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| **AFRICAN INSTITUTES OF PROJECT MANAGEMENT STUDIES**  **[AIPMS] NIROBI-KENYA**  **COURSE STUDY: FORCED MIGRATION STUDY**  **POST GRADUATE DIPLOMA**  **YEAR: 2019**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  **COURSE UNIT FOUR [4]: CONFLICT MANAGEMENT IN FORCED MIGRATION.**  **ATTEMPT QUESTIONS FROM ONE TO FOUR [1- 4]**  **SUBMITTED BY: OKETA DOMINIC LABOKE**  **INDEX NO: 256/003/2019.**  **SUBMITTED TO MODERATOR**  **DATE: ---/---/ 2019**  **SUBMISSION DATE: 01/09/2019 SIGNATURE:** |

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| Briefly describe a conflict you are familiar with and point out how the “parties” have engaged in the conflict using the following headings.   * 1. An expressed struggle   2. Differences in goals   **Case study of Nigeria**  Political divisions among more than 250 ethnic tribes in Nigeria have been created by geographical and religious lines, largely composed of a historically Muslim north and a Christian and animist south. In general, Nigerians have recently lived in relative peace despite the mixture of the 140 million population divided between Muslims and Christians. Yet grievance occasionally arises from indigenous people’s rights versus migrants as to land policies. Religion has become a proxy of many communal conflicts over political power and land. The fissures are so acute that a small tremor for an apparently peaceful community can easily open up an abyss of bloodshed. The country’s Middle Belt has traditionally constituted a hotbed of ethnic and religious violence. Its farmland and grazing pasture have attracted migrants from the more arid north for centuries. In particular, the influx of Muslim Hausa and Fulani people has created uneasy feelings among the original inhabitants of Plateau State who belong to either Christian or animist tribes. The split of political parties along religious lines has recently turned many elections into events of violence. In the December 2008 elections in Jose, the capital of Plateau State, each side charged the other for stealing their victory with cheating being accompanied by random killing and rampaging even prior to the announcement of electoral results.  **Polarization of identities**  The impact of social identity on inter-group interaction is manifested in the emergence of specific behavioral patterns. Identity is jointly negotiated and mutually formed in relationships through communication. In a divisive social situation, relatively uniform modes of communication and interpretation of events and behavior are accepted across group boundaries. A competitive orientation increases ineffective communication with out-groups while promoting group cohesion. In a fight against “enemy” groups, identity suddenly becomes a weapon of ethnic cleansing as seen in former Yugoslavia and Rwanda.  The main reference point in an **inter-group interaction** is based on collectivedistinctiveness marked by ethnicity or other socio-cultural elements. When individuals are regarded as merely representatives of differing groups in intense struggles such as labor negotiations or war, the most significant reference point in inter-personal interaction is based on *group* associations.  **Intra-group differences** are de-emphasized to strengthen internal solidarity. In violent conflict situations, a zeal to guard rigid group boundaries may lead to killing one’s own group members who do not join in conformative behavior. During the Rwandan genocide, many moderate Hutus were killed because of their refusal to be part of violent campaigns against the Tutsis. While a psychological process to reduce complexity, uncertainty, and ambivalence would help sustain a continuing sense of self, a lack of an adaptive learning process (derived from the maintenance of rigid beliefs) develops a frozen sense of tight group boundaries. When one’s group identity is interpreted as zero-sum in a negation with the other, stereotypical out-group images serve as disincentives for seeking new information that can change the negative, monolithic enemy perceptions. The enduring nature of self-identities is supported by a strong emotional dislike and negative images of enemy “others.”  **Inter-personal dispute** resolution strategies do not need to seriously consider either group or cultural influences. Interaction with other group members is not viewed as an inter-personal process once we define it in terms of heterogeneity among groups. De-individuation by which an individual is seen as a group member rather than having their own unique values can lead to dehumanization, eventually justifying aggression. Interactions between inter-group and interpersonal identity are considered a continuum [Tajfel, 1981]. Individuals have different levels of cognitive ability to make sense of the collective self. In fact, one does not necessarily accept all the group values, and may disagree with government policies against “enemy” others. Israeli military helicopter pilots publicly disobeyed the government order to attack civilian residents during the height of the violence in the West Bank and Gaza in the early 2000s.  **Conclusion:**  It is not so effective in resolving non-communicative types of conflicts such as those that are based on differing value systems, where it may even intensify differences and disagreements. In the long run, however, it is better to solve conflicts and take such preventive measures that would reduce the likelihood of such conflicts surfacing again. If there is a single contributory factor that helps in reducing and eliminating negative conflict, it is "trust". Our ability to trust each other has great impact on our working lives, on our family interactions and our achievement of personal and organizational goals. In order to create trust and be trustworthy, it is necessary to avoid aggressive behaviours and at the same time develop supportive behaviours where people are respected for what they are or what they believe in and are treated equally without bias or prejudice. In case, a conflict develops at any level, it should be resolved with mutual benefit in mind.  **Write short notes on any of the following emerging issues in conflict:**  **D]. Globalisation & Conflict**  Globalisation has become a commonly used word as it is widely perceived to be a catalyst for both social and economic change. This term has largely replaced the phrase economic interdependence which refers to a series of international events such as the global integration of economic markets and societies. This paper aimed at providing insights into the interplay between globalisation and conflicts through a theoretical literature. The motivation is drawn from a large number of debates advocating globalisation as being a double edged sword. The main argument is drawn from the Liberal premise that globalization, through integration and economic interdependence dampens the likelihood of conflicts, whilst the opposite holds for Structuralist theorists.  The key highlight from the study is that, different factors exist in determining the relationship between globalisation and conflicts hence furthering the study by means of conducting an evidence based research design is essential in interrogating and extending the current discourse. In this situation once must consider the interplay between conflict and globalization while arguing that the interaction between globalization and conflict is complex. Yet much has been written on how globalization generates or accentuates conflict little has been written on how conflict and globalization interact to produce both positive and negative results.  Many scholars view globalization as a source of, or contributing factor to, conflict and there are numerous case studies of the destabilizing impact of economic and cultural forces, radiating from the West, on local politics and culture in such places as Iran, Sierra Leone, or Indonesia and among others. Globalization, understood broadly, is an accelerator of social change, and may act as a catalyst for conflict, aggravating the tensions in any given society and even creating new ones. At the same time, it may also catalyze and accelerate conflict resolution.  Thus the intensifying interconnectedness which characterizes globalization has unintended consequences for both conflict and peace processes; and here we explore this theme in some depth. After defining what we mean by globalization, we go on to examine its relationship with conflict and its interaction with conflict prevention and resolution. Scholars may view that globalisation has a pacifying effect on conflict as it promotes economic growth and social progress through trade, migration of people and the transfer of information and technology. These factors encourage peaceful relationships amongst countries.  Conflict and Globalisation; Globalization may influence the expression of conflict in a number of ways, including disturbing local events, providing new resources over which to compete, and threatening deeply held values or symbols, to name a few. One particularly troublesome example of how globalization and conflict interact can be found in the story of ‘conflict diamonds’, where diamonds are used to fund military operations. Diamonds have long been valuable commodities.  Conflict Resolution and Globalization, the interaction between the global and the local can create unintended processes of resolution. Through creating new means or motivation for dialogue among contending parties, globalization can be a “spark” for peace.  **Conclusion**  One cannot simply state that globalization will either escalate or de-escalate conflict rather, the manner in which the global and local interact must be considered on a case-by-case basis. Conflict resolution processes such as negotiation, mediation, or other third party processes may also be impacted by globalization.  This is an important question with far reaching implications for globalization discourse and global governance. If it can be demonstrated to be, on balance, negative, then laissez faire is an unacceptable policy stance, and the challenge of channeling at least certain key aspects of globalization in positive directions cannot long be avoided. Thus, more investigation needs to be undertaken into the complex relationship between globalization and conflict escalation and de-escalation.  **What do you understand by conflict management? Citing examples, identify and analyze the conflict management techniques that have been used in forced migration instances?**  Conflict management refer to the practice of being able to identify and handle conflicts sensibly, fairly, and efficiently. Since conflicts in a business are a natural part of the workplace, it is important that there are people who understand conflicts and know how to resolve them. Conflict management is the process of limiting the negative aspects of conflict while increasing the positive aspects of conflict and aim of conflict management is to enhance learning and group outcomes, including effectiveness or performance in an organizational setting.  **Principles:**  In responding to conflict, parties may take different approaches to problems. Whereas fights over land use among neighbors and complaints about late payment of rent can be handled within the existing contract system, serious communal conflicts resist settlement within the existing channels of dispute resolution. Economic and environmental policies may invite resistance from those who are negatively affected, sometimes pitting the government against their constituents. If established institutional mechanisms are available to protect a weaker side, decisions on the award can be rendered in compensation for a legal or contractual violation of rights for example the conflict between Refugees and Host community in Dadaab Refugee Camp.  **Protection of rights:**  The protection of rights can be a main goal in the restoration of justice. Rights-based approaches range from a court verdict and arbitration to grievance procedures. The violation of rights or harm caused by governments, corporations, or other individuals can be rectified by a series of measures comprised of the recognition of past abuses, apologies, compensation, and the reinstitution of the victim’s dignity. Often confrontational strategies need to be adopted if the abusers deny past injustices and continue to harbor antagonistic attitudes toward victims. Support groups can be formed to provide advocacy in defending the legal, moral, and political rights of the abused. Depending on the goals of the parties and nature of issues, arbitration, litigation, and victim– offender mediation can be utilized. If the fairness of judges is guaranteed, the ruling of court procedures can provide remedies for a weaker party. The verdicts on war criminals in former Yugoslavia and Rwanda as well as Liberia have brought justice to those who are responsible for genocidal acts. International Criminal Court prosecutors also issued charges against the Sudanese leader who ordered the attacks which caused the death of many civilians as well as some international peacekeeping soldiers.  **Interests:**  Interests-based bargaining models are suitable for organizational, industrial, matrimonial, and other types of dispute that do not involve widespread violence, confrontations with authorities, or defiance of legal norms. According to some negotiation models [Fisher and Ury, 1983], interest bargaining is favored over contests of power in conjunction with the discouragement of emotions. A compromise which entails a division of losses and gains can be obtained either by negotiation or mediation. Issues are framed in terms of manifest interests, but the process is not appropriate when responding to underlying grievances and deeper concerns or needs. Effective negotiation skills or adequate representation of interests in a bargaining process are essential to guaranteeing a fair outcome. The adequate protection of a weaker party’s interests can help avoid the domination of most powerful parties in bargaining.  **Settlement activities:**  There are a range of approaches to handling conflict from passive avoidance to active engagement. A diverse spectrum of conflict management methods is represented by inaction, informal discussion, negotiation, mediation, arbitration, administrative rules, judicial decision, legislative vote, nonviolent protest, and other direct action. It can be complicated to negotiate opposing interests originating from deeply divided social structures for example, Sri Lanka and Colombia. In resolving differences, the replacement of coercive tactics with persuasion is the most democratic and sustainable way of responding to a conflict. Many conflict resolution methods are geared toward the cultivation of the atmosphere of trust, understanding, and exchange of views that will ultimately lead to an agreement. This process may require a problem solving spirit as well as collaborative communication.  **The United Nation (UN) Charter provides for the use of methods for the ‘pacific’ settlement of disputes and by extension conflicts. Discuss in detail any FIVE such methods with relevant examples**.  The Charter is very precise about the ways and means by which all member states must seek the peaceful settlement of disputes, with the use of force permitted only in self-defense. Despite the injunction to use exclusively peaceful means, states may resort to such counter-measures as are acceptable under international law and the principles of the Charter. However, that counter-measures are in some instances permitted does not negate the fundamental obligation to refrain from the threat or use of force. Several legal texts explain in detail each of the mechanisms put forward; particularly detailed is the manual developed by the UN’s Legal Office, which provides comprehensive descriptions of each procedure. For the purposes of this paper, a brief five overview of the eight main categories is in order negotiation, enquiry, mediation, conciliation, arbitration, international tribunals, regional organizations, and ‘other peaceful means as discuss: -  **The diverse procedural** means favor varied modes of decision making and related attributes. The adequacy of each procedure depends on the conflict’s psychological orientations as well as its substantive characteristics. Voluntary settlement activities such as negotiation and mediation are oriented toward a compromise of interests, but the main tasks of arbitration and litigation are related to the production of fair judgments about the rights and entitlement of disputants. Approaches vary in terms of whether the primary focus will be on resolving substantive issues or managing a relationship. In settling differences in interdependent relationships, a power contest can be substituted for a desire to preserve harmony. Settlement methods are compared more specifically in terms of various degrees of formality, favored communication patterns, as well as types of pursued outcomes. These functions and activities will be covered in a discussion about adjudication, arbitration, mediation, negotiated rule making, and facilitated group processes: -  **Arbitration:**  The most concrete achievement of the 1899 Hague Peace Conference was the establishment of the Permanent Court of Arbitration [PCA], located in the Peace Palace in The Hague. The arbitrator provides disputants with an opportunity to be heard and considers all the presented claims with supporting facts and evidence prior to rendering an award which is final. Communication patterns are characterized by the procedures in which both parties make arguments, respond to the other side, and answer arbitrators’ questions at a hearing. Since participants have to assent to accept the outcome, goodwill, trust, and cooperation between parties are not required. Impartial judgment is the most important reference point of arbitration.  For example, in Sudan and South Sudan; Parties can select their own arbitrators, but the PCA can be called upon to designate or appoint them. In the aftermath of armed conflict in Abyei, the government of Sudan and the Sudan People’s Liberation Movement/Army submitted their dispute to arbitration in July 2008 In settling a territorial dispute between Eritrea and Ethiopia over a border town, this was submitted after the Agreement signed in Algiers on December 12, 2000, an arbitration commission was composed of two members appointed by each country as well as a chair.  **Conciliation or Reconciliation:**  Conciliation combines fact-finding and mediation. A conciliation commission functions not only to engage in enquiry to set out clearly the facts of the case but also to act as a mediator, to propose solutions mutually acceptable to the disputing parties. Such commissions may be permanent, or temporarily established by parties to a particular dispute. The commission’s proposals are not binding, but each party has the option of declaring unilaterally that it will adopt the recommendations. Several international treaties feature provisions for the systematic referral of disputes for compulsory conciliation. The 1969 Vienna Convention on the Law of Treaties articulated a procedure for the submission by states of requests to the United Nations Secretary-General for the initiation of conciliation. The General Assembly adopted resolution containing the United Nations Model Rules for the Conciliation of Disputes between States, which substantiates and clarifies conciliation procedures.  **Mediation:**  Mediation and Good Offices Mediation refers to the offer by a third party of its good offices to the parties to a dispute in the interest of seeking a resolution and preventing an escalation of the conflict. The third party mediator may be an individual, a state or group of states, or an international or regional organization. The function of the mediator is to encourage the parties to undertake or resume negotiations. Mediation is often advocated as a more amicable way of ending conflict than adversarial bargaining. The achievement of mutually satisfactory outcomes in an efficient manner is derived from the opponents’ willingness to be open to meeting the other’s needs and interests. One of the most important aspects of mediation is that the disputants make final decisions on the issue along with a commitment to implementation.  **Regional Agencies or** **Arrangements:**  Under United Nations Charter article 33 leaves scope for the referral of a dispute to ‘regional agencies or arrangements,’ which refers to both regional treaties and regional organizations and their role in dispute settlement is addressed specifically. The United Nation’s dispute settlement manual describes the resolution mechanisms and procedures of the Arab League, the Organization of American States, the Organization of African Unity now reconstituted as the African Union, the Council of Europe, the Conference on Security and Co-operation in Europe now the Organization for Security and Co-operation in Europe [OSCE].  For instance, The Intergovernmental Authority on Development [IGAD] is an eight-country trade bloc in Africa. It includes governments from the Horn of Africa, Nile Valley and the African Great Lakes establishment‎ in ‎January 1986 as IGAD; with the ongoing conflict in South Sudan between forces of the government and opposition forces. In December 2013, President Kiir accused his former deputy Riek Machar and ten others of attempting a coup d'état. IGAD has been involved in resolving regional conflicts  **Conclusion**:  Article 33 of the Charter states that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiation, mediation or other peaceful means, and states that the Council can call on the parties to use such means to settle their dispute. The Repertoire has covered communications from States addressed to the Security Council highlighting prior attempts to resolve situations, discussions relating to the parties’ responsibilities to resolve their conflicts and other related material.  **Work cited:**   1. Julie Dahlitz, ‘Introduction,’ in Peaceful Resolution of Major International Disputes, ed. Dahlitz (New York: United Nations, 1999), 5. 2. See Kofi Annan, Facing the Humanitarian Challenge: Towards a Culture of Prevention (New York: UN, 1999). 3. Bruno Simma, ed., The Charter of the United Nations: A Commentary, 2nd edition, vol. 1 (Oxford: Oxford University Press, 2002), 103. 4. 2005 World Summit Outcome, UN document A/60/L.1, 15 September 2005, paras. 73–76. 5. Simma, The Charter, 108 & Simma, The Charter, 588. 6. General Assembly resolutions 1514 (XV), 14 December 1960 and 1541 (XV), 15 December 1960. 7. See ‘Responsibility of States for internationally wrongful acts,’ General Assembly Resolution A/RES/56/83, 28 January 2002. 8. UN Legal Affairs Office, Codification Division, Handbook on the Peaceful Settlement of Disputes between States (New York: UN, 1992). Also, J.G. Merills, International Dispute Settlement (Cambridge: CUP, 2017). 9. Antonio Cassese, International Law in a Divided World (Oxford: Clarendon Press, 1986), 202. |