

Building Conflict Avoidance and Resolution Mechanisms into Business Arrangements for Sustainability

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Kariuki Muigua*

Abstract

This paper critically examines the need for effective conflict management strategies in business arrangements. The paper posits that conflicts are inevitable in business relationships. However, it argues that if such conflicts are not managed in a timely, effective and efficient manner, they can destroy business arrangements and relationships thus affecting progress towards Sustainable Development. In light of their impact on business arrangements, the paper argues that it is imperative to anticipate and address conflicts in businesses for prosperity. Consequently, the paper proposes how conflict avoidance and resolution mechanisms can be integrated into business arrangements for sustainability.

1.0 Introduction

Conflicts can undermine progress towards Sustainable Development. For example, it has been argued that escalating global, regional and local conflicts and climate-related emergencies have substantially affected progress towards achieving the Sustainable Development Goals (SDGs)¹. In particular, armed conflicts pose significant challenges to development and sustainability, leading to economic decline, social dislocation, humanitarian disasters, and environmental damage². Conflicts are also fueling forced

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¹ Taylor. R., 'Sustainable Development Goals and the Impact of Global Conflict, Extreme Poverty and Climate-Related Emergencies' Available at <https://lordslibrary.parliament.uk/sustainable-development-goals-and-the-impact-of-global-conflict-extreme-poverty-and-climate-related-emergencies/> (Accessed on 13/11/2025)

² African Development Bank Group., 'Nexus conflict and sustainability: An African perspective' Available at <https://blogs.afdb.org/climate-change-in-africa/nexus-conflict-and-sustainability-an-african-perspective-363> (Accessed on 13/11/2025)

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migration increasing pressure on the environment and natural resources, leading to competition and further conflicts between communities³. They also cause human suffering in terms of loss of lives, displacement of populations and increased levels of poverty⁴. It has been argued that societies that are characterized by weak institutions, fragile political systems and divisive social relations can be drawn into endless cycles of conflict and violence threatening peace and development⁵.

Due to the negative impact of conflicts on development, effective conflict management strategies are key in fostering Sustainable Development. It has been argued that the SDGs have an intrinsic relationship to peace and stability⁶. The United Nations *2030 Agenda for Sustainable Development*⁷ acknowledges that there can be no Sustainable Development without peace and no peace without Sustainable Development. Consequently, it has been argued that addressing conflict of whatever nature is part of the social aspect of sustainability that must be put into consideration if the Sustainable Development agenda is to be realised⁸.

This paper critically examines the need for effective conflict management strategies in business arrangements. The paper posits that conflicts are inevitable in business

³Ibid

⁴ Swedish International Development Cooperation Agency., 'Conflict Prevention: Opportunities and Challenges in Implementing Key Policy Commitments and Priorities' Available at https://cdn.sida.se/app/uploads/2020/12/01125316/s209461_thematicoverview_conflict_prevention_webb_final.pdf (Accessed on 13/11/2025)

⁵ United Nations., 'Land and Conflict' Available at https://www.un.org/en/land-natural-resources-conflict/pdfs/GN_ExeS_Land%20and%20Conflict.pdf (Accessed on 13/11/2025)

⁶ United Nations., 'No Peace, No Sustainable Development: A Vicious Cycle that We Can Break' Available at <https://www.un.org/en/chronicle/article/no-peace-no-sustainable-development-vicious-cycle-we-can-break> (Accessed on 13/11/2025)

⁷ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 10/02/2025)

⁸ Muigua. K., 'Understanding the Place of Conflict Management in Sustainable Development Agenda' Available at <https://kmco.co.ke/wp-content/uploads/2022/09/Understanding-the-Place-of-Conflict-Management-in-Sustainable-Development-Agenda.pdf> (Accessed on 13/11/2025)

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relationships. However, it argues that if such conflicts are not managed in a timely, effective and efficient manner, they can destroy business arrangements and relationships thus affecting progress towards Sustainable Development. In light of their impact on business arrangements, the paper argues that it is imperative to anticipate and address conflicts in businesses for prosperity. Consequently, the paper proposes how conflict avoidance and resolution mechanisms can be integrated into business arrangements for sustainability.

2.0 Impact of Conflicts on Businesses

Businesses play a pertinent role in the quest towards sustainability. It has been argued that businesses can foster Sustainable Development by driving economic growth, job creation and designing and implementing environmental-friendly products and services⁹. It has been argued that many of the priorities and actions required to achieve Sustainable Development are intertwined with business activities¹⁰. These include investments in food security, renewable energy, sustainable waste management, sustainable transport and infrastructure and clean water and sanitation services¹¹. Businesses are therefore crucial in the quest towards Sustainable Development. For instance, they can adopt sustainable practices in their operations including ensuring energy efficiency, reducing waste, fostering human rights and reducing greenhouse gas emissions towards sustainability¹². They can also unlock finance and investments in key areas including environmental-friendly technologies, products and services towards realising Sustainable Development¹³.

⁹ Larderel. A., 'Sustainable Development: The Role of Business' Available at <https://www.eolss.net/sample-chapters/c14/e1-34-09.pdf> (Accessed on 13/11/2025)

¹⁰ Ibid

¹¹ Ibid

¹² What is the role of business in Sustainable Development?., Available at <https://www.oneibc.com/en-us/faqs/what-is-the-role-of-business-in-sustainable-development> (Accessed on 13/11/2025)

¹³ Ibid

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Strengthening business arrangements and environments is therefore vital in unlocking Sustainable Development since the private sector is the principal engine for economic growth and job creation¹⁴. It has been argued that accelerating progress towards Sustainable Development requires the involvement of businesses to foster economic growth, job creation, innovation and entrepreneurship¹⁵. According to the United Nations, the active participation of the private sector can contribute to the achievement of Sustainable Development, including through the important tool of public-private partnerships¹⁶. Businesses contribute towards achieving Sustainable Development by providing goods and services, financing social and economic investments through taxes, and creating innovative solutions including green technologies to help tackle development challenges such as climate change, biodiversity loss and pollution¹⁷. Businesses are also contributing towards meeting the social pillar of sustainability through greater emphasis on corporate social responsibility¹⁸.

Despite playing a key role in fostering sustainability, businesses are also susceptible to conflicts and disputes which can undermine progress towards Sustainable Development. It has been pointed out that businesses can face external disputes with financiers, suppliers, regulators, customers¹⁹. Further, they can also face internal disputes involving

¹⁴ Mushipe. Z.J., 'The Role of Business in Accelerating Sustainable Development' Available at <https://www.davidpublisher.com/Public/uploads/Contribute/59a3d44b891d9.pdf> (Accessed on 13/11/2025)

¹⁵ Ibid

¹⁶ United Nations., 'Business and Industry' Available at <https://sustainabledevelopment.un.org/majorgroups/businessandindustry#:~:text=We%20encourage%20industry%2C%20interested%20governments,already%20existing%20frameworks%20and%20paying> (Accessed on 13/11/2025)

¹⁷ United Nations Development Programme., 'Business and the SDGs' Available at <https://www.undp.org/sdg-accelerator/business-and-sdgs> (Accessed on 13/11/2025)

¹⁸ The Role of Business in Sustainable Development., Available at <https://aaeafrica.org/uganda/the-role-of-business-in-sustainable-development/> (Accessed on 13/11/2025)

¹⁹ Business Disputes Should Be Handled In Business-Like Ways., Available at <https://www.ifcreview.com/articles/2024/september/business-disputes-should-be-handled-in-business-like-ways/#:~:text=As%20most%20businesspeople%20know%2C%20in,sometimes%20even%20different%20business%20ethics.> (Accessed on 14/11/2025)

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partners and shareholders²⁰. The most common form of disputes and conflicts in business arrangements include contractual disagreements²¹. These can arise as a result of failure to meet contractual stipulations due to late deliveries, delayed performance or non-payment²². Further, disputes and conflicts can arise internally in businesses involving the management, partners and shareholders due to disagreements over the conduct of business affairs²³. In addition, business are often involved in external disputes with customers and suppliers relating to the quality of their services and non-payment²⁴. In some cases, failure to comply with business laws and regulations expose businesses to disputes with governments and regulators²⁵.

In addition to commercial disputes, businesses are also being involved in conflicts and disputes pertaining the tenets of sustainability. It has been argued that in light of the negative impacts of business on the environment and the society as evidenced by problems such as climate change, pollution, and human rights violations, profitability can no longer be the only yardstick to measure the success of business with sustainability increasingly becoming a key component of business activities²⁶. For example, businesses in the transportation, manufacturing and construction, and industrial processes are a major source of greenhouse gas emissions which contribute to the climate crisis²⁷. Further, businesses are major contributors to the plastic problem globally because many

²⁰ Ibid

²¹ Prevent, Manage and Resolve Disputes., Available at <https://business.gov.au/people/disputes/prevent-manage-and-resolve-disputes> (Accessed on 14/11/2025)

²² Ibid

²³ Business Disputes Should Be Handled In Business-Like Ways., Op Cit

²⁴ Ibid

²⁵ Ibid

²⁶ World Economic Forum., 'Sustainability and Profitability can Co-Exist. Here's How' Available at <https://www.weforum.org/stories/2020/01/sustainability-profitability-co-exist/> (Accessed on 14/11/2025)

²⁷ Ge. M., Friedrich. J., & Vigna. L., 'Where Do Emissions Come From? 4 Charts Explain Greenhouse Gas Emissions by Sector' Available at <https://www.wri.org/insights/4-charts-explain-greenhouse-gas-emissions-countries-and-sectors> (Accessed on 14/11/2025)

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products are either made from or shipped with plastic packaging²⁸. In addition, it has been argued that the activities of businesses can violate human rights including through use of child labour²⁹; polluting the environment therefore affecting the right to a clean, healthy and sustainable environment³⁰; and failure to implement appropriate health and safety standards leading to long-term negative impacts on workers' health³¹. In light of the foregoing concerns, businesses are being involved in sustainability disputes and conflicts.

From the foregoing, it emerges that businesses can be entangled in disputes and conflicts including commercial and sustainability disputes. Such disputes and conflicts are undesirable since they can affect the profitability and reputation of businesses. For example, commercial disputes can undermine the relationship of businesses with customers and suppliers thus affecting the reputation and profitability of businesses³². Further, disputes with governments and regulators are undesirable since they can lead to heavy fines and in some cases closure of businesses³³. In addition, sustainability disputes including those concerning climate change, pollution and human rights can damage the reputation of businesses while also subjecting them to prolonged and costly law suits³⁴. Due to the negative impacts of conflicts and disputes on businesses, it is

²⁸ Plastic Collective., 'How Can Businesses Reduce Plastic Use and Improve their Plastic Footprint' Available at <https://www.plasticcollective.co/how-can-businesses-reduce-plastic-use-and-improve-their-plastic-footprint/#:~:text=Businesses%2C%20in%20particular%2C%20are%20major,landfill%2C%20or%20worse%20the%20oceans>. (Accessed on 14/11/2025)

²⁹ UN Guiding Principles Reporting Framework., 'How Can Businesses Impact Human Rights?' Available at <https://www.ungpreporting.org/resources/how-businesses-impact-human-rights/> (Accessed on 14/11/2025)

³⁰ Ibid

³¹ Ibid

³² Business Disputes Should Be Handled In Business-Like Ways., Op Cit

³³ Ibid

³⁴ The future of sustainable business: trends, challenges, and opportunities., Available at <https://www.futuretracker.com/post/the-future-of-sustainable-business-trends-challenges-and-opportunities> (Accessed on 14/11/2025)

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imperative to build conflict avoidance and resolution into business arrangements for sustainability.

3.0 Building Conflict Avoidance and Resolution Mechanisms into Business Arrangements for Sustainability

It is imperative to integrate conflict avoidance and resolution mechanisms into business arrangements in order to avoid the negative impact of conflicts and disputes on the profitability, reputation and sustainability of businesses. It has been argued that in order to be successful, it is necessary for businesses to identify the likely sources and causes of conflicts and disputes at an early stage, avoid such conflicts and disputes if possible, and if not avoidable, ensure that conflicts and disputes are resolved cost-effectively and on a timely basis³⁵. Conflict avoidance and resolution are therefore fundamental strategies for the success of businesses.

Conflict avoidance involves anticipating, preventing and minimizing conflicts and disputes in order to limit their negative impacts on business relationships³⁶. It has been argued that conflict/dispute avoidance involves taking several steps during the life of business relationships to identify differences and address them at early stage before such differences can escalate into conflicts and disputes that can undermine business relationships³⁷. Through conflict avoidance, it is possible to maintain harmonious and productive working relationships that can ensure the success of business arrangements³⁸. Conflict avoidance can enable businesses to preserve crucial relationships with their suppliers, customers, lenders, regulators and investors among other stakeholders³⁹.

³⁵ Business Disputes Should Be Handled In Business-Like Ways., Op Cit

³⁶ Ibid

³⁷ Ibid

³⁸ 8 Ways to Avoid Conflict with Your Business Partner., Available at <https://www.andersonlegalnc.com/8-ways-to-avoid-conflict-with-your-business-partner/> (Accessed on 14/11/2025)

³⁹ Business Disputes Should Be Handled In Business-Like Ways., Op Cit

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Despite its suitability in preventing and minimizing conflicts and disputes and preserving business relationships, conflict avoidance may not be practical in all business arrangements. For example, it has been argued that conflict avoidance often leads to underlying issues in business arrangements being neglected thus compromising relationships and productivity in the long-term⁴⁰. It has been pointed out that conflicts and disputes are unavoidable in any human relationship including business arrangements and can be useful in clarifying rights, interests and obligations⁴¹. Therefore when conflicts and disputes are avoided in business arrangements, important decisions can be delayed a situation that can ultimately impact the viability of business relationships⁴². Consequently, it is imperative for businesses to embrace effective conflict resolution mechanisms in order to turn conflicts from a negative phenomenon to a positive occurrence that can clarify and strengthen business relationships for sustainability.

Appropriate conflict resolution for businesses involves mechanisms that ensure that conflicts and disputes are managed expeditiously and cost-effectively⁴³. In particular, it has been argued that Alternative Dispute Resolution (ADR) processes including negotiation, mediation and arbitration are appropriate in resolving business conflicts and disputes⁴⁴. For example, since they focus on collaboration, negotiation and mediation can foster successful business relationships by enabling parties to agree on good business terms, clarify business responsibilities, manage conflicts and disagreements and maintain

⁴⁰ Interpersonal Conflict Resolution: Beyond Conflict Avoidance., Available at <https://www.pon.harvard.edu/daily/conflict-resolution/interpersonal-conflict-resolution-beyond-conflict-avoidance/> (Accessed on 14/11/2025)

⁴¹ Addressing conflict avoidance in the workplace., Available at <https://www.oneadvanced.com/resources/addressing-conflict-avoidance-in-the-workplace/> (Accessed on 14/11/2025)

⁴² Business Disputes Should Be Handled In Business-Like Ways., Op Cit

⁴³ Ibid

⁴⁴ Forget Litigation & Arbitration: Why Mediation is the Best Option for Resolving Business Disputes., Available at <https://cenkuslaw.com/forget-litigation-arbitration-mediation-best-option-resolving-business-disputes/> (Accessed on 14/11/2025)

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an ongoing business environment⁴⁵. Mediation and negotiation can not only save time and costs but can also preserve critical business relationships making these mechanisms appropriate in managing commercial disputes⁴⁶. It has been argued that negotiation and mediation are particularly vital for ongoing business relationships including contracts and partnerships where there is need for collaboration⁴⁷. Further, arbitration is an ideal process in managing business disputes and conflicts since it guarantees privacy, confidentiality and expeditious dispute resolution⁴⁸. Further, due to its transnational applicability, arbitration is appropriate in managing cross border business disputes while also guaranteeing the enforcement of outcomes⁴⁹. Embracing ADR processes including negotiation, mediation and arbitration is therefore key towards effective resolution of conflicts and disputes in businesses.

4.0 Conclusion

Businesses are key drivers of Sustainable Development. However, they are also susceptible to conflicts and disputes which can undermine their profitability, reputation and sustainability. It is therefore imperative to build conflict avoidance into business arrangements in order to effectively anticipate, prevent and minimize the impact of conflicts and disputes on business relationships⁵⁰. Further, embracing ADR processes including negotiation, mediation and arbitration is key towards effective management of commercial disputes and conflicts for sustainability⁵¹. Building conflict avoidance and

⁴⁵ Examples of Conflict Negotiation in Business., Available at <https://cmaconsulting.com.au/examples-of-conflict-negotiation-in-business/> (Accessed on 14/11/2025)

⁴⁶ Managing and Resolving cross-border Disputes in the Energy Sector., Available at <https://www.ashurst.com/en/insights/managing-and-resolving-cross-border-disputes-in-the-energy-sector/> (Accessed on 14/11/2025)

⁴⁷ Negotiation as a Tool in Business Disputes., Available at <https://achkarlitigation.com/insights/negotiation-as-a-tool-in-business-disputes/> (Accessed on 14/11/2025)

⁴⁸ International Trade Centre., 'Settling Business Disputes: Arbitration and Alternative Dispute Resolution' Available at <https://www.intracen.org/file/arbitrationenglishfulla4lowrespdf> (Accessed on 14/11/2025)

⁴⁹ Ibid

⁵⁰ Business Disputes Should Be Handled In Business-Like Ways., Op Cit

⁵¹ International Trade Centre., 'Settling Business Disputes: Arbitration and Alternative Dispute Resolution' Op Cit

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resolution mechanisms into business arrangements is therefore a practical and achievable dream towards harnessing the role of the private sector in the quest for sustainability.

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