



## **THE ROLE AND IMPACT OF THIRD-PARTY MEDIATOR IN AN ORGANISATION IN THE 21ST CENTURY NIGERIA**

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<b>Received:</b> September 28 <sup>th</sup> 2021 <b>Accepted:</b> October 30 <sup>th</sup> 2021 <b>Published:</b> November 30 <sup>th</sup> 2021	Conflict is normal, natural and inevitable, yet it can generate negative and very destructive impacts. Attempts to respond to conflicts in a constructive way is apt. The attitudes and information at the disposal of peace practitioner dictate the way conflict is manage. Mediation has therefore been seen as an effective platform of managing conflict. The study examines the role and impact of mediator in organisation (society). The paper adopts content analysis by limiting the data collection to secondary source. The study found out that the entire process of mediation could be viewed as a peaceful and long lasting model of conflict resolution in the 21 <sup>st</sup> century. It revealed that mediation process is hindered by number of challenges such as lack of mediation acts, lack of adequate training and lack of documentation for reference purpose to mention a few. The study recommends proper orientation and dissemination of activities of mediation and other ADR mechanisms to the citizens by the government among others.

**Keywords:** Conflict, Third Party, Mediation, Organisation

### **INTRODUCTION**

The world has not become a more peaceful place since Mahatma Gandhi, shot down by an assassin and surrendered his spirit on 30<sup>th</sup> January 1948 (Schaefer, 2012). Peace has turned to crisis; development has turned to underdevelopment and state failure, power failure, economic underdevelopment and mass poverty has remained the major indicators of government of third world countries. Conflict has taken on a new dimension in modern industrial societies. It is increasing around the world, whatever form it takes or assumes; whether as response to unpopular policies by governments, clashes among ethnic groups, border disputes, struggle for resource control, religious crises or the most recent and indeed frequent terrorism which is ideological in nature. Conflict has become an integral part of our lives and heritage (Klare, 2004). This is compounded by the absurd rate at which violations of human rights is being committed. . Much of these problems could have been averted if the right mechanisms and strategies were put in place (Ivorgba, 2005).

The need to deal with conflict in a way that will prevent escalation and destruction becomes imperative as there is a common belief in all cultures that it is best to resolve conflict and reach an agreed end than to leave it to become future snake that will eventually bite the society (Klare, 2004). The desire and commitment on the part of stakeholders in the

society to resolve conflicts in their domain are well expatiated in the constitution of each country, regional organisation as well as international community. A good example of such provision is the Constitutive Act of African Union and the current collaborative efforts with the international community (Kutesa, 2009; Constitutive Act, 2000). Examination of strategy of mediation towards durable peace in various society revealed that it has been successful and where the conflicts persisted, the problem could be lack of implementation the mutual agreement or external interference.

Third party mediation has gone a long way in resolving conflicts. The interest of the third party mediation is to help establish lasting peace and cordiality. It explores opportunities for mutual gains and interest. Third party mediation occurs within the context of a conflict, crisis or war (Bercovith 1997) in Kenmoe (2011). The role of third party mediator is to help the actors in conflict to realize their interests, abate conflict, guide parties on generating and sign mutual agreement. Of a truth, the outcome of third party mediation is a model of conflict management and its is more of a situation that reveals that conflict is dynamic if right strategies, efficient and effective human resources were put in place.

### **STATEMENTS OF THE PROBLEM**

Conflict is as old as the history of mankind and therefore normal, natural and inevitable. It can



generate both negative (destructive) and positive (awareness, economic growth and development) impacts. Attempts to respond to conflict in a constructive way through peacemaking have become a daily activity of most organizations which depend on the understanding of the respondents. Therefore whether conflict plays a functional (constructive) or dysfunctional (destructive) role in human relations depends on the manner such a conflict is managed and resolved. Given the number of conflicts in the society, mediation is often utilized as a conflict management technique which to some extent has proved to be a strategy worth use. Nevertheless, the impact of the mechanism has not been adequately felt. The study therefore examine the role and impact of mediation in an organisation.

#### **OBJECTIVES OF THE STUDY**

In general terms, the study seeks to understand the nature and dynamics role and impact of third-party mediation in conflict.

#### **LITERATURE REVIEW**

The word "conflict" according to Merriam-Webster (2002) means fight, battles; a competitive or opposing action of incompatible. Ogaba (2006) sees conflict in two senses: first, "as incompatibility in a multi party or multi-issue situation. In the second sense, it refers to the violent expression of this incompatibility or irreconcilability". Conflict comprises a series of human affective states such as: anxiety, hostility, resistance, open aggression, as well as the types of opposition and antagonistic interaction, including competition. The term conflict considers all forms of intolerance and results from an incompatible influence between individuals, groups and organizations.

Galtung (1996) delineates conflict into two flip-sides. The first is dispute which is explained as two persons or actors pursuing the same scarce goal, while the other is dilemma which describe as one person seeking two incompatible goals at the same time. From the above definition, it can be established that conflict exists either between two individuals or groups, or within individual. Conflict is not evil as people thought it to be. San Tzu showed that understanding of conflict can lead to its avoidance and resolution altogether (Cleary, 2002). A properly handled conflict is dynamic, not destructive. Conflicts cannot be wished away in any human setting desirous of making progress because it carries with the potentials of societal development and progress if constructively managed.

#### **CONCEPTUALISE ALTERNATIVE DISPUTE RESOLUTION**

Alternative Dispute Resolution (ADR) is modern version of an ancient set of practices. Traditional societies in all parts of the world have featured variations of ADR. It increased complexity however saw reduced satisfaction with legal outcomes among disputants, leading to a rediscovery of ADR in the 1970s in many parts of the world. The National Alternative Dispute Resolution Advisory Council (NADRAC) defined ADR as an 'umbrella term for processes, other than judicial determination, in which an impartial person assists those in a dispute to resolve the issues between them' (NADRAC, 2006). It can as well be described as wide varieties of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes (Brown, Cervenak and Fairman, nd).

ADR sometimes also called "Appropriate Dispute Resolution". It is a general term, used to define a set of approaches and techniques aimed at resolving disputes in a non-confrontational way (Shamir, 2003). It covers a broad spectrum of approaches, from party-to-party engagement in negotiations as the most direct way to reach a mutually accepted resolution. There is binding and non-binding forms of ADR, Negotiation, mediation, and conciliation programs are non-binding, and depend on the willingness of the parties to reach a voluntary agreement. Arbitration programs may be either binding or non-binding. Binding arbitration produces a third party decision that the disputants must follow even if they disagree with the result, much like a judicial decision. Non-binding arbitration produces a third party decision that the parties may reject.

Somewhere along the axis of ADR approaches between these two extremes lies "mediation," a process by which a third party aids the disputants to reach a mutually agreed solution. Other mechanisms of ADR may involve arbitration, may involve binding determination by a third party. In differentiate ADR, there are specific features that makes it differ from litigation. As established in (UNODC, 2007), the following elements are relevant to ADR:

- 1) **Informality:** Most fundamentally, ADR processes are less formal than judicial processes. In most cases, the rules of procedure are flexible. This informality is appealing and important for reducing the delay and cost of dispute resolution.
- 2) **Application of Equity:** ADR programs are instruments for the application of equity rather than the rule of law. Each case is decided by a third party or negotiated between disputants themselves, based



on principles and terms that seem equitable in the particular case, rather than uniformly applied legal standards.

3) Direct Participation and Communication between Disputants: There are more direct participation by the disputants in the process and in designing settlements. There is also direct dialogue and opportunity for reconciliation between disputants with potentially higher levels of confidentiality.

### **AN OVERVIEW OF THIRD-PARTY MEDIATION**

Amenability of conflict to settlement presupposes that the controversies and incompatible views that constitute causal factors are well understood, and they lend itself to resolution. Conflict resolution is not only important, the method employed in the settlement matters most in the sense that, today, we are concerned with what soothes and what best satisfies the parties to a conflict. Due to polarity occasioned by issues in the conflict, conflict parties often find it difficult to negotiate hence, the coming in of a third person to facilitate negotiation between disputants. Mediation, according to Moore (1996), is the intervention in a conflict or of an acceptable third party who has limited or no authoritative decision-making power but who assists the involved parties in voluntarily reaching a mutually acceptable settlement of issues in dispute.

Goodpaster, (1997) in (Aiyede, 2006) sees mediation as: "a problem-solving negotiation process, in which an outside, impartial neutral party works with disputants to assist them to reach a satisfactory negotiated agreement. Mediation is an informal, voluntary and confidential process in which a trained professional dispute resolver (the mediator) facilitates understanding, communication and negotiation between disputing parties and assists those parties in reaching their own mutually acceptable resolution to their dispute. Barseghyan and Karaev (2004) defined it as "a process by which an intermediary or a third party facilitates a mutually acceptable settlement between the two conflicting parties... by finding, negotiating and proposing settlement to a conflict". Majority of conflicts that have occurred have had the involvement of third-parties in resolving them (Nathan, 2007).

A mediator is a third party, who facilitates the resolution process (and may even suggest a resolution, typically known as a "mediator's proposal"), but does not impose a resolution on the parties. Mediation requires a different set of skills than judicial officers are typically used to employing. A mediator must not judge the disputing parties, and must refrain from giving advice, instead parties are encouraged to

find their own creative solutions to their conflict. If the parties can find their own solutions, they are more likely to be sustainable. For a third-party mediatory role to be successful, it should have the following requisites according to Nathan (2007):

1. Be non-partisan;
2. The consent of the parties to the mediation process and appointment of a mediator;
3. Have in mind that the conflict cannot be quickly and easily resolved;
4. The disputing parties must have ownership of settlement;
5. The mediators must be flexible and creative;
6. Mediators must be cautious in applying punitive measures;
7. Have high level of empathy and sensitivity to maintain trust, confidence and control over meetings;
8. Range of distinctions with respect to nature, timing and purpose have to be carefully examined; and
9. Have methods of facilitating good listening and ensuring that conflicting parties talk to each other and not past each other.

A mediation process uses third-party or intermediaries as they are sometimes called. They are people, organisations or nations who enter a conflict and try to help the parties de-escalate or resolve it (Heidi, 2004). Mediator generally do not take sides. Unlike judges, mediators have no formal authority to decide the dispute between the parties; instead, the parties empower the mediator to help them resolve the issue. Mediation therefore, ranges from impartial and pacific (non-coercive) diplomacy to the imposition of agreements on the conflicting parties using political leverage and sometimes even force. Hence, the issues of partiality or impartiality or the extent to which a third-party enters a conflict is a significant indicator in the effective resolution of any conflict. It is also argued that in instances where a third-party is partial there is high proportion that that mediation will succeed rather than if the third-party remains neutral or impartial (Carment, and Rowlands, 2001).

Mediation differs from arbitration, in that a mediator makes no decisions as to how the case should be resolved; rather the mediator guides the parties in making this determination. Mediation differs from case evaluation, in that the mediator makes no finding as to the value of the claims and there is no penalty if the mediation is unsuccessful. Mediation differs from litigations, in that it is quicker and less expensive and allows the parties to work-out their own solutions in private rather than having an unknown



result imposed on them by a judge or jury in a lengthy, expensive and formal process. It is systematic because it requires tact, knowledge, experience, procedures and programming of some sorts. Mediation is built upon voluntariness, privacy, confidentiality, economy, promptness, informality, control of hearing dates, lack of risk, lack of fear of an appeal from a favourable result, opportunity for parties to tell their entire story without rules of evidence, and high likelihood agreement is not violated. Third party intervention in conflict management has assumed one of the most appealing strategies for accommodating conflict situation in societies.

Albert (2001) identifies three major types of mediators. They are Social Network Mediators which consists of individuals who are invited to intervene in a conflict basically because of their close relationship with the disputants, or largely because they are in the same social group (network) with the disputants. The mediator gets the cooperation of the disputants because he is considered trustworthy. Another one is Authoritative Mediators, These are those in authoritative relationship with the disputants in the sense of occupying a position of authority well known to, recognized and respected by the disputants. The mediator is, however, not expected to impose his decision on the disputants, but could persuade or indirectly influence them to reach a quick decision. The third type is Independent Mediators who are neutral persons entirely, with no vested interest in the conflict and, therefore is expected to be impartial in mediation process. They are professionals who have mediation firms that could be consulted from time to time by disputants. Further, three types of mediation are also identifies by Albert (2001) to include:

**1. Facilitative Mediation:** This I the type that structures a process to assist the parties in reaching a mutually agreeable resolution. The mediator searches for interests underneath the positions taken by parties; and assists the parties in finding and analyzing options for resolution. The facilitative mediator does not make recommendations to the parties, but assist them to reach an acceptable. The mediator is in charge of the process, while the parties are in charge of the outcome.

**2. Evaluative Mediation:** This is another type of mediation process modelled on settlement conferences held by judges. An evaluative mediator assists the parties in reaching resolution by pointing out the weaknesses and strengths of their cases, and predicting what a judge or jury would be likely to do. They are concerned with the legal rights of the parties, rather than their needs and interests, and evaluate

based on legal concepts of fairness. The evaluative mediator structures the process, and directly influences the outcome of mediation. This type of mediation emerged in court-mandated or court-referred. There is an assumption in evaluative mediation that the mediator has substantive expertise or legal expertise in the substantive area of the dispute.

**3. Transformative Mediation:** It is the third on the list which is the newest concept of the three, according to Folger and Bush (1994). It is based on the values of "empowerment" of each of the parties as much as possible, and "recognition" by each of the parties' needs, interests, values and points of view. The potential for transformative mediation is that any or all parties or their relationships may be transformed during the mediation. In transformative mediation, the parties, structure both the process and the outcome of mediation, and the mediator follows their lead.

### **PROCESSES OF THIRD PARTY MEDIATION (INTERVENTION) IN CONFLICT RESOLUTION**

The section will focus on the practical step-by-step processes in third party mediation .Best (2006) provided eight steps by which third party conflict resolution can be dealt with in the following order.:

**1. Initiation:** The first thing the parties do is submitting their case to the neutral third party. The purpose of having the two to submit is to be able to gather enough information to deal with the matter that is subject to resolution.

**2. Preparation:** Parties to the conflict and the mediators must be prepared and well informed of the issues in the matters. The mediator should be well acquainted with the power balance of the parties in terms of weaknesses and strength, the sources of pressure that may potentially militate against settlement, the status and authority of the parties and cultural, religious and ideological differences need to be found out by the mediator.

**3. Introduction:** This is the beginning of the dialoguing processes, mediator starts by identifying issues and interest of the parties to the conflict. He also establishes strategies for motivating the parties for the continuity of the negotiation.

**4. Problem Statement** At this stage, parties to the conflict are allowed to state their cases in detail. The 'complainant' is usually given the first opportunity to state his cases. The mediator listen attentively taking note of every sensitive portion of the statements, he ask question for clarification when necessary. At this stage, each side is expected to be



calm not intruding into the flow of statement from the other side.

**5. Problem Clarification:** Mediator reproduces the statements of both sides respectively at this stage, utilizing various strategies to begin to attract the attention and co-operation of the parties, establishing that the issue at stake is resolvable. His message must indicate persuasive tone and repeatedly in a motivational manner in attempting to clarify by noting areas of agreement and disagreement without directly ascertaining who is a culprit.

**6. Evaluation of Alternative:** The stage involves generating various alternatives of possible options of resolution. Parties to the conflict including the mediator provide these alternatives, with similar and close ranking alternatives are grouped to one side, while extreme positions that seem almost impossible are taken to the other side. The parties are broken into mixed caucuses of representatives in each other's group; the choice is to scale or narrow down areas of extreme disagreement and explore easier choices for resolution.

**7. Selection of Alternatives:** At the seventh stage of the negotiation process, the caucuses are returned to their normal groups to select from the narrowed down issues that would be of mutual benefit. While cutting down the list of alternatives, the mediator by training is expected to be able to read the parties and the direction of their choices, and consequently make out possible final choice (s) if applicable.

**8. Agreement:** The eight and last stage is the stage of agreement. It is the stage which involves drafting the agreements reached at the end of the negotiation. The mediator can help constitute a joint session of all those who were active and pragmatic about the resolution to draft the agreement. A lucid summary of negotiated outcomes, agreements including the 'don'ts are written down in the documents and sign by respective parties.

### **ROLES AND FUNCTIONS OF THIRD PARTY MEDIATOR IN CONFLICT RESOLUTION**

Mediation is the process in which an impartial and neutral third person (mediator) facilitates the resolution of the dispute. Mediator plays a number of roles to make the amicable settlement a reality. The peculiarity of the mediation determines the extent to which these roles are unfolded. The role/functions according to Mitchell (1993); ICMC (2015); Oluyemi (2017); and Uwazie (2011) are highlighted below:

**1. A Conflict Assessor/Analyser:**

Mediator plays a role to examine and analyse the dispute from the disputants' point of view. He gets information for the process. All the parties involved directly or indirectly in conjunction with the mediator. This, he does to know what and how to go about the conflict.

**2. An Impartial Convener:** Being neutral, he initiates the resolution process by encouraging the parties to participate. Mediation requires an atmosphere free of restraint and intimidation to be effective and successful. As a mediator, he does this by creating a positive and safe environment that will remove obstacles to peacemaking activities.

**3. A Communication Facilitator:** He enhances communication in the mediation process through active listening between him and the parties as well as between the disputants. Enhanced communication will allow the real interest of the parties to be discovered, and this will help mediator to separate non-issues from the real issues as well as separate emotions from the issues.

**4. A Reality Tester:** He tests all the proposal presented by the parties to discover the real issue. Doing this, he helps the parties to take holistic view of their conflicts against muscle flexing.

**5. A Unifier:** He helps with intra-party negotiations to repair damaged relationship and assists them in creating a common understanding of the conflict and their goals and objectives.

**6. An Information Resource:** A mediator plays the role of "go-between," such as passing messages from one disputant to the other (Young 1967). He also assists the parties in getting or searching for information to make intelligent decision. He can absorb and organize data, identify common ground, share goal and agreement. It is advisable for the mediator not to provide information outside his field instead, seek the help of expert to provide such information and interpret if need be.

**7. An Educator of Interest Based Bargaining:** The mediator has the duty of educating the parties about bargaining, he assists them in framing proposals and exploring alternatives. Effective mediator will



realise that it is one of his duties to help the parties reach settlement and to satisfy or at least address as many interests as possible. He also make sure each party understands the constraints of the other.

**8. A Settlement Prompter:** Mediator help the parties to obtain closure. He help them to keep momentum towards settlement. Mere closure is not sufficient. The mediator needs to see that the agreements are durable and last long, even he should be part of the implementation.

**9. A Sponge:** Help soaks up parties feeling, emotions, and frustrations through adequate and effective counseling. He also help the parties to channel their energies to positive enterprises that can resolve the issue.

**10. A Reconciler:** With creative minds, he assists parties to get outcome that best suit their needs, in doing this, the problem is solve once and for all. He prepares parties for long-term relationship-building activities which are designed to reduce patterns of negative behaviours, destructive stereotyping and miscommunication.

The extensive list of roles performed by mediator shows the complexity of mediation process. The skills to perform these roles required to be effective, and all these roles are unlikely to be found in one mediator or an intervening body. There are also three central concern as relating to the roles:

1. There is need to ensure that the necessary roles should relate to each type of activity been filled for;
2. Ensure that specific roles play by each actor are not conflicting; and
3. The role player, work cooperatively to achieve common goals (Swatanter, nd).

### **AN ASSESSMENT OF THIRD-PARTY MEDIATION IN CONFLICT RESOLUTION**

One of the most common factors why third-party mediation fails is that the third-party is perceived to be partial. A mediator may be perceived to favour one party over another, or more interested in its own agenda rather than the interests and/or needs of the conflicting parties (Heidi, 2004). It may also be that the third party mediator does not have the necessary and adequate background to intervene in a conflict, as it may not understand the cultural biases, constraints of the disputants. In essence, third-parties mediator needs to understand the root and remote causes of

the conflict in order to develop appropriate mechanisms for its resolution.

A related factor is the extent of commitment of a mediator. A conflict may take a short time or a long time to evolve and escalate but it takes even longer to de-escalate. Mediator therefore need to be committed to perfectly handle deep-rooted conflict. They have to adopt a sympathetic approach so as to receive and maintain the continued trust of the disputants. This is couple with mutual understanding and trust from the mediator. Whenever and wherever an outsider enters into an ongoing conflict, the issues of mutual understanding, respect and trust are at the core of an effective mediation process. Due to the dynamic nature of conflicts, it has become imperative to look at third-party mediator as a tool to help prevent, manage and resolve conflict, more or less harness the areas of their strength for a holistic, systematic and consistent management of conflict. Essentially, the mediators need to identify the dynamic links as well as the interest behind any conflict

Third-party mediators also need to remain objective and impartial in their attempt to bring about peace without being seen to undermine the autonomy of either conflicting party. As such, third-parties should not have any interests whatsoever that will detract from the main purpose of creating a state of peace between and among conflicting parties. It becomes imperative for this study to evaluate the strength and weakness of the mediation process as a mechanism of Alternative Dispute Resolution to the existing mono-track litigation thereby compare and contract their benefits to the general populace.

### **STRENGTHS OF MEDIATION**

Mediation is gaining momentum everyday as the people are getting aware of its usage due to the widespread advantages it has over litigation which has been variously pointed out in the discourse. Nevertheless as a way of capturing some salient ones; the following are highlighted as possible strength it has over litigation:

1. Mediation adopts a sympathetic approach against litigation so as to receive and maintain the continued trust of the disputants. Whenever and wherever an outsider enters into an ongoing conflict, the issues of mutual understanding, respect and trust are at the core of an effective mediation process.
2. It produces satisfactory outcome because it is jointly agreed upon. It ends with win-win in nature; "no victor, no vanquish". The parties will



definitely come to common good ground where all parties can benefit from the dispute.

3. It is flexible as there are no set rules and binding law except those that are agreed by the parties in collaboration with the mediator. There are rules of process to guide the process and make it effective and efficient. The voluntary nature of the process gives it credibility, integrity and wide acceptance of the outcome because the parties are in charge.
4. Another essential strength of mediation is that it saves disputants from the stress of getting an advocate (lawyer) to stand for him/her, advocate is not essential in mediation as it is in litigation.
5. Parties' participation in the process is of immense. It gives parties the opportunity to run their own affairs under the supervision of a mediator who is to guide the process alone. Mediator outlines the process while the parties define the substance of the agreements.
6. Mediation always takes into account the long term and underlying interests of the parties at each stage of the dispute resolution process in examining alternatives, in generating and evaluating options and in settling the
7. Mediation is reconciliatory in nature as its takes away animosity, brinkmanship and suspicion and replace them with openness and amicable settlement of disputes between the parties. Through mediation, the causes of disputes are presented in a friendly manner as against adversary in nature, and solution is jointly fashioned out, not imposed.

### **CHALLENGES OF MEDIATION**

Despite the overwhelming merits of mediation over litigation, there are still some imperfection or loopholes in the process, few of the weakness are highlighted below:

#### **1. Absence of a Mediation Law:**

There is no harmonized legislation governing mediation unlike arbitration and conciliation. In Nigeria, conciliation law is been referred to in supporting mediation; this result to no uniform mode of exploring mediation, no time frame for mediation proceedings and the liability in costing. The codes of conduct of mediators are different from one practitioner to another (Ajogwu, 2014).

**2. Perception problem:** One of the most common factors why third-party mediation fails is that the third-party is perceived to be partial. A third-party may be perceived to favour one side over another, or

may be thought to be more interested in its own agenda rather than the interests and/or needs of the conflicting parties (Heidi, 2004).

**3. Mediation process** does not permit culture of precedence development, due to this fact mediation outcomes are not published in the public domain. This makes it difficult or impossible to measure the effectiveness and efficiency of mediation as an Alternative Dispute Resolution process.

#### **4. Lack of Awareness of the Method:**

The process is been treated with levity due to widely misconception that litigation is the only method through which dispute can be effectively resolved. In view of this, there is possibility of parties not reaching an agreement which also amount to its flexibility and informality.

**5.** The growing court-referral or court-annexed mediation is becoming a threat to the voluntariness of submission to the process and it is also detrimental to its success. The way and manner courts screen cases and transfer to court when deem suitable for ADR in their own attribute is gradually destroying the uniqueness of the process.

**6. Uncertainty of Outcome:** Mediation proceeding could be an added expense and uncertainty. On occasions when parties are unable to reach an amicable agreement thereby stalling the proceedings for the purpose of informality of the process. The matters could then be referred to court for trial. In situation like this, considerable time would have been lost.

**7.** There is a training deficit of the mediator which could be link to lack of adequate expert in the field. Also majority of the practitioner are from legal discipline who practice it as if it is litigation process. They are likely to hold on too much on legality of the case and thereby fail.

### **CONCLUSION AND RECOMMENDATIONS**

#### **Conclusion**

The study have revealed the essential and exclusive role mediator performed in putting conflict into an end in the society. From the analysis of the study, it is obvious that conflict is inevitable and that resources, psychological needs, different values and mismanage of information are the major or key factors that cause conflict in the society. The failure of court system (litigation) and formal means of resolving



conflict like police involvement informed the growing and acceptance of third party mediation in the universe. As observed, mediation performs some essential function which are exclusive in nature such as given hope to the hopeless; satisfy the needs of the disputing parties as well as preserving and strengthening parties' relationship; serve as instruments for the application of equity; and complementing and supporting judicial reforms. There is no doubt that mediation has come to become part and parcel of our dispute resolution system in Africa most especially in Nigeria.

### **Recommendations**

In the light of the above, it is recommended that the under-listed steps to be considered will help to ensure effective and efficient use of mediation and other Alternative Dispute Resolution mechanisms to resolve conflict in our society (country).

1. The need for mediation acts in Nigeria is necessary for the sake of uniformity of practice of mediation by various states and practitioners. Drafting and legislating mediation acts like conciliation law will remove the non-uniformity mode of operation in the country. This will also provide uniform mode of exploring mediation, setting ground rule, time frame for mediation proceedings and costing as well as national legislative instrument for its enforcement and accreditation of mediator which enhance the mediator expertise by disputants.
2. Government need to encourage and finance community based mediation who will responsible for resolution of conflicts in the community based level. There could be many challenges in the community after the central or state authority (mediation) have settled the conflict.
3. There should be awareness strategy of the existence of alternative dispute resolution to the existence of the formal procedure of litigation. Many citizens are not aware of any means than court system to get justice or resolving their conflict. Government therefore needs to create platforms that will responsible for proper orientation and dissemination of activities of mediation and other ADR mechanisms to the citizens.
4. Parties should be encouraged to participate in ADR as they have freedom to conduct their case as it deems fit and not be required to explore mediation compulsorily.

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