



Mediation of Conflicts with Ethnic Component: Why Russia Needs It

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Abstract

Russia has always been a multinational country. This is the reason why the questions of interethnic conflicts are of big importance there. Mediative approach developed by Prof. Shamlikashvili appears to be one of the most significant instruments for establishing dialogue and facilitating mutual understanding. At the time when this article was written, mediative approach had just started to be promoted. The paper deals with the questions of interpersonal (intercultural), interethnic (group) and ethnopolitical conflicts, as well as ways of their resolution, role of mediative approach in such cases, and perspectives of its implementation.

Keywords: mediation. intercultural conflict, interethnic conflict, ethnopolitical conflict, Russia

Introduction

Conflicts with ethnic components are becoming a part of everyday life in many parts of the world, including Russia with its astonishing variety of ethnic groups. According to the 2010 Census, there are at least 194 officially recognized ethnic groups in Russia, apart from many minor subgroups which could not be reflected in the results of the census due to the methodology employed in it (The All-Russian Census, 2010)

A variety of cultures and ethnic groups does not necessarily mean a lot of conflicts between them. It should not be disregarded that most communities have much longer experience of peaceful co-existence than that of violent conflicts, and of mutually beneficial relationships than mutual hatred. However, violent escalated ethno-political conflicts, such as the Chechen Wars, have long lasting negative impact on interethnic relations, which can manifest itself both as lack of trust in everyday life and as occasional outbursts of violence.

One thing to mention about interethnic conflicts is that they may equally arise in socially disadvantaged and economically backward areas, where people face both serious economic hardships and lack of social guarantees. Likewise, affluent bustling cities such as Moscow or St. Petersburg attract crowds of labor migrants with diverse cultural backgrounds and contradictive economic interests.

In the Russian context, most recent episodes included the unrest in Pugachev, Saratov region (July 2013), Biryulevo, Moscow (October 2013) and the mayhem in Volgograd following the terrorist attacks (December 2013). All of these have gained wide media coverage at the national level and provoked public discussion on social media and beyond them. Apart from that, minor episodes of ethnic violence are registered on a daily basis and have indeed become a part of everyday life in Russia. We understand contemporary ethnic conflicts in Russia as spontaneous outbursts in the context of longtime tensions. These outbursts are often provoked by news in the media, but the role of social networks and horizontal connections is even more important.

The most notorious episodes have much in common in their structure and all followed a murder of one or more persons, in which a murderer presumably belonged to one or another ethnic minority originating from Caucasian region. At the same time, occasional murders of labor migrants from Central Asia committed by ultra-right radicals have become quite a routine in the criminal news feeds.

The prevention of ethnic violence is traditionally seen in Russia as the responsibility of security services. Surveillance of “suspicious” personalities, identifying “extremists” and imposing pressure on them, i.e., demonstrative punishment of “illegal migrants,” are part of the multi-directional attempts to maintain control over the situation. However, the strategy of tightening control, suppression of conflict and crackdown often not only prove to be inefficient and inadequate, but also inevitably lead to violations of civil rights and create in the society an atmosphere of fear and witch hunting. In this situation civil society concentrates its efforts on propaganda of tolerance and respect to people with different social and cultural background. However, these efforts often remain futile, since the people engaged in conflict and overwhelmed with strong emotions – righteous anger, sense of injustice, fear for the future of their children – perceive the old sermon of tolerance and multiculturalism as irrelevant and annoying.

We suggest that in the current situation there should be developed a working mediation-based solution for dealing with interethnic conflicts in the context of the present-day Russia. Demand for such

a solution is very high, even though one can expect resistance to it from the conservative part of Russian establishment.

Mediation is a dispute resolution tool in which a professional neutral is not engaged in decision-making and has a great potential for social transformation in many spheres of life (Shamlikashvili, 2014, p. 6). The main reason for its potential is the method of having a commitment to the deep interests of the participating parties. The interests of the parties are often discovered by all involved only in the mediation process after becoming empowered and capable of a more-sincere and accepting communication with each other. “Empowering parties themselves for developing and making decisions, the mediator assists them in a joint search for a viable and mutually satisfying solution. Empowerment of the parties is one of the key qualities and advantages of mediation as a modern instrument of dispute resolution, which accounts for its popularity” (Shamlikashvili, 2014, p. 18).

Mediation has been intensively developing in Russia for the last ten years as a private confidential form of dispute resolution with the participation of a professional/neutral mediator, whose role is to support self-determination of the parties and help them to achieve a mutually acceptable agreement. In 2005, the oldest provider of mediation services in Russia, the Center for Mediation and Law, was established. Since that time, the Center has conducted a lot of educational work, including translating books and articles in various fields of mediation, organizing trainings for mediators and exchanging experience between practicing mediators. It has trained up to 300 mediators, a large part of whom practice in the field of family and commercial mediation. Several other centers have been established, some of which were opened by the Center’s former students. Another strong incentive for the growth of mediation in Russia was the adoption of the Law on Mediation, i.e., “On Alternative Procedure of Dispute Resolution with Participation of a Mediator (Mediation Procedure),” which came into effect on January 1, 2011. In 2013, the Federal Institute of Mediation was established under the auspices of the Ministry of Education and Science. As a budgetary organization, it sees its role in facilitating quickest and most effective implementation of mediation in the state-controlled spheres. In this atmosphere, mediation is especially needed, and many expectations are placed upon it, such as the work of the courts, educational and healthcare systems, etc.

However, despite all this success, mediation-based technology for dealing with interethnic conflicts is still missing in Russia and its development as a practical tool is still in process. Some of preliminary work has been done during a joint four-day seminar with experts from the Assembly of Russian Peoples on the subject of *Ethnomediation*, which was held in the Center for Mediation and Law in July 2014 and which is planned to be the only one of the first in a series of similar seminars.

To better define the subject of mediation in interethnic conflicts and articulate recommendations for a mediator on how to organize the process of dealing with it, it is necessary to introduce at least basic distinctions in terms of conflict types. The classification we use for practical needs at our Center includes three types of conflicts with an ethnic component, which can also be seen as stages of escalation.

Interpersonal (Intercultural) Conflict

Interpersonal (intercultural) conflict is aggravated by serious ethnocultural differences between the people involved. Such conflicts are private and occur in a mediator's practice in any field, often including family, labor and community disputes. The following is an example from the practice in family mediation.

In a divorce case between Mikhail (Russian) and Adilya (Tatar) the intercultural component was apparently higher than actually realized by the parties involved. The story of their romantic love more than 10 years before included an episode of bride-stealing from the house of her Muslim parents, who vehemently opposed to their daughter marrying a *giaour* (non-Muslim). After several years of marriage, Mikhail had several love affairs outside his marriage and ended it with leaving his wife and two children. Adilya called her parents and brothers for support in resolving the issues between her and her husband. And it was, in fact, her parents who suggested mediation.

In this case, which by the way, had high potential for escalation beyond the legal frames into *group interethnic conflict*, parties had very different ideas on the role of husband and wife in marriage, many of which were determined by their respective ethnic cultures. Furthermore, the parties apparently had different expectations regarding decision-making portion in the process. Adilya strongly preferred to take part in mediation together with her parents, whom she saw as protectors of her rights and interests and had a tendency to share the responsibility of decision-making with them, while Mikhail was quite reluctant to the idea that her parents should somehow be involved in the dispute "between the two."

In such a dispute staying neutral may be more challenging for a mediator than in a case, where the ethnocultural component is absent. Some aspects of the parties' behavior, which may seem to be contradicting "plain sense" or the mediator's perception of "natural rights," may turn to be socially and culturally constructed by the respective social backgrounds of the parties involved, particularly, by their ethnocultural background. In addition, the mediator should, on one hand, stay vigilant that his own neutrality is not affected by the different cultures of the party or parties and, on another hand, keep trying to facilitate the parties' understanding and acceptance of each other's cultural differences. The second part may be quite challenging, given that parties who have lived together for several years as partners, often may feel that they know each other better than they actually do and interpret each other's behavior as personal "peculiarities," often in negative terms, where it can actually be predetermined by their cultural background. This happens quite often in the contexts of family mediation because components such as attitudes to children and the spouse, relationships with parents, manner of running the house etc., often varying greatly from one culture to another, are not perceived by culture-bearers as socially constructed but only as "natural," while remaining quite "hidden" from a stranger's point of view as a part of family life; unfortunately, there is little chance to learn of these matters until one actually becomes a member of the family.

At the same time, it is very important for a mediator to realize that in this type of conflict the core of it is interpersonal and it manifests itself on the level of family identities, not on the level of ethnic identities. In the aforementioned case, it was a conflict between a husband and a wife, not between a Russian and a Tatar (though aggravated by mutual misinterpretations of culturally determined behavior). However, unless such conflict receives attention and timely treatment, it is most likely to escalate into a group conflict when interpreted by parties involved in terms of group ethnic identities.

Interethnic (Group) Conflict

Interethnic (group) conflict is often an escalated interpersonal conflict where group ethnic identities fuel this escalation. It is noteworthy that if initial family or professional identities may prevail on the former stage of conflict, at this point, they are superseded by ethnic ones. Here is an example of a typical youngster skirmish which has grown into an interethnic confrontation in one of the Moscow institutes.

A fight between two groups of Armenian and Azeri teenagers took place in one of the Moscow night clubs. Seven people were engaged in it, all of them Russian citizens. Fortunately, club security managed to separate the youngsters before they did serious harm to each other. However, the incident has received public reaction because among its witnesses was a popular blogger, who took pictures of the fight and posted them on social networks with ironic commentaries that were rather offensive for Caucasian diasporas in Russia in general. Afterwards, this small incident had media coverage at several online news sites. As it turned out, all the youngsters involved in the fight were students (freshmen and sophomores) of the same Moscow institute, whose administration was very concerned about the possibility for escalation of interethnic violence in the institute and negative impact on its reputation. So, it was the Vice Principal for administration affairs who invited a private mediator to help students resolve the issues and apply some pressure on them to make them participate in the “voluntary” mediation process.

At the mediation, it was revealed that initial conflict emerged between two teenagers – Sarkis and Alikber, competing for the attention of their peer Natasha. When the two started to fight, their friends, Armenian and Azeri youngsters respectively, tried to “break up” the fight, but resulted in the appearance that one either was “helping” or “took sides.” It was impressive that at the moment the mediation started, parties were talking of themselves almost exclusively in terms of their conflicting ethnic identities, as if the whole range of their identities suddenly narrowed to one. It was also apparent that the story of long-time violent ethnopolitical conflict between Armenian and Azeri nations (Nagorno-Karabakh War) was present in the room as a silent background, which none of the parties would like to touch.

In such a case it was important for the mediator to not only let the parties talk to each other and moderate the level of aggression between them, but to also facilitate the shift from conflicting identities to shared identities of both groups (students of the same institute, Caucasians in Moscow). This resulted in the realization by the participants of the deeply shared interests, of the need for preserving “normal” relationships between the two groups and being cooperative with the institute’s administration. It was also very important to avoid stigmatization and punitive reaction toward the “fighters,” since their behavior, in fact, was very much in line with the moral codes of men in their native cultures, who would rather see it in a positive way, as an expression of masculinity and bravery. Mediation helped to restore the relationships between the two groups, which came to a kind of “gentlemen’s agreement.”

Luckily, there were no acts of violence committed in this given conflict. In all the most recent resonant cases, outbursts of interethnic violence and attempts of “pogroms” followed a murder of an ethnic Russian, presumably committed by a representative of one of the Caucasian ethnic groups. Such was the case in the Biryulevo district of Moscow in October 2013, when a group of Russian nationalists, supported by the citizens of the community, demanded for the “urgent investigation” of a murder, presumably committed by an Azeri national. The situation, apparently originating from an interpersonal

conflict, was interpreted in national terms and fast escalated into a potentially violent interethnic conflict in Russia's capital with thousands of people involved. In order to confine the growing conflict, the Russian government took urgent measures to identify the murderer. This task was done within several days and an Azeri national, Orkhan Zeynalov, was consequently sentenced to 17 years in prison, despite the serious doubts of human rights activists that he was not just a scapegoat sacrificed to appease public opinion (Kommersant, 2014).

While in an early phase of escalation in a non-violent interethnic conflict, regular mediation process may be sufficient to resolve the dispute. It would be recommended to initiate a group dialogue facilitation process if a larger number of people are getting involved in conflict.

Ethnopolitical Conflict

Ethnopolitical conflict in our understanding is a highly escalated violent conflict in which political institutions in the broad sense of this term are widely involved. Its difference from a simple interethnic conflict is the emergence (or engagement) of political leaders from each side of the conflict, acting in their own interests, which is not necessarily equivalent to the interests of ordinary people involved in the conflict. In such conflicts, political elites often manipulate the public opinion by means of media; thus, they more directly achieve their obedience through hierarchical power-structures, obliging people to act to the contrary of their own beliefs and feelings. As a result, large numbers of people get involved in conflicts contrary to their own will and this makes the process of peace dialogue more complicated.

All the examples of escalated ethnopolitical conflicts are too notorious to quote and too complicated to be rendered in a form of short case study. The Israeli-Palestinian conflict, civil war in Kosovo-Metohija and all wars in general can be included into this category. However, the recent uprising in Eastern Ukraine, for instance, in our opinion is a more political than ethnopolitical crisis and wouldn't count under this category. The long lasting afterward effect of such conflicts is interethnic tensions, in which any occasional conflict may be interpreted in terms of ethnicity and lead to fast escalation of violence, breaking social ties and regular structures of everyday life. Thus, such conflicts are not just the results of escalation, but also a fuel for future conflicts.

The process of peacemaking in a complex ethnopolitical conflict would include several levels of mediated/facilitated negotiations. The work with political leaders in this context will be similar to classical problem-solving mediation, oriented on reaching settlement of the dispute. At the same time, it is necessary to involve as many people as possible into peace dialogue and for this reason it is recommended to also work with large groups of up to 20 people. These people may not necessarily be decision-makers, but may just be influential members of civil society or potential leaders who can influence the public opinion through horizontal vectors of communication and social networks, etc. The main goal of this work in larger groups is not reaching any particular agreements (though such agreements may be reached by members of the divided community during such sessions), but rather restoring communication and encouraging empowerment of participants in this process.

While it is difficult to identify (or create) leaders or representatives that are able to negotiate on behalf of conflicting parties, mediation on the grassroots level of protest can yield better results if it can involve as much politically active people as possible. At the same time particular decisions and settlement of dispute are less probable and less important in ethnic conflict than normalizing relations

in the divided community and reconnecting people for continuing peaceful everyday life. Under these conditions we see less structured and less directive approaches to mediation (such as transformative and narrative) as more suitable for the needs of this process.

In this sense, we understand the whole peace-building process driven by mediation as conflict transformation rather than conflict settlement or conflict resolution. The difference between the three, as explained by Cordulla Reimann (Reimann, 2004), is that conflict settlement usually refers to “outcome oriented strategies for achieving sustainable win-win solutions and/or putting an end to direct violence, without necessarily addressing the underlying conflict causes.” By conflict resolution it is commonly understood that this approach is “process-oriented” and “aims to address the underlying causes of direct, cultural and structural violence.” While conflict transformation “refers to outcome, process and structure oriented long-term peacebuilding efforts, which aim to truly overcome revealed forms of direct, cultural and structural violence” (Austin, Fischer and Ropers, 2004). Though it is difficult to separate clearly these three approaches, the involvement of people at the grassroots level for participation in deep transformation of conflict suggests that this practice can be placed in the third group of approaches.

While it is probably not fully correct to name such a process as proper mediation, since it is public, and the meaning of such mediation basic principles as confidentiality or neutrality is likely to shift in it, the spirit of mediation fuels the whole process and supports the dynamics of change. So, we would prefer to call it a “mediation-like process,” based on the “mediation approach.” This process can also be referred to as “multiparty mediation.”

The above scheme only represents quite roughly Weber’s “ideal types” of conflict and real-life conflicts which often combine features of all three types, but in our opinion, it has some value for a mediator on the stage of developing action plan for the resolution process.

At the present moment in Russia, mediators already have a lot of practical experience in dealing with interpersonal conflicts with ethnic component (type 1) and limited experience in dealing with escalated group interethnic conflicts (type 2). However, Russian mediators still lack practical experience of work in the context of ethnopolitical conflicts (type 3), organizing the process and evaluating its outcomes and impact. For organizing a system of prevention, it is very important to deal with conflicts which are potentially liable to escalating into ethnic conflicts as early as possible in order to effectively prevent this escalation and limit the number of people involved. However, this would require a system of monitoring and early conflict resolution even for interpersonal disputes where ethnic component may be involved – its elements should be present at schools and colleges, in the system of social services dealing with migrants and among the diasporas.

Cultural, religious, linguistic and ethnic diversity appear to be an inherent attribute of developed modern societies. The preservation of cultural heterogeneity should be seen as an important part of protecting the society, in its richness and variety of forms of human existence. Since constructing differences of absolute and imperative character, building impassable barriers and creating “psychological distance” from the other, usually serves as a basis for violence and exploitation; in our understanding mediation should become an ongoing process that creates “psychological proximity” between people in the society, and one of the tools which makes existence of true diversity possible, at least to some extent, without violence and exploitation. For us, mediation is a tool which makes the co-existence of different ethnicities and cultures not only possible, but also enjoyable and desirable.

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