

**Rustem Bektrumov<sup>1</sup>, Bagysh Gabdullina<sup>2</sup>, Talgat Kaliyev<sup>3</sup>**

<sup>1</sup>Master's student Political Science Department of  
L.N. Gumilyov Eurasian National University,  
e-mail: rkaz07@gmail.com

<sup>2</sup>Acting Associate Professor of the Department of Political Science of the  
L.N. Gumilyov Eurasian National University, PhD in Political Science,  
e-mail: bagish68@yandex.ru

<sup>3</sup>Director of LLP "Institute of Applied Ethnopolitical Research",  
PhD in Political Science (Astana, Kazakhstan)  
e-mail: Talgat.kaliyev@gmail.com  
(Astana, Kazakhstan)

## THE RELEVANCE OF THE ROLE OF MEDIATION IN THE RESOLUTION OF POLITICAL CONFLICTS IN KAZAKHSTAN

**Abstract.** This article discusses the relevance of using mediation in resolving political conflicts in Kazakhstan. The current state of mediation in the country is analyzed, taking into account the positive international experience, and the problems and prospects for its development are highlighted. Mediation can be an effective alternative to traditional legal and political processes in resolving conflicts and promoting peaceful coexistence. The main postulates of the article include an overview of the concept and principles of mediation, a discussion of the legal foundations of mediation in Kazakhstan, as well as an analysis of the practical application of mediation in conflict resolution, taking into account international experience. In conclusion, the article emphasizes the need for wider promotion and development of mediation as an effective tool for resolving political conflicts in Kazakhstan.

**Keywords:** mediation, negotiations, conflicts, political process, dispute resolution.

## Рустем Бектрумов, Бағыш Ғабдулина, Талғат Қалиев ҚАЗАҚСТАНДАҒЫ САЯСИ ҚАҚТЫҒЫСТАРДЫ ШЕШУДЕГІ МЕДИАЦИЯ РӨЛІНІҢ ӨЗЕКТІЛІГІ

**Аңдатпа.** Бұл мақалада Қазақстандағы саяси қақтығыстарды шешуде медиацияны қолданудың өзектілігі талқыланады. Оң халықаралық тәжірибені ескере отырып, еліміздегі медиацияның қазіргі жағдайы талданып, оның проблемалары мен даму перспективалары көрсетілген. Медиация қақтығыстарды шешуде және бейбіт қатар өмір сүруге жәрдемдесуде дәстүрлі құқықтық және саяси процестерге тиімді балама бола алады. Мақаланың негізгі постулаттары медиация тұжырымдамасы мен қағидаттарына шолу жасауды, Қазақстандағы медиацияның құқықтық негіздерін талқылауды, сондай-ақ халықаралық тәжірибені ескере

---

отырып, жанжалдарды шешуде медиацияны практикалық қолдануды талдауды қамтиды. Қорытындылай келе, мақалада Қазақстандағы саяси қақтығыстарды шешудің тиімді құралы ретінде медиацияны кеңінен насихаттау және дамыту қажеттілігі атап өтіледі.

*Түйін сөздер:* медиация, делдалдық, келіссөздер, жанжалдар, саяси процесс, дауларды шешу.

---

**Рустем Бектрумов, Бағыш Габдулина, Талгат Калиев**  
**АКТУАЛЬНОСТЬ РОЛИ МЕДИАЦИИ В РАЗРЕШЕНИИ**  
**ПОЛИТИЧЕСКИХ КОНФЛИКТОВ В КАЗАХСТАНЕ**

**Аннотация.** В данной статье рассматривается актуальность использования медиации при разрешении политических конфликтов в Казахстане. Анализируется современное состояние медиации в стране с учетом положительного международного опыта, выделяются проблемы и перспективы ее развития. Медиация может стать эффективной альтернативой традиционным юридическим и политическим процессам в разрешении конфликтов и содействии мирному сосуществованию. Основные постулаты статьи включают обзор понятия и принципов медиации, обсуждение правовых основ медиации в Казахстане, а также анализ практического применения медиации в разрешении конфликтов с учетом международного опыта. В заключении статьи подчеркивается необходимость более широкого продвижения и развития медиации как действенного инструмента разрешения политических конфликтов в Казахстане.

**Ключевые слова:** медиация, посредничество, переговоры, конфликты, политический процесс, разрешение споров.

---

### **Introduction**

Over the past few decades, mediation has become a popular alternative dispute resolution method around the world. In Kazakhstan, the use of mediation in conflict resolution is steadily growing and the community recognizes its potential for improvement. As a result, mediation is becoming an increasingly important aspect of modern political processes in the Republic of Kazakhstan.

However, despite its growing popularity, there is still much to be learned about the relevance and effectiveness of mediation in the Kazakh context. What factors contribute to the success or failure of mediation efforts in Kazakhstan? How can politicians optimize the use of mediation in a country's legal system?

This scientific article is aimed at solving these issues through a comprehensive analysis of the relevance of mediation in modern political processes in the Republic of Kazakhstan. Drawing on existing research and empirical data, this article examines the theoretical and practical aspects of mediation in Kazakhstan and highlights the main opportunities and challenges for its implementation. By shedding light on the potential of mediation as a tool to improve the resolution

of political disputes, it aims to contribute to ongoing efforts to promote more effective and efficient political processes in Kazakhstan.

### **Research methods**

The author has used a variety of methods, including literature analysis, such as the study of scientific papers, studies, and articles that relate to the topic of political conflicts and the role of mediation in their resolution in Kazakhstan. A comparative analysis was also applied as a study of examples of other countries where mediation is widely used in resolving political conflicts, and an analysis of how these methods can be applied in Kazakhstan. A case study was also considered: the study of specific cases of political conflicts in Kazakhstan that were resolved through mediation, and an analysis of how this was achieved and what were the results.

### **The main part**

At present, especially within the current geopolitical situation, it becomes obvious that mediation successfully resolves disputes in other countries. Is mediation relevant in Kazakhstan now and what is its effectiveness?

It is necessary to find out, identify the factors affecting its effectiveness, and give recommendations for its improvement. The relevance of mediation remains undiscovered and there is a need for mediation to be effective in the local context.

Mediation is developing in Kazakhstan as a process of resolving disputes in the legal field between two or more parties by a neutral third party and is regulated by the Law of the Republic of Kazakhstan “On Mediation”, which was adopted in 2011.

In recent years, mediation has become increasingly important in the political processes of the Republic of Kazakhstan. The government encourages the use of mediation as a means of resolving disputes between political parties and groups, as it is seen as a way to promote dialogue and reach a peaceful solution. Political mediation refers to the process of resolving political conflicts or crises and is often used in situations where conflict arises between different groups or factions within a society or between different countries. One of the key advantages of such mediation is the scope of the conflict being resolved, as it deals with broader political issues and conflicts.

To determine the relevance of the development of mediation in the political processes of the Republic of Kazakhstan, an analysis is carried out, which includes the study of recent political events. Now the development of mediation in political processes is very important. Mediation can foster a more peaceful political culture of cooperation and can help prevent conflicts from escalating. There is a need for continued support for the development of mediation, as well as ongoing research into its effectiveness.

However, it was also noted that there are certain challenges to the development of mediation in political processes. These include a lack of awareness of the

---

benefits of mediation, as well as a need for trained mediators who can effectively resolve political disputes.

***What are the challenges for resolving political conflicts?***

First of all, they are connected with deeply rooted ideological differences and power imbalances. These are also the problems of ensuring the impartiality and neutrality of mediators and ensuring transparency and accountability of the process and results of mediation. But there are also opportunities to solve these problems:

- The potential for mediation to reduce the cost of political conflicts, both in terms of human lives and economic resources.
- The potential for mediation to build trust and understanding between the parties, and to create opportunities for long-term reconciliation and cooperation.
- Potential for mediation to promote the rule of law and democratic values in political processes.
- The potential for Kazakhstan to act as a regional leader in developing and implementing mediation in political processes.

***Let's compare the development of mediation in Kazakhstan with other countries and regions, take a few examples:***

1. The United States has a long history of using mediation in political contexts, both domestically and internationally. The US approach to mediation emphasizes the importance of neutrality, confidentiality, and voluntary participation, and has been credited with resolving numerous political conflicts. A study of the US approach can provide insight into best practices for mediation in complex political environments, such as when multiple parties or competing interests are involved.

2. The Association of Southeast Asian Nations (ASEAN) has developed a regional framework for the use of mediation in political conflicts that emphasizes the importance of dialogue, cooperation, and mutual respect. ASEAN's approach to mediation has been successful in resolving several high-profile conflicts in the region, including territorial disputes in the South China Sea.

3. South Africa is another country that used mediation to resolve political conflicts, especially during the transition from apartheid to democracy in the 1990s. The Truth and Reconciliation Commission, established in 1995 to combat human rights violations committed during apartheid, has used mediation as a key tool to promote dialogue, reconciliation, and accountability. Comparing the South African experience with the Kazakh context can provide insight into the role of mediation in promoting reconciliation and resolving historical grievances.

4. Norway is often cited as a model for the use of mediation in political processes. The Norwegian government has a long history of using mediation to resolve conflicts both within and outside the country. One example is the role of Norwegian mediators in facilitating the peace process between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) in 2016. Comparison of the Norwegian mediation experience with the Kazakh context can

provide insight into effective institutional and legal frameworks. and strategies for building confidence and promoting dialogue.

5. Northern Ireland: Mediation was used in peace negotiations between the British government and the Irish Republican Army (IRA) in Northern Ireland, leading to the 1998 Good Friday Agreement.

6. Colombia: Mediation was used to resolve an armed conflict between the government of Colombia and the Revolutionary Armed Forces of Colombia (FARC), leading to a peace deal in 2016.

7. Rwanda: Mediation was used after the 1994 genocide in Rwanda, when the peace agreement in Arusha was brokered by the international community, leading to the establishment of a transitional government and eventually peace.

8. Sudan: Mediation was used to end a civil war between the Sudanese government and the Sudan People's Liberation Army (SPLA), leading to the Comprehensive Peace Agreement in 2005.

In all these cases, mediation has been used to facilitate negotiations and help the parties to the conflict reach a mutually acceptable solution. Mediation has often been used alongside other measures, such as peacekeeping forces or transitional justice mechanisms, to promote lasting peace and stability. By comparing the development of mediation in political processes in Kazakhstan with these actors, it is possible to identify lessons learned and best practices that can contribute to the development of mediation in Kazakhstan. These lessons may include the importance of institutional frameworks, the need for effective training programs for mediators, the importance of inclusiveness and community participation, and the importance of promoting transparency, accountability, and respect for the rule of law.

***Kazakhstan has experienced various political conflicts since gaining independence from the Soviet Union in 1991:***

1. Ethnic Tensions: Kazakhstan is a multiethnic country with Kazakhs in the majority of the population, but also with a significant presence of ethnic Russians, Uzbeks, and other groups. Tensions between different ethnic groups have led to conflicts in the past. The most resonant are the events related to the pogroms against the Dungans in the Kordai region in 2020.

2. Land reform. Land ownership has been a contentious issue in Kazakhstan, and government attempts to reform the system have led to protests and clashes between farmers and landowners.

3. Opposition politics: Kazakhstan has a history of limited political freedoms, with opposition parties and activists facing restrictions. In recent decades, several opposition figures have been arrested or imprisoned, raising concerns about the state of democracy in the country.

4. Resource management: Kazakhstan is rich in natural resources, especially oil and gas, but the management of these resources has been a source of conflict. The government's efforts to develop the country's energy sector have been criticized for their lack of transparency and impact on the environment, leading to protests and opposition from civil society groups.

---

5. Mass protests (Kantar 2022): The beginning of the past, 2022, entered the history of modern Kazakhstan as "Qandy Qantar" - bloody January. Dissatisfaction with rising gas prices quickly escalated into thousands of anti-government protests across the country; part of the peaceful demonstrations turned into riots, which were brutally suppressed. A year later, there is no convincing explanation of how and why the events developed, but everyone agrees on one thing: the January events greatly changed the political structure of the country and divided the lives of many Kazakhstanis into "before" and "after".

In general, political conflicts in Kazakhstan have been characterized by tensions between the government and the opposition, as well as between the various ethnic and social groups in the country.

***Is there any experience in the positive resolution of conflicts in Kazakhstan?***

Yes, there have been several successful cases of mediation in the country, including:

1) Mediation in land disputes: In 2017, the Ministry of Justice of Kazakhstan launched a project to introduce mediation in land disputes. The project was aimed at resolving disputes related to land use, property, and other related issues. The mediation process has been successful in many cases and has helped reduce lawsuits.

2) Mediation in labor disputes: In 2018, the National Chamber of Entrepreneurs of Kazakhstan launched a project to introduce mediation in labor disputes. The project was aimed at resolving disputes related to employment contracts, wage issues, and other labor issues. The mediation process has been successful in many cases and has helped to reduce the number of labor disputes in the country.

3) Mediation in family disputes: In 2019, the Ministry of Justice of Kazakhstan launched a project to introduce mediation in family disputes. The project was aimed at resolving disputes related to divorce, child custody, and other family issues. The mediation process has been successful in many cases and has helped reduce the burden on the judiciary.

4) Mediation in inter-ethnic conflicts: In 2020, the government of Kazakhstan adopted a new law aimed at promoting inter-ethnic harmony and preventing inter-ethnic conflicts. The law included provisions for the use of mediation in inter-ethnic conflicts. The mediation process has been successful in many cases and has helped prevent the escalation of conflicts.

These successful case studies demonstrate the effectiveness of mediation in resolving disputes in Kazakhstan.

However, there are also problems with the use of mediation in Kazakhstan, including a lack of awareness of the general public about mediation, cultural barriers, and the need for greater institutionalization of mediation within the legal system. In general, despite the progress made in promoting the use of mediation in Kazakhstan, there is still room for growth and development in this area, especially in terms of raising awareness and strengthening the institutionalization of mediation within the country's legal system.

The Republic of Kazakhstan has been involved in several international mediation efforts in recent years. These efforts have focused on promoting the peaceful resolution of conflicts and supporting political stability and economic development in the region. One example of Kazakhstan's participation in international mediation is its participation in the Astana peace process in Syria. The Astana Process, launched in 2017, is a series of peace talks aimed at finding a political solution to the Syrian conflict. Kazakhstan mediated these negotiations with Russia and Turkey and provided a venue for the talks in the country's capital, Astana.

In addition, Kazakhstan has been involved in mediation efforts in Central Asia, where it has played a leading role in promoting regional cooperation and stability. Kazakhstan has facilitated negotiations between neighboring countries, including Uzbekistan and Turkmenistan, on issues such as border demarcation, water management, and economic cooperation. Overall, Kazakhstan's participation in international mediation efforts reflects its commitment to promoting peace and stability in the region, as well as its growing reputation as an international mediator. Along with this, Kazakhstan played a significant role in preventing bloodshed in Kyrgyzstan, evacuating during the overthrow of Presidents A. Akaev and K. Bakiyev and, thereby contributing to the accelerated stabilization of the internal political situation in the neighboring republic.

#### ***What needs to be done to strengthen the role of mediation in the Republic of Kazakhstan?***

There is a need to raise public awareness of mediation as a tool for resolving conflicts in political processes. This can be achieved through public campaigns, workshops, and seminars aimed at informing the public about the benefits of mediation. Formal mediation programs can be established within government agencies, political parties, and civil society organizations to institutionalize mediation as a tool for conflict resolution in Kazakhstan. Special attention needs to be paid to the training and capacity building of mediators in Kazakhstan. This can be achieved through the establishment of formal training programs, certification processes, and ongoing professional development opportunities for intermediaries. The state can encourage the use of mediation by establishing mediation centers and providing financial support for mediation initiatives. Mediation should be integrated into the Kazakh legal system to ensure it is recognized as a legitimate and effective method of dispute resolution. Particular attention should be paid to mediation as the most effective way to resolve labor conflicts and disagreements. And the preference for mediation in resolving interethnic conflicts is unconditional, especially in the early stages of their occurrence or at the first signs of tension.

By taking these steps, Kazakhstan can strengthen the role of mediation in modern political processes, contribute to the peaceful resolution of conflicts, and increase the efficiency and effectiveness of political processes in the country.

---

## Conclusion

Mediation is more relevant than ever in current times, and is a valuable tool for managing and resolving political conflicts in Kazakhstan. For example, in situations where there is a risk of civil war or widespread violence, mediation can serve as a key element to prevent further escalation of the conflict and move towards peaceful dialogue. If all parties to the conflict are ready to seek a peaceful and mutually acceptable solution, mediation becomes the most effective way to reach a compromise.

Recommendations:

1. Proactive implementation. Take steps to expand and strengthen the mediation system in Kazakhstan, taking into account its role in preventing and resolving conflicts.

2. Education and preparation. Invest in the training of mediation professionals and develop a national mediator training program to ensure the effectiveness of the process.

3. Government support. Provide political and legal support for mediation as one of the priority methods of conflict resolution at the national level.

---

## REFERENCES:

1. Nigmatullina T.A., Ternovaya L.O., Politicheskoye posrednichestvo [Political mediation] // textbook, IP Abdullina, 2016, 369 p.
2. Konusova V.T., Razvitiye instituta mediatsii v Kazakhstane v kontekste zarubeznogo opyta [Development of the institution of mediation in Kazakhstan in the context of foreign experience] // Law and the State Journal, - №1 (70), - 2016, - p 74-80
3. Besemer Christoph. Mediation: Mediation in conflicts. M.: Spiritual knowledge, 2004. 176 p.
4. Botasheva A.K. Sovremenniy politicheskiy process kak sobyitiynaya storona politicheskoi zhizni [Modern political process as an event side of political life] // Kant, 2012. №3, pp. 111-113.
5. Ero C., Atwood R., 10 Conflicts to Watch in 2023, URL: <https://www.crisisgroup.org/global/10-conflicts-watch-2023> (Accessed: 01.01.2023)
6. Abiev E.M., Mediatsiya kak noviy trend v politicheskikh protsessah Respubliki Kazakhstan [Mediation as a new trend in the political processes of the Republic of Kazakhstan], URL: <https://doi.org/10.51889/2020-3.1728-8940.13> (Accessed: 25.09.2020)
7. Velitchenko S.N., Razvitiye mediatsii v Kazakhstane: problemy i resheniya [Development of mediation in Kazakhstan: problems and solutions], URL: <https://cyberleninka.ru/article/n/razvitie-mediatsii-v-kazahstane-problemy-i-resheniya> (Accessed: 2013)
8. Davydenko D., Kak razreshyalis konflikty: istoricheskiye kazusy [How conflicts were resolved: historical incidents]. URL: <https://pravo.ru/review/view/6044/> (Accessed: 18.12.2008)