

METHOD OF CONFLICT RESOLUTION

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Abstract

It is no news that countries all over the world are faced with one violence or the other, but the outstanding among all is the challenge of insecurity of lives and properties, quest for resources control, land disputes, political instability, religious crises, domestic violence and other conflicts as the case maybe. Even though they say that conflict is necessary for change in human society, help to build relationships both in groups, society, communities, and the world at large. That is why it is said that conflict is inevitable. However, the on-going war in Russia and Ukraine, in the Middle East between Iran, Israel and United State of America, in Africa between Congo, Cuba and Boko Haram in Northern part of Nigeria, has proved it otherwise. Different strategies have been put to place to end this ongoing wars, but is still exist due to part of man's life. Despite various efforts put in place by the United Nation Organisation (UNO) and the Human Rights activities to forestall the on-going war, but the propagators have sought other avenues to continue the conflict but none has used conflict resolution, that is the thrust of this work. Conflict resolution anchored on qualitative research design was used to explain the work in details. Specifically, the study adopted explanatory research design that is based on interviews, logic, rigorous thinking, accessibility to sufficient evidences from news. The work state procedures in tackling conflict through this medium and how conflict can be better managed, resolved through policy making and decision making processes. The work therefore recommends that there is need for international and local communities to use method of conflict resolution to curb conflicts in the whole world.

Introduction

Conflict is a very natural phenomenon in most human relations. Conflict resolution ability is an extremely valuable possession when it comes to having great interpersonal skill. Africa as a continent has its peculiar nature, specific conflict situations and indigenous methods of managing/resolving conflict. The evolution of peace studies and conflict resolution is propagated by scholars from Europe and North America, and exported to other regions of the world. This reflected western intellectual traditions, social views, expectations, values and rationality embedded in western culture. This is the basis of the assumption that the theories and methods derived from a particularistic western world-view are universally applicable. This argument buttresses the fact that:

The application of alien theories and methodologies of peace research and conflict resolution in Africa has relegated the fact that Africa had well

developed and tested indigenous approaches and methods of conflict management, resolution, pacific settlement of disputes and peace building (Francis, 2006:24).

It is the responsibility and indeed a matter of sovereignty for African governments to create conditions favourable to the management of crises in Africa before they escalate. This can be achieved by adopting preventive structural policies aimed at promoting human rights, security and fundamental freedoms for all as well as equity, confidence and trust. To this end, African Union (AU) highlighted as its objectives the promotion of peace, security and stability through the institutionalization of democratic principles and institutions that promote popular participation, good governance, human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights; and any other relevant human rights instruments (Mwanasali, 2006:192).

Peaceful conflict resolution mechanisms can be traditional or modern, local, national or international. Such mechanisms operate effectively in the regions and communities designated as 'zones of peace' around the world by preserving these areas' social order and preventing conflicts from becoming destructive and violent. African traditional methods of conflict resolution are embedded in their culture while the western module is strange and alien to Africans. A local method of conflict resolution is obtainable within rural and state levels. Such cases like communal boundary disputes, inter-tribal war and chieftaincy tussle, location of market square, headquarters etc. At the national level we witness ethnic, religious, political conflicts etc. Bakassi Peninsula conflict between Nigeria and Cameroon is a typical example of international boundary dispute (Onu, 2009:85).

a. TRADITIONAL METHODS OF CONFLICT RESOLUTION

Africa is diversified in culture and religion. This diversity affects the traditional approaches to dispute and conflict resolution. In the traditional African society, conflicts are highly regulated not through formal institutions, but through traditional methods founded in their culture and traditions. There are two categories of social formation in Africa. First, those characterized by centralized authority and state systems headed by paramount kings and chiefs. Most of the kingdoms date back centuries or decades before the advent of colonialism in Africa. The traditional authoritarian state system existed in different parts of Africa. Most of these kingdoms outlived colonial rule and exist with modern governance. For example, the ancient Yoruba kingdoms of Western Nigeria, the emirates kingdom of Hausa/Fulani of Northern Nigeria, the ancient Benin Kingdom of Mid-Western Nigeria, the Ashanti Kingdom of Ghana, the Zulu Kingdom of Southern Africa, other kingdoms of the East, Central and North African countries where similar paramount traditional leaders exist. The possibility of having a conglomerate of ethnic groups whose foundation is the family units, which is the cornerstone of all social formations, is not ruled out.

In the first category of political and social formation, the dispute resolution system is rigid because of the powers being exercised by the king or the paramount traditional political leader. Conflict resolution takes the form of judicial arbitration, which creates little or no room for negotiation and mediation as understood in the modern approach to conflict resolution. Practical illustrations are to be found in the Igbo and Tiv societies of Nigeria where there is no centralized authority to

resolve conflicts. Decisions on conflicts are taken at family, clan, and age grade levels (Best, 2006:98).

The family unit, as the pillar of social structure, serves as our starting point, an informal institution within kindred, led by the father as the head of the family, the mother as second in command, the first son, and the daughter in that hierarchy. Conflicts in the family are settled amicably by the family members. Cases that could not be handled by the family unit are referred to the kindred circle led by the elders of the lineage, who are also the representatives of the kindred at the village council. All case (individual and community disputes) beyond the control of the kindred are brought before the village council of elders made up of the most elderly and senior members of the community characterized by impeccable and honest individuals. Most often, the council is constituted by title holders under the leadership of the traditional ruler (Igwe or Eze in Igboland, Oba in Yoruba land, and Emir in Hausa/Fulani emirates, etc.). Adjudication of such cases normally takes place in neutral grounds, such as the village square, native market square, or the king's palace. Adjudication on boundary disputes, the contentious boundary may be designated the venue for the resolution of the disputes. Others (the traditional religion adherents) who have the traditional belief to seek redress through oracles or shrines do patronize the native doctors (priests of local deities like Okija Shrine in Okija; Omaliko Shrine in Abatete; Adoro Shrine in Alor-Uno, Nsukka; Imo Awka shrine in Awka etc.) in their desperate efforts to resolve one conflict or the other. Age Grades, Masquerade Groups, Okonko Society (secret cult), Umuada (daughters of the community) and other traditional institutions are useful traditional mechanisms in regulating and mediating conflicts. In all cases of dispute resolution, interest of the community is placed above the interest of individuals, groups or sections.

Families, villages and larger communities are hierarchically structured in such manner that each stratum is assigned specific responsibilities on how to regulate conflicts within its constituent jurisdiction. A problem that cannot be settled amicably by the family members is referred to the kindred or the village council if the kindred failed to resolve the conflict; or to the Clan (larger community made up of many villages) in case of absolute degeneration that might result in escalation of the conflict to violence.

b. SOURCES OF TRADITIONAL CONFLICTS

Conflicts sometimes occur over cultural and traditional issues in families, between families, communities, or towns over issues bordering on religious domination, chieftaincy tussle, political domination, siting or relocation of local government headquarter, siting or relocation of local market, marriage, burial rites, inheritance, appointment or selection of traditional rulers, location of community headquarter (village square), communal boundary disputes, ritual killings or murder cases, etc. Disputes that have religious and spiritual dimensions may be conducted at the traditional community shrine in order to invoke their ancestral spirits to intervene.

In most African settings, various traditions and religious practices exist to regulate conflict through various processes in line with these traditions, religious practices and belief systems. Islam and Christianity are the two dominant religions in Africa, followed by the African Traditional Religion. Religion and culture have made tremendous impact on the approaches adopted in Africa to manage

or resolve conflicts. Christianity comprehensively prescribes methods of resolving or managing conflicts by its adherents. The biblical injunction prescribes prayer, dialogue and forgiveness for one another, and abhors vengeance. Christianity prescribes co-existence and tolerance of one another, irrespective of one's religion or belief. Rather, it extols peaceful use of the scripture and adoption of all Christian doctrines and processes, "to win new souls" for Jesus Christ from among the unbelievers. Moslems, in the same way, are guided by the Koran and Islamic culture which prescribes peaceful co-existence of its believers and condemns conflict and acrimony, restoring to Islam its messages of justice, freedom and equality. It prescribes ways of engaging the community in the intervention and resolution processes and adjusting the intervention techniques according to the conflict situation (Onu, 2009:87, Best, 2006:97).

The African Traditional Religion adherents believe that the spirits of the dead (their ancestors) are the most sacred arbiter in all conflicts resolution. They strongly believe in consulting shrines through the priests of deities who they acknowledge as the intermediaries between them and their ancestors in conflict management or resolution. The priests are the symbol of ancestral presence in communities, as they intercede on behalf of the living to manage and/or resolve conflicts. In situations where their services are required, their interpretation of the situation and subsequent judgment is seriously taken as final by the parties involved in the conflict. The instant result-oriented nature of the shrines has compelled both Christians and Moslems of little faith including families, communities, public servants, politicians, farmers and traders to patronize these deities as their final and reliable instrument of conflict resolution.

The second category of state system in pre-colonial Africa is classified as segmented system known as 'egalitarian' political system. This harbours the setting for dispute resolution highlighted above; the gender influence, which excludes women out of African shrines, favours men in most decision. The processes involved are open and younger generations are encouraged to learn it and preserve the value systems, as they enjoy observer status. The Umuada (daughters of the community) wields influence, respect and authority over conflict management or resolution within their communities. They play significant roles in resolving family conflicts and participate in decision-making aimed at resolving community disputes. The Umuada is given fair hearing on sensitive issues that might result in violence if not properly managed. They are a body governed by rules and regulations aimed at propagating their culture, bringing about enduring sanity, stability, peace and harmony. Age Grades, Masquerade Groups and Okonko Society (Secret Cult) are useful traditional mechanisms in regulating and mediating conflicts. Their common functions as traditional institutions are to execute the decisions of the Village Council on all cases, punish defaulters through imposition of fines, ex-communicating recalcitrant elements, banishment, render vigilante services to ward-off criminals, etc. These institutions also serve as community mouthpiece on sensitive issues to curb escalation of imminent danger. As watchdogs, they police the entire community to maintain peace and tranquility.

c. MODERN METHODS OF CONFLICT RESOLUTION

Most conflicts in the world and more specifically in Africa, originate from the activities of the state and its policies. Societies that are badly governed are often ridden with conflicts. Quite often, it degenerates to civil strife and may even escalate to violence or wars. Good governance assures

service delivery to the people, guarantees equity, justice, fair play, rule of law, and minimization of the possibilities of conflict emanating from state activities. The absence of these qualities in some African states has made the aggrieved societies to resist bad governance.

Modernization encouraged Africans to embrace the western approach to conflict management and conflict resolution. African nations have realized that it is necessary, in conflict resolution, to have agreed mechanisms in place for groups of people in a society or countries in Africa who may be antagonistic against each other to collectively discuss and resolve issues. This process is referred to as “collective bargaining” because representatives of each party come together with a mandate to work out a solution collectively. This approach is better than avoidance or withdrawal from conflict management processes. It puts democratic processes in place to achieve integrative problem solving and enables different nationalities to find ways of cooperating and co-existing as neighbours through their own mutual accord and agreements to respect agreed rules and procedures in conflict management or conflict resolution.

The modern processes of conflict resolution differ significantly from African traditional module. The Western approach to conflict resolution embraces such elements as confidentiality, flexibility, the right and freedom to disagree with the mediators, gender sensitivity (which guarantees women the right to be heard, and to participate in decision-making on matters affecting their interests) and assurance of neutrality on the part of the mediator in the entire process. Conflicts resolution processes are handled by trained and professional mediators who possess the skill to tackle emotional issues and draw conclusion on problem-solving strategies by committing the parties to the conflict to sign agreement that is binding on them. Some of the methods of resolving open conflict often used by many conflict interventionists in conflict management are:

TYPES OF CONFLICT RESOLUTION

1. Negotiation:

This is the process where mandated representatives of groups in a conflict situation meet together in order to resolve their differences and to reach agreement. It is a deliberate process, conducted by representatives of groups designed to reconcile differences and to reach agreements by consensus. The outcome is often dependent on the power relationship between the groups. Negotiations involve compromise (one group may win one of their demands and give in another (<http://www.etu.org.za/toolbox/docs/building/conflict.html>). Fisher et al. (2000:15, cited in Best, 2006:105) define negotiation as “a structured process of dialogue between conflicting parties about issues in which their opinions differ.” Negotiation is required to de-emphasize the rigidly differences in interests, sentiments and fears. It builds mutual confidence in the ability and capacity of the disputing parties in coming together, talking together and resolving issues together in a frank and friendly environment (Akpuru-Aja, 2007:38). Morris (nd) quoted in Onu (2009:91) defines negotiation as a process in which two or more participants attempt to reach a joint decision on matter of common concern in situations where they are in actual or potential disagreement or conflict. Morris (nd) argues that negotiators may use a variety of approaches to resolve conflict, such as **power negotiation** and **interest-based negotiation**. He outlines that power negotiation involves a negotiator’s understanding and strategic use of various sources of power to achieve a

negotiator's bargaining goals; while interest-based negotiation attempts to reach solutions that meet the interests of all parties. The assumption is that a variety of interests or motivations may underlie the parties' positions. The principal objective of the interest-based approach is to satisfy those interests rather than bargain over bargaining positions. This approach of negotiation can as well be referred to as problem solving negotiation, all-gain negotiation and/or value creating negotiation. Lots of benefits abound in negotiation because in the process the interest of both parties involved in the conflict must have been understood and strategic approaches would be adopted to take care of the interests of all parties.

The Negotiation Process

Negotiation involves three basic elements, namely, **process**, **behaviour** and **substance**. The **process** refers to how the parties negotiate, including the **context** of the negotiations, the **parties** to the negotiations, the **tactics used** by the parties, and the **sequence and stages** in which all of these play out. Behaviour refers to the relationships among the parties, the communication between them and the styles of negotiation and these include the agenda, the issues, the options and the agreements reached at the end. On **substance**, experts differ on what actually constitutes a negotiation process as there is no single, agreed upon formulation of negotiation. Some have argued that wise negotiations in any setting require disputants to begin by stating extreme positions in which they ask for more than they ever hope to obtain. Through a series of gradual step-wise concessions, each side then moves from an extreme position towards some middle ground that gains mutual acceptance.

There are elements common to all types of negotiations, no matter how diverse they may be in context or procedure. Negotiators are required to communicate positions, make demands and concessions, respond to changing signals and either arrive at negotiated outcomes or disagree. From this, we can see that negotiation constitutes a multi-phased and multifaceted process.

Essential Components of the Negotiation Process

Negotiation starts with the formulation of ideas which forms the basis of negotiation. The ideas are later converted into issues which in turn become the subject of negotiation. Then comes the crucial stage of trade-offs and compromises, resulting in adoption of resolutions, declarations, and decisions, either by consensus or by majority vote. The negotiation process is a sequence of actions in which two or more parties address demands and proposals to each other for the ostensible purpose of reaching an agreement and changing the behaviour of at least one actor. The process includes:

- i. the strategies negotiators choose;
- ii. how negotiators influence each other;
- iii. the tactics negotiators adopt; and
- iv. how they go about forming and splitting coalitions.

Negotiation process refers to several stages and steps parties to conflict pass through in their efforts to arrive at peaceful settlement of their dispute. The stages include identification of the problem or

the issues in dispute, the context, the strategies, tactics and the outcome. Identification of the problem involves knowing and understanding what is the issue at stake. The *context* consists of the surrounding conditions that necessitated the process. A strategy is a set of behaviours that are observable and associated with a plan to achieve some objectives through bargaining. *Tactics* are particular actions that make up a strategy. Every negotiation finally produces an outcome. Outcome means a ratified agreement or implicit settlement (or lack of agreement). It is important to know that even though the application of strategies and tactics are fundamental, the outcome of negotiations in most cases is determined by the distribution of power or structural inequality among the contending forces.

Mediation:

Negotiation is bound to fail in some cases especially when the parties assume positional negotiation. The positional negotiation is marked by aggressive pursuit of individual interests, is competitive and adversarial. Parties make demands that are unrealistic or difficult to meet and instead of looking at issues from their interests, they promote hard-line positions that intensify competition. The failure will lead the disputing parties to seek a neutral third party to get a middle ground or to determine settlement of the dispute. The mediator plays no part in the decision. He may meet with one or all groups involved, acts as a mediator and assists possible solutions achievable within the framework. He or she is only in advisory capacity to assist in decision-making process and cannot impose a solution on the conflicting parties. Expert skillful mediators facilitate communication and build confidence from the conflicting parties or negotiators. The main task of a mediator is to gain the trust and confidence of the conflicting parties and to behave in such a way as to resolve the conflict. Given sufficient time and relevant background knowledge of the conflict scenario, the negotiation is a chance of persuading the parties to resume negotiation process, possibly with a fresh perspective and new areas of accommodation/compromise.

Mediation is the voluntary, informal, non-binding process undertaken by an external party that fosters the settlement of differences through facilitating dialogue between directly involved parties. It is the intervention of a third party, and a voluntary process in which the disputants continue the involvement. Mediation is essentially a third party where the parties to a conflict admit that they have a problem which they are both committed to solving. It is essentially an activity in which a neutral third party assists two or more parties in order to help them achieve an agreement on a matter of common concern or interest, and the mediator manages a negotiation process but does not impose a solution on the parties. The role of a mediator is to create the enabling environment for the parties to carry out dialogue sessions leading to the resolution of a conflict (Best, 2006:107; Onuoha, 2009:115).

Arbitration:

This means the appointment of an independent person to act as an adjudicator (or judge) in a dispute and to decide on the terms of a settlement. To all intents and purposes, both parties in a conflict have to agree about who the arbitrator should be and that the decision of the arbitrator will be binding on the parties involved in the conflict. Arbitration differs from mediation and negotiation in that it does not promote the continuation of collective bargaining. The arbitrator

listens to and investigates the demands and counter-demands and takes over the role of decision-maker. People or organizations can agree on having either a single arbitrator or a panel of arbitrators whom they respect and whose decision they will accept as final in order to resolve the conflict (<http://www.etu.org.za/toolbox/docs/building/conflict.html>).

Arbitration is defined as the use and assistance of a neutral third party in conflict who hears the evidence from both parties and thereafter renders a decision. The decision of an arbitrator, which is expected to be binding on the parties involved in the conflict, is called an award. Arbitration is different from mediation in the sense that the decisions of the arbitrator are binding, while the mediator refrains from reaching or providing any decisions, irrespective of the weight of the evidence that might have been gathered in the mediation process. It is also different from litigation in the sense that it is done outside the courts and its enforcement mechanisms differ from those of court judgments (Best, 2006:108).

Conciliation:

Conciliation is the act of procuring good will or inducing a friendly feeling. It is a situation where groups who are in conflict and who have failed to reach agreement, can come together once again to attempt to settle their difference.

According to Morris (nd) quoted in Onu (2009:95), conciliation refers to a process of dispute resolution in which parties in dispute usually are not present in the same room while the negotiation goes on. The conciliator communicates with each side separately using a mechanism known as “shuttle diplomacy.” Unlike mediation which provides solutions, it essentially describes third-party intervention in a negotiation in which the parties negotiate face to face to reach agreement. Conciliation is the voluntary referral of a conflict which may suggest a non-binding manner of settlement or combines explorations to facilitate more structures or techniques of conflict resolution. This may include confidential discussions with the disputants or mere assistance during a pre-negotiation period. Best (2006:107) defines conciliation as a third party activity, which involves intermediary efforts aimed at persuading the parties in a conflict to work towards a peaceful solution. The conciliator communicates separately with parties and provides the assistance needed from a neutral third party. The key aim of conciliation is to reduce tensions between parties in a conflict situation. Conciliation processes reveal hidden interests of parties and provide the necessary background through several complex activities which in turn support higher profile events like mediation.

Adjudication:

This is non-violent method of conflict management which involves the use of the courts of law and application of litigation processes. Parties in a conflict may decide to take their dispute to a court of law. The case will be tabled before a judge of competent jurisdiction and the parties involved are free to engage the services of legal counsels to represent them. The court will adjudicate on the matter by giving a legal verdict referred to as “judgment” which is legally binding on both parties. Where the need arises, the enforcement of the court judgment by the state law enforcement agencies will facilitate compliance or ensure compliance on the dispute resolution mechanism.

Resolution of conflict through court of law appears workable, but in the sense that court victory produces relative peace. This is so because litigation tends to diminish mutual trust, respect and love that had existed between the two parties prior to the dispute.

Litigations most often end in win-lose outcomes, where the winner is supposed to take all, and the loser gets nothing. The loser is perpetually angry. As suspicion is built up, the bitterness of litigation lingers on for quite a long time as the judgment and defeat would be passed on from one generation of the loser to another in some events, the later generation may decide to revisit the case as the bitterness lives on with them. The court processes take longer time to dispose of cases. Ironically, the conflicting parties have no control over the dispute before a court of law and therefore, cannot decide or suggest how long the matter may last or make inputs on the nature or shape of its outcome. Although, an aggrieved party has the legal right to seek redress in a higher court of law, if it is not satisfied with the judgment of the lower court, settlement out of court seems to be the best option for peace to reign. Until a counter judgment by the higher court is passed, the judgment of the lower court is binding on both parties. Finally, litigation is expensive to embark on. Adjudication is not the best option in conflict or dispute resolution, taking its common characteristics into consideration.

CONCLUSION

Africa has traditional methods of resolving conflicts, which cannot be ignored in any international conflict resolution discourse. The cultural background and religious beliefs predispose Africans to manage situational crisis and imbibe tolerable co-existence. This is essential ingredient in conflict resolution since conflict resolution is not an imposition on the conflicting parties. Conflict resolution yields fruitful result with the mutual consent of disputing parties particularly where facilitators are perceived to be neutral and objective in their mediation, rather than being an instrument of one party against the other. Early warning systems must be harnessed to strengthen the capacity of conflict management mechanism and conflict resolution. Early observation of danger signals and rapid response to perceived or imminent conflict mitigates its adverse effect on human and the environment by creating sharp reduction of damage to property and human lives. It introduces remedies to prevent undesirable conflict behaviour, hostile attitudes and actions, or to prevent a relapse of conflict in the post-conflict situation. Conflict management strategies as a remedy works because concessions and humanitarian concerns are its ingredients.

More so, based on the detailed explanation on conflict resolution, it shows that conflict aim was to solve the main problem causing the main conflict, so that people can move on freely without fear or biased mind, this often help to improve agreement, mutual understanding, and peaceful co-existence environment.

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