

*Resolving Natural Resource-Based Conflicts in Africa through Negotiation and Mediation*

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**Kariuki Muigua**

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## **Resolving Natural Resource-Based Conflicts in Africa through Negotiation and Mediation**

**Kariuki Muigua\***

### **Abstract**

*This paper critically discusses the role of negotiation and mediation in resolving natural resource-based conflicts in Africa. It argues that Africa is highly susceptible to natural resource-based conflicts. The paper examines the nature, causes, and effects of such conflicts in Africa. It argues that negotiation and mediation are suitable techniques in resolving natural resource-based conflicts in Africa and discusses efficacy towards this end. The paper further highlights some of the concerns in utilizing negotiation and mediation in managing natural resource-based conflicts in Africa. It also offers ideas towards strengthening the role of negotiation and mediation in resolving natural resource-based conflicts in Africa.*

### **1.0 Introduction**

Conflict refers to some form of friction, disagreement, or discord arising within a group when the beliefs or actions of one or more members of the group are either resisted by or unacceptable to one or more members of another group<sup>1</sup>. It has also been described as a situation in which two or more parties perceive that they possess mutually incompatible goals<sup>2</sup>. Conflicts are a common occurrence in human relationships and interactions<sup>3</sup>. They are an inevitable part of living since they are related to situations of scarce resources, division of functions, power relations and role-differentiation<sup>4</sup>. Some forms of conflicts

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\* PhD in Law (Nrb), FCI Arb (Chartered Arbitrator), OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [May, 2024].

<sup>1</sup> What is Conflict?., Available at <https://mariancrc.org/wp-content/uploads/2014/08/CONFLICT-AND-PEACE.pdf> (Accessed on 27/05/2024)

<sup>2</sup> Demmers. J., 'Theories of Violent Conflict: An Introduction' (Routledge, New York, 2012)

<sup>3</sup> Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution.' Available at <https://kmco.co.ke/wpcontent/uploads/2023/06/Reframing-Conflict-Management-in-the-EastAfrican-CommunityMoving-from-Alternative-to-Appropriate-Dispute-Resolution> (Accessed on 27/05/2024)

<sup>4</sup> Bercovitch. J., 'Conflict and Conflict Management in Organizations: A Framework for Analysis.' Available at

such as non-violent conflicts can be an essential component of social change and development, and are a necessary component of human interaction<sup>5</sup>. However, violent conflicts are an undesirable occurrence since they affect peace, sustainability and development<sup>6</sup>. Effective, efficient and expeditious conflict management is therefore a desirable ideal in order to spur peace, development and sustainability<sup>7</sup>.

Natural resource-based conflicts are disagreements and disputes over access to, control over and use of natural resources<sup>8</sup>. It has been noted that natural resource-based conflicts are prevalent all over the world as a result of the various competing interests over access to and use of natural resources such as land, water, minerals and forests<sup>9</sup>. The United Nations Environment Programme (UNEP) notes that while natural resources are key to achieving Sustainable Development, they are also increasingly acting as drivers of fragility, conflict and violence<sup>10</sup>. It further asserts that as the global population continues to rise, the global demand for natural resources continues to grow, and the impacts of climate change begin to materialize, competition over natural resources is set to intensify, a situation that could spiral into more natural resource-based conflicts<sup>11</sup>. Natural

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<https://ocd.lcwu.edu.pk/cfiles/International%20Relations/EC/IR403/Conflict.ConflictManagementInOrganizations.pdf> (Accessed on 27/05/2024)

<sup>5</sup> United Nations., 'Land and Conflict' Available at [https://www.un.org/en/land-natural-resourcesconflict/pdfs/GN\\_ExeS\\_Land%20and%20Conflict.pdf](https://www.un.org/en/land-natural-resourcesconflict/pdfs/GN_ExeS_Land%20and%20Conflict.pdf) (Accessed on 27/05/2024)

<sup>6</sup> Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution.' Op Cit

<sup>7</sup> Muigua. K & Kariuki. F., 'ADR, Access to Justice and Development in Kenya.' Available at <http://kmco.co.ke/wp-content/uploads/2018/08/ADR-access-to-justice-and-developmentinKenyaRevised-version-of-20.10.14.pdf> (Accessed on 27/05/2024)

<sup>8</sup> Food and Agriculture Organization., 'An Introduction to Natural Resource Conflicts, Collaborative Management and Sustainable Livelihoods' Available at <https://www.fao.org/4/a0032e/a0032e04.htm#:~:text=Natural%20resource%20conflicts%20are%20disagreements,or%20inequities%20in%20resource%20distribution.> (Accessed on 27/05/2024)

<sup>9</sup> Muigua. K., 'Environmental Conflict Management Institutions and Approaches.' Available at <https://kmco.co.ke/wp-content/uploads/2022/09/EnvironmentalConflict-Management-Institutionsand-Approaches.pdf> (Accessed on 27/05/2024)

<sup>10</sup> United Nations Environment Programme., 'Environmental Cooperation and Peacebuilding.' Available at <https://www.unep.org/topics/fresh-water/disasters-and-climatechange/environmentsecurity/environmentalcooperationand#:~:text=International%20law%2C%20environment%20and%20conflict,and%20reliance%20on%20conflict%20resources> (Accessed on 27/05/2024)

<sup>11</sup> Ibid

resource- based conflicts can be useful in helping a community to clarify interests and needs and in reducing possible injustices or inequities in resource distribution<sup>12</sup>. However, it has also been pointed out that some natural resource conflicts have to be addressed effectively and in good time or they will upset local livelihoods by undermining trust among stakeholders and increasing insecurity and resource degradation<sup>13</sup>. It is therefore imperative to embrace effective management of natural resource based- conflicts in order to promote Sustainable Development.

This paper critically discusses the role of negotiation and mediation in resolving natural resource- based conflicts in Africa. It argues that Africa is highly susceptible to natural-resource- based conflicts. The paper examines the nature, causes, and effects of such conflicts in Africa. It argues that negotiation and mediation are suitable techniques in resolving natural resource- based conflicts in Africa and discusses efficacy towards this end. The paper further highlights some of the concerns in utilizing negotiation and mediation in managing natural resource-based conflicts in Africa. It also offers ideas towards strengthening the role of negotiation and mediation in resolving natural resource-based conflicts in Africa.

## **2.0 Natural Resource-Based Conflicts in Africa: Causes and Effects**

It has been correctly noted that natural resources such as land, water, forests, minerals, metals and oil are important sources of livelihoods, income and influence for countries and communities around the globe<sup>14</sup>. However, when natural resources are poorly managed or inequitably shared, or when business operations are implemented without due consideration for context and communities, they can contribute to tensions that can escalate into violent conflict, or feed into and exacerbate pre-existing conflict dynamics<sup>15</sup>. In addition, population growth and environmental degradation are intensifying

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<sup>12</sup> Food and Agriculture Organization., 'An Introduction to Natural Resource Conflicts, Collaborative Management and Sustainable Livelihoods' Op Cit

<sup>13</sup> Ibid

<sup>14</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Available at

[https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation\\_UNDPAUNEP2015\\_0.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation_UNDPAUNEP2015_0.pdf)

(Accessed on 28/05/2024)

<sup>15</sup> Ibid

competition over already scarce resources, such as land and water, and climate change threatens to increase such competition even further a situation that could spiral into more natural resource-based conflicts<sup>16</sup>.

Natural resource- based conflicts have been a common occurrence in Africa for many decades<sup>17</sup>. Africa is rich in natural resources ranging from arable land, water, oil, natural gas, minerals, forests and wildlife<sup>18</sup>. The continent holds a huge proportion of the world's natural resources, both renewables and non-renewables<sup>19</sup>. UNEP notes that Africa holds approximately sixty five per cent of the world's arable land and ten percent of the planet's internal renewable fresh water sources<sup>20</sup>. It also holds a significant proportion of the world's natural gas, oil, and gold reserves<sup>21</sup>. In addition, the largest reserves of cobalt, diamonds, platinum and uranium in the world are in Africa<sup>22</sup>. Africa is therefore a resource rich continent.

Despite being endowed with abundance of natural resources, Africa has over the years suffered from resource-based conflicts which usually form a threat to Sustainable Development and have the potential of undermining economic development and sustainability<sup>23</sup>. Africa has for many decades experienced the 'resource curse phenomenon' which refers to the paradox that countries endowed with natural resources tend be embroiled in conflicts and have incidences of poverty<sup>24</sup>. Natural resources have played a major role in defining much of Africa's public arena, including power politics,

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<sup>16</sup> Ibid

<sup>17</sup> Muigua. K., Wamukoya. D., & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Glenwood Publishers Limited, 2015

<sup>18</sup> United Nations Environment Programme., 'Our Work in Africa' Available at <https://www.unep.org/regions/africa/our-work-africa#:~:text=Africa%20is%20rich%20in%20natural,both%20renewables%20and%20non%2Drenewables.> (Accessed on 28/05/2024)

<sup>19</sup> Ibid

<sup>20</sup> Ibid

<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> Muigua. K., Wamukoya. D., & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Op Cit

<sup>24</sup> Henri. A., 'Natural Resources Curse: A Reality in Africa.' *Resources Policy* , Volume 63, 2019

and resource distribution strategies<sup>25</sup>. They have also motivated and fueled armed conflicts in Africa threatening peace, security, and stability<sup>26</sup>. It has been noted that natural resources have also provided a parallel political economy for fueling wars and conflicts in Africa<sup>27</sup>. This is evidenced by the illegal exploitation of diamonds during the civil war in Sierra Leone and the use of the profits from illicit diamond sales to procure small arms and light weapons and thus sustain armed conflict during Liberia's civil war<sup>28</sup>.

It has been pointed out that conflicts over natural resources – such as land, fresh water, minerals or fishing rights – are prevalent<sup>29</sup>. When resolved peacefully, such conflicts are an essential part of progress and development<sup>30</sup>. However, natural resource-based conflicts can also trigger violence, insecurity and destruction, particularly in states with weak governance, high levels of corruption, and existing ethnic and political divisions<sup>31</sup>. For example, in the Darfur region of Sudan, conflicts between pastoralist herders and farmers over livestock migration routes and watering holes have become a violent flashpoint for wider cultural, ethnic and religious differences<sup>32</sup>. Further, there have been numerous reported cases of armed conflict and insecurity in the Democratic Republic of the Congo (DRC) related to natural resources including its vast minerals<sup>33</sup>. DRC is considered to be one of the most fragile states worldwide, a situation that is often

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<sup>25</sup> Mwanika. PAN., 'Natural Resource Conflict: Management Processes and Strategies in Africa' Available at <https://www.files.ethz.ch/isn/136685/PAPER216.pdf> (Accessed on 28/05/2024)

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> Brown. O., & Keating. M., 'Addressing Natural Resource Conflicts: Working towards more Effective Resolution of National and Sub-National Resource Disputes' Available at <https://www.chathamhouse.org/2015/06/addressing-natural-resource-conflicts-working-towards-more-effective-resolution-national> (Accessed on 28/05/2024)

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Ibid

<sup>33</sup> Matthysen. K. & Gobbers. E., 'Armed Conflict, Insecurity, and Mining in Eastern DRC: Reflections on the Nexus between Natural Resources and Armed Conflict', Available at [https://ipisresearch.be/wp-content/uploads/2022/12/20221208\\_ILRG\\_IPIS\\_Armed-conflict-insecurity-and-mining-in-eastern-DRC.pdf](https://ipisresearch.be/wp-content/uploads/2022/12/20221208_ILRG_IPIS_Armed-conflict-insecurity-and-mining-in-eastern-DRC.pdf) (Accessed on 28/05/2024)

exacerbated by the 'resource curse'. It has been noted that most of the internal conflicts in Africa can be linked to exploiting natural resources – from high-value resources such as timber, diamonds, gold and oil to scarce resources such as fertile land and water<sup>34</sup>.

Natural resource-based conflicts are therefore widespread in Africa. These conflicts are a major threat to peace, stability, and development in the continent<sup>35</sup>. It is therefore necessary to effectively manage natural-resource based conflicts in Africa for Sustainable Development.

### **3.0 Resolving Natural Resource-Based Conflicts in Africa through Negotiation and Mediation**

Negotiation and mediation are Alternative Dispute Resolution (ADR) processes<sup>36</sup>. The term ADR entails a set of processes that are applied to manage disputes without resort to adversarial litigation<sup>37</sup>. It encompasses various processes including negotiation, mediation, arbitration, conciliation, adjudication, expert determination, early neutral evaluation, and Traditional Dispute Resolution Mechanisms (TDRMs) among others<sup>38</sup>. ADR techniques may be linked to but function outside formal court litigation processes<sup>39</sup>. They are viewed as ideal in enhancing access to justice due to their attributes which include privacy, confidentiality, flexibility, informality, efficiency, party autonomy and the ability to foster expeditious and cost effective management of disputes<sup>40</sup>.

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<sup>34</sup> United Nations Environment Programme., 'In Sudan, Conflict and Environmental Decline go Hand in Hand' Available at [https://www.unep.org/news-and-stories/story/sudan-conflict-and-environmental-decline-go-hand-hand#:~:text=United%20Nations%20Environment%20Programme%20\(UNEP,as%20fertile%20land%20and%20water.](https://www.unep.org/news-and-stories/story/sudan-conflict-and-environmental-decline-go-hand-hand#:~:text=United%20Nations%20Environment%20Programme%20(UNEP,as%20fertile%20land%20and%20water.) (Accessed on 28/05/2024)

<sup>35</sup> Ibid

<sup>36</sup> Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Glenwood Publishers Limited, 2015

<sup>37</sup> Ibid

<sup>38</sup> Ibid

<sup>39</sup> Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

<sup>40</sup> Muigua. K & Kariuki. F., 'ADR, Access to Justice and Development in Kenya.' Available at <http://kmco.co.ke/wp-content/uploads/2018/08/ADR-access-to-justice->



Negotiation is an informal process that involves parties to a conflict meeting to identify and discuss the issues at hand so as to arrive at a mutually acceptable solution without the help of a third party<sup>41</sup>. It is one of the most fundamental methods of managing conflicts which offers parties maximum control over the process and outcome<sup>42</sup>. Mediation on the other hand is a method of conflict management where conflicting parties gather to seek solutions to the conflict, with the assistance of a third party who facilitates discussions and the flow of information, and thus aiding in the process of reaching an agreement<sup>43</sup>. Mediation has also been defined as a non-adversarial and collaborative process through which an impartial third party helps parties in a dispute reach a resolution through interest-based negotiations<sup>44</sup>. Mediation is usually a continuation of the negotiation process since it arises where parties to a conflict have attempted negotiations, but have reached a deadlock<sup>45</sup>. Parties therefore involve a third party known as a mediator to assist them continue with the negotiations and ultimately break the deadlock<sup>46</sup>. It has been pointed out that a mediator does not have the power to impose a solution upon the parties but rather facilitates communication, promotes understanding, focuses the parties on their interests, and uses creative problem solving to enable the parties to reach their own agreement<sup>47</sup>.

Negotiation and mediation are ideal processes in resolving natural-resource based conflicts. They have described as key collaborative approaches towards managing

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[anddevelopmentinKenyaSTRATHMORE-CONFERENCE-PRESENTATION.pdf](#) (Accessed on 28/05/2024)

<sup>41</sup> Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

<sup>42</sup> Ibid

<sup>43</sup> Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2<sup>nd</sup> Edition., 2017

<sup>44</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>45</sup> Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

<sup>46</sup> Ibid

<sup>47</sup> Ibid

conflicts<sup>48</sup>. Utilizing collaborative approaches in managing conflicts allows competing or opposing stakeholder groups to work together to reach an agreement on a controversial issue<sup>49</sup>. This approach also encourages teams to work through disagreements by empathy and listening, towards mutually beneficial solutions<sup>50</sup>. It has been identified as a powerful approach to conflict resolution built on cooperation, open communication, and finding win-win outcomes<sup>51</sup>. Collaborative approaches towards conflict management aim to preserve relationships, build trust, and promote long term positive change<sup>52</sup>. They are based on certain principles key among them being ensuring open communication, finding common ground, and creating a culture of trust<sup>53</sup>. These approaches are ideal when it is necessary to maintain all parties' relationships or when the solution itself will have a significant impact on a large group of people<sup>54</sup>.

It has been noted that in conflicts involving natural resources, sustainable outcomes are even more desirable because the shared benefits of these resources often cross tribal, societal, communal, and national boundaries<sup>55</sup>. Collaboration over the ownership, management, and use of natural resources is therefore critical to peace and stability<sup>56</sup>. Negotiation and mediation processes – which are voluntary and consensus-based – tend to lead to resolutions and outcomes that are longer lasting and more sustainable than adversarial processes or otherwise imposed outcomes<sup>57</sup>. These processes are therefore

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<sup>48</sup> Food and Agriculture Organization., 'Collaborative Conflict Management for Enhanced National Forest Programmes (NFPs)' Available at <https://www.fao.org/3/i2604e/i2604e00.pdf> (Accessed on 28/05/2024)

<sup>49</sup> Ibid

<sup>50</sup> Miroslavov. M., 'Mastering the Collaborating Conflict Style In 2024' Available at <https://www.officernr.com/blog/collaborating-conflictstyle/#:~:text=It's%20one%20of%20the%20strategies,their%20underlying%20needs%20and%20interests.> (Accessed on 28/05/2024)

<sup>51</sup> Ibid

<sup>52</sup> Ibid

<sup>53</sup> Ibid

<sup>54</sup> Isenhardt. M.W., & Spangle. M., 'Summary of "Collaborative Approaches to Resolving Conflict"' Available at <https://www.beyondintractability.org/bksum/isenhardt-collaborative> (Accessed on 28/05/2024)

<sup>55</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>56</sup> Ibid

<sup>57</sup> Ibid

ideal in resolving natural resource-based conflicts due to their potential to foster collaboration in the ownership, management, and use of such resources<sup>58</sup>. Mediation over natural resources is effective in helping parties identify ways to maximize and share benefits, and ultimately unlock entrenched or zero-sum positions, allowing parties to develop cooperative and constructive relationships that can be carried over to other areas<sup>59</sup>.

The need to effectively resolve natural resource-based conflicts is acknowledged as an essential aspect of sustainable livelihoods and participatory development<sup>60</sup>. In order to achieve this goal, it has been noted that conflict management should follow the principles of sustainable livelihoods and facilitate consensual negotiation as a means for stakeholders to deal with and hopefully resolve their perceived incompatibility of interests<sup>61</sup>. Effective management of natural resource-based conflicts provides a peaceful and balanced setting for people to reach mutually acceptable agreements<sup>62</sup>. Negotiation and mediation approaches are able to achieve this ideal. These approaches are able to strengthen relationships and build trust within and among groups, increase the capacity of communities, organizations and institutions to solve problems, contribute to strengthening the institutional arrangements that regulate access to and use of natural resources, and foster increased flows of income and benefits through improved access to and management of natural resources<sup>63</sup>.

Negotiation and mediation can also help stakeholders of natural resources to identify ways to maximize shared benefits and address common problems and challenges

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<sup>58</sup> Ibid

<sup>59</sup> Ibid

<sup>60</sup> Food and Agriculture Organization., 'Negotiation and Mediation Techniques for Natural Resource Management' Available at [http://www.antonioacasella.eu/restorative/Castro\\_Engel\\_2007.pdf](http://www.antonioacasella.eu/restorative/Castro_Engel_2007.pdf) (Accessed on 28/05/2024)

<sup>61</sup> Ibid

<sup>62</sup> Ibid

<sup>63</sup> Ibid

together<sup>64</sup>. Through these collaborative approaches, natural resources can be treated as a platform for cooperation that transcends religious, ideological, political, or tribal differences, which can be leveraged to tackle more challenging problems down the line<sup>65</sup>. They have the potential to build peace and bring people together, binding them towards the common goal of sharing resources<sup>66</sup>.

It has been noted that mediation approaches can help maximize mutual benefits and reframe conflict to allow greater opportunities for collaboration and building constructive relations across community, ethnic, national, or regional divides<sup>67</sup>. Flexible mediation processes can also be very useful when dealing with relationship issues and complex political dynamics<sup>68</sup>. Mediation also offers many techniques and approaches to deal with complex technical and scientific information common to resource disputes<sup>69</sup>. Similarly, consensual negotiations can help to achieve collaborative resource management and sustainable rural livelihoods<sup>70</sup>. Negotiation can strengthen individuals', groups' and institutions' ability to deal with the many conflict situations that undermine effective coordination and cooperation<sup>71</sup>. It can also help manage conflicts over interests, which are often negotiable<sup>72</sup>. Therefore utilizing negotiation and mediation in managing natural resource-based conflicts at communal, national, and trans-boundary

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<sup>64</sup> United Nations Department of Political Affairs., 'Natural Resources and Conflict: A Guide for Mediation Practitioners.' Available at <https://gsdrc.org/document-library/natural-resources-and-conflict-a-guide-for-mediation-practitioners/> (Accessed on 28/05/2024)

<sup>65</sup> Ibid

<sup>66</sup> International Organization for Peace Building., 'Natural Resources and Conflict: A Path to Mediation.' Available at <https://www.interpeace.org/2015/11/natural-resources-and-conflict-a-path-to-mediation/> (Accessed on 28/05/2024)

<sup>67</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>68</sup> Ibid

<sup>69</sup> Ibid

<sup>70</sup> Food and Agriculture Organization., 'Negotiation and Mediation Techniques for Natural Resource Management' Op Cit

<sup>71</sup> Ibid

<sup>72</sup> Ibid

levels is vital in helping different parties move from a position of conflict to one of cooperation<sup>73</sup>.

Negotiation and mediation are therefore key approaches in managing natural-resource based conflicts. These techniques can enhance participation and collaboration in ownership, management, and use of natural resources therefore promoting peace and stability<sup>74</sup>. They can also facilitate effective management of conflicts by addressing the root causes of such conflicts therefore leading to long lasting and sustainable outcomes<sup>75</sup>. This affords parties an opportunity to sustain or improve their relationships<sup>76</sup>. It is therefore necessary to embrace negotiation and mediation for effective management of natural-resource based conflicts in Africa. Despite their key role in effectively resolving natural resource- based conflicts, negotiation and mediation are often underutilized towards this end. This can be attributed to the technical nature of natural resource- based conflicts, failure to identify or act on opportunities for proactive use of negotiation and mediation as tools for conflict prevention and peacebuilding, and the political dimension of natural resource-based conflicts<sup>77</sup>.

The suitability of these processes may also be limited in certain instances. For example, win-win solutions are not always possible, especially in situations of absolute resource scarcity or incompatible land use<sup>78</sup>. In addition, mediation is a more limited tool when

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<sup>73</sup> African Union., 'Report of the African Union Panel of the Wise on Improving the Mediation and Resolution of Natural Resource-Related Conflicts Across Africa' Available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/31043/AUP.pdf?sequence=1&isAllowed=y> (Accessed on 28/05/2024)

<sup>74</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>75</sup> Muigua. K., 'Natural Resource Conflicts: Addressing Inter-Ethnic Strife through Environmental Justice in Kenya.' Available at <http://kmco.co.ke/wp-content/uploads/2019/09/NaturalResourceConflictsAddressing-Inter-Ethnic-Strife-Through-Environmental-Justice-in-kenya-KariukiMuigua7th-September2019.pdf> (Accessed on 28/05/2024)

<sup>76</sup> Ibid

<sup>77</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>78</sup> Ibid

major power imbalances exist between the parties<sup>79</sup>. Negotiation and mediation are also of limited use when conflicts are characterized by protracted or deep-rooted structural issues that can only be addressed through legal, economic, political, or social reforms<sup>80</sup>. These processes are therefore particularly effective in addressing resource conflicts that involve unsustainable resource use, conflicting demands over resource use, or the sharing of revenues and benefits<sup>81</sup>. They are less effective in addressing conflicts grounded in structural inequalities or different identities and cultural values but can prove to be an important entry-point to addressing such conflicts<sup>82</sup>. It is therefore necessary to consider these factors in order to effectively resolve natural resource-based conflicts in Africa through negotiation and mediation.

#### **4.0 Conclusion**

Negotiation and mediation are key techniques in resolving natural resource-based conflicts. These mechanisms can enhance participation and collaboration in ownership, management, and use of natural resources therefore promoting peace and stability<sup>83</sup>. It is therefore necessary to embrace negotiation and mediation for effective management of natural resource-based conflicts in Africa. These approaches can be effectively harnessed by ensuring the participation of all stakeholders in the conflict management process and encouraging consensus building<sup>84</sup>. It is also imperative to strengthen the legal, policy, institutional and human capacity in order to effectively mediate natural resource-based conflicts in Africa<sup>85</sup>. Building capacity within communities is vital in developing a level-

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<sup>79</sup> Ibid

<sup>80</sup> Ibid

<sup>81</sup> Ibid

<sup>82</sup> Ibid

<sup>83</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>84</sup> Muigua. K., 'Managing Environmental Conflicts through Alternative Dispute Resolution.' Available at <https://kmco.co.ke/wp-content/uploads/2024/01/Managing-Environmental-Conflicts-throughAlternative-Dispute-Resolution-1.pdf> (Accessed on 28/05/2024)

<sup>85</sup> Muigua. K., 'Managing Natural Resource Conflicts in Kenya through Negotiation and Mediation.' Available at <https://kmco.co.ke/wp-content/uploads/2018/08/Managing-Natural-Resource-Conflictsin-Kenya-through-Negotiation-and-Mediation.pdf> (Accessed on 28/05/2024)

playing field that will enable less powerful stakeholders to participate equitably in a process of consensual negotiation and mediation towards effective management of natural resource-based conflicts<sup>86</sup>. It is also important for mediators to enhance their capacity to mediate natural resource-based conflicts through education and training and seeking expert evidence in technical aspects related to natural resources<sup>87</sup>. It is also vital to consider the context and nature of the natural resource-based conflict<sup>88</sup>. In complex resource disputes, negotiation and mediation can be utilized alongside and as complementary to other peacebuilding tools<sup>89</sup>. Negotiation and mediation are effective mechanisms for managing natural resource-based conflicts due to their potential to build peace and bring people together, binding them towards the common goal of sharing resources<sup>90</sup>. It is imperative to embrace negotiation and mediation in order to effectively resolve natural resource-based conflicts in Africa.

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<sup>86</sup> Ibid

<sup>87</sup> United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Op Cit

<sup>88</sup> Ibid

<sup>89</sup> Ibid

<sup>90</sup> International Organization for Peace Building., 'Natural Resources and Conflict: A Path to Mediation.' Op Cit

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<https://wedocs.unep.org/bitstream/handle/20.500.11822/31043/AUP.pdf?sequence=1&isAllowed=y>

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