NATIONAL OPEN UNIVERSITY OF NIGERIA

DEPARTMENT OF PEACE STUDIES AND CONFLICT RESOLUTION, FACULTY OF SOCIAL SCIENCES

COURSE CODE: PCR 115

COURSE TITLE: INTRODUCTION TO CONFLICT RESOLUTION PROCESSES 1

**COURSE
GUIDE**

**PCR 115
INTRODUCTION TO CONFLICT RESOLUTION
PROCESSES 1**

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Introduction

PCR 115: Introduction to Conflict Resolution Processes 1 is a one Semester course. It is one of the courses available for you to take as part of the core module of the Peace and Conflict Resolution Programme. This course is suitable for any foundation student seeking to understand conflict and conflict resolution issues in the field of Peace and Conflict Studies, Political Science and International relations. This course consists of 20 Units, encompassing the following key areas, namely, definition of conflict, concepts related to conflict resolution and conflict transformation, conflict handling styles, strategies of conflict resolution such as Negotiation and Mediation which are also aspects of Alternative Dispute Resolution. There are no compulsory prerequisites for this course. The course guide provides the outline of the course, and the step and step explanation on how to use and understand each of the unit in the course materials. There are tutor–marked assignments that accompanied each unit. There are also periodic tutorial classes for this course.

What you will learn in this course

PCR 115 Introduction to Conflict Resolution Processes 1 is to introduce you to the concepts and strategies of conflict resolution as a fundamental aspect of guaranteeing societal peace and harmony. Some of these concepts as earlier mentioned include: conflict, conflict resolution, conflict transformation, Alternative Dispute Resolution, negotiation, and mediation, These are concepts that are germane to your everyday practices that you should be knowledgeable of.
Your understanding of this course will serve as a foundation for gaining deeper understanding of other related issues in the study of politics and International Relations.

Course Competencies

The competencies of this course is to introduce you to the intricacies of conflict resolution, given that conflict is an inherent aspect of human interaction and we must develop our skills of constructive approaches to managing and resolving conflict to foster a peaceful society. This will deepen our understanding of the importance of developing skills to constructively resolve conflict for the attainment of peace at all levels. Peace is an essential prerequisite for the attainment of meaningful development.

Course Objectives

This course has several objectives. In addition, each unit has specific objectives. The unit objectives are stated at the beginning of each unit. You are expected to understand these objectives in the course of studying and completing each of the unit to be able to assess your progress.

This will help you to ascertain that you have covered what is required of you in that unit.

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

1. Define and explain the concept of conflict;
2. Understand the concept of conflict resolution and conflict transformation;
3. Explain the various conflict handling styles
4. Be familiar with the major strategies of conflict resolution;
5. Understand the importance of communication in conflict resolution;
6. Differentiate between the formal and alternative dispute resolution
7. Outline the advantages and disadvantages of Alternate Dispute Resolution;
8. Distinguish between negotiation, mediation and other forms of Alternative Dispute Resolution;
9. Discuss the interlinkage between Bargaining and Negotiation;
10. Understand the types of Negotiation
11. Discuss the skills of a mediator and types of mediation;.

Working Through This Course

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

Course Materials

Course Guide
Study Units
Textbooks and other Reference Sources
Assignment File
Presentation

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

Unit Structure

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

Module 1

Unit 1:   Understanding Conflict and Process
ofConflict Resolution
Unit 2:   Conflict Handling Styles
Unit 3:   Strategies of Conflict Resolution
Unit 4:   Communication in Conflict
            Resolution

Module 2

Unit 1:   What is Alternative Dispute Resolution?
Unit 2:   Negotiation
Unit 3:   Types of Negotiation
Unit 4:   Strategies of Negotiation

Module 3

Unit 1:   What is Mediation?
Unit 2:   Skills of Mediation
Unit 3:   Types and Strategy
            of Mediation
Unit 4:   Conditions for Successful Mediation

Module 4

Unit 1:   Understanding Peace
Unit 2:   Peace Support Operation
 Unit 3:   Basic Standards in International Law and Humanitarian
            Principles
Unit 4:   Early Warning and Preventive Measures and Deployment

Module 5

Unit 1:   Peace Building
 Unit 2:   Multi-track Diplomacy in Peacebuilding
Unit 3:   Gender-inclusive Peacebuilding
Unit 4:   International Humanitarian Law on the Protection
of Civilians and Vulnerable Group

Each unit contains a number of self Assessment exercise. In general,
these self Assessment exercise enables you to determine your

understanding of the materials you have just studied or enable you to apply it in your every day practice and, thereby, assist you gauge your progress as well as reinforcing your understanding of the material. Together with

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

References and Further Readings

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

John Paul Lederach, 1996, <u>Preparing for Peace: Conflict Transformation Across. Cultures,</u> Syracuse, NY: Syracuse University Press,

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

Schmid, A.P. (2000). Thesaurus and Glossary of Early Warning and Conflict Prevention terms. Synthesis Foundation, Eramus University.

Conflict Management Training Manual (2001). Conflict Resolution Stakeholders' Network (CRESNET) with support of USAID/OTI.

Diamond, L. and John W. McDonald, J.W. (1996). *Multi-Track Diplomacy: A Systems Approach to Peace*. Kumarian Press, April 1.

Presentation Schedule

Unit	Title of Work	Week Activity	Assessment (End of Unit)
Course Guide Unit 1	Understanding Conflict and Process of Conflict Resolution	1	Assignment 1
Unit 2	Conflict Handling Styles	1	Assignment 2
Unit 3	Strategies of Conflict Resolution	1	Assignment 3
Unit 4	Communication in Conflict Resolution	1	Assignment 4
Unit 5	What is Alternative Dispute Resolution	1	Assignment 5
Unit 6	Negotiation	1	Assignment 6
Unit 7	Types of Negotiation	1	Assignment 7
Unit 8	Strategies of Negotiation	1	Assignment 8
Unit 9	What is Mediation	1	Assignment 9
Unit 10	Skills of Mediation	1	Assignment 10
Unit 11	Types and Strategy of Mediation	1	Assignment 11
Unit 12	Condition for Successful Mediation	1	Assignment 12
Unit 13	Understanding Peace	1	Assignment 13
Unit 14	Peace Support Operation	1	Assignment 14

Unit 15	Basic Standard in International Law and Humanitarian Principles	1	Assignment 15
Unit 16	Early Warning and Preventive Measures and Deployment	1	Assignment 16
Unit 17	Peacebuilding	1	Assignment 17
Unit 18	Multi-track Diplomacy in Peacebuilding	1	Assignment 18
Unit 19	Gender-inclusive Peacebuilding	1	Assignment 19
Unit 20	International Humanitarian Law on the Protection of Civilians and Vulnerable Group	1	Assignment 20
	Revision	1	
	Examination	1	
	Total	22	

Assignment

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

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

Assessment

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

Tutor Marked Assignments (TMAs)

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

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

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

Final Examination and Grading

The final examination for PCR 105: Introduction to Conflict Resolution Processes I will be of three hours' duration and have a value of 70% of the total course grade. The examination will consist of questions which reflect the practice exercises and tutor-marked assignments you have previously encountered. All areas of the course will be assessed. Use the time between the completion of the last unit and sitting for the examination, to revise the entire course. You may find it useful to review your tutor-marked assignments and comment on them before the examination. The final examination covers information from all aspects of the course.

Course Marking Scheme

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

Table 1: Course marking Scheme

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

How to get the most from this Course

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

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

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

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

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

3. Once you have created your own study schedule, do everything to stay faithful to it. The major reason that students fail is that they get behind with their course work. If you get into difficulties with your schedule, please, let your tutor know before it is too late for help.

4. Turn to Unit 1, and read the introduction and the objectives for the unit.

5. Assemble the study materials. You will need your set books and the unit you are studying at any point in time.

6. Work through the unit. As you work through the unit, you will know what sources to consult for further information.

7. Well before the relevant due dates (about 4 weeks before due dates), check the Assignment File for your next required assignment. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination. Submit all assignments not later than the due date.

8. Review the objectives for each study unit to confirm that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor.

9. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to pace your study so that you keep yourself on schedule.

10. When you have submitted an assignment to your tutor for marking, do not wait for its return before starting on the next unit. Keep to your schedule. When the Assignment is returned, pay particular attention to your tutor's comments, both on the tutor-marked assignment form and also the written comments on the ordinary assignments.

11. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the Course Guide).

Online Facilitation

There are 8 weeks online facilitation p r o v i d e d in support of this course Information relating to the facilitation will be provided at the appropriate time.

Your online facilitation will be through my learning space.nouedu2.nt comment on your facilitation, keep a close watch on progress and on any difficulties, you might encounter and provide assistance to you during the course. You must participate on facilitation.

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

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

MAIN COURSE

Course Code	PCR 115
Course Title	Introduction to Conflict Resolution I
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MODULE 1

Unit 1: Understanding Conflict and Process of Conflict Resolution

Unit 2: Conflict Handling Styles

 Unit 3: Strategies of Conflict Resolution

Unit 4: Communication in Conflict Resolution

UNIT 1   UNDERSTANDING CONFLICT AND PROCESS OF CONFLICT RESOLUTION

Unit Structure

1.1   Introduction
1.2   Learning
outcomes
1.3   Process of Conflict Resolution
1.4   Summary
          Self Assignment Exercise
1.5   References/Further
Readings/Web
1.6 Possible Answer to Self-
Assessment Exercises

1.1   INTRODUCTION

Conflict is an inevitable and integral aspect of human interaction. It is a universal phenomenon that permeates every stratum of the human society. It is inherent in human experience. Human beings have difference background, ideals and worldviews. This leads to difference in perception, which is the way that we view, understand and interprete situations around us. Perception depends on our values, experience and aspirations. Conflict arises as a result of difference in perception which can result into disagreement. Conflict, simply defined is a disagreement between two or more parties over incompatible goals (Dillier, 1997). Conflict is a goal-directed activity that can improve the position of one party at the expense of the other (Boulding, 1977: 26). The parties to a conflict perceive that their interests are incompatible, and express hostile attitudes to one

anothers, or they pursue their interests through actions that damage the other parties (Lund, 1997)

It is important to understand that conflict is not necessarily bad or dysfunctional. It should be understood in both its positive and negative connotations. Conflict can be a channel or mechanism for the articulation human goals, aspirations and desire for social change (Ross, 2001). In its positive connotation, conflict is productive, creative, and constructive. This implies that conflict can lead to mutually satisfactorily outcomes and settlement for the conflict parties when it is constructively discussed and resolved (Albert, 2001). On the other hand, conflict can be negative and destructive when it degenerates into violence. A destructive conflict can manifest as a struggle over values or claim to status, power, and scarce resources, in which the conflict parties aim is not only to obtain the desired values, but to neutralize, injure or eliminate their opponents (Coser, 1956). A destructive conflict is always characterized by violence leading to injury, loss of lives, and damage to properties. It is important to devise constructive ways to handle and resolve conflict in a way that will be mutually satisfactory to the conflicting parties. The manifestation of destructive conflict in the society has far-reaching consequences that can undermine society development. Nigeria has been battling with many destructive conflicts among individuals and groups over competition for resources, and ethno-religious cleavages.

1.2   Learning Outcomes

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

i.   Define conflict and understand the process of conflict resolution;
ii.   Explain the styles of handling conflict;
iii.   Understand the strategies of Conflict Resolution; and
iv.   Explain the relevance of communication in conflict resolution.

1.3   Process of Conflict Resolution

To manage and resolve conflict, it is important to identify, understand and address the underlying causes and sources of conflict. The sources or causes of conflict are broadly categorized into four, namely competition for inadequate or perceived to be inadequate resources; contradictory value system; psychological needs of individuals and groups; manipulation of information (Lund, 1997; Albert, 2001). The struggle to access resources which are perceived to be scarce, because of the manner of distribution and appropriation can lead to conflict. The difference in belief, ideology, worldview, ethnic and religious identities can lead to

disagreement, misconception and conflict. The threat to individual and groups basic needs for food, clothing and shelter, and the needs for belonging, security, and self-actualization can cause disagreement and conflict. The dissemination of information can be a source of conflict when it is wrongly interpreted or there is spread of misinformation that lead to misconception and disagreement. When conflict escalate to violence, it becomes more complex and difficult to resolve because of its destructive consequences.

There are some interrelated concepts that are critical to the understanding of the process of conflict resolution. It is better to prevent the outbreak of destructive conflict in the society. This is because of the destructive consequences of violent conflict on people and the society. Also, after the resolution of a conflict, it is important to put in place measures to prevent a relapse or re-escalation of the conflict. The concept of conflict prevention refers to measures which contribute to the prevention of undesirable conflict behavior once some situation involving goals incompatibility have arisen (Lund, 1997). It also relates to efforts to intervene in a conflict before threat to use force or coercion are made by the conflict parties. In the event of an outbreak of conflict and its escalation to violence, efforts must be geared towards its resolution. It may be in the form of conflict containment, which refers to measures adopted to suppress a conflict, by the military as a way to manage rather than resolve a conflict. Conflict mitigation is a measure put in place to address the causes of conflict and change the ways that conflict parties act and perceive the issues at stake. Conflict settlement aims to end violent behavior in conflict parties through efforts to achieve a peace agreement (Evans and Newsman, 1992). Conflict management is a process of reducing the destructive capacity of conflict through a number of measures and by working with and through the conflict parties (Lund, 1997). Conflict resolution refers to measures to address the underlying causes of conflict in a way that led to mutually satisfactory outcomes that lead to a new positive relationship between the conflict parties (Galtung, 1996). Conflict resolution connotes that the all the causes of conflict have been satisfactorily resolved. It can only be achievable when all parties to a conflict perceive that the measures to address the conflict address their needs. The process of conflict resolution may initially entail effort to contain, manage, mitigate or settle the conflict as a short term measures towards resolving the conflict. Conflict transformation goes beyond conflict resolution to build longer lasting relationship through a process of change in perception and attitude of the conflict parties. To transform conflict will require the transformation of five critical components of conflict transformation; actor, issue, rule, structural and goal transformation. Actor transformation has to do with the internal changes in conflict parties to be able to develop constructive skills of handling conflict. Issue transformation refers to a change in conflict issues in ways that allow for creative solution. Rule transformation is about the redefinition of the norms guiding relations between the conflict parties. Structural transformation has to do with the changes in the structures of the social relations between conflict parties and the society as a measure to sustain peaceful relations. Goal transformation relates to the

understanding of the goals of the conflict parties which can pave way for mutual cooperation towards achieving the goals (Vayrynen, 1991)). Achieving complete resolution of a conflict can require making significant socioeconomic or political changes that restructure society in a more just or inclusive way. Changing societal structures, such as the distribution of wealth in society, is a difficult thing to do and can take decades to accomplish. Thus, fully resolving conflict can be a long, laborious process. In the short run, conflict containment, mitigation or management may only be achievable.

Identify and address the underlying causes and sources of conflict?

The sources or causes of conflict are broadly categorized into four, namely competition for inadequate or perceived to be inadequate resources; contradictory value system; psychological needs of individuals and groups; manipulation of information

Class Activity

1. What are the sources of conflict and why is it difficult to resolve conflict over contradictory values?

2. What are the interrelated concepts that are critical to the process of conflict resolution?

Self-Assessment Exercise

i) Define Conflict and discuss the sources of conflict?
ii) What are the related concepts that are critical to understanding of the process of conflict resolution?

 Possible Answer to Self-Assessment Exercises
Conflict, simply defined is a disagreement between two or more parties over incompatible goals.

Causes of conflict are broadly categorized into four namely competition for inadequate or perceived to be inadequate resources; contradictory value system; psychological needs of individuals and groups; manipulation of information

1.4 SUMMARY

In this unit, we have dealt with the meanings of Conflict, sources of conflict and the concepts relevant to the understanding of the process of conflict resolution.

1.5   REFERENCES/FURTHER READINGS

Albert, I.O. (2001). Introduction to Third-Party Intervention in Community Conflicts. John Archers Publishers.

Boulding, K.E. (1977). The Power of Non-Conflict. Journal of Social Issues. Vol. 33. No. 1.

Coser, L. (1956). The functions of Social Conflict. New York Free Press.

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Evans, G., and Newnham, J. (1992). The Dictionary of World Politics. A Reference Guide to Concepts, Ideas and Institutions. London: Harvester Wheatsheaf.

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

Ross, M.H. (2001). 'Evaluation in Conflict Resolution, Training and Practice. In. Robert M. Schopenahaus (Ed.). Conflict Management Training: Advancing Best Practices. Washington DC: US Institute of Peace.

Vayrynen, R. (1991). To Settle or to Transform? Perspectives on the Resolution of National and International Conflicts. In New Directions in Conflict Theory. London. Sage.

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UNIT 2   CONFLICT HANDLING STYLES

Unit Structure

2.1   Introduction
2.2   Learning
Outcome

 2.3Types of Conflict Handling Styles
  2.4 Summary
    Self Assessment Exercise
2.5 References/Further Readings
2.6 Possible Answer to Self-Assessment
Exercises

2.1   INTRODUCTION

In this unit, we will discuss types of conflict handling styles. People respond to conflict in diverse ways. The various ways of responding to conflict is term the conflict handling styles. The styles of handling conflict can be constructive or destructive. The constructive approach to handling or responding to conflict can engender positive outcomes that can lead to the realization of human aspirations and development. On the other hand, a destructive approach to handling conflict is usually characterized by violence which can lead to loss of lives and damage to properties. It also undermines societal development. The consequences of destructive approach to conflict is profound and requires long term efforts to tackle the consequences on the affected people and the infrastructure. The destructive approach to conflict also makes conflict resolution difficult because of the emotional despair that accompanied the negative consequences of violence. The conflict resolution process must address both the causes and consequences of the conflict. This will require finding creative solution to the conflict using all forms of conflict resolution mechanism.

2.2   Learning Outcomes

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

 i.   Explain the constructive and creative approaches to handling conflict; ii.   Discuss the various conflict handling styles;
 iii.   Understand the best style of handling conflict

2.3   Types of Conflict Handling Styles

There are five main conflict handling styles. People can respond to conflict in diverse ways which may be constructive or destructive. The five basic ways that people handle conflict are; avoidance or denial; confrontation; collaboration; compromise; and joint problem solving (Albert, 2001; Conflict Resolution Training Manual, 2001). Avoidance or denial style of handling conflict as the name implies suggest that the conflict parties are pretending that a conflict exist or not responding to the conflict. It implies the denial of the existence of disagreement or conflict. This style of handling conflict tends to sweep the issues at stake under the carpet and allows the conflict to build up and result in frustration in the conflict parties. Overtime the conflict will eventually manifest in confrontation. Avoidance or denial of a conflict situation cannot address the issues in the conflict and can worsen the conflict issues in the long run. Confrontation as a style of handling conflict entails dealing with the conflict situation by confronting the other party in the conflict. The confrontation can result in violence. Collaboration style of handling conflict involves working with the other party to deal with the issues at stake. It involves cooperation between the conflict parties to address the issues that caused the conflict. The extent of cooperation or collaboration between the conflict parties tend to differs. One party may be cooperating more than the other. The difference in the level of cooperation will affect the effort to resolve the conflict. The party that is cooperating will make more concession than the less cooperative parties. This will result in a resolution that will not be mutually satisfactory to both parties. Compromise is a conflict handling style which involves give and take by the parties to the conflict. The conflict parties make concessions in the course of finding solution to the conflict. The extent of compromise will determine the outcome of the conflict. When both parties make equal concessions, it will lead to mutually satisfactory solution to the conflict. Joint problem solving involve a high level of collaboration and compromise between the parties. It is an effort to find solution to the conflict in a way that is mutually satisfactory to the conflict parties. The conflict parties are both willing to jointly find solution to their disagreement or they are assisted by a third party who work with both parties to find lasting solution that will lead to a solution that is mutually acceptable. This style is considered the best approach to handling conflict. Avoidance or denial and confrontation are destructive ways of responding to conflict. The destructive approaches to conflict can lead to a win lose outcome. Cooperation, compromise and joint problem solving are constructive ways of handling conflict. These constructive approaches to conflict can engender a win-win outcome when conflict parties jointly cooperate and compromise to find solution to the issues at stake that is acceptable to them.

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

beneficial options for settlement.

What are the five main styles of handling conflict?

The five basic ways that people handle conflict are; avoidance or denial; confrontation; collaboration; compromise; and joint problem solving.

Class Activities

I. What do you understand by constructive and destructive approaches to handling conflict?

Self Assessment Exercise

i.   Explain the various outcomes of using each of the conflict handling styles
ii. Which of the conflict handling styles is considered the best way of dealing with conflict?

Possible Answer to Self-Assessment Exercises

The five basic ways that people handle conflict are; avoidance or denial; confrontation; collaboration; compromise; and joint problem solving

Collaboration is considered as the way best conflict style of handling involves working with the other party to deal with the issues at stake. It involves cooperation between the conflict parties to address the issues that caused the conflict

2.4   SUMMARY

In this unit, we have examined the main styles of handling conflicts and the various outcomes of using these approaches. The constructive approaches that lead to win-win solution is the best way to deal with conflict situation.

2.5   REFERENCES/FURTHER READINGS

Albert, I.O. (2001). Introduction to Third-Party Intervention in Community Conflicts. John Archers Publishers.

Conflict Management Training Manual (2001). Conflict Resolution Stakeholders' Network (CRESNET) with support of USAID/OTI.

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

Burton, J.W. (1990) <u>Conflict Resolution and Prevention,</u> New York, NY, St Martins Press Inc.

UNIT 3   STRATEGIES OF CONFLICT RESOLUTION

Unit Structure

3.1   Introduction
3.2   Learning Outcomes
3.3 Approaches to Conflict Resolution
3.4   Summary
        Self Assessment
Exercise
3.5 References/Further
Readings
3.6Possible Answer to Self-
Assessment Exercises

3.1   INTRODUCTION

This unit focuses on the v a r i o u s   s t r a t e g i e s   o f
c o n f l i c t   R e s o l u t i o n .   T h e   a p p r o a c h e s   t o
r e s o l v e   c o n f l i c t   r e q u i r e s   t h e   u n d e r s t a n d i n g
o f   t h e   i s s u e s   i n   c o n t e n t i o n   b e t w e e n   t h e
p a r t i e s   a n d   c r e a t i n g   a v e n u e   f o r   d i a l o g u e
t o w a r d s   a d d r e s s i n g   t h e   i s s u e s   a t   s t a k e .   T o
a n a l y s e s   t h e   c o n f l i c t   i s s u e s ,   i t   i s   i m p o r t a n t
t o   f i r s t   i d e n t i f y   t h e   v a r i o u s   p a r t i e s
i n v o l v e d   i n   t h e   c o n f l i c t ,   t h e   i s s u e s   a t
s t a k e s ,   t h e   n e e d s   a n d   g o a l s   o f   c o n f l i c t
p a r t i e s .   T h e   u n d e r s t a n d i n g   o f   t h e s e   i s s u e s
i s   c r i t i c a l   t o   e f f o r t   t o   a d o p t   t h e   b e s t
a p p r o a c h   t o   a d d r e s s i n g   t h e   c o n f l i c t   a n d
t h e   b e s t   a p p r o a c h   t o   r e s o l v i n g   t h e   c o n f l i c t .
T h i s   a p p r o a c h   t o   c o n f l i c t   r e s o l u t i o n   i s
c o n s i d e r e d   t h e   b e s t   w h e n   i t   l e a d s   t o
m u t u a l l y   s a t i s f a c t o r y   o u t c o m e s   o r   w i n - w i n
s o l u t i o n .

3.2   Learning Outcomes

At the end of this unit you should be able to:
i.   Understand the relevance of conflict analysis to the conflict resolution
process ;
ii.   Explain the various strategies of conflict resolution.

3.3   Approaches to Conflict Resolution

Conflict resolution has to do with peaceful means of terminating conflict through the constructive solving of problem (Galtung, 1996). The resolution of conflict requires that deep-rooted sources of conflict are addressed and resolved. To find lasting solution to conflict, it is essential to understand the issues and parties involved in the conflict. Conflict analysis helps to understand the issues at the root of a conflict. It is a detailed study and understanding of the conflict actors, causes and context of a conflict (International Alert, 1996). It will be difficult to resolve a conflict, without the understanding of the conflict. Conflict analysis entails an x-ray of the conflict context, issues and actors. The conflict context is the background or history of the conflict, from the distant past, to the current events. It helps to understand the environment or circumstances that triggers the conflict. The issues in the conflict or causes must be understood. The analysis of the issues must capture the interest, goals and needs of the parties. To resolve the conflict, it is important to identify and address the needs of the conflict parties. Interest is the underlying motivations of the parties, their concerns and fears. Need is what the conflict parties must have. The conflict can only be satisfactorily resolved at the point in which the conflict parties needs are met. The stakeholders or parties to the conflict must be identified. The three main parties to a conflict include the primary or main actors directly involved in the conflict; the secondary actors who are directly or indirectly implicated in the conflict and the shadow actors who are not directly identified or seen but play major roles in the conflict. The comprehensive analysis of the conflict provides a lens to view the conflict situation and understand the best approach to resolving the conflict.

The strategies of conflict resolution can be formal or informal. The formal conflict resolution strategy involves the government judicial process within the ambit of the legal system. It entails the use of the law court to settle dispute between conflict parties. The formal approach can be adversarial because it tends to lead to a win-lose solution in which one party wins and the other party loses the case. This kind of win-lose outcome tends to breed enmity in which the party that lost out will seek all available means to seek redress. The formal legal system is also considered to be slow, time-consuming and expensive in comparison to the informal system of conflict resolution.

The informal conflict resolution strategies encompass the Alternative dispute resolution process which provides alternative to the legal system of conflict resolution in the court of law. It has to do with strategies of conflict resolution

such as negotiation, mediation, conciliation, facilitation and arbitration (Burgess and Burgess, 1997). These strategies are considered as non-adversarial because of the potential to lead to win-win solution. These various conflict resolution strategies are regarded as alternative to the litigation process of the law court. The Alternative resolution process will be discussed in details in subsequent modules. It is important to explain that not all these conflict resolution strategies leave to win-win outcomes. The ways that these conflict resolution strategies are applied by the conflict parties and interveners will determine the outcome. When parties maximally cooperative, collaborate and compromise to jointly identify their interest and needs and seek mutually satisfactory outcome, this will result in win-win solution. In the case of negotiation, the conflict parties directly dialogue with one another to find solution to their conflict. All the other conflict resolution strategies require the intervention of a third party who helps the conflict parties to seek solution to their conflict. The willingness of the parties to jointly resolve their conflict through a give and take approach and the skills and expertise of the interveners can help in the resolution process. The intervener must also fully understand the issues at stake and parties to the conflict. The intervener must be able to analyses the conflict issues to be able to help the parties to proffer lasting solution to the conflict. The conflict parties and interveners must be able to communicate effectively to foster understanding of the problem that underlie the conflict, and seek solution that will address the needs of the conflict parties.

The best strategies of conflict resolution is the one that is mutually satisfactory to the conflict parties. The parties to the conflict must consider the advantage and disadvantages of adopting any particular strategy and choose the specific approach that they consider the most suitable for finding lasting solution to the conflict.

Explain formal and informal Conflict Resolution Strategies?

The formal conflict resolution strategy involves the government judicial process within the ambit of the legal system. It entails the use of the law court to settle dispute between conflict parties. While the informal conflict resolution strategies encompass the Alternative dispute resolution process which provides alternative to the legal system of conflict resolution in the court of law

Class Activity

Define and explain what you understand by conflict analysis.

Self Assessment Exercise

i.   Explain why conflict analysis is important to the process of conflict resolution.
ii.   Discuss the formal and informal conflict resolution strategies.

Possible Answer to Self-Assessment Exercises

i.Conflict analysis helps to understand the issues at the root of a conflict. It is a detailed study and understanding of the conflict actors, causes and context of a conflict

ii.a. The formal conflict resolution strategy involves the government judicial process within the ambit of the legal system. It entails the use of the law court to settle dispute between conflict parties

b. The informal conflict resolution strategies encompass the Alternative dispute resolution process which provides alternative to the legal system of conflict resolution in the court of law.

3.4   SUMMARY

We have examined the relevance of conflict analysis to efforts to resolve a conflict. We have also discussed the formal and informal strategies of conflict resolution and the prospects of these strategies in finding lasting solution to conflict. The conflict resolution strategies that can lead to win-win outcome for conflict parties offers the best option for conflict parties to resolve their conflict issues.

3.5   REFERENCES/FURTHER READINGS/Web

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UNIT 4 COMMUNICATION IN CONFLICT
            RESOLUTION

Unit Structure

4.1 Introduction
4.2 Learning
Outcomes
4.3   Effective Communication in Conflict
        Resolution
4.4   Summary
        Self Assessment Exercise
4.5   References/Further Readings
 4.6   Possible Answer to Self-Assessment Exercises

4.1   INTRODUCTION

In this segment, we examine the significant of communication in conflict resolution. The style of communication can lead to disagreement that may degenerate into cause conflict. To resolve conflict, it is important that parties communicate effectively so as to be able to understand themselves and how to find lasting solution to their incompatible interest or goals. To be able to communicate effectively, it is also important to identify and avoid factors that can lead to poor communication. There are also several road blocks to effective communication which must be avoided to ensure effective communication in the process of conflict resolution. These issues will be the focus of this unit.

4.2   Learning Outcomes

By the end of this unit you should be able to:
i.   Understand the importance of communication in conflict resolution;
ii. Identify the factors that can affect communication;
iii. Explain the major roadblock to effective
communication in conflict resolution.

4.3   Effective Communication in Conflict Resolution

Communication connotes the process of sending and receiving information and giving feedback (Conflict Resolution Training Manuel, 2001). The person who send information is the encoder, while the person who receives the information is the decoder. The process of communication is complete at the point in which feedback is received from the decoder. A number of strategies exist for the purposes of conflict resolution. The process of encoding and decoding information must be done correctly to avoid misunderstanding that may lead to conflict. To resolve conflict, the communication between the conflict parties must be carried out effectively to ensure that they mutually understand one another in the process of dialogue to find solution to the issues in the conflict. Conflict resolution entails that parties understand each other concerns, fears, interest and needs which must be addressed in a mutually satisfactory manner. To achieve mutually satisfactory outcome will require that the communication process in carried out effectively. Both parties have to actively listen to one another to understand each other point of view towards solving the issues in the conflict.

There are factors that can affect communication. These factors are considered as barriers to communication. They include values, perception, assumption, and communication style (Conflict Resolution Training Manual, 2001). Values are our ideals, belief and worldview. It is ingrained in use and constitute part of what cherish. Some people tend to hold tenaciously to their values and find it difficult to consider the point of view of those with different values. This can lead to poor communication between people with differing values. Perception refers to the way we see, and understand situation around us. Our perceptions depend on our values, exposure and environment. The way we decode information is influence by our perception of the person giving the information. When we allow our perception to influence the way we decode information, there is a tendency to wrongly interpret or decode the information. Assumption refers to the preconceived notion we have about certain people. Such assumptions will influence how we encode or decode information from the people we have preconceived assumption of them. People from diverse ethnic groups tend to have preconceived notion, assumption or stereotype about other ethnic groups which usually influence the way we decode information from those from these ethnic groups. Communication styles can be verbal or non-verbal cues. The non-verbal cues include bodily gestures, facial expression, mode of dressing and so on. The way we

interpret the non-verbal clues is influenced by our values, and perceptions. Poor interpretation of non-verbal clues can affect the way we decode information. To ensure that we communicate effectively, we must avoid these barriers to communication. There must be willingness to listen to the other parties, with open mindset devoid of preconceived assumption, misperceptions and stereotypes. It is also important to recognize that other people point of view will differs from ours. So we must endeavor to respect other people's point of view.

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Effective communication is very crucial to efforts to address the contending issues in conflict and find lasting solution. For parties to arrive at solution that will be mutually satisfactory, they must be able to encode and decode information back and forth in a way to help them to identify the concerns, fears, interest and need of one another, and develop a problem solving approach that can lead to win-win solution. In the process of conflict resolution, conflict parties must avoid what can constitute road block to effective communication between them.

The roadblocks to communication refers to the actions or verbal styles of communication that can lead to misunderstanding during communication. The manner in which information is disseminated or encoded can be a roadblock to communication. A verbal style of communication that is characterized by threat, order, judging another person, prying on issues that does not concern an individual, always finding excuses for wrongdoing, ready to provide answers to issues even when there is no clear understanding of the matter. These road blocks to communication can hinder effective communication between conflict parties, thereby preventing them from adopting a problem solving approach to jointly find solution to their disagreement.

In the process of communication, conflict parties must practice active listening to enable them to clearly understand both their verbal and non-verbal styles of communication. To practice active listening, it is important that conflict parties show empathy to one another, in ways that encourage them to freely express their concerns, fears, interest and needs that are at the root of the conflict issues. In the communication process, parties have to encourage each other to express their views. It is also important to clarify if the information is not well decoded. To further demonstrate that the information is well understand, conflict parties need to restate, summarise and validate the information received. The process of clarifying, restating, summarizing and validation the information received are active listening techniques that aid effective communicate between parties to a conflict that are seeking means of resolving their disagreement.

What do you understand by communication?

Communication connotes the process of sending and receiving information and giving feedback. The person who send information is the encoder, while the person who receives the information is the decoder

Class Activity

      i.   What are the barriers to effective communications ?
      ii.   Explain road blocks to communication .

Self Assessment Exercise

i.   What are the active listening techniques?

ii.   Explain the importance of active listening in aiding problem solving approach to conflict resolution.

Possible Answer to Self-Assessment Exercises

i To practice active listening, it is important that conflict parties show empathy to one another, in ways that encourage them to freely express their concerns, fears, interest and needs that are at the root of the conflict issues. In the communication process, parties have to encourage each other to express their views. It is also important to clarify if the information is not well decoded. To further demonstrate that the information is well understand, conflict parties need to restate, summarise and validate the information received.

ii. The process of clarifying, restating, summarizing and validation the information received are active listening techniques that aid effectively communicate between parties to a conflict that are seeking means of resolving their disagreement.

4.4   SUMMARY

This unit aid the understanding of the significant of communication in conflict resolution. It explained the barriers to effective communication and how it can lead to conflict and also hinder effort to resolve conflict. It is important to develop active listening techniques that can aid problem solving approach to conflict resolution.

4.5   REFERENCES/FURTHER READINGS/Web

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MODULE 2

UNIT 1   WHAT IS ALTERNATIVE DISPUTE RESOLUTION?

Unit Structure

1.1   INTRODUCTION

Alternative dispute resolution (ADR) is a term generally used to refer to informal dispute resolution processes in which the parties meet with a professional third party who helps them resolve their dispute in a way that is less formal and often more consensual than is done in the courts (Burgess, and Burgess, 1997). While the most common forms of ADR are mediation and arbitration, there are many other forms: judicial settlement conferences, fact-finding, ombudsmen, special masters, etc. Though often voluntary, ADR is sometimes mandated by the courts, which require that disputants try mediation before they take their case to court.

1.2   Learning Outcomes

At the end of this unit, you should be able to:
i.   Define Alternative Dispute Resolution;
ii. Understanding Negotiation as a form of ADR Processes;
iii. Explain the types and strategy of Negotiation.

1.3   Alternative Dispute Resolution Processes

Alternative Dispute Resolution, ADR emerged in the United States of American as an alternative means of dispute resolution outside the formal legal system of the judicial process. ADR encompasses all forms of dispute resolution other than court-based litigation or adjudication (Burgess and Burgess, 1997). It is used to settle a variety of disputes in American institutions, including the family, churches, schools, the workplace, and government agencies. ADR as a dispute resolution mechanism has spread across the world. In Nigeria, ADR as an alternative to the formal legal system of the court has increasingly gained acceptance.

ADR is considered an alternative to litigation which is regarded as an adversarial system of conflict resolution that lead to a win-lose outcome. Litigation is also perceived to be time and cost consuming while ADR is seen as more cost and time effective. It also has the potential to lead to mutually acceptable or win-win outcome for the conflict parties. ADR as an alternative to litigation is preferable given the delay in the court process, congestion of the court as a result of increasing caseloads in the court of law, the confidential nature of ADR and the ability of the conflict parties

to select the third party that will intervene their case. Other factors that make disputant to prefer ADR include the high cost of litigation, unsatisfactory outcome of the court judgement which is usually a win-lose outcome that can damage relationship between disputants. ADR is of two main types. It is a method of conflict resolution outside the official judicial process. It can also be an informal method of conflict resolution attached to or pendant to the official judicial mechanism. ADR promotes openness, dialogue, effective communication, understanding and trust-building among the conflict parties in a problem-solving manner that has the potential to lead to consensus to resolve their conflict. As a conflict resolution method, ADR has many of the characteristics that is applicable to the African traditional method of conflict resolution which foster truth, compromise, reciprocity, fairness and other attributes that can lead to consensus or mutually acceptable solution to the conflict. ADR is flexible, adaptable and

The ADR spectrum are diverse and encompasses various methods of conflict resolution including Arbitration, Mediation, Negotiation, Conciliation, and Facilitation. These ADR processes are the most common types. Other variants of the ADR include Ombudsman, Executive tribunal, Expert determination, Neutral find-finder, Early Neutral Evaluation, Med-Arb, and Arb-Med. The major ADR methods such as Negotiation and Mediation will be extensively discussed in this course. The two methods are regarded as non-binding or non-adversarial conflict resolution methods with high potential to lead to win-win outcome for the disputants.

Conflict parties are more willing to adopt ADR processes when the conflict become ripe or at a stage in which the parties realise the need for intervention to resolve their differences. The stage at which parties perceived the need for intervention is at the point of hurting stalemate -- a situation where it becomes clear that neither side can win; yet, they are being substantially hurt by continuing the struggle.

The willingness of the parties to use ADR methods to resolve their conflict is very crucial for the ADR processes to work effectively. The ADR methods have been used in diverse cases. For example:
Arbitration and negotiation have become common ways to resolve difficult international business disputes. Mediation and arbitration are now commonly used to settle labor-management disputes that often used to be protracted; International mediation has been used to resolve difficult international conflicts, with varying degrees of success.

1.4   The Advantages and Disadvantages of ADR

For many reasons, advocates of ADR believe that it is superior to lawsuits and litigation. First, ADR is generally faster and less expensive.

It is based on more direct participation by the disputants, rather than being run by lawyers, judges, and the state. In most ADR processes, the disputants outline the process they will use and define the substance of the agreements. This type of involvement is believed to increase people's satisfaction with the outcomes, as well as their compliance with the agreements reached.

ADR facilitates timely resolution of conflict. It is also considered to be less expensive than litigation. It promotes confidentiality and trust given that the conflict parties and the third parties that intervene in the conflict are expected to ensure and guarantee secrecy of the issues in the conflict. ADR is also perceived to promote the restoration of pre-conflict relationship between the disputants. It is considered to lead to outcome that can address disputants needs and thus lead to mutually satisfactory resolution.

Most ADR processes are based on an integrative approach. They are more cooperative and less competitive than adversarial court-based methods like litigation. A D R p r o m o t e s a c c e s s t o j u s t i c e f o r a l l b e c a u s e i t i s m o r e t i m e l y a n d l e s s e x p e n s i v e t h a n l i t i g a t i o n . For this reason, ADR tends to generate less escalation and ill will between parties. In fact, participating in an ADR process will often ultimately improve, rather than worsen, the relationship between the disputing parties. This is a key advantage in situations where the parties must continue to interact after settlement is reached, such as in child custody or labor management cases.

ADR does have many potential advantages, but there are also some possible drawbacks and criticisms of pursuing alternatives to court-based adjudication. Some critics have concerns about the legitimacy of ADR outcomes, given that the outcome of ADR processes like Negotiation and Mediation are considered non-binding on the disputants. This leads to the perception that ADR provides "second-class justice." It is argued that people who cannot afford to go to court are those most likely to use ADR procedures. As a result, these people are less likely to truly "win" a case because of the non-binding nature of these ADR processes.

Similarly, critics believe that ADR encourages compromise. Compromise can be a good way to settle some disputes, but it is not appropriate for others (Rann, 1997). In t h e c a s e o f c o n f l i c t o v e r v a l u e s s u c h a s b e l i e f s y s t e m , e t h n i c i t y a n d r e l i g i o n , compromise is simply not an option because the issues borders of what r e p r e s e n t t h e i d e n t i t y o f t h e disputants. Another concern is that ADR settlements are private and are not in the public record or exposed to public scrutiny. This could be cause for concern in some cases. For example, using ADR to settle out of court could allow a company to resolve many instances of a defective product harming consumers, without the issue getting any public exposure. On the other hand, a court ruling

could force the company to fix all problems associated with the bad product or even to remove it from the market.

What are the ADR spectrum and the advantages and disadvantages of ADR?

For many reasons, advocates of ADR believe that it is superior to lawsuits and litigation. First, ADR is generally faster and less expensive. It is based on more direct participation by the disputants, rather than being run by lawyers, judges, and the state. In most ADR processes, the disputants outline the process they will use and define the substance of the agreements.

Class Activity

    i.   Explain the Process of Alternative Dispute Resolution?
    ii.   Define Alternative Dispute Resolution?

Self-Assessment Exercise
Discuss the ADR processes and its relevance as a mechanism of conflict resolution

Possible Answer to Self-Assessment Exercises
Alternative Dispute Resolution, ADR emerged in the United States of American as an alternative means of dispute resolution outside the formal legal system of the judicial process. ADR encompasses all forms of dispute resolution other than court-based litigation or adjudication.

It is used to settle a variety of disputes in American institutions, including the family, churches, schools, the workplace, and government agencies. ADR as a dispute resolution mechanism has spread across the world. In Nigeria, ADR as an alternative to the formal legal system of the court has increasingly gained acceptance

1.5   SUMMARY

In this unit we have examined what Alternate Dispute Resolution means and how it has become a major mechanism of conflict resolution. We have also examined ADR processes and critically reviewed the advantages and disadvantages of using ADR in settling disputes.

1.6   REFERENCES/FURTHER READINGS

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UNIT 2.   WHAT IS NEGOTIATION?

Unit Structure

2.1   Introduction
2.2 Learning
outcomes
2.3 The Process of Negotiation
2.4 Types and Strategies of Negotiation

Self Assessment Exercise

2.5 Summary

2.6 References and Further Readings
2.7 Possible Answer to Self-Assessment Exercises

2.1 INTRODUCTION

Negotiation is a form of decision-making in which two or more conflict parties communicate with one another in an effort to resolve their opposing interest (Anstey, 1991). It is also defined as a process of communication back and forth for the purpose of reaching a joint decision (Fisher and Ury, 1983). Negotiation can be considered as a method of conflict resolution when the conflict has not generated to violence. In a violent conflict, it will be difficult for the conflict parties to come together to communicate with one another in the efforts to resolve their differences. Negotiation is part of our everyday realities. People tend to negotiate in the course of making purchase, personal or interpersonal decision making process, resolving conflict, and contractual agreement. During the negotiation process, the conflict parties talk with one another in their effort to resolve their differences. This process can occur at a personal level, as well as at a corporate or international (diplomatic) level. Negotiation involves persuasive communication or bargaining between the conflict parties. In negation, the method of conducting dialogue or discussion should be based on the merit of the case. This entails four principles namely, People, Interests, Options and Criteria. People has to do with the need to separate the people from the problem by jointly working together to find solution to the problem. The negotiation process must focus on conflict parties' interests, not position. The parties to the conflict must strive to identify and address their underlying interest, which is about their concerns and fears. Conflict parties position is about what they say they want but underlying such position is their interests. Conflict parties must think outside the box or creatively generate variety of options or alternative solutions in the effort to find the best possible way to resolve their difference in a mutually satisfactory manner. The criteria for the negotiated agreement must be based on some objective standard (Fisher and Ury, 1983).

2.2 Learning Outcomes

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

i.   Define negotiation
ii. Explain the processes of negotiation
     iii. Enumerate on the methods and types of negotiation
iv. Discuss the strategy of negotiation
v.   Understand the interlinkage between negotiation and bargaining

vi. Describe the "negotiator's dilemma".

2.3   The Process of Negotiation

The process of negotiation passes through phases or stages. The three phases of negotiation are the pre-negotiation, negotiation and the post negotiation or implementation (Berridge, 1995). The process of communication between conflict parties to find solution to their problem usually pass through these three stages. The conflict parties could have met to jointly agree on the need for negotiation, decide on the time and place for the negotiation. Negotiation should usually take place at a neutral place where the conflict parties consider conducive for the negotiation process. After the negotiation, the parties meet again to facilitate the implementation of the negotiated agreement. There may be a re-negotiation phase if the parties are unable to reach agreement during the initiation negotiation. The negotiation process usually involves making concession or compromise in order to find a solution to the conflict. The conflict parties cooperate, collaborate and compromise with one another towards resolving their differences. The ability of the conflict parties to adopt a problem-solving approach during the negotiation process will determine the outcome. When both parties maximally collaborate and compromise, there is a high possibility of achieving a mutually satisfactory outcome. The outcome of the negotiation process can be win-win, win-lose or lose-lose. To be able to achieve a win-win outcome, the conflict parties must be willing to make concessions through a give and take approach in which they compromise on the issues in the conflict. The conflict parties must identify their interests and needs and the best possible ways to meet The conflict parties may be willing or unwilling to make concessions on the basis of their level of influence or resources at their disposal. The party with the more influence or resources may be unwilling to compromise or make concession. Rather the stronger or more influential parties will want to impose or make the weaker parties to comply with their demands. This situation tends to result in a win-lose outcome. While the stronger parties win, the weaker parties will lose. The prospect of a win-win outcome is high when both parties downplay their level of influence or access to resources that can utilize to crush the opposing parties, such that they jointly work together to address both parties interest and needs, make concessions and compromise and invent creative solution towards mutually acceptable or win-win outcome. Conflict parties desirous of restoring their strained relationship and building longer lasting relation at the post conflict stage will be more willing to achieve a win-win outcome.

In the negotiation process, parties to the conflict have the capacity to influence one another. The level of influence usually differs, and the way that they use their influence can determine the outcome of the negotiation. The conflict parties tend to prioritize the various issues in the conflict such that they are able to compromise or make concession on the basis of the level of importance they attached to these conflict issues. The conflict parties will be willing to make concessions on those issues that they attach

less importance to and will be unwillingly to concede those issues of importance to them. The priority that conflict parties attached to the conflict issues are not entirely the same. The difference in the value attached to the conflict issues make it possible for the parties to make compromise and concession by inventing creative solution that can lead to win-win outcome. Conflict parties are expected to aim high in the beginning of the negotiation process and gradually make concessions until they are able to mutually resolve their differences in a satisfactory manner. The conflict parties must be able to communicate effectively, listen actively to one another, differentiate between position and interest and work towards understanding each other interests and needs and invent workable solution to their differences. The effective negotiator must be able to understand the other parties, the approach to negotiation and how to tailor their own negotiation to be attune with the other parties. Both parties should not use the same approach simultaneously. If both parties insist on their position at the same time, by adopting competitive approach, it will be difficult to resolve their difference. This may lead to a negotiation impasse. Conflict parties must adjust their approach on the basis of the approach been utilized by the other parties. If one party makes several proposals that are rejected, and the other party makes no alternate proposal, the first party may break off negotiations. Parties typically will not want to concede too much if they do not sense that those with whom they are negotiating are willing to compromise.

The parties must work toward a solution that takes into account each person's interest and needs and hopefully optimizes the outcomes for both. As they try to find their way toward agreement, the parties move from position to identify their interest and needs and jointly work cooperatively towards to reach a mutually acceptable negotiated agreement.

2.4   Types and Strategy of Negotiation

The is overlap between the style and strategy of Negotiation. The strategy of negotiation refers to bargaining. Bargaining is a process of give and take during negotiation. It is thus the strategy adopted by conflict parties during the negotiation process. The approach or strategy of negotiation can be competitive, collaborative, cooperative or compromise. In the bargaining process, conflict parties reached agreement by compromising on each single issue or by trading concessions. Conflict parties do not attach the same value of each of the conflict issues. As such they will be willing to make concessions on what they value less and unwilling to trade what they value most. The bargaining process can be aborted when if one or both parties perceive that they have a better alternative than a negotiated agreement. This is known as BATNA, a situation in which walking away from the negotiation process is considered to be less damaging for the either of the conflict parties than settling for the proposed agreement. BATNA is the standard against which any negotiated agreement is

measured (Fisher and Ury, 1983). The three strategies of negotiation or Bargaining are competitive, interest-based and integrative. A competitive bargaining is interchangeably referred to as distributive bargaining in which conflict parties adopt a competitive approach to negotiation by seeking to achieve a better outcome than the opponent. This strategy of bargaining leads to a win-lose outcome. Integrative bargaining is a cooperative approach to negotiation in which conflict parties strive for mutual gains and mutually satisfactory solution. Bargaining can be interest-based when conflict parties focus on their underlying interest rather than on their position, which can be hard to concede.

The negotiation strategies overlap with the types of negotiation because the strategy adopted by conflict parties will determine the negotiation outcomes. The type of negotiation are: hard negotiation, soft negotiation and principled negotiation (International Alert, 1996). Hard negotiation entails that the conflict parties use of coercive strategies to influence one another to accede to demands towards reaching agreement that will favor the hard negotiator. The hard negotiation is competitive and characterized by antagonistic and adversarial relationship between conflict parties who adopt extreme position and unwillingness to shift ground or make concessions. The negotiation outcome can be lose-lose if both parties are hard negotiator or win-lose if one of the conflict parties is a hard negotiator and the other is influenced to compromise and make concessions.

Soft negotiation involves making concessions easily and trading off on issues without consideration to the values attached to those issues. In this type of negotiation, conflict parties is concerned about reaching agreement without generating conflict by avoiding issues that can provoke disagreement. The tendency to easily make concession by one party can make the other parties to increase rather than moderate their demands. The soft negotiator may be more concerned about preserving relationship with the other parties in anticipation of some future benefits. As such, the party may be willing to trade off important issues and lose out by giving in to the demand of the other parties.

Principled negotiation is consensual and merit-based which is geared towards achieving mutual gains. It focuses on identifying conflict parties interest and needs and promotion of mutual gains. It is highly collaborative and based on the good will of conflict parties who communicate effectively with one another in their efforts to achieve a mutually acceptable negotiated agreement. This type of negotiation strengthens and long-term working relationship because of the focus of joint problem solving approach that invent creative solution that is agreeable to the conflict parties.

The styles of negotiation adopted by conflict parties is a determinant of the negotiation outcome. If both sides maximally cooperate, they will both have win-win outcomes. If one cooperates and the other competes, the cooperator will o s e and the competitor will gain leading to a win-lose outcome. If both compete, the conflict parties will both have a lose-lose outcomes. In the face of uncertainty about what

strategy the other side will adopt, each parties strive to adjust their strategy on the basis of the strategy adopted by the other parties.

What is the process of negotiation passes?

The three phases of negotiation are the pre-negotiation, negotiation and the post negotiation or implementation

Class Activity

Define negotiation and explain why t h e a p p r o a c h
t o n e g o t i a t i o n i s a d e t e r m i n a n t o f
t h e n e g o t i a t i o n o u t c o m e .

.

Self Assessment Exercise

 i.Describe how the types and strategies of negotiation overlap?
ii.Discuss the types of negotiation?

Possible Answer to Self-Assessment Exercises
The is overlap between the style and strategy of Negotiation. The strategy of negotiation refers to bargaining. Bargaining is a process of give and take during negotiation. It is thus the strategy adopted by conflict parties during the negotiation process. The approach or strategy of negotiation can be competitive, collaborative, cooperative or compromise.

ii. Distributive bargaining in which conflict parties adopt a competitive approach to negotiation by seeking to achieve a better outcome than the opponent. This strategy of bargaining leads to a win-lose outcome.
 Integrative bargaining is a cooperative approach to negotiation in which conflict parties strive for mutual gains and mutually satisfactory solution

2.5. SUMMARY

Negotiation is one of the methods of conflict resolution which can help conflict parties to resolve their disagreement. It is also one of the ADR methods which has the potential to help conflict parties find mutually acceptable solution. Negotiation are of different types and does not necessarily lead to win-win outcome. The strategy adopted by the parties during the negotiation process will determine the outcome of the negotiation. The negotiation outcome can be win-win, win-lose and lose-lose. The best strategy is integrative or interest based which focuses on the identifying and addressing the interest or need of both parties in a problem solving manner. The use of this strategy will result in a win-win outcome that can help conflict parties to strengthen their long-term working relationship. The type of negotiation is concensual or principled because it promotes merit, fairness and mutual gains.

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UNIT 3. INTEGRATIVE BARGAINING

Unit Structure

3.1   INTRODUCTION

Integrative bargaining which is interchangeable called "interest-based bargaining," or "win-win bargaining" is a negotiation strategy in which parties maximally collaborate to find a "win-win" solution to their dispute (Berridge, 1994). This strategy focuses on developing mutually beneficial agreements that factored the interests of the conflict parties into the negotiated agreement. Interests i s t h e u n d e r l y i n g m o t i v a t i o n s, c o n c e r n s, h o p e s, g o a l s a n d f e a r o f t h e c o n f l i c t p a r t i e s.   The interests are the underlying reasons why people become involved in a conflict. We will examine this in more detail later.

3.2   Learning Outcomes

At the end of this unit you should be able to:
i.   Define integrative or interest-based bargaining;
ii. D i s c u s s t h e i m p o r t a n c e o f i n t e r e s t s o f c o n f l i c t p a r t i e s t o t h e n e g o t i a t e d a g r e e m e n t.
iii. Explain the process of creating new options.

3.3   Integrative Bargaining

Integrative refers to the potential for the c o n f l i c t   parties' interests to be [combined] in ways that create joint value or "enlarge the pie" (the stakes of negotiation). T h e i d e n t i f i c a t i o n a n d i n t e g r a t i o n o f c o n f l i c t p a r t i e s i n t e r e s t s i n t o t h e n e g o t i a t e d a g r e e m e n t i s e s s e n t i a l t o a c h i e v i n g a w i n - w i n o u t c o m e. D u r i n g t h e n e g o t i a t i o n p r o c e s s, t h e c o n f l i c t p a r t i e s m u s t b e a b l e t o m a k e

trade-offs across the issues in the conflict, by giving what they value less in order to obtain what they value most in a way that result in mutual gains and agreeable outcome.

Integrative bargaining is the best strategy of negotiation because it not only focused on the interest of conflict parties, it also produces more satisfactory outcomes (Fisher and Ury, 1983;). It leads to a win-win outcome for both conflict parties. Other strategies of negotiation or bargaining which is competitive focused on position, adopting a hard line stance, insisting on demands and unwilling to make compromise, concessions or trade off. Such approach tends to lead to win-lose if the competitive bargainer is able to influence the other parties to make concession or lose-lose if the other party is also unwilling to make any concessions. This situation tends to result in negotiation impasses in which there is no opportunity for a negotiated agreement to be reached.

The conflict parties have to equally make compromise to be able to achieve mutual gains. The mere fact that conflict parties make compromise does not necessarily lead to mutual gains. To be able to satisfy the interests of both parties and achieve mutual, both parties' interests must be met. The conflict parties prioritize the issues at stake and make concessions on the basis of the value attached to the each of these issues. The values that conflict parties attached to the issues in conflict are not the same. They will compromise on what they value less to be able to retain what they value more. Creative and workable solution must be invented to be able to meet the interest of all parties to the conflict.

There are often many interests behind conflict parties's position. If parties focus on identifying those interests, they will increase their ability to develop win-win solutions. Conflict parties must be able to differentiate position from interest of the opposing parties. They must move from insisting on position towards identifying their interest and inventing workable and creative solution towards achieving their interests.

Integrative bargaining is generally gratifying for all involved in negotiation, as the interests, and needs of both conflict parties will be met by inventing creative solution. It is a collaborative and joint problem solving approach and therefore the parties actually end up helping each other to achieve mutual gains. The mutually satisfactory outcome of the integrative bargaining help to strengthen long-term working relationship between previous adversaries. It leads to positive change in attitude, behavior and perception towards one another.

3.4   Identifying Interest

The first step in integrative bargaining is identifying each side's interests. This will require that conflict parties communicate effectively and have the good will and commitment to shift from emphasizing their position to expressing their interests. Interests are often less tangible than positions and are often what makes people vulnerable. A key approach to determining interests is to show concern and empathy for the other parties and communicate in a way that demonstrate that you want to work jointly to find solution to the issues at stake in the conflict. Conflict parties must be able to ask such questions as "Why?" Why do you want that? Why do you need that? What are your concerns? Fears? Hopes? How can we jointly work towards addressing our concerns, fears and hope? In sum, conflict parties must be able to communicate effectively with one another and engage in active listening in the efforts to find lasting solution to their conflict.

This approach helps conflict parties to understand the point of view of the other parties and why they are making specific demands. It is important to demonstrate that the questions posed are to enable you to understand the other parties' interests (concerms, hopes, fears, and goals), not because you are challenging them or trying to figure out how to beat them.

The conflict parties must be able to understand how the other side perceives their demands. It is also important to identify obstacles and opportunities for reconciliation. It is important to identify what is standing in the way of finding common grounds and mutually acceptable agreement. Both parties must identify and understand what are their underlying interests. The conflict parties' ability to identify both of their underlying interests will help them to move towards inventing workable solution that can benefits both parties. Conflict parties must be able to analyze the potential consequences of an agreement they are proposing from the perspective of the other parties. This is essentially the process of weighing the feasibility of the proposed agreement and the capacity of both conflict parties to abide by the negotiated agreement. This will help towards negotiating an agreement that will be acceptable to both of the conflict parties.

3.5   Creating Options

After interests are identified, the conflict parties need to work together cooperatively to invent lasting and workable solutions that can meet those interests. They have to "brainstorm" -- listing all the available options at their disposal and choosing the best possible one.

Conflict parties must be able to think outside the box, to be able to invent diverse creative ideas for meeting their interests and needs. The goal is to achive a win-win outcome, that meet the interests and needs of both parties in a mutually agreeable way.

What is Creating options in integrative bargaining?

After interests are identified, the c o n f l i c t parties need to work together cooperatively to invent lasting and workable solutions that can meet those interests. They have to "brainstorm" -- listing all the a v a i l a b l e options at their disposal and choosing the best possible one.

Class activity
Discuss how conflict parties can identify their interest and invent creative solution to reach a negotiated agreement.

Self Assessment Exercise

i.What do you understand by integrative or interest – based bargaining?
ii. Why is integrative bargaining the best strategy differ from positional bargaining?

Possible Answer to Self Assessment Exercise
i.Integrative refers to the potential for the c o n f l i c t parties' interests to be [combined] in ways that create joint value or "enlarge the pie" (the stakes of negotiation).

ii.Integrative b a r g a i n i n g i s generally gratifying for all involved in negotiation, as the interests, and needs of both conflict parties will be met by inventing creative solution. It is a collaborative and joint problem solving approach and therefore the parties actually end up helping each other to achieve mutual gains.

3.6 SUMMARY

In this unit, we have examined integrative or interest-based bargaining as a strategy of negotiation. We also highlight the importance of interest and needs of conflict parties during the negotiation process and to the efforts to achieve mutual gains for all parties in the conflict.

3.7 REFERENCE/FURTHER READINGS

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UNIT 4   FRAMES OF NEGOTIATIONS

Unit Structure

4.1   Introduction

4.2 Learning Outcomes
4.3 Understanding the Frames of
4.4 Negotiations
4.5 Summary
4.6 References and Further
Readings
4.7 Possible Answer to Self
Assessment Exercise

4.1   INTRODUCTION

Effective planning of the negotiation process is crucial to achieving a mutually agreeable negotiated agreement. To ensure a well-planned negotiation process, the three phases of negotiation should be carried out. The pre-negotiation phase will help to prepare the conflict parties for the negotiation and the post negotiation phases. If the conflict parties are to reach a successful negotiated agreement, a pre-negotiation phase involving specific events must take place before the negotiation phase in which the parties come together for dialogue at the negotiation table. During the negotiation, parties must be able to

separate their opponents from the problem and frame the conflict issues in an analytical problem solving way. Conflict parties must be able to recognize that they have a common problem that they both share similar concerns in finding a solution. Frames are the conceptions that parties have of the conflict situation and its risks. They allow the parties to begin to develop a shared definition of the issues involved, and the process needed to resolve them.

When the frames of both parties match, they are more disposed to identifying their common and diverse interest, issues of priority, needs, fears, concerns and goals and how to invent creative solution that will be mutually satisfying to both of the conflict parties. However, when the frames do not match, communication between the parties is likely to be more difficult. Unless the conflict parties different views on the problem begin to overlap, it is unlikely that negotiations will be successful.

4.2   Learning Outcomes

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

i.   Explain the relevance of negotiation phrases in a negotiation process;
ii.   Discuss why a well-planned negotiation process is vital to achieving a mutually agreeable negotiated outcome

4.3   Understanding the Frames of Negotiations

If negotiators are able to frame the issues in a problem solving way, it will help them to move from focusing on their position, to expressing their interest and needs and opening up opportunity for inventing creative solution. The way in which parties define the problem can shape the rest of the negotiation process. In the pre-negotiation phase, conflict parties must be able to frame the issues to determine their interests, needs and prioritize their goals in preparation for the negotiation process. During the negotiation process, they must be able to shift their position, to identify their interests. They must define the issues to be discussed and analyze the conflict situation. The pre-negotiation phase allows the conflict parties to engage in conflict analysis, to be able to better understand their opponents, the diverse stakeholders in the conflict, the interest, needs and goals of the other parties and the potential to resolve the conflict through negotiation. The conflict parties can consult with experts or professional conflict

resolution practitioners to help them to analyze the conflict situation.

Negotiators need to understand the other party's objectives. It is also important to assess the other party negotiation style other party's negotiation style, and tailor their negotiation to complement that of the other party. A professional negotiator will do preliminary investigation or fact finding about the behavior, reputation, strategy and tactics that the other party commonly use. They should also find out about the other party areas of influence, capacities and organizational position, and connections with powerful stakeholders. An assessment of the strength of the other party, style and strategy of negotiation and level of influence and access of resources can help to better understand the likely strategy of negotiation that the opponent will adopt and the potential to reach a mutually agreeable negotiated outcome and the alternative available to the other parties in the event of a negotiation impasse. If the other negotiator has strong alternatives, he or she will probably be willing to set high objectives and be willing to push hard for these objectives during negotiation.

The conflict parties should assemble conflict issues to make a comprehensive list. The combined list of issues and priorities from each side determines the negotiation agenda. During the pre-negotiation phase, the negotiators can exchange the list of issues to be discussed in advance. Consultation between negotiators prior to actual negotiation allows them to agree on the agenda of issues to be discussed, as well as the location of the negotiations, the time and duration of the sessions, the parties to be involved in the negotiations, and techniques to pursue if negotiation fails. Negotiators should also agree on principles that will guide the drafting of a settlement, the procedures to be used in negotiations, and the formula by which a general agreement is to be reached.

Discussions about these procedural issues are often crucial for the success of substantive negotiations. If parties cannot agree on the negotiation procedures and proposed items for the agenda, they may very well decide to abandon the negotiations altogether. If negotiation take place without addressing the disagreement over the procedures, this can lead to a negotiation impasse.

After assembling issues on the negotiation agenda, the negotiators must prioritize the issues and evaluate the possible tradeoffs among them. Negotiators must be aware of each other interests, concerns, fears, and goals that underlie their position. The goals of the negotiators can only be achievable when they are able to jointly work towards addressing their interests, and needs. They must determine which

issues are most important, as well as whether the various issues are linked or separate.

The negotiators should be aware of the underlying interests and needs of the other side. The value that each party attach to each of the conflict issues are not entirely the same. Thus, conflict parties are able to trade off what they value less, so as to preserve what they value more. Conflict parties are able to make concessions or trade off because of the difference in their priorities or values attached to the conflict issues. It will be impossible for the conflict parties to make concessions if they both attach the same value to each of the conflict issues. At the start of the negotiation, conflict parties tend to aim high and then gradually make concessions.

Once the conflict parties have determined the relative importance of the issues, parties need to decide the order in which issues should be discussed. Each of the conflict parties need to establish their objectives. They also need to identify areas of agreement and disagreement. They must establish rapport and be able to break down walls of disagreement. Conflict parties can start by working through complex issues and move to simple issues.

In the case of inter-group conflicts, in which representative of both sides are the negotiators, they should consult with their group as well as with the other side to ensure that the group's interests, needs and priorities are included in the negotiations.

The conflict parties should clearly identify their goals and the possibility of meeting these goals during negotiation. Parties should try to figure out the best resolution they can expect, what counts as a fair and reasonable deal, and what is a minimally acceptable deal. They should also be aware of the issues of priority to them and those of the other parties and the possibility of meeting their goals or the alternative strategy to pursue. This enables parties to become aware of the range of possible outcomes and to be flexible in what they will accept. It also improves the likelihood that they will arrive at a mutually satisfactory outcome.

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

The negotiation must be based on some objective standards. This entails that negotiators have facts or evidence to back up their claims or arguments. Negotiators must be able to present supporting facts and

arguments, anticipate how the other side will respond to these arguments, and respond to the other party's claims with counter-arguments. This has to do with evidence or facts to support one's point of view, in the most convincing way possible. In the course of the negotiation, each of the conflict parties must be able to assess the other party's priorities and interests and invent creative ways of achieving both their interests and needs leading to a win-win outcome.

What are the agenda for negotiation?

The negotiators must prioritize the issues and evaluate the possible tradeoffs among them. Negotiators must be aware of each other interests, concerns, fears, and goals that underlie their position.

Class Activity
Explain how the pre-negotiation phase is crucial to the framing of the conflict issues during the negotiation process and to the efforts to achieve a positive-sum negotiated outcome

Self Assessment Exercise 1

Why is it important for the negotiator to be able to analyze the interests, needs and issues of priority of the other parties?

Possible Answer to Self Assessment Exercise

If negotiators are able to frame the issues in a problem solving way, it will help them to move from focusing on their position, to expressing their interest and needs and opening up opportunity for inventing creative solution. The way in which parties define the problem can shape the rest of the negotiation process.

4.4   SUMMARY

We have extensively examined the relevance of the pre-negotiation phase of negotiation to efforts to achieve a positive-sum or win-win negotiation outcome. This will help conflict parties to frame the issues in the conflict, communicate effectively and work towards inventing mutually satisfactory

negotiated outcomes. It will also help to ensure a smooth post-negotiation phase where both parties monitor the implementation of the negotiated agreement.

4.5   REFERENCE/FURTHER READINGS

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MODULE 3: MEDIATION

UNIT 1. WHAT IS MEDIATION

Unit Structure

1.1   Introduction
1.2   Learning Outcomes
1.3 Mediation Process
1.4 Types of Mediators
1.5 Summary
1.6 References and Further Readings
1.7 Possible Answer to Self Assessment Exercise

1.1 INTRODUCTION

Mediation is an extension or elaboration of the negotiation process in which an impartial, and neutral third party works with the conflict parties to help them to arrive at a mutually agreeable negotiated agreement (Fisher and Ury, 1983; Kressel, 2007). It is the third party that facilitates communication between the conflict parties, by assisting them to improve their communication and analysis of the conflict situation. With the support of the third party, the disputants are better able to jointly work towards inventing creative solution to the issues at stake in the conflict. In

the event that there is a negotiation impasse, the conflict parties may consider mediation as an alternative method of resolving their disagreement. Mediation is voluntary conflict resolution process in which an impartial third party facilitates and coordinates the negotiation process. As such it is also refer to as facilitated negotiation. The mediator as the facilitator of the negotiation process between the conflict parties help them to define agenda, identify and reframe the issues, communicate more effectively, find areas of common ground, negotiate fairly, and hopefully, reach an agreement.

Mediation is widely used in all sorts of disputes, ranging from commercial disputes, workplace conflict, divorces to civil lawsuits to very complex intergroup to international conflicts. Some of the most intractable and complex conflicts can be resolved through mediation. Mediation is considered a viable conflict resolution method for resolving protracted, and deep-rooted conflicts, which is most unlikely to be amenable to resolution without the intervention of a neutral third party (Wall, et al., 2001). It is also considered the best strategy for resolving violent conflict given that it would be virtually impossible for conflict parties who have attacked one another to come together by themselves to find solution to their problem. The destructive nature of the conflict would breed further ill will that would widen the misperception between the parties to the conflict. Mediation may not be able to deal with all the issues in the conflict, but it will provide a good prospect for addressing some of the conflict issues.

1.2   Learning Outcomes

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

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

1.3   The Process of Mediation

The mediation process typically proceeds through four stages (Kressel, 2014). The first stage is for the mediator to create a forum for the negotiation or bargaining between the conflict parties. This is followed by information gathering and sharing between the parties to the conflict. The next stage involves an analytical problem solving bargaining in which the conflict parties search for options for dealing with the issues at stake in a mutually satisfactory way. The last stage is the decision making in which parties choose the most acceptable solution out of the various options invented to resolve the conflict. To move through these four stages, the mediator must first initiate the mediation process by setting the agenda, facilitate good communication between the parties towards identifying the issues in the conflicts, in a joint problem solving manner in which both

parties demonstrate concern for one another and work towards identifying and addressing their interests and needs and inventing ideas or options that can lead to mutually agreeable negotiated outcome. Mediators must be impartial, trustworthy and capable of exercising diplomatic skills. The mediation must be able to use persuasion to get people to soften hardline positions. The mediator must also be knowledgeable about the conflict issues and the various stakeholders involved in the conflict. It is also important that a mediator possesses patience, integrity, empathy, be attentive, tolerance, and imaginative (Kressel, 2014). Though many mediators are highly trained and experienced, not all are professionals, and they come from many different walks of life.

1.4   Types of Mediators

Mediators typically falls into one of the following three categories.

1.4.1 Social Network Mediators

This type of mediator refers to those individuals who are invited to intervene in a conflict basically because of their close relationship with the disputant. The mediator is usually within the same social group or network with the conflict parties. They can be friends, neighbor, member of the same ethnic, religious or political group with the conflict parties who are respected and considered trustworthy to intervene in the conflict. The social network mediator may not possess the relevant attributes such as impartially, credibility, patience, tolerance and resourcefulness. The lack of the attributes essential is not unconnected with the fact that the social network mediation is not a professional. He or she only take up the role of a mediator because of the close relations with the conflict parties.

The mediator failure to demonstrate these critical attribute can affect the mediation process, obstruct effective communication, dialogue and rapport between the conflict parties and the ability to analyze the problem towards creating new ideas to resolve the problem. In some cases, the social network mediator may be a skilled or professional which could have been acquired through years of experience as a mediator or through professional training.

1.4.2 Authoritative Mediator

The mediator is in an authoritative relationship with the conflict parties in the sense that the mediator occupies a position of authority that is recognized and well respected by the disputants. The mediator authority may be based on the resources which he or she possesses which is valuable to the conflict parties. In spite of the mediator position of authority, he or she is not expected to serve as a judge or impose decision on the conflict parties. The authoritative mediator is expected to persuasively influence the conflict parties to reach an agreement.

The main challenge with this type of mediator is that the authoritative mediator may act in a domineering way that portrayed him more or less as a judge rather than an impartial third party facilitating communication between the parties to help them to arrive at a satisfactory solution to their problem. Such stance can impede the mediation process, preventing the conflict parties from building rapport with one another to identify their interest and generate ideas to resolve their differences.

An authoritative mediator may use his position of authority to influence the conflict parties to take a decision that hardly reflect their interest or meet their needs. This type of mediator may also impose a decision on the parties by virtue of his or her authority in a way that does not reflect what a mediation process should be. If an authoritative mediator is skilled, he or she will demonstrate all the critical attributes that can facilitate a well-organized mediation process that will help the conflict parties to achieve an agreeable negotiated solution. Thus, it is very vital that mediators have the skills, qualities and capacity to facilitate an efficient and successful mediation process

1.4.3 Independent Mediator

The mediator is an impartial and neutral third party who has no vested interest in the conflict and is expected to work with the conflict parties to analyze the issues in the conflict and develop creative ideas to resolve their conflict. The mediator is a professional who is well trained in the skills and strategies of mediation and possesses all the attributes of a mediator. The mediation helps to build rapports between the conflict parties and facilitate effective dialogue and analytical problem solving approach to dealing with the conflict.

This type of mediator is well skilled and capable of facilitating rapport and effective communication between the conflict parties. The effective communication between the parties will help them to work towards analytical problem-solving approach that will aid the identification of their interest, concerns, fears and needs and how they can jointly create ideas or options to resolve the issues in the conflict in a mutually satisfactory manner.

The mediator capacity to guide the conflict parties towards a mutually agreeable negotiated settlement is also acquired through years of experience as a mediator. The capacity of a mediator gets better with experience because he or she will become more adept to mediate in diverse kinds of cases over time. An independent mediator provides the best mediation process because of the capacity to demonstrate professionalism that is requires of a mediator.

 What is Independent Mediator?

The mediator is an impartial and neutral third party who has no vested interest in the conflict and is expected to work with the conflict parties to analyze the issues in the conflict and develop creative ideas to resolve their conflict. The mediator is a professional

who is well trained in the skills and strategies of mediation and possesses all the attributes of a mediator.

Class Activity

What is Mediation? What are the factors that can make conflict parties to choose mediation as a method of resolving their disagreement?

Self Assessment Exercise
i.   Describe the types of mediators.
ii.   Explain the distinction between the three types of mediators and how each can determine the outcome of the mediator process.

Possible Answer to Self Assessment Exercise
   i.   **Social Network Mediators:** This type of mediator refers to those individuals who are invited to intervene in a conflict basically because of their close relationship with the disputant. The mediator is usually within the same social group or network with the conflict parties.
   ii. **Authoritative Mediator:** The mediator is in an authoritative relationship with the conflict parties in the sense that the mediator occupies a position of authority that is recognized and well respected by the disputants
   iii. **Independent Mediator**: The mediator is an impartial and neutral third party who has no vested interest in the conflict and is expected to work with the conflict parties to analyze the issues in the conflict and develop creative ideas to resolve their conflict.

1.5   SUMMARY

This unit has described the mediation process. It has also elaborated the types of mediators and the prospects of each of these types to help the conflict parties to reach a mutually satisfactory negotiated agreement. Mediation is used in a variety of conflict situations, which are not confined to national settings only. In the next unit, we will examine the specific skills required to be an effective mediator.

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UNIT 2

SKILLS OF MEDIATION

Unit Structure

2.1   Introduction
2.2   Learning
Outcomes
2.3 Basic skills in Mediation
2.4 Qualities of a Mediato
2.5   Summary
2.6 References/Further Readings
2.7   Possible Answer to Self
Assessment Exercise

2.1   INTRODUCTION

The mediator must possess relevant skills and qualities that can ensure a quality mediation process. These skills and qualities are essential to the success of the mediation process. Conflict parties are willing to accept a mediator when they are confident that the mediator possess the basic skills and qualities that can facilitate a smooth dialogue and assist them to arrive at a mutually satisfactory outcome. The mediator must be able to gain the trust, acceptance and cooperation of the conflict parties. This is possible when the mediator can demonstrate those critical skills and qualities that will enable the conflict parties to trust and be confident in the mediator capacity to assist them to search for solution to their conflict.

2.2   Learning Outcomes

At the end of this unit, you should be able to:
i.   Explain the various skills of mediation; and
ii.   Identify the diverse qualities that a mediator
iii. Qualities must possess to be able to guide the conflict parties to achieve a mutually satisfactory outcome.

2.3   Basic skills in Mediation

There are several skills that is very vital for a mediator to acquire to ensure a smooth mediation process for the conflict parties. Without these basic skills, the mediation possess will be unsuccessful. The conflict parties may not be willing to accept mediation when they are uncertain that the mediator possesses these basic skills of mediation. The possession of these skills is essential to the capacity of the mediator to build good rapport among the disputants that will

enable them to develop a problem solving approach towards resolving their disagreement.

The basic mediation skills require that a mediator is able to actively listen to the conflict parties. He or she must have good communication skills to be able to listen carefully, facilitate a smooth back and forth communication between the parties, help them to clarity, reframe and summarize their dialogue. The mediator must have the ability to decipher and separate simple from complex issues, analyses the conflict issues and help the parties to discover their interest and how to jointly work towards developing satisfactory solution to the issues at stake. The mediator has to be patience and empathetic. It is also important that a mediator demonstrate neutrality, irrespective of his or her worldview and belief.

The mediator must be tactful and has the power to persuasively nudge the conflict parties towards a practical and mutually acceptable solution to their disagreement. This requires that the mediator possess the power of oratory and diplomacy to stir the parties to develop an analytical problem solving approach to resolving their conflict.

Another essential skill is the ability to help the conflict parties to invent creative options towards resolving their conflict to achieve win-win solution. To be able to attain a mutually agreeable solution, the mediator must adopt an analytical approach that will help the conflict parties to identify the issues in the conflict, understand their interest and needs and make informed decision that will be implementable.

2.4   Qualities of a Mediator

The qualities that the conflict parties seek in a mediator and are necessary for an good mediation process and outcome are diverse and overlapping. An effective mediator must be intelligent and knowledgeable about the conflict situation. He or she has to be credible and demonstrate integrity. The mediator has to be resourceful and imaginative to be able to build the capacity of the conflict parties to invent creative options to resolve their disagreement. A trustworthy and neutral mediator will be favored by the conflict parties because they will be able to openly and freely express their innermost concerns and fears that can make them vulnerable.

The mediator must be tolerance of the conflict parties emotional outburst and act as a sponge can absorb the conflict parties frustration, and direct them towards a positive approach to the problem. This will entail that they are able to focus on the problem and deal with these issues in the conflict in a positive way. The mediator must be a catalyst that can help the conflict parties to change their misperception and be open-minded in dealing with the issues at stake. The mediator should be able to serve as a scribe who take down all the key point during the dialogue, double check the information provided by both parties to ensure that all the diverse issues in the conflict have been dealt with and practical solution developed.

The qualities of a mediator are inexhaustible. The essential ones have been discussed. In addition, a mediator should be able to treat the conflict parties equally, showing them respect and dignity at all times. He or she should create an environment that makes the parties feel comfortable and safe. The mediator must be sensitive to power imbalances between the parties in a way that help them to see one another as equal partners in search of solution to their disagreement. The mediator is also non-judgmental and be able to convince the parties that he or she has no stake in the outcome of the dispute that will prevent the parties from reaching an agreement that serves each of their interests.

What are the basic qualities skills of mediator?
The basic mediation skills require that a mediator is able to actively listen to the conflict parties. He or she must have good communication skills to be able to listen carefully, facilitate a smooth back and forth communication between the parties, help them to clarity, reframe and summarize their dialogue.

Class Activity

Discuss the basic skills and qualities of a mediator that can facilitate a good and effective mediation process?

Self Assessment Exercise

i.What are the qualities poses to be able to guide the conflict
ii.Parties to achieve a mutually satisfactory outcome?

Possible Answer to Self Assessment Exercise

i.The qualities that the conflict parties seek in a mediator and are necessary for an good mediation process and outcome are diverse and overlapping. An effective mediator must be intelligent and knowledgeable about the conflict situation. He or she has to be credible and demonstrate integrity. The mediator has to be resourceful and imaginative to be able to build the capacity of the conflict parties to invent creative options to resolve their disagreement.

ii. The mediator must be tolerance of the conflict parties emotional outburst and act as a sponge can absorb the conflict parties frustration, and direct them towards a positive approach to the problem. This will entail that they are able to focus on the problem and deal with these issues in the conflict in a positive way. The mediator must be a catalyst that can help the conflict parties to change their misperception and be open-minded in dealing with the issues at stake**.**

2.5   SUMMARY

We have examined the skills and qualities of a mediator. This unit has shown that the mediator must possess some basic and essential skills and qualities that can facilitate a good mediation process and outcome.

2.6   REFERENCES/FURTHER READINGS

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UNIT 3   STRATEGIES OF MEDIATION

Unit Structure

3.1   Introduction
3.2Learning
Outcomes

3.3Mediator Strategies
 3.3.1 Communication-Facilitation Strategies
3.3.2   Procedural Strategies
3.3.3   Directive Strategies
3.4   Summary
 3.5   References/Further Readings
3.6 Possible Answer to Self Assessment Exercise

3.1 INTRODUCTION

Mediators have three main strategies that they applied in intervening in a conflict situation. Specifically, mediators may use one of the following three strategies during the mediation process. They can apply communication-facilitation strategies, procedural strategies, or directive strategies.

Irrespective of the strategies of mediation adopted by a mediator, as an intermediary between the conflict parties, the mediator must not make assumption based on the positions of the disputants (Wall, et al, 2001). It is important to probe deeply to identify their interest and help them to work together to find ways to achieve these interest in a mutually satisfactory way. For instance, in a case involving a dispute between two little girls over an orange. Both girls take the position that they want the whole orange. Their mother serves as the moderator of the dispute and based on their positions, cuts the orange in half and gives each girl one half. This outcome represents a compromise. However, if the mother had asked each of the girls why she wanted the orange -- what her interests were --there could have been a different, win-win outcome. This is because one girl wanted to eat the meat of the orange, but the other just wanted the peel to use in baking some biscuits. If their mother had known their interests, they could have both gotten all of what they wanted, rather than just half.

3.2 Learning Outcomes

At the end of this unit, you should be able to:
i. Identity the three main strategies a mediation;
ii. Explain communication – facilitation strategies;
iii. Explain procedural strategies; and
iv. Explain the use of directive strategies

3.3.1 Communication-Facilitation Strategies

This describes mediator behavior at the low end of the intervention spectrum. Here a mediator typically adopts a fairly passive role, channeling information to the parties, facilitating cooperation, but exhibiting little control over the more formal process or substance of mediation. This strategy is very relevant in context in which the conflict partie do not have direct channels of communication, have different conceptions of the conflict issues, and/or do not even have the opportunity to explore any options that might benefit both. In such situations, a mediator who can facilitate dialogue and communication, and just carry out information from one to the other, is a prerequisite for an effective process of peacemaking. Norway's intervention in bringing about the

Oslo Accords in 1993 (in which in fact) is a good example of what we mean by communication-facilitation strategies.

3.3.2 Procedural Strategies

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

3.3.3 Directive Strategies

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

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

What are directive strategies?

This is the most powerful form of intervention. Here a mediator works hard to shape the content and nature of a final outcome. This is done by offering each party in conflict incentives, promises of support, or threats of diplomatic sanctions.

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

Self Assessment Exercise

Define and Explain Mediator Strategies?

Possible Answer to Self Assessment Exercise
Mediators have three main strategies that they applied in intervening in a conflict situation. Specifically, mediators may use one of the following three strategies during the mediation process. They can apply communication-facilitation strategies, procedural strategies, or directive strategies.

Communication-Facilitation Strategies: This describes mediator behavior at the low end of the intervention spectrum. Here a mediator typically adopts a fairly passive role, channeling information to the parties, facilitating cooperation, but exhibiting little control over the more formal process or substance of mediation.

Procedural Strategies; Enables a mediator to bring both parties together, in some neutral environment, where they (i.e., the mediator) exert some control over the conflict management process. Here a mediator may exercise control over timing, issues on the agenda, meeting place and arrangements, media publicity, the distribution of information, and the formality or flexibility of the meetings. Procedural strategies give a mediator the opportunity to control aspects of interaction.

Directive Strategies; This is the most powerful form of intervention. Here a mediator works hard to shape the content and nature of a final outcome. This is done by offering each party in conflict incentives, promises of support, or threats of diplomatic sanctions. When a mediator engages in such behavior, the parties are confronted with new resources or the prospect of losing resources.

3.4   SUMMARY

We have examined the communication-facilitation, strategies. We have discussed how the three strategies are applied and the ways they can influence the conflict parties and the outcome of the mediation. three strategies of mediation, namely, procedural strategies and directive

3.5   REFERENCE/FURTHER READINGS

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UNIT 4 CONDITIONS FOR SUCCESSFUL MEDIATION

Unit Structure

4.1   Introduction
4.2   Learning
Outcomes
4.3Timing and Knowledge in the
of Mediation Process
4.4   Summary
4.5   References/Further Readings
4.6 Possible Answer to Self Assessment Exercise

4.1   INTRODUCTION

Mediation is an effective and useful way of dealing with conflicts. This is not to suggest that every conflict can be mediated. Many conflicts are just too intense, a n d c o m p l e x, the parties too entrenched in their world view and the behavior just too violent for any mediator to achieve very much. Some conflicts go on and on with little signs of abatement. They cease to become intractable only when t h e c o n f l i c t p a r t i e s a r e w a r - f a t i g u e, c o u l d n o l o n g e r m o b i l i z e r e s o u r c e s t o c o n t i n u e t o a t t a c k o n e a n o t h e r, o r w h e n t h e r e is a major systemic change (e.g. change of leaders, collapse of country, etc.).

4.2   Learning Outcomes

At the end of this unit, you should be able to:
i.   Explain the importance of timing in the mediation process;
ii. Describe the enabling factors for mediation;
iii. Identify instances in which mediation will be extremely difficult.

4.3   Timing and Knowledge in the Mediation Process

Mediators can engage in a conflict only after a thorough and complete analysis of the conflict, issues at stake, context and dynamics, s t a k e h o l d e r s i n t h e c o n f l i c t, , etc. Conflicts are complex and multi-layered. A mediation initiative is more likely to be successful if it is predicated on knowledge and understanding rather than on good intentions only. A good analysis and a thorough understanding of all aspects of the conflict are important prerequisites for successful mediation in conflicts.

Mediation must take place at an optimal or ripe moment. Early mediation may be premature and late mediation may face too many obstacles. A ripe moment describes a phase in the life cycle of the conflict where the parties feel exhausted and hurt, or where they may not wish to countenance any further losses and are prepared to commit to a settlement, or at least believe one to be possible. In destructive and escalating conflicts, mediation can have any chance of success only if it can capture a particular moment when the adversaries, for a variety of reasons, appear most amenable to change. Timing of intervention in a conflict is an issue of crucial importance, and one that must be properly assessed by any would be mediator.

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

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

Mediation in conflicts is more likely to be successful when there are recognizable leaders within each party, where the leaders are accepted as legitimate by all concerned, and where they have considerable control over their territory. A conflict between parties with competing leaders and constituents can prove very difficult to deal with. Where there are recognizable leaders, each from the mainstream of their respective community, and where each embodies the aspirations and expectations

of their respective community, the mediation is likely to succeed when the mediator has the capacity to influence the conflict parties and their

stakeholders to adopt a problem solving approach to finding solution to their conflict. Where there are competing leadership factions, state institutions, and governance capacity are all too uncertain, the chances of successful mediation decline sharply.

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

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

Discuss and explain Timing and Knowledge in the Mediation Process?

Mediators can engage in a conflict only after a thorough and complete analysis of the conflict, issues at stake, context and dynamics, stakeholders in the conflict.

Mediation must take place at an optimal or ripe moment. Early mediation may be premature and late mediation may face too many obstacles.

Given the nature and complexity of conflicts, successful mediation requires a coordinated approach between different aspects of intervention.

Class Activity
How does the timing of mediation affect the outcome? What are those factors that are essential to the success of a mediator process?

Self Assessment Exercise

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

Possible Answer to Self Assessment Exercise
Mediation is an effective and useful way of dealing with conflicts. This is not to suggest that every conflict can be mediated. Many conflicts are just too intense, and complex, the parties too entrenched in their world view and the behavior just too violent for any mediator to achieve very much. Some conflicts go on and on with little signs of abatement. They cease to become intractable only when the conflict parties are war-fatigue, could no longer mobilize resources to continue to attack one another, or when there is a major systemic change (e.g. change of leaders, collapse of country.

While in the other hand conflict that can be mediated, mediators can engage in a conflict only after a thorough and complete analysis of the conflict, issues at stake, context and dynamics, stakeholders in the conflict, , etc. Conflicts are complex and multi-layered. A mediation initiative is more likely to be successful if it is predicated on knowledge and understanding rather than on good intentions only.

4.4   SUMMARY

In this unit, we have examined and explained different factors that can influence the success of a mediation. The situations or circumstances in which mediation may not be possible have also been explored. It is important to understand that the success in a mediation process is not only determined by the professionalism and experience of a mediator, it also depends of these interlocking factors that have been examined here.

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MODULE 4

Unit 1: Understanding Peace
Unit 2: Peace Support Operation
Unit 3: Basic Standards in International Law and
         Humanitarian Principles
Unit 4: Early Warning and Preventive Measures and Deployment

UNIT 1   UNDERSTANDING PEACE

Unit Structure

1.1   Introduction
1.2   Learning
Outcomes
 1.3 Positive Peace
1.4   Summary

1.1   INTRODUCTION

Peace is a latin word that means 'pax. It connotes the human condition that engenders inner peace. Peace is thus a state of mind that signify harmony, order, and social justice (Burgess and Burgess, 1997). Peace can be conceived both in its positive and negative connotations. Peace refers to the mere absence of war or organized armed conflict (Evans and Newnham, 1992). War and peace are seen as two sides of the same coin. However, peace connotes more than the mere absence of war because absence of war may not necessarily mean that there is no conflict. Although the conflict may not be destructive in nature, there may be the existence of injustice that undermine human wellbeing. In such a condition, the prevailing state of peace cannot be seen as positive. It is thus a negative peace. Peace is negative when there is the absence of war, organized military hostility or direct interpersonal or intergroup violence while the causes of the conflict remains unresolved. This situation creates condition for the resurgence of violence. Thus, peace is negative. In its positive sense, peace is the absence of war and direct violence and the presence of social justice. There can be absence of war but the presence of indirect or concealed violence which John Galtung refers to as structural violence. This has to do with social condition of poverty, exclusion, deprivation, oppression, intimidation and other forms of injustices. Such a state cannot be considered as peaceful, even though there is absence of war. Positive peace is achieved when there is absence of war and direct violence and the presence of social justice.

1.2   Learning Outcomes

At the end of this unit, you should be able to:
i.   Explain the meaning of peace;
ii.   Discuss the nature of peace;
iii. Distinguish between positive and negative peace; and
iv.   Discuss the importance of positive peace to human well being.

1.3   Positive Peace

Peace is defined as the political condition that engenders justice and social stability through formal and informal institution, practice and norms. Peace is positive when there is a social and political condition that safeguard human wellbeing (Galtung, 1996). These social conditions must ensure fairness, fair play, and social justice and gender equality between boys and girls, men and women. The political conditions that are vital to promoting positive peace requires that there is legitimacy of policy makers and

implementers in the eyes of their social groups and other groups. There must be transparency and accountability by the governance system and state institutions. There must be balance of political power among the social groups in the society. There must be reliable and trusted conflict management institution. The state institution must promote good governance, equality, human rights and security.

Positive peace is essential to the prevention of outbreak of destructive conflict in the society. Structural condition of poverty, inequalities and injustice are at the root of conflict that manifest in destructive ways. Destructive conflict is characterized by violence that lead to loss of lives, properties, maiming and internal displacement of persons. Such consequences of destructive conflict retards development and the worsens the structural conditions that breeds conflicts. A society must always put in place preventive measures that promotes fairness, equity and justice so as to prevent the manifestation of structural violence. This connotes that any society where there is structural violence, cannot be in a state of positive peace. In such a society there is conflict is latent because there is injustice which will provoke grievance that will latter explode into physical violence.

Peace create a conducive environment for socio-economic growth and development. A peaceful environment will allow business to thrives, and also allows people to have a good mental state that will enable them to contribute to societal development. This is only possible in a environment where positive peace thrives. In such environmental, people are able to realise their full human potential because of the fulfilment of their basic needs that are essential to their social wellbeing. The important of positive peace to the attainment of societal development cannot be overemphasized. It helps to prevent conflict and also to develop the capacity to manage conflict constructively. Since conflict is an

inevitable aspect of human society, there is always be occurrence of conflict in the society. What is to be prevented is the outbreak of destructive conflict. Such conflict feeds on structural violence which provoke deep-seated grievance that drives violent conflict.

Peace is an essential prerequisite for the attainment of human and society development. When positive peace is attained, it must be sustained. This implies that it is not enough to attain positive peace, it is important to put in place sustained efforts to make the peace durable. Thus, durable peace is achievable when there is sustained efforts to prevent the manifestation of structural violence and other forms of violence that provides the conditions for the outbreak of violent conflict. Positive peace must therefore be durable and sustainable.

What is the meaning of Peace?
Peace is defined as the political condition that engenders justice and social stability through formal and informal institution, practice and norms. Peace is positive when there is a social and political condition that safeguard human wellbeing.

Class Activity
Why is it important to put in place measures to ensure durable peace?
Discuss.

Self Assessment Exercise 1

Discuss the nature of peace in both its negative and positive connotation.

Possible Answer to Self Assessment Exercise

Peace is defined as the political condition that engenders justice and social stability through formal and informal institution, practice and norms. Peace is positive when there is a social and political condition that safeguard human wellbeing. These social conditions must ensure fairness, fair play, and social justice and gender equality between boys and girls, men and women.
Negative peace; absence of war because absence of war may not necessarily mean that there is no conflict. Although the conflict may not be destructive in nature, there may be the existence of injustice that undermine human wellbeing, stopping violent or preventing dissociative separating conflict parties create a walls putting army in between as refry

1.4   SUMMARY

This unit has examined the nature of peace in its possible and negative connotation. It emphasized the importance of peace in its positive sense to the attainment of human and societal development. It also discussed the conditions that can lead to the attainment of positive peace and the need to put in place sustained efforts to maintain the peace. It is not enough to attain positive peace; the peace must be durable through sustained measures to prevent the manifestation of structural violence.

1.5   REFERENCES/FURTHER READINGS

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UNIT 2: PEACE SUPPORT OPERATION

Unit Structure

2.1   Introduction
2.2   Learning
Outcomes
2.3   Peace Keeping
2.4   Peace Enforcement
2.5   Summary
2.6 References and Further Readings
2.7 Possible Answer to Self Assessment Exercise

2.1   Introduction

Peace support operation involves an arrays of activities by regional and international organisations conducted during period of ongoing internal or interstate conflicts to minimize civilian casualties, restore normalcy, and create an environment for the peace agreement and implementation. It is defined as a multifunctional operations carried out by military forces and diplomatic and humanitarian agencies. Peace support operations are geared towards achieving humanitarian goals or a long-term political settlement. It is usually conducted by an impartial military and civilian forces under the mandate of the United Nations. The arrays of activities under peace support operation include peacekeeping, peace enforcement, conflict prevention, peacemaking and humanitarian operations (British Army, 1997). In the case of high intensity internal or inter-state conflict conflicts, efforts to halt the rising civilian casualties usually necessitate that the interventions of international community through the UN mandated peace support missions. The peace mission is part of the efforts of the international community to promote global peace and security.

2.2   Learning Outcomes

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

i. Explain the importance of peace support operations to the efforts to global peace and security.
ii.   Understand Peacekeeping and Peace enforcement as important aspect of peace support operation

2.3   Peace Keeping

Peacekeeping has to do with efforts to maintain public security, services and ceasefire agreements in war and conflict zones by the UN or regional military and civilian forces with the consent of the nation-state where these forces are deployed (Demurenko and Nikitin, 1997). It involves coordinated efforts to ensure stability and relative normalcy in the aftermath of an intensely volatile conflict. The peacekeeping mission is mandated under the UN charter which outlines the objectives of peacekeeping and serves as the international mandate. The goal is to create a conducive environment towards establishing lasting political settlements.

The scope of peacekeeping operations is broad and encompasses both civilian and activities such as food distribution, transportations, other basic services and establishing safe havens. Peacekeeping activities conducted by troops from countries that are impartial and neutral to the conflict. The peacekeeping mission requires the consents of the actors in the conflict. Chapter VI of the UN charter stipulates the objectives of the peacekeeping mission and also serves as the international mandates.

Peacekeeping missions have expanded over the years from the first generation to the third generation peacekeeping. The first generation

peacekeeping is the traditional peacekeeping involving observer mission where ceasefire has been brokered so as to act as a deterrence against renewed violence. The troop are usually lightly armed military contingent engaged in the monitoring, supervision and verification of ceasefire, withdrawal and buffer zone.

The second generation peacekeeping is a more comprehensive form of peacemaking in which the peace keepers support the implementation of a

recently achieved comprehensive settlement. For the third generation peacekeeping, involving a humanitarian mandate that is carried out during an ongoing hostility, the mission lead to the establishment of safe haven. Examples include the case of the conflict in Northern Iraq where a UN mandated peacekeeping force under chapter V1 of the UN charter was deployed to the conflict zone. There have been various UN mandated peacekeeping missions in African including Somalia, Rwanda, Bosnia, Democratic Republic of Congo, Sudan, Cote D'Ivoire among others. Regional organisations like the African Union also engaged in peacekeeping mission in several African countries including Burundi, Somalia, Danfo and Sudan. These operations have facilitated the signing and implementation of peace agreement. Peacekeeping requires huge resource usually provided by the member states of the UN. Given the high number of violent conflicts, particularly in Africa that requires intervention, funding is one of the main constraint to effective peacekeeping mission in Africa.

2.4 Peace Enforcement

Peace enforcement involves multinational military intervention to impose peace or restore ceasefire by forces during a situation of high intensity conflict that have led to high civilian casualties. It can also be carried out in a situation in which peacekeeping mission are in danger. The peace enforcement mandate is under chapter VII of the UN charter which specify the range of activities under the mission. It is more of a coercive operation to enforce compliance with international law, security

council resolution or decision of regional organisations (Evans, 1993).

Peace enforcement as the name implies is carried out with or without the consent of the conflict parties. It is thus less impartial than peacekeeping mission. The range of activities under peace enforcement can include the deployment of armed forces to compel compliance. It also involves the

forcible separation of belligerent in order to restore order or limit fatalities. It also entails the establishment of protected zones and the protection of humanitarian workers.

There are other activities that are activities that fall under peace enforcement. Such activities involving the imposition of international arm embargo, control, and disarmament. It can also involve the threat or actual use of force which is aimed at restoring peace by military means such as the case of Korea (1950-1952) and Iraq (1991).

The imposition of international sanctions against any of the conflict parties who is not willing to cease fire is part of the peace enforcement mission. It can also involve measures to isolate the conflict and prevent arm deliveries to the areas as well as preventing its penetration by armed formations. It also involves the use of air or missile strikes on the parties that refused to halt its military actions or cease fighting. The success of the peace enforcement mission leading to the cessation of hostility can pave way for the establishment of a peacekeeping force.

What is Peace Enforcement?

Peace enforcement involves multinational military intervention to impose peace or restore ceasefire by forces during a situation of high intensity conflict that have led to high civilian casualties

Class Activity
Discuss the importance of peace support operation to the global peace and security?
Self Assessment Exercise
Explain peace support operation?
Differentiate between peace keeping and peace enforcement?

Possible Answer to Self Assessment Exercise
  i.   Peaec support operation involve peacekeeping which is more comprehensive form of peacemaking in which the peace keepers support the implementation of a recently achieved comprehensive settlement, involving a humanitarian mandate that is carried out during an ongoing hostility, the mission lead to the establishment of safe haven. Examples include the case of the conflict in Northern Iraq where a UN mandated peacekeeping force under chapter V1 of the UN charter was deployed to the conflict zone. There have been

various UN mandated peacekeeping missions in African including Somalia, Rwanda, Bosnia, Democratic Republic of Congo, Sudan, Cote D'Ivoire among others. Regional organisations like the African Union also engaged in peacekeeping mission in several African countries including Burundi, Somalia, Danfo and Sudan. These operations have facilitated the signing and implementation of peace agreement. Peacekeeping requires huge resource usually provided by the member states of the UN. Given the high number of violent conflicts, particularly in Africa that requires intervention, funding is one of the main constraint to effective peacekeeping mission in Africa.

Ii Peacekeeping has to do with efforts to maintain public security, services and ceasefire agreements in war and conflict zones by the UN or regional military and civilian forces with the consent of the nation-state where these forces are deployed. In the other hand, Peace enforcement involves multinational military intervention to impose peace or restore ceasefire by forces during a situation of high intensity conflict that have led to high civilian casualties. On the other hand, Peace enforcement as the name implies is carried out with or without the consent of the conflict parties.

2.5   Summary

In this unit, we have discussed the importance of peace support operation to the quest to achieve global peace and security. The key aspects of peace support operation involving peacekeeping and peace enforcement are discussed. The arrays of activities under each of these mission and how they are conducted have been examined. While peacekeeping requires the involvement of neutral forces, in the case of peace enforcement, the forces are not entirely impartial given that the mandate requires some degree of coercion to enforce compliance.

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UNIT 3   BASIC STANDARDS OF INTERNATIONAL LAW AND HUMANITARIAN PRINCIPLES

Unit Structure

3.1   Introduction
3.2   Learning Outcomes

3.3   The Meaning of International Law
3.3   Types of International Law
3.4   The Basic standards of International Law and
3.5   Summary
3.6 References and Further Readings
3.7 Possible Answer to Self Assessment Exercise

3.1   INTRODUCTION

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

3.2   Learning Outcomes

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

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

3.3   The Meaning of International Law

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

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

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

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

3.4   Types of International Law

They are different types of international law:
(1)   These are the Public and Private international law. Here the international law we have defined is at times spoken of as "public international law". This is to distinguish it from what is known as "private international law", a branch of the law which deals entirely with relations of persons living under different legal systems.
(2)   There is also Admiralty Law, which is the law of maritime commerce. It somehow resembles private international law in

that in large part it is concerned with differences between separate national jurisdictions.

(3) The other is the Administrative Law, which consists of the body of rules growing out of the regulations adopted by international administrative agencies, for example, the Universal Post Union.

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

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

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

3.5 The basic standard of international law and humanitarian principles

There are ten basic standards of international law:

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

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

(3) Do not use force except when strictly necessary and to the minimum extent required under the circumstances.

(4) Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.

(5) Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others.

(6)   Arrest no person unless there are legal grounds to do so and the arrest is carried out in accordance with lawful arrest procedures.

(7)   Ensure all detainees have access, promptly after arrest to their families and legal representative and to any necessary medical assistance.

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(8)　　All detainees must be treated humanly. Do not inflict, instigate or tolerate any act of   torture or ill-treatment, in any circumstances, and refuse to obey any order to do so.

(9)　　Do not carry out, order or cover up extrajudicial executions or "disappearances" and refuse to obey any order to do so.

(10)　　Report all breaches of these basic standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.

Having seen the basic standards, we shall now look at the Humanitarian Principles which are three in number:

(1)　　First we have the humanitarian imperative which prevent and alleviate the suffering of the human being. It protects life and health (improve human condition) and ensures   respect for the human being. It also include the right to receive humanitarian assistance and the right to offer it as fundamental to humanitarian principles. It also implies an overall protection approach i.e. the respect of international humanitarian law and human rights.

(2)　　Neutrality implies that you are not to take sides in the hostilities or in controversies based on political, racial, religious or ideological   identity   (non-partisanship/independence). Transparency   and openness are key issues to keep neutrality.

(3)　　Impartiality has to do with neutrality and non-discrimination in dealing with all. For instance, aid should be delivered to all those who are suffering, on the basis of the guiding principle of meeting their need and the corresponding rights. Human rights are the basis and the framework for an assessment of needs. The aid or donor community should respond with equal and appropriate assistance, advocacy and action. There should be no discrimination.

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

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

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

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

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

Everyone has the right to a fair trial

Everyone has the right to freedom of movement

Everyone has the right to peaceful assembly

Everyone has the right to freedom of expression

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

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

The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including holding a detainee in conditions which deprive him or her, even temporarily, of the use of any of his or her natural senses, such as sight or hearing, of his or her awareness of place or passing of time. Compliance with the other basic standards for law enforcement is also essential safeguards against torture and ill-treat.

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

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

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

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

Define International Law?

International Law can be defined a s embodying certain rules relating to human relations throughout the world, which are generally observed by mankind and enforced primacy through the agency of the government of the independent community into which humanity is divided.

Class Activity

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

Self Assessment Exercise

Ⅰ. Discuss the various types of International Law?
ii. What do you consider to be the sources of international law?

Possible Answer to Self Assessment Exercise
iThese are the Public and Private international law. Here the international law we have defined is at times spoken of as "public international law". This is to distinguish it from what is known as "private international law", a branch of the law which deals entirely with relations of persons living under different legal systems.
Ii the source of international law includes treaties, international custom, and general widely accepted principles of law.

3.6   SUMMARY

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

3.7   REFERENCES/FURTHER READINGS

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UNIT 4   EARLY WARNING SYSTEMS AND PREVENTIVE MEASURES AND DEPLOYMENT

Unit Structure

3.2

4.1   INTRODUCTION

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

Early warning generally refers to the set of activities that aim to collect, collate and analyse data in order to detect and identify the signs of an emerging crises before it explodes into uncontrollable violence. Early warning systems are mechanism or set of procedures designed to detect, process and communicate signals of a potential or impending threat to allow early counter-measures to prevent or mitigate negative impacts (Peck, 1996; Lund, 1997). Early warning system has various indications including the political, social, economic, security and environmental. The political indicators include signals of electoral conflict and violence. Examples of economic indicators are rising cost of living, inflation rate, unemployment, food insecurity and lack of access to critical resources. Security indicators involves law and order, civil-military relations, proliferation of small arms and light weapons, military build-up and expenditure, proliferations of militias and paramilitary forces leading to illegal stockpiling of weapons. The social indications are explosion in population growth and movement, population density, which shows some trends that can lead to outbreak of violent conflict. In terms of

environmental indicators, there are issues of water scarcity, natural disasters, epidemic and pandemic. These indications have been monitored

and measures put in place to mitigate their occurrence or manage them so prevent their adverse consequences.

4.2   Learning Outcomes

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

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

4.3   Early Warning and Preventive Measures

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

multinational forces, national early warning systems have proved inadequate.

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

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

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

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

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

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

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

4.4   Early Warning Process

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

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

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

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

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

4.5   Multilateral Preventive Actions

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

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

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

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

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

To identify conflict causes and stages of conflict;
To structure systematically early warning analysis;

To identify and integrate a range of preventive measures;
To use existing mechanisms for early warning analysis;
To improve quality and effectiveness of policy recommendations;

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

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

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

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

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

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

play the role of the ECPS providing feedback on the policy options outlined by another team.

As a pilot, the workshop also focused on obtaining feedback from participants on content and methodologies. In addition to written feedback on daily sessions and a written evaluation of the overall workshop, the Design and Development Team met each day with representatives of the three country groups and conducted sessions at the conclusion of the workshop to obtain suggestions for improvements in

subsequent workshops. The daily feedback meetings were invaluable to the learning process. Based on the response of participants to the content being covered and methodologies being used, adjustments were made to the programme content and schedule to ensure that workshop sessions addressed more effectively participants' needs and interests. The above case study was meant for your understanding as to the necessary steps needed to take in order to avert conflicts in our society.

Mention and Explain the Five Element of Early Warning Process?

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

Class Activity
Discuss Early Warning as a process?

Self Assessment Exercise

What are the essential elements of the Early Warning Process?

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

Possible Answer to Self Assessment Exercise

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

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

international peace and security with the objective of supporting the efforts of the Security Council and the Secretary General to deter conflict.

4.6 SUMMARY

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

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MODULE 5

Unit 1: Peace Building
Unit 2: Multi-track Diplomacy in Peacebuilding
Unit 3:   Gender-inclusive Peacebuilding
Unit 3: International Humanitarian Law on the Protection of Civilians and Vulnerable Groups

UNIT 1   PEACEBUILDING

Unit Structure

1.1   Introduction
1.2   Learning
Outcomes
1.3 Pre-conflict Peacebuilding
1.4 Post Conflict Peacebuilding
1.5   Summary
1.6   References and Further Readings
1.7

1.1   INTRODUCTION

Peacebuilding encompasses a broad range of issues such as security, law social justice, development, human rights, restorative justice and humanitarian action. It is defined as the efforts to consolidate peaceful relations and create an environment that prevents the outbreak of conflict or its escalation to violence (International Alert, 1995). According to the former UN Secretary General, Boutros Boutros-Ghali, who popularized the concept of peacebuilding in 1992, it refers to "action to identify and support structures which can strengthen and solidify peace in order to avoid a relapse into conflict.

Peacebuilding can occur at the pre-conflict and post-conflict stages. At the pre-conflict stage, peacebuilding involves efforts that relates to conflict preventions, which tends to deter the emergence of destructive conflict. Since conflict is inevitable in the society, it is important to put in place measures to prevent structural violence that breeds social injustice and manifest in grievance that spur violent conflict.

At the post-conflict stage, peacebuilding strives to address the causes and consequences of the conflict. This will require a long term process of rebuilding the structure of the society that has been affected by the violent manifestation of the conflict. It will involve dealing with the psychosocial trauma, the wounds of the conflict, the damages to social and private facilities, mopping up arms in

circulation, disbanding the armed groups and their reintegration back into the society. Peacebuilding at the post-conflict stage is extensive and expensive to carry out without the support of regional and international community.

1.2   Learning Outcomes

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

i.   Define Peacebuilding;
ii. Distinguish between pre and post conflict peacebuilding;
iii. Explain the importance of local-led peacebuilding

1.3   Pre-conflict Peacebuilding

The efforts to prevent the emergence of violent conflict requires putting in place measures to prevent social injustice, inequity, marginalization, deprivation and human rights violation. These efforts involve the promotion of good governance that can deliver public goods and services, basic needs of the people and security in an equitable manner. The measures to achieve social justice will also help to deter violent conflict. The roots of grievance that provoked the manifestation of violent conflicts are linked to these structural issues of injustice. Pre-conflict peacebuilding is thus the strategy to prevent the outbreak

of violent conflict through measures to reduce socio-economic deprivation, and build a strong political institution that promote good governance. This is achieved through promotion of human rights of individuals and minorities, political democratization and socio-economic development (Reychler, 1994).

Pre-conflict peacebuilding encompasses actions which support political, economic, social and military measures and structures that can prevent the emergence of violent conflict or address the roots of conflict (British Army, 1997). The strategies to prevent conflict is very essential to efforts to promote positive and durable peace. Without such measures, the society will be rife with social injustices that provoke grievance and agitations by individual and groups for fairness, equity and justice.

Peacebuilding at the pre-conflict stage is an indispensable aspects of measures to build strong social and political institutions. It is vital to efforts to sustain positive peace in the society. It is a continuous effort to promote good governance, social justice, equity and fair play.

1.4   **Post Conflict Peacebuilding**

The presence of social injustice will inevitably lead to the outbreak of violent conflict because of the inability to deal with conflict in a constructive manner. This is usually attributed to systemic issues of marginalization, deprivation, injustice, inequity and human rights violation that drive structural violence and its manifestation in physical outbreak of violence. Post-conflict

peacebuilding will require measures to tackle the root of conflict and its consequences such as loss of lives, bodily injury, emotional trauma and damages to properties. It will also require efforts to rebuild the political institutions because violent conflict constitute a threat to the capacity of the government to protect the citizen and the state.

Peacebuilding at the post-conflict stage encompasses the arrays of actions and measures undertaken in the immediate aftermath of a conflict, or at the end of the military phase of a conflict to deter the resurgence of violence or hostilities, to restore social and political structures and institution capable of preventing the renewal of the conflict. It also involves restoring trust between the previousl warring parties, addressing refugee phenomenon, restoration of security and protection of civilians, rebuilding the society and reforming the security institution (Demurenko and Nikitin, 1997; Heathershaw, 2013).

Post-conflict peacebuilding is aimed at addressing the root and consequences of the conflict so as to prevent future resurgence of the conflict. The peacebuilding measures are broad, extensive and long term. It is much cheaper to build peace at the pre-conflict stage, than at the post-conflict level. This is because at the post-conflict stage, the peacebuilding efforts entails dealing with both the root causes, the civilian casualties, reforming the security institution and rebuilding

and strengthening the political institutions to be able to prevent a relapse into conflict.

Peacebuilding has to be 'local-led' in the sense that it must involve consultation and engagement with local communities, and designed based on the concerns, perspectives and capacities of the people affected by the conflict (Campbell, et al., 2011). Post-conflict peacebuilding requires a lot of material resources and long term commitment which may not be achievable given the limited resources of many African states confronting protracted violent conflict and the adverse consequences of the conflict that reverse the development gains in the affected state.

Define Peacebuilding?

Peacebuilding encompasses a broad range of issues such as security, law social justice, development, human rights, restorative justice and humanitarian action. It is defined as the efforts to consolidate peaceful relations and create an environment that prevents the outbreak of conflict or its escalation to violence.

Class Activity

Discuss the importance of pre-conflict peacebuilding in the efforts to achieve lasting peace in the society.

Self Assessment Exercise
i Distinguish between pre and post conflict peacebuilding.
ii Discuss why peacebuilding has to be local-led and consultative.

Possible Answer to Self Assessment Exercise

iPost-conflict peacebuilding is aimed at addressing the root and consequences of the conflict so as to prevent future resurgence of the conflict. While, pre peacebuilding is the efforts to prevent the emergence of violent conflict requires putting in place measures to prevent social injustice, inequity, marginalization, deprivation and human rights violation.

ii.   Peacebuilding has to be 'local-led' in the sense that it must involve consultation and engagement with local communities, and designed based on the concerns, perspectives and capacities of the people affected by the conflict.

iii.

1.5 Summary

In this unit, we have discussed peacebuilding and the two main types; pre and post conflict peacebuilding. While pre-conflict peacebuilding entails efforts to prevent the outbreak of violent conflict, post-conflict peacebuilding requires efforts to deal with the root of violent conflict and its destructive consequences. It entails long term commitment and efforts to achieve peace settlement among the warring parties, tackle the negative outcomes of the conflict and rebuild the state institutions. Efforts to build peace, both at the pre and post conflict stage must be local-led and carried out through consultation with the people to identify and address their concerns, fears, interest and needs.

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Unit 2:   **Multi-track Diplomacy in Peacebuilding**

Unit Structure

2.1 Introduction
2.2   Learning
Outcomes
 2.3 Multi-track Diplomacy
2.4 A System approach to Peacebuilding

2.5   Summary
2.6   References and Further Readings
2.7 Possible Answer to Self Assessment Exercise

2.1 Introduction

Multitrack diplomacy is a concept developed by Louise Diamond and John McDonald as an interconnected set of tracks that function separately and interdependently to achieve peace. The tracks comprise of arrays of actors, both state and non-state and institutions that play vital roles in conflict resolution and peacebuilding. Although each of the tracks has its own "resources, values, and approaches", they also function together in the pursuit of a positive and sustainble peace. The synergy among the tracks in the system is critical to efforts to manage and resolve conflict and build peace. Multitrack diplomacy is thus defined as a "systems approach to peace (Notter and Diamond, 1996)." All the tracks in the system are essential to efforts to promote peace and sustain the peace in the long run.

The Multitrack was developed as an expansion of the distinction made by Joseph Montville in 1982, between two

tracks, comprising a state institution and civil society institution. The state refers to track one (official, governmental action) and the non-state civil society institution is known as track two (unofficial, nongovernmental action). The two tracks are seen as vital to conflict resolution and peacebuilding.

The two tracks were later expanded to five tracks in 1989 to encompasses three other tracks; business, private citizens, and the media. In 1991, the tracks were further expanded to nine tracks to include research, training and education, activism, religious institution, and funding. The nine tracks constitute the multitrack diplomacy as coined by Louise Diamond and John McDonald who founded the Institute for Multi-Track Diplomacy (IMTD) in 1992.

2.2 Learning Outcomes

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

i.   Explain the evolution of Multitrack Diplomacy;
ii. Discuss the importance of Multitrack Diplomacy
     as a system approach to peacebuilding;
iii. Understand the synergy between the nine tracks in
     the Multitrack Diplomacy.

2.3   **Multi-track Diplomacy**

Multitrack Diplomacy comprises of nine tracks of actors and institutions that played critical roles in conflict resolution and peacebuilding. The tracks are regarded as a system approach to peace because they function independently and also are interconnected in carrying out their roles in the peacebuilding process. Track I is government, also known as official diplomacy which has to do with the roles of the state in peacebuilding. The government responsibility is to provide public goods and services and promote the wellbeing of its citizenry. The state institutions are to be developed to deliver good governance, based on accountability, transparency and promotion of human rights, security and development. When the government is unable to ensure the wellbeing of the citizens, this will undermine the peacebuilding process in the society. Government is also to facilitate the presence of an efficient conflict management institution that deals constructively with conflict. The government peacebuilding efforts must also be sustainable so as to deter the emergence of grievance that manifest in destructive conflict.

Track II is the professional conflict resolution or Non-governmental organization (NGO), that serves as part of the civil society institution that complement the efforts of Track I, official diplomacy in the peacebuilding process. The professional conflict resolution track plays vital roles in effort to constructively manage conflict and build peace in the society. They provide critical support to the citizens to complement the efforts of the government. They also work towards addressing the deficiency in government peacebuilding efforts. Most of the government in African states, usually tend to adopt a hard power approach to conflict resolution, while demonstrating low commitment to tackling the root causes of the conflict. The track II, as professional conflict resolution provides an alternative approach that involves efforts to address the causes of the conflict by identifying the concerns, needs, fears and interest of the conflict parties and devise creative ways of resolving the conflict in a mutually satisfactory manner. NGOs plays critical roles in peacebuilding particularly at the local levels. They provide relief materials and other basic needs and services for the people, especially in areas that government has been lacking in the provision of adequate public goods and services. NGOs are also involved in advocacy, providing various forms of public awareness and enlightenment programmes that can promote wellbeing and security of the people/

Track II is business which has to do with peacemaking through commerce. It refers to efforts of business organizations to build peace in the society where they are operating. Business thrives in a peaceful operating environment. Many business organisations provide infrastructural assistance and other forms of material support as part of their corporate social responsibilities in their operating environment. They are also employment generating organization that assist to address the employment gaps confronting underdeveloped African states. The business is a wealth generating organization that is vital to effort to promote the wellbeing of the citizen in a particular state.

Track IV, is private citizens who by virtue of their status, position and power play critical roles in the peacebuilding process. The private citizens are prominent individuals who are recognized and well respected because of their capacity to contribute to societal development. Such individuals may include eminent public figures, elder statesmen, business mogul and other distinguished personalities who have the capacities, charisma and resources to support the effort to promote peace in the society.

Track V, refers to as research, training and education as a vital component of peacemaking through educational and research institutions. The research institutes are involved in various project to improve agricultural services, technical know-how and knowledge as well as science and technology which are critical to societal development. The educational institutions are vital to knowledge production and human development. The research and educational institutions are the think-tank community that provide an analytical framework for understanding conflict and how best to resolve it. The track is also vital to peacebuilding efforts because of the roles played in man power and human

capacity development, technical knowhow, skills and capacity building for the realization of human aspiration and development.

Track VI which is activism is an important component of civil society organization that serves as the watch dog of the people. The activist serves as critics of government anti-people policies. It also serves as the mouth piece of the people and human rights defender. It plays critical roles as a public analyst that scrutinize government policies to assess its capacity to promote the rights and security of the citizens.

Track VII is the religious institutions that perform important roles in peace promotion through sermons to promote peaceful coexistence. The track play roles of peace advocate through sermons that promote pacifism and non-violence approach to conflict. The religious leaders in preaching tolerance, good neighborliness and social cohesion to their congregation are regarded as vital agent of peacebuilding. The religious organizations also provide relief and

humanitarian supports to various conflict-affected areas as part of their peacebuilding efforts.

Track VII is funding which is a vital resource that is essential to the functions of all the other tracks. The availability and access to funding and its judicious utilization is critical to the attainment of the goals of the other tracks.

Track IX is the Media or peacemaking through public opinion or communication serves as the voice of the people. The track is also the channel in which the government communicate with the citizens. The media is the information dissemination institutions which facilitate communication between the citizen and the government. The media which comprises of mass, electronic and social media are vital to peacebuilding through provision of information. It allows the government to communicate their activities and polices to the people and also provide opportunity for the citizen to express their opinion on government policies and programme. The manner of information dissemination can prevent, provoke or manage conflict depending on if the right or wrong information is disseminated. The media should be a peace building institution which provides timely, and factual information that can facilitate and promote cordial relations among individual, social groups and the government in the society.

2.4 A System approach to Peacebuilding

The multitrack diplomacy is a system approach to peacebuilding given the interconnectedness between each of the tracks. Although each track has specific functions, capacity and goal, they are also interdependent on each other to ensure the effectiveness of their peacebuilding efforts. Track I as official diplomacy provide support for the other tracks and also depend on them to enhance its peacebuilding efforts. The non-governmental organization or professional conflict resolution requires the support of the official diplomacy track in

conducting its activities. The business requires favorable government policy to facilitate a conducive operating environment. The private citizen provides support to enhance the efforts of government in the promotion of peace and development. Each of the tracks offers resources and capacities that can enhance the functions of other tracks. Since each tracks play key roles in the peacebuilding process, all the tracks must work effectively to promote their capacities to ensure effective peacebuilding.

There are three dimension of peacebuilding that are essential to the functioning of the multitrack diplomacy. The first is political peace building, which pertains to the efforts of track I as the official diplomacy in building and sustain a strong political institution that can ensure good governance for the citizens. The peacebuilding activities of track I must be geared towards promoting human rights, and security. The second peacebuilding activities is economic and

institutional peace building, which is also regarded as part of the efforts of track I in facilitating socio-economic development, towards building strong and viable state institution. In the aftermath of a conflict, the peacebuilding efforts will focus on rebuilding of infrastructure and state institutions. The economic and institutional peacebuilding can also be considered as part of the activities of other tracks whose efforts complemented that of track I. The last aspect of peacebuilding refers to as social peace building, which is considered as the most people-centred approach to peacebuilding that focused on promotion of human wellbeing. It is central to the activities of other tracks in conflict resolution and peacebuilding. It focused on identifying the concerns, fears, and needs of the conflict parties and providing a means to arrive at satisfactory outcomes. It enhances the skills and capacities of the people to deal constructively with conflict. It equipped the communities with the resources and capacities to handle conflict through non-violence means. It is about winning the heart and minds of the people, building the trust and confidence in their capacity to cope with and bounce back from challenges.

Class Activity
iExplain the roles of each of the nine tracks in the peacebuilding process?
iiDiscuss how synergy between the tracks is critical to efforts to achieve effective peacebuilding?

Self Assessment Exercise

    i.   Define Multitrack Diplomacy

    ii.   Discuss the roles of each of the nine tracks in the multitrack diplomacy.

Possible Answer to Self Assessment Exercise

i.   Multitrack diplomacy is a concept developed by Louise Diamond and John McDonald as an interconnected set of tracks that function separately and interdependently to achieve peace. The tracks comprise of arrays of actors, both state and non-state and institutions that play vital roles in conflict resolution and peacebuilding.

ii.   Track I is government, also known as official diplomacy which has to do with the roles of the state in peacebuilding.
Track II is the professional conflict resolution or Non-governmental organization (NGO), that serves as part of the civil society institution that complement the efforts of Track I, official diplomacy in the peacebuilding process.
Track III is business which has to do with peacemaking through commerce. It refers to efforts of business organizations to build peace in the society where they are operating.

Track IV, is private citizens who by virtue of their status, position and power play critical roles in the peacebuilding process.

Track V, refers to as research, training and education as a vital component of peacemaking through educational and research institutions.

Track VI which is activism is an important component of civil society organization that serves as the watch dog of the people.

Track VII is funding which is a vital resource that is essential to the functions of all the other tracks.

Track IX is the Media or peacemaking through public opinion or communication serves as the voice of the people.

2.5   Summary

In this unit, we have discussed the role of each of the tracks in the multitrack diplomacy to the peacebuilding efforts. We explained how the efforts of track I as the official diplomacy is complemented by the peacebuilding efforts of the eight other tracks. The collaborative efforts of all the tracks are critical to promote effective peacebuilding. The gaps in the capacity of one of the track can affect other tracks. While each track has its function, capacity and structure, they also depend on the support of other tracks in carrying out their peacebuilding activities.

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Unit 3:   GENDER-INCLUSIVE PEACEBUILDING

Unit Structure

3.1   INTRODUCTION

Gender studies focuses on the socially constructed ways in which women, as well as men are located and differentiated in a given context. Both women and men have the capacities to play prominent roles in peacebuilding. Feminist discourse have essentially positioned women as peacemakers, nurturers and caregivers and men as warlike (Matfess, 2020; Ripero-Muñiz, 2020)). This notion of women innately peaceful nature attests to their capacities to act as peacemakers. Yet, women roles in peacebuilding have largely remained unrecognized and unacknowledged. Women play prominent roles as caregivers for their families and communities during peacetime and wartimes (Parkinson, 2013; Henshaw, 2017). Women are also the disproportionate victim of armed conflict. They faced all forms of gender and sexual based violence, injury, maiming, loss of children and husband during violence and ultimately threat to lives (Al-Kadi and Vale, 2020). Despite the disproportionate impacts of violence on women, they have played formidable roles as caregivers, nurturers and peacemakers in their communities. Nevertheless, the adverse consequences of armed conflict on women have led them to seeking diverse coping strategies. These coping strategies may involve active participation in conflict, in which women acts as domestic servants, spies, emissaries, and combatants. While women's motives for participation in conflict may be linked to ideology, economic and political reasons, their active roles in conflict has significant security implications. In African predominantly patriarchal settings in which men dominates, women are perceived as subordinate, and marginalized within the socio-political structure. Women's invisibility has provided opportunities for armed actors to increasing use women as strategies in wagging their armed struggles.

The nature of armed struggles at this period makes it imperatives that the differing experience of women and men in wartimes are well analysed, understood and factored into the peacebuilding process. It is also

important to understand that women have differing characteristics. While some women are innately peaceful, some have the capacities to act as bearers of violence, especially when they faced circumstances that requires that they seek any means to survive, either fair or foul. The post-conflict peacebuilding process must take cognizance of both men and women experience, capacities, concerns, fears and tailored the intervention process to meet their peculiar needs.

3.2   Learning Outcomes

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

i.   Discuss gender and peacebuilding;
ii. Explain the challenges women are facing as victims of conflict.
iii. Explain the critical roles of women in peacebuilding and post conflict reconstruction

3.3   Gender and Peacebuilding

Women characterization as peacemakers, nurturer and caregiver place them in a vantage position as peacebuilder. Yet, women subordination within the patriarchal structure undermine their contribution to peacebuilding at the local and national levels. Men are perceived to be war-oriented and women as peace-oriented. Women are also regarded as vulnerable victims of armed conflict, who faced all forms of gender and sexual based violence during period of conflict and peace. Peacebuilding requires the contribution of both men and women because both are affected by conflict and have differing wartime experiences. Women as well as men are also involved not just as victim but also actors in conflict. Women can and have played mirage roles in conflicts that extended beyond their victimization. Studies have shown that women have capacities for violence just as men (Henshaw, 2017; Matfess, 2020). At the same time, women innately peaceful nature, and their roles as mothers, wives, and caregivers placed them in a position to act as peacemakers.

At the local level, women critical roles in peacebuilding have been vital to the development of their societies. They play critical roles in the sustenance of their family through their contribution to food production and sustenance of their families and communities. They also play major roles in providing care services for those injured during war time. Despite their important contribution to peacebuilding, their roles are largely unacknowledged because of their position of subordination. Women are also marginalized in access to socio-economic resources in the male-dominated patriarchal structure of their societies. limiting their empowerment and capacities to contribute to peacebuilding. It is important that women and men are both recognized as critical agents of peacebuilding, Gender inequality promotes women marginalization, and unequal access to

socio-economic resources in a way that limit their capacities to contribute meaningfully to their communities and the larger society.

3.4 Women roles in Peacebuilding

The experience has been that whereas women and children suffer most during wars, they are usually relegated to the background during peace negotiations and post-conflict reconstruction. This should not be so, because without the input of women in this process arising from their experiences during wars it is impossible to have an effective post conflict reconstruction.

The bitter experiences of women in times of war often make them strong agents of peace building and i n t e r v e n e r s   i n   conflict resolution. Women will be in a better position to understand the situation of their fellow women, their plight, needs, concerns and fears. They will be able to show empathy and concerns for their fellow women. Their status as mothers make them to be natural caregivers, nurturers, and peacemakers. However, women's roles in and contributions to conflict resolution are underutilized or wholly ignored in mainstream peace building and constitution making processes. Nevertheless, women all over the world are devising creative and effective strategies to building peace, particularly at the local level where the consequences of war continue to create space for women's participation in conflicts and necessitate their involvement in peacebuilding.

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

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

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

Although rape and other gender-based forms of violence continue to be among the highest committed war crimes during times of armed conflict, they still remain the least condemned. This struggle against impunity must begin with the strengthening of the legal system and its responsibility in bringing perpetrators to justice. Furthermore, addressing the victims' needs and providing proper medical treatment,

psychological care and financial compensation is crucial and must be guaranteed. Fundamentally, these crimes must be recognized for what they are – crimes against humanity.

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

There is a recent report on "Women, War, and Peace," an independent experts' assessment by two remarkable women, Elisabeth Rehn and Ellen John Sir leaf. This report provided a wealth of information on the impact of conflict on women and t h e need for their inclusion in the peacebuilding process.

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

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

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

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

> Still, when conflict re-emerged in Angola in 1998 and millions of displaced persons were in need of emergency relief programs, the priority was the urgency of getting food to displaced people. This outweighed the focus on women's participation in the peace process. It was later realized during a meeting of the Joint Peace Commission that brought together the Angolan Government, UNITA, the United Nations,

and the troika nations of Russia, Portugal, and the United States, that there was not a single woman at the peace table.

It was therefore recognized that a key component for post-conflict negotiation and reconstruction was missing by not bringing women to the table to plan for the emergency assistance. Using women's NGOs to distribute relief; assigning gender advisors to prevent domestic violence as ex-combatants returned to their homes; and ensuring women a seat at the table in the peace talks themselves were realized to be important. These lessons were particularly useful during the political, economic and security reconstruction of Afghanistan. Well-meaning experts – both Afghan and international – told us that the benefits of involving women in this process were outweighed by the risk of alienating anti-Taliban forces and traditional Afghan leaders whose help was needed in the fight against terrorism.

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

One area where we need to do better is insisting on full accountability for actions against women during conflict. Whilst the spirit of reconciliation and forgiveness after conflict resolution is welcome, but too often, amnesty means that men forgive men for atrocities committed against women. In Angola, for example, the Government and the UNITA rebels provided 13 separate amnesties for each other.

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

3.5   Translating Words into Action

For example, the Offices of International Women's Issues, Women in Development and Transition Initiatives, and the Bureau of Democracy, Human Rights and International Labor are assisting women's organizations and ministries of women's affairs, promoting women's rights, and involving women in peace-building and post-conflict political structures.

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

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

There are dozens of countries around the world where women are systematically excluded from peace processes and post-conflict governance, and where girls' access to education, health, and other social services is minimal. Within many countries, programmes to address these issues are too often adopted on an ad hoc basis. They may be poorly coordinated; they often overlap; and each new effort tends to start from scratch. We can do better in expanding and coordinating these efforts to ensure maximum effectiveness.

Class Activity

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

Self Assessment Exercise
Explain Women roles in Peacebuilding?

Possible Answer to Self Assessment Exercise

The experience has been that whereas women and children suffer most during wars, they are usually relegated to the background during peace negotiations and post-conflict reconstruction. This should not be so, because without the input of women in this process arising from their experiences during wars it is impossible to have an effective post conflict reconstruction.

3.6   SUMMARY

In this unit, we have extensively discussed women in peace building and reconstruction. In doing this, we examined the critical roles of women and men in peacebuilding given that they are both victim and actors in conflict. We also explained that women are not all generally peacemakers, because some have the capacities to act as bearers of violence. We discussed how the predominantly patriarchal structure of most African societies have promoted women's marginalization and undermined their socio-economic empowerment and critical contribution to peacebuilding.

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UNIT 4   INTERNATIONAL HUMANITARIAN LAW ON THE PROTECTION OF CIVILIANS AND VULNERABLE GROUPS

Unit Structure

4.1   Introduction
4.2   Learning
Outcomes
      4.3   The International Humanitarian Law
      4.4   Protection of Children in Conflict

4.1   INTRODUCTION

The reality of millions of civilians caught up in conflict is alarming and civilians are u s u a l l y the main casualties of wars in the world. They are often specifically targeted by warring parties rather than merely being caught up in the fighting. The toll of dead and wounded, particularly among innocent civilians has risen to a level that can be described without any exaggeration as appalling. A good example is the plight of civilians t h a t a r e t h e c a s u a l t i e s o f t h e wave of terrorism around the world and the war being prosecuted against terrorism.

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

4.2   Learning Outcomes

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

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

i   Discus International Instruments for the protection of children;

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

4.3   The International Humanitarian Law

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

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

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

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

4.4   Protection of Children in Conflict

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

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

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

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

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

4.4.1 Geneva Conventions and Protocols

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

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

4.4.2 Protection of Older Persons in Armed Conflict

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

4.5   The Steps taken to redress issues

In 2001, the UN High Commission for Refugees adopted a policy   on older-persons. In 2002, the Second World Assembly on Ageing adopted specific policy commitments concerning older persons in emerging situation although much still needs to be done both   in terms of making

older persons visible and in ensuring that their specific needs for protection and assistance are met. The Security Council can play an important role in mainstreaming concern for older persons.

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

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

Self Assessment Exercise 1

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

Possible Answer to Self Assessment Exercise

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

(1)   Children shall be the object of special respect and be protected against any form of indecent assault;
(2)   Children shall be provided with care and aid they require;

4.6.   SUMMARY

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

4.7   REFERENCES/FURTHER READINGS/Web

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