact. He expressed indifference towards the position of his wife and refused to admit that he had committed adultery. In his opinion, his wife simply wanted to leave abroad where her parents lived, as she did not like living in the Kyrgyz Republic. He also stated that he thought his wife needed the assistance of a therapist.

The mediator persuaded the husband to talk with his wife. As a result, at the next court hearing, the wife was markedly less aggressive than before. The mediator then suggested to the wife that she resolve the dispute peacefully, to which she agreed.

A week later the mediator met the couple. It became clear to the mediator that further peacebuilding action would not be needed as the woman asked the mediator about what would happen if she were to withdraw the law suit.

Decision-making process

The couple visited the mediator informally and said that they had changed their mind about the divorce. The woman asked about

the consequences of withdrawing the lawsuit. It appeared that the woman found it very important to listen to what the mediator had to say, despite the fact that her husband was very familiar with the process and could give her all the information she needed. This could have been due to a lack of trust or a desire to have the last word.

After a detailed consultation with the mediator, the couple thanked her for assistance in saving the family. They said that they have made arrangements for a therapist and that the woman had already had some appointments.

The mediation in this case was of a 'latent' type, where the mediator helps parties to reach an agreement independently without using a formal mediation procedure. The mediator did not ask about the exact decisions which the couple had made or which responsibilities they had decided to undertake, as it might appear unethical due to the mediator's professional acquaintance with the husband.

Post-mediation period

The mediator did not hear about further conflicts between the couple. The woman called her to pass on good wishes for the new year and did not mention any complaints about her husband. In her turn, the mediator did not ask any questions about the past conflict.

What tools did the mediator use?

- Paper. During conversations with the woman, the mediator carefully wrote down all her stated facts and arguments on paper, which she then discussed and clarified with her. This method helped the woman to reflect on the situation and allowed the mediator to identify the woman's goals and interests

What challenges did the mediator face?

Initially the woman was adamant about the need for divorce, which made it difficult to mediate. The mediator had to invest a lot of time listening to the parties' positions and had to employ psychological skills to rationalise the process.

What facilitated the success of this mediation?

1. The mediator benefited from sharing a similar profession to the husband and being a professional acquaintance.

2. The understanding of the judge. The mediator, the judge and the husband all knew each other from before the conflict. The judge fully understood the parties and adhered to only to the procedural aspects of the law suit. He did not impede the peaceful resolution of the conflict.

Conclusion

This Collection of mediation case studies has shown that there is a contingent of people who are actively working at the grassroots level on conflict resolution in The Kyrgyz Republic. These people are active citizens, authoritative leaders, and also strong-minded, ordinary citizens. Many of the mediators interviewed thought of conflict resolution as their mission. In addition to their personal qualities, these mediators have obtained an immense amount of practical experience in conflict resolution, which the authors of this collection believe must be studied and shared.

Many mediators advocated the development of mediation in The Kyrgyz Republic. They believed that mediation was necessary at various levels in The Kyrgyz Republic and in different areas: family conflicts, the judiciary, household disputes, water resource issues, the increasing amount of conflicts between mining companies and local communities, etc. Frequently, conflicting parties are not aware of mediation, or simply do not want to resolve their conflict in a peaceful way. Public awareness on the benefits of mediation is an important condition for promoting a culture of mediation among the Kyrgyz population.

However, mediators do not communicate with each other enough and lack the means to do so. For example, very few mediators in Bishkek know how mediators work in Jalal-Abad, or that border conflicts in Osh are not as urgent as those in Batken. Of course, mediation and the conflicts it settles are specific to different oblasts. Nonetheless, sharing expertise between mediators on the district, oblast and country level is crucial for developing mediation in The Kyrgyz Republic as whole.

In this sense, the cases in this Collection should be seen as a simple and beneficial tool to analyse mediators' actions and to disseminate information on particular mediation processes. Theoretically, a systematic, contemporary compilation of cases from different parts of the country will serve as a good base for forming and developing knowledge on mediation in The Kyrgyz Republic, and could even assist in developing a Kyrgyz mediation model.

The authors believe that this Collection of case studies will contribute to the development of mediation in The Kyrgyz Republic and Central Asia as a whole. The cases presented in the publication provide rich materials both for studying practical mediation cases and for serving as a repository of information to study the development of mediation in The Kyrgyz Republic.

