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**SCHOOL OF ARTS AND SOCIAL SCIENCES**

**COURSE CODE: PCR771**

**COURSE TITLE: THIRD PARTY INTERVENTION IN CONFLICT  
RESOLUTION**

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## **MODULE 1 INTRODUCTION AND GENERAL BACKGROUND**

Unit 1	Introduction and General Background
Unit 2	Conflict
Unit 3	Definition and Characteristics
Unit 4	Theories of Conflict
Unit 5	Status of Public Policy in Third Party Conflict Resolution in Nigeria

## **UNIT 1 INTRODUCTION AND GENERAL BACKGROUND**

### **CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Economic Development and Conflict
3.2	Poor Allocation of Values in the Society as the Basis of Conflict
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
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### **1.0 INTRODUCTION**

Conflict is a phenomenon that is inherent in every society. But a civilized society will emerge when it is far less susceptible to conflict, and it is able to resolve its generic factors of conflict situations with ease and fewer burdens. For that reason, for example, the term ‘civilized’ is used to describe a society whose members have organized and advanced ways of behaviour, improved standard of social relationships distinct from primitive societies or anti-modern styles of living. There are many ways by which conflicts are resolved in the society. These are formal processes of court system including semi formal and informal strategies. The Alternative Dispute Resolution (ADR) processes comprise semi-formal and the informal criteria: arbitrations, conciliation, mediation, good governance, etc. Each of these has its own peculiarities and not exactly synonymous with one another.

In this course, we will focus on third party intervention in conflict resolution. Third party intervention process is increasingly becoming popular as a result of its consensual and communalistic nature. Although



it will also examine causes of conflict and other issues that impinge on the environment of conflict, the central focus will be dominated by third party intervention in conflict resolution.

Why would conflict exist at all in the society? Why do men seek peace within and after conflict in their societies? Politics and Economy are inextricably mixed, and in any society there will be people who inevitably want to achieve their satisfaction by acquiring power or economic resources, legitimately or illegitimately. Where interest contradicts, there will be conflict. No society can be said to be conflict-free, except that the severity of conflict varies from one society to the other, depending on the sophistry of institutions that manage conflict and allocate values. Conflict stifles economic development.

It is not that we can totally eradicate conflict in the society or that it is so bad that we should not have it at all. Rather, what is important is that conflict is part of every society. From sociological point of view, conflict is a characteristic of every society. People will not accept bland agreement to everything. If they must show displeasure and disagree in some cases, there must be opportunity for resolution. Resolution is the most important aspect, and it constitutes the positive side of conflict.

## **2.0 OBJECTIVES**

At the end of this course unit, the students should be able:

- to draw the relationship between conflict and economy
- to establish that conflict could constitute a generic factor of decline in economic growth, and development and
- To justify this postulation

## **3.0 MAIN CONTENT**

### **3.1 Link between Economic Development and Conflict**

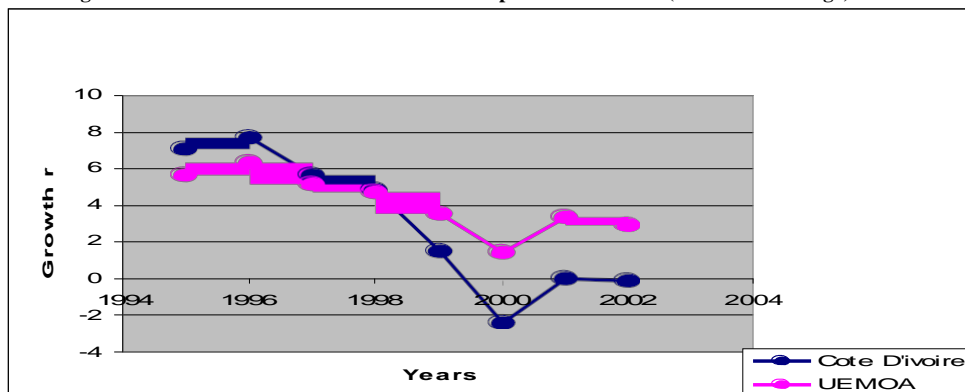
Where civil conflict is high, economic development is often very elusive, and where economic development has attained or is appreciating expansion and high growth rate, conflict is often very low or decreasing. This is not to admit, however, that the ill performance of any economy is all attributed to conflict. Rather, the purpose is to draw a relationship between conflict and economic development where they occur.

Since the far-reaching purpose of peace in the society is economic development and which if interpreted, implies several variables, such as standard of living, quality environment and so on. Conflict is considered

as an obstacle to progress, political stability and economic prosperity as a result of its destructive impact on society (Best 2006).

The figure below shows, for example, the growth rate of Cote d'Ivoire compared with her French economic union counterparts in West Africa (UEMOA). Between 1994 and 2004, when Cote d'Ivoire made little progress in peace building, economic growth rate (which partly implies good standard of living) rose ahead of others, but when conflict escalated, it fell drastically below the UEMOA.

Figure 1: Cote d'Ivoire GDP Growth Rate Compared to UEMOA (Annual % Change) 1994-2004



Source: Extracted from Africa Recovery (A United Nations Monthly Publication), Vol. 17 No 2, July 2003, Page 8

Conflict endangers economic development and overall standard of living. We have alluded to some generic factors of conflict in the society. Other factors could be attributed to religious and ethnic crisis. The causes of inter-state or civil conflict will be discussed in details in the preceding units. This course will focus on conflict settlement with particular reference to third party intervention in conflict resolution. Several merits have been identified as gains of third party mediation processes. Apart from the fact that it brings disputants face-to-face with one another to express their grievances, it helps the third party to understand the mindset of disputants and thus devise strategies to process the dispute.

### 3.2 Poor Allocation of Values in the Society as the Basis of Conflict

Yet another example; the World Economic Forum (WEF) 2004 and 2005 competitive ranking (which usually shows governments' ability to implement public policies and allocate values efficiently in the states around the world and therefore peace, stability and prosperity) indicated that only South Africa (42<sup>nd</sup>), Botswana (48<sup>th</sup>) and Mauritius (52<sup>nd</sup>) in Africa met the average minimum competitive index of 5.0%. The other 50 states were under 3.5%.

Peace and stability are the basis of economic development. They both offer civilized and better standard of living.

Again, there was a very little support for debt cancellation for Nigeria in 2005, when it sought for it from the Paris Club in order to move her economy forward. This was because the international community felt that Nigeria was not a poor country, but just too corrupt to be left off the hook. It claimed that revenues from oil are huge, but misallocation, embezzlement and over-invoicing that generate kickbacks for contract riggers are the order of the day (Ann Pettifor 2005). It is this same problem that the Niger Delta Youths have held as excuses for the conflict in the area.

### **SELF-ASSESSMENT EXERCISE**

One would say that third party intervention helps to quicken judicial processes, but the far-reaching advantage is that it helps to stabilize the society for development. Do you agree?

## **4.0 CONCLUSION**

Broad improvement in the general welfare of the people will not occur unless there is relative peace and stability. The argument does not indicate that poor economic growth rate in societies is caused by conflict alone. Rather, it established that where inter state or civil conflicts are endemic, economic growth rate and other indicators of development are sure to be distorted. It also established that where collective societal resources are cornered or plundered by few for selfish interest, conflict is very likely to be an offshoot or fruits of such situation. The case of Liberia under Late Samuel Doe and the ex-Liberian president, Charles Taylor are lucid examples of misappropriation of state resources for parochial interest or satisfaction of the ruling elite.

## **5.0 SUMMARY**

Development entails opportunities for improving peoples' standard of living, their employment and incomes, health, education and general welfare including environment that is basic to the dignity of human personality. But these are impossible in conflict or war situations. Peace is the basis of development. There cannot be conflict-free society, be it advanced or mega advanced society. What is important is there should be, not only mechanisms that minimize conflict in the society, but also effective and efficient public institutions that allocate resources as well as present fewer burdens of conflict resolution.

Third party intervention in conflict resolution is an emerging alternative

conflict resolution process. The study is designed to equip students with basic understanding of third party intervention in conflict resolution.

## **6.0 TUTOR-MARKED ASSIGNMENT**

Show how states' Economic Development could be affected by civil conflict

## **7.0 REFERENCES/ FURTHER READINGS**

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## **UNIT 2     CONFLICT**

### **CONTENTS**

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- 3.0 Main Content
  - 3.1 Illustration of Social Justice
  - 3.2 Foundation of Conflict Resolution
- 4.0 Conclusion
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- 6.0 Tutor-Marked Assignment
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### **1.0 INTRODUCTION**

The state is a complex abstract phenomenon, but the people of the state appear to be more complex, so that the complexities that bedevil the state are those of men's idiosyncrasies. However, government and their institutions act as the machinery of the state with the powers of resource allocation in the society. Unfortunately, even if these resources adequately exist, they are usually not allocated justly. Not only that the unjust allocation create social conflict, but also the social stratification that the original misallocation have created also create further conflicts.

That is not all. There are those with natural habit to cheat, wrongly exploit and plunder the resources of the society for their own selfish gains.

There are also comprador Bourgeoisies and political representatives who though represent their political constituencies and wards, but are actually representing their personal gains to the neglect and detriments of those they claim to represent.

Proximate to that is globalization, which purports to be uniting the world under new civilization of increasing and sharing global resources and wealth. But what is perhaps worrisome about globalization is that; as we grow and grope in it, those who benefit from the changes tend to be reducing the world to the services of their personalities; and those who do not, see only the threats and minefields of the transformation processes.

In these circumstances of gross economic denials, people would be demoralized and frustrated; people become traumatized by economic and political poverty, so that a link is created between it and four variables namely:

**\*Frustration \* Powerlessness \* Dissatisfaction \* Deprivation**

And Chambers (1995) reminds us that poverty is related to deprivation and powerlessness as much as vulnerability to frustration. Frustration arising from dissatisfaction can cause conflict and aggression

Most of the boy soldiers recruited in the erstwhile destabilized States in the West Africa sub-region, such as Liberia, Sierra Leone, and Cote d'Ivoire etc are powerless young men without education, jobs and means of livelihood. Many of the boys were from poverty stricken homes and believed that war could bring opportunities to them. They carry such aggression into the 'unorganized army rebel groups' to fight rape and steal. Sometimes they fought blindly on the side of ruling government that may be irresponsible and egocentric. Other times, they fight on the side of disgruntled rebel groups and warlords.

The causes of frustration and dissatisfaction among men in the society are not only limited to the denials which political and economic opportunities bring, but also to religious issues. Religious conflicts tend to be subtle where political and economic largesse are distributed on the principles of equity, rule of law and human rights. In general terms, conflict is minimal or absent where institutions of government adequately allocate values. As Isaak (1969) observed, in the United States, we would expect legal governmental institutions to make such decisions and minimize conflict, while in African tribes the activity would probably take place much more informally, without the need for elaborate institutions and may not provide adequate and satisfactory process of distributing resources or beating down conflict.

Thus, government effectiveness that generates from social justice is the basis of preventing conflict in the society. Where a society is not just, there is less likely to be peace, adequate care for environment, poverty eradication, labour protection and social cohesion (Scholte 2000).

**2.0 OBJECTIVES**

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

- understand and appreciate the concepts of conflict and Third Party Intervention in conflict Resolution
- appreciate the environment on which conflict resolution thrives
- appreciate the concepts of social justice as the basis of minimizing as well as managing conflict in the society, and
- be acquainted with the incentives for conflict resolution in the society

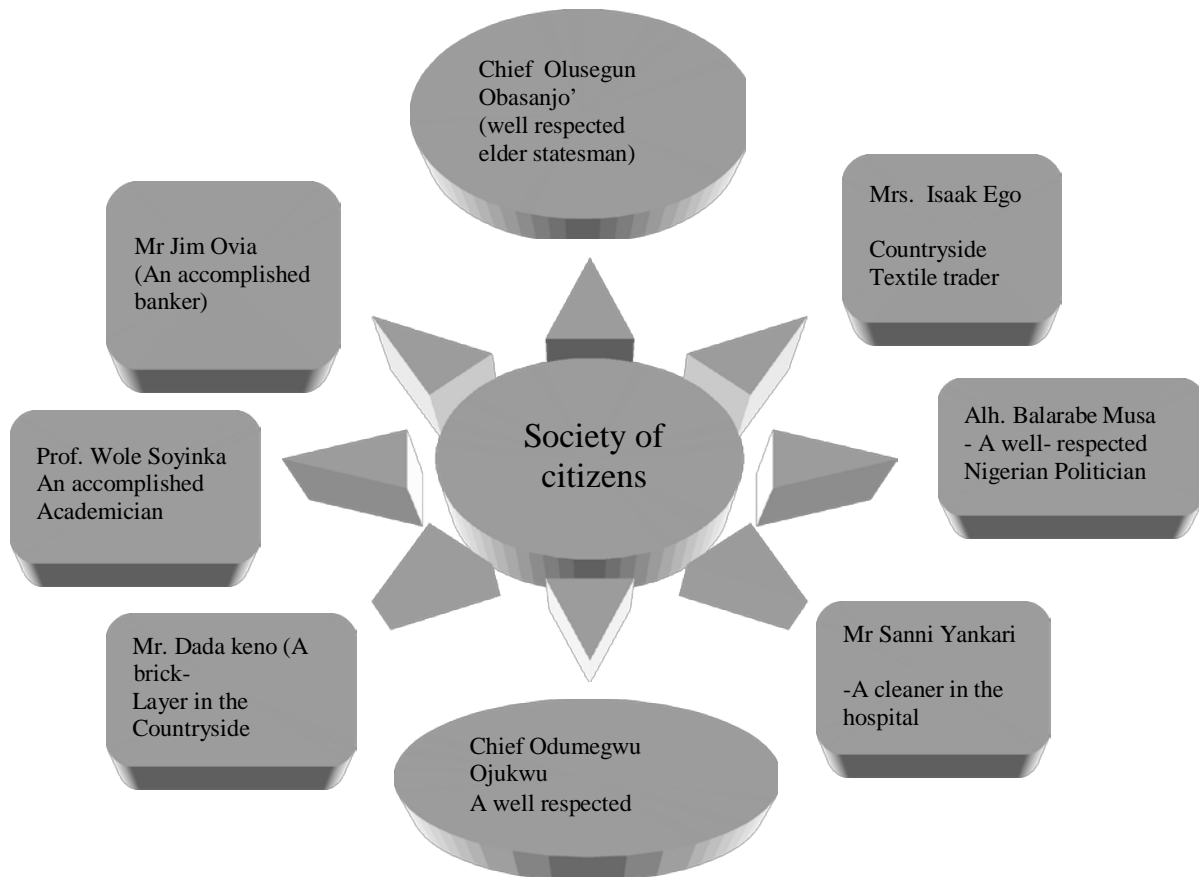
### **3.0 MAIN CONTENT**

#### **3.1 Illustration of Social Justice**

We have alluded to few instances upon which conflict can generate in the society. Another factor, perhaps, one of the most important is when one segment of the society or country tries to dominate the other(s). Lijphart summary of Smith's theory in plural societies vividly reminds us that societies, and in fact, plural societies are synonymous with cultural diversity, which automatically imposes or breeds the temptation of one or more segments attempting to dominate the others. Social justice is important in ameliorating the ills of pluralism.

#### **What is social Justice?**

Social justice is an outcome of common-sense notion of equality. But an idea of equality in the society seems mind-boggling as much as puzzling. If we consider, for example, all members of our communities or families as equal, do we imply that all have same experiences of life, intelligence, economic and social status, integrity, disposition and ability to solve problems appropriately? Can we say, for example, that Professor Wole Soyinka, President Obasanjo, Mr. Jim Ovia, Chief Odumegwu Ojukwu, Alhaji Balarabe Musa, Mrs. Isaak, Mr. Dada Keno and Mr. Sanni Yankari are all equal? We cannot possibly say so.



**Figure 3:** Governing Society of Citizens

**Note:** Some of the names used in the illustration are fictitious, based on imagination.

There are certainly some outstanding and important differences in terms of their achievements, social status and public perception about them as we assume or indicate above. However, seen within the fulcrums of egalitarian and communitarian values, there are certainly no distinctions among them. They are all human beings created with equal inalienable rights, except otherwise any of them have been convicted or found to be a habitual criminal. Plato, however, removed justice and equality from egalitarianism, arguing that justice is to be located in giving each person his due in accordance with their differences. . Axford et. al. (1997) adds a contrary view, insisting that the core issue in equality must be seen as a moral disposition and concern for others that all persons in the society are equal, except on the basis, for example, meritocracy or differential treatment. Miller (1991) had previously held similar arguments, noting that a more subtle view of political equality is required to deal with the difficult problem of justice in the society in order to minimize conflict. He submits that a just society implies that which does not promote the dominance of the wealthy and where all citizens, wherever they are, and whoever they are has right to a certain minimum level of welfare



(inferring from the above governance society of citizens). It is difficult to secure absolute substantive form of equality. This is because individual freedom of industry, excellence and reward may, perhaps, be jeopardized.

The work of Rawls (1971) – “*A theory of Justice*” provides fundamental justification and analytical insights. In Rawls thesis he concedes that, “standard whereby the distributive aspects of the basic structure of society as justice is the first basic virtue of social institutions, as truth is of a system of thought, and a theory however elegant and economical must be rejected if it is untrue, likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust”. We cannot proclaim an existence of a theory if a hypothesis is not verified under well-known scientific procedures. Thus, for a just society that has internal mechanism to resolve conflict to be said to exist, two basic values (1) common acceptance of some principles of justice and (2) common acceptance of some basic institutions that satisfies these principles must altogether exist. Men naturally will disagree on the principles that define their association in their societies because many different kinds of things, such as laws, institutions, social systems, including decisions, judgmental actions would be said to be just or unjust. Rawls proceeds to say that justice is to be located in social justice – “an assessed”, or a social ideal that promotes social co-operation in the society like the social contract as espoused by Lock, Rousseau, and Kant, and which has “the principle of fairness” at the background and where a society is arranged and ordered on a net balance of satisfaction of the sum of all individuals belonging to it. In such society, Rawls argued, there is high expectation of non-violation of natural rights or values. But how do we measure justice? In social justice society, justice is measured by intuition of what seems to be right exactly or near balance. In most basic ways, rules specify certain forms of actions that are permissible and impermissible as well as penalties and defenses. Then, the collective willingness and common acceptance that these rules exist and needs to be obeyed and members treated in one way or the other to follow it without discrimination in social co-operation is called social justice.

There are two basic principles to social justice (a) Each person is entitled to an equal right to the most extensive liberty compatible with liberty to others (b) social and economic inequalities are to be arranged so that they are both (1) reasonably expected to accord everyone due advantage and (2) the attachments to positions and offices are open to all. Yet, Rawls did not exclude substantive institutions of rules and regulations in the administration of justice. As he noted, “by an institution I shall understand a public system of rules which defines offices and positions with their rights and duties, powers and

immunities, and the like”, or “an institution that is realized, effectively and impartially administered”. He anchored cumulative justice (both moral and substantive rules) on efficiency—a redistribution that makes either person better off without making the other worse off. But people may assign efficiency according to their own tastes and preferences, given that men are mere salvage, and injustices are often severely perpetrated, especially by men in politics. Men exhibit their selfishness and egocentrism in politics. But certainly men are not also justified to violate peoples’ natural right by impunity or other means. Such violations are wrong and they are forms of injustices or actions that are impermissible because it violates the collective standards of social institutions. Efficiency according to Rawls is the arrangement of rights and duties in the basic structure such that it is impossible to change rules, increase or vitiate the expectations of person or group of persons without lowering those of others. Much more as substantive regulations are needed, moral obligations and restraints are also important in implementing freedom and social justice.

However, Daniels (1989) critical studies on Rawls, for example, insist, “though people are under natural freedom to pursue their interest and “plan of life” for their betterment, perhaps, because their historical past and future are clearer to them, but we are not bound to chose a plan consistent with our interest designed for the interest of others”. This is very true in our world of freedom, but it to be said that our interests are usually within economic and socio-political realms and in maximizing these economic and socio-political interests, the nature of human selfishness and greediness comes to the open either through wrongful exploitation, cheat or force. The principle of “might is right” might prevail here, but an “insignificant might” is also dangerous as the September 9/11 has proved or as armed robbers often kill rich men. So if we allow too wide inequalities to grow in a social system, society is more at the crossroads than if the gap is closed to significance level.

Erosion and encroachments on rights of citizens in nation-states have brought about deprivation, poverty and then conflict in one state or the other. Civil conflicts also generate from these. The kind of confidence building or nerve-soothing measures for reconciliation is even more complex. This is because people see things in different ways. The resolution that ekes out justice and conciliation in democratic society in South Africa may not work in Nigeria or Liberia. After all, citizens in these countries were exposed to different mental tortures and deprivations. Yet, such deprivations and tortures taken together are not outside economic, physical injuries, assault on human personalities, deaths and emotional breakdowns. The mix of peculiarity and general basis of conflict should have meaning in any conflict resolution.

### 3.2 Foundation of Conflict Resolution

There is no specific or single generally accepted strategy for rebuilding confidence in each of those cases. But Chesterman (2005) writes that the beginning of conflict resolution of such abnormal situation must involve “accountability, truth telling, reconciliation, institutional reforms, good governance and reparations”. In a transitional process of justice, economic consideration (that is how to re-empower deprived citizens) must be listed as an enabling element. Agreeing to make a decision of peace in reconciliatory process requires incentives. As Mankiw (2001:7) writes, “public policy makers should never forget about economic incentives for many policy changes in terms of cost and benefits that people face and, therefore, alter behaviour”. It teaches us further lesson that umpires to conflict resolution must not also ignore telling those in reconciliatory process the dangers (costs) of not embracing reconciliation and peace. Inferring from Ralph Nader’s book (unsafe at any speed), Mankiw stressed that the danger and fear of quick death, driving without seat belt have changed the behaviour of auto drivers. Thus, by providing seat belts in cars automakers have given incentive and culture of thinking about safety around the world. Accountability and truth-telling requires not only courage but also self-denial and moral instincts. Persons or groups who are alleged or convinced to have violated citizens’ rights with those of community may feel potentially disobliged to tell the truth, perhaps, for fear of recriminations, punishment or losing out finally. But truth-telling is a facility that unarguably supports reconciliation, and if truth telling is to truly support reconciliation, it must be removed from political domain or interpreted in politics by other means. As Abel (1995) noted, “if adjudication were truly mechanical there would be no concurring and dissenting opinions—indeed, opinions would be superfluous since the inevitability of the outcome would be transparent, decisions would be absolute; and there would be little need”. It is difficult for wholehearted truth to be told, but reliability on the information at the disposal of the reconciliatory third party can be made richer by creating opportunities for public opinion inputs and fact-finding initiatives. What if the ruling government decides to use legislation to withhold truth as in China in the aftermath of the Tiananmen Square or employ state’s coercive instrument to intimidate truth-telling? A government that employs intimidation or coercive instruments of the state to stragulate facts is only postponing the evil day. If as a matter of necessity that the ruling government has a case to answer as an input to conflict resolution; such input must be made wholeheartedly as a confidence building measure. For example, Fredrick de Klerk- Nelson Mandela’s predecessor knew that the risky search for peace in South Africa would only make meaning when the absolute truth is told. He has the responsibility to admit the truth and show remorse. He did with little or no reservations, and today, the

process of integration and nation-building has started in practical realities in South Africa. Also, on sober reflections of the casualties and 60<sup>th</sup> anniversary of the fall of a-bomb in Hiroshima (Japan), the immediate past Japanese Prime minister, Junichi Koizumi (Japanese Emperor present also present), publicly apologized to China, South Korea and the whole of Asia for the sufferings inflicted on the entire Asians by the Japanese imperial army during the World War II. (Japan Times 7, August 2005) These apologies are certainly not material gifts, but they help to sooth a conscience that was bruised. Of course Japan suffered untold casualties in the war, yet her government owned up with courage to admitting the truth after many protests, especially by the Chinese and Koreans who while reacting in the recent past destroyed Japanese embassies in their countries in reaction.

Conflict resolution is a process that is predisposed to a new beginning. New beginning requires new values that dissolve into civilized community public life. If we deliberately or intentionally ignore the basic truth because of our self-interest, reconciliation is only going to be more complicated by furthering and postponing grievances within democratic fragility in developing states. As Chesterman observed, part of not telling the truth is to ignore the past. Issues on which fence-mending are being sought in West Africa may not have same causal factor as we had in Germany after the World War II or the racial segregation and Apartheid rule in South Africa, or the emerged transitioning states from the defunct communist Russia. Certainly, transitional justice in West Africa must be related to those of South Africa and the Chilean experiences after Augustine Pinochet. Institutional reforms that we speak of here are not only inclusive of writing a new constitution, professionalising and digitizing governance or reforming the civil service, but fundamentally inclusive of consideration of minority rights, the right to economic resources, and for the present government (whether it has good or bad impression of past governments) to express regret for what previous government(s) did wrongly to local people. For example, the 2005 National Political Reforms Conference (NPRC) in Nigeria would had been far more successful if President Obasanjo had during the inaugural ceremony raise some vital issues and apologize to Nigerians on the insensitivity of past governments. Ogoni people, for example, deserves apology, Nigerians deserve apology for frivolous annulment of 1993 general election, the Igbo people deserves apology for series of ethnic cleansing that had been inflicted on them in the north; Peace process must not hold some people above the law; it must not be a superficial exercise of scratching the surface and leaving the substance.

The idea of social justice for conflict resolution is related to the challenge of neoliberalism to balance property rights with those of the

community. Falk (2000) observes that the promotion of human rights in weak states must be seen beyond the market and privatization policies, in which case; only financial elite can invest in the erstwhile state assets. Succession or democratization hardly solve problem of “weak states” or states that have failed – unless it can accommodate the complexities of the people who have to share same political space (Chesterman 2005). The series of peace brokered in Liberia since 1990s when Dr Sawyer was made an interim President supported by the USA, UN and the defunct OAU (AU) culminating in 2004, when the then Liberia President, Charles Taylor left for exile in Nigeria could be said to have failed largely on account of inability to accommodate comprehensive stakeholders interest in Liberia in the process of seeking peace.

### **SELF ASSESSMENT EXERCISE**

Examine the Foundation of social Justice

## **4.0 CONCLUSION**

Conflict is natural with societies. It becomes dysfunctional when it proves unsusceptible to resolution. Conflict resolution is a process that is predisposed to a new beginning. New beginning requires new values that dissolve into civilized community public life. If we deliberately or intentionally ignore the basic truth because of our self-interest, reconciliation is only going to be more complicated by furthering and postponing grievances within democratic fragility in developing states. That is not all. If we deliberately ignore to embrace settlement, has indefinite conflict situation ever produced a condition of civilized form of community living that dissolves into better standards of living and economic development? Rather we should be adding to existing knowledge in conflict resolution with particular reference to third party mediation processes, since it is characteristic of a phenomenon collective interest of all parties to a conflict to find ways to accommodate each other.

## **5.0 SUMMARY**

Conflict resolution in general and third party intervention in resolution in particular is based on some standards. For a just society that has internal mechanism to resolve conflict to be said to exist, two basic values (1) common acceptance of some principles of justice and (2) common acceptance of some basic institutions that satisfy these principles must altogether exist. Men naturally will disagree on the basis of the principles that define their rights and privileges in their societies because many different kinds of things, such as laws, institutions, social systems, including decisions, judgmental actions would be said to be

just or unjust. Rawls analysis says that justice is to be located in **social justice** – “a set of social ideals that promotes social co-operation in the society like the social contract as espoused by Lock, Rousseau, and Kant, and which has “the principle of fairness” at the background and where a society is arranged and ordered on a net balance of satisfaction of the sum of all individuals belonging to it, so that, as much as they invest in such society or as their natural rights allow, they too must take the benefits that comes with it

## 6.0 TUTOR MARKED ASSIGNMENT

Powerlessness and frustration can lead to Conflict; Discuss.

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## **UNIT 3    DEFINITION    AND    CHARACTERISTICS    OF CONFLICTS**

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### **1.0 INTRODUCTION**

There is somewhat general agreement that conflict is basic to every society. It is sometimes said to be a sign of healthy organization of men in the society, especially if its generic implication is to redress injustice. Even in the most economically advanced nations, conflict still take place at one point or the other. The basic truth is that individual's or group's interest differs, and their objectives, values and needs do not always coincide. Bland agreement on everything would be unnatural. Therefore, there should be opportunities for natural clashes of ideas and interests about tasks, projects, public decisions and allocation of values in the society so that the issues are explored and resolved.

Yet extreme cases of conflict in the society or organization can have adverse consequence, especially if the opportunities and tool-kits for resolving such negative behaviour are scarcely available or utilized.

### **2.0 OBJECTIVES**

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

- understand and appreciate the nature and basic characteristics of Conflict
- appreciate the definitions of Conflict
- understand the causes of Conflict
- appreciate basic strategy for discouraging Conflict situation



### **3.0 MAIN CONTENT**

#### **3.1 Definitions and Characteristic Nature of Conflict**

Conflict could be defined as the pursuit of incompatibility of goals by individuals or groups as a result of the inability of social structure to allocate values objectively. Ball (1983) situates conflict as a political process that generates from diversity of choices and distribution of scarce resources in the society.

Stagner (1995) adds that the occurrence of cheat and aggressive behaviour on the part of individuals or groups that leads to the frustration of others may cause conflict.

It is a disagreement that results from the allocation of scarce values or clashes regarding incompatibility of goals. It can also be regarded as disagreement that generates from distributive injustice. There are both positive and negative sides of conflict when it is resolved and when it exist respectively. The positive side can be used to minimize or resolve conflict.

Similarly, the negative can be used to exacerbate conflict. To promote conflict resolution and peaceful co-existence, one important tool is communication. Of course Otite and Albert (1999) have argued that adequate consultation and communication is one of the hallmarks of transforming conflict environment to manageable situation.

Where communication is lacking either as result of the inability of the mediator to initiate it or the principals' blatant refusal to talk to each other, resolution may be difficult. Consultation and communication aims to promote the positive side of conflict and deterring the negative side.



emphasis on point of common interest carries low recognition and co-operation compared to those of parochial interest. In other words, individual or groups' concern on matters of narrow interest tends to narrow opportunities for conflict resolution,

**Parochial interests  
of two groups  
(A & B)**

especially if the parochial goals are such that are '**substandard**' to **common goals**. Thus, where the pursuit of parochial interest is high and at variance to with concern for common interest, conflict manifests and intensifies easily.

### **3.2 Causes of Conflict**

The causes of conflict in societies where it has occurred and where it may potentially take place is similar. The available literature on causes of conflict in the West Africa sub-region, for example, is tied to the struggle for economic resources, boundary disputes, environmental degradation, and struggle for political power between or among ethnic groups, religious sentiments. Elsewhere in Africa, Asia, Central and Eastern European countries and the Americas, the story is the same or similar. For example, the conflict in Liberia in which late Samuel Doe was accused of dominating the government with members of his ethnic Kahn people is much related to tribal sentiments and struggle for political power; the conflict between Nigeria and Cameroun over the oil-rich Bakassi Peninsular, which was concluded in 2006 was as a result of boundary dispute and the accompanying natural resources/economic resources located therein. When in 1990, late Saddam Hussein of Iraq invaded Kuwait (an independent country) and made frantic attempt to annex it, claiming that Kuwait is historically part of Iraq, his motive was most probably informed by two reasons. Firstly, Kuwait is an oil-rich country and if successfully annexed, it will boost Iraq command of global oil influence and resources. Secondly, if successfully annexed, it will broaden the opportunity to anger the West by starving it of oil. The

long-standing disputes between Ethiopia and Somalia on the one hand and Somalia and Kenya on the other hand are related to boundary disputes.

The recurring conflict between China and Japan over fishing territories on what the Japanese calls the Japanese and what the Chinese similarly refers to as the Chinese sea is an issue that is quite related to boundary dispute and control of economic resources. The protracted civil war that bedevils Sudan in the last ten years is connected to tribal and religious sentiments. Thus, causal factors of conflict (whether inter-state or intra state), are quite similar and interconnected with little or no variations. Where the control or share of economic resources constitute the generic factor, it is most likely that it has some elements of boundary disputes, religious interpretations, political undertones or the inhabitants of such area claiming their citizenship on one of the two states or communities. In describing the causes of conflict the world over, the causes are interconnected, and no one factor is entirely independent of the other.

However, we will mention and discuss these factors in specific terms, but in their interdependent nature.

### **3.2.1 Struggle for Political/Economic Resources**

As we had noted, the struggle for economic resources among or between communities or states underscores the genesis of some conflicts. Again these conflicts have overt or covert political definitions. Most inter-tribal wars in West Africa in particular and Africa in general are traceable to this factor. More than 90% of African countries are plural societies. The struggle and partition of Africa (1884-1885) and the tribal wars that follow in attempts to forge out unified societies for the purpose of stability and trade increased the intensity of pluralism in African states. The characteristic nature of plural societies is well-known. First and foremost, a plural society is prone to conflict. A plural society is a society divided by what Harry and Eckstein in Lijphart (1977) call “segmental cleavages”, and it exists where political divisions follow very closely with lines of objective social differentiation, salient in a society. Segmental cleavages may be of religious, ideological, ethnic, cultural and regional definitions. Democracy is regarded as the best political system for galvanizing, promoting justice and equity in plural societies.

When communism retreated in 1989, the concepts of globalization intensified the agitation for democracy in both developed and developing countries. Oppressed communities and people, suppressed conflict and emotions got opportunities for candid and renewed expressions. In the West Africa sub-region, Liberia, Cote d’Ivoire,

Sierra Leone, Nigeria etc, people saw these expressions in different dimensions. The conflict between Nigeria and Cameroun over Bakassi peninsular received wide attention as a result of the availability of petroleum resources and opportunities for commercialised fishing. Prior to the resolution of the conflict at the International Court of Justice (ICJ Hague, 2005), the interests of both parties (Nigeria and Cameroun) and French support to Cameroun in attempting to police the territory was not informed by ordinary interest of annexation and redraw their respective political maps or interest on an expanse of land, rather the real struggle was on economic resources located therein.

The creation of states and location of administrative headquarters of local government areas implies power, positions, resources, and development. In Nigeria, the creation of Warri local government in 1996 generated ethnic conflict between the Itsekiris and the Urhobos. The reason being its location in a city densely populated by the Urhobos and the Ijaws. The term “Warri” is often used to refer to the Itsekiris in the Niger Delta. Thus, creating a local government and calling it Warri local government in a city historically dominated by all the tribes angered the Urhobos. Like the Australian Aborigines, the Itsekiris insists that they are the Aborigines of the Warri city. “Warri belongs to Us” and calling it another name is a misnomer. Revenue allocation comes with local government. The elite have a way of benefiting from this largesse. The opposite ignites conflict. Similarly, the Ife-Modakeke long – standing tribal sentiments generated serious conflict when local government headquarters holding the two towns was located at Ife.

### **3.2.2 Struggle and Claims to Land Ownership**

The struggle, claim to land ownership and usage is directly and indirectly connected to economic factors. Perhaps, the most common generic factor of conflict, especially in Africa in general and West Africa in particular is the struggle for land ownership between or among ethnic groups. The most vivid is the Ife-Modakeke conflict. The Modakekes claimed that they owned the farmland and settlement where they currently cohabit with the Yorubas in a “conterminous” living pattern. And the word ‘Modakekes’ itself is a Yoruba terminology. It seems that, altogether, they are one people of same historical origin who migrated to the present place after the collapse of Oyo empire as well as the invasion by the Fulani religious warriors (the Jihadists). Yet conflict became endemic in this community. The Ooni (the king and progenitor of Yoruba race) and the people of Ife resisted this claim vehemently. Severe disagreement and conflict ensued resulting in lost of many lives and property.

Another related conflict is the Tiv-Jukun controversy. The king of the

Tiv people, Aku-Aka and his people vehemently opposed the idea of stigmatizing them as foreigners, and settlers, instead of aboriginals by the Jukuns in the present Taraba State. Subsequent appointments of a Tiv indigene as the chairman of Wukari local government area and Commissioner to political positions, including some religious interpretations exacerbated the situation. The outcome has been a very tensed conflict in which many lives and properties were lost.

The conflict between the Umuleri and Aguleri communities of Anambra state offers yet another land-related source of conflict. Although the conflict has enjoyed intermittent settlements in the past, old problem often surface at the slightest provocation.

### **3.2.3 Religious/Ethnic-related Factors**

Perhaps, one single and conspicuous sources of conflict in Nigeria as in other states in the East and North Africa are religious sentiments. Orite and Albert reported that the first major religious crisis in Nigeria was the Fagge crisis in Kano in 1982. According to them, the conflict started on the suspicion of the rising ascendancy of Christianity in Kano – a heavily dominated Muslim city of the north. The Christians have attempted to reconstruct a dilapidated church building in Sabon –Gari area of Kano. The Moslems felt that the church should be relocated elsewhere and made several concrete attempts to foil the reality of the reconstruction. The Christians insisted that they were free law abiding citizens of Nigeria, whose inalienable rights include freedom of worship and religion, and association. Thus they obtained police protection and reconstructed the Church. The Muslims consequently reacted violently, burnt down the church and other Christian properties near and far away in the city.

The 1995 Ibo-Fulani conflict at Sabon-gari market in Kano between Mr Arthur Nwankwo and Mallam Abubakar Abdu generated from ethnic sentiments. The former had accused the latter of aiding and abetting a case of theft by some hoodlums who hid some stolen bags in the areas under Abdu's guard. It soon metamorphosed into the Fulani against Ibo conflict in which many lives and property were destroyed. Other related conflict has also taken place between the Hausa-Fulani traders and the Yorubas at the popular Mile 12 market in Lagos (2000). The most recent religious-related conflict was the Muslims' violent reaction to a piece of media cartoon, published in Denmark in 2005, and which they considered as blasphemous of Prophet Mohammed. In violent reactions many churches were set ablaze in major cities in northern Nigeria. Not only were churches burnt down, several Christians of southern Nigeria origin residing in the north, particularly the Ibos resident in those cities were killed. In a swift response to the situation, the Ibos retaliated and

killed several Hausa-Fulani petty traders in Onitsha. The quick intervention of the Federal Government, perhaps, saved the situation.

### **3.2.4 Globalization Processes**

Many would wonder how globalization processes constitute generic factor of conflict around the world. Globalization is a process of economic, democratic and social revolution, which has intensified in an ongoing manner since the fall of communism in 1989. In particular, citizens of many countries more than ever, are demanding political and economic accountability in the hands of their governments and leaders. Reacting to this wind of change, Emeh (2007) asserted that anti-globalization protests and demonstrations have escalated, compelling world leaders to hold their summits in isolated areas. Such protests have taken place in Seattle December 1999; Davos February 2000; Melbourne September 2000; Nice December 2000; Davos-Zurich January 2001; Quebec April 2001; Barcelona June 2001; Gothenburg June 2001; Cancun 2003.

The conflict that generates from the process is of two dimensions. One relates to the conflict of continuous economic divide and marginalization of the poor south by the rich north and to which the above protests and demonstrations are directed. The second, perhaps more specific, are the structural economic reforms currently going on in developing countries in response to World Bank prescription of public sector policy change and management. In many countries including Nigeria, a cut in the size of public sector labour force, for example, resulted in conflict between the government and organized central labour led by the Nigerian Labour Congress.

In Zambia, the President announced in December 2006 that it will not implement the World Bank prescription of increasing consumption tax to avoid major conflict with citizens. Market economy on which the policy change partly focuses does not allocate resources justly. Some citizens benefit more compared with their fellow citizens, sometimes at the expense of the poor in the society.

### **SELF ASSESSMENT EXERCISE**

Globalization is both a blessing and a curse to global society. Do you agree?

## **4.0 CONCLUSION**

The causes of conflicts in the society as we had alluded to include, struggle for political-economic resources; struggle for land and claims of ownership; religious/ethnic-related factors and globalization processes. The desire to achieve socio-economic and political interests in the society create situations of differences. These differences degenerate into the pursuit of incompatibility of goals. Even though conflict has negative impact on societies where they occur, it can as well be a sign of healthy organization of men in the society, especially if it generates a situation to redress injustice. As much as it is important to have conflict in the society, it should be noted that minimizing its occurrence is far much better than having it. Therefore, conflict managers and public institutions that allocate resources in the society should emphasize the promotion of common interest over parochial interests. That does not imply that we can exterminate conflict in the society, because the causes, such as the struggle over political-economy resources, Land disputes, religious-ethnic-related factors including the processes of globalization will remain well with us.

## **5.0 SUMMARY**

The generic effects of poor, visionless and egocentric governance in the West Africa sub-regions are well known. It created, for examples, lack of empowerment and vicious cycle of poverty; it created not only tribal sentiments, but also generated religious consciousness and sentiments. In furtherance to that, it created warlords, economic and political elite that wrongfully stole and exploited collective resources. The consequences include civil disobedience and conflicts in which communities and regions rose against one another. Why are heads of state and government, multilateral and regional organizations, Non-Governmental Organisations, international community citizens and development practice groups, concerned about the negative impact of conflict in societies? They are concerned because conflict destroys societies, economic development and civilized and functional pattern of living. Furthermore, states, organizations and individuals possess the power, network and collaborative partnership resources as well as professional knowledge for accommodating and resolving conflict in the society. Heads of state and government would be disturbed because the existence of such phenomenon (economic underdevelopment and conflict) implies government incapacity and state failures. By incapacity, we mean that formal institutions are weak, corrupt, more informal and politicized, and cannot beat down the generic factors of conflict. Yet states and governments will be concerned if they are responsible and have no selfish interest in the conflict. Religious factor and globalization processes have added to the causal factors of conflict



in the society. However, it is not important that conflict occur in our societies. But what is more important is whether such conflicts are amenable to resolution. Political science and industrial relations studies agree that this is the positive side of conflict in the society. But conflict resolution is based on social justice – an arrangement that makes either parties or persons better off without making the others worse off. If social justice is anything that informs conflict resolution, adequate truth telling, institutional reforms and good governance are important inputs.

The aims and objectives of the study, among other things, are to explore, equip students and practitioners with the theoretical and practical insights of third party intervention in conflict resolution; processes, behavioural norms and personal qualities required to conduct a successful dialogue and negotiation.

The definition of conflict centres on disagreement or incompatibility of goals between or among individuals, groups, states etc, or a struggle over values, status, power and scarce resources in which one group or state tries to neutralize, injure and kill their rivals.

## **6.0 TUTOR-MARKED ASSIGNMENT**

1. What are the concepts and defining characteristics of Conflict?
2. Outline and explain the generic factors of conflict in the society?

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## UNIT 4 THEORIES OF CONFLICT

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### 1.0 INTRODUCTION

The purpose of this unit is to examine the theoretical foundation of conflict and its implications in practical challenges. Third party intervention in conflict resolution is largely a call to practical responsibilities rather than those related to theoretical obligations. However, what leading writers or analysts say about third party intervention and other related styles in conflict resolutions are important aspects of the general understanding and practical resolution of conflict itself. This unit attempts to deal with some theories of conflict.

A theory is an assumption put forward to explain some phenomena. Stoner et.al (1995) states that a theory is a coherent group of assumptions put forth to explain the relationship between two or more observable facts and to provide strong basis for predicting future events.

### 2.0 OBJECTIVES

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

- understand and appreciate the relevance of theory in a study
- appreciate the significance of theoretical justification of practical problem-solving in conflict resolution
- to appreciate causal theoretical factors of conflict, such as economic, biological, psychological etc

### 3.0 MAIN CONTENT

#### 3.1 Theories of Conflict

Theories of social conflict are interrelated just as much as we cannot separate politics, economics and social processes. In other words, no matter the degree by which we attempt to classify theories as structural, biological, economic, political, physiological or otherwise, their causal inter-relationships are inseparable, intertwine and interwoven.

However, political explanation may be more deeply rooted in one particular conflict, such that political solution is also needed more than anything else in attempting to resolve it. Economic or psychological frustration may inform the cause of a particular crisis as well. In such situations, their causal factors must be sought in attempting to address the respective situations. We are, therefore, compelled to reflect on the categorization of Best (2006). According to him, the theories of social conflict include;

##### 3.1.1 Structural Theory

The structural theory of conflict derives its explanatory content from two sources. The first is linked to Karl Marx dialectical school of thought with expanded contributions of Engel and Lenin.

The Marxian conflict perspective holds that there is a structured forms of conflict in the society, which generates from the relationship between those who owns private property and means of production (the bourgeoisie) and those who are separated from this process of materialism, but work for the property class under exploitative and subordinated arrangements (the Proletariat).

Marx takes the argument further that such exploitative and domineering power of the bourgeoisies will evolve into conflict in which the proletariat will in revolutionary revolt overthrow the property class to establish socialist order that put the masses (workers) in control. Workers across national boundaries will merge and the state will wither away since it is only for the support of production processes that state exists. Miliband, Lenin etc, have expanded this, but showed pessimistic view about the liquidation of the state into the advantage possession of the proletariat.

Ninalowo (1996) inferring from Milliband, for example, argued that the state is not only **a form of creation of the property class to perpetuate and remain in the ownership of production process, the state itself is “the source of economic power as well as instrument of it: the state**

**is a major means of production”**. And in the contradictory struggle between the classes, the state is not neutral as it will produce conditions that enhance the ceaseless domination of the bourgeoisie class to perpetuate the capitalist process.

Neo-colonial and development study writers, such as Gunder Frank, Walter Rodney, Samir Amin and Todaro and Smith etc have extended the Marxian position in an attempt to explain dependency and underdevelopment in the countries of the south. Todaro and Smith (2003), for example, observe that the rich capitalist countries of the north are either intentionally exploitative or unintentionally neglectful in the co-existence of rich and poor nations in an international system dominated by such unequal power relationships that makes developing countries incapable of self-reliance. Such an arrangement, it seems, is “an arrested development”. In a situation where the mass majority of world population who live in the south are poor, we cannot possibly admit that we are living in a world system that is presently or potentially peace-driven. Conflict is rather endemic and inherent in it.

The second sources of conflict of structural orientation are linked to those who see the wrong distribution of scarce economic resources of nations as the main generic factor of conflicts. Ross and Kothari in Gaha (2006) respectively likened such factors to **social relationship networks and wrongful distributions of collective scarce resources**. Ross insists that kinship ties and relationship of consanguinity define groupings in the society, and when political, economic and social resources are monopolized by these cultural and biological affinities, it can create conditions that constitutes recipe for crisis and conflict. In Kothari’s explications, exploitation of national resources by some powerful economic, political elite and warlords to the deprivations, frustration and detriments of others in the society can cause conflict. Most conflict in the West Africa sub-region can be linked to such internal contradictions. Today, inter and intra-state conflicts exist out of these contradictions. Consider, for examples, the crises that often mar World Trade Organisation (WTO) conferences, the oil crisis in the Niger-Delta (Nigeria), Aceh (Indonesia) etc.

### **3.1.2 Realist Theory**

The realist theory is mostly associated with the actual behaviour of states in international relations in the pursuits of “national Interest” since, of course, states are the major actors or unit of analysis in the interaction of states. It is also associated with self-interest inherent in human nature in the processes of social relations. So, states like human beings are **“engaged in an inescapable interdependence in world affairs, and no one state can wholly shape it to its own will but to**

**adjust the world to sooth their purpose while adjusting to it'** (Deutsch 1978). Perhaps a more comprehensive analysis of the behaviour of states in terms of self interest (national interests) is found in the work of Hans Morgenthau (1973) entitled **Politics Among Nations**. He insists that the realist philosophy is the key point in understanding the origin of conflict within the global community.

The national interest of states is largely defined by economic reasons at the international arena, and since economy is a system of cost reduction in production and distribution processes and then frugality, states have little or no moral attachment in protecting another state's interest more than its own in the course of pursuing their national interests.

He puts the states as crude exploiters of international public arena in an attempt to maximise resources and better living conditions for its nationals. Put in modern fluid but all embracing terminology, the security of state (Gaha, 2006: 243-244) are the main focus of states at the international scene, and how much you get depends on the power and influence you enjoy in the interactive processes of states. Thus when states strive unscrupulously and dishonestly to exploit the international arena to the disadvantage of others because the gatekeepers are under the powerful influence of most powerful nations, conflict is bound to generate from such process. Gaha Best added that this theory greatly vindicated the militarization of international relations, the arms race as the off-shoot of the deterrence theory and balance of terror. States, therefore, have been elevated as instruments for intimidation and for causing conflict.

### **3.1.3 Biological Theory**

The biological theory see human beings from the crude side of nature, having the innate characteristics of antagonism and destruction, which emanate from crude demonstration of individual might and right. Thomas Hobbes in his Leviathan aptly explained that the sovereign state was preceded by the natural state. Life in the natural state was **"solitary, poor, nasty, brutish and short"**. Might was right and it was characterised by war of everyman against everyman. Such state of nature was also defined in terms of anarchy. The term anarchy conjures up images of chaos or a situation where there is no ruler. People lived in bitterness and crude expression of greed. Hobbes argued that soon men became tired of living this kind of life situation and surrendered their individual rights to the sovereign (state-represented by individuals) who will maintain law and order in the society. Hence, there is modern organization of state and government within the ambit of law and order.

The biological theory contend that even though men have surrendered

their individual right of might to the sovereign state, traces of behaviour of man in “the state of nature” is still found in our everyday life. That conflict in the society is generic of these innate tendencies leading to anger, demonstrations, aggressions, especially when such anger and might coalesced into uniting a group of people. Pockets of many domestic conflicts in many states in West Africa can be attributed to these natural human tendencies. For example, the Military-Police clash in Nigeria 2005 in which many lost their lives has the support of this theory.

Biological theory is also related to the physiological theory, which maintains that human beings have peculiar behaviour when they are under stress and threat or stimulus response to what they see or hear and the way they perceive it.

### **3.1.4 Economic Theory**

Perhaps, the most single undisputed factor of conflict in the society has been anchored in economic disparities among states, between individual or groups. Economic disparities generate from two main sources. Firstly, it may result from the natural accumulation of wealth, such as hard work and frugality in the use of resources well over others.

It may also generate from wrongful exploitation of national resources arising from contradictions of democracy in underdeveloped states by economic and political elite or the activities of Multi-national Corporation (MNCs) with support by their own or host governments. Globalization is partly defined as the process of democratization, which focuses on increasing and sharing world resources together. But the activities of MNCs in their host countries, especially developing states have largely demonstrated that economic resources are in the hands of elite who manipulate the ordinary people.

Moreso, the international political economy arrangement leaves weak states perpetually dependent on advanced industrial economies. For example, the European Union (EU) Common Agricultural Policy (CAP) is detrimental to the entry of African agricultural products into the European markets (Hasset and Shapiro, 2003). Other less developed states including those in economic transition have also been affected. In response, protests, crisis and demonstrations have greeted each WTO conference till date.

### **3.1.5 Psycho-Cultural Theory**

Cultural ethnocentrism has been linked to sources of conflict in the society. Cultural ethnocentrism believes that their culture is superior to

any other culture irrespective of whether they are presently in their own countries or host states. Consequently, anything that goes contrary to their culture can be a source of conflict. The theory contends that ethnic or racial images of deep-rooted nature can become sources of conflict in the society, especially in multi-ethnic or plural societies where public institutions or public policies that guarantee tolerance of polycentric culture are inadequate.

The theorists insist that a protracted conflict that takes a long time to resolve becomes a possibility when one group is coincidentally found in it, and at the same time denied or discriminated against in the distribution of economic largesse in the society. The impetus to the existence of such conflict may be attributed to fears of domination, under-estimation and extinction by one group. The Itsekiri – Urhobo conflict in which many people lost their lives in Warri in 2004 may partly be vindicated by this theory.

Closely associated with the psycho-cultural theory is the relational theory. The theory states that most conflicts are underscored by sociological variables, such as cultural differences, stereotyping etc as the basis of group formation and identity. Gaha Best insist, that such attitude sometimes makes certain group feel that others are inferior and should have less access to economic resources.

### **3.1.6 Systematic Theory**

The systematic theory anchors conflict as generic element of changes in the socio-structural processes. Changes in peoples' material comfort, economic adjustment programmes or environmental degradation that waste and destroy domestic resource may constitute sources of conflict in the society. For example, the Structural Adjustment Programme (SAP) generated series of conflicts or clashes between the Nigerian university students and General Babangida regime from 1986-1990. The Nigerian citizens were not aloof to the critical adoption and implementation of the policy. Similarly, the on-going reform process during President Olusegun Obasanjo's regime, which proposed to remove subsidies in hostel accommodations in the Federal Universities, has generated series of frictions between the student body the National Association of Nigerian Students (NANS) and the government.

One of the major causes of conflict in the Niger-Delta region can be attributed to perceived injustice in the principle of allocation that was reversed in the 1960 constitution during its amendments/changes in the 1980s and 1990s (Girigiri 1999). Following globalization processes, democratic revolution is sweeping through nations, and citizens are demanding change and accountability in response to what seems to



become global strategy in the new millennium. But pockets of sit-tight monarchies or military elite, for examples, in Nepal, Cambodia, Congo, Mauritania etc constitute sources of conflict in those states. Policy change and economic reforms have become a global strategy which no right-thinking government can afford to ignore, but the privatization processes, which underpin the reform agenda for empowerment and poverty reduction seem to have alienated or ostracised the rural publics for lack of information and modalities for co-opting them (Ebimaro, 2006). This is potentially a source of conflict in Nigeria.

### **3.2 Interface between Theory and Practical Conflict Resolution**

The relationship between theory and practice is one thing that interests scholars in recent times. It focuses on action-oriented efforts that can be replicated on dynamic frameworks to support the present and successive generations.

A theory does not merely examine, explain or compare variables, but also they produce hierarchy of principles and how such principles could be used in determining choices. Theory is near science, but not exactly in the sense that it helps to situate or locate the premise of an action. How do we ascertain that an idea or knowledge is valid? How can we claim that an idea is authoritative or that the action we have taken would be vindicated? An idea is valid or authoritative when it has theoretical justification or support. Actions could also be justified if it flows from generally agreed pattern of behaviour in the society or a laid down framework, which exist for reference purposes.

Theoretical underpinnings help us to understand not only the step-by-step processes of third party intervention, but also it enables us to learn the behavioural attitude that should be demonstrated by a third party, so as to be able assure parties in conflict that no side is destined to be intimidated, demeaned or defeated. In drawing the relationship between theory and practice, Sandole (1992) in Best writes;

“Practitioners... Work at different levels, operate in different domains.... And they derive their ideas from varieties of sources ... and the domain in which they operate influence their goals, methods and overall approach, theory is tested by practice and theory is generated by practice”

As indicated in the preceding pages of the study guide, there are several linkages between theory and practical challenges.

1. Theories of conflict are useful for explaining and comprehending events and situations in adversarial relationships
2. Theories are used for ascertaining the present and predicting future happenings by trainers and trainees in conflict resolutions.
3. Theories vindicate as much as provide justification for practical actions in conflict resolution for trainees
4. Theories enable groups in conflict resolution to communicate. For example, because Ford's managers understand his theory, they can communicate in the language of that theory in the making of automobiles or subsequent modifications.
5. Theory enables us to draw the boundaries/scope of a study and practice.

However, the theories of conflict are not without some shortcomings. For example, some of the theories are very similar and overlap in terms of their causal or generic factors to conflicts. If practitioners are to look at theoretical backdrops as the basis of decision-making in conflict resolution, it implies that they have to make reference to multi-faceted variables. Yet theory helps us to draw range of coverage of a study, especially when it is classified as economic, political and socio-cultural.

As in management sciences, an existing theory may not provide ready justification or backdrop for decision-making at a particular time and space. Rather, the actual demands of the situation may lend answer to the problems.

For the fact that conflict situation in the Niger-Delta is partly explained by the manipulations in the derivation and revenue allocation formula in the constitution, subsequent re-introduction of it may not solve the present problems of the Niger Delta. Rather, a pragmatic and decisive approach, such as master plan is needed to address the basic problems.

### **SELF ASSESSMENT EXERCISE**

Either outline and discuss the theories of Conflict Or Discuss how theory vindicates Practice.

## **4.0 CONCLUSION**

A theory is an assumption put forward to explain certain phenomenon. Such an explanation is also intended to provide basis or justification for that idea or phenomenon. In the preceding discussions in this unit, several factors of causal significance to conflict were mentioned. The analysis stated that in seeking resolutions to conflict, these causal-theoretical foundations are most likely to be useful. For examples, the Structural, Realist, Biological, Economic, Psycho-cultural, and

Systematic theories are not only inter-related in terms of their generic factors to conflict in the society, they also offer some systemic and philosophical explications to conflict.

Theory provides formula, methodology and explanation for issues and processes of conflict in the society. The existence and management of conflict, including its transformation derive its explanations from theoretical underpinnings.

## **5.0 SUMMARY**

In this unit we have observed that theory provides formula, methodology and explanation for issues and processes of conflict in the society. The existence and management of conflict, including its transformation derive its explications from theoretical underpinnings.

## **6.0 TUTOR MARKED ASSIGNMENT**

What is the relevance of theory in practical third party conflict resolution?

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## **UNIT 5 THE STATUS OF PUBLIC POLICY IN THIRD PARTY CONFLICT RESOLUTION IN NIGERIA**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 The Challenge of Public Policy in Third Party Intervention in Conflict Resolution
  - 3.2 The Development and History of Multi-doors Courthouse in Nigeria
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tuto- Marked Assignment
- 7.0 References/Further Readings

### **1.0 INTRODUCTION**

Third party intervention in conflict resolution is gaining popularity all over the world. Nigeria is not an exception. The interest in third party conflict resolution is informed from the fact that it saves time and resources. Besides, it helps to establish lasting peace and cordiality. Adjudication involves court pronouncements and judgments, which more often than not, usually ends in favour and gains of one party to the loss of the other.

But the alternative conflict resolution focuses on exploring opportunities for mutual gains, and interest and confidence in it seems to be increasingly popular. Given this development, what is the challenge of public policy in accommodating the Alternative Dispute Resolution (ADR) as a recognized criterion in conflict settlements?

In this unit we shall examine the legal status or public policy challenges in listing third party mediation as an alternative, but generally accepted method of conflict resolution in Nigeria.

### **2.0 OBJECTIVES**

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

- understand the status of third party intervention in conflict resolution in Nigeria
- understand the status and acceptability of agreement to disputants in third party mediation, and
- understand the environment of third party post conflict resolution

### **3.0 MAIN CONTENT**

#### **3.1 The Challenge of Public Policy in Third Party Intervention in Conflict Resolution**

Third party intervention in conflict resolution has crept into the docket of series of conflict resolutions in Nigeria. Although the formal processes are new, the idea is not new in Nigeria. This is because Nigeria and indeed Africa had informal procedures for conflict resolution prior to colonization of the continent from 1884- 1960s. Even in the contemporary times, the method is still widely being used because an average Nigerian is not comfortable with legal procedures and the accompanying hazards, such as time and resource wasting, incessant adjournments etc. The procedures for third party mediation are shorter, unlegalistic, and based on morality and usage.

Moreso, the African traditional system believes in communal living based on extended family system of contanguineous affinities. Conflict is a common characteristic of communal living. Yet, there exists a form of traditional litigation system based on morality and usage. It is similar to the neutral third party mediation criteria of western origin.

The history of Alternative Dispute Resolution (ADR) to which third party mediation system also belongs was developed by Professor Frank Sanders of the Harvard Law School in 1976 as a way of tackling public dissatisfaction with justice system in the USA. The Alternative Dispute Resolution (ADR) is a form of Multi-door Courthouse, which involves the attachment of mediation centres to the regular court systems. The doors, therefore, refers to alternative system that does not operate exactly as the regular court system: The justification for the development and establishment of the Multi-doors Courthouse by governments are very clear. The regular court has become grossly inadequate in processing conflict to logical conclusion.

#### **3.2 The Development and History of Multi-doors Courthouse in Nigeria**

The history and establishment of third party conflict resolution system dates back to 2005, when the Negotiation and Conflict Management Group (NCMG) initiated the concept in Nigeria with establishment of the Lagos Multi-Doors Courthouse in 2004, the first of its kind in Africa. The Abuja Multi-Doors Courthouse followed in the succeeding year. Justice Gummi (Chief Judge of the FCT) affirmed that that the greater benefits to be derived from the newly established system will transcend the reduction of parties' expenses, time and inefficiency to include public confidence.

The introduction of the ADR to which third party neutral mediation processes are attached in Nigeria is a response to the reform of judicial sector. Following the introduction, it was also believed that globalization and access to internet have created the need for faster, cheaper and more humane way of resolving disputes. In 2004, the newly revised FCT High Court civil procedure rules signed into law (Order 17 of the Rules) take cognizance of ADR. It mandates the court with the consent of parties to encourage settlement of any matters before it through any recognized ADR mechanisms.

As usual, it is believed that the environment enables people to have confidence in third party conflict resolution because once it is resolved, it becomes final, and there is no appeal to suggest that one party was dissatisfied with the initial outcome or court judgment. Moreover, it is likely to help people overcome the psychological stress of keeping a sense of enmity and conflict in mind for a long time because someone has defeated another in the law court as found in adjudication processes. The Abuja Multi-doors Courthouse is located within the premises of the High Court of the FCT, Wuse Zone 5. It holds a consultation clinic every Wednesday at 2.30 pm.

#### **4.0 CONCLUSION**

Public policy regarding the status of the ADR to which third party mediation process belongs is well established in Nigeria. If not well established, at least, it is fast gaining foothold. Its legal status was established in 2004, following the newly revised FCT High Court civil procedure rules signed into law (Order 17 of the Rules,) which takes Cognizance of ADR.

It mandates the court with the consent of parties to encourage settlement of any matters before it through any recognized ADR mechanisms.

With such moral and legal status accorded it, third party conflict resolution is bound to receive boost in Nigeria. Not only as a result of the advantages that users stand to enjoy from it, but also because has it conformed to the African traditional system of family and communal sense of living.

#### **5.0 SUMMARY**

Third party intervention in conflict resolution has found accommodation in the docket of series of conflict resolution mechanisms in Nigeria. Third party intervention is an enabling process of constructive confrontation, which involves bringing individuals or

groups in conflict together in order to facilitate co-operative climate. It is a method, which aims to get the parties in conflict to understand and explore the others' perceptions and feelings by developing mutual understanding for a Win-Win situation. It is an encouragement as much as persuasive appeals to the emotional positions of the parties in conflict.

Though the western processes as it is documented in texts are new, the idea is not new in Nigeria. This is because Nigeria and indeed Africa has age-long informal procedures for conflict resolution prior to colonization of the continent and after. In the contemporary times, the method is still widely being used because Nigerians most times are usually not comfortable with legal procedures and the accompanying problems, such as time and resource wasting, incessant adjournments etc. Moreso, the African traditional system believes in community living based on extended family system of communal relationships. Conflict is a common characteristic of community living. Yet, there exists a form of traditional litigation system based on morality and usage. It is similar to the neutral third party mediation criterion of western origin. The difference emanates from the fact that the Nigerian procedures are not organized or documented for reference purposes

## **6.0 TUTOR-MARKED ASSIGNMENT**

Does Third Party Conflict Resolution have the backing of public policy in Nigeria?

## **7.0 REFERENCES / FURTHER READINGS**

Nigeria Monthly: Vol. 2 No 2, March 2005.

## **MODULE 2      THIRD PARTY INTERVENTION IN CONFLICT RESOLUTION**

- Unit 1      Concepts, Definitions and Nature of Third party Intervention In Conflict Resolution
- Unit 2      Environments of Conflict Resolution
- Unit 3      Methods of Conflict Resolution, Concepts and Philosophical Basis of Third Party Intervention in Conflict Resolution
- Unit 4      Obligations of Parties in Conflict in Third Party Conflict Resolution
- Unit 5      Processes, Advantages and Disadvantages of Third Party Intervention in Conflict Resolution

### **UNIT 1      CONCEPTS, DEFINITION AND NATURE OF THIRD PARTY IN CONFLICT RESOLUTION**

#### **CONTENTS**

- 1.0      Introduction
- 2.0      Objectives
- 3.0      Main Content
  - 3.1      Concepts and Definition of Third Party Conflict
  - 3.2      Nature of Third Party Mediation Processes and Historical Development
- 4.0      Conclusion
- 5.0      Summary
- 6.0      Tutor-Marked Assignment
- 7.0      References/Further Readings

#### **1.0      INTRODUCTION**

The importance of any conflict is whether it possesses the capacity and capability to submit to settlement. Amenability of conflict to settlement presupposes that the controversies and incompatible views that constitute causal factors are well understood, and they lend itself to resolution.

Conflict resolution is not only important, the method employed in the settlement matters more in the sense that, today, we are concerned with what soothes and what best satisfies the parties to a conflict. Perhaps, nothing could be more satisfying when two parties in a conflict agree that they are famished by a particular conflict and ready to throw it out of their relationships. Third party mediation process offers this possibility. The role of the mediator is to offer assistance to the



disputing parties because there is willingness on their part to end adversarial relationship. There is readiness on the part of the disputing parties that they are better when not in dispute than getting engrossed in conflict situation. After all, the losses to both parties in time of conflict are usually monumental – involving sometimes human and material variables or materials alone.

## **2.0 OBJECTIVES**

The unit aims to equip students with basic understanding of third party and third party intervention in conflict resolution. At the end of this unit students should be able to:

- understand the definitions of third party in conflict resolution
- understand the nature of third party processes and historical development

## **3.0 MAIN CONTENT**

### **3.1 Concepts and Definitions of Third Party Conflict**

There is no single generally accepted definition of third party intervention in conflict resolution. While the literature on conflict resolution in general may abundantly be available, that on third party intervention in conflict resolution in particular is still scarce. Many scholars agree that third party involvement in conflict resolution has long history. It is connected and generated from low level of trust between or among parties in conflict.

Therefore, its popularity grew from the common acceptance that fault-finding initiative in form of award or judgment in conflict resolution does not usually produce satisfactory result. Consequently, we may insist that it is a systematic process of distributive justice in which the mediator or third party uses his power-balancing initiative to persuade, encourage and influence parties in conflict to accept a win-win situation. Making the parties appreciate lose-lose situation may have created such win-win situation.

It is systematic because it requires tact, knowledge, experience, procedures and programming of some sorts.

Barseghyan and Karaev (2004) defined it as “a process by which an intermediary or a third party facilitates or enforces a mutually acceptable settlement between the two conflicting parties... by finding, negotiating and proposing settlement to a conflict”.

Third party intervention in conflict management has assumed one of the most appealing strategies for accommodating conflict situation in societies. Its inclusion in the university academic curriculum has received more than commensurate importance not only because our environment is ridden with conflicts that need to be resolved, but also particularly because more knowledge and systematic ways of third party conflict resolution is being sought so as to assist the overburdened judiciary, save time and money, encourage the decision of parties in conflict to voluntarily embrace settlement and promote peace for economic development

### **3.2 Nature of Third Party and Historical Development**

Third party's functional role in conflict is that it helps two or more groups in conflict to reach a resolution. It is based on the notion that it is usually not very easy for parties in conflict to come out on their own volition and initiative to settle by themselves no matter the readiness on their part. A third party has to take the initiative to calculate the willingness on the part of the disputants and bring them to the resolution table.

Unfortunately, the decisions reached at the end of a resolution are usually not binding on parties to the conflict. However, third party mediation process remains interesting because the decisions are usually designed to favour both parties equally. As a result, they are encouraged to abide by it, but not by compulsion.

The history of third party intervention in conflict resolution otherwise known as Alternative Dispute Resolution (ADR) dates back to 1976, when Professor Frank Sander of the Harvard law School propounded what he captioned 'Multi-door Court House' as a way of tackling public dissatisfaction with the judicial system in America. Since then, it has been adopted and embraced by many corporate persons and institutions that have confidence in it around the world. The United Nations Organization today profoundly recognizes it.

International private-public citizens, such as the former presidents of the USA and South Africa, Messrs Jimmy Carter and Nelson Mandela etc are important third party mediators in conflicts around the world as a result of their insistence on global peace initiatives.

It commenced gaining popularity in Nigeria in response to the on-going judicial reforms, which started in 2003, though arbitration – another form of third party had long existed before now. As Chikelu Chukwuemeke, the former minister of information remarked in *Nigeria*, a publication of the Ministry of Information, "Today, the legal

profession, as the society itself is undergoing phenomenal change”. This change so referred to, concerns in part, third party conflict resolution.

### **SELF ASSESSMENT EXERCISE**

Third Party conflict resolution effectiveness is impossible without the willingness of disputants: Discuss.

## **4.0 CONCLUSION**

Third party negotiation and resolution process involves helping parties in conflict to reach a settlement that favour them equally. Supposedly, there is hardly any conflict without resolution. At worse, it may take time. This is one of the characteristic of conflict or disagreement. But no conflict is amenable to resolution in the absence of the willingness of parties to the conflict as well as consensus. For third party to be able to accomplish its goals, the principals (parties in conflict) must altogether agree that they must have to embrace peace. The award in a third party resolution is not binding on the principals, but an atmosphere is created for them to embrace the decisions.

Third party intervention represents one of the many methods of conflict resolution in the contemporary times. It is very likely to remain an option in the tool-kits of mediators for what it is, in solving even complex problems that arbitration sometimes may not be able to address.

## **5.0 SUMMARY**

Third party intervention is fast gaining popularity as one of the many methods of conflict resolution within the variables in the docket of Alternative Dispute Resolution (ADR) in the contemporary times. It is very likely to remain an option in the strategies of third party mediation for what it is, in solving even complex problems that arbitration sometimes may not be able to address precisely because it generates from the readiness of the disputants that an alternative to conflict have to be sought. It matters so much that parties to a dispute have opportunities to express themselves under an organised environment of communication possibilities with each other. Fisher and Ury (1999) have pointed to the importance of communication between parties to a conflict. Communication possibilities help to narrow the severity and life span of a conflict.

## **6.0 TUTOR MARKED ASSIGNMENT**

Describe and define third party intervention in conflict resolution.

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## **UNIT 2 ENVIRONMENT OF CONFLICT RESOLUTION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Environment of conflict Order, Reconciliatory Attitude and Consensus
    - 3.1.1 Order
    - 3.1.2 Reconciliatory Attitude
    - 3.1.3 Consensus
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

In attempting to resolve a conflict, environment and timing matters a great deal. Third party intervention in conflict resolution is a mediation process that involves neutral mediators. Why? It is believed that a third neutral party will bring or facilitate an unbiased communication and negotiation process that will satisfy both parties. Neutrality in this circumstance implies that the mediator is potentially not interested in gaining anything than to help two or more people engulfed in conflict to reach a common ground of agreement and peace.

He would enjoy taking that honour and credit, but not any other things that are ignominious to public scrutiny and consideration.

Environment of third party conflict mediation is not just about the mediators' neutrality or a neutral ground that is favourable to both parties in conflict; environment candidly implies the right atmosphere coupled with the preparedness of the parties in conflict that the right frame of mind at the right time has come for settlement. We can claim that environment is about attitude and atmosphere. It is a form of opportunity cost for peacemakers and those who seek to enjoy peace.

### **2.0 OBJECTIVES**

At the completion of this unit, students should be able to:

- understand the imperatives of conflict resolution in general, and third party intervention in conflict resolution in particular.
- understand the atmosphere and frame of mind required of third



### 3.0 MAIN CONTENT

#### 3.1 Environment of Conflict Resolution (Concept of Order, Reconciliatory Spirit and Consensus)

Peter Odegar (1960) submitted that, where there is controversies and conflict, there must also be a modicum of order or reasonable limit to disagreement that provide basis for resolution.

This, of course, is only possible when interest and differences are reconcilable, based on consensus. Order, reconciliatory spirit and consensus between or among parties in conflict are important prerequisites in an environment of conflict resolution. Conflict is not just an ordinary issue that offers itself to any solutions when it seeks resolution.

In terms of third party intervention, the most important elements relate to the atmosphere and the attitudinal disposition of the parties to the conflict. The timing is also important. For example, it would be dangerous to bring parties to a conflict to the resolution table when losses, traumas and scars of injuries are still very fresh in memory or when nerves are yet to calm down. Thus, not only those particular conditions are required, but also the parties must be willing to embrace peace.

#### Basic foundation in Conflict Resolution

Figure 6

There is no interest or conflict that is irreconcilable. It may take time depending on the severity, but can be resolved provided that the underlisted variables are available.

### **3.1.1 Order**

Order relates to a situation when people obey or follow basic rules, regulations and processes. No conflict resolution defiles or underestimates order. It is certain that parties in conflict may argue intensively or show threats of wanting to even fight in the tensed process of conflict resolution, but a modicum of order is required. But fairness to all parties concerned and equity are necessary ingredients that can help to put order in the platforms of conflict resolution.

Order requires us to apply our common sense notion in making judgmental decisions and in doing unethical things that could derail resolution. Order relates to peacetime of attempting to find solutions to existing crisis. In an open warfare within international studies, it might be referred to peacetime of cease fire.

### **3.1.2 Reconciliatory Attitude**

Reconciliatory attitude on the part of parties in conflict is important in the process of voluntary initiative to make peace. Otherwise, unwillingness and lackadaisical position of the parties may render any third party intervention impossible, no matter the degree of skills, knowledge and experience possessed by the peacemaker(s).

This applies to all conflict resolution situations. In the case of third party intervention, reconciliatory readiness of the principals to settle their differences is the real determining factor. The mediator has no binding decisions on the parties in conflict. His success is a factor of how far he can negotiate and solicit the co-operation of the parties to concur.

There are two basic challenges in attaining resolutions. The first is that the third party must have the basic strategies and clout to urge the parties to a conflict to embrace settlement. The second is that the very parties to the conflict must be strategic enough to key into the necessary time and public expectation that the conflict has reached a time of resolution.

### **3.1.3 Consensus**

Consensus building is a process of integration against particularism by soliciting the co-operation of parties in conflict. Peace and conflict studies are nothing more than a process of exploring ways of making

peace in the society through conflict resolution where it exists. Resolution can evolve when parties in conflict agree to shift from their former position of disagreement to position of agreement. Resolution can be reached when parties in conflict realize that they stand to gain if they settle than keep the conflict protracted. Again, resolution can be reached when interested persons and institutions anticipate that a prolonged conflict can endanger or jeopardize several related benefits of co-existence in the society

No matter the severity of conflict, it must over a time offer itself for resolution. If circumstances do not create it, it will create circumstances that make resolution necessary. Could any conflict be more threatening and protracted than the cold war conflict between the USA and the defunct USSR? There is possibly none in the history of international system that had posed a potential danger and long lasting than the peacetime of cold war.

Yet it offered itself to resolution by gradualistic phase-out after about 50 years. President Gorbachev knew that the USSR could no longer continue wholeheartedly with communism against the ideological focus of the USA and her allies. The US provided an enabling order to render communism obsolete and the USSR fell for it without resulting in any war.

Today, Russia is a member of G8 against what Russia would consider as anathema 25 years ago. Certainly, Russia stands to gain more economically by new global trends than her former position of isolationism. Of course, there was somewhat global consensus that Russia could no longer hide under the defense of communism.

### **SELF ASSESSMENT EXERCISE**

In what way are Order, reconciliatory attitude and consensus related to the foundation of conflict resolution or How would you describe the nature and basis of third party intervention in conflict resolution?

## **4.0 CONCLUSION**

No matter the severity of a conflict, it must offer itself for resolution. If circumstances do not create, it will create circumstances that make resolution necessary. Could any conflict be more threatening and protracted than the Cold War conflict between the United State of America and the defunct Union of Soviet Socialist Republic? There is possibly none in the history of system that had posed a potential danger and long lasting than the peacetime of cold war.



Yet, it offered itself to resolution by gradualistic phase-out after about fifty (50) years. President Gorbachev knew that the USSR could no longer continue wholeheartedly with communism against the ideological focus of the USA and allies. The US provided an enabling order to render communism obsolete and USSR fell for it.

Today, Russia is a member of the Groups of Industrialized Nations G8 against what it would have considered an anathema 25 years ago. Certainly, Russia stands to gain more economically by new global trends than its former position of isolationism. Of course, there was somewhat global consensus that Russia could no longer hide under the defense of communism.

## **5.0 SUMMARY**

Just like war, conflict is a form of politics, and several definitions of politics claims that it is concerned with disagreement, conflict and resolution. Peter Odegar argues that there could possibly be no opportunity for resolution of any conflict in the absence of a modicum of order. Order implies an enabling atmosphere or conditions that support peace, just as business friendly environment is said to be the touchstone of investments, growth and economic development. Besides that order is required in conflict resolution, the parties to a conflict must overtly be willing to submit themselves for settlement. The USA and its allies have always been willing that USSR should come clean of communism.

A conviction came when President Gorbachev abrogated *Perestroika* and *Glasnost*. Together, there was somewhat a consensus that the end of communism has come. Once there is a consensus, there must certainly be the spirit of reconciliation. President Bush has paid two official visits to President Vladimir Putin of Russia –urging the government of Russia to embrace market economy by joining the comity of nations under the globalization agenda.

## **6.0 TUTOR MARKED ASSIGNMENT**

Process environment matters in third party conflict resolution: Why?

## **7.0 REFERENCES / FURTHER READINGS**

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## **UNIT 3 METHODS OF CONFLICT RESOLUTION, CONCEPTS AND PHILOSOPHICAL BASIS OF THIRD PARTY INTERVENTION IN CONFLICT RESOLUTION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Methods of Conflict Resolution
  - 3.2 Concepts and Philosophical Basis of Third Party Intervention in Conflict Resolution
    - 3.2.1 Mediation Group
    - 3.2.2 Traditional African Community-Based Mediation Process
  - 3.3 Levels of Third Party Intervention
    - 3.3.1 Authoritative Third party
    - 3.3.2 Independent Third Party
    - 3.3.3 Social Network Mediator
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Readings

### **1.0 INTRODUCTION**

There are several methods of conflict resolution. Today we are more concerned about the most effective and efficient system that commands the confidence of the parties in conflict. Adjudication and arbitration are usually not satisfactory in the eyes of parties to a conflict because award could be influenced or given wrongly.

Over the years, therefore, the Alternative Dispute Resolution (ADR) is fast gaining popularity and acceptance worldwide. It is often said to have evolved from the western tradition, especially since 1976 when a Harvard law professor, Frank Sanders developed the concept of “Multi-door Courthouse”. Even then, the African traditional community based conflict resolution system shows an overt similarity with it. This Unit will focus on the methods and philosophical basis of third party intervention in conflict resolution.

### **2.0 OBJECTIVES**

At the completion of this unit, students should be able:

explain methods of conflict resolution  
explain third party conflict resolution and the philosophical basis,  
and  
explain the ways by which third party can be initiated

### 3.0 MAIN CONTENT

#### 3.1 Methods of Conflict Resolution

There are several methods of conflict resolution in the literature of peace studies and conflict management. The most contemporary methods goes beyond the conventional well-known styles of (1) **adjudication**, (2) **arbitration** and (3) **mediation (third party intervention)** to include (4) **traditional/community based method** (5) **Good Governance** (6) **Collaboration** (7) **Negotiation** and (8) **Conciliation**. For the purpose of this study, we shall dwell rigorously on the third party intervention in conflict resolution. Meanwhile, Adjudication is non-violent method, which involves the use of courts and litigation processes. Parties to conflict may in this respect take their disagreement to court of judicial process with legal representatives, solicitors or advocates as the case may be. The court gives verdict at the end; judgment is binding on all parties, as it will be enforced accordingly. Arbitration as the name implies, is a situation where an arbiter (umpire) tries to resolve a conflict by hearing from all parties concerned and give an award, which is expected to be binding on all parties in dispute. In arbitration process, the arbitrator can point out faults on the part of any of the parties to a dispute, but a Mediation process or third party will usually avoid arbitration even if it knows who is a culprit. Arbitration is a form of third party intervention, but it differs from mediation based on its modalities. Like a referee in a soccer match who blows foul against a player and gives reason for his action, the mediators may not emphasis or engage in pointing a fault to any party to a conflict directly even if he knows who was at fault. Rather, he uses the information gathered in fact-finding mission about the dispute to ask questions and encourage disputants to settle for mutual gains, which may not be available to all parties at the resolution point and time. Third party conflict resolution is a participatory negotiation, communication and dialoguing processes in which the parties to the conflict are part and parcel of the discussions.

The traditional/community-based is typical of African process. In fact, it is a traditional variant of the formal court system where witnesses can appear to give evidence. The mediators assume both the role of adjudicators and legal representatives before giving award or fine.

In contemporary times, especially since the turn of this millennium, Good Governance has found academic and practical relevance in

conflict resolution.

It is the steering capacity of public institutions and agencies to work efficiently in response to collective public choice, such that the standard of living and security of citizens are not open to stern criticisms. It focuses on improving the steering function of the government or the quality of public regulation on the basis of Capability, transparency, accountability, predictability and legitimacy.

It is based on the notion that conflict in general would be minimized where citizens enjoy good governance. The explanatory variables of good governance include; rule of law, human rights and political freedom (OECD 1998); sound public policies, economic management and absence of corruption (World Bank 1992); democracy, ruling government's respect for human rights, general control and quality of public sector management (Neumayer 2003). Collaboration involves the parties in conflict to work on their own volition to resolve conflict. Collaboration is based on constructive co-operation and dialoguing between parties in conflict. It is borne out of the personal conviction of the parties concerned that adversarial relationship is not going to help matters on the long run, that it is better to create environment for friendly relations.

Negotiation is a process whereby parties in conflict initiate discussion processes by inventing options for mutual gains. It is based on collective bargaining procedure in which the parties try to outdo each other with convincing arguments, facts and figures. The parties may not necessarily gain equally at the end. Who gains more depends on the power of negotiation of that party. Conciliation is similar to third party intervention, and aims at utilizing the third party or 'a go-between' to encourage and persuade parties in conflict to embrace peace. The process involves communicating to the parties separately and creating atmosphere that will sooth "tensed nerves" and usher in tolerance of each other. Sometimes, it might be used as a prerequisite of mediation strategies.

### **3.2 Concepts and Philosophical Basis of Third Party Intervention in Conflict Resolution**

Plural societies are susceptible to conflicts arising from both cultural differences and economic stratification. Even homogeneous societies are also susceptible to conflicts that generate mainly from economic stratification. As (Lijphart 1977) observed, deep social divisions and political differences within plural societies are held responsible for instability and breakdown of order. But a positive society is that society

whose conflicts are amenable to resolution. We have alluded to several available methods of conflict resolution in the preceding unit. Third party intervention is related to some of them.

There is no standing definition of third party intervention in conflict resolution. It is a process of dialogue and negotiation. It is concerned with an intermediary, mediation, and consensus-building around two or more parties in conflict, and borne out of the philosophical notion that the emotional intensity and threats of harm that follow parties to a conflict when they take it upon themselves to settle by themselves is often more dangerous than when a neutral third party is used. The principle of neutrality presupposes that the mediator has no vested or entrenched interest in the matter and that he (they) will act with the singular goal of achieving settlement. It is based on the notion that third party, as its usual tradition, will bring additional hopes and minds into the resolution process by facilitating interpersonal relationship that elicit thought-provoking sense of emotion so that, sometimes, the parties in conflict divert blame to themselves.

Arbitration may be regarded as a form of third party, but it is different from the typical third party in the sense that its award is binding upon the principals.

**Two types of Third Party can be identified and discussed.**

### **3.2.1 Mediation Group**

This refers to the typical third party persons, group, or individuals appointed by government, international organizations, intended third party to facilitate a resolution of conflict. The basic philosophy of third party processes is neutrality and openness. For the purpose of this essay, we may chose to define it as, “a phenomenon involving the process of developing communication relationships by a neutral third party, promotion of receptivity and persuasion on the part of parties in dispute in order to ignite and facilitate their readiness to appreciating the interest of each other as part of the problem, and ignoring complexities for the purpose of win-win resolution”.

Unfortunately, the outcome of third party intervention is non-binding on the parties in conflict. Unlike adjudication and arbitration processes whose outcome is an **award**, made binding on the parties, the outcome of mediation or third party may be rejected by one or all the parties involved in conflict. Mediators are expected to be neutral and escape premature judgments as we had mentioned in the preceding discussions, but it is usually very difficult for third party mediator to be neutral in conflict resolution. For example, it is quite natural for many of such

mediators to be sympathetic with the party whose rights and privileges have been seriously vitiated. Why are many referees of soccer match partial under the watchful eyes of a thousand spectators when they are expected to be neutral? As the University for Peace stated in Best, “mediators generally have vested interests in the resolution in a given conflict or dispute, but they must be able to operate neutrally and objectively”. So no matter the obviousness of a fault or culprit on the part of a party in a particular conflict, a third party mediator should keep his emotion and sentiments outside the resolution process. The goal of the third party is to invent options for mutual gains even though some resolution may appear to be very complex, such that the options are markedly favourable to one side whichever way you want to weigh it. Within such difficult situation, mediators often retreat to their drawing board in order to make realistic options.

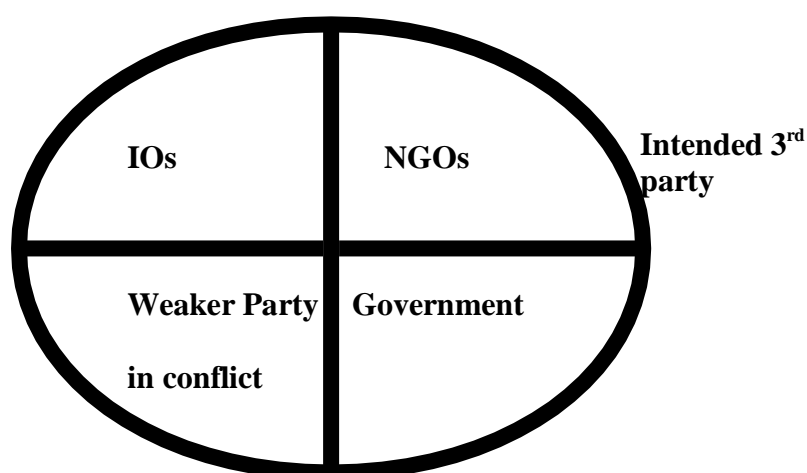
### **3.2.2 Traditional African Community-Based Mediation Process**

Even though third party intervention is often said to have originated from the western tradition, the fact remains that African traditional societies have practised mediation and used it as mechanism for managing conflict in their societies even before the intrusion of colonialism. Today, it does exist prominently in the settlement of land disputes between families of proximate relationships or otherwise, since farming is a major occupation and which often generates land disputes. Litigation is alien to African conflict resolution. Mediation is typical of African societies because they live in communities within the principles of communal attachment, mutual sense of responsibilities and sharing in communal labour - working together to solve one problem that affects all, or one individual at one time or the other. The system involves a group of elderly people within a clan or extended family coming together as a tradition to resolve an existing conflict. However, there is little or no evidence to suggest that inter-community conflicts were ever resolved on a mediation process using a third party. The African community based mediation system though can be termed mediation, does not factually exhibit the characteristic processes, rules and behavioural norms required of third party, such as the principle of mutual benefits.

Admittedly, Africans did not systematize or popularized it. Thus, when third party mediation processes are mentioned, foreign writers often bear the references. That does not imply that Africans’ have no ideas of their own. Of course, they do have. But when an idea is organized in such a way that its application brings better result, such an idea becomes superior to any other existing ones.

There are five ways by which a third party can be initiated:

1. By non-governmental organization (NGOs, community-based organization (CBOs etc).
2. By international organizations (IOs), such as the UNO, AU or ECOWAS, etc.
3. by the government (national, state or local according to the scope and nature of the conflict) within that state.
4. by the weaker party to save his face from intimidation and oppression; e.g the Palestinian people, by severally calling on the UNO to intervene between it and Israel.
5. By an intended third party who feels that they will benefit from the peaceful co-existence of the parties in conflict



**Figure 7: Ways of initiating 3<sup>rd</sup> party for conflict resolution**

For example, the General Abdulsalami Abubakar-Nigeria-led peace initiative in Liberia after a protracted civil war culminating in the enthronement of democratically elected regime in 2006, headed by Mrs. Ellen Sir-leaf Johnson was a form of intended third party.

President Obasanjo was emotionally challenged not only as the former chairman of the African Union, the onus was also on him as the President of Nigeria, an African statesman in politics and government, including expectations from the international community to use his clout and influence to support the resolution of the Liberian crisis. Of course, the far-reaching benefits cannot be over-emphasized.

He appointed the former military president of Nigeria, Abdulsalami Abubakar to start off a mediation process culminating in the enthronement of democracy in Liberia in 2005. It is commonly held opinion that the parties in disputes usually have considerable control over the process. This is not entirely true. Rather, it varies and depends considerably on the readiness of the parties in conflict to reconcile.



Where they are ready, there is the tendency of the mediator to dominate.

### **3.3 Levels of Third Party Intervention**

Although there are five ways by which third party can be initiated, but their operational modality can only occur on three levels of neutrality. These include:

#### **3.3.1 Authoritative Third party**

An authoritative third party possesses enormous power and clout to deal with the parties and conflict at stake. Such authority generates from the skills, knowledge, and experience he has gathered over the years, including the popularity he enjoys in the competence of third party conflict resolution, just as some solicitors and advocates receive high patronage and respect based on the complex cases they have won including their knowledge in legal matters. Authority is based on superior knowledge, skills and experience. It is commonly rewarded with respect, honour and sometimes obedience and followerships. With such qualities too, sometimes he is tempted to use power convincingly. Most authoritative third party mediators are usually appointed and funded by international organizations, such as the United Nations, European Union (EU), African Union (AU), etc.

#### **3.3.2 Independent Third Party**

An independent third party refers to neutral mediator who has no entrenched interest or intention to enrich himself or herself upon his opportunity to mediate. They are well-respected former national or international public officers. They attempt to bring their expertise and philosophy of peace on the resolution of conflicts. The objective of a third neutral third party is to ensure that conflict is resolved. Sometimes, they are appointed to officiate as mediators, some other times they are not but take up the task based on voluntary initiative. They raise funds by themselves for this purpose. Examples are former US President, Jimmy Carter, Nelson Mandela of South Africa, and Abdusalami Abubakar of Nigeria.

#### **3.3.3 Social Network Mediator**

Social Network mediator is more or less a realist. He believes in immediate or larger environmental peace. In other words, peace for mankind informs his motivation. The African traditional peace brokerage system involving religious groups, family or one community intervening in other two communities conflict based on their common history and consanguinity, are good examples of the social network

mediators. Some Non-governmental organizations (NGOs) are also found here.

## **SELF ASSESSMENT EXERCISE**

Examine various levels of third party intervention you have studied

## **4.0 CONCLUSION**

Conflict resolution styles are numerous. It includes the conventional litigation processes, such as adjudication, arbitration and panel of inquiry. A panel of inquires may not necessarily provide a resolution to a conflict. But its focus is often centred on the causes. However, its recommendations may offer ways of resolving a conflict. The other alternative ways of conflict resolution include third party mediation, good governance, conciliation, collaboration communication etc. In particular, this essay is designed to focus on the third party mediation process. There are two types namely the typical mediation groups appointed by government, international organizations, an NGO who wishes to use its skills and professional competence funded by any given body; and independent third party professionals who utilize same opportunity to bring settlement into a conflict.

For that purpose, we often have independent third party or those appointed by international organization (the authoritative ones). Such differences would determine who would raise the funds to finance the resolution.

## **5.0 SUMMARY**

Conflict is common to all societies. Yet there must be opportunities for reconciliation within the precepts of order, reconciliatory spirit and consensus. In fact, conflict resolution is a conscious attempt to build a civilized society. And the activity of civilized societies is too complex and important to be left in the blind regulation of impulse or organized hypocrisy. There are many types of conflict resolution, such as **adjudication, arbitration and mediation (third party intervention)** to include **traditional/community-based method Good Governance Collaboration Negotiation and Conciliation.**

The role of third party in conflict management is fast receiving wide acceptance in research and practical challenges. It is a mediator or someone who does not have the power or authority to coerce parties in conflict to accept his verdict. Not all conflicts are susceptible to third party intervention and resolution in the immediate circumstance. Sometimes, inadequate information, insincerity on the part of one or all

the parties in the conflict, regarding commitment to peace, including the complex nature of a particular conflict may present skeptical conditions of having a conflict resolved. Also, some third party mediators are 100% independent. While others are appointed, implying an authoritative power.

For that purpose, we often have independent third party or those appointed by international organization (the authoritative ones). Such differences would determine who would raise the funds to finance the resolution.

## **6.0 TUTOR-MARKED ASSIGNMENT**

In what ways can third party mediation be initiated?

## **7.0 REFERENCES / FURTHER READINGS**

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## **UNIT 4 OBLIGATIONS OF PARTIES IN CONFLICT IN THIRD PARTY CONFLICT RESOLUTION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Setting the Stage
  - 3.2 Identification and Commitment to Common Goal
  - 3.3 Mutual Trusts, Recognition and Respect for each other
  - 3.4 Preparation and Presentation of Cases and Demands
  - 3.5 Shared Norms and Expectations
  - 3.6 Respect for Individual / Each Party Differences and Diversity
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

The purpose of this unit is to examine the processes of effective and efficient third party intervention in conflict resolution. As we had alluded to in the preceding discussions, process matters in achieving desired result. A thoroughly set out process may provide clues or susceptibility to complex conflict resolution.

Some have argued that process or establishing behavioural norms in third party mediation may not necessarily imply effectiveness, efficiency or success of third party intervention in conflict resolution. This may be true, but it is truer to say that where there is no process, order or sequence in conflict resolution, peace is unlikely. And where there is no order, sequence or observable behaviour that is required in the dialoguing process, conflict resolution can be very cumbersome.

### **2.0 OBJECTIVES**

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

- understand the nitty-gritty of process environment and behavioural norms required in third party mediation challenges
- understand how to implement third party mediation process
- understand the dos and don'ts of principals in third party mediation and conflict resolution process

### **3.0 MAIN CONTENT**

Many writers, such as, Walton (1987), Fisher and Ury (1991), Fashoyin (1992), Mullins (1995) etc. have alluded to the processes of third party intervention in conflict resolution. Walton in particular referred to the following required environment and behavioural norms as pre-conditions.

#### **3.1 Setting the Stage**

This refers to the preparation of the atmosphere for dialogue. In addition to the atmosphere for dialogue and communication, it also implies the setting or sitting arrangement including the symbolic features that the purpose of the meeting is to resolve a conflict. For example, the arrangement is commonly done in such a way that the third party is seated centre between the parties in conflict. Again, members of one party are usually not allowed to seat in the midst of another party to the conflict. But they may sit side by side. Within such setting, there might also be features that attempt to encourage and persuade the parties in conflict to embrace peace. For example, a banner may have the inscription “there is no alternative to peace and progress, embrace it” as President Clinton (former US President) did in Camp David accord between President Yitzhak Rabin of Israel and late Arafat of Palestine (PLO) when he brokered peace between them as third party in the famous Oslo accord, 1992. The inscription on the camp’s banner was, “Here comes the children of Abraham” as the parties to the conflict shook hands. The peace initiative, it must be noted, did not achieve the expected result as the Israel-Palestine imbroglio lingers till today.

#### **3.2 Identification and Commitment to Common Goal**

The second stage involves clarification of the objective and commitment to that objective. Ahead of the meeting, the parties in conflict are adequately aware and informed that the purpose of the meeting is to resolve the conflict between them, and thus they should have the commitment to the common goal that the conflict can be resolved. However, Fisher and Ury (1991) observe that no third party can possibly resolve a conflict if the parties to the conflict did not come with the readiness and willingness to get the conflict resolved, no matter the skills, knowledge and experience possessed by the third party.

#### **3.3 Mutual Trusts Recognition and Respect for Each other**

Any process that will help to oil the wheels of third party intervention in conflict resolution must, first and foremost, install the values of mutual trusts, recognition and respect in the parties to the conflict. One would

be tempted to see it as not a process, but attitudinal obligations on the parties. Rather it is an attitudinal prerequisite, which third party must sound to parties in conflict as the guiding principles of statements and behaviour throughout the resolution process.

It is a non-symbolic observable norm that helps to build a working relationship, facilitate understanding as much as help one party to see the traumas and bruises sustained from the conflict the way other party sees it.

### **3.4 Preparation and Presentation of Cases and Demands**

This is a very critical stage of the third party conflict management as the problem to be dealt with is contained here. It involves the collection of background information regarding the conflict. It is critical not in the sense that it will help the intervener to decide who loses or wins, but will help to clarify the positions of the parties to the conflict as well as enable the third party understand the emotional frame of mind of parties in conflict. It also enables the third party to ascertain the sincerity of the parties in conflict, defined in terms of whether or not they are closely ready to embrace peace. It is important that a mediator have a facilitator that permits each party to speak at the appropriate time. Parties to the dispute ought not to speak at random. This is because one operational process of conflict management might be to reduce the frequency of destructive conflictual encounters by strengthening the obstacles to conflict actions, avoiding triggering events and blunting vulgar statements that could jeopardize the already tensed situation.

### **3.5 Shared Norms and Expectations**

In a negotiation process in which the parties to the conflict are expecting a win-win situation, they are also expected to come with shared norms to which all would comply. That shared norm is a mindset of justice and equity in expected losses and gains. Walton and Mckersie (1965) have developed four levels of negotiation and bargaining norms- the distributive, integrative, attitudinal restructuring and intra-organizational negotiation. The integrative negotiations, though not so concerned with fundamental issues, remain a negotiation that seeks common solution, which benefits both sides equally. The parties are aware of that common objective and would do everything to keep it sacrosanct.

### **3.6 Respect for Individual / Each Party's Differences and Diversity**

Parties to a particular conflict are truly in conflict because of the existence of differences in opinion, belief or fundamental preferences

and prejudices. Many conflicts in the West Africa sub-region generate from ethnic differences and diversity in terms of access and opportunities to economic resources. Third party intervention also requires tolerant position on the part of parties to a conflict. A people that fail to manage or contain their differences by respecting the differences in the other person is, in fact, increasing the cost of living together. Think of ethnic cleansing in Bosnia and Herzegovina, Rwanda, etc and the accompanying problems it caused. Cox and Blake (1991) insist that education and knowledge promotion are some of the many variables that can help minimize and resolve conflictual situation. Walton (1987) admitted also that it is reasonable for third party to assist the principals to prepare for dialogue by teaching the parties in conflict the basic ingredients that make dialogue productive.

Education in this respect refers to organizing pre-mediation conferences or pre-resolution training workshops where, for example, influential personalities, economic and power elite from each side of the conflict are invited to participate, listen and make contributions on the nature of the conflict and possible strategies to employ in the resolution. However, one thing that is elusive in the available literature on pre workshop trainings to conflict resolution is that no record was kept as to whether there have been any circumstances in which the community people accused participants of receiving bribe and urging them for reconciliation. In Nigeria where leaders and elite are hardly trusted, such insinuation might be very common. In third party intervention, parties to conflict must respect each other as human being as much as the importance they place on their values and uniqueness.

### **SELF ASSESSMENT EXERCISE**

Discuss each stage of the processes of third party intervention in conflict resolution.

## **4.0 CONCLUSION**

Stage setting, the commitment to common goal of resolution and presentation of grievances by the parties are the basic ingredients in third party negotiation process. An environment that is supportive of the present and desired result is important in conflict resolution. Every phenomenon has a process. Driving a car has a process, presenting a bill in a legislative house has a process; performing surgical operation in the theatre has a process. Order, for example, is needed as the first basis of bringing parties to a conflict to talk face-to-face. Therefore, there must be availability of a facilitator who helps the mediator to conduct and control the behaviour of people from degenerating into unmanageable level in the process of attempting to achieve conflict resolution.

## 5.0 SUMMARY

A thoroughly set out process may provide simplicity to complex conflict. Why, for example, do managers plan and follow management process of planning, organizing, co-ordinating, controlling, and leading? It is simply because complex tasks of management if anchored in planning and process-driven choices, such challenges are most likely to be achieved than those without a 'rudder'.

Some have argued that process or establishing behavioural norms in third party mediation may not necessarily imply effectiveness, efficiency or success of third party intervention in conflict resolution. This may be true, but it is truer to acknowledge that where there is no process, order or sequence in conflict resolution, peace is unlikely. Process helps problem-solving to be proactively visualized. A mediator would have probably violated the process norms by organizing, first, an exchange of joint session in which every participants have to vociferously argue to purge themselves of their grievances, without setting the tone, and the limit of expressions.

## 6.0 TUTOR-MARKED ASSIGNMENT

Examine the process environments or behavioural norms of third party intervention in conflict resolution.

## 7.0 REFERENCES / FURTHER READINGS

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## **UNIT 5      PROCESSES,                    ADVANTAGES                    AND DISADVANTAGES                    OF                    THIRD                    PARTY INTERVENTION IN CONFLICT RESOLUTION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Processes of Third Party intervention in Conflict Resolution (i) – (viii)
    - 3.1.1 Initiation
    - 3.1.2 Preparation
    - 3.1.3 Introduction
      - 3.1.4 Problem Statement
      - 3.1.5 Problem Clarification
      - 3.1.6 Evaluation of Alternative
      - 3.1.7 Selection of Alternatives
      - 3.1.8 Agreement
  - 3.2 Advantages and Disadvantages of Third Party Intervention Mediation
    - 3.2.1 Advantages
    - 3.2.2 Disadvantages
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

Most times, it proves complex for third parties involved in a conflict to negotiate constructively and conclusively in an attempt to bring points of contention to settlement. It is well known that in a good number of cases, the emotional attachment of parties in conflict to their positions often prevent positive resolution. Mediation is often ascribed to new western style of conflict resolution.

The African traditional community-based conflict resolution strategy is related to it, but not exactly the same. The African community-based system takes the strategy of arbitration, in which case award of fines, such as goat, money, wine, tubers of yam etc. are paid by the one considered as culprit in the conflict. However, there are instances where the African mediation processes appear typical of the characteristic features of the contemporary third party mediation processes, especially in mediation that deals with land disputes. Process matters in third party

conflict resolution. In this unit, we would examine further the step-by-step overt procedure of third party mediation processes. We shall also attempt to add to our knowledge the advantages and disadvantages of third party intervention in conflict resolution.

## **2.0 OBJECTIVES**

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

- understand the Practical (overt) Processes of third party intervention in conflict resolution
- understand the merits and demerit of third party intervention in conflict resolution.

## **3.0 MAIN CONTENT**

### **3.1 Processes of 3<sup>rd</sup> Party intervention in conflict resolution (i) – (viii)**

We have examined the required obligations of disputants in time of dialoguing for conflict settlement. In this section, we would focus on the practical step-by-step processes in third party mediation challenges. Best (2006) provided **eight** steps by which third party conflict resolution can be dealt with.

#### **3.1.1 Initiation**

This involves all the parties to the conflict submitting their case to the neutral third party. The purpose of having the two to submit is to be able to gather enough information to deal with the matter that is subject to resolution. In the western setting, a formal Court may give order for disputants to settle out of court. This is now prevalent in Nigeria as well. What is important is that the parties must agree to settle. There is no clear indication that parties to a particular conflict do utilize neutral third party. Rather, they often chose the collaborative strategy in which case, the parties themselves try to co-operate with each other to resolve the matter. In Nigeria, conflict involving auto crash or collision often finds 'out of court' settlement useful because it saves time and expenses on litigation.

#### **3.1.2 Preparation**

Here, both the parties to the conflict and the mediators must be prepared and well informed of the issues in the matters. The mediator should be well acquainted with the power balance of the parties in terms of weaknesses and strength, the sources of pressure that may potentially

militate against settlement, the status and authority of delegates to the conference and cultural, religious and ideological differences.

### **3.1.3 Introduction**

At this stage, the mediator can begin an experiment of attempting to take control of the dialoguing processes, identification of the issues and interest of the parties to the conflict. He also needs to begin to establish strategies for motivating the parties for the continuity of the negotiation. No one mediator knows all the strategies. But if nothing else, a mediator must have his options for mutual gains for the parties to the conflict as well as the step-by-step concretization of confidence and trust the parties must have about him. Some of his very first statements would determine whether the mediator could be able to control verbally abusive and insulting statements that often come from emotional spillover.

### **3.1.4 Problem Statement**

This is the fourth stage of the negotiation. At this stage, parties to the conflict should preferably be allowed to state their cases in detail rather than in piece-meal. The 'Complainant' is usually given the first opportunity to state his cases. The mediator must listen attentively taking note of every sensitive portion of the statements. He can ask question for clarification, but must be careful not to state a question or show surprises as if he has an emotional support or sympathy that one party to the conflict seemed to have suffered gruesomely at any point of the conflict. He must keep his face and express appreciation for telling the matter, as it is most wanted in the introduction of the mediator. Each side is expected to be calm not intruding into the flow of statement from the other side.

### **3.1.5 Problem Clarification**

At this stage, the mediator is expected to reproduce the statements of both sides respectively – utilizing various strategies to begin to attract the attention and co-operation of the parties, insisting that the issues at stake is amenable to resolution. This is because the foremost option of the mediator is resolution. It must be indicated persuasively and repeatedly in a motivational manner in attempting to clarify issues. Secondly, the mediator is free to ask questions by clarifying and noting areas of agreement and disagreement without directly ascertaining who is a culprit..

### **3.1.6 Evaluation of Alternative**

This is the sixth stage of the resolution processes. It involves generating

various alternatives of possible options of resolution. Parties to the conflict including the mediator are asked to provide these alternatives. At this point similar and close ranking alternatives are grouped to one side, while extreme positions that seem almost impossible are taken to the other side. The parties are broken into mixed caucuses of representatives in each other's group; the choice is to scale or narrow down areas of extreme disagreement and explore easier choices for resolution.

### **3.1.7 Selection of Alternatives**

At the seventh stage of the negotiation process, the caucuses are returned to their normal groups of parties to the conflict to narrow down and select issues that would be of mutual benefit – bearing in mind that this is not an adjudication process, but live and let live affairs. While cutting down the list of alternatives, the mediator is expected to be able to read the parties and the direction of their choices, and consequently make out possible final choice (s) if applicable.

### **3.1.8 Agreement**

The eight and last stage is the stage of agreement. It is the stage, which involves drafting the agreements reached at the end of the negotiation. But he can help constitute a joint session of all those who were active and pragmatic about the resolution to draft the agreement. Yet, he must ensure that a lucid summary of negotiated outcomes, agreements including the 'don'ts' are written down in the documents.

## **3.2 Advantages and Disadvantages of Third Party Intervention in Conflict Resolution**

The advantages and disadvantages of third party conflict resolution are listed hereunder.

### **3.2.1 Advantages**

1. The setting is flexible and less formal
2. It costs less and saves time
3. It provides opportunities for efficient use of expert
4. It offers opportunities for parties to expressively state their grievances through a systematic process of interactions and hobnobbing
5. It has the potential to establish mutual satisfaction of the interests of parties in conflict since the parties are usually aware of the process and expectation before coming to the negotiation table.
6. Third party dialogue and communication helps to facilitate future

relationships

7. Confidentiality can be promoted

### **3.2.2 Disadvantages**

1. The outcome of the negotiation process is usually not binding upon the parties in conflict and enforcement may be problematic. Thus, the conflict may persist or regenerate.
2. There are few cases available in documentation for reference purposes, and where they are available the application of case in another may not prove efficacious precisely because, no one case is exactly the same as the other.
3. An involvement of mediocre mediator may worsen the already strained relationship.
4. The use of formal litigation processes and application of the provisions of the constitution is discouraged.
5. Already treated cases or resolutions are not documented into any book for reference purposes

Process is important in finding solution to a conflict As systematic and professional inputs are needed in conflict resolution in general and third party intervention in particular. In this unit, we examined the processes or stage-by-stage negotiation strategy of third party in conflict resolution in order to avoid putting the cart before the horse. Accordingly, we itemized the processes as that, which must begin with initiation, preparation, introduction, problem statement, problem clarification, evaluation of alternatives, selection of alternatives and agreement. We also added the merits and demerits of third party intervention in conflict resolution

### **SELF ASSESSMENT EXERCISE**

Outline and discuss the norms of third party mediation Process

## **4.0 CONCLUSION**

Process is important in finding solution to a conflict. As systematic and professional inputs are needed in conflict resolution in general and third party intervention in particular. In this unit, we examined the processes or stage –by-stage negotiation strategy of third in conflict resolution in order to avoid putting the cart before the horse. Accordingly, we itemized the processes as that, which must begin with initiation, preparation, introduction, problem statement, problem clarification, evaluation of alternatives, selection of alternatives and agreement. We also added the merits and demerits of third party intervention in conflict resolution.

## 5.0 SUMMARY

Compromise is expected in the hands of parties to conflict in a third party mediation challenges, but encouragement and helps that emanate from experience, skills and knowledge constitute input variables that the mediator or an independent third party must expend if he is to achieve the overall goal.

Also important is that process is most probably something we cannot afford to set aside in third party negotiation initiative. As much as the behavioural process norms of parties in conflict are important, the step-by-step procedures also matter. These step-by-step ways of third party intervention include; initiation, preparation, introduction, problem statement, problem clarification, evaluation of alternatives, selection of alternatives and agreement. The merits and demerits of third party intervention in conflict resolution were also discussed in this unit

## 6.0 TUTOR-MARKED ASSIGNMENT

Mention the advantages and disadvantages of third party intervention in conflict resolution.

## 7.0 REFERENCES / FURTHER READINGS

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### **MODULE 3      THIRD PARTY PERSONALITY, ROLES, EXPERTISE AND ATTRIBUTES IN THIRD PARTY CONFLICT RESOLUTION**

Unit 1	The Legal and Moral Personality of Third Party in Conflict Mediation
Unit 2	Roles of Third Party in Mediation Process
Unit 3	Professional Expertise of Third Party Mediation Process
Unit 4	Personal Attributes of Third Party in Conflict Resolution
Unit 5	The Importance of Communication in Third Party Conflict Resolution

#### **UNIT 1      THE LEGAL AND MORAL PERSONALTY OF THE MEDIATOR**

##### **CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
	3.1 The Mediator as a Legal Personality
	3.2 The Mediator as a Moral Personality
4.0	Conclusion
5.0	Summary
6.0	Tutor Marked Assignment
7.0	References / Further Readings

#### **1.0      INTRODUCTION**

The role of peace and stability in economic development, most probably, cannot be substituted. Idealists in international relations, for example, know that the realists' penchant love for 'national interest' may not get the world going for sustained global peace. The causes of the first and second World Wars have linkages to the ruthless pursuits of 'national interest' by states. Today, peace-loving personalities have taken the challenges to settling conflicts where governments and international organizations fall short of expectations or where priority of peace is unattended. In this unit, we would examine the legal and moral personality of mediators.

#### **2.0      OBJECTIVES**

At the end of this unit, students would have been well acquainted with:

The legal personality of a third party mediator  
The moral personality of a mediator

### **3.0 MAIN CONTENT**

#### **3.1 The Legal Personality of a Third Party**

Third party mediation is a process that takes place outside normal or formal litigation. Hence it is sometimes referred to as Alternative Dispute Resolution (ADR). Assuming legal personality implies that he takes the place of solicitor and advocate in a conflict resolution. Instead of soliciting for one side, he solicits for the collective interest of all parties to the conflict for the purpose of win-win situation. Even though there is no interpretation of the constitution in the process of examining and cross-examining the case to decide conflict of jurisdiction, the mediator has the responsibility and obligation to constitute a formal procedure within which the case will be dealt with. Although the mediator is not a judge that gives court verdict, he provides leadership for the parties in conflict to follow in the processes of resolution by motivating them. He decides the commanding tone that is allowed and disallowed in the dialoguing processes. He has the recognition and confidence of the parties to the conflict. That, of course, signifies authority. And authority is power in the gamut of legitimacy.

That a neutral third party is not appointed by an international organization does not imply less recognition. Once the parties in conflict feel that a particular third party has the capacity to help them come clean of their adversarial relationship, his legality is established. With this, the mediator can decide what is permissible and impermissible in the negotiation process by setting the rules and the parties to the conflict are obliged by it. If the dialogue ends well, he takes credit and honour for it. If it ends in failure, he gets thanked for it for his candid efforts. He cannot be held liable for failure or inability of parties to a conflict to come out of their conflictual relationship. As Best observed, doing so would discourage future initiatives or efforts to help.

#### **3.2 The Moral Personality of the Mediator**

What is the moral personality of a third party intervention in conflict resolution?

Third party involvement in conflict resolution is borne out of many variables, especially in terms of the intended neutral third party or independent mediator. Such variables include;

1. Professional motivation and public confidence



2. Humanitarian motivation
3. Proximity and understanding of the ecology of the parties in conflict

Professional motivation and public confidence in neutral third party may inform third party's decision to mediate in a given conflict. A professional neutral third party who has wrought victories in the settlement of conflicts, may out of these victories and public confidence, insist that a resolution of another conflict is possibly within his reach, and would be able to show candid interest to support the parties to settle. Even where he looks not so interested, the public will mention his name or urge him to make efforts to assist in such conflict.

Humanitarian and the pursuit of peace may also compel others to be involved in conflict resolution. The involvement of Jimmy Carter (former US President), Ogatha San of Japan (Former director in UN's conflict and refugees' problems) Nelson Mandela (Former president of South Africa), etc, in various conflict resolution is largely informed by humanitarian challenges of our time including public trust and confidence that they have the capacity, respect and neutral strength to make parties in a given conflict come to terms for resolution and agreements.

Not only professional and public confidence or humanitarian conviction could motivate neutral third party to be involved in making peace between parties in conflict, also proximity and understanding of the nature and ecology of a people in conflict could serve as a motivational variable. Jimmy Carter may not probably comprehend the emotional psyche of the people of the West African sub-region than President Obasanjo. In attempting to give aid to African Union for peace building in Africa, donor countries are now aware that foreign consultants or negotiators cannot possibly provide the answers to the terrain that is alien to them.

The moral personality of the mediator is found in his openness and neutrality. As the name goes, a neutral third party has no vested interest in a conflict. Whether he can resolve a dispute depends on his interpersonal process that impinges on the parties.

### **SELF ASSESSMENT EXERCISE**

Describe the legal and moral personalities of a third party conflict mediator.

#### **4.0 CONCLUSION**

The mediator's legal personality in third party conflict resolution is very clear. More often than not, he is the one who initiates a resolution between parties in conflict. He takes the leadership roles of seeing that the parties in conflict come clean of their conflictual relationship. With a sense of recognition, the parties comply with set out rules, policies procedures and programmes designed by the mediator for the purpose of resolving the conflict.

In those considerations, the legal personality of a third party mediator is lucid as much as informative.

#### **5.0 SUMMARY**

The mediator's legal and moral personality in third party conflict resolution is based on two notions. More often than not, he is the one who initiates a resolution between parties in conflict. He takes the leadership roles of seeing that the parties in conflict come clean of their conflictual relationship. With a sense of recognition, the parties comply with set out rules, policies, procedures and programmes designed by the mediator for the purpose of resolving the conflict. Besides setting the process, acquiring or earning the recognition to resolve a conflict, he also invest his time, resources of knowledge and commitments to the resolution of the conflict.

In those considerations, the legal personality of a third party mediator is lucid as much as informative

#### **6.0 TUTOR MARKED ASSIGNMENT**

Discuss the legal personality of third party mediator.

#### **7.0 REFERENCES / FURTHER READINGS**

Best, G. S. (2006). *Introduction to peace and conflict studies in West Africa*, Ibadan: Spectrum Books Ltd.

## **UNIT 2 ROLES OF THIRD PARTY IN A MEDIATION PROCESS**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 As an Agent of Peace Initiation
  - 3.2 As an Agent of Problem Solver
  - 3.3 As an Agent of Blame Taker
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

Severally, we have referred to the required norms of third party mediator in the challenges of conflict resolution. Of course, his ability or success in helping parties in conflict to come out clean of their conflict position is conditional upon multifaceted factors. Some relate to, for example, what a group or party to the conflict cannot do and what individuals in a group do to strangulate the process of negotiation.

In this unit, we would discuss the roles of third party mediator. With particular reference to what the American Arbitration Association (AAR) said of the roles of third party (cited in Best 20056), we have attempted to reorganize it into three categories namely; as an agent of peace-making initiation; as an agent of problem solver, and as an agent of blame taker.

### **2.0 OBJECTIVES**

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

- understand the Peace initiative roles of third party intervention in conflict resolution
- understand the problem-solving roles of third party intervention in conflict resolution, and
- understand the blame taking roles of third party mediation processes.

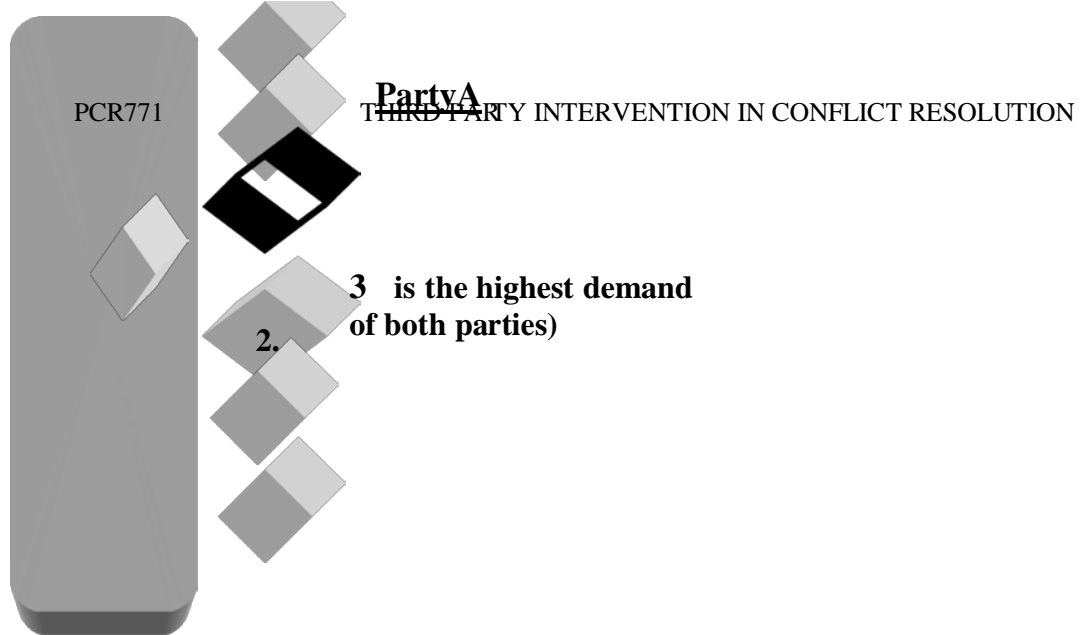
### **3.0 MAIN CONTENT**

### **3.1 Peace-making Initiative Roles**

One of the characteristics of parties in conflict often centres on absence of communication. The role of a mediator is to facilitate communication between or among parties in conflict to abandon their position of adversarial relationship. As a mediator, he helps to initiate and commence communication. And when parties in conflict commence communicating with each other, the bridge for settlement becomes shorter. Second, he legitimizes the limit of what are permissible and impermissible, rights and interests as well as the procedures for expressing them. Third, the mediator helps parties to shift from their former position to a new horizon by exercising his power as optimistic and realistic persons. So no matter the severity of the conflict or the position of the parties, third party subtle intervention changes the position of the conflict or the parties to a different level most likely to be less severe.

### **3.2 Problem –Solving Roles**

An attempt to settle a conflict that aches the parties concerned is a problem-solving initiative of some sorts. Ordinarily, no party in conflict would so love to remain in it; no matter the gains that accrue to some few people from it. A third party mediator initiates leadership capabilities to resolve a standing conflict. By providing leadership, he helps to lead a way and mobilization for conflict settlement. Not only does he initiate leadership role, he also act as a problem solver because he explore possibilities by helping parties to define basic issues and interests. Similarly, he helps to provide links to lawyers and technical experts that would in turn help disputants in their matters of interests, defined in terms of what is acceptable to them or what they expect to gain at the end of the dispute better still, how to shift positions and adjust to new demands as the mediator tries to strike a collective bargain. Collective bargaining is a process of negotiation in which parties to a dispute or conflict reache a win-win situation acceptable to them all. Below, is an example of collective bargaining model.



It is called collective bargaining because the final decision is acceptable to them all (Cowling, 1995). The issues of equal win do not matter here as the ability of one party to get better deal depends on his power of negotiation. If he will not agree, then collective agreement cannot be written; neither can we call it collective bargaining outcome.

As we can see in the diagrammatic representation above, it is possible for all parties to a conflict to attain or obtain **3**, which is the demand of both the parties at the moment. It may end in the way that the parties have made their interests known. But negotiating for equal bargain is usually not easy to attain, because your opponent will advance some reasonable and better arguments to counter the reason why you should not obtain **3**. And as long as that appeals to common sense, he is bound to get more than you get. So at the end of the day, you may get **2.5**, while your opponent **B** gets **3.5** as you conceded **2.5** to him.

Third party also helps to train parties to a conflict ahead of resolution by clarifying certain things and the importance of peace and friendly relations.

### 3.3 As a Scape-Goat / Agent of Blame Taker

As we have noted earlier, the decision of third party to mediate in a conflict is borne out of humanitarian initiative. If he succeeds, he takes the honour and the credit. If he fails, he would be noted as a failure not in the sense of bringing him to ignominy, but in a sense of seeing him as an incapable third party, especially if he has repeatedly failed. In that case, he loses public confidence and trust as a problem solver or a

peacemaker.

## **SELF ASSESSMENT EXERCISE**

Show the peace-making roles of third party mediator.

### **4.0 CONCLUSION**

The roles that a third party is required to play in conflict resolution are many, depending on the nature of the conflict, time and place of resolution. Without communication, there is no negotiation. Negotiation is a process of communicating back and forth for the purpose of reaching joint decision (Fisher and Ury 1999). People, who have lived together, maybe, as husband and wife for many years even find communication a complex phenomenon to overcome, precisely because people will not just naturally cede to bland agreement. They must disagree on the basis of values system, personal conviction of how certain things should be. Communication helps them to know more, open new horizon of seeing things and adjusting their positions to agreeing with others. A third party helps to provide leadership. Leadership is needed in exploring ways of solving complex problem of conflict resolution. For that purpose, he tries to facilitate and train the mindset of those in conflict in the importance of peace-making.

Unfortunately, he alone takes the blame if he fails. Failure and indeed regular failure would earn him/her loss of public confidence and trust.

### **5.0 SUMMARY**

The role of a mediator is to facilitate communication between or among parties in conflict to abandon their position of conflictual relationship. A third party mediator is designed to initiate and commence communication between parties in conflict. How he commences that communication will inform the way the parties to a conflict behave and express themselves in their litigations to maximize their interest even if they are also aware that they have to concede by the nature of the resolution. And when parties in conflict commence communicating with each other, the bridge for settlement becomes shorter and clearer.

Second, he legitimizes the limit of what are permissible and impermissible, rights and interests as well as the procedures for expressing them. Third, the mediator helps parties to shift from their former position to a new horizon by exercising his power as optimistic and realistic persons. So, no matter the severity of the conflict or the position of the parties, the mediator's role is to facilitate an environment that is amenable to conflict resolution. For that reason, he becomes an

agent of reality because his ultimate goal is to even options for mutual gains.

The mediator is also a scapegoat if he losses the battle of conflict resolution not in the sense of bringing a sense of shame upon him, but seeing him/her as a failure. After all, the positions of the parties in conflict may render a negotiation very unsuccessful. The consequence is that this may become unreliable for future problem-solving challenges.

## **6.0 TUTOR-MARKED ASSIGNMENT**

Examine the roles of third party in conflict resolution process

## **7.0 REFERENCES / FURTHER READINGS**

Best, G S. (2006). *Peace and Conflict Studies in West Africa*, Ibadan: Spectrum Books Ltd.

Fisher, R. and Ury, W. (1991). *Getting to Say Yes: Negotiating Agreement Without Giving In*, New York: Penguin Books

Walton, R. E. (1987). *Managing Conflict: Interpersonal Dialogue and Third Party Roles*, Massachusetts: Addison Wesley.

## **UNIT 3    PROFESSIONAL    EXPERTISE    OF    THIRD PARTY MEDIATOR**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Professional Expertise
  - 3.2 Professional Identity
  - 3.3 Evidence of Consulting Skills
  - 3.4 Human Relations
  - 3.5 Investments
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

### **1.0 INTRODUCTION**

Third party involvement in conflict resolution centres on dialogue and negotiation. When impartial third party intervenes in a conflict situation, new relationship, structures and possibilities for moderating the conflict are created. Introduction of a moderator, for example, changes both the physical and social structure of a conflict. New groups and sets of transactions appear with the third party.

The presence of an observer tends to put contenders on better behaviour. In this module, we shall examine the possibilities that help the third party to moderate as well as achieve his ultimate goal of conflict settlement.

### **2.0 OBJECTIVES**

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

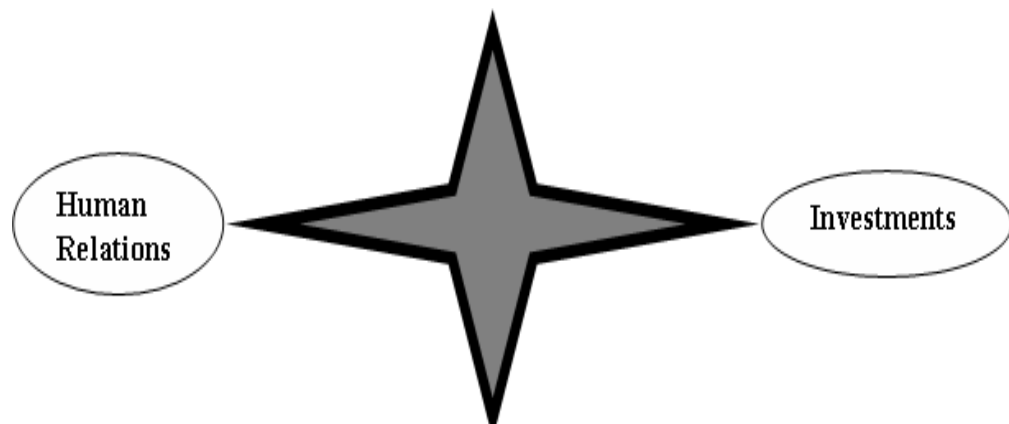
- understand the necessary qualities of an effective and efficient
- understand how to generate ideas for processing conflict in third party conflict resolution.
- appreciate the imperatives of openness and neutrality in third party mediation process.

### **3.0 MAIN CONTENT**



### 3.1 Professional Expertise and Personal Attributes

What attributes does third party need in order to accomplish or perform a successful implementation of conflict resolution? Professional expertise and personal attributes refers to his diagnostic and behavioural skills, attitude of acceptance, and personal capacity to provide emotional support in processing and achieving resolution (Walton 1987).



**Figure 8: Evidence of Consulting Skills**

As much as professional expertise matters, the readiness of the parties in conflict to truly resolve is crucial to the overall outcome. For example, the professional identity, human relations power, investment and evidence of consulting skill are attributes.

### 3.2 Professional Identity

This relates to third party's experience and his perception in the eyes of parties in dispute. As we had already stated, the perception of the public of third party's past successes in conflict resolution is one of the compelling evidence that he would not be taken for granted, but respect. Professional identity is not about a show of arrogance or imposition of personality. Arrogance breeds resentment. Professional identity is the power to focus on interests of the parties not his own position. It is the persuasive power to get all parties in the same boat.

Everyone who have read the importance of human relations in solving social problems or in dealing with people will agree that it is a potent tool in the hands of researchers and organization experts for dealing with complex issues, galvanizing positive interests, attracting people, for liquidating bad emotional taste, and above all for eliciting friendship and interpersonal process. In conflict resolution process, the content of human relations input by the third party, especially through the facilitator is one step in getting to achieve the overall goal.

### **3.3 Evidence of Consulting Skills**

This is related to professional identity. It is bit-by-bit evidence and successes made in them and which reveals the professional identity of a third party. For example, Michael Stevens, Arthur Anderson, Accenture, Oluyole & Associate etc, are well known management consultants or agencies that command credibility, respect and confidence across many countries and Nigeria. Henry Kinsinger, Magdalene Albright (former US Secretary of State) Jimmy Carter, (former US president), Abdulsalami Abubakar (former Nigerian Military Head of State) etc, have been very useful as third party conflict resolution interventionists in the recent past.

### **3.4 Human Relations**

The importance of human relations in an organization has severally been stressed. It serves not only as a mechanism for fostering interpersonal interactions; it also serves as a tool for building co-operation among people. A third party mediation process depends on the flow of communication opportunities or strategies that the mediator himself is able to carve out for the negotiation. However, the ultimate is but a matter of the human relations that will evolve in the negotiation process. Productive dialogue and negotiation depends on productive human relations. A productive human relation is that whose emotionality is consistent, positive and trustworthy to encourage understanding and co-operations.

### **3.5 Investments**

Investments is not used here as physical investors in shares of a company or someone who has vested interest in a conflict. Investment of time and resources as third party interventionist in conflict resolution relates to the perceptive ability to predict potential responses or actions of disputants not in the sense of premature judgment, but an eye based on experience and the nature of the conflict. It also relates to the commitment and resolves that a resolution is possible and that credit awaits him (the third party) if the conflict yields to his capabilities. It implies being hard on the merit of arguments based on the ability to listen patiently to the parties and commend those who have spoken positively including dissenting voices, as it is natural to disagree and as a way of promoting democracy in groups' dialogue.

## **SELF ASSESSMENT EXERCISE**

Human Relations is the basis of third party conflict resolution; Discuss

#### **4.0 CONCLUSION**

The importance of professional expertise in any job performance is well known. Professionalism helps to bring the best, and perhaps, most acceptable solution to bear on a particular problem.

Third party involvement in conflict resolution centres on dialogue and negotiation through communication between or among parties to a conflict. When impartial third party intervenes in a conflict situation, new relationship structures and possibilities for moderating the conflict are created. Introduction of a moderator, for example, changes both the physical and social structure of a conflict. New groups and sets of transactions appear with the third party. This may likely alter the hitherto severe position of the parties to less difficult position. Professional skills of, identity, consulting, human relations and capacity to invest in conflict help conflict resolution to be result-oriented.

#### **5.0 SUMMARY**

Professional expertise refers to his diagnostic and behavioural skills, attitude of acceptance, and personal capacity to provide technical support in processing and achieving resolution. It did not matter whether the outcome was a win-win. What was important is whether the “mediators command aura of respect and personal qualities the principals will not under-estimate, or whether the parties in conflict recognize the consequence of disagreeing by letting President Obasanjo return to Abuja carrying a sense of failure on the issue without achieving anything. Of course, the mediators command respect of very high esteem, they were not under-estimated, and finally, all the parties to the conflict may have been favoured.

A mediator must have a thorough knowledge of the conflict in which he is soliciting resolution. This is, perhaps, why fact-finding initiatives are important antecedents to third party mediation challenges. Thorough knowledge of the matters in dispute is one. Professional knowledge of information processing, the use of metaphors, body language and the laid down process is another. These are evidence of knowledge that generates from experience, academic insights and personal qualities.

#### **6.0 TUTOR-MARKED ASSIGNMENT**

Why is professional expertise important in third party Conflict Management?

## 7.0 REFERENCES / FURTHER READINGS

Barseghyan, K. and Karaev, Z. “Playing Cat-and-Mouse: Conflict and Third Party Mediation in Post Soviet Space:”, *The Online Journal of Peace and Conflict Resolution*.

Fisher, R. and Ury, W. (1991). *Getting to Say Yes: Negotiating Agreement Without Giving In*, New York: penguin Books.

Walton, R. E. (1987). *Managing Conflict: Interpersonal Dialogue and Third Party Roles*, Massachusetts: Addison Wesley.

## **UNIT 4 PERSONAL ATTRIBUTES OF THIRD PARTY**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Appropriate Power
  - 3.2 Appropriate Knowledge of the Matters in Dispute
  - 3.3 Neutrality and Openness
  - 3.4 High Control / Steering Ability Over Confrontational Behaviour
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tuto- Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

Besides those professional skills that matters in a third conflict resolution, personal attributes are also fundamental. The difference between professional expertise and personal attributes lies in the fact that while the former focuses on technical skills, the latter emphasizes on power to sway ones behaviour, defined in terms of personal clout, aura, integrity and knowledge to reduce a problem to a small size instead of aggravating it. For example, communication has to be effective and credible. If these are fulfilled, it implies that it is capable of carrying the required or expected action with it. Personal attribute enables parties to a conflict to follow these earnest requests by a mediator. Sometimes parties to the conflict are happy that they have the privilege to have such mediator(s) working to resolve their points of disagreement.

### **2.0 OBJECTIVES**

At the completion of this unit, students should able to:

- understand the knowledge of the personal attributes of a third party mediation
- understand the contrast between appropriate power and appropriate knowledge
- understand the importance of openness and neutrality in third party conflict resolution

### **3.0 MAIN CONTENT**

### **3.1 Appropriate Power**

Perceived power of the third party and general knowledge of the principals on issues are important attributes. Power helps the third party to command respect and confidence. Inappropriate and inadequate power and knowledge may open the possibility or opportunity for disputants to seize the situation. Once the situation is seized, then the goal is being risked. The power not only concerns an in-depth knowledge about the subject-matter as well as powers to confront issues candidly, it also involves, for example, the professional knowledge of composition of the groups, the setting, the history of the people or parties in conflict, and sometimes brief information of personalities in each of the parties to the conflict, especially their names, experiences in life, and to use these as positive tools for thrashing each challenge as it comes his way. Thus, appropriate power and knowledge assist the third party to steer the case away from “dirty tricks” to “bundles of tool-kits”. What is Power? Power is the ability to get others to do what they wouldn't have done. If armed robbers compel you to kneel down in your parlour after seizing your money or forcing you to write a cheque for them, this is power *de facto* (not recognized). You will not continue to do this, because you acted only out of compulsion. Similarly, a third party that compelled disputants to accept a verdict at the end of a settlement without the conviction to do so is postponing the evil day. Peace is very unlikely to be sustained after that moment. Except the third party is calculative enough of his/her position, the nature of the conflict and ability to use “stick and carrot” as in the case of Russia in Nagorno – Karabagh conflict. (Pg. 89-94). According to Fisher and Keashly (1990) this is called power mediation. Thus, appropriate power refer to the power derived from appointment, recognition of a third party or the powers that flow from the confidence reposed in independent third party including the power to coerce. The power to coerce is not used indiscriminately, but sensibly and rarely.

### **3.2 Appropriate Knowledge of the Matters in Dispute**

Besides the general knowledge that is necessary for third party, specific knowledge regarding the conflict or subject matters is important. We have alluded to knowledge that flows from general perspective – that is the ability to design formal and informal environment to deal with problem at hand. Appropriate knowledge of the matters in dispute constitutes the real challenge. Knowledge of it enables third party to establish authority over the disputes. It enables the mediator to avoid being a sympathizer, but friend of everyone. There are usually crucial issues to be dealt with, which draws from the sensitivity of the conflict itself. Here, not a generalistic knowledge is thrown upon it as solution. Rather, specific knowledge in the zone of the conflict is required to deal

with the problem. As a result of an in-depth knowledge, the mediator is able to say extra-ordinary things that transcend, perhaps, the common knowledge or information about the disputants. But these must be thoroughly explicated to the very simple comprehension of the disputants, whose co-operation is most sought for in the whole process. This quality on the part of the third party puts him not as mediocre, but truly as an agent of reality.

### 3.3 Neutrality and Openness

Neutrality and openness are regarded as the hallmarks of third party involvement in conflict resolution. Stated differently, what makes a third party truly a mediator is the degree of neutrality and openness that surrounds him.

The ethical philosophy of neutrality and openness is, to some extent, applicable to other methods of conflict resolution. But the degree must be whole-hearted in the case of third party intervention precisely because he is not an arbitrator or adjudicator, but a mediator.

Even if a third party is unavoidably biased, he must conceal it as much as possible. Neutrality implies that the mediator must separate himself from the case. This is because the application of third party to the case derives from the fact that he has no vested interest. In processing the case before him, therefore, his professional competence is largely underscored by emotional independence.

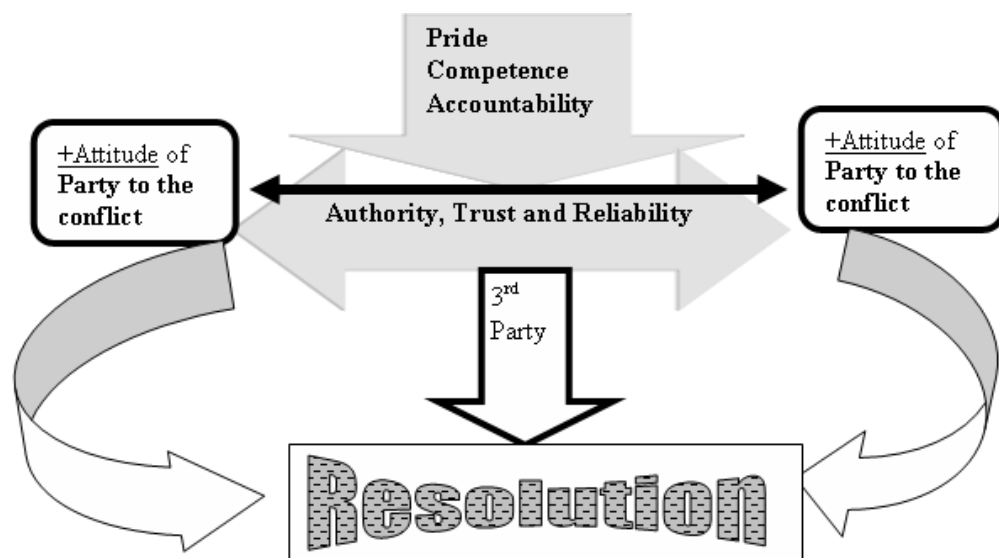


Figure 9: Third Party's neutrality & openness

Openness must not only flow from the mediator, it must also come from the parties. No conflict could possibly see resolution without the commitment of the parties to admit truth telling as the cornerstone of their interest to resolve the conflict. For example, to conceal some important facts or issues in the conflict in the process of negotiation and dialogue could regenerate the conflict.

Third party negotiation is a call for win-win situation and the degree of neutrality of the mediator will manifest in his openness. He might play some politics to get some people going in order to achieve his goal, but such politicking should focus on the interests of the parties to the dispute rather than playing to the gallery or to impress one side.

Neutrality and openness of the mediator will enable the mediator to show a sense of pride, competence and accountability. Consequently, he can enjoy authority, trust and reliability in the hands of the parties in conflict while processing and encouraging them to embrace peace. The positive attitude of disputants to accept the encouragement from the mediator flows from the mediators' accountability, competence and pride.

Openness is not about blurting every "sensitive word" that creates obstacle to resolution. It is also not about having skeletons in the cupboard either, but saying the appropriate thing that needs to be said at the appropriate time and place, of course, with a reminding spirit that he is not an adjudicator (judge), but a consultant and pure mediator; that is one who facilitates problem-solving through communication and analysis of the conflict by taking the role of adviser or one who facilitates settlement through reasoning, persuasion, and suggestion for alternative ways.

Another way of talking about neutrality and openness is for the mediator to be transparent. In recent times transparency has become a common word often used in calling government to live up to their social contract obligations to citizens. Why? It is believed that transparency promotes accountability and predictability in public governance. Similarly, third party should work towards agreement on the basis of transparency.

### **3.4 High Control Over Confrontational Behaviour**

It is not sufficient to discuss all the attributes that third party should demonstrate in order to put parties in conflict under control or achieve peace. Yet it remains to be said that one of the few important ones is the ability of the mediator to control and minimize confrontational attitude on the part of the parties in conflict. First and foremost, the third party if possible should influence the constitution of the negotiating team,



especially if it will not lead to a splinter group that may disagree with his or her own group for accepting settlement. As Fisher and Ury admitted, those who may constitute the negotiating team of any conflict resolution should be large enough to involve those that can provide stimulating interchange. Walton added that third party could be on course to success if there is positive confrontation on the part of disputants. Positive confrontation is emotion leading, but it focuses on dialogue with facts and figures rather than ranting confusedly or attempting to push the arguments into uncontrollable behaviour. It is also important to state that positive confrontation involves just talking about issues that are convincing enough in more pragmatic ways, not personalities,

It is, perhaps, for the avoidance of confrontational behaviour that preparations, presentations and shared norms are important behavioural processes in third party conflict resolution. For examples, parties to the conflict are often advised to sit side by side facing the problem to be resolved; Third parties too are encouraged to state or clarify the ground rules, such as warning against negative criticism or those that focuses on personalities. Just as conflict could sometimes be positive and necessary in resolving larger problem of the society, confrontational attitude that dwells in searching for resolution as a single answer may add flavors to the dialoguing process.

### **SELF ASSESSMENT EXERCISE**

What is the difference between Appropriate Knowledge and Appropriate Power in Third Party Conflict Resolution?

## **4.0 CONCLUSION**

Conflicts are normal part of human societies. It keeps occurring from time to time. The attitude to it in terms of containing it matters more. Therefore, the management of conflict is always an acid test of the emotional and intellectual maturity of those who possess the skills and occupies the helm of leadership. Conflict is a product of pluralism of interests and the inability of these interests to be harmonized. When a third party offers a helping hand or gets an appointment to help to bring parties to the negotiation table for dialogue, it presupposes that the mediator is conversant with the enormous task ahead of him. First and foremost, the professional expertise of the mediator is very important. By professional expertise, we do not necessarily imply the professional ability to follow the best standards, but ability to create standards in which the common goal is possible. Only practitioners with third party expertise can change mind to identifying an option that soothes one particular conflict situation. People will initiate different standards by

which they judge what is fair and what is not fair. It is advisable for a mediator to avoid choosing standards proffered by party A or B. Using external standards that were not in the complete suggestions of the parties could be the best. For example, a combination part of A and B could provide possible solutions. Besides a prerequisite of professional expertise, a mediator also needs an appropriate power. Appropriate power implies the readiness of the parties in conflict to accept and respect third party as one who has the potentials and charisma to deal with the conflict. Not only that such mediator commands respect and recognition, he possesses the capacity to provide leadership that focuses on the common goal that the parties will accept.

Appropriate knowledge of the issues in the conflict is also important. Professional expertise and appropriate knowledge of the nitty-gritty of the subject-issues in the conflict will help the mediator deal with the problem sufficiently. Fact-finding missions for data gathering are a step to understanding and appreciating the complex nature of the conflict.

The negotiation arena is not always peaceful as we may expect. Parties in conflict may carry intense emotional spillovers to the negotiation table. Third party ability to control this emotional actions or outbursts may pay off into the mediation process. It is necessary to state here that the ability and capacity to control emotional behaviour generates from the power and knowledge of the third party. Is he well known and respected in this business? Is he straightforward and committed to impartiality? The totality of these variables is important in third party behaviour.

## **5.0 SUMMARY**

When third party is appointed or takes it upon himself to mediate in a conflict, new relational structures, environment and opportunities are created. In short, a new possibility for the conflict to respond to resolution becomes overtly ready. But whether the predetermined goal will be attained, that is the achievement of the resolution itself, depends ultimately on the willingness of the parties to the conflict. Nelson Mandela was once asked to mediate in a conflict. Yes! Everybody thought that because of the importance and popularity of the person involved, the conflict would easily yield to resolution. Yet it was not to be as expected. Mr. Mandela concluded that the principals (parties in conflict) matter so much in all forms of conflict resolution. Yet the character involved matters more. The Owu chieftaincy title dispute in Ogun state (Nigeria) constituted a huge community problem to unity and progress in Owu in early 2000s. The issue had existed unresolved since five to six years. President Olusegun Obasanjo (The former President of the Federal Republic of Nigeria and Commander-in-chief of the Armed

forces) is one of the very kingmakers to that throne, he hails from there too. He led his group of kingmakers to wade in as “mediators and adjudicators”. The spirit of resolution came not because the parties were satisfied that the dispute should not linger. Instead Resolution came because of the weight and status of the ‘mediators and adjudicators’ involved. It did not matter whether the outcome was a win-win. What was important is whether the mediators command aura of respect and personal qualities the principals will not under-estimate, or whether the parties in conflict recognize the consequence of disagreeing by letting President Obasanjo return to Abuja carrying a sense of failure on the issue without achieving anything. Of course, the mediators command respect of very high esteem and they were not under-estimated. All the parties to the conflict may have been favoured by the resolution.

A mediator must have a thorough knowledge of the conflict in which he is soliciting resolution. This is, perhaps, why fact-finding initiatives are important antecedents to third party conflict resolution. Thorough knowledge of the matters in dispute is one, but professional knowledge of information processing, the use of metaphors, body language and the laid down process is another. These are attributes that generates from experience, academic insights and personal qualities.

Emotional spillover and confrontational behaviour may generate, especially if many lives and property were destroyed, but such emotions must be accommodated as much as contained. This is the most complex part of conflict resolution, especially in the case of third party involvement. It is complex because the mediator cannot forcefully calm down any of the principals, even when they are overtly wrong and insipid.

Openness and neutrality is the centerpiece of third party mediation. The gains include authority, trust and reliability. It has been argued that neutrality is impossible in third party conflict resolution (Barseghyan and Karaev (2004). For example, they cited the part played by Russia as one of the mediators in the Nagorno-Karabagh conflict in which Russia was overtly playing cat and mouse game, yet got a settlement among the parties. As we had seen, the nature of conflict determines the type of mediators and strategies. To a larger extent, openness and neutrality have come to be accepted as variables, which form the pivot of third party intervention. In fact, playing cat-and- mouse game will endanger the road to resolution far more than it will help the mediator.

## **6.0 TUTOR MARKED ASSIGNMENTS**

1. Outline the professional expertise in third party intervention in conflict resolution? Why are these variables important?

2. Why is neutrality and openness important in third party? Conflict resolution; is neutrality and openness truly possible?
3. Outline and explain the required personal attributes needed in third party mediation.

## **7.0 REFERENCES / FUTHER READINGS**

Barseghyan, K. and Karaev, Z “Playing Cat-and-Mouse: Conflict and Third Party Mediation in Post Soviet Space”, *The Online Journal of Peace and Conflict Resoluti (OJPCR)* 6-1 Fall, 192- 209 (2004)

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## **UNIT 5 IMPORTANCE OF COMMUNICATION IN THIRD PARTY NEGOTIATION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Concepts and Definitions
  - 3.2 Importance of Communication in Third Part Conflict Resolution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor- Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

We have made several allusions to communication as the epicenter of any negotiation process. In this unit, we will extend the discussions on communication as a result of its indispensability. Communication is the bloodstream of any organization. More than anything else, communication affects human relations in the organization. This is because it is the singular adhesive element that possesses the capability of fostering cooperative behaviour on the part of people with differing motives.

When people are trapped in difficult situation of conflict, joint consultation offers opportunity by which parties to such adversarial relationship can meet to appreciate the necessity for mutual cooperation. Communication helps to narrow down points of differences. And group performance and the satisfaction derived by individuals are influenced by the interactions among members of the groups (Mullins 1996).

### **2.0 OBJECTIVES**

At the completion of this unit, students should be able to:

- understand the concepts and definitions of communication
- understand the Imperatives if communication in conflict resolution setting
- understand that winning in a negotiation depends of skills in communication

### **3.0 MAIN CONTENT**

### **3.1 Concepts and Definitions of Communication**

Communication is a mechanism for promoting relationship among two or more persons, groups and states. When people refuse to talk with one another, it presupposes that a conflict situation has taken place. Communication is a mean of bringing people in isolation in co-operative behaviour.

Bedean (1987) defined it as a process of transmitting information and understanding between two persons, two groups or otherwise. That means that for any piece of information transmitted, there should be meanings coded into it so that behavioural response can be accorded it.

In conflict situation, communication is a basic tool for starting peace initiative. Where there is communication breakdown, there is most likely to be conflict and where there is communication, conflict is most likely to ease and compel parties in conflict to shorten the gap to peace. After the collapse of Communism in 1989, the communication and talking gaps between Russia and the USA became shortened. President William Clinton and, especially President Bush opened new initiative of communication with Russia. Bush made several visits to Russia urging President Vladimir Putin to overcome the shackles of cold war conflict and embrace the global market economy choice. Today, Russia is a member of the G7 (now G8 with the admission of Russia). Communication helps to ease strained relationship where it exists.

### **3.2 Importance of Communication to Conflict Resolution**

Communication is imperative to conflict resolution. In fact, communication can sometimes imply or be used interchangeably with conflict resolution. Where there is communication, there is resolution of conflict and where there are trickles of resolution of conflict, communication have taken place.

Conflict resolution in general depends on communication and the understanding that passes through it. The ability of a third party to hold sway in a resolution challenge lies not in his physical power, but the use of communication and the understandings that flows into it.

1. Through communication, parties in conflict can understand the tone and standpoint of the mediator, and vice versa.
2. Communication helps the parties in conflict to know their opportunities and limitation, defined in terms of what they would gain out of a negotiation
3. Communication helps to reduce frustration between parties in conflict

4. Communication helps parties in conflict to adjust to new positions
5. Communication helps them to resolve conflict and facilitate agreement

At this point, it may be pertinent to ask what type of communication is most suitable for conflict resolution? Different types of communication channels, such as the two-way, cycle, wheel, network, Y-channel and the chains exist.

### **Types of communication channels**

Given that third party resolution in conflict management is based on openness and neutrality, **the networks** and **Y** channels may offer opportunities and wide range of information access. The disadvantage that may be associated with the **networks** is that they may offer too many channels of information that do not augur well for the resolution of the conflict. Yet, it remains the channel that accommodates full discussions, participation because high level of interaction is required in third party conflict resolution challenges. However, it is most appropriate for mediators to select the one that is most applicable and result-oriented at a particular time as negotiation progresses, and as parties adjust to new positions of demands and opportunities.

## **4.0 CONCLUSION**

The importance of communication in third party conflict resolution cannot be overemphasized. Despite the somewhat artificiality of these concepts of communication and channels, they do have implications for mediators who wish to make result out of their expended initiative. Communication is a means. No one channel is likely to be effective for a given range of problems. It is the mediator's job to explore and adopt the most appropriate one for the performance of a given level of negotiation. For example, the Y channels may not be appropriate for negotiation that requires high level of interactions. Communication helps parties in conflict to adjust to new positions. Communication helps them to resolve conflict and facilitate agreement.

## **5.0 SUMMARY**

Communication is the basis of conflict resolution. In fact, communication can imply or be used interchangeably with conflict resolution. Where there is communication, there is resolution of conflict and where there is trickles of resolution of conflict, communication have taken place.

Conflict resolution in general depends on communication and the understanding that flows from it. The ability of a third party to hold sway in conflict resolution challenge lies not in his physical power, but the use of communication. His professional expertise and knowledge are made evident in the way he communicate and carry parties in the conflict along the negotiation process.

Through communication, parties in conflict can understand the tone and standpoint of the mediator, and vice versa.

Communication helps the parties in conflict to know their opportunities and what they would gain out of a negotiation.

Communication helps to reduce frustration between parties in conflict. Communication helps parties in conflict to adjust to new positions

Communication helps them to resolve conflict and facilitate agreement. It is the mediator's job to explore and adopt the most appropriate communication channel for the performance of a given level of negotiation.

## **6.0 TUTOR-MARKED ASSIGNMENT**

1. Define communication. Of what importance is communication in third party conflict resolution?



2. Examine the importance of communication in Third Party Conflict Resolution.

## **7.0 REFERENCES / FURTHER READINGS**

Bedean, A. C. (1987). *Management*, CBS College Publishing

Mullins, L (1995), *Management*, Allahabad: Wheelers Publications Ltd.

## **MODULE 4      CASE STUDIES OF THIRD PARTY INTERVENTION IN CONFLICT RESOLUTION**

Unit 1	Kenya and Somalia: Somalia and Ethiopia
Unit 2	The Peace Process and Third Party Mediation in Tajikistan (1994-1997)
Unit 3	Peace makers or spoilers?: Third Party Mediation in Conflict Over Nagorno-Karabagh
Unit 4	Why and where “Power Mediation” Matters in Third Party Conflict Resolution
Unit 5	Suggested Methods of Preventing Ethnic/Religious Conflict in Nigeria and General Recommendations

### **UNIT 1      KENYA AND SOMALIA: ETHIOPIA AND SOMALIA**

#### **CONTENTS**

1.0	Introduction
2.0	Objectives
3.0	Main Content
3.1	Case Study 1: Kenya and Somalia, Ethiopia and Somalia
3.2	The Substance of the Conflict
3.3	The Initiator / The Third Party
3.4	Simulation and Theory Inputs
3.5	Tasks for National Groups
4.0	Conclusion
5.0	Summary
6.0	Tutor-Marked Assignment
7.0	References/Further Readings

#### **1.0 INTRODUCTION**

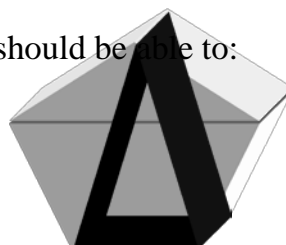
The purpose of this section is to present case studies or original examples of third party intervention in conflict resolution. The importance of case studies are well known. Firstly, they aid a study and provides theoretical knowledge to practical situations. They are problem-solving pieces of writing that challenge participants to the application of insights and practical ingenuity to real life situations.

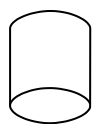
**Wheel**

#### **2.0 OBJECTIVES**

**Networks**

At the completion of this unit, students should be able to:





understand the practical processes of third party intervention in conflict resolution  
 understand some salient complexities in third party intervention in conflict resolution  
 understands how conflict involving three actors can be handled

### 3.0 MAIN CONTENT

#### 3.1 Case Study I (Kenya and Somalia, Ethiopia and Somalia)

We have mentioned the significance of pre-resolution dialogue in third party intervention. In this case adapted from Walton (1987) *Managing Conflict: Interpersonal Dialogue and Third Party Roles*, we discussed an extension of dialogue to inter group conflicts as a pre-condition/strategy in third party conflict resolutions between:

- (a) Kenya and Somalia
- (b) Ethiopia and Somalia

It was a history of border wars and bloody clashes resulting in lost of lives and property between Kenya and Somalia on one hand and Ethiopia and Somalia on the other. Apart from open wars, ambushes, plunders and poisoned wells in the disputed areas were used against one another. The participants in the workshop were not the principals or actual community people directly involved in the conflict. Rather, six participants (influential persons) from each of the three countries were invited to the two-week workshop. The overall purpose of the workshop was to assemble elite from the three countries to analyze the conflict issues and share the primary concern and interest of the parties so as to generate promising opportunities for resolution. The operational process of the dialogue was to develop working relationship among the participants to permit them to engage in creative-problem-solving in the future. The geo-political tensions among the countries involved in the conflict, the negative stereotypes that characterized their countrymen's perceptions of each other, and the highly emotional nature of succeeding clashes made it a difficult challenge to develop mutual respect, trust, and quality of communication required to engage in the conciliatory and creative problem-solving processes. The primary dispute between Ethiopia and Somalia generated from the struggle of ownership of the land Ogaden and the Haud around de facto borders of Ethiopia, but largely inhabited by the Somali tribes. The conflict between Kenya and Somalia also involved clashes over a piece of land in the northern fringes of Kenya that is heavily populated by people of Somali culture. The Somali constitution (a country which obtained independence in a fusion between ex-Britain and ex-Italian) has been very concerned and

pragmatic about the unification of Somalis into one united country, including those living in the adjacent areas of Kenya and Ethiopia. Ten years after the birth of the country, it began to experience wars with its neighbours as a result of border disputes, first in 1963 and then in northern Kenya from 1966-67. The matter was complicated and intensified by the fact that both Kenya and Ethiopia received military supports from Britain and United States respectively. From 1966-67, the three formally declared a period of detente, and the governments issued joint statements designed to normalize diplomatic relations, trade embargos and air travels.

The defunct USSR and the Western powers supported the initiatives especially on the part of Somali, but was short-lived by an outbreak of conflict in a new border disagreement which left about 50 people dead in an attempt by the Ethiopian government officials to collect head tax on livestock belonging to the Somalis, and in the face of Somalia's commitment to keep to peace.

### **3.2 The Substance of the Conflict**

The Somalis wholeheartedly believed that the Somali people and the lands they occupy should be united in response to their constitution; they also contested the 1897 treaty between Britain and Ethiopia by which the Ethiopians defined their claims to the northern borders and lastly, they cited the outcome of the independent or impartial investigator instituted by Britain in 1962, which showed that five out of six inhabitants in the Ogaden disputed areas wish to leave Kenya to become part of Somalia.

For their part, Ethiopia insisted on their historical and legal rights to the ownership of Ogaden and Haud. But the two countries significantly place importance on territorial sovereignty of states. They did not want to give away any part of their political map as if doing so will not only make their future land problem a defeatist one, more vulnerable to Kenya and Ethiopia (having been defeated now), but also both are irrevocably committed to the value they placed on the disputed lands.

### **3.3 The Initiator / The Third Party**

The initiator of the dialogue was Leonard Doob, a Professor of Psychology at Yale University, USA. He had since developed special interest in this part of Africa. He enlisted other two Professors, a lawyer who was interested in the Economic Community of East Africa and a political scientist that specialized in federations in Africa. Besides themselves, they invited four other persons with proven expertise in diplomacy, group dynamics to constitute the third party consultants. The

six (6) participants each from the three countries in conflict were drawn from the universities, government, ministries, political parties, public administration institutes and the media. In spite of their inability to raise adequate funds, the first meeting took place in Rome on August 1, 1967. They all came to Rome looking tired after the Trans-Atlantic flight, and they readily agreed on the operational process of the dialogue.

Firstly, an orientation programme was conducted during which the participants were introduced to the processes/methods of the workshop, groups' assignments, time etc. No chairman was provided for each group, instead time was allotted and emphasis directed to the need to sharpen their mental skills and contributions.

### **Step 1: Phasing**

They agreed that the emphasis would be to develop communication relationship and receptivity, as the beginning of the search for viable solution.

### **Step 2: Activities**

They agreed that several related techniques, such as seminars, simulations and critiques would be used to facilitate dialogue

### **Step 3: Schedule**

Two morning sessions; one early afternoon session, break and followed by social hours for hobnobbing

### **Step 4: Groupings**

It was a little problematic here, as the participants did not readily agree to be in two groups. However, meeting in national groups prevailed

### **Step 5: Operation goal**

The Yale Professors stated that the basic goal for the two weeks was to achieve a consensus for some proposals to emerge to resolve the border disputes. Unfortunately they failed to make up their mind whether the proceedings will be released to the press.

Table 1: Composition of the working groups

	Working group 1			Working group 2		
<b>Somali participants</b>	<b>S1</b>	<b>S2</b>	<b>S3</b>	<b>S4</b>	<b>S5</b>	<b>S6</b>
<b>Kenya Participants</b>	<b>K1</b>	<b>K2</b>	<b>K3</b>	<b>K4</b>	<b>K5</b>	<b>K6</b>
<b>Ethiopian Participants</b>	<b>E1</b>	<b>E2</b>	<b>E3</b>	<b>E4</b>	<b>E5</b>	<b>E6</b>
<b>Yale Organizers</b>		<b>O1</b>	<b>O2</b>		<b>O3</b>	
<b>American Consultants</b>		<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>	

### Discussions Began

Initially, the groups reacted to the process with pigments of acceptance and resistance.

However, the third day witnessed a pragmatic discussion when the topic, 'the role of the Organization for African Unity' (OAU) now African Union (AU) reached for discussion. They generally deviated from being sentimental about their countries. For example, K4 stressed that the OAU does not have effective powers to deal with their border disputes that they only hope to end the disputes on the calculation that they would be losing more than they will gain if the dispute persist endlessly reiterating E2. For others in E4 and S3, they completely disregarded the OAU for their ineffectiveness. Two participants in their contributions made long philosophical statements, so much that agitation developed between E5 and K4, sometimes leading to interpersonal rivalries. Both persons were intellectually keen. Their style, in fact, helped to bolster competition and provided new direction for the dialogue.

On Monday evening, the third day of the conference, the co-ordinator paused to evaluate the progress by allowing several subgroups to discuss their reactions and present short report about the negotiation. Participants were positive about the stimulating discussions and the future. Thus, the earlier frustration was being replaced by a sense of optimism. Same day, they organizers received a telegram from the United Nations office expressing satisfaction and encouragement for the ongoing experiment.

From Monday to Wednesday, the substance for the assembly - the border dispute will feature prominently in the succeeding dialogues. Participants soon learned about the politics and culture of other countries. For example, they learned about the concentration of political powers in each of the countries and the consequences of over centralization. Participants became freer, more relaxed with one another and flexible in managing the agenda, including effective handling of their natural differences and opinions. By Tuesday evening the groups could exchange pleasant jokes and this trust building were reciprocated by commendations. In a contributory initiative of one of the participants, tears rolled out his eyes as he described his pessimism and fears about

his government capacity to meet the basic needs of his people, defined in terms of economic development in the face of such border dispute and wars. Others at one point or the other expressed similar mood with utmost sincerity about their countries while also holding the courage to keep off from denting the national image of their countries. In particular, the mood was one of respect and understanding.

### **3.4 Simulation and Theory Inputs**

Two simulation exercises were used to illustrate conflict management concepts. One is about co-operating, while the other was about competing. These exercises allowed the participants to explore options or choices, such as interdependency, reciprocity, perception, and expectation etc – so as to build collaboration within the two workshops each time the assembly of the participants is scheduled.

### **3.5 Tasks for National Groups**

**Task I:** As individual (Somalis, Kenyans, Ethiopians), list on one large sheet of paper key grievances or disputes your people have with other countries

**Task II:** On a second sheet of papers list your predictions of the grievances or disputes that the individuals from each of the other two countries will bring regarding your country

\*Be prepared to bring these claims to the general assembly (main session) on Thursday for presentation by a member of your group.

On Thursday morning, the Somalis led-off with their presentation, followed by Ethiopia, then Kenyans, and finally the Yale group who had tried to predict the grievances. The Somalis followed the format, but were quite facile in the articulation of the opinions of others. Ethiopians presented only one list of the issues rejecting the suggested format. The Somalis objected, and they never mentioned Somalia, which by implication the Ethiopians are making historical claims to the whole of the horns. The Kenyans similarly presented only one view of the case accusing Somalia of being biased. The Somalis were more disappointed that the Ethiopians and Kenyans did not express the Somalis' grievances in their own view.

In addition to the tasks, the planning committee developed further questions to be treated in the subsequent assembly:

1. What is a nation? What is a national state? What is the principal of self-determination?

2. What is the nature of the problem?
3. What are the implications of redrawing the map of northeast Africa?
4. How do these disputes hinder internal development?
5. What is the influence of great powers and other nations on these disputes?
6. What is the significance of the disputed areas to the parties?
7. Summary, solutions and possible action

At the assembly, the participants to the conflict were made to provide answers to those questions. Although the groups did not provide final decision on how to resolve the conflict as the meeting ended in a confused state, however, it did provide positive interactive dialogue upon which gains can be maximized for future resolution should the process continue. At least few lessons were registered:

1. How to compose parties to the conflict into well functioning and interactive groups
2. They stepped into tentative solutions
3. Communication were kept ceaseless so that “radiated individuals” retreated from impasse.

### **SELF ASSESSMENT EXERCISE**

Communication and interpersonal relations are important in Third Party Conflict Resolution; Do you agree?

## **4.0 CONCLUSION**

Although the mediators did not resolve the conflict, the parties to the conflict got used to one another. The negotiation did produce progressive discussion through the use of questionnaire and cross-functional grouping of one citizen into another state. Although the groups did not provide final decision on how to resolve the conflict, however, it did provide positive interactive dialogue upon which gains can be maximized for future resolution should the process continue. At least few lessons learning activities were registered. For examples, it shows how to compose parties to the conflict into well functioning and interactive groups. They also stepped into tentative solutions and communication were kept ceaseless so that “radiated individuals” retreated from impasse

## **5.0 SUMMARY**

The Somali was of the opinion that the Somali people and the lands they occupy should be united in response to their constitution; they also contested the 1897 treaty between Britain and Ethiopia by which the



Ethiopians defined their claims to the northern borders and lastly, they cited the outcome of the independent or impartial investigator instituted by Britain in 1962, which showed that 5 out of 6 inhabitants in the Ogaden disputed areas wish to leave Kenya to become part of Somalia. For their part, Ethiopia insisted on their historical and legal rights to the ownership of Ogaden and Haud. But the two countries significantly place importance on territorial sovereignty of states. They did not want to give away any part of their political map as if doing so will not only make their future land problem a defeatist one, more vulnerable to Kenya and Ethiopia (having been defeated now), but also both are irrevocably committed to the value they placed on the disputed lands. However, the mediators intervened. The negotiation did produce progressive discussion through the use of questionnaire and cross-functional grouping of one citizen into another state. And although the groups did not provide final decision on how to resolve the conflict, however, it did provide positive interactive dialogue upon which gains can be maximized for future negotiations and resolution should the process continue.. At least few lessons learning activities were registered with particular reference to third party intervention in conflict resolution. If nothing else, the level of interpersonal relationship created by series of alignment and re-alignment of the participants provided an opportunity

## **6.0 TUTOR MARKED ASSIGNMENT**

What is role of Simulation in Problem-solving?

## **7.0 REFERENCES/FURTHER READINGS**

(Adapted From Walton, R. (1987) managing Conflict: Interpersonal dialogue and third Party Roles, Massachusetts; Addison Wesley publishing)

## **UNIT 2      CASE STUDY 2 THE PEACE PROCESS AND THIRD PARTY MEDIATION IN TAJIKISTAN 1994 – 1997**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Case Study 2: The Peace Process and Third Party Mediation in Tajikistan 1994-1997
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

The purpose of this unit is to present a second case study or original examples of third party intervention in conflict resolution. The importance of case studies is well known. It is hoped that the study will provide practical justifications to various theoretical analysis mentioned in the preceding discussions. It is a problem-solving piece of writing that challenges participants to the application of insights and practical ingenuity to real life situations.

### **2.0 OBJECTIVES**

This unit sets out the objectives of this module. At the end of this module, students should be able to:

- Understand practical examples and issues in third party mediation process
- Understand the political strategies needed to overcome difficult situations in conflict resolution

### **3.0 MAIN CONTENT**

#### **3.1 The Peace Process and Third Party Mediation in Tajikistan 1994-1997**

With the collapse of communism in 1989, several members of the union became independent. Tajikistan is one of those members having the size and capability to become a country. Of course, it became an independent state from what remained of Russia in 1991. Soon after independence, it held its first Presidential election, and Rahmon Nabiev; a former

communist party leader became the post-independent president. However, the result of the election was vehemently contested and rejected by the opposition parties, demanding the resignation of President Nabiev and the conduct of fresh presidential election. By 1992, tension has escalated and the two groups (the opposition groups and government loyalists) opened fire on each other, but were not clear which of the groups fired the first shot. The opposition group was composed mainly of two political parties and other supportive groups - the Islamic Renaissance Party (IRP), and the Democratic Party. The other side was composed of government loyalists and forces armed by the government, including voluntary fighters drawn often from the disengaged soldiers of Soviet Union.

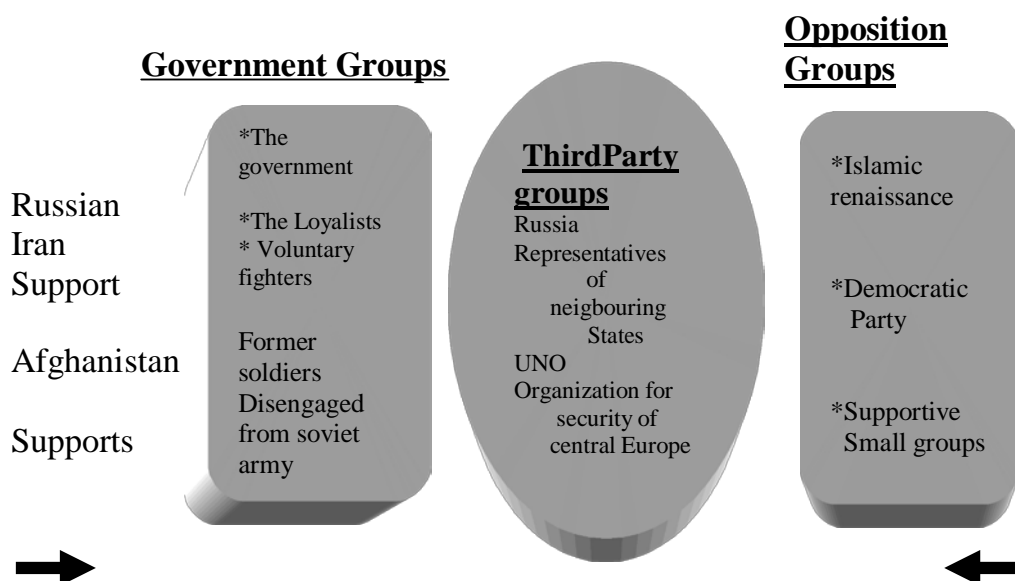
In the first one and half years of hostilities, about 50,000 people have been killed from both sides. After five years of tensed conflict, both groups signed a peace agreement in Moscow, marking the end of the conflict.

The central issue in the conflict was the discontents of the southern and eastern power elite about their limited access to political powers at the centre including high governmental positions. While it was tempting and widespread to conclude that the conflict was between the Islamic and pro-communist forces, the conflict was rather a fight for acquisition of, and control over the central government by the rivals based on regional allegiance or loyalty.

The mix of the Islamic and National Democratic parties enjoyed the supports of Iran and Afghanistan. And inspite of other related supports, the opposition forces looked upon Russia to provide meaningful intervention.

The agreement established a power-sharing government to include the representatives of the opposition parties –United Tajik Opposition (UTO). Not only that the complexity of commencing negotiation was difficult,

## **Mediation**



the process of mediation that brought the parties to a peace agreement was long, complex, and often marked by violations as well as rekindled efforts to rehabilitate the conflict.

The mediation started in 1994. Russia succeeded in bringing the parties in conflict to negotiation table, especially when they both realized, based on past antecedents, that more fighting will bring more deaths and economic ruins to an economy that is begging development. But Russia had “vested interest” in the conflict supporting the government groups on one hand and on the other wanting to continue to maintain her influence in Tajikistan – against the principles of third party intervention. This is what Johnson (1997) called the dilemma to Russian foreign policy.

In Moscow in April 1994, the parties to the conflict agreed to a ceasefire and signed the peace agreement – an agreement that was short-lived as the government groups soon breached the recommendations. It was most probably that one of the recommendations was for the government to run an inclusive government until a consensus is evolved to reorganize another fresh presidential election. In particular contrary to that agreement between them in April 1994, the government started a campaign for referendum and presidential election. The opposition became aggrieved again. The conflict intensified in 1995. To a great extent, it was due to the position of Russia by supporting one side – that is the promotion of President Rahmon Nabiev to the exclusion of the opposition. Russia became a “spoiler” rather than a negotiator. The Russian troops helped the government to secure the borders. In December 1995, both parties met to negotiate in Ashkhabad Turkmenistan. At this time the Russian policy makers involved central Asian countries in the process: On the other hand, Iran played an active role in urging the opposition to come to negotiation table. It also meant

to clearly show to the opposition that Russia is not only the mediator in the negotiation. At this juncture, 'parties to the dispute became more serious about the peace process, negotiating the main issues in the conflict'. Pressure became overt on the Tajik government that opposition must be included in the government structures. Interestingly, it became clear to the mediators in general and Russia in particular that military strategies were not the solution to the peace project.

Three major developments informed by the Russian foreign policy helped to quicken the positive reality of the negotiation processes:

1. Russia was potentially afraid of the changing geopolitics of the area. It wants to maintain close ties with its 'former colonies';
2. It also wants to maintain tie with Iran who had given supports to it in the process even if it sometime had to behave like Russia and,
3. It wants to avoid the incursion of the Afghanistan Talibans, who posed security threat in the region.

By 1996, mild advancement has been made in the peace processes. Commission for National Reconciliation (NCR) was created, and its primary reference point was to oversee the inclusion of opposition groups in the government.

This analysis shows that the role of Russian as a key third party mediator can be regarded as effective, especially for the fact that the two parties in conflict eventually came to the negotiation table to sign the agreement. The role of Iran was also tremendous. Uzbekistan, Kyrgyzstan, Kazakhstan, Tajik neighbours were supportive. The United Nations and the Organization for the Security of Central Europe (OSCE) played the key role that was, limited to consultations. But Russian role in particular divides between 'pure mediation and power mediation', bringing the conflict to the dynamics of intensifying the conflict and also helping them to reach positive outcome. A numbers of experts who know or commented on this conflict held Russia accountable for the stalemate since 1994, when the first negotiation took place. Yet others claimed that Russian position was largely informed by its foreign policy re-definitions and adjustment, following the fall of communism in 1989.

The recognition of the parties in conflict that more violence will do more dangerous damage to the two sides also provided the motivation and willingness on the part of the principals to embrace agreement and resolution.

### **SELF ASSESSMENT EXERCISE**

What is the substance of the conflict?

#### **4.0 CONCLUSION**

The analysis shows that the role of Russia as a key third party mediator can be regarded as effective, especially for the fact that the two parties in conflict eventually came to the negotiation table to sign the agreement. The two parties still regard Russia as their mother country even if they had broken away to form their own states. Two important lessons were clearly thrown up. First, Colonial relationship with newly independent states still thrive in times of crucial decisions-making. Secondly, the military power of a state is a major element for exploring, navigating and dealing with the terrains of international relations and diplomacy. The role of Iran was also tremendous. Uzbekistan, Kyrgyz-Stan, Kazakhstan, Tajik neighbours were supportive. The United Nations and the Organization for the Security of Central Europe (OSCE) played the key role that was, limited to consultations. A number of experts who know or commented on this conflict hold Russia accountable for the stalemate since 1994, when the first negotiation took place. Yet others claimed that Russian position was largely informed by its foreign policy redefinitions and adjustment, following the fall of communism in 1989.

#### **5.0 SUMMARY**

The primary issue in the conflict was the discontents of the southern and eastern power elite about their limited access to powers at the centre including sensitive governmental positions. It was tempting and widespread to conclude that the conflict was between the Islamic and pro-communist forces, but in the real sense of the conflict, it was rather a fight for acquisition of, and control over the central government by the rivals based on regional allegiance or loyalty.

The mix of the Islamic and National Democratic parties enjoyed the supports of Iran and Afghanistan. And inspite of other related supports, the opposition forces looked upon Russia to provide meaningful intervention and resolution if need be.

The agreement established a power-sharing government to include the representatives of the opposition parties –United Tajik Opposition (UTO). Not only was the commencement of negotiation made difficult, the processes of communication and negotiation were severely burdened by intrigues and mistrusts.

The analysis shows that the role of Russia as a key third party mediator can be regarded as effective, especially for the fact that the two parties

in conflict eventually came to the negotiation table to sign the agreement. The two parties still regard Russia as their mother country even if they had broken away to form their own states. Two important lessons were shown clearly. First, Colonial relationship with newly independent states still thrive in times of crucial decisions. Secondly, the military power of a state is a major element for exploring, navigating and dealing with the terrains of international relations and diplomacy. The role of Iran was also tremendous. Uzbekistan, Kyrgyz-Stan, Kazakhstan, Tajik neighbours were supportive. The United Nations and the Organization for the Security of Central Europe (OSCE) played the key role that was, limited to consultations. But Russian role in particular divides between ‘pure mediation and power mediation’, bringing the conflict to the dynamics of intensifying it at one point and also helping them to reach positive outcome.

## **6.0 TUTOR-MARKED ASSIGNMENTS**

The analysis partly showed that both partial and genuine intentions as Russia did in this process might be effective in third party conflict resolution. How can we say altogether that partiality is cancerous in third party conflict resolution?

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## **UNIT 3 CASE STUDY 3: PEACEMAKERS OR**

## **SPOILERS? THIRD PARTY MEDIATION IN CONFLICT OVER NAGORNO-KARABAGH**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Peacemakers or Spoilers? Third Party Mediation in Conflict Over Nagorno-Karabagh
  - 3.2 Mediation and Peace-building Efforts by International Organizations
  - 3.3 Regional Interest and Complex Nature of the Caucasus
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

The purpose of this unit is to present another case study that provides different insights into third party intervention in conflict resolution. It is about Caucasus consisting of seven of what was formerly known as the Russian federation in the northern part and three independent states in the south that became the epicenter of post soviet ethnic tensions.

### **2.0 OBJECTIVES**

At the completion of this unit, students should be able to:

- learn new lessons on the dynamics of third party conflict resolution.
- understand the levels of politicking in third party conflict resolution
- understand that ecological factors do affect conflict resolution

### **3.0 MAIN CONTENT**



### **3.1 Third Party Mediation In Conflict Over Nagorno – Karabag: Peacemakers or Spoilers?**

#### **The Substance of the Case**

The Caucasus, today, have about three to four ethnic conflicts in its coffers namely; the Nagorno-Karabagh conflict (between Armenians and Azerbaijan; Abkhazian and South Ossetian in Georgia; Chechnya conflicts within the Russian federation. The Caucasus with its geographical, historical and ethnic complexities became a major challenge to the international communities, such as the United Nations, OSCE etc. Regrettably the efforts undertaken since the last fourteen to fifteen years when Communism collapsed have proved fruitless. The beginning of the Nagorno-Karabagh conflict dates back to 1920s when the Russian federation was first constructed. The consideration of autonomous status of Nagorno-Karabagh by a bureau in the central defunct communist party ought to have favoured Armenia, but the final decision by 1921 was to attach Karabagh (NKAO) to Azerbaijan by ‘granting it broad regional autonomy’. During the Soviet rule ethnic grievances were concealed and suppressed. In the 1980s, the relationship between the two improved as a result of the weakening political integrity of ‘almighty USSR’. In 1988 the NKAO appealed to the Supreme Soviet, Azerbaijan and Armenia to authorize the secession of NKAO from Azerbaijan and its attachment to Armenia. This triggered the Nagorno-Karabagh conflict. By 1990 when the foundation of communism was thoroughly being shaken, full-scale war started with each side accusing each other of initiating the conflict. The conflict left more than 15,000 persons dead. Armenia succeeded in gaining control over Nagorno-Karabagh and also occupied 20% of Azerbaijan territories.

#### **3.2 Mediation and Peace-building Efforts by International Organizations**

Many mediation parties have been involved in the resolution process, each developing its own strategies and adopting different role and positions in the third party process. They include the United Nations Security Council, Conference on Security and Co-operation in Europe (CSCE) the OSCE, and the Commonwealth Independent States (CIS).

## Mediating third Party Organizations

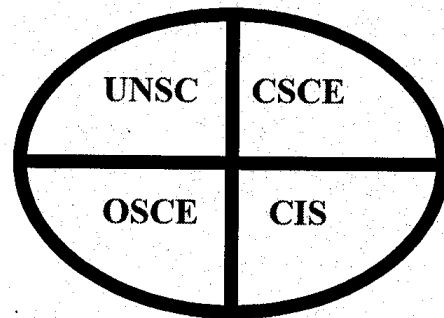


Figure 11

The involvement of the UN implies that it has to balance or co-ordinate efforts of other negotiators. It also presupposed that the UN would be able to provide not only opportunities for impartial mediation, but also a huge wealth of experience and professionalism in developing settlement strategies that will be acceptable to all parties in conflict. But the generally well-known model of the UN in managing conflict is the conventional demobilization and disarmament of parties in conflict, including constitution writing, support for human right policies and reconstruction of war-damaged infrastructures. While the UN did not chose these, it also did no have elaborate alternative measures to tackle the conflict, except that it is well disposed to fact-finding and making **political statements** that often discredit one party and exonerating the other. That again brought utter discredit to the UNSC status in the mediation process. Both the Armenians and the Azerbaijan on different occasions rejected statements of orders by the UNSC urging the parties to, “immediately withdraw of all occupying forces from different regions of Azerbaijan”

### Shortcomings of the Political Statements

- 1The statements were often in abstracts and vague
- 2The policy statements often lacks internal consensus of the parties in conflict, and
- 3Absence of humanitarian supports

In 1991 the conflict inflamed again, but the UNSC withdrew itself as the main actor in the mediation process. Consequently, the CSCE and the OSCE took over the leadership created by the exit of the UN, planning concrete measures to deal with the conflict having learnt their lessons by creating the **Minsk Group** (eleven participating states) including the USA - France-co-chairmen as impartial and all-inclusive structures to settle the conflict. First, they undertook to verify all cease-fire

agreements, set in motion pragmatic steps by utilizing the UN/CSCE peacekeeping forces and also adopted “calendar of urgent measures”.

While the main barriers of UNSC’s effective involvement in the mediation was the political nature, that of the CSCE/OSCE was lack of adequate resources to mobilize the hard resources it intend to use. Moreso, the CSCE/OSCE failed to bring the parties to the preliminary statements of general principles guiding conflict settlement in third party process. Its format was also not to be laid down.

### **3.3 Regional Interest and Complex Nature of the Caucasus**

Following the fall of communism it was considered as opportunities by Turkey and Iran to create economic links with Azerbaijan. Russia sees the new disloyalty by the Caucasus republics following the 1989 debacle as security threat. Yet it has to depend on the Caucasus for transfer of finished technologies and markets for industrial materials. Azerbaijan was providing it with oil equipment, while Georgia and Armenia provided military equipment. Iran sought for counterbalancing Russia in the Caucasus to establish ‘buffer zone’ i.e. the zone between it and Russia. Although, Iran and Turkey had sought economic co-operation with each other before now, they were also suspicious of each other. Thus, Iran while supporting Azerbaijan was interested that Armenia does not give in to Turkey. Yet it was interested in the political stability of the Caucasus. However, despite its rather successful mediation efforts in the region and that of 1992 in terms of its impartial position, Russia, Turkey and the Western countries isolated and tactically rendered it impotent in the negotiation process. Caucasus implies place of primary importance for Russian’s security interests. Russia worked on its position in the region to mean ability to persuade or influence conflictual parties militarily and economically in peacemaking process to accept settlement. With the international peace structures and instruments not on ground to match that of Russia, Russia stole the show.

When in May 1994 a cease-fire agreement was signed, the UN has no choice but to accept Russia’s leading role in peacemaking process, and to welcome CIS peacekeeping operations in Caucasus despite the fact that Russia’s views about peacekeeping differed from that of the United Nations. The relative success of Russia trivialized the position of the CSCE and the OSCE in the Caucasus negotiation process. The big question is; which actor has the crucial influence in a peace process; – a pragmatic superpower or international institution? Perhaps, the answer is that it depends on the nature of the conflict and the parties involved in the resolution processes. It also depends on the nature of people involved. The nature of people all over the world differs. Some are more

civilized, better educated or mentally developed and able to understand issues than the others. Where these variables can be balanced, resolution could be a lot easier.

### **SELF ASSESSMENT EXERCISE**

Examine in the Nagorno-Karabagh resolution processes: briefly show the shortcomings of international organizations?

## **4.0 CONCLUSION**

Third party mediation is among the crucial factors in almost all forms of conflict be it inter-state or civil. However, it remained to be said that where third party has an unquenchable interest and unwillingness to let the conflict go, resolution could be very difficult. We have in the succeeding discussions admitted that persuasive strategies including authority are necessary ingredients of third party capabilities. No doubt persuasive ability comes with influence. Influence is a political variable, which involves the degree of clout a state commands. The political clout of Nigeria compared to that of the United States is obviously not a match in international arena. It comes not only with plenty resources at the disposal of a state, it is also a factor of military strength including regional and global influence. Russia used these in Tajikistan and also in the Nagorno-Karabagh resolution processes. Nigeria also used it during a post election crisis in Togo in 2005, when opposition Party openly told the world that the election was rigged. Perhaps what might be said of third party conflict resolution in the future is that diplomacy is potentially an input of the mediator, especially if the parties to the conflict involve more than two or three and where states are involved rather than individuals as we saw in the case of Kenya, Somalia and Ethiopia. Yet it must be admitted that third party involvement in conflict resolution and mediation processes itself, requires an expansion beyond the elements of **partial** or **impartial** positions of the mediator. Where too many mediators are involved one mediator may likely falter. Finally, the effectiveness of third party mediation process is susceptible to difficulties where the mediators are suspicious of one another. It is necessary that mediators who are already suspicious of one another be avoided in constituting a panel of mediators or third parties resolution in a conflict.

## **5.0 SUMMARY**

Third party mediation is difficult but interesting in almost all forms of conflict resolution, be it inter-state or civil. However, it had been realized that persuasive strategies are necessary strategies required by third party in his/her capacity to have control over the conflict

resolution process and to enable conflicting parties have trust in him/her. Most importantly, effective mediators pay close attention to the ways they build trust and carefully weigh the possible consequences before taking any action that might make the conflicting parties lose confidence and trust repose in them.

## **6.0 TUTOR MARKED ASSIGNMENT**

Which actor has the crucial influence in a peace process; – a pragmatic superpower or international institution?

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## **UNIT 4 WHY AND WHERE DOES “POWER MEDIATION” MATTERS IN THIRD PARTY CONFLICT RESOLUTION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Why and Where “Power Mediation” Matters in Third Party Conflict Resolution
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

In this unit, we will focus on power as a strategic variable in groups’ activities. In third party intervention processes, no matter how a mediator chooses to handle the settlement there must be traces of politicking of some sorts. Third party intervention is essentially a conflict management strategy that involves considerable degree of openness and neutrality. Openness and neutrality presuppose that high level of transparency, predictability and accountability are needed. But this is often not very easy to come by as we have or will probably see in the cases of Russian intervention in the nations around her.

### **2.0 OBJECTIVES**

At the completion of this unit, student should be able to:

- understand the difference between power mediation and pure mediation
- understand the circumstances under which power mediation is necessary in third party conflict resolution processes; and
- understand the imperatives of pure mediation in third party resolution process

### **3.0 MAIN CONTENT**

#### **3.1 Power Mediation**

Students of politics probably know very well the place of power in political processes. Power is the ability of one person or group to

compel another person or group to do what he/the group would not ordinarily have done (Ball 1981). Political power is the right to exercise power (authority), which the subject recognizes and follow with a sense of obedience. What is power mediation?

Power mediation refers to the compulsion brought to bear on parties in conflict as a result of domineering influence that the mediator(s) have over the parties. The parties in conflict may not, for example, be willing and disposed to accept certain things. But because the mediators have overwhelming influence on them, they are compelled to accede to a resolution. However, it needs be established that such resolutions are sometimes very susceptible to reopening the conflict in the future. As Ball (1981) noted, "Obedience obtained and secured solely by threat of sanctions is often very unstable."

Power mediation is a form of bullying. There are two faces of it. First, it can be result-oriented if the party to a conflict realizes that to disagree may make it lose the advantages that accrue to him from the mediator. One would be tempted to admit that such persons or group cannot be said to be a mediator. Yet there is clear evidence that it alone has the capacity to subdue the conflict by influencing or exerting power on the parties in conflict. Sometimes, such third party realizes that the groups in conflict cannot possibly agree without such compulsive attitude on them. Power mediation is different from pure mediation in the sense that the latter is entirely persuasive and encouraging on the parties in conflict. Pure mediation is helpful to the parties in conflict. Parties to the conflict in pure mediation process are potentially free from any coercive power. But those who are subject to the economic gains of the third party or those, whose economic livelihood derive from a third party, such as Tajikistan's dependence on Russia, may not be able to decline the influence of Russia as third party mediator. It could as well be that only Russia is capable of resolving such conflict.

Not in all situations that power mediation is necessary. Where the mediators are just individual professionals, it will be impossible to exert power on the principals. For example the professor who came from Yale University to explore possible solution to the Somalia-Kenya and Ethiopia conflicts ended not achieving anything because only states could possibly use power mediation strategies in third party conflict resolutions. This is the "where" of third party conflict resolution that we so referred to in the theme of this unit.

### **SELF ASSESSMENT EXERCISE**

Is Power Mediation Important at all times in Third Party Conflict Resolution?

## 4.0 CONCLUSION

Third party intervention is essentially a conflict management strategy that involves considerable degree of openness and neutrality. Openness and neutrality presuppose that high level of transparency, predictability and accountability are needed. But this is often not very easy to come by as we have seen in the cases of Russian intervention in the nations around her. It was not that Russia failed to be open; it was rather compulsive on the parties to the conflict. Of course, the parties' willingly accepted Russian entry as a third party mediator in the conflict; and it brought the resolution to reality. There are two things involved in this kind of negotiation. First, the parties to the conflict may fear sanctions from the mediator who is a benefactor. The second is when the negotiator confronts the parties with firm choice. As we had noted, power mediation is selective of time, nature of conflict and those involved.

## 5.0 SUMMARY

Politics is inevitable in any human or group relations. In third party intervention processes, no matter how a mediator chooses to handle the settlement there must be traces of politicking of some sorts. Third party intervention is essentially a conflict management strategy that involves considerable degree of openness and neutrality. Openness and neutrality presuppose that high level of transparency and predictability are needed. But this is often not very easy to come by as we have seen in the cases of Russian intervention in the nations around her. Russia may have used it to awaken the west and the UN to its clout in its former empire. Yet the UN negotiating officials realized that ecological characteristics of a conflict might most probably be important in exploring solutions to it

## 6.0 TUTOR MARKED ASSIGNMENT

Power Mediation is important at in Third Party Conflict Resolution; Discuss?

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## **UNIT 5      SUGGESTED METHODS OF PREVENTING ETHNIC / RELIGIOUS CONFLICTS IN NIGERIA                      AND                      GENERAL RECOMMENDATION**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Inter- Religious Dialogue
  - 3.2 Inter- Community Relations
  - 3.3 Tool-kits and General Recommendations
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References / Further Readings

### **1.0 INTRODUCTION**

We have severally noted that conflict, is in itself not to be deplored: it is an inevitable concomitant to change and progress. What is, perhaps, regrettable is the failure to use conflict constructively, defined in terms of using it to solve problems. In this unit, we shall examine various ecological functional methods of addressing ethnic/religious conflict, which is the basic factor militating against ethnic pluralism and co-existence in Nigeria. By doing so, we must have attempted to underscore the application of inter-religious dialogue and inter-community relations as the basic principles of managing, accommodating and preventing ethnic conflicts in Nigeria.

The unit also focuses on the general tool-kits and recommendations for third party intervention in conflict resolution.

### **2.0 OBJECTIVES**

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

- understand the gains of living together in peaceful co-existence
- understand the Contact, exchange of views and information sharing can foster peaceful co-existence of multi-ethnic co-existence
- communication based on group briefing can help peaceful Co-existence

### **3.0 MAIN CONTENT**

#### **3.1 Inter- Religious Dialogue**

Inter –religious dialogue refers to inter-faith communication. According to the bulletin of the Royal Institute for Inter-Faith Studies, inter-religious dialogue is a process of communication, sharing, borrowing and adaptation of two or more religions by two or more religious inclinations. The aim is to smoothen out differences and emphasize the common ground. People are encouraged to learn and emphasize living together based on good deal of information contact and exchange of views. Individuals move freely between groups.

As Otite and Albert (1999) documented most of the solutions to religious riots in Kano, including the Akaluka incident in Kano in 1994 in which an Igboman (Gideon Akaluka) was beheaded for allegedly desecrating on the leaflet of the Koran, was something that needed not mediation but a dialogue. But dialogue is the core issue in negotiation and inter-ethnic community relations. Dialogue cannot be separated from mediation. Dialogue and communication are important elements in negotiating for conflict resolution. Absence of dialogue and communication can in fact, make a conflict worse. Dialogue and communication become only impossible when each party plays to the gallery of their spectators. There is no way any ethnic crisis can be made irrelevant without bringing the “power brokers” in the conflict to dialogue on the way forward. Candidly speaking, to minimize or prevent future occurrences, leaders of ethnic groups should have opportunities for regular face-to-face meetings by emphasizing the cut-crossing realities in Christianity and Islamic religions, such as love, inter-faith co-operation, etc.

#### **3.2 Inter - Community Relations**

Nigeria is a multi-ethnic state, and promoting ethnic co-operation in such pluralistic setting is complex as much as difficult as each nationality tries to maximize their ethnic co-operation and resource allocation.

To foster inter-ethnic co-operation, qualitative federal character system should be encouraged in the work places. If, for example, 10 persons are to be employed from the 36 states of the federation, such persons should be employed on merit and inter-community relations established in workplaces, schools, estates, and barracks.

Closely related to that, is civil society education. This is a form of enlightenment campaign, which attempts to warn members of society of

dysfunctional or pro-ethnic practices, such as domination, resource control monopoly. Ethnicity and tribalism are “culture of separateness” as opposed to “Culture of relatedness” (Kagitcibasi, 1994). He defined the culture of relatedness as the family culture and interpersonal relational patterns, characterized by dependent-interdependent relations with overlapping personal boundaries. This two principles for example are available both in the Christian and Islamic doctrines.

### 3.3 Tool-kits and General Recommendations

The followings are, therefore, recommended for third party mediator in conflict resolutions:

1. Be determined for a fair range of win for both parties. If possible a scientific approach of quantification can be made to see if an equitable range is obtained. A fair range simply means a favourable middle ground
2. A mediator needs to be trustworthy and reliable through openness and neutrality. We have argued that a mediator may be tempted to be biased or sympathetic of the injury or damage one party may have inflicted on **A** in the course of conflict. He must conceal his sympathy. If it needs to be referred to at all, the mediator must state it persuasively and sympathetically in a way that may compel **B** to feel a sense of apology or remorse.
3. Possession of political will to make effective and efficient decision, and communicate it. Political will is a skill process of self-expression and exercising behaviour, such that consensus and fellowship is ignited on the part of subordinates. It is not arrogance in the exercise of power, but a necessary aura clout to deal with a situation. Political will spreads awesomeness around the mediator, but he is not aware of it, how much more using it to intimidate participants.
4. Thorough knowledge of the subject matter and professional expertise matters a great deal. Nobody could possibly mediate successfully in a particular conflict or be a super mediator without these attributes. The summation of part elements that gives a mediator a political will derives from these.
5. Seek your opponents’ advice on how to reach a win-win situation. If that will not work, then seek the advice from the parties to the conflict in form of opinion, collectively or individually.
6. Effective communication and retentive memory are invaluable tool-kits that must be possessed by a negotiator. Lines of communication are the lifeblood of effective negotiation. A master negotiator understands these and applies it, but novice often trade with it by focusing on static elements both at the

centre and the fringe, rather than the dynamic element – that is the resolution itself which wards off obstacles as negotiation progresses.

7. Pre-workshop is important to sensitize, placate and calm down parties to the conflict ahead of negotiation
8. Logistics, budget, venue, fund-raising and interested parties to the contribution are crucial consideration that the mediator must ponder over. If a mediator is working on appointment by the UN, AU, EU, ECOWAS, for example, the finances may not necessarily be a problem. If otherwise the mediator is purely independent of international public, the need for fund-raising may arise.
9. Timing is important as there is season for everything

You must have a theme that is alluring and encouraging. President Clinton used this in a fruitless Camp David accord between, Prime Minister Rabin (Israel) and late Arafat (Palestine) and it read, “**Here comes the children of Abraham**”.

### **SELF ASSESSMENT EXERCISE**

Discuss 10 ways by which third party can be effective and efficient in conflict resolution

## **4.0 CONCLUSION**

When a third party mediator comes to the negotiation table, he carries in the forefront of his mind that mutual gains is the central focus of the resolution. As a result of that, he becomes soft on the people, but hard on the merit. Every negotiation is different, but the basic elements do not change. The personal attributes and professional expertise are important tools that a negotiator must not ignore.

A fair range of win for both parties. If possible a scientific approach of quantification can be made to see if an equitable range is obtained. A fair range simply means a favourable middle ground.

In addition to the points raised above for resolving conflict, we have itemized various ways not only by which third party can resolve conflict, but also some fundamental ways by which inter-ethnic and religious conflict can be prevented or minimized in Nigeria. It is not exhaustive discussion, but a clue.

## **5.0 SUMMARY**

A mediator needs to be trustworthy as much as reliable through

openness and neutrality. We have argued that a mediator may be tempted to be biased or sympathetic of the injury or damage one party may have inflicted on **A** in the course of conflict. He must conceal his sympathy. If it needs to be referred to at all, the mediator must state it persuasively and sympathetically in a way that may compel **B** to feel a sense of apology or remorse.

Pre-workshop is important to sensitize, placate and calm down parties to the conflict ahead of negotiation, or those who are susceptible to conflict in the future as we had discussed.

Logistics, budget, venue, fund-raising and interested parties to the contribution are crucial consideration that the mediator must ponder over. If a mediator is working

## **6.0 TUTOR MARKED ASSIGNMENT**

Recommend 10 ways by which third party can be effective and efficient in conflict resolution.

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