

## **NEW DIRECTIONS IN SUSTAINABLE CONFLICT RESOLUTION IN AFRICAN STATES**



**Edited by:**

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## New Directions in Sustainable Conflict Resolution in African States

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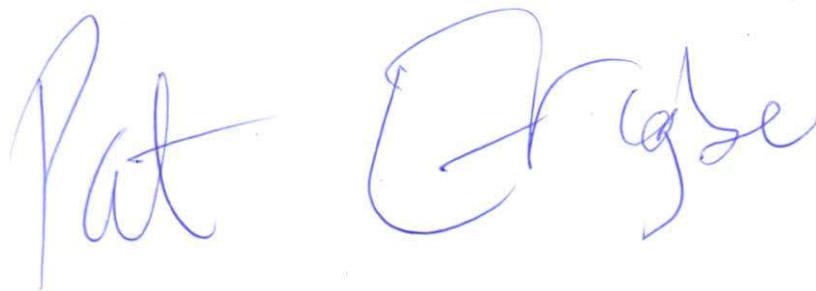
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## Preface

This book of reading *New directions in sustainable conflict resolution in African States* focuses on how diverse conflicts in Nigeria, Liberia, South Africa, Sudan, Cameroon, Namibia, Democratic Republic of Congo, (Former Zaire), Chad, Ethiopia, and others can be resolved, prevented and transformed. Many individuals and organizations have expressed concern over the spate of incessant violent conflicts that have characterized many nations in Africa. The Impact of this unpalatable recurrence on peaceful co-existence in multi-lingual, multi-ethnic and multi-religious nations with diverse cultural backgrounds and dour concomitant impact in African Unity and development are palpably and evidently clear. Scholars who are part of this success story examined reasons why African political landscape has been inundated and suffused with and deeply immersed in spectrum of recurring complex conflicts. Contributors agreed that various conflicts that have afflicted the continent over five decades are exacerbated by endemic, systemic, pandemic corruption, the prevalence of soft and unaccountable leadership, socio-economic conditions of respective African states, colonialism as well as their cultural peculiarities. The efficacy or otherwise, of measures taken at various levels for their pre-emption, containment and resolutions such as deployment of huge security apparatus (including foreign deployments) and setting of probe panels to manage perennial conflict as well as multi-stakeholders, multi-sectorial approaches are also evaluated. With contributions by eminent scholars drawn from Universities and research centres nationwide, this incisive twelve-page Chaptered book has cast its net wider than others, thereby making it not only unique in size but also in the variety of case study, institutional affiliation of its contributors and recommendations towards a more peaceful and cohesive African polity. This book is a commendable and compelling reading. At this juncture we appreciate the moral and financial support of the President and Chancellor of Oduduwa University, Dr. (Chief) Abdulrahamon Adegoke, Adedoyin all the way. We find it compelling to reiterate that while the editors take responsibility for editorial work, contributions are responsible for the originality or otherwise of the sources of different chapters contributed respectively.

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# CHAPTER ONE

## Focus on New Dimension to Conflicts Resolutions In African States

LAWAL U J

### INTRODUCTION

Conflict resolutions are methods and modes in which disputes are resolved or settled amicably. This also implies resolution of the underlying incompatibilities in a crisis, war and acrimony with a mutual acceptance of each party's existence. This term "conflict resolution" is usually confused with conflict management. Miller (2003) states that conflict resolution is seen as "a variety of approaches aimed at terminating conflict through the constructive solving of problems, distinct from management or transformation of conflict". Furthermore Miall et al (2001) postulate that by conflict resolution it is expected that the deep rooted sources of conflict are addressed and resolved and behavior is no longer violent, nor are attitudes hostile any longer, while the structure of the conflict has been changed.

The resolution of conflict using peaceful, non-violent methods has been in existence since time immemorial in nearly all African societies. There is hardly any Africa country, village, town or city that lacks mechanism for conflict resolution. These mechanisms streams from the family to the community and state as a whole. This chapter intends to discuss new dimensions in conflict resolution in Africa states departing from the traditional African methods of conflict resolution which comprise of the gathering of family heads, to community heads and to government and governmental institutions to alternative disputes resolution methods which are broader and covers a variety of issues from national to international Comprising of Arbitration, Negotiation, Collaboration, Mediation, Conciliation and the Multi-Track Approach to peace. These mechanisms have long been practiced in African states though on small scale and not with the features as it stands today.

### What Is Conflict?

Conflict is an attribute of nature that is recognized globally, it is inevitable in social existence. Conflict is expressed as hostile behavior, struggle, disharmony, strike, clash or war which can occur on individual, group, community, state, nation

or international level. Our response to conflict can determine if it is in the positive or in the negative. According to Conflict Resolution Stakeholders Network (CRESNET) conflict means an opportunity or chance for change in Chinese language (2001) in Agreeing with CRESNET, Nwoke (2004) states that conflict emerges from the fact that it occasionally serves as the engine or propeller of positive change, growth and development.

Burton (1972) states “conflict like sex is an essential creative element of human relationship. It is the means to change, to values of welfare, security, justice and personal development. Indeed conflict like sex is to be enjoyed”.

Conflict can arise as a result of resources, values, psychology and information. Conflict dynamics which are stages of conflicts: from conception to real cases and to resolution creates an avenue for resolution at each point before it escalates into full blown war.

According to CRESNET (2001), six stages were identified: formation stage, escalation stage, crisis stage, de-escalation stage, improvement stage and transformation stage.

#### **New Dimensions To Conflict Resolution In Africa States.**

African states with vast ethnic and religious settings are diversified by cultural and religious practices as such the African traditional dispute resolution varies from community to community with the same characters of the modern Alternative Dispute Resolution processes.

Alternative Dispute Resolution is seen of recent as a new dimension to conflict resolution globally and African states are not an exception. This chapter seeks to discuss three out of the numerous alternative dispute resolution methods available and in doing so; the writer has not claimed to have dealt with each of the three extensively but a foundation for its applicability in African states With the view of curbing conflict as well as resolving conflicts in Africa states.

Alternative Dispute Resolution is the application of peaceful, non-conventional methods of resolving disputes and conflicts situation using less expense in satisfying the parties and maintaining the relationship. This chapter has Arbitration, Negotiation and Mediation out of the plethora of alternative disputes resolution methods available with a view of stating the importance of these methods to conflicts resolution in Africa state.

**Arbitration:** this is a technique for resolution of disputes outside the court. This

is where the parties to a dispute refer it to arbitration by one or more persons and agree to be bound by the arbitration decision. It is usually used in commercial disputes in particular international commercial transaction. This new dimension of dispute resolution is helpful to Africa states in the event of commercial dispute and other economic disputes. The disputants can refer it to either the African Union (AU) or the Economic Community of West Africa States (ECOWAS) as the case may be. The application of this new dimension will ensure disputes are resolved without resulting to war and without being subjected to degrading and inhuman conduct by super powers if only Africa States can trust themselves enough.

Arbitration can either be voluntary or mandatory and it is decided or resolved by an impartial adjudicator whose decision to the dispute will be final and binding. Arbitration has vast advantages which allows for lesser expense and time consumption. Although they are disadvantages, the advantages with regards to the African states outweigh the disadvantages, this is because, arbitrations are generally intended to streamline the process of conflict resolution and decreases the costs when compared to resolving a dispute in court or by war.

**Negotiation:** This is the process of achieving agreement through discussion. According to Morris, it is a process in which two or more participants attempt to reach a joint decision on matters of common concern in situations where they are in actual or potential disagreement or conflict. Mail, Ramsbotham and Woodhouse (1992:21 in Best 2005), defines negotiation as “the process whereby the parties within the conflict seek to settle or resolve their conflicts.”

Negotiation usually involves variety of approaches which include “power negotiation” and “Interest based negotiation”. According to Morris this power negotiation involves a negotiators’ understanding and strategic use of various sources of power to achieve a negotiators bargaining goals. Power negotiation seems to be based on the economic strength and power of the disputants vis a vis the negotiator who must possess superior power.

Another method in negotiation is the interest based negotiation. In this process, attempts are made to resolve disputes based on solutions that meet the interests of all parties. The goal of this method is to satisfy those interests rather than bargain their bargaining positions.

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seeking fresh solution to a conflict that has power intransigent can be resolved through government agencies. This is done through collaboration with relevant variety of stakeholders; thereafter new terms of resolution based on consensual inputs are formulated. Negotiation therefore is a direct process of dialogue and discussion taking place between at least two parties who are faced with a conflict or dispute.

The benefit of this new dimension of conflict resolution in Africa states steams from the realization that a compromised solution outweighs the loss rising from refusal to negotiate, as negotiation gives room for free communication and allows disputants to state their position, grievances and anger in the presence of the negotiator who tries to forester solution and peace.

There are two forms of negotiation. The *positional negotiation* and the *collaborative negotiation*.

Positional negotiation is when a party to a dispute put further a position that they are not ready to shift grounds on this form of negotiation is usually aggressive and does not last as it can be detrimental to the other party.

Collaborative negotiation is where both parties communicate and educate each other about their fears, concerns, needs and feelings; this process is collaborative in principles with the aim of building a sustainable relationship. It must however be stated here that these types of negotiations no matter how hard or simple they sound can be complex and far reaching as disputants most time hardly are ready to compromise and resolve issues. Negotiation will help African states in resolving disputes as they will have the opportunity to sit together and communicate freely with themselves without the support of the colonial masters on either side. This is assumed that the Negotiator will be another respected African nation or its institution or officials who are poised to resolve the dispute bearing in mind the sustainace of the relationship between the disputant.

**Mediation:** This is the use of an independent third party (a mediator) to resolve disputes and help both sides to come to an agreement. Mediation is a voluntary process and takes place only if both parties agree. It is a confidential process where the terms are not disclosed to any party outside the mediation hearing. In mediation the actual settlement of a dispute is left the parties. The mediator only facilitates the parties with different interest together by defining issues and eliminating the roadblocks to communication. Mediation is usually

recommended as it brings parties together in an environment where they can freely and confidentially present their position in front of a neutral third party. Mediation as a new tool for dispute resolution where applied can be very effective as it is a tool that is possessed by all individual which can be applied at the family, community, state, national and international levels in dispute resolution. Mediation is a proper process in the western context of conflict management. This method though not common in Africa settings as compared to arbitration, it is however gaining significance with the pollution of Africa NGO's and if effectively utilized is a viable tool for dispute resolution.

### **Summary, Conclusion and Recommendation**

This article looks at the new dimensions to conflict resolution available to Africa states. The work however cannot and does not claim to have exhaustively discussed them as they are plethora and only three is mentioned here, as a starting point for an in-depth study/pathway to effective dispute resolution in African states. The study concludes that these methods are intended to promote non-violent method of resolving disputes by applying the various dimensions to localities depending on roots, culture and religions specification, African states will benefit from its application in disputes resolutions as they are guides against economic and political manipulations and exploitation and also as a means of emancipation from colonial slavery. Furthermore, where applied at each level : family, community, state, national and international using communication, collaboration, mediation, negotiation, arbitration and a host of other alternative dispute resolution methods, the search for peace in African states would see light at the end of the tunnel.

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