

## **Mediating Peace: Analyzing the Use of ADR Mechanisms in Resolving the Crisis in Manipur**

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### **Abstract**

Ethnic conflicts and tensions continue to be serious issues in India, frequently caused by resource competition, cultural differences, or past animosities. The ongoing conflict in Manipur is one such ethnic conflict that has been going on for the past few months. This study investigates the application of alternative dispute resolution (ADR) as a tactical tool for reducing and resolving disputes between ethnic groups thereby, serving as a solution to the ongoing crisis in Manipur. This paper analyses the possibility of using ADR techniques—like mediation, negotiation, and community-based programs— that can be applied to promote communication and mutual understanding amongst disparate ethnic communities. It explores the conceptual basis of ADR and highlights how adaptable it is to situations that are culturally sensitive. The role of stakeholders in advancing ADR programmes for ethnic conflict resolution, such as governments, non-governmental organisations, and community leaders, is also included in this paper. When creating alternative dispute resolution (ADR) procedures that align with the beliefs and viewpoints of the participating groups, particular emphasis is paid to cultural factors and the significance of inclusivity. This paper delves into the relevant history, culture, and other factors of the state along with the background of the conflict in particular. Additionally, this paper looks into case studies where ADR mechanisms have been applied to resolve ethnic conflicts. This paper finally examines the scope for the application of ADR mechanisms to resolve disputes or the conflict in Manipur.

**Keywords:** Manipur, negotiation, mediation, alternate dispute resolution, ethnic conflict

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## **Introduction**

The mechanism of alternative dispute resolution provides solutions which may be helpful in achieving peace for a long period of time. Various ADR techniques such as negotiation, mediation, conciliation, etc., have been proven vital in solving disputes that involve complex issues and those disputes that are difficult to be decided by the court. The role of mediation becomes extremely important in establishing peace between two persons or communities as it involves discussions facilitated by a neutral third party. Such mechanisms also provide a greater scope of resolution as it focuses upon understanding of the conflict and also focuses upon the solution and not the problem.

Ethnic clashes or conflicts are one of those disputes or conflicts which involve complex issues that often erupt due to various reasons such as resource competition, cultural differences, discriminatory treatment, injustice etc. Courts can hardly be the option in resolving ethnic clashes and hence, ADR mechanisms such as mediation and negotiation seem to be the most appropriate or suitable methods to resolve such conflicts. Since the ongoing crisis in Manipur is of a similar nature, the exploration of ADR mechanisms to achieve peace in the state can be a good option, provided that the other numerous attempts made by the government to establish peace and achieve stability have been least successful, and since ADR has been a successful mechanism in solving such conflicts in various instances.

## **Manipur & Its Complex Characteristics**

The northeastern states, in general, have complex demographical, and geographical features, and Manipur is no different. Manipur is a state with a diverse culture and complex geographical and demographical features and like other northeastern states Manipur too deals with the issue of insurgency and militancy and frequent ethnic classes within the state. It is extremely necessary to understand the characteristic features of the state to understand the background of the ongoing conflict in Manipur.

Manipur is situated in the extreme northeast of India and shares majority of its border with Myanmar. The state can be geographically divided into two parts i.e., the hill region and the valley region. The hill region accounts for 90% of the state's geographical area whereas the valley region is only 10% of the state's geographical area.<sup>1</sup> Though the valley region makes up only 10% of the geographical area of the state, it accounts for 60% of the state's population while the hill region accounts for the remaining 40%.<sup>2</sup> This population distribution is further complicated by the concentration of specific ethnic groups in specific regions.

Manipur has mainly two groups within its population, the Meitei community which accounts for 60% of the population of the state and the tribal population which accounts for 40% of the state's population.<sup>3</sup> The tribal population comprises of numerous tribes, the significant ones being the Nagas and the Kukis. The Meitei people majorly reside in the valley region of the state, making up 90-95% of the region's population, with the remaining 5-10% of the population of the region consisting of the tribal communities. On the other hand, the majority of the inhabitants of the hill region are the tribal population, making up 90-95% of the population and the rest being the Meitei community. This complex distribution of geographical land and the population is one of the factors that lead to frequent disputes between the communities in the state.

The complexity in the state is further increased by the economic disparity, development, social status and other differences between the hill and the valley regions. The valley region, which is vastly populated by the Meitei population, is the one which is more developed when compared to the hill region. Clean drinking water, cooking fuel, healthcare, good nutrition, and employment opportunities are all mainly available in the Imphal valley, the agriculture production takes place in the valley region for the most part as the land is more fertile. The Meitei community, which resides in the valley region, has better facilities and opportunities including the tourism boost. Furthermore, the community enjoys more political power because of the majority population share.

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<sup>1</sup> Dr. AK. Sunder Kumar Singh, Distribution Pattern of Population in Manipur: A Geographical Analysis, Vol 1, Journal of the Geographical Society of Manipur, 15, (1997)

<sup>2</sup> Id.

<sup>3</sup> Id.

40 out of 60 of the assembly seats are held by the Meitei community.<sup>4</sup> All these factors are the major reasons for differences between the communities.

## **The 2023 Clashes in Manipur**

The recent conflict began in the months of April and May of 2023, when the High Court of Manipur asked the State Government to consider Scheduled Tribe status for the Meitei community. This status comes with significant benefits to the people which includes reservation of seats in government bodies and special protection under the Indian Constitution. This status has long been sought after by the Meitei population in Manipur.

The consideration of status or the demand for consideration came with substantial concerns that this might widen ethnic gaps, especially with the Kuki and Naga Indigenous people. In fact, on 3rd May 2023, the All-Tribal Students Union of Manipur staged a protest demonstration shortly after the court's announcement. Reports of the Anglo-Kuki War Memorial Gate being set on fire appeared that same day, sparking the start of the unrest.<sup>5</sup> This caused the Kukis to set fire to a number of Meitei villages in Churachanpur. The Meitei then responded by setting fire to a number of Kuki settlements in the Imphal Valley districts, allegedly resulting in multiple fatalities.

Although the demonstrations might be considered the direct cause of the violence in Manipur, tensions within the state's Indigenous communities had been growing for a number of years. For example, the way the current state administration is treating indigenous land rights concerns has been interpreted as discriminatory against the Kuki communities, who are mainly found in the hilly regions that encircle the capital valley. Evictions from Kuki villages have occurred as a result of efforts to survey reserved forests in the hill regions, which were purportedly made in an effort to minimise poppy production. The existing disparity in land ownership across indigenous tribes

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<sup>4</sup> Graeme Baker, Manipur violence: What is happening and why, BBC News, (23<sup>rd</sup> Nov, 2023, 11:13pm)

<sup>5</sup> Binalakshmi Nepram, Brigitta W. Schuchert, Understanding India's Manipur Conflict and Its Geopolitical Implications, United States Institute of Peace, (23<sup>rd</sup> Nov 2023, 10:44pm),

<https://www.usip.org/publications/2023/06/understanding-indias-manipur-conflict-and-its-geopolitical-implications>

is another source of contention. Whereas Kukis and other tribal people can purchase land in the valley, Meiteis are not permitted to purchase land in the previously mentioned hill regions. Further adding to the Meitei community's sense of unease is the wave of refugees that followed the military takeover in neighbouring Myanmar in 2021, especially those from the Sagaing region, who have close ties to the Kukis. In the current war, which has been driven by those in charge of firearms, narcotics, and politics, the identities of many ethnic communities have been weaponised to further the interests of a select few. The most unfortunate part of the current war is that the women and children in both communities, who have no association to any of it, are the ones who are impacted the most.

This ethnic conflict that began in the month of May 2023 has been the biggest concern of the country this year. Normalcy and peace have not been achieved despite several attempts, adding to the concerns associated with the state. Every attempt including the deployment of the army hardly seems to be a solution for resolving the conflict in the state. Hence the examination of the ADR mechanism as a solution or an attempt to resolve the conflict becomes extremely important.

## **Case Studies**

ADR mechanisms have been used in several instances to resolve conflicts between various communities and sometimes even between communities and the state. ADR mechanisms provided a platform for discussions which provides more scope for solution rather than use of force. Below are some of the instances where ADR mechanisms have proved to be a successful method of resolving conflicts.

### **Northern Ireland Peace Process**

The Northern Ireland Peace Process, which took place between the nationalist and unionist communities in Northern Ireland throughout the late 20th and early 21st centuries, aimed to resolve the long-standing sectarian strife between them. There were social, religious, and political divisions in the conflict, having historical roots which were addressed. The goals of the peace

process were to put an end to the bloodshed and create a foundation for long-term harmony and peacemaking.

ADR was proven vital in promoting communication and bargaining throughout the Northern Ireland Peace Process. In particular, mediation was used as a means of bridging the divide between the disputing parties. Exchanges were moderated by impartial mediators and foreign actors, offering a neutral forum where members of the unionist and nationalist communities could have fruitful exchanges. Through the use of ADR procedures, it was possible to find points of agreement, acknowledge past wrongdoings, and negotiate political agreements that would take into account the differing interests of the two groups.

## **South Africa's Truth and Reconciliation Commission**

South Africa's Truth and Reconciliation Commission (TRC), which was founded in the years after apartheid, is a trailblazing illustration of transitional justice. The TRC was established in 1995 with the goal of addressing the horrors of the apartheid era by giving both victims and offenders a forum to discuss their experiences and aid in the process of rebuilding the country.<sup>6</sup>

The TRC includes aspects of alternative dispute resolution, especially restorative justice ideals, even though it is not a formal process. Rather than emphasising punitive justice, the TRC prioritised amnesty, reconciliation, and the telling of the truth. In order to facilitate a process of admitting past wrongs and establishing a sense of communal responsibility, both victims and offenders were called to testify in public hearings held at frequent intervals. Through the commissions' facilitation of conversation and efforts at reconciliation, the TRC's structure enabled mediated interactions between perpetrators and victims. The nation's journey towards reconciliation was greatly aided by the focus placed on accepting the truth and promoting understanding.

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<sup>6</sup> Tutu, Desmond. "Truth and Reconciliation Commission, South Africa". Encyclopedia Britannica, 13 Sep. 2023, <https://www.britannica.com/topic/Truth-and-Reconciliation-Commission-South-Africa>

## **Cyprus Peace Process**

ADR techniques, such as mediation and facilitated talks, have been used to bridge the long-standing gap in Cyprus between the Turkish and Greek Cypriot communities. The UN has contributed to achieving a peaceful conclusion and aiding negotiations.

## **Community Mediation in Nigeria**

Community mediation programmes have been put in place in Nigeria to resolve disputes between various religious or ethnic groups. Trained mediators who strive to unite communities, promote communication, and discover win-win solutions are frequently involved in these initiatives.

## **Community Reconciliation in Rwanda**

Community-based reconciliation programmes were put into place to mend the deep-rooted rifts between the Hutu and Tutsi populations following the genocide in Rwanda. Truth-telling, mediated discussions, and community-led efforts at reconciliation were all part of these projects.

## **Community Land Disputes in Kenya**

ADR has been used in Kenya to resolve land conflicts between several ethnic tribes. Peaceful cohabitation has been promoted by the resolution of disputes over land ownership and use through community-based mediation and arbitration.

## **Application of ADR Mechanisms in Manipur**

To construct a negotiation team, the first step involves selection of important stakeholders from both groups, such as representatives, elders, and community leaders. Following that, these groups would participate in a mediated discussion led by an impartial third party, such as a reputable mediator or a group of mediators skilled in conflict resolution methods.

Structured talks that enable each community to voice its concerns, interests, and frustrations should be the first step in the mediation process. This phase is to foster empathy and understanding between people. The creation of a Truth and Reconciliation Commission (TRC) as in the case of South Africa may be taken into consideration in order to resolve past grievances and promote reconciliation. The TRC would look into past wrongs, offer a forum for the telling of the truth, and suggest actions for peacemaking and healing. Furthermore, community-based dispute resolution techniques that involve elders, local leaders, and workshops. Through the use of conventional conflict resolution techniques, these programmes would enable the communities to settle conflicts at the local level.

Arbitration may be introduced concurrently as a way to get legally binding verdicts on particular matters. This entails choosing an unbiased arbitrator or panel of arbitrators to consider the evidence and render decisions that the parties agree to abide by. To ensure acceptance and compliance, the arbitration process must place a strong emphasis on customary law that takes into account the subtle cultural differences between the Kuki and Meitei groups.

It is essential to establish continuous communication channels so that representatives from the two communities may get together on a regular basis to address issues and try to identify common ground. It is crucial to maintain cultural awareness and respect both communities' customs and values throughout the ADR procedures. A fair and impartial resolution may be aided by the additional viewpoints and resources that come from international mediation and support through diplomatic channels or organisations.

It is imperative to include agreements that have been reached into state legislations in order to formally codify the results of ADR systems. This promotes accountability by formalising the choices and providing a legal foundation for their execution. The sincere desire of both communities to participate in the process and the ability of the facilitators to successfully navigate the intricate and deeply ingrained issues surrounding the ethnic conflict are key factors in the success of various ADR techniques. The Meitei-Kuki conflict in the Indian state will be resolved completely and sustainably if a diverse strategy including several ADR techniques is used.



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## **Conclusion**

The conflicts in Manipur are complex and multidimensional, with historical, ethnic, and sociopolitical roots. Because of the state's heterogeneous ethnic population and problems with representation, autonomy, and resource distribution, there have been sporadic violent outbursts and conflicts. Peace negotiations, attempts at political discourse, and programmes designed to promote inclusivity and equitable development are all part of the efforts that can be taken to address these disputes. A thorough and long-lasting remedy is still quite difficult to achieve, though. It is essential that Manipur's varied populations continue to be encouraged to communicate, understand one another, and find peace in the future. Resolving past grievances, guaranteeing political representation, and fostering economic growth that benefits all facets of society are necessary for sustainable peace. The circumstances in Manipur highlight the significance of a thorough and nuanced approach to conflict resolution that takes into account the many viewpoints and goals of its people.