



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ARTS AND SOCIAL SCIENCES

COURSE CODE: PCR 705

**COURSE TITLE: INTRODUCTION TO CONFLICT
RESOLUTION PROCESSES 1**

COURSE GUIDE

**PCR 705
INTRODUCTION TO CONFLICT RESOLUTION
PROCESSES I**

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Introduction

PCR 705: Introduction to Conflict Resolution Processes 1 is a one Semester course. It will be available for you to take towards the core module of the Peace and Conflict Resolution Programme. This course is suitable for any foundation student seeking to understand conflict issues in the field of Political Science and International relations. This course consists of 20 Units, encompassing the following key areas, namely, the meaning of conflict, processes of conflict resolution, cooperative versus competitive conflict styles, conflict transformation, conflict resolution strategies, the meaning and process of mediation, who the mediators should be, skills and strategies of mediation, the meaning and processes of negotiation, bargaining and Alternative Dispute Resolution. There are no compulsory prerequisites for this course. The course guide tells you briefly what the course is all about, what you are expected to know in each unit, what course materials you need to use and how you can work your way through these materials. It also emphasizes the necessity for tutor-marked assignments. There are also periodic tutorial classes that are linked to this course.

What you will learn in this course

PCR 705: Introduction to Conflict Resolution Processes 1 is to introduce you to the concepts and practice of conflict resolution as a fundamental issue in achieving harmony in human society. Some of these concepts as earlier mentioned include: mediation, negotiation, bargaining and Alternative Dispute Resolution. These are everyday practices that you should be aware of.

Your understanding of this course will serve to position you on a stronger pedestal from which to approach other related issues in the study of politics and International Relations.

Course Aims

The main aim of this course is to introduce you to the intricacies of conflict resolution, as a real challenge in today's world, and to help them appreciate that peace cannot be attained if we do not work for it at all levels.

Course Objectives

This course has several objectives. In addition, each unit has specific objectives. The unit objectives can be found at the beginning of each unit. You may want to refer to them during your study of the particular unit to check on the progress you are making. You should always look at

the unit objectives after completing a unit. In this way, you can be sure that you have covered what is required of you in that unit.

On successful completion of the course, you should be able to:

1. Explain the meaning of and define conflict;
2. Understand what is meant by conflict resolution;
3. Distinguish between mutual gains and competitive negotiation tactics;
4. Understand what conflict transformation is;
5. Explain what conciliation and mediation means;
6. understand the meaning of arbitration and litigation;
7. Be familiar with the major strategies of conflict resolution;
8. Understand what we mean by negotiation and its various processes and approaches;
9. Be familiar with the essentials of bargaining;
10. Outline the advantages and disadvantages of Alternate Dispute Resolution;
11. Appreciate the importance of communication in conflict resolution.

Working Through This Course

To complete this course you are required to read the study units, and read recommended books. Each study unit contains a self-assessment exercise, and at some points in the course, you are required to submit assignments for assessment purposes. At the end of this course is a final examination. Stated below are the components of the course and what you are expected to do.

Course Materials

Course Guide

Study Units

Textbooks and other Reference Sources

Assignment File

Presentation

In addition, you must obtain the text materials. They are provided by the NOUN. You may also be able to purchase the materials from the bookshops. Please, contact your tutor if you have problems in obtaining the text materials.

Study Units

There are twenty study units in this course, as follows:

Module 1

- Unit 1: The Meaning of Conflict Resolution
- Unit 2: Processes of Conflict Resolution
- Unit 3: Conflict Transformation
- Unit 4: Major Strategies for Conflict Resolution

Module 2

- Unit 1: What is Mediation?
- Unit 2: Skills of Mediation
- Unit 3: Strategies of Mediation
- Unit 4: Conditions for Successful Mediation

Module 3

- Unit 1: What is Negotiation?
- Unit 2: Integrative or Interest-based Bargaining (Principled Negotiation)
- Unit 3: The Frames of Negotiation
- Unit 4: Alternative Dispute Resolution

Module 4

- Unit 1: Communication in Conflict Resolution
- Unit 2: Basic Standards in International Law and Humanitarian Principles
- Unit 3: Early Warning and Preventive Measures
- Unit 4: Skills and Methods of Conflict Resolution

Module 5

- Unit 1: Women in Peace Building and Reconstruction
- Unit 2: Protection of Civilians and Vulnerable Groups
- Unit 3: What it Means to Build Lasting Peace
- Unit 4: Peace Building Agent

Each unit contains a number of self Assessment exercise. In general, these self Assessment exercise enables you to determine your understanding of the materials you have just covered or require you to apply it in some way and, thereby, assist you gauge your progress as well as reinforcing your understanding of the material. Together with

tutor-marked assignments, these exercises will assist you in achieving the stated learning objectives of the individual units and of the entire Course.

Textbooks and References

Below are some books you can consult. You can also refer to other books related to the course.

John Paul Lederach, 1996, Preparing for Peace: Conflict Transformation Across Cultures, Syracuse, NY: Syracuse University Press,

John W. Burton, 1990, Conflict: Resolution and Prevention, New York, NY: St. Martins Press Inc.

Assignment File

There are two aspects to the assessment of this course. In this file, you will find all the details of the work you must submit to your tutor for marking. The marks you obtain for these assignments will count towards the final mark you obtain for this course. Further information on assignment will be found in the Assignment File itself, and later in this Course Guide in the section on assessment.

There are many assignments for this course, with each unit having at least one assignment. These assignments are basically meant to assist you to understand the course.

Assessment

An assessment file and a marking scheme will be made available to you. In the assessment file, you will find details of the works you must submit to your tutor for marking. There are two aspects of the assessment of this course; the tutor marked and the written examination. The marks you obtain in these two areas will make up your final marks. The assignment must be submitted to your tutor for formal assessment in accordance with the deadline stated in the presentation schedule and the Assignment file. The work you submit to your tutor for assessment will count for 30% of your total score

Tutor Marked Assignments (TMAs)

There are 20 tutor-marked assignments in this course. You do not need to submit all the assignments. The best three of what you have submitted will be recorded. Each assignment counts for 20 marks but on the

average when the assignments are put together, the assignments will count 30 % towards your total course mark. The Assignments for the units in this course are contained in the Assignment File. You will be able to complete your assignments from the information and materials contained in your reference books, reading and study units. However, it is always desirable at this level of your education to research more widely, and demonstrate that you have a very broad and in-dept knowledge of the subject matter.

When each assignment is completed, send it together with a TMA (tutor-marked assignment) form to your tutor. Ensure that each assignment reaches your tutor on or before the deadline given in the Assignment File. If, for any reason you cannot complete your work on time, contact your tutor before the assignment is due to discuss the possibility of an extension. Extensions will not be granted after the due date unless there are exceptional circumstances warranting such.

Final Examination and Grading

The final examination for PCR 705: Introduction to Conflict Resolution Processes I will be of three hours' duration and have a value of 70% of the total course grade. The examination will consist of questions which reflect the practice exercises and tutor-marked assignments you have previously encountered. All areas of the course will be assessed. Use the time between the completion of the last unit and sitting for the examination, to revise the entire course. You may find it useful to review your tutor-marked assignments and comment on them before the examination. The final examination covers information from all aspects of the course.

Course Marking Scheme

The following table lays out how the actual course mark allocation is broken down.

Table 1: Course marking Scheme

Assessment	Marks
Assignments 1-4 (the best four of all the assignments submitted)	Four submitted, best three assignments, marked out of 10% totaling 30%
Final Examination	70% of overall course score
Total	100% of course score

Presentation Schedule

The dates for submission of all assignments will be communicated to you. You will also be told the date of completing the study units and dates for examinations.

Course Overview/Presentation Schedule

Unit	Title of work	Weeks Acti vity	Assessment (End of Unit)
Course Guide Unit 1	The Meaning of Conflict Resolution	1	Assignment 1
Unit 2	Processes of Conflict Resolution		Assignment 2
Unit 3	Conflict Transformation	1	Assignment 3
Unit 4	Major Strategies for Conflict Resolution		Assignment 4
Unit 5	What is Mediation?	1	Assignment 5
Unit 6	Skills and Methods of Conflict Resolution	1	Assignment 6
Unit 7	Mediator's Role	1	Assignment 7
Unit 8	Conditions for Successful Mediation	1	Assignment 8
Unit 9	What is Negotiation?	1	Assignment 9
Unit 10	Integrative or Interest-based Bargaining (Principled Negotiation)	1	Assignment 10
Unit 11	Pre-Negotiation Essentials	1	Assignment 11
Unit 12	Alternative Dispute Resolution	1	Assignment 12
Unit 13	Communication in Conflict Resolution	1	Assignment 13
Unit 14	Basic Standards in International Law and Humanitarian Principles	1	Assignment 14
Unit 15	Early Warning and Preventive Measures	1	Assignment 15
Unit 16	Peacebuilding Institutions	1	Assignment 16
Unit 17	Women in Peace Building and Reconstruction	1	Assignment 17
Unit 18	Protection of Civilians and Vulnerable Groups	1	Assignment 18
Unit 19	What it Means to Build	1	Assignment 19

	Lasting Peace		
Unit 20	Peace Building Agents	1	Assignment 20
	Revision	1	
	Examination	1	
	Total	17	

How to get the most from this Course

You will be required to study the units on your own. But arrangements have been made for you to meet with your tutor for tutorials on regular basis in the study centre. Also, you can organize interactive sessions with your course mates.

In distance learning, the study units replace the university lecturer. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do, the study units tell you when to read, and which are your text materials or set books. You are provided exercises to do at appropriate points, just as a lecturer might give you an in-class exercise. Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with the other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chances of passing the course.

The main body of the unit guides you through the required reading from other sources. This will usually be either from your textbooks books or from a Reading section. The following is a practical strategy for working through the course. If you run into any trouble, telephone your tutor or visit the study center. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor to provide it.

1. Read this Course Guide thoroughly, it is your first assignment.
2. Organise a Study Schedule. Design a 'Course Overview' to guide you through the Course. Note the time you are expected to spend on each unit and how the assignments relate to the units. Important information, e.g. details of your tutorials, and the date of the first day of the Semester is available from the study centre. You need to

gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.

3. Once you have created your own study schedule, do everything to stay faithful to it. The major reason that students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late for help.
4. Turn to Unit 1, and read the introduction and the objectives for the unit.
5. Assemble the study materials. You will need your set books and the unit you are studying at any point in time.
6. Work through the unit. As you work through the unit, you will know what sources to consult for further information.
7. Well before the relevant due dates (about 4 weeks before due dates), check the Assignment File for your next required assignment. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.
8. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.
9. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.
10. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the Assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the ordinary assignments.
11. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

Tutors and Tutorials

There are 15 hours of tutorials provided in support of this course. Information relating to the tutorials will be provided at the appropriate time.

Your tutor will mark and comment on your assignments, keep a close watch on your progress and on any difficulties you might encounter and provide assistance to you during the course. You must take your tutor-

marked assignments to the study centre well before the due date (at least two working days are required). They will be marked by your tutor and returned to you as soon as possible.

Do not hesitate to contact your tutor if you need help. Contact your tutor if: you do not understand any part of the study units or the assigned readings; you have difficulty with the exercises; you have a question or problem with an assignment, with your tutor's comments on an assignment or with the grading of an assignment. You should try your best to attend the tutorials. This is the only chance to have face-to-face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will learn a lot from participating in discussion actively.

We wish you success with the course and hope that you will find it both interesting and useful.

**MAIN
COURSE**

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MODULE 1

- Unit 1: The Meaning of Conflict Resolution
- Unit 2: Processes of Conflict Resolution
- Unit 3: Conflict Transformation
- Unit 4: Major Strategies for Conflict Resolution

UNIT 1 THE MEANING OF CONFLICT RESOLUTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Dispute Settlement and Conflict Resolution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

When human beings come together there is bound to be conflict. This is because human beings have different background, interests and worldviews. These lead to differences in opinion. These differences in opinion could sometimes degenerate into aggression and violence. This conflict may first be noticed at the individual level, but may eventually spread to the larger society. But it is important to note that just as peace and cooperation is desirable, conflict too could be progressive when not allowed to become destructive.

However, when it does get out of hand, it is necessary to break a long term resolution base on understanding of its underlying causes. This will ensure that resurgence does not arise. There are many definitions of conflict, which you should endeavour to seek out. However conflict is commonly defined as an open clash between two opposing groups or individuals. Usually, the disagreement may be as a result of incompatibility of views, opinion or access to shared resources. In Nigeria, many of the conflicts bedeviling the polity have been communal and ethnic based.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Define conflict;
- ii. Define conflict resolution;
- iii. Differentiate between Dispute Settlement and Conflict Resolution; and
- iv. Explain what is meant by the institutional structures of a society.

3.0 MAIN BODY

3.1 Dispute Settlement and Conflict Resolution

To end or resolve a long-term conflict, a relatively stable solution that identifies and deals with the underlying sources of the conflict must be found. This is a more difficult task than simple dispute settlement, because resolution means going beyond negotiating interests to meet all sides' basic needs, while simultaneously finding a way to respect their underlying values and identities.

True conflict resolution requires a more analytical, problem-solving approach than dispute settlement. The main difference is that resolution requires identifying the causal factors behind the conflict, and finding ways to deal with them. On the other hand, settlement is simply aimed at ending a dispute as quickly and amicably as possible. This means that it is possible to settle a dispute that exists within the context of a larger conflict, without resolving the overall conflict. This occurs when a dispute is settled, but the underlying causes of the conflict are not addressed.

There are many reasons why underlying causes of conflict may not be addressed. Often, the underlying causes of conflict are embedded in the institutional structure of society. Achieving complete resolution of a conflict can require making significant socioeconomic or political changes that restructure society in a more just or inclusive way. Changing societal structures, such as the distribution of wealth in society, is a difficult thing to do and can take decades to accomplish. Thus, fully resolving conflict can be a long, laborious process. As a result there are other conceptions or ways of doing this.

Self Assessment Exercise 1

1. What is the difference between dispute resolution and conflict resolution?
2. Why is it very difficult to address underlying causes of conflicts?

4.0 CONCLUSION

It is important that you understand the meaning of conflict, dispute settlement, conflict resolution and the differences between the concepts. Special attention should be paid to the underlying causes of conflicts especially in Africa.

5.0 SUMMARY

In this unit, we have dealt with the meanings of Conflict, Dispute Settlement, Conflict Resolution and the differences between them.

6.0 TUTOR-MARKED ASSIGNMENT

- i) Define Conflict and discuss the differences between dispute settlement and conflict resolution?
- ii) What do you understand by the institutional structures of a society?

7.0 REFERENCES/FURTHER READINGS

John W. Burton 1990 Conflict: Resolution and Prevention, New York, NY: St. Martins Press Inc.

Morton Deutsch 1973 The Resolution of Conflict: Constructive and Destructive Processes, New Haven, CT, Yale University Press.

UNIT 2 PROCESSES OF CONFLICT RESOLUTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Co-operative vs. Competitive Conflict Styles
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment (TMA)
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this unit, we will discuss two major orientations in the processes of conflict resolution. These are the cooperative and competitive approaches to the settlement of conflicts. Oftentimes, the depth of grief may make it difficult for a party to the conflict to be cooperative during negotiations. Nonetheless, the conflict has to be resolved one way or the other. You are enjoined to explore other possible processes of conflict resolution, especially African traditional processes of conflict resolution.

2.0 OBJECTIVES

At the end of this unit you should be able to:

- i. Explain the cooperative approach to conflict resolution;
- ii. Discuss competitive approach to conflict resolution;
- iii. Compare mutual gains with competitive negotiation tactics.

3.0 MAIN BODY

3.1 Co-operative vs. Competitive Conflict Styles

When individuals or parties enter into a negotiation process to resolve conflict, they will bring a certain orientation to the table in their effort to settle the conflict. The two most basic orientations when people enter into negotiations are “cooperative” or “competitive”. A cooperative approach leads parties to seek win-win solutions in which both sides to the conflict feel they have won and, as such, any resolutions to the conflict are likely to be accepted voluntarily.

Disputants that work cooperatively to negotiate a solution are more likely to develop a relationship of trust and come up with mutually

beneficial options for settlement. The mutual gains approach is considered as a constructive resolution process.

Options for a negotiated settlement are limited in some cases by a fixed amount of rewards that must be divided one way or the other. Such situations leave no alternative for mutual gains and therefore, parties must utilize competitive negotiation tactics to pursue their goal(s).

Competitive approaches tend to result in win-lose outcomes in which only one side perceives the outcome as positive. Such outcomes are less likely to be accepted voluntarily, especially by the loser. A competitive approach to conflict tends to increase animosity and distrust between parties and is generally considered destructive.

Self Assessment Exercise 1

- i. What are the two most basic orientations to conflict resolution?
- ii. What do you understand by the Mutual Gains Approach?

4.0 CONCLUSION

Note that during negotiations to the resolution of conflicts, each party come to the table ready to sacrifice certain advantages without which a resolution will be difficult. Oftentimes, failure to make sacrifices results in the intensification of conflict once the initial efforts at resolution fails. Overall, the co-operative approach as against the competitive negotiation tactics should be encouraged.

5.0 SUMMARY

In this unit, we have examined two basic orientations of parties to a conflict in the negotiation process leads to the conflict resolution. These are the Mutual Gains and a win-lose situation.

6.0 TUTOR-MARKED ASSIGNMENTS

- i. Explain Cooperative as against Competitive orientation to negotiations?
- ii. What will you consider to be the most productive approach to conflict negotiations?

7.0 REFERENCES/FURTHER READINGS

Ho-Won Jeong (ed.), 1999 Conflict Resolution: Dynamics, Process and Structures, Brookfield, VT, Ashgate Pub. Co. Ltd.

John W. Burton, 1990 Conflict Resolution and Prevention, New York, NY, St Martins Press Inc.

UNIT 3 CONFLICT TRANSFORMATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Differences in Conflict Resolution Approaches
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment (TMA)
- 7.0 References/Further Readings

1.0 INTRODUCTION

This unit focuses on the distinction between conflict transformation, conflict resolution and conflict management. Often, the three concepts are used interchangeably, and therefore misapplied. It is important therefore, that we clarify the differences between these concepts when addressing the issue of conflicts and how they can be resolved.

2.0 OBJECTIVES

At the end of this unit you should be able to:

- i. Define and understand what conflict transformation is;
- ii. Distinguish between conflict transformation, conflict resolution and conflict management.

3.0 MAIN BODY

3.1 Differences in Conflict Resolution Approaches

A number of conflict theorists and practitioners advocate the pursuit of conflict transformation, as opposed to "conflict resolution" or "conflict management." Conflict transformation is different from the other two because it reflects a better understanding of the nature of conflict itself.

"Conflict resolution" implies that conflict is bad, and is therefore something that should be ended. It also assumes that conflict is a short-term phenomenon that can be "resolved" permanently through mediation or other intervention processes.

"Conflict management" correctly assumes that conflicts are long-term processes that often cannot be quickly resolved. The problem with the notion of "management," however, is that it suggests that people can be directed or controlled as if they were physical objects. In addition,

"management" suggests that the goal is the reduction or control of volatility, rather than dealing with the real source of the problem. Conflict transformation does not suggest that we simply eliminate or control conflict, but rather that we recognize and work with its "dialectic nature." First, it argues that social conflict is a natural occurrence between humans who are involved in relationships. Once conflict occurs, it changes or transforms those events, people, and relationships that created the initial conflict.

Thus, the cause-and-effect relationship goes both ways -- from the people and the relationships to the conflict and back to the people and relationships. In this sense, "conflict transformation" is a term that describes the natural process of conflict. Conflicts change relationships in predictable ways, altering communication patterns and patterns of social organization, altering images of the self and of the other.

Conflict transformation is also a prescriptive concept. It suggests that the destructive consequences of a conflict can be modified or transformed so that self-images, relationships, and social structures improve as a result of conflict instead of being harmed by it. Usually, this involves transforming perceptions of issues, actions, and other people or groups.

Conflict usually transforms perceptions by accentuating the differences between people and positions. This approach assumes that effective conflict transformation can utilize this highlighting of differences in a constructive way, and can improve mutual understanding. From the perspective of conflict transformation, intervention has been successful if each group gains a relatively accurate understanding of the other. In the end, improving understanding is the objective of conflict transformation, in spite of parties differing or even irreconcilable interests, values, and needs.

Self Assessment Exercise 1

Define and explain what you understand by conflict transformation.

4.0 CONCLUSION

It is necessary that you clearly understand the three major concepts – conflict transformation, conflict resolution and conflict management. Understanding these concepts and their individual importance will help in analyzing approaches and strategies for dealing with conflict situations.

5.0 SUMMARY

We have examined the concepts of conflict transformation, conflict resolution and conflict management, and the meanings and interpretations attached to them. Note however, that the major aim of conflict transformation is to enhance understanding amongst the parties in spite of existing differences.

6.0 TUTOR- MARKED ASSIGNMENT

- i. Distinguish between conflict transformation, conflict resolution and conflict management?
- ii. What may you consider the major objectives of conflict transformation?

7.0 REFERENCES/FURTHER READINGS

John Paul Lederach, 1996 Preparing for Peace: Conflict Transformation Across Cultures, Syracuse University Press,.

Nicole Negowetti, Reconciliation: Central Component of Conflict Transformation, Irish Peace Society, URL-

<http://www.peace.ie/read/reconciliation.html> (2003-4-04).

UNIT 4 MAJOR STRATEGIES FOR CONFLICT RESOLUTION

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- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Strategies of Conflict Resolution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment (TMA)
- 7.0 References/Further Readings

1.0 INTRODUCTION

In this segment, we examine the different strategies that could be used for conflict resolution. These include conciliation, mediation, arbitration and litigation. Though arbitration and litigation have legal moorings, all are used interchangeably during the resolution of conflicts at individual, state and international levels.

2.0 OBJECTIVES

By the end of this unit you should be able to:

- i. Explain what conciliation and mediation means;
- ii. Explain what is meant by arbitration and litigation;
- iii. Identify the major strategies for conflict resolution.

3.0 MAIN BODY

3.1 Strategies of Conflict Resolution

A number of strategies exist for the purposes of conflict resolution. One of such strategies is Conciliation which is a process whereby the parties to a dispute agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences.

Conciliation differs from arbitration in that the conciliation process, in and of itself, has no legal standing, and the conciliator usually has no authority to seek evidence or call witnesses, usually writes no decision, and makes no award. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions. In mediation, the mediator tries to guide the discussion in a way that optimizes parties needs, takes feelings into account and reframes representations.

If the conciliator is successful in negotiating an understanding between the parties, the understanding is almost always committed to writing (usually with the assistance of legal counsel) and signed by the parties, at which time it becomes a legally binding contract and falls under contract law. Most successful conciliators are highly skilled negotiators.

Mediation is a process in which a neutral third party, the mediator, assists two or more parties in order to help them negotiate an agreement on a matter of common interest. Mediation applies to different fields, with some common peculiar elements and some differences for each of its specialties. The main fields of application of mediation are business commerce, legal dispute and diplomacy, but minor forms can be found in other fields too. The mediation in marriages is technically admitted in the category, even if it follows its own history since the times of ancient Greeks.

Arbitration, in the law, is a form of legal alternative to litigation whereby the parties to a dispute agree to submit their respective positions (through agreement or hearing) to a neutral third party (the arbitrator(s) or arbiter(s)) for resolution. Since arbitration is based upon either contract law or the law of treaties, the agreement between the parties to submit their dispute to arbitration is a legally binding contract. All arbitral decisions are considered to be "final and binding." This does not, however, void the requirements of law. Any dispute not excluded from arbitration by virtue of law (e.g. criminal proceedings) may be submitted to arbitration.

Arbitration exists under national and international law, and arbitration can be carried out between private individuals, between states, or between states and private individuals. In the case of arbitration between states, or between states and individuals, the Permanent Court of Arbitration and the International Center for the Settlement of Investment Disputes (ICSID) are the predominant organizations. Arbitration is also used as part of the dispute settlement process under the WTO Dispute Settlement Understanding. International arbitral bodies for cases between private persons also exist, the International Chamber of Commerce Court of Arbitration being the most important. Arbitration also exists in international sport through the Court of Arbitration for Sport.

Arbitrators are not bound by precedent and have great leeway in such matters as: active participation in the proceedings, accepting evidence, questioning witnesses, and deciding appropriate remedies. Arbitrators may visit sites outside the hearing room, call expert witnesses, seek out additional evidence, decide whether or not the parties may be represented by legal counsel, and perform many other actions not

normally within the purview of a court. It is this great flexibility of action which, combined with costs usually far below those of traditional litigation, makes arbitration so attractive.

To ensure effective arbitration and to increase the general credibility of the arbitral process, arbitrators will sometimes sit as a panel, usually consisting of three arbitrators. Often the three consist of an expert in the legal area within which the dispute falls (such as contract law in the case of a dispute over the terms and conditions of a contract), an expert in the industry within which the dispute falls (such as the construction industry, in the case of a dispute between a homeowner and his general contractor), and an experienced arbitrator.

Litigation is a lawsuit or a civil action brought before a court in which the party commencing the action, the plaintiff, seeks a legal remedy, usually for an offence. If the plaintiff is successful, judgement will be given in the plaintiff's favour, and a range of court orders may be issued to enforce a right, impose a penalty, award damages, impose an injunction to prevent an act or compel an act, or to obtain a declaratory judgement to prevent future legal disputes.

Self Assessment Exercise 1

- i. What do you understand by conciliation?
- ii. What is conciliation and how is it different from arbitration and mediation?
- iii. Define and explain what you understand by litigation.

4.0 CONCLUSION

What is important in this unit is to be aware of and conversant with the different strategies of conflict resolution, and the levels at which they may be applied. Determining the best strategy to use at any point in time is important. Hence, anyone involved in conflict resolution must be very discerning.

5.0 SUMMARY

This unit familiarized you with the concepts of conciliation, mediation, arbitration and litigation as major strategies of conflict resolution.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What are the major strategies for conflict resolution?
- ii. Define and discuss what you understand by arbitration.

7.0 REFERENCES/FURTHER READINGS

John W. Burton and E. Frank Dukes, 1990 Conflict: Practices in Management, Settlement and Resolution, New York, St. Martins Press.

Roger Fisher et.al, 1994 Beyond Machiavelli: Tools for coping with conflict, Cambridge, MIT: Harvard University Press.

MODULE 2

- Unit 1: What is Mediation?
- Unit 2: Skills of Mediation
- Unit 3: Strategies of Mediation
- Unit 4: Conditions for Successful Mediation

UNIT 1 WHAT IS MEDIATION?

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 The Process of Mediation
 - 3.2 Who are the Mediators?
 - 3.2.1 Individuals
 - 3.2.2 States
 - 3.2.3 Institutions and Organizations
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

Mediation is a flexible and highly varied process that includes any situation in which a person gets involved in a conflict between two or more other people to help them resolve it, but has no power to make anyone do anything in particular. Like a facilitator, the mediator is primarily a "process person," helping the parties define the agenda, identify and reframe the issues, communicate more effectively, find areas of common ground, negotiate fairly, and hopefully, reach an agreement.

Mediation is widely used in all sorts of disputes, ranging from divorces to civil lawsuits to very complex public policy problems to international conflicts. Even when conflicts are seemingly intractable, they sometimes yield to mediation. Mediation is of particular importance in long-running, deep-rooted conflicts, as this type of conflict is rarely resolved without such outside assistance. Even if the full range of grievances cannot be resolved, mediation is often useful for dealing with particular limited aspects of the wider conflict.

2.0 OBJECTIVES

At the end of this unit you should be able to:

- i. Define and explain what mediation is;
- ii. Explain the process of mediation;
- iii. List and explain the three categories of potential mediators.

3.0 MAIN BODY

3.1 The Process of Mediation

Although a mediator cannot force an outcome, the process is very often effective. The key is the ability of the mediator to create a more productive discussion than the parties could have had by themselves. To do this, mediators help the parties determine facts; they show empathy and impartiality with the parties; and they help the parties generate new ideas. Mediators also exercise political skill and use persuasion to get people to soften hard-line positions. Often, though not always, they have a lot of background knowledge of the issues and type of dispute. Though many mediators are highly trained and experienced, not all are professionals, and they come from many different walks of life.

3.2 Who are the Mediators?

It is useful to think of all potential mediators in conflicts as falling into one of the following three categories.

3.2.1 Individuals

The traditional image of mediation, one nurtured by the media and popular accounts, is that of a single, usually high-ranking, individual, shuttling from one place to another, trying to search for understanding, restore communication, or help settle conflict. This image is only partly accurate. In many instances, a mediator is an individual who does not have an official role, or who does not represent his/her country in any capacity. Leaders such as Olusegun Obasanjo, Abdusalami Abubakar, Thabo Mbeki and Jimmy Carter have intervened in conflicts in different parts of the world as respected persons with a strong commitment to conflict resolution. They do not do so as government officials.

Individual mediators may hold different beliefs, values, and attitudes, and their mediation strategies may exhibit greater flexibility than official state mediators. What they all have in common is knowledge, experience, and commitment to peaceful conflict resolution. Such mediation is normally carried on without the glare of publicity, thus permitting the parties to engage in some meaningful dialogue should they choose to.

3.2.2 States

Today there are 198 sovereign and legally equal states, but with different capabilities, regime-structures, and interests, which interact on the international arena. They are major actors in mediation, and often find themselves having to mediate a conflict that may otherwise threaten their own interests. States, both large and small, frequently have reason or motive to mediate in conflicts, especially when these are in their region or where they may have some interests to promote or protect. Whether it is the United States, Switzerland, Norway, or Algeria, states find themselves very often at the forefront of mediation activities.

When a state mediates a conflict, it does so because it feels the conflict is a genuine threat to international peace and regional stability. When this happens, the state concerned, through its official representatives, may marshal all necessary resources behind a mediation effort and give it all the necessary clout. Unlike other mediators, states have considerable tangible resources, means of mobilizing them, and leaders with a mandate to use these resources. States that become engaged as mediators in a conflict may find that they have to use all their resources in order to facilitate an agreement.

3.2.3 Institutions and Organizations

The complexity of conflicts is such that states can no longer meet all the mediation requirements, nor facilitate a settlement when conflicts are long, drawn out, and intense. Other bodies and organizations are coming in to offer and deliver different mediation services. We have witnessed a phenomenal growth in the number of international, transnational and other non-state actors as mediators in the last decade or so. These functional actors have become an indispensable adjunct to traditional mediation by individuals and states.

Two kinds of actors are important here. They are: (a) specialized non-governmental actors committed to conflict resolution (such as Amnesty International, International Alert, the Carter Center), and (b) a wide variety of religious (the Quakers, Islamic Conference Organization, the Community of Sante Egidio) and civic and humanitarian organizations (The International Committee of the Red Cross, Center for Humanitarian Mediation, Oxfam) whose main concern is to heal, to deal with some of the basic issues in conflict, and achieve reconciliation, and changed attitudes, not just of a conflict.

All these actors have some decided advantages in conflicts; they operate informally and secretly, thus the parties need fear no loss of face. They

offer services that other mediators cannot offer, and they may find it easier to gain access to the parties where formal diplomats may be viewed with suspicion if not downright hostility. Such actors can be less inhibited in their approach to a conflict, and can afford the luxury of appealing to the parties by promising them to work on all levels of their conflict and to achieve a long lasting solution to their problems.

Self Assessment Exercise 1

What is Mediation? Under what circumstances can it be used in the resolution of conflicts?

4.0 CONCLUSION

Here we have extensively discussed mediation and the process of mediation at the individual, state, and institutions/organizations levels.

5.0 SUMMARY

The point to note is that mediators do not necessary have to be government officials, but individuals with the will and the standing to mediate successfully in conflicts. This unit has described the mediation process. It has also elaborated the role potential mediators. Mediation is used in a variety of conflict situations, which are not confined to national settings only. In the next unit, we will examine the specific skills required to be an effective mediator.

6.0 TUTOR – MARKED ASSIGNMENTS

- i. Describe the categories into which mediators may fall.
- ii. In what manner do international, transnational and non-state actors deliver mediation service?

7.0 REFERENCES/FURTHER READINGS

Charles Hauss, 2001 International Conflict Resolution: International Relations for the 21st Century, New York, Continuum Publishing.

Ho- Won Jeong (ed.), 1999 Conflict Resolution: Dynamics, Process and Structures, Brookfield, VT: Ashgate Pub.Co.

UNIT 2

SKILLS OF MEDIATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Sources of Trust
 - 3.2 How Mediators build trust with parties
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

From the moment they enter into a conflict, mediators strive to gain the trust of the parties. Throughout the mediation, they work to build and maintain the parties' trust on the mediation process, the mediators, and between the parties themselves. When trust levels are high, parties are less defensive and more willing to share information with other parties at the mediation table and in private sessions with the mediator information that may be crucial to finding a mutual acceptable solution.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Explain the various skills of mediation; and
- ii. Identify the various sources of trust.

3.0 MAIN BODY

3.1 Sources of Trust

There are three basic sources of mediator trust:

If a mediating organization has a good reputation, a mediator representing that organization can expect a certain level of trust from the disputing parties, even before interacting with them.

A mediator's personal reputation can also help to build trust. In the North America mediation model, trust may be based on the mediator's reputation for being a fair and natural person, someone who enters the conflict as an outsider, conducts the mediation process, and then leaves.

Other cultures prefer "insider partials" or third parties who have connections to both sides and who can help in establishing communication and understanding between the adversaries. In this

alternative model, trust comes as a result of familiarity with the parties and the situation, and of involvement with the parties before, during, and after the settlement is achieved.

Most importantly, trust is earned through a mediator's behaviour during the mediation process. Effective mediators pay close attention to the ways in which they are building trust, and carefully weigh the possible consequences before taking any action that might counteract their trust-building efforts. Once lost, trust can be very difficult to restore.

3.2 How Mediators Build Trust with the Parties

In considering how to gain the trust of the parties, it may help to reflect upon the qualities and behaviour of the people you trust the most. For example, I find it easiest to trust people who (a) treat me with dignity and respect; (b) are like me; (c) behave as though they like and care about me; (d) don't hurt me and protect me from being hurt by myself or others; (e) have no interest that conflict with mine; (f) listen to and understand me; (g) help me solve my problems when I ask them to do so and (h) are reliable and do what they promise to do in a timely manner.

Applying some of these principles to mediator can earn trust in several key ways:

- Treat the parties equally, with respect and dignity at all times.

- Create an environment that makes the parties feel comfortable and safe.

- Let each party know the mediator is listening to them, understands their problem and how they feel about it, cares about their problem, and can serve as a resource to help them resolve that problem.

- Show that the mediator has no stake in the outcome of the dispute that will prevent the parties from reaching an agreement that serves each of their interests.

- Never fix blame, put down, or judge the parties, or tell them what they must do.

- Ask non-threatening, open-ended questions.

- vii. Balance the mediation process by:

- Making certain the parties understand the mediation process;

- Permitting the parties to discuss the problem without interruption;

- Protecting the parties from threats, intimidation, or disrespectful behaviour during the mediation;

- Always demonstrating impartiality.

4.0 CONCLUSION

There are various ways through which a mediator can earn the trust of parties to a conflict. Oftentimes, it is essential that the mediator be seen to be neutral during the process of mediation.

5.0 SUMMARY

We have examined the various sources of conflict mediator trust, and in particular focused on the possible ways a mediator could build trust during mediation.

6.0 TUTOR MARKED ASSIGNMENT

Describe how a mediator could build trust between parties to a conflict?

7.0 REFERENCES/FURTHER READINGS

Ho-won Jeong(ed) 1999 Conflict Resolution: Dynamics, Process and Structures Brookfield, VT: Ashgate Pub. Co.

Roger Fisher et.al 1994 Beyond Machiavelli Tools for Coping with Conflict, Cambridge, MA: Havard University Press.

UNIT 3 STRATEGIES OF MEDIATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Communication-Facilitation Strategies
 - 3.1.1 Procedural Strategies
 - 3.1.2 Directive Strategies
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment (TMA)
- 7.0 References/Further Readings

1.0 INTRODUCTION

Mediators have many resources, strategies and techniques available to them in trying to intervene in a conflict situation. Specifically, mediators may use one of the following three strategies in the course of helping to deal with a conflict. They may rely on communication-facilitation strategies, procedural strategies, or directive strategies.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Identity the three main strategies a mediation;
- ii. Explain communication – facilitation strategies;
- iii. Explain procedural strategies; and
- iv. Explain the use of directive strategies

3.0 MAIN BODY

3.1 Communication-Facilitation Strategies

This describes mediator behavior at the low end of the intervention spectrum. Here a mediator typically adopts a fairly passive role, channeling information to the parties, facilitating cooperation, but exhibiting little control over the more formal process or substance of mediation. This is a very important role in the context of conflicts, where parties in conflict lack direct channels of communication, have different conceptions of the central issues, and/or do not even have the opportunity to explore any options that might benefit both. In such situations, a mediator who can facilitate dialogue and communication, and just carry out information from one to the other, is a prerequisite for an effective process of peacemaking. Norway's intervention in bringing about the Oslo Accords in 1993 (in which in fact) is a good example of what we mean by communication-facilitation strategies.

3.1.1 Procedural Strategies

Enables a mediator to bring both parties together, in some neutral environment, where they (i.e., the mediator) exert some control over the conflict management process. Here a mediator may exercise control over timing, issues on the agenda, meeting place and arrangements, media publicity, the distribution of information, and the formality or flexibility of the meetings. Procedural strategies give a mediator the opportunity to control aspects of interaction. This is very significant for parties in a conflict that may not have had an opportunity to interact together in any other place besides the battlefield. Procedural strategies help to minimize stress and disruption that arise when two or more conflictual parties who have little history of peacemaking get together to deal with their conflict.

3.1.2 Directive Strategies

Are the most powerful form of intervention. Here a mediator works hard to shape the content and nature of a final outcome. This is done by offering each party in conflict incentives, promises of support, or threats of diplomatic sanctions. When a mediator engages in such behavior, the parties are confronted with new resources or the prospect of losing resources. This may change the value they attach to their conflict and produce behavior that is more consonant with the requirements of conflict resolution.

Directive strategies are crucial in any conflict. They allow a mediator to break through a cycle of violence by changing the factors influencing the parties' decision making. By making financial or diplomatic support contingent on co-operation, people who are otherwise opposed to settlement might be persuaded to agree to one. Directive strategies take the form of promises of rewards or threats of withdrawals, if certain agreements are not made or actions are not taken. In either case they are significant in getting parties in a conflict to change their values and behavior.

4.0 CONCLUSION

After examining these strategies, it is evident that a mediator could either remain distantly passive, exert a little control, or a strong control over the mediation process. The choice of strategy the mediator decides to use may depend on the nature or stage of the conflict.

5.0 SUMMARY

We have examined the three strategies of mediation, namely, communication-facilitation, procedural strategies and directive strategies.

6.0 TUTOR-MARKED ASSIGNMENT

Identify and describe the three main strategies used in the course of settling disputes by mediators?

7.0 REFERENCE/FURTHER READINGS

Sung Hee Kim et.al, 1994 Social Conflict: Escalation, Stalemate and Settlement, 2nd Edition, New York, McGraw Hill College Division,

UNIT 4 CONDITIONS FOR SUCCESSFUL MEDIATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Points of Mediation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

Mediation is an effective and useful way of dealing with conflicts. This is not to suggest that every conflict can be mediated. Many conflicts are just too intense, the parties too entrenched and the behaviour just too violent for any mediator to achieve very much. Some conflicts go on and on with little signs of abatement. They cease to become intractable only when there is a major systemic change (e.g. change of leaders, collapse of country, etc.).

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Explain the importance of timing in the mediation process;
- ii. Describe the enabling factors for mediation;
- iii. Identify instances in which mediation will be extremely difficult.

3.0 MAIN BODY

3.1 Points of Mediation

Mediators can engage in a conflict only after a thorough and complete analysis of the conflict, issues at stake, context and dynamics, parties' grievances, etc. Conflicts are complex and multi-layered. A mediation initiative is more likely to be successful if it is predicated on knowledge and understanding rather than on good intentions only. A good analysis and a thorough understanding of all aspects of the conflict are important prerequisites for successful mediation in conflicts.

Mediation must take place at an optimal or ripe moment. Early mediation may be premature and late mediation may face too many obstacles. A ripe moment describes a phase in the life cycle of the conflict where the parties feel exhausted and hurt, or where they may not wish to countenance any further losses and are prepared to commit to a settlement, or at least believe one to be possible. In destructive and

escalating conflicts, mediation can have any chance of success only if it can capture a particular moment when the adversaries, for a variety of reasons, appear most amenable to change. Timing of intervention in a conflict is an issue of crucial importance, and one that must be properly assessed by any would be mediator.

Given the nature and complexity of conflicts, successful mediation requires a coordinated approach between different aspects of intervention. Mediation here requires leverage and resources to nudge the parties toward a settlement, but also acute psychological understanding of the parties' feelings and grievances. The kind of mediation we are talking about here is mediation that is embedded in various disciplinary frameworks, ranging from problem-solving workshops to more traditional diplomatic methods. No one aspect or form of behavior will suffice to turn a conflict around. Diverse and complementary methods, an interdisciplinary focus, and a full range of intervention methods responding to the many concerns and fears of the adversaries, are required to achieve some accommodation between parties in a conflict.

Mediating conflicts require commitment, resources, persistence, and experience. Mediators of high rank or prestige are more likely to possess these attributes and thus are more likely to be successful in conflicts. Such mediators have the capacity to appeal directly to the domestic constituency and build up support for some peace agreement. Influential, high ranking or prestigious mediators have more at stake, can marshal more resources, have better information, and can devote more time to a conflict. Such mediators can work toward achieving some visible signs of progress in the short term, and identify steps that need to be taken to deal with the issues of a long term peace objectives. Influential mediators can work better within the constraints of conflicts, and more likely to elicit accommodative responses from the adversaries.

Mediation in conflicts is more likely to be successful when there are recognizable leaders within each party, where the leaders are accepted as legitimate by all concerned, and where they have considerable control over their territory. A conflict between parties with competing leaders and constituents can prove very difficult to deal with. Where there are recognizable leaders, each from the mainstream of their respective community, and where each embodies the aspirations and expectations of their respective community, provides mediators with individuals who may have a serious impact on official diplomacy. Where there are competing leadership factions, state institutions, and governance capacity are all too uncertain, and the chances of successful mediation decline sharply.

Mediation in conflicts is more likely to be effective if there are no sections in each community committed to the continuation of violence. Such parties are usually described as spoilers. Spoilers in such a context have much to lose from a peaceful outcome and much to gain from the continuation of violence. Their presence and activities constitute a major obstacle to any mediation effort.

Where a conflict involves a major power, or major powers have interests (vital or otherwise) at stake, it is very unlikely that mediation will be attempted, and if attempted, very unlikely that it will succeed. The involvement of major powers in any capacity in a conflict poses too serious a constraint on any mediation effort. A major power involvement in a conflict provides a clear indication of the difficulty of initiating any form of mediation.

Self Assessment Exercise 1

How can you distinguish between conflicts that can be mediated and those that cannot?

4.0 CONCLUSION

All the factors discussed above provide some guidance on when mediation might make a contribution to conflicts, and when it will be extremely difficult to mediate. Surely other factors are present too, factors such as commitment to mediation and willingness to achieve a suitable outcome, desire to stop a cycle of violence, etc. These may be hard to identify and assess, but their presence or absence will surely affect the process and outcome of any mediation effort.

5.0 SUMMARY

In this unit, effort has been made to identify and explain different points of mediation; it has also explored situations when mediation may not be possible.

6.0 TUTOR-MARKED ASSIGNMENT

When should mediators intervene in a conflict, and how can they increase their chances of success?

7.0 REFERENCE/FURTHER READINGS

John W. Burton and E. Frank Dukes, 1990 Conflict Practices in Management, Settlement and Resolution, New York, St. Martins Press.

MODULE 3

- Unit 1: What is Negotiation?
- Unit 2: Integrative or Interest-based Bargaining
(Principled Negotiation)
- Unit 3: The Frames of Negotiation³⁹
- Unit 4: Alternative Dispute Resolution

UNIT 1 WHAT IS NEGOTIATION?

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 The Process of Negotiation
 - 3.2 Approaches to Negotiation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

In simplest terms, negotiation is a discussion between two or more disputants who are trying to work out a solution to their problem. This process can occur at a personal level, as well as at a corporate or international (diplomatic) level. Negotiations typically take place because the parties wish to create something new that neither could do on his or her own, or to resolve a problem or dispute between them. The parties acknowledge that there is some conflict of interest between them and think they can use some form of influence to get a better deal, rather than simply taking what the other side will voluntarily give them. They prefer to search for agreement rather than fight openly, give in, or break off contact.

2.0 OBJECTIVES

At the end of this unit you should be able to:

- i. Explain and define negotiation
- ii. Explain the processes of negotiation
- iii. Explain the objective of negotiations
- iv. Explain why parties engage in negotiations
- v. Distinguish between positional bargaining and principled negotiations

vi. Describe the “negotiator’s dilemma”.

3.0 MAIN BODY

3.1 The Process of Negotiation

When parties negotiate, they usually expect give and take. While they have interlocking goals that they cannot accomplish independently, they usually do not want or need exactly the same thing. This interdependence can be either win-lose or win-win in nature, and the type of negotiation that is appropriate will vary accordingly. The disputants will either attempt to force the other side to comply with their demands, to modify the opposing position and move toward compromise, or to invent a solution that meets the objectives of all sides. The nature of their interdependence will have a major impact on the nature of their relationship, the way negotiations are conducted, and the outcomes of these negotiations.

Mutual adjustment is one of the key causes of the changes that occur during a negotiation. Both parties know that they can influence the other's outcomes and that the other side can influence theirs. The effective negotiator attempts to understand how people will adjust and readjust their positions during negotiations, based on what the other party does and is expected to do. The parties have to exchange information and make an effort to influence each other. As negotiations evolve, each side proposes changes to the other party's position and makes changes to its own. This process of give-and-take and making concessions is necessary if a settlement is to be reached. If one party makes several proposals that are rejected, and the other party makes no alternate proposal, the first party may break off negotiations. Parties typically will not want to concede too much if they do not sense that those with whom they are negotiating are willing to compromise.

The parties must work toward a solution that takes into account each person's requirements and hopefully optimizes the outcomes for both. As they try to find their way toward agreement, the parties focus on interests, issues, and positions, and use cooperative and/or competitive processes to come to an agreement.

3.2 Approaches to Negotiation

Negotiation theorists make several overlapping distinctions about approaches to negotiation. Distinctions can be made between positional bargaining, which is competitive and interest-based bargaining or principled negotiation, which is primarily cooperative. One can also make the distinction between soft, hard, and principled negotiation, the

latter of which is neither soft, nor hard, but based on cooperative principles which look out for oneself as well as one's opponent.

The most important factors that determine whether an individual will approach a conflict cooperatively or competitively are the nature of the dispute and the goals each side seeks to achieve. Often the two sides' goals are linked together, or interdependent. The parties' interaction will be shaped by whether this interdependence is positive or negative, according to Deutsch:

Goals with positive interdependence are tied together in such a way that the chance of one side attaining its goal is increased by the other side's attaining its goal. Positively interdependent goals normally result in cooperative approaches to negotiation, because any participant can "attain his goal if, and only if, the others with whom he is linked can attain their goals."

On the other hand, negative interdependence means that the chance of one side attaining its goal is decreased by the other's success. Negatively interdependent goals force competitive situations, because the only way for one side to achieve its goals and "win" is for the other side to "lose."

In the process of negotiation the tension that exists between cooperation and competition in negotiation is known as "The Negotiator's Dilemma:"

If both sides cooperate, they will both have good outcomes.

If one cooperates and the other competes, the cooperator will get a terrible outcome and the competitor will get a great outcome.

If both compete, they will both have mediocre outcomes.

In the face of uncertainty about what strategy the other side will adopt, each side's best choice is to compete.

However, if they both compete, both sides end up worse off.

In real life, parties can communicate and commit themselves to a cooperative approach. They can also adopt norms of fair and cooperative behavior and focus on their future relationship. This fosters a cooperative approach between both parties and helps them to find joint gains.

Self Assessment Exercise 1

Define negotiation and explain why parties prefer to engage in negotiations

Draw a distinction between positional bargaining and principled negotiation.

4.0 CONCLUSION

In this unit, we have defined negotiations and why oftentimes it is better to engage in negotiations than the alternative of continuing with the dispute. Though, each party will want to get the best out of the negotiations, in reality, a cooperative negotiation outlook is a more productive outcome for all the parties.

5.0 SUMMARY

We have once more revisited the important issue of negotiations in conflict resolution, Note in particular the distinction between positional bargaining and principled negotiation.

6.0 TUTOR-MARKED ASSIGNMENT

What do you understand by the “Negotiator’s Dilemma”? Describe a hypothetical scenario.

7.0 REFERENCES/FURTHER READINGS

Ho-Won Jeng (ed.), 1999 Conflict Resolution: Dynamics, Process and Structures, Brookfield, VT, Ashgate Publishing Co.

Morton Deutsch, 1973 The Resolution of Conflict: Constructive and Destructive Processes, New Haven, CT: Yale University Press.

UNIT 2 INTEGRATIVE OR INTEREST-BASED BARGAINING (PRINCIPLED NEGOTIATION)

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Integrative Bargaining
 - 3.2 Identifying Interest
 - 3.3 Creating Options
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

Integrative bargaining (also called "interest-based bargaining," "win-win bargaining") is a negotiation strategy in which parties collaborate to find a "win-win" solution to their dispute. This strategy focuses on developing mutually beneficial agreements based on the interests of the disputants. Interests include the needs, desires, concerns, and fears important to each side. They are the underlying reasons why people become involved in a conflict. We will examine this in more detail later.

2.0 OBJECTIVES

At the end of this unit you should be able to:

- i. Define integrative or interest-based bargaining;
- ii. Identify collective interests;
- iii. Explain the process of creating new options.

3.0 MAIN BODY

3.1 Integrative Bargaining

Integrative refers to the potential for the parties' interests to be [combined] in ways that create joint value or "enlarge the pie" (the stakes of negotiation). Potential for integration only exists when there are multiple issues involved in the negotiation. This is because the parties must be able to make trade-offs across issues in order for both sides to be satisfied with the outcome.

Integrative bargaining is important because it usually produces more satisfactory outcomes for the parties involved than does positional bargaining. Positional bargaining is based on fixed, opposing viewpoints (positions) and tends to result in compromise or no agreement at all.

Oftentimes, compromises do not efficiently satisfy the true interests of the disputants. Instead, compromises simply split the difference between the two positions, giving each side half of what they want. Creative, integrative solutions, on the other hand, can potentially give everyone all of what they want.

There are often many interests behind any one position. If parties focus on identifying those interests, they will increase their ability to develop win-win solutions. The classic example of interest-based bargaining and creating joint value is that of a dispute between two little girls over an orange. Both girls take the position that they want the whole orange. Their mother serves as the moderator of the dispute and based on their positions, cuts the orange in half and gives each girl one half. This outcome represents a compromise. However, if the mother had asked each of the girls why she wanted the orange -- what her interests were -- there could have been a different, win-win outcome. This is because one girl wanted to eat the meat of the orange, but the other just wanted the peel to use in baking some biscuits. If their mother had known their interests, they could have both gotten all of what they wanted, rather than just half.

Integrative solutions are generally more gratifying for all involved in negotiation, as the true needs and concerns of both sides will be met to some degree. It is a collaborative process and therefore the parties actually end up helping each other. This prevents ongoing ill will after the negotiation concludes. Instead, interest-based bargaining facilitates constructive, positive relationships between previous adversaries.

Self Assessment Exercise 1

What do you understand by integrative or interest – based bargaining?
How does integrative bargaining differ from positional bargaining?

3.2 Identifying Interest

The first step in integrative bargaining is identifying each side's interests. This will take some work by the negotiating parties, as interests are often less tangible than positions and are often not publicly revealed. A key approach to determining interests is asking "Why?" Why do you want that? Why do you need that? What are your concerns? Fears? Hopes? If you cannot ask these questions directly, get an intermediary to ask them.

The bottom line is you need to figure out why people feel the way they do, why they are demanding what they are demanding. Be sure to make

it clear that you are asking these questions so you can understand their interests (needs, hopes, fears, or desires) better, not because you are challenging them or trying to figure out how to beat them.

Next you might ask yourself how the other side perceives your demands. What is standing in the way of them agreeing with you? Do they know your underlying interests? Do you know what your own underlying interests are? If you can figure out their interests as well as your own, you will be much more likely to find a solution that benefits both sides. You must also analyze the potential consequences of an agreement you are advocating, as the other side would see them. This is essentially the process of weighing pros and cons, but you attempt to do it from the perspective of the other side. Carrying out an empathetic analysis will help you understand your adversary's interests. Then you will be better equipped to negotiate an agreement that will be acceptable to both of you.

3.3 Creating Options

After interests are identified, the parties need to work together cooperatively to try to figure out the best ways to meet those interests. Often by "brainstorming" -- listing all the options anyone can think of without criticizing or dismissing anything.

Initially, parties can come up with creative new ideas for meeting interests and needs that had not occurred to anyone before. The goal is a win-win outcome, giving each side as much of their interests as possible, and enough, at a minimum that they see the outcome as a win, rather than a loss.

4.0 CONCLUSION

We cannot but note the fact that integrative bargaining or interest-based bargaining is a superior approach to conflict settlement. The challenge lies in being able to articulate what the collective interests are:

5.0 SUMMARY

In this unit, we have examined integrative or interest-based bargaining as a strategy of principled negotiation. We also examined how this differs from positional bargaining.

6.0 TUTOR-MARKED ASSIGNMENT

Identifying collective interests is a key factor for integrative bargaining. Discuss.

7.0 REFERENCE/FURTHER READINGS

John W. Burton and E. Frank Dukes, 1990 Conflict: Practices in Management, Settlement and Resolution, New York, St. Martins Press.

UNIT 3 THE FRAMES OF NEGOTIATIONS

CONTENTS

1.0 Introduction

- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Understanding the Frames of Negotiations
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

Effective planning is crucial to meeting negotiation objectives. If the parties are to reach a stable agreement, specific events must take place before the parties ever come to the table. Parties must frame the problem, and recognize that they have a common problem that they share an interest in solving. Frames are the conceptions that parties have of the situation and its risks. They allow the parties to begin to develop a shared definition of the issues involved, and the process needed to resolve them.

When the frames of both parties match, they are more likely to focus on common issues and have a common definition of the situation. However, when the frames do not match, communication between the parties is likely to be more difficult. Unless the different outlooks on the problem begin to overlap, it is unlikely that negotiations will be successful.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Explain what framing a problem entails;
- ii. Explain the necessity of planning for negotiation

3.0 MAIN BODY

3.1 Understanding the Frames of Negotiations

If negotiators understand what frame they are operating from and what frame the other is operating from, they may be able to shift the conversation and develop common definitions. The way in which parties define the problem can shape the rest of the planning process. In the early stages of framing, negotiators must also determine their goals, anticipate what they want to achieve, and prepare for the negotiation process. They must define the issues to be discussed and analyze the conflict situation. In many cases, negotiators can appeal to research or consult with experts to help them develop a complete list of the issues at

stake. Next, parties should assemble all the issues that have been defined into a comprehensive list. The combined list of issues and priorities from each side determines the negotiation agenda.

Negotiators often exchange and negotiate the list of issues to be discussed in advance. Consultation between negotiators prior to actual negotiation allows them to agree on the agenda of issues to be discussed, as well as the location of the negotiations, the time and duration of the sessions, the parties to be involved in the negotiations, and techniques to pursue if negotiation fails. Negotiators should also agree on principles that will guide the drafting of a settlement, the procedures to be used in negotiations, and the formula by which a general agreement is to be reached.

Discussions about these procedural issues are often crucial for the success of substantive negotiations. If parties cannot agree on negotiation procedures and proposed items for the agenda, they may very well decide to abandon the negotiations altogether.

After assembling issues on an agenda, the negotiators must prioritize their goals and evaluate the possible tradeoffs among them. Negotiators must be aware of their goals and positions and must identify the concerns, desires, and fears that underlie their substantive goals. They must determine which issues are most important, as well as whether the various issues are linked or separate.

In addition, negotiators should be aware of the underlying interests and goals of the other side. Because the linkages between parties' goals often define the issue to be settled, these goals must be determined carefully. If one party wants more than the other party is capable or willing to give, the disputants must either change their goals or end the negotiation.

Once they have determined the relative importance of the issues, parties need to decide the order in which issues should be discussed. Many sequencing options are possible: going from easy to hard, hard to easy, or tackling everything together. Different situations suggest different answers to that question, and different negotiators and mediators prefer one approach to the others.

Negotiators that are operating on behalf of a constituency should consult with their constituents as well as with the other side to ensure that the constituents' needs and priorities are included in the negotiations.

The next step is for negotiators to define specific targets with respect to the key issues on the agenda. Parties should try to figure out the best

resolution they can expect, what counts as a fair and reasonable deal, and what is a minimally acceptable deal. They should also be aware of the strongest points in their position and recognize the strongest points in the other side's position. This enables parties to become aware of the range of possible outcomes and to be flexible in what they will accept. It also improves the likelihood that they will arrive at a mutually satisfactory outcome.

Because negotiations typically involve more than one issue, it is helpful for negotiators to anticipate different ways of packaging issues. They can balance the issues they regard as most important by being more flexible about items they deem less important. They should also decide which items they can abandon and use as leverage to get what they really want with respect to the most important issues.

Planning for negotiation also involves the development of supporting arguments. Negotiators must be able to present supporting facts and arguments, anticipate how the other side will respond to these arguments, and respond to the other party's claims with counter-arguments. This includes locating facts to support one's point of view, determining what sorts of arguments have been given in similar negotiations in the past, anticipating the arguments the other side is likely to make, and presenting facts in the most convincing way possible.

Finally, planning involves assessing the other party's priorities and interests and trying to get a better idea of what that party is likely to want. Negotiators should gather background information about the other party's current needs, resources, and interests. This can be done through preliminary interviews or consultations with those who have done business with the other party in the past.

In addition, negotiators need to understand the other party's objectives. Professional negotiators will often exchange information about targets or initial proposals before negotiations begin. Third, negotiators should be aware of the other party's negotiation style, reputation, and the strategy and tactics they commonly use. They should investigate that party's past behavior in related settings, determine his or her organizational position, and find out whom he or she admires and whose advice carries weight. An individual's past negotiation behavior is a good indication of how he or she will behave in the future. Fourth, negotiators should understand the other party's alternatives. If the other negotiator has strong alternatives, he or she will probably be willing to set high objectives and be willing to push hard for these objectives during negotiation.

Self Assessment Exercise 1

What factors do you consider most important while preparing for negotiations?

4.0 CONCLUSION

The necessity for properly framing the problem and the negotiation agenda and procedure cannot be over emphasized. Quite often, professional negotiators must of necessity gather information about a particular conflict, especially the critical issues underlying the conflict and the key actors involved before the negotiation begins.

5.0 SUMMARY

We have extensively examined what we may want to call Pre-negotiation essentials. This basically involves, amongst others, articulating and framing the key problem, drawing up a realistic negotiation agenda and engaging in a background search of information pertaining to the conflict.

6.0 TUTOR-MARKED ASSIGNMENT

Effective planning is crucial to meeting negotiation objectives. Discuss.

7.0 REFERENCE/FURTHER READINGS

Roger Fisher et. al., 1994 Beyond Machiavelli:Tools for coping with conflicts, Cambridge. MA, Harvard University Press,

UNIT 4 ALTERNATIVE DISPUTE RESOLUTION

CONTENTS

1.0 Introduction

- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Basic ADR Process
 - 3.2 General Advantages and Disadvantages of ADR
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

Alternative dispute resolution (ADR) is a term generally used to refer to informal dispute resolution processes in which the parties meet with a professional third party who helps them resolve their dispute in a way that is less formal and often more consensual than is done in the courts. While the most common forms of ADR are mediation and arbitration, there are many other forms: judicial settlement conferences, fact-finding, ombudsmen, special masters, etc. Though often voluntary, ADR is sometimes mandated by the courts, which require that disputants try mediation before they take their case to court.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Define Alternative Dispute Resolution;
- ii. List the basic ADR Processes;
- iii. Outline the advantages and disadvantages of ADR.

3.0 MAIN BODY

3.1 Basic ADR Processes

Today, ADR is used to settle a variety of disputes in American institutions, including the family, churches, schools, the workplace, government agencies, and the courts. In Nigeria the practice of ADR is much younger but is gaining increasing acceptance.

ADR is not widely used in cases of conflict until those conflicts seem to become ready for resolution. This sometimes happens when the conflict reaches a hurting stalemate -- a situation where it becomes clear that neither side can win; yet, they are being substantially hurt by continuing the struggle.

Ripeness is crucial for ADR processes to work effectively, and ADR has been used in appropriate cases. For example:

Arbitration and negotiation have become common ways to resolve difficult international business disputes;

Mediation and arbitration are now commonly used to settle labor-management disputes that often used to seem like intractable situations;

International mediation has been used to resolve difficult international and ethnic conflicts, with varying degrees of success;

Consensus building has become a popular process for dealing with public-policy disputes, especially intractable environmental disputes.

3.2 General Advantages and Disadvantages of ADR

For many reasons, advocates of ADR believe that it is superior to lawsuits and litigation. First, ADR is generally faster and less expensive. It is based on more direct participation by the disputants, rather than being run by lawyers, judges, and the state. In most ADR processes, the disputants outline the process they will use and define the substance of the agreements. This type of involvement is believed to increase people's satisfaction with the outcomes, as well as their compliance with the agreements reached.

Most ADR processes are based on an integrative approach. They are more cooperative and less competitive than adversarial court-based methods like litigation. For this reason, ADR tends to generate less escalation and ill will between parties. In fact, participating in an ADR process will often ultimately improve, rather than worsen, the relationship between the disputing parties. This is a key advantage in situations where the parties must continue to interact after settlement is reached, such as in child custody or labor management cases.

ADR does have many potential advantages, but there are also some possible drawbacks and criticisms of pursuing alternatives to court-based adjudication. Some critics have concerns about the legitimacy of ADR outcomes, charging that ADR provides "second-class justice." It is argued that people who cannot afford to go to court are those most likely to use ADR procedures. As a result, these people are less likely to truly "win" a case because of the cooperative nature of ADR.

Similarly, critics believe that ADR encourages compromise. Compromise can be a good way to settle some disputes, but it is not appropriate for others. In serious conflicts of values and cases of intolerable moral differences, compromise is simply not an option because the issues mean too much to the disputants. Another concern is that ADR settlements are private and are not in the public record or exposed to public scrutiny. This could be cause for concern in some cases. For example, using ADR to settle out of court could allow a

company to resolve many instances of a defective product harming consumers, without the issue getting any public exposure. On the other hand, a court ruling could force the company to fix all problems associated with the bad product or even to remove it from the market.

4.0 CONCLUSION

Alternate Dispute Resolution is another strategy of settling conflicts in an informal manner. It has its advantages and disadvantages, but is frequently recommended, especially in conflict situations that do not involve value and moral differences.

5.0 SUMMARY

In this unit we have examined what Alternate Dispute Resolution means and defined it. We have also examined ADR processes and critically reviewed the advantages and disadvantages of using ADR in settling disputes.

Self Assessment Exercise 1

What are the advantages and disadvantages of ADR?

6.0 TUTOR-MARKED ASSIGNMENT

Discuss the potential advantages and drawbacks in the use of ADR for conflict resolution.

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MODULE 4

Unit 1: Communication in Conflict Resolution

Unit 2: Basic Standards in International Law and Humanitarian Principles

Unit 3: Early Warning and Preventive Measures

Unit 4: Skills and Methods of Conflict Resolution

UNIT 1 COMMUNICATION IN CONFLICT RESOLUTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 General Principles
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

A wrong word or misconceived message during a conflict is like gasoline on a fire. Inflammatory language is one of the most common causes of conflict escalation. Avoiding the escalation of arguments requires awareness and self-control. An immense amount of embarrassment and pain could probably be avoided if everyone paused before speaking, heeding the advice to "think before we speak." However, in reality, people are not always calm, rational, or careful. We are emotional creatures and, despite better judgment, our style of communication reflects this. Learning certain principles and techniques of communication can counter this tendency: conflicts already charged with emotion can be kept from escalating and even be defused.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Explain the importance of communication in conflict resolution;
- ii. Describe the implications the language of communication in conflict resolution;
- iii. Explain the importance of non-verbal expressions in settling conflicts; and
- iv. Discuss the importance of conveying the right message in conflict resolution.

3.0 MAIN BODY

3.1 General Principles

Listening is the hero of good communication. Communication requires at least two parties: one to speak and one to listen; 'good' communication demands that both parties take turns speaking and listening. Many conflicts drag on because one side will not stop until they feel heard and understood -- sometimes that is all they want. Once they feel they have been understood, the conflict dissipates. At other times, a conflict arises because one side didn't hear what the other said, and replied inappropriately in word or action, or didn't respond at all. If one is going to do only one thing to avoid escalation, it should be to listen carefully and make sure the other party knows they are listened to.

Defining one's terms is helpful even when one is not in a state of conflict. It may seem awkward at first, but a useful first step in a disagreement is to determine each side's relationship to certain words or phrases. For example, what does a word mean to each person? Does it have negative connotations, and if so, why? Does one party have a strong emotional reaction to a particular word? Often, it is taken for granted that the meanings of words are concrete, but many words have slightly different meanings and varying levels of emotional impact to different people. For example, fundamental phrases such as security and respect need to be investigated. What would it take for one party to feel secure or for another to feel respected? One side may think they are according the other respect, when the latter still feels disrespected. If these differences are not uncovered early in an argument each side becomes convinced that the other side is not making sense or not listening or not caring, and any attempts to unravel or deescalate the conflict become increasingly frustrated.

How a message is received, however, depends on much more than semantics. The spoken word is heavily influenced by expression, intonation, or body language. Intonation, or tone of voice, is critical. A single word can carry multiple meanings depending on intonation. Think how many ways one can reply to, "How are you?" with just the word "fine." Depending on one's tone of voice, "fine" can mean both "good" and "bad," as well as, "I'm angry," "Why are you asking?" "I'm tired," or "I'm busy," to name just a few possibilities.

Other nonverbal signals fall under the category of body language, and include expression, posture, and gestures. Slouching conveys a different message than standing upright; pointing at one's audience is different than scratching one's head. The challenge with all nonverbal behavior is to interpret it accurately. Often it is not possible for the "receiver" to know if a yawn signals boredom or lack of sleep. Therefore it is up to the "transmitter" to be aware of all of their communication and to clarify

if necessary. Another potential problem is that body language varies by culture. For example in many Asian countries it is a sign of respect not to look someone in the eye, while in American culture that is taken to be a sign of dishonesty or disinterest.

Finally (and obviously), during any disagreement it is important to exercise common civility. For example, do not insult the other party; do not call them derogatory names or belittle their position; avoid exaggeration and sarcasm; be respectful of those you are dealing with and of their opinions. The harder these practices seem to be in a given situation, the more important they are. If either side has become too emotional to be civil then it is better to wait and continue the discussion when they have had time to calm down.

Self Assessment Exercise 1

“Listening is the hero of communication”, True or false?

4.0 CONCLUSION

Communication is very essential during periods of conflict management and resolution. Good communication, the right message, understanding of non-verbal expressions and differences in culture and in the understanding of issues are necessary to the resolution of conflict. The communication channel must be kept open. Though negotiations may be postponed, it should never be totally abandoned.

5.0 SUMMARY

This unit has examined the role of communication in conflict resolution.

6.0 TUTOR-MARKED ASSIGNMENT

A wrong word or misconceived message during conflict is like gasoline on fire. Discuss.

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UNIT 2 BASIC STANDARDS OF INTERNATIONAL LAW AND HUMANITARIAN PRINCIPLES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives

- 3.0 Main Body
 - 3.1 The Meaning of International Law
 - 3.2 Types of International Law
 - 3.3 The Basic standards of International Law and Humanitarian Principles
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

2.0 INTRODUCTION

This unit will explore the meaning of international law. It will seek to understand the various dimensions of international law, and types of international law. It will distinguish public international law from private international law. It will also examine the basic standards of international law and humanitarianism as they relate to the treatment of refugees, prisoners of war, the under-aged, women and vulnerable groups like minorities. The knowledge of the basics of international is important for purposes of conflict resolution at the international level, that is conflicts involving states or sub-state actors across international boundaries.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Define international law;
- ii. Discuss the types of international law;
- iii. Distinguish between Public and Private international law;
- iv. Explain the basic standards of international law and humanitarian principles.

3.0 MAIN BODY

3.1 The Meaning of International Law

Different writers have defined international law in various ways: Oppenheim, a Standard authority spoke of it in 1905 as “the name for the body of customary and conventional rules which are considered

legally binding by civilized states in their intercourse with each other". He added that, "it is a law for the intercourse of states with one another not a law for individuals" and that it is a law between, not above, the single states". Also Ellery C. Stowell in his writing in 1931 defined "International Law" as embodying certain rules relating to human relations throughout the world, which are generally observed by mankind and enforced primacy through the agency of the government of the independent community into which humanity is divided.

In 1948 Philip C. Jessup wrote that International Law is "generally defined as law applicable to relations between states" but he declared that "there has welled up through the years a growing opposition to this traditional concept". He was so confident that individuals are becoming more and more subject to international law that he outlined a "modern law of nations".

International law is common to all states, it is spoken of as the moral code of state by which people have lived side by side and done business with each other; for it is a body of rules upon which they have agreed so that they survive in peace.

3.2 Types of International Law

They are different types of international law:

- (1) These are the Public and Private international law. Here the international law we have defined is at times spoken of as "public international law". This is to distinguish it from what is known as "private international law", a branch of the law which deals entirely with relations of persons living under different legal systems.
- (2) There is also Admiralty Law, which is the law of maritime commerce. It somehow resembles private international law in that in large part it is concerned with differences between separate national jurisdictions.
- (3) The other is the Administrative Law, which consists of the body of rules growing out of the regulations adopted by international administrative agencies, for example, the Universal Post Union.

There are three sources of international law, treaties, custom and general principles of law. Thus the statute of International Court of Justice (Article 38) stipulates that the Court shall apply:

- (a) International conventions, whether general or particular, establishing rules expressly recognized by the courtesy state.

- (b) International custom, as evidence of a general practice accepted as law.
- (c) The general principles of law recognized by civilized nations.
- (d) Judicial decisions and the teachings of the most highly qualified publicist of the various nations, as subsidiary means for the determination of rules of law.

Self Assessment Exercise 1

What is International law? Discuss the various types of International Law.

What do you consider to be the sources of international law?

3.3 The basic standard of international law and humanitarian principles

There are ten basic standards of international law:

- (1) Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat, especially to potentially vulnerable groups such as children, elderly, women, refugees, displaced persons and members of minority groups.
- (2) Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy.
- (3) Do not use force except when strictly necessary and to the minimum extent required under the circumstances.
- (4) Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.
- (5) Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others.
- (6) Arrest no person unless there are legal grounds to do so and the arrest is carried out in accordance with lawful arrest procedures.
- (7) Ensure all detainees have access, promptly after arrest to their families and legal representative and to any necessary medical assistance.

- (8) All detainees must be treated humanly. Do not inflict, instigate or tolerate any act of torture or ill-treatment, in any circumstances, and refuse to obey any order to do so.
- (9) Do not carry out, order or cover up extrajudicial executions or “disappearances” and refuse to obey any order to do so.
- (10) Report all breaches of these basic standards to your senior officer and to the office of the public prosecutor.

Do everything within your power to ensure steps are taken to investigate these breaches. Having seen the basic standards, we shall now look at the Humanitarian Principles of which these are three in number:

- (1) First we have the humanitarian imperative which prevent and alleviate the suffering of the human being. It protects life and health (improve human condition) and ensures respect for the human being. Implies the right to receive humanitarian assistance and the right to offer it as fundamental to humanitarian principles. It also implies an overall protection approach i.e. the respect of international humanitarian law and human rights.
- (2) Neutrality: Here you are not to take sides in the hostilities or in controversies based on political, racial, religious or ideological identity (non-partisanship/independence). Transparency and openness are key issues to keep neutrality.
- (3) Impartiality: Aid is delivered to all those who are suffering, the guiding principle being only their need and the corresponding rights. Human rights are the basis and the framework for an assessment of needs. The aid community should respond with equal and appropriate assistance, advocacy and action. There should be no discrimination.

Everyone is entitled to equal protection of the law, without discrimination on any grounds and especially against violence or threat. Be especially vigilant to protect persons and members of minority, potentially vulnerable groups such as children, the elderly, women, refugees and displaced persons.

In principle, all members of the international community must promote and protect human dignity and maintain and uphold the human rights of all persons, among which are the following:

Everyone has the right to liberty and security of the person
No one should be subjected to arbitrary arrest, detention or exile

All persons deprived of their liberty have the right not to suffer torture or cruel, inhuman or degrading treatment

Everyone is entitled without any discrimination to equal protection of the law

Everyone has the right to a fair trial

Everyone has the right to freedom of movement

Everyone has the right to peaceful assembly

Everyone has the right to freedom of expression

No person or state may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may they invoke superior orders or exceptional circumstances such as a state of war or threat of war, or political instability or other public emergency as a justification for such acts. Special attention should be given to the protection of human rights of members of potentially vulnerable groups, such as children, the elderly, women, refugees, displaced persons and members of minority groups.

Generally, from the perspective of Standard International Law, the rape of women is considered an act of torture that is not tolerated. Any other forms of sexual abuse may constitute torture or cruel, inhuman or degrading treatment and offenders will usually be brought to justice.

The term “cruel, inhuman or degrading treatment or punishment” should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including holding a detainee in conditions which deprive him or her, even temporarily, of the use of any of his or her natural senses, such as sight or hearing, of his or her awareness of place or passing of time.

Compliance with the other basic standards for law enforcement is also essential safeguards against torture and ill-treat.

A detainee may not be compelled to confess, to otherwise incriminate himself or herself or to testify against any other person. While being interrogated, no detainee may be subject to violent threats or methods, which impair his or her capacity of decision or judgment. Female guards should be present during the interrogation of female detainees and should be solely responsible for carrying out any body searches of female detainees.

Children should be detained only as a last resort and for the shortest possible time. They should be given immediate access to relatives, legal counsel and medical assistance and relatives or guardians should be informed immediately of their whereabouts. Juvenile detainees should be kept separate from adults and detained in separate institutions. They

should be protected from torture and ill-treatment, including rape and sexual abuse, whether by officials or other detainees.

Refugees and asylum seekers detained for non-criminal reasons should never be detained together with common law prisoners. Conditions and treatment should be humane and appropriate to their status as refugees.

4.0 CONCLUSION

The point for us to note is that international humanitarian law has progressed rapidly especially after the Second World War to a stage in which the treatment of all persons and not just the prisoners of war is protected by international humanitarian law. Any nation or any individuals who fails to meet the standards set by this body of laws is liable to international condemnation and possibly trial before the international human rights courts. In summary, the points below should be noted:

Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups.

Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy.

5.0 SUMMARY

In this unit, we have examined the meaning of international law and the types of international law. We also distinguished between public and private international law and perused the issues surrounding the basic standards of international law and humanitarian principles.

6.0 TUTOR MARKED ASSIGNMENT

What do you consider to be the sources of international law?

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UNIT 3 EARLY WARNING SYSTEMS AND PREVENTIVE MEASURES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Early Warning and Preventive Measures
 - 3.2 Early Warning Process
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1.0 INTRODUCTION

In this unit, we shall examine the Early Warning and Preventive Measures for addressing conflicts. This includes the Early Warning Early Response Mechanism and the various components of this. Further, we will examine Early Warning as a system in terms of its elements and revisit Multilateral Preventive Actions by the UN with emphasis on the efforts of the Design and Development Team on Early Warning Early Response.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Explain the five essential elements of early warning and Preventive Measures;
- ii. Describe the elements of the Early Warning process;
- iii. Discuss Multilateral Preventive Actions by the UN; and
- iv. Explain the problems inherent in the implementation of the Early Warning Mechanism.

3.0 MAIN BODY

3.1 Early Warning and Preventive Measures

This is the basis for any operational intelligence system designed to support military operations and the resolution of conflicts. Though with the advent of a post-cold war security system that features mainly

multinational forces, national early warning systems have proved inadequate.

Michael Lund has written extensively on early warning, response and prevention of violent conflict and has argued cogently for more emphasis on and investment in efforts to understand the impacts of preventive/response measures. He outlines the five essential elements to be found in a complete conflict prevention planning and decision cycle, the following is a direct quote:

Conflict diagnosis: What are the distinctive factors that are increasing the possibility of violent conflict in the particular situation, and what capacities already exist there that might manage these factors without violence?

Response identification: What are the various appropriate methods and actions that can reduce these particular sources of conflict and/or improve the functioning of the existing conflict management capacities?

Prior appraisal (prospective evaluation): Which of these responses is likely to actually be effective and implementable?

Implementation: What tasks and actors are required to implement them?

Monitoring and evaluation (retrospective evaluation): What have been the effects of the actions that have been taken?

Element (a) begins with a thorough understanding of existing local capacities as well as deep historical understanding of the roots of the conflict. This means that local civic organizations and their capacities for non-violent conflict resolution need to be central to the process of conflict analysis. Elements (c) and (e) prior appraisal and monitoring and evaluation (PCIA's) build on this and are intended to provide the effectiveness and implementability of preventive responses, either prior to, during, or following a preventive intervention. If preventive action is going to be taken more often in the future, it is imperative that reliable advice be provided to decision-makers as to what is likely to happen if they adopt a certain course of action in given situations. So far, very few existing analyses of specific conflict situations try to, or are able to, back up what they recommend to policy-makers with a sound or at least plausible analysis of whether the recommended actions are likely to work and why. Such advice will never become an exact science and that policy prescription always must rely heavily on informed judgment. Nevertheless, policy advocacy that is based on evaluating past actions and their results in given contexts would be an improvement.

3.2 Early Warning Process

There are five elements of the early warning process. Information tools are the basic building blocks, they include human rights watch organizations, humanitarian NGOs, International NGOs, the UN, international economic organization, the media, state and academics among others and include the mode of collection, the categories for naming and classifying, the standards for evaluation of reliability, the elements of confidentiality that can reconcile the issue of security for the gatherers and finally the mode for transmitting the information.

The second element entails sharing the gathered information. This may involve considerations of security since, typically, NGOs and international agencies are reluctant to share information lest it get back to the states and threaten their workers in those states. There are also the bureaucratic conflict and trying wars that affect all institutions to be navigated.

The third element of early warning as a process entails the analysis and interpretation of the information gathered, this is well influenced by institutional cultures and preconceptions that in turn affect if and how the information will be shared.

The fourth element is the sending phase of the early warning process. This is when it must be decided whether the information warrants sending a signal of increased danger as well as the degree of that danger.

The final step entails the ability to receive the signal, attend to it when it is received, determine the appropriate response and then respond.

Self Assessment Exercise 1

What are the essential elements of the Early warning Process?
Discuss Early Warning as a process?

3.3 Multilateral Preventive Actions

As the Secretary General's report to the General Assembly entitled: "Renewing the United Nations: A Programme for Reform" (A/51/950 of 14 July 1997) indicates, there is an urgent need for a better understanding of the root causes of prevailing multifaceted crises. As such, it is recognized that greater emphasis should be placed on timely and adequate preventive action. As the Secretary-General stated in his report, "the United Nations of the twenty-first century must become increasingly a focus of preventive measures". The United Nations is already maintaining a global watch to detect potential threats to

international peace and security with the objective of supporting the efforts of the Security Council and the Secretary General to deter conflict. Toward this end, it is important to strengthen the professional capabilities of UN staff to support and implement this objective in the areas of early warning and preventive measures.

With the support of funds provided by the British and Italian Governments, a Design and Development Team comprised of representatives of the Department of Political Affairs, the Conflict Analysis and Development Unit of the London School of Economics and the United Nations Staff College was formed (Sep. 1998) to develop a series of pilot courses dealing with Early Warning and Preventive Measures. Following an extensive interview process (Sep. - Oct. 1998) conducted with agencies, departments and programmes that deal with complex emergencies, both in New York and Geneva, design meetings (Oct. & Dec. 1998) were held to prepare the workshop sessions and related materials.

The primary aim of the first and second pilot workshop was to begin the process of building institutional capacity by significantly improving professional and analytical skills and awareness of participants in the area of early warning and preventive action and, as a corollary, by promoting greater mutual exchange and coordination within and between departments and offices dealing with policy and practical aspects of early warning and preventive measures. Since it was a pilot workshop, it also served as an opportunity to test both content and methodological approaches.

The specific objectives of this workshop were to enhance the skills of participants and their capacity at preventing conflicts, which are as follows:

- To identify conflict causes and stages of conflict;
- To structure systematically early warning analysis;
- To identify and integrate a range of preventive measures;
- To use existing mechanisms for early warning analysis;
- To improve quality and effectiveness of policy recommendations;

The core of participants to the workshop included about twenty-two representatives from various UN Agencies such as DPA, OCHA, DDA, UNDP, UNHCHR, UNHCR, UNICEF, WFP, and FAO. You are urged to find out the full meanings of these UN Agencies.

The focus of the workshop could be divided into four main knowledge and skill development areas. The first of these is in the area of analytical processes, related to early warning. Participants began by developing a

joint analysis of the country situation and then assessed root causes and evolving developments that could lead to crisis and perhaps violent conflict. A list of illustrative early warning indicators by category was generated. An analytical step in this process was the development of risk scenarios, which, through the combined impact of several factors, could lead to a range of possible outcomes.

The second knowledge area is reflected in the emphasis on and support of cooperation and coordination among participants from different sections of the UN family that characterized all the working sessions.

The third area of focus was on joint planning and decision-making. Building on the outputs generated in the analytical sessions, the participants identified and discussed a range of possible preventive measures that might be employed to address the changing circumstances outlined in a risk scenario. A unique feature of this workshop was that it brought together UN staff from their respective headquarters and the field, dealing with humanitarian, political and practical issues. The sharing of different approaches to conflict prevention and the discussions that led to the identification of potential options for preventive measures was a highlight of the workshop. The mechanisms and overall process of decision-making in the UN were also explored.

A fourth area of focus was the drafting of recommendations for preventive actions that could, if implemented, positively address the events in evolving scenarios. Each of the three groups outlined one of several possible scenarios and presented a policy brief containing the results of their analysis and a set of recommendations identifying actions that might be taken by the UN system. Each team had the opportunity to play the role of the ECPS providing feedback on the policy options outlined by another team.

As a pilot, the workshop also focused on obtaining feedback from participants on content and methodologies. In addition to written feedback on daily sessions and a written evaluation of the overall workshop, the Design and Development Team met each day with representatives of the three country groups and conducted sessions at the conclusion of the workshop to obtain suggestions for improvements in subsequent workshops. The daily feedback meetings were invaluable to the learning process. Based on the response of participants to the content being covered and methodologies being used, adjustments were made to the programme content and schedule to ensure that workshop sessions addressed more effectively participants' needs and interests. The above case study was meant for your understanding as to the necessary steps needed to take in order to avert conflicts in our society.

4.0 CONCLUSION

The final review of the workshop led to a number of conclusions and recommendations. Some of these relate to the overall process of early warning and preventive action. First among these was that a UN system focus on early warning and preventive measures is increasingly important. Secondly, that the process of sharing information, perspectives and analysis across departments, agencies and programmes leads not only to a more comprehensive and qualitative understanding of what are most often very complex circumstances, but, perhaps more importantly, to the identification of a broader range of actions that can be employed to prevent conflict or reduce its impact. Thirdly, while there will always be a need to deal with emergencies, and therefore to have an appropriate rapid response capability, the UN system, in cooperation with other partners including regional organizations and governments, could prevent a greater number of vulnerable situations from reaching emergency proportions.

It was also suggested that additional perspectives be brought into the analytical process. Representatives of regional organizations and NGOs would bring added value to the identification and analysis of early warning factors and to the development of proposed actions to address them.

It is however, important to note that the Early Warning Early Response Mechanism often suffers of problem of coordination, and inability of countries to take immediate action when potential conflicts are identified. Sometimes, this may be as a result of national considerations or incapacity. Even the UN has fallen foul of this, when it failed to act even when all the signs were there of an impending conflict in Rwanda.

5.0 SUMMARY

In this unit, we have examined Early Warning and Preventive Measures and the essential elements of the Early Warning process. We also discussed the Multilateral Preventive Actions being taken by the United Nations to implement the Early Warning Early Response Mechanism.

6.0 TUTOR-MARKED ASSIGNMENT

Discuss the Multilateral Preventive efforts by the United Nations on Early Warning Early Response.

7.0 REFERENCES/FURTHER READINGS

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UNIT 4 SKILLS AND METHODS OF CONFLICT RESOLUTION: MEDIATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Conflict levels
 - 3.1.1 Conflict at the individual level
 - 3.1.2 Current Thinking in Conflict Resolution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the issue of conflict Resolution and conflict Mediation at the different levels of society. We will also examine the current thinking on conflict Resolution styles and the role of Mediation and Negotiation in conflict Resolution. Conflict is a feature of human existence, and as far as human beings interact with each other, conflicts are bound to arise. However, the important thing is to be able to have ways of resolving conflicts depending on the nature of the conflict.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i) Discuss conflict at the individual level;
- ii) Explain the current thinking on conflict Resolution styles;
- iii) Identify the different levels of conflict; and
- iv) Explain the role of Mediation and Negotiation in conflict Resolution.

3.0 MAIN BODY

3.1 Conflict Levels

3.1.1 Conflict at the Individual Level

Beginning from the individual level, many skills needed to help another person are the same or similar to the skills needed to help yourself. The skills of a professional are the skills of a helpful friend. Furthermore, the process of helping others is one of the most therapeutic and enjoyable

things anyone can do. Thus, learning to be a good helper is a way of helping yourself, sometimes called "helper therapy."

The Society of Friends (Quakers) has many great ideas. Two are pacifism (don't settle conflicts with violence) and consensus (don't settle issues without *getting agreement from every person involved*). We live in a society, however, that believes voting is the best way of settling disputes. This method is about trying to achieve a resolution that meets each person's needs as much as possible. This is called a win-win system, in contrast to our court system where one side wins and the other side loses.

3.1.2 Current thinking in conflict resolution styles

Avoiding or denying the **conflict**. Such a person hopes the problem will go away. Usually it doesn't. So, this is a bad approach. But many people take it. Many prefer to **give in** rather than fight. Why? Sometimes they are being a martyr, sometimes scared, sometimes seeking appreciation, etc. In any case, this is another bad approach, because it is unfair, it generates no creative solutions, and usually such an accommodator remains very unhappy.

Some people **get mad and blame** the other person. "You ignored my authority" or "You are totally unfair" or "You've hurt me and I want to get even," etc. Such a conflict becomes an ugly battle in which they must "get their way" and win at any cost (like in a divorce settlement). This is also a terrible approach because it stops all constructive thinking, is unfair (deceitful, threatening, chauvinistic), and produces lasting hostility. Kottler (1994) helps such people learn to avoid blaming.

Other people appear to seek a **compromise**, i.e. find some middle ground and "work out an agreement." That would be wonderful, if it were entirely true, but sometimes a part of this approach is subtle but deftly trying to win more ground than your opponent. The objective becomes trying to prove you are clever or slick. Thus, political or social pressure, misrepresentation, threats-with-a-smile, and so on may slip in, rather than simply seeking an optimal solution for both sides.

A few people can control their anger, competitive, and I-give-up feelings and genuinely seek an innovative, fair, optimal solution for both parties. Take this creative, **integrative** approach if you can.

There are important lessons for us to learn from the experience at resolving conflicts at the individual level. It is not easy to be rational during a conflict. Moreover, it may seem very unlikely that an aggressive person would give up a chance to take advantage of an

avoider or an accommodating person. Yet, in the long-run, the aggressive person would probably be better off if he/she worked out a fair arrangement.

Conflicts are inevitable. They are normal and an integral part of human lives. They can occur on several grounds, international, community and organization, inter-personal (states and ethnic groups etc) depending on our style of addressing the conflict, the outcome can be destructive or constructive often proceeds a request for intervention or training, nevertheless, it still has its own dynamics and features.

Mediators are people – officials or unofficial who get involved in Conflict resolution strategies and skills can be divided into three types:

Skills and processes for intervention in an actual conflict situation (crisis or an ongoing conflict).

Skills to conduct conflict resolution training (the audience can be a group of diplomats, community organizers, educators etc.

While the third is consultation with parties to a conflict through negotiations: Viz –

- a. Helping the parties define the agenda.
- b. Helping identify and reframe the issues.
- c. Encouraging the parties to a common position.
- d. Finding areas of common ground.
- e. Encouraging fair and effective negotiations and sometimes drafting an agreement (that parties have articulated) for parties to sign.

The third party consultation is also a skill of resolving conflict it is focused on the manner in which small groups resolve conflicts, problem-solving discussion between unofficial representative of parties' communities, state or groups engaged in protracted social conflict.

Some steps to prevent conflict – Through mediation:

Start with the right frame of mind.

Have a discussion to understand both sides, problems, conflicts, needs, and preferred outcomes. Be empathic.

Gather all the additional information you need and think of several options or plans for resolving the conflict and satisfying shared interest.

Both sides present plans for resolving conflict; try to integrate the best of both plans or make a fair offer or express a request. Negotiate the difference.

Mediation involves:

- (1) Providing a suitable step for negotiation.
- (2) Encouraging the proper parties to get involved.
- (3) Helping to set ground rules (though the parties are usually involved in this process).

4.0 CONCLUSION

Since conflicts frequently exist in the society. It is imperative for us to have a checklist of ways of addressing it. Though occurring at different levels of human interaction, efforts must be made to keep conflict from exacerbating of the usual quarrels to the use of violence. Some of the ways through which conflict could be resolved include third party Intervention like through Mediation and Negotiation. Nigeria effectively mediated in the three decade old Sudanese conflict by providing her resources, facilities and expertise towards the resolution of the conflict in cooperation with the African Union.

5.0 SUMMARY

In this unit, we have discussed the issue of conflict, and especially its appearance at the different levels in society. We noted the current thinking on conflict Resolution styles and the role of Mediation and Negotiation in conflict Resolution.

We have also examined the various sources of conflict mediator trust, and in particular focused on the possible ways a mediator could build trust during mediation.

6.0 TUTOR-MARKED ASSIGNMENT

Discuss Negotiation and Mediation as ways of resolving conflicts between parties.

7.0 REFERENCE/FURTHER READINGS

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MODULE 5

- Unit 1: Women in Peace Building and Reconstruction
- Unit 2: Protection of Civilians and Vulnerable Groups
- Unit 3: What it Means to Build Lasting Peace
- Unit 4: Peace Building Agent

UNIT 1 WOMEN IN PEACE BUILDING AND RECONSTRUCTION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Post-Conflict Situation
 - 3.2 Post Conflict: Rehabilitation and Reconstruction
 - 3.3 Women, Truth, Accountability and Reconstruction
 - 3.4 Translating Words into Action
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

In this unit, we shall discuss a very important component of peace building and reconstruction- the role of women during conflict and after conflict ends. The experience has been that whereas women and children suffer most during wars, they are usually relegated to the background during peace negotiations and post-conflict reconstruction. This should not be so, because without the input of women in this process arising from their experiences during wars it is impossible to have an effective post conflict reconstruction.

This unit will therefore examine women in peace building and reconstruction focusing on women, peace and constitution making; women in rehabilitation and reconstruction; women, truth, accountability and reconstruction; including the institution of international tribunals to try war crimes against women and the vulnerable.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Discuss women in peace building and reconstruction;
- ii. Discuss women, peace and constitution making;
- iii. Explain the role of women in rehabilitation and reconstruction.
- iv. Explain the challenges women are facing as victims of conflict.
- v. Explain the importance of truth and accountability in post conflict rehabilitation
- vi. Discuss the role of International Tribunals in Post conflict reconstruction

3.0 MAIN BODY

3.1 Post-Conflict Situation Women, Peace Agreements, and Constitution Making

The bitter experiences of women in times of war often make them strong adherents of peace building and constitution making for conflict resolution. However, women's roles in and contributions to conflict resolution are underutilized or wholly ignored in mainstream peace building and constitution making processes. Nevertheless, women all over the world are devising creative and effective strategies to ending wars and building peace.

Throughout history, men have designed Constitutions and women have been invisible, both in the process of constitutional reform and in the content of the Constitutions. A survey of the Constitutions of the world will reveal that most, if not all Constitutions, view women as gendered subjects, i.e. as wives, mothers etc. It is now an accepted fact that the law and legal processes are now being viewed as based on male norms and experiences, and that women's engagement with the law is vastly different than that of men.

We should therefore note the positive changes witnessed in the past decade, where women are now pushing at the envelope of Constitutional law and striving to influence constitutional reform processes. Significant progress and achievements have been made in Somalia and East Timor, amongst others. Also, in Northern Ireland, women have successfully come together in forming their own political party and have effectively raised the profile of women in politics.

3.2 Post-Conflict: Rehabilitation and Reconstruction

Women often face severe obstacles and critical neglect to their needs in the rehabilitation and reconstruction process, as they struggle against discrimination at every level in trying to feed and house their families. Moreover, international donor reconstruction programmes and the distribution of humanitarian aid often fail to take into account the new economic and social roles women must fulfill in the aftermath of war. Their essential needs are thereby inadequately factored in.

We therefore, need to be able to explore the practical needs and strategic interests that are fundamental to women in post-conflict reconstruction. Special attention will also be paid to the new economic roles women carve out for themselves, most often as heads of households.

Conversely, we should note the new challenges faced by women in their new employment, land and property rights, the needs of ex-combatant women, etc. Striking examples in this area is reflected in the post-conflict experiences of personal accounts of female combatants during conflicts. Liberia and Sierra Leone are cases in point.

3.3 Women, Truth, Accountability and Reconstruction

Although rape and other gender-based forms of violence continue to be among the highest committed war crimes during times of armed conflict, they still remain the least condemned. This struggle against impunity must begin with the strengthening of the legal system and its responsibility in bringing perpetrators to justice. Furthermore, addressing the victims' needs and providing proper medical treatment, psychological care and financial compensation is crucial and must be guaranteed. Fundamentally, these crimes must be recognized for what they are – crimes against humanity.

We need therefore to be conversant with the various roles of women in the institutions and strategies for post-conflict truth and reconciliation. In addressing the specific needs of women in the aftermath of violent conflict, especially their need for accountability and justice, attention is called to the issue of comfort women and for example, the Japanese government's legal responsibility for crimes committed over fifty years ago, to the more recent tragedies such as Rwanda's genocide that is now answering to an established war crimes tribunal.

There is a recent report on "Women, War, and Peace," an independent experts' assessment by two remarkable women, Elisabeth Rehn and Ellen John Sirleaf. This report provided a wealth of information on the impact of conflict on women and gave the suffering a human face.

Equally important, it not only provided “ground truth” from Sudan and Liberia to Afghanistan and East Timor on the impact of violence, displacement, trafficking, and other social ills, but also practical suggestions for avoiding the stigma of victimization.

Indeed, what comes through most clearly from this report is the need to view women as much more than victims, and to empower them to make their full contributions at the peace table and in post-conflict reconstruction.

This is not just a question of equity or fairness. We know that bringing women to the peace table improves the quality of agreements reached and increases the chance of success in implementing, just as involving women in post-conflict governance reduces the likelihood of returning to war. Reconstruction works best when it involves women as planners, implementers, and beneficiaries. The single most productive investment in revitalizing agriculture, restoring health systems, reducing infant mortality, and improving other social indicators after conflict is in women’s and girls’ education. Further, insisting on full accountability for actions against women during conflict is essential for the re-establishment of rule of law.

We know these lessons well, but too frequently, in the press of responding to the latest crises, issues related to conflict prevention in general – much less the role of women in this process – get lost in the shuffle. And yet it is precisely in the midst of crises that these issues should take center stage.

From 1995 to 1998, Angola was the site of the world’s largest UN peacekeeping operation. The UN Special Representative of the Secretary General was sensitive to gender issues, and there was an active UN human rights program that forced attention to these issues as well.

Still, when conflict re-emerged in Angola in 1998 and millions of displaced persons were in need of emergency relief programs, the priority was the urgency of getting food to displaced people. This outweighed the focus on women’s participation in the peace process. It was later realized during a meeting of the Joint Peace Commission that brought together the Angolan Government, UNITA, the United Nations, and the troika nations of Russia, Portugal, and the United States, that there was not a single woman at the peace table.

It was therefore recognized that a key component for post-conflict negotiation and reconstruction was missing by not bringing women to the table to plan for the emergency assistance. Using women’s NGOs to

distribute relief; assigning gender advisors to prevent domestic violence as ex-combatants returned to their homes; and ensuring women a seat at the table in the peace talks themselves were realized to be important. These lessons were particularly useful during the political, economic and security reconstruction of Afghanistan. Well-meaning experts – both Afghan and international – told us that the benefits of involving women in this process were outweighed by the risk of alienating anti-Taliban forces and traditional Afghan leaders whose help was needed in the fight against terrorism.

Under President Bush of the United States, women's issues were given a place at the top of the agenda in the efforts in Afghanistan as the full participation of women at the political conference in Bonn, the reconstruction conferences in Washington and Tokyo, and the Loya Jirga in Afghanistan was realized.

One area where we need to do better is insisting on full accountability for actions against women during conflict. Whilst the spirit of reconciliation and forgiveness after peace comes is welcome, but too often, amnesty means that men forgive men for atrocities committed against women. In Angola, for example, the Government and the UNITA rebels provided 13 separate amnesties for each other. Whenever a mass grave was discovered, it was in large part the international community – including the U.N. Human Rights Commission and the embassies of foreign governments – that would go to the site to protect the evidence in anticipation of the day when the Angolan authorities could be persuaded into investigating the matter.

There is no one-size-fits-all approach to transitional justice: whether it is the Truth and Reconciliation Commission in South Africa, the *gacaca* community court system in Rwanda, a human rights commission in Afghanistan under the Bonn agreement, or international tribunals where local courts are inadequate, ensuring accountability is essential to convince men with guns that there is impunity in acting against women. But words alone cannot earn women a seat at the peace table, force financial institutions to provide capital to women entrepreneurs, or ensure adequate protection for women in refugee and displaced situations.

3.4 Translating Words into Action

For example, the Offices of International Women's Issues, Women in Development and Transition Initiatives, and the Bureau of Democracy, Human Rights and International Labor are assisting women's organizations and ministries of women's affairs, promoting women's

rights, and involving women in peace-building and post-conflict political structures.

The Bureau of Population, Refugees, and Migration and the Office of Foreign Disaster Assistance are addressing women's and girls' education, psychosocial trauma, special feeding programs, mother-child health care, and protection services for refugees and internally displaced. In the United States, the Office of Trafficking in Persons is a catalyst within the Government and beyond for new efforts to address this pernicious problem. Within the State Department itself, attention is being paid to issues related to women in conflict in training programs for junior, mid-level and senior officers at our Foreign Service Institute. At USAID, women's issues have taken center stage. USAID recently unveiled the African Education Initiative, which will help train 160,000 new teachers, mostly women, and provide scholarships for 250,000 girls. The Clean Energy Initiative will help address the problem of indoor air pollution from cooking with wood and dung that causes 2 million premature deaths a year globally, especially among women. The Global Food for Education initiative will provide school-feeding programme for 7 million school children, with particular emphasis on girls. Other programmes announced at the World Summit for Sustainable Development in Johannesburg in 2001 for clean water, sanitation, hygiene, small-scale agriculture, and housing also have a direct and immediate impact on women.

And clearly, the United States' announcement of a \$15 billion program over the next five years to fight HIV/AIDS in the most highly affected countries of Africa and the Caribbean will have a dramatic impact on the status of women, especially through programs designed to attach mother-to-child transmission of this deadly virus.

For every picture of a woman speaking to the Loya Jirga in Afghanistan or girls returning to school in that country, there are dozens of countries around the world where women are systematically excluded from peace processes and post-conflict governance, and where girls' access to education, health, and other social services is minimal.

Within many countries, programmes to address these issues are too often adopted on an ad hoc basis. They may be poorly coordinated; they often overlap; and each new effort tends to start from scratch. We can do better in expanding and coordinating these efforts to ensure maximum effectiveness.

Further, there is the need elevate the issue of women in conflict within the foreign policy establishment of the various countries. This issue still suffers from "second-class citizenship." Despite the heavy emphasis placed on these issues you still hear advancement of women's interests

described as the “soft side” of foreign policy, especially by those who have never worked on them.

There is nothing “soft” about going after traffickers who turn women and girls into commodities. There is nothing “soft” about preventing armed thugs from abusing women in refugee camps, holding warlords and other human rights violators accountable for their actions against women, forcing demobilized soldiers to refrain from domestic violence, or insisting that women have a seat at the table in peace negotiations and post-conflict governments.

These are among the **hardest** responsibilities in the foreign policy agenda of various countries and we need to do more to empower those courageous individuals who are dedicated to addressing them.

4.0 CONCLUSION

In the 21st century many including scholars and statesmen have realized that women have not been treated fairly especially during periods of negotiations for Post Conflict Rehabilitation and Reconstruction. Often, men forgive themselves for what they had done to the “enemies” women, but never deem it necessary to compensate the women for the rape, violations and the hardship, which they had to endure for the family while the men were fighting. Through the instrumentalities of the International Human Rights Tribunals, at least, the voices of women can now be heard of what they went through (for those who can tell the story), and how they will like to be compensated (not that compensation will heal the wounds). However, it is increasingly being accepted that telling the truth and hearing the truth of what happened can help heal the wounds more quickly. The point however, remains that women should be an important component of efforts at rehabilitation and reconstruction after conflicts or wars.

5.0 SUMMARY

In this unit, we have extensively discussed women in peace building and reconstruction. In doing this, we examined women and peace; women, peace and constitution making; women in rehabilitation and reconstruction; women, truth, accountability and reconstruction; and the role of International Human Rights Tribunals.

6.0 TUTOR-MARKED ASSIGNMENT

Peace building is incomplete without the participation of women. Discuss.

7.0 REFERENCES/FURTHER READINGS

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UNIT 2 PROTECTION OF CIVILIANS AND VULNERABLE GROUP

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- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 The International Humanitarian Law
 - 3.2 Protection of Children in Conflict
 - 3.3 Geneva Convention and Protocols
 - 3.4 Older Person in Armed Conflict
 - 3.5 Steps taken to redress issues are?
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
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1.0 INTRODUCTION

The reality of millions of civilians caught up in conflict is alarming and civilians are now the main casualties of wars in the world. They are often specifically targeted by warring parties rather than merely being caught up in the fighting. The toll of dead and wounded, particularly among innocent civilians has risen to a level that can be described without any exaggeration as appalling by the Secretary-General of the UN, Koffi Annan. A good example is the plight of civilians used as collaterals in the wave of terrorism around the world and the war being prosecuted against terrorism.

In this unit, we shall examine in particular, International Humanitarian Law on the protection of civilians and vulnerable groups. The plight of children and older persons will be examined in relation to the international instruments for their protection.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

Discuss International Humanitarian Law on the protection of Children and vulnerable groups;

- i Discus International Instruments for the protection of children;

- ii Describe the existing instruments for the protection of older persons;
- iii. Discuss the Geneva Conventions and Protocols.

3.0 MAIN BODY

3.1 The International Humanitarian Law

IHL lays down the minimum protection and standards applicable to situations where people are most vulnerable in armed conflict. It aims to prevent situations that might exacerbate vulnerabilities, such as displacement and destruction of civilian lives and property.

The IHL also demands of belligerents that they respect the distinction between combatants and noncombatants, attack only military targets and use only the degree of violence proportionate to their military requirement while still taking due care to protect civilians and civilian infrastructures. The steps to protecting civilians are:

The IHL which as earlier mentioned lays down the minimum protection and standards applicable to situations where people are most vulnerable in armed conflict and the Geneva conventions and their additional protocols.

This requires combatants to distinguish between those actively engaged in hostilities on one hand and civilians on the others (including the sick, wounded and prisoners of war) on the other. The Geneva protocol demands that civilians distinguish between civilian objects and military objectives.

3.2 Protection of Children in Conflict

Both in international and non-international armed conflicts today there is tendency towards disregard for the most fundamental humanitarian rules which many times result in discriminating and horrifying attack on the civilian population, especially children.

As one of the most vulnerable in armed conflicts children are therefore more than ever in great need of protection.

Under IHL children are entitled to the general protection for civilians in armed conflicts, but owing to their particular vulnerability they are also entitled to special protection.

International legal instruments are important tools to protect children in armed conflicts and there are several provisions in international conventions that grant children special protection adapted to their needs. Some of the most important instruments are from the Geneva

Convention of 1949 to the optional protocol to the Convention on the Right of the Child of 2000.

3.3 Geneva Conventions and Protocols

There are several principles as the protection of a child in armed conflict; already the four Geneva Convention of 1949 and their Additional protocols of 1977 contain many children – specific provision. Two general principles are laid down in Article 77 in Protocol 1 and in Article 4 Protocol 4. They state that:

- (1) Children shall be the object of special respect and be protected against any form of indecent assault;
- (2) Children shall be provided with care and aid they require;
- (3) Children must be evacuated from besieged or encircled areas;
- (4) Children have a right to receive care and aid by the dispatch of medicines;
- (5) They have a right to the maintenance of their cultural environment to education and the preservation of family unity;
- (6) It is prohibited to impose the death penalty on children under 18 years of age;
- (7) If detained or internal, they must be held in quarters separate from the quarters of adults; and (8) it is prohibited to recruit children less than 15 years into the armed forces, etc.

3.4 Older Persons in Armed Conflict

Older persons are weak persons who can hardly help themselves, in armed conflict they need the help of others in order to survive. In armed conflict they are exposed to great danger like other civilians but in addition, they have vulnerabilities and needs associated with ageing that place them at greater risk. However, their special situation has been insufficiently recognized and addressed by humanitarian intervention targeted to vulnerable groups generally. More over, lack of understanding, even prejudice towards older women and old men often results in devaluation of their unique capacities and contributions and of the role they can and do play in the care of dependants, the mitigation of emergencies and the recovery of war-torn societies.

3.5 Steps taken to redress issues are

In 2001, the UN High Commission for Refugees adopted a policy on older-persons;

In 2002, the Second World Assembly on Ageing adopted specific policy commitments concerning older persons in emerging situation although much still needs to be done both in terms of making older persons visible and in ensuring that their specific needs for protection and

assistance are met. The Security Council can play an important role in mainstreaming concern for older persons.

These people are entitled to equal protection under international human rights and humanitarian law as members of the general population.

Self Assessment Exercise 1

What are the general provisions of the Geneva Conventions and Protocols as they relate to the protection of children and older persons?

4.0 CONCLUSION

The Security Council adopted an *aide memoire* on March 2002 (S/PRST/2002/6) as a means to facilitate its consideration of issues pertaining to protection of civilians and decided to review and update the document as appropriate. The aide memoire contains a section on vulnerable populations in general but does not contain specific reference to older persons.

In view of the fact that the international community has increasingly recognized the plight of old persons as an important emerging issue, it is recommended that the Security Council include this set of issues as an additional objective in a revision of its aide memoir.

The greater danger that occurs to the vulnerable groups in armed conflict has led the United Nations, the International Committee for Red Cross, regional organizations and many other international agencies increasingly to dedicate greater attention to protecting civilians in ongoing armed conflicts. The UN Secretary-General has called for the establishment of a culture of protection.

5.0 SUMMARY

We have examined the issue of the protection of civilians and vulnerable groups during conflicts. In doing this, we examined International Humanitarian Law on this matter and the instruments in existence for the protection of children and the aged during conflicts.

6.0 TUTOR-MARKED ASSIGNMENT

Discuss International Humanitarian Law with respect to the protection of children and older persons in armed conflicts.

7.0 REFERENCES/FURTHER READINGS

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UNIT 3 WHAT IT MEANS TO BUILD LASTING PEACE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Understanding Peace Building
 - 3.2 The Structural Dimension Addressing Root Causes
 - 3.3 The Rational Dimension
 - 3.4 The Personal Dimension
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the concept of peace building as a practical approach aimed at bringing sanity back to beleaguered societies. In doing this, we shall seek to determine what really peace building is and distinguish it from Peacemaking and Peacekeeping. In examining the root causes of conflicts, we shall address the structural, relational and personal dimensions to building peace.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. Define what peace building is;
- ii. Distinguish between peacemaking, peacekeeping and peace building;
- iii. Discuss the structural dimension to peace building;
- iv. Discuss the relational dimension to peace building;
- v. Discuss the personal dimension to peace building.

3.0 MAIN BODY

3.1 Understanding Peace Building

It should be noted at the outset that there are two distinct ways to understand peace building. According to the United Nations (UN) document *An Agenda for Peace*, peace building consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation. Peace building is a long-term process that occurs after violent conflict has slowed down or come to a halt. Thus, it is the phases of the peace process that takes place after peacemaking and peacekeeping.

Many non-governmental organizations (NGOs), on the other hand, understand peace building as an umbrella concept that encompasses not only long-term transformative efforts, but also peacemaking and peacekeeping. In this view, peace building includes early warning and response efforts, violence prevention, advocacy work, civilian and military peacekeeping, military intervention, humanitarian assistance, ceasefire agreements, and the establishment of peace zones.

In its narrower sense, peace building is a process that facilitates the establishment of durable peace and tries to prevent the recurrence of violence by addressing root causes and effects of conflict through reconciliation, institution building, and political as well as economic transformation. This consists of a set of physical, social and structural initiatives that are often an integral part of post-conflict reconstruction and rehabilitation.

It is generally agreed that the central task of peace building is to create positive peace, a “stable social equilibrium in which the surfacing of new disputes does not escalate into violence and war”. Sustainable peace is characterized by the absence of physical and structural violence, the elimination of discrimination, and self-sustainability. Moving towards this sort of environment goes beyond problem solving or conflict management. Peace building initiatives try to fix the core problems that underlie the conflict and change the patterns of interaction of the involved parties. They aim to move a given population from a condition of extreme vulnerability and dependency to one of self-sufficiency and wellbeing.

To further understand the notion of peace building, many contrast it with the more traditional strategies of peacemaking and peacekeeping. Peacemaking is the diplomatic effort to end the violence between the conflicting parties, move them towards nonviolent dialogue, and eventually reach a peace agreement. Peacekeeping, on the other hand, is a third-party intervention (often, but not always done by military forces) to assist parties in transitioning from violent conflict to peace by separating the fighting parties and keeping them apart. These

peacekeeping operations not only provide security, but also facilitate other non-military initiatives.

Some draw a distinction between post-conflict peace building and long-term peace building. Post-conflict peace building is connected to peacekeeping, and often involves demobilization and reintegration programmes, as well as immediate reconstruction needs. Meeting immediate needs and, handling crises is no doubt crucial. But while peacemaking and peacekeeping processes are an important part of peace transitions, they are not enough in and of themselves to meet longer-term needs and build a lasting peace.

Long-term peace building techniques are designed to fill this gap; and to address the underlying substantive issues that brought about conflict. Various transformation techniques aim to move parties away from confrontation and violence, and towards political and economic participation, peaceful relationships, and social harmony.

This longer-term perspective is crucial to future violence prevention and the promotion of a more peaceful future. Thinking about the future involves articulating desirable structural, systemic, and relationship goals. These might include sustainable economic development, self-sufficiency, equitable social structures that meet human needs, and building positive relationships.

Peace building measures also aim to prevent conflict from reemerging. Through the creation of mechanisms that enhance cooperation and dialogue among different identity groups, these measures can help parties manage their conflict of interests through peaceful means. This might include building institutions that provide procedures and mechanisms for effectively handling and resolving conflict. For example, societies can build fair courts, capacities for labour negotiation, systems of civil society reconciliation, and a stable electoral process. Such designing of new dispute resolution systems is an important part of creating a lasting peace.

In short, parties must replace the spiral of violence and destruction with a spiral of peace and development, and create an environment conducive to self-sustaining and durable peace. The creation of such an environment has three central dimensions: addressing the underlying causes of conflict, repairing damaged relationships and dealing with psychological trauma at the individual level. Each of these dimensions relies on different strategies and techniques.

Self Assessment Exercise 1

What is a Post Conflict Situation? Distinguish between peacemaking, peacekeeping and peace building?

3.2 The Structural Dimension of Peace Building

The structural dimension of peace building focuses on the social conditions that foster violent conflict. Many note that stable peace must be built on social, economic, and political foundations that serve the needs of the populace. In many cases, crises arise out of systemic roots. These root causes are typically complex, but include skewed land distribution, environmental degradation, and unequal political representation. If these social problems are not addressed, there can be no lasting peace.

Thus, in order to establish durable peace, parties must analyze the structural causes of the conflict and initiates social structural change. The promotion of substantive and procedural justice through structural means typically involves institution building and the strengthening of civil society.

Avenues of political and economic transformation include social structural change to remedy political or economic injustice, reconstruction programmes designed to help communities ravaged by conflict revitalize their economies, and the institution of effective and legitimate restorative justice systems. Peace building initiatives aim to promote nonviolent mechanisms that eliminate violence, foster structures that meet basic human needs, and maximize public participation.

To provide fundamental services to its citizens, a state needs strong executive, legislative, and judicial institutions. Many point to democratization as a key way to create these sorts of peace-enhancing structures. Democratization seeks to establish legitimate and stable political institutions and civil liberties that allow for meaningful competition for political power and broad participation in the selection of leaders and policies. It is important for governments to adhere to principles of transparency and predictability, and for laws to be adopted through an open and public process. For the purpose of post-conflict peace building, the democratization process should be part of a comprehensive project to rebuild society's institutions.

Political structural changes focus on political development, state building, and the establishment of effective government institutions. This often involves election reform, judicial reform, power sharing

initiatives, and constitutional reform. It also includes building political parties, creating institutions that provide procedures and mechanisms for effectively handling and resolving conflict, and establishing mechanisms to monitor and protect human rights. Such institution building and infrastructure development typically requires the dismantling, strengthening, or reformation of old institutions in order to make them more effective.

It is crucial to establish and maintain rule of law, and to implement rules and procedures that constrain the powers of all parties and hold them accountable for their actions. This can help to ease tension, create stability, and lessen the likelihood of further conflict. For example, an independent judiciary can serve as a forum for the peaceful resolution of disputes and post-war grievances.

In addition, societies need a system of criminal justice that deters and punishes banditry and acts of violence. Fair police mechanisms must be established and government officials and members of the police force must be trained to observe basic rights in the execution of their duties. In addition, legislation protecting minorities and laws securing gender equality should be advanced. Courts and police forces must be free of corruption and discrimination.

But structural change can also be economic. Many note that economic development is integral to preventing future conflict and avoiding a relapse into violence. Economic factors that put societies at risk include lack of employment opportunities, food scarcity, and lack of access to natural resources or land. A variety of social structural changes aim to eliminate the structural violence that arises out of a society's economic system. These economic and social reforms include economic development programs, health care assistance, land reform, social safety nets, and programs to promote agricultural productivity.

Economic peace building targets both the micro and macro-level and aims to create economic opportunities and ensure that the basic needs of the population are met. On the microeconomic level, societies should establish micro-credit institutions to increase economic activity and investment at the local level, promote inter-communal trade and an equitable distribution of land, and expand school enrollment and job training. On the macroeconomic level, the post-conflict government should be assisted in the efforts to secure the economic foundations and infrastructure necessary for a transition to peace.

3.3 The Relational Dimension of Peace Building

A second integral part of building peace is reducing the effects of war-related hostility through the repair and transformation of damaged relationships. The relational dimension of peace building focuses on reconciliation, forgiveness, trust building, and future imagining. It seeks to minimize poorly functioning communication and maximize mutual understanding.

Many believe that reconciliation is one of most effective and durable ways to transform relationships and prevent destructive conflicts. The essence of reconciliation is the voluntary initiative of the conflicting parties to acknowledge their responsibility and guilt. Parties reflect upon their own role and behaviour in the conflict, and acknowledge and accept responsibility for the part they have played. As parties share their experiences, they learn new perspectives and change their perception of their “enemies.” There is recognition of the difficulties faced by the opposing side and of their legitimate grievances, and a sense of empathy begins to develop.

Each side expresses sincere regret and remorse, and is prepared to apologize for what has transpired. The parties make a commitment to let go of anger, and to refrain from repeating the injury. Finally, there is a sincere effort to redress past grievances and compensate for the damage done. This process often relies on interactive negotiation and allows the parties to enter into a new mutually enriching relationship.

One of the essential requirements for the transformation of conflicts is effective communication and negotiation at both the elite and grassroots levels. Through both high and community-level dialogues, parties can increase their awareness of their own role in the conflict and develop a more accurate perception of both their own and the other group’s identity. As each group shares its unique history, traditions, and culture, the parties may come to understand each other better. International exchange programs and problem-solving workshops are two techniques that can help to change perceptions, build trust, open communication, and increase empathy. For example, over the course of the Israeli-Palestinian conflict, the main antagonists have sometimes been able to build trust through meeting outside their areas, not for formal negotiations, but simply to better understand each other.

If these sorts of bridge-building communication systems are in place, relations between the parties can improve and any peace agreements they reach will more likely be self-sustaining. (The Israeli-Palestinian situation illustrates that there are no guarantees, however.) Various mass communication and education measures, such as peace radio and TV, peace-education projects, and conflict-resolution training can help parties to reach such agreements. And dialogue between people of various ethnicities or opposing groups can lead to deepened

understanding and help to change the demonic image of the enemy group. It can also help parties to overcome grief, fear, and mistrust and enhance their sense of security.

A crucial component of such dialogue is future imaging, whereby parties form a vision of the commonly shared future they are trying to build. Conflicting parties often have more in common in terms of their visions of the future than they do in terms of their shared and violent past. The thought is that if they know where they are trying to go, it will be easier to get there.

Another way for the parties to build a future together is to pursue joint projects that are unrelated to the conflict's core issues and center on shared interests. This can benefit the parties' relationship. Leaders who project a clear and hopeful vision of the future and the ways and means to get there can play a crucial role here.

But in addition to looking towards the future, parties must deal with their painful past. Reconciliation not only envisions a common, connected future, but also recognizes the need to redress past wrongdoing. If the parties are to renew their relationship and build an interdependent future, what has happened must be exposed and then be forgiven.

Indeed, a crucial part of peace building is addressing past wrongdoing while at the same time promoting healing and rule of law. Part of repairing damaged relationships is responding to past human rights, violations and genocide through the establishment of truth commissions, fact-finding missions, and war crimes tribunals. These processes attempt to deal with the complex legal and emotional issues associated with human rights abuses and ensure that justice is served. It is commonly thought that past injustice must be recognized, and the perpetrators punished if parties wish to achieve reconciliation.

However, many note that the retributive justice advanced by Western legal systems often ignores the needs of victims and exacerbates wounds. Many note that to advance healing between the conflicting parties, justice must be more reparative in focus. Central to restorative justice is its future-orientation and its emphasis on the relationship between victims and offenders. It seeks to engage both victims and offenders in dialogue and make things right by identifying their needs and obligations. Having community-based restorative justice processes in place can help to build a sustainable peace.

3.4 The Personal Dimension of Peace Building

The personal dimension of peace building centers on desired changes at the individual level. If individuals are not able to undergo a process of healing, there will be broader social political and economic repercussions. The destructive effects of social conflict must be minimized, and its potential for personal growth must be maximized. Reconstruction and peace building efforts must prioritize treating mental health problems and integrate these efforts into peace plans and rehabilitation efforts.

In traumatic situations, a person is rendered powerless and faces the threat of death and injury. Traumatic events might include a serious threat or harm to one's family or friends, sudden destruction of one's home or community, and a threat to one's own physical being. Such events overwhelm an individual's coping resources, making it difficult for the individual to function effectively in society. Typical emotional effects include depression and post-traumatic stress disorder. After prolonged and extensive trauma, a person is often left with intense feelings that negatively influence his/her psychological wellbeing. After an experience of violence, an individual is likely to feel vulnerable, helpless, and out of control in a world that is unpredictable.

Building peace requires attention to these psychological and emotional layers of the conflict. The social fabric that has been destroyed by war must be repaired, and trauma must be dealt with on the national, community, and individual levels. At the national level, parties can accomplish widespread personal healing through truth and reconciliation commission that seek to uncover the truth and deal with perpetrators. At the community level, parties can pay tribute to the suffering of the past through various rituals or ceremonies, or build memorials to commemorate the pain and suffering that has been endured. Strong family units that can rebuild community structures and moral environments are also crucial.

At the individual level, one-on-one counseling has obvious limitations when large numbers of people have been traumatized and there are insufficient resources to address their needs. Peace building initiatives must therefore provide support for mental health infrastructure and ensure that mental health professionals receive adequate training. Mental health programmes should be adapted to suit the local context, and draw from traditional and communal practice and customs wherever possible. Participating in counseling and dialogue can help individuals to develop coping mechanism and to rebuild their trust in others.

If it is taken that psychology drives individuals' attitudes and behaviours, then new emphasis must be placed on understanding the social psychology of conflict and its consequences. If ignored, certain

victims of past violence are at risk of becoming perpetrators of future violence. Victim empowerment and support can help to break this cycle.

4.0 CONCLUSION

Peace building is a very complex process that requires the input of many agents or actors. It is therefore important that there is proper coordination amongst the various actors. These include the international organizations, governments, NGOs, statesmen and various individuals. Also, in order to determine the root causes of a conflict and be able to intervene effectively in a post-conflict environment, it is important that attention be paid to structural, relational and personal dimensions to the conflict. This is the only way to achieve results in bringing the society back to sanity.

5.0 SUMMARY

In this unit, we have discussed what it means to build lasting peace. We have also defined post-conflict peace building and distinguished it from peacemaking and peacekeeping. We also examined the structural, relational and personal dimensions to peace building.

6.0 TUTOR-MARKED ASSIGNMENT

- i. What do you understand by peace building?
- ii. “Determining the root causes or the structural dimensions to a conflict is crucial to peace building”. Discuss.

7.0 REFERENCES/FURTHER READINGS

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UNIT 4 PEACE BUILDING AGENTS

CONTENTS

- 1.0 Introduction
- 2.1 Objectives
- 3.0 Main Body
 - 3.1 Peace Building Agencies
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References and Further Readings

1.0 INTRODUCTION

In this unit, we shall examine the role of peace building agents in the effort at bringing peace to a post war environment. Invariably, this will entail our examination of the role of the civil society, the governments, community specialists, religious networks and of course, outside parties like the international organizations.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- i. List the various peace building agents
- ii. Discuss the role of the civil society in peace building
- iii. Discuss the role of community specialists in peace building
- iv. Discuss the role of outside parties in peace building

3.0 MAIN BODY

3.1 Peace Building Agencies

Peace building measures should integrate civil society in all efforts and include all levels of society in the post-conflict strategy. All society members, from those in elite leadership positions, to religious leaders, to those at the grassroots level have a role to play in building a lasting peace. Many apply John Paul Lederach's model of hierarchical intervention levels to make sense of the various levels at which peace

building efforts occur. Because peace building measures involve all levels of society and target all aspects of the state structure, they require a wide variety of agents for their implementation. These agents advance peace building efforts by addressing functional and emotional dimensions in specified target areas, including civil society and legal institutions. While external agents can facilitate and support peace building, ultimately it must be driven by internal forces. It cannot be imposed from the outside.

Various internal actors play an integral role in peace building and reconstitution efforts. The government of the affected country is not only the object of peace building, but also the subject. While peace building aims to transform various government structures, the government typically oversees and engages in the reconstitution process. A variety of the community specialists, including lawyers, economists, scholars, educators, and teachers, contribute their expertise to help carry out peace building projects. Finally, a society's religious networks can play an important role in establishing social and moral norms.

Nevertheless, outside parties typically play a crucial role in advancing such peace building efforts. Few peace building plans work unless regional neighbours and other significant international actors support peace through economic development aid and humanitarian relief. At the request of the affected country, international organizations can intervene at the government level to transform established structures. They not only provide monetary support to post-conflict governments, but also assist in the restoration of financial and political institutions. Because their efforts carry the legitimacy of the international community, they can be quite effective.

Various institutions provide the necessary funding for peace building projects. While international institutions are the largest donors, private foundations contribute a great deal through project-based financing. In addition, regional organizations often help to both fund and implement peace building strategies.

Finally, nongovernmental organizations (NGOs) often carry out small-scale projects to strengthen countries at the grassroots level. Not only traditional NGOs but also the business and academic community and various grassroots organizations work to further these peace building efforts. All of the groups help to address "The limits imposed on governmental action by limited resources, lack of consensus, or insufficient political will."

Some suggest that governments, NGOs, and intergovernmental agencies need to create categories of funding related to conflict transformation

and peace building. Funds are often difficult to secure when they are intended to finance preventive action. And middle-range initiatives, infrastructure building, and grassroots projects do not typically attract significant funding, even though these sorts of projects may have the greatest potential to sustain long-term conflict transformation. Those providing resources for peace building initiatives must look to fill these gaps. In addition, external actors must think through the broader ramifications of their programs. They must ensure that funds are used to advance genuine peace building initiatives rather than be swallowed up by corrupt leaders or channeled into armed conflict.

But as already noted, higher-order peace, connected to improving local capacities, is not possible simply through third-party intervention. And while top-down approaches are important, peace must also be built from the bottom up. Many top-down agreements collapse because the ground below has not been prepared. Top-down approaches must therefore be buttressed, and relationships built.

Thus, an important task in sustaining peace is to build a peace constituency within the conflict setting. Middle-range actors form the core of a peace constituency. They are more flexible than top-level leaders, and less vulnerable in terms of daily survival than those at the grassroots level. Middle-range actors who strive to build bridges to their counterparts across the lines of conflict are the ones best positioned to sustain conflict transformation. This is because they have an understanding of the nuances of the conflict setting as well as access to the elite leadership.

Many believe that the greatest resource for sustaining peace in the long term is always rooted in the local people and their culture. Parties should strive to understand the cultural dimension of conflict, and identify the mechanisms for handling conflict that exist within that cultural setting. Building on cultural resources and utilizing local mechanisms for handling disputes can be quite effective in resolving conflicts and transforming relationships. Initiatives that incorporate citizen-based peace building include community peace projects in schools and villages, local peace commissioners and problem-solving workshops, and a variety of other grassroots initiatives.

Effective peace building also requires public-private partnerships in addressing conflict and greater coordination among the various actors. International governmental organizations, national governments, bilateral donors, and international and local NGOs need to coordinate to ensure that every dollar invested in peace building is spent wisely. To accomplish this, advanced planning and international coordination is needed.

There are various ways to attempt to coordinate peace building efforts. One way is to develop a peace inventory to keep track of which agents are doing various peace building activities. A second is to develop clearer channels of communication and more points of contact between the elite and middle ranges. In addition, a coordination committee should be instituted so that agreements reached at the top level are actually capable of being implemented. A third way to better coordinate peace building efforts is to create peace-donor conferences that bring together representatives from humanitarian organizations, NGOs, and the concerned governments. It is often noted that “peace building world greatly benefit from cross-fertilization of ideas and expertise and the bringing together of people working in relief development, conflict resolution, arms control, diplomacy, and peacekeeping.

Lastly, there should be efforts to link internal and external actors. Any external initiatives must also enhance the capacity of internal resources to build peace-enhancing structures that support reconciliation efforts throughout a society. In other words, the international role must be designed to fit each case.

Self Assessment Exercise 1

Discuss the role of the civil society and international organizations in post-conflict peace building.

4.0 CONCLUSION

There is very little doubt that there are certain agents that are crucial to the process of rebuilding conflict societies. These agents come in various forms, all trying to contribute to the rehabilitation and the reconstruction process. However, whilst some are engaged in addressing immediate problems of the people for life to return to normalcy, others are interested in rebuilding institutions in order to ensure long lasting peace. Therefore, as noted earlier, it is important that these activities be coordinated in such a way that the society gets the best out of the efforts.

5.0 SUMMARY

We have discussed the important issue of peace building agents in post conflict rehabilitation and reconstruction. We noted the roles played by governments, the civil society including community specialists, religious networks, the NGOs and international organizations.

6.0 TUTOR-MARKED ASSIGNMENT

Who are Peace buildings Agents? Discuss the possible role of community specialists in building peace constituencies.

7.0 REFERENCES/FURTHER READINGS

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