

# CONFLICT AND CONFLICT RESOLUTION

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## **Abstract**

This paper theoretically evaluates the reasons behind conflict and also provides the methods of conflict resolution. When states seek to preserve and increase their power and stature relative to each other, rather than to cooperate and coexist, they come inexorably into conflict. The existence of conflict in the global system has obliged states to develop techniques for the resolution of their disputes. The UN has also taken over the responsibility for resolving international disputes but it has not proved successful in resolving the underlying issues but merely put a lid on extensive violence.

## **Introduction**

The states system is inherently competitive. States interact with each other in the contemporary system in numerous fields such as trade, international security, tourism, cultural exchanges, control of nuclear weapons and the like. When governments of nation states collaborate with each other, some areas of disagreement will arise. Insofar as states seek to preserve and increase their power and stature relative to each other, rather than to cooperate and coexist, they come inexorably into conflict. Enhancement of prestige, aggrandizement of power and promotion of ideology are objectives that have attracted opposition and conflict because of their lack of specific content and clearly defined limits.

The existence of conflict in the global system has obliged states to develop techniques for the resolution of their disputes. The methods have been developed over the centuries for the conflict resolution. It can be resolved either through pacific methods and if not then through forcible or coercive means. The UN has also taken over the responsibility for resolving international disputes but it has not proved

successful in resolving the underlying issues but merely put a lid on extensive violence.

Interactions between states in the contemporary system are numerous and diverse. We often classify them according to issue areas, such as trade, international security, tourism, technical cooperation, cultural exchanges, control of nuclear weapons and the like. Virtually all the relationships contain characteristics of conflict. Even in the most collaborative enterprise between governments, some areas of disagreement will arise. The parties to an international conflict are normally, but not necessarily the governments of nation states. Parties seek to achieve certain objectives such as additional or more secure territory, security, control of valuable resources, access to markets, alliances, world revolution, the overthrow of an unfriendly government and many other things. In order to achieve or defend these objectives, their demands, actions or both will run counter to the interests and objectives of other parties.

### **Conflict Perception**

All states in the process of interaction confront with each other. State A on the input end making demands to the State B on the output end, which is to give response. State A is the demand maker, stressing on certain demands. Both the demand maker as well as decision maker are sovereign states. Decision taken by State B may not be in conformity with the demands of State A and are not binding, they have to compromise and when they fail to do so, conflict arose; e.g, Pakistan being State A demanded that Kashmir should be given independence but State B i.e. India does not compromise thus conflict arose. Holsti has defined conflict as “a situation involving incompatible collective objectives and the possibility of armed conflict between two or more governments”<sup>1</sup>

Conflict may emerge due to several reasons. It is likely to result when party A occupies a position that is incompatible

with the wishes or interests of party B and perhaps others. The most traditional cause of conflict is territory, but territorial control is hardly the only condition that gives rise to international conflict. There may also be incompatibilities of position on such issue fields as tariff structures, the price of oil, the proliferation of nuclear weapons, or the treatment of minorities in a state. Conflict may arise in these areas because one government wants the problem solved in a manner incompatible with the wishes of another party or parties.

Conflict may emerge out of misperception. It may emerge because of misunderstanding between two states. Perception is one of the most important factors in studying conflict. Perception is indebted to communicational network Distorted and blurred perception is communicated with defective communication system which may erupt conflict between the two states. Goldstein has defined conflict in the following words: "Conflict may be defined as a difference in preferred outcomes in a bargaining situation."<sup>2</sup> Thus we can say that root-cause of conflict may be misperception about the other state.

### **Conflict and Crisis**

Crisis is the most intense and dramatic form of conflict in the international system, short of war. Glenn H Snyder has defined the international crisis as: "An international crisis is a sequence of interactions between the governments of two or more sovereign states in severe conflict, short of actual war but involving the perception of a dangerously high probability of war."<sup>3</sup>

Crisis is not necessarily between international states, it may be domestic and cultural. "Conflict is a situation of crisis domestic or international." The two states may have divergent perceptions about each other. Divergences of outlook give birth to crisis. Divergence means conflicts of interests and conflicts of behavior. When interests of two communities or two states are divergent, crisis situation may erupt e.g, Freedom movement of Muslims was also a crisis situation in which more than one community comes into confrontation.

From the policy maker's point of view, the hall marks of crisis are (a) unanticipated actions by the opponent; (b) perceptions of great threat; (c) perception of limited time to make a decision or response; and (d) perception of disastrous consequences from inaction.<sup>4</sup> none of these events or perceptions are likely to occur unless there has been a preceding conflict. Thus we can say that conflict emerges out of misperception, disagreement, lack of coordination and confrontation. Disagreement is the lowest level of conflict among the states. Crisis is of higher degree. Crisis situation crops up when states don't agree to compromise. Conflict can, therefore, be defined as "Conflict is a net result of disagreement between two or more than two states."

### **Models of Conflict**

Different models of conflict can be distinguished. Some are core primary models and others are secondary models. Primary models are basically of two types:

- Non-violent conflicts
- Violent conflicts

### **Non-Violent Conflicts**

Non-violent conflicts are those conflicts which are relevant to peaceful settlement and can be resolved through diplomatic channels, international forums like UN, try to build up world opinion in their favour by using propaganda tactics. Indira Gandhi built up propaganda world wide against Pakistan in the war of 1971. Mediation, consultation as well as arbitration are used to settle the dispute.

Non violent conflict has the same rationale as war, with the single exception that the states involved conclude that costs and risks associated with the disputed objectives indicate that the struggle should be carried on at a low level of intensity and commitment. The example of non violent conflict is economic conflicts that do not usually lead to military force and war because the states and companies enter into economic

transactions for profit and use of violence would diminish such profits. Economic competition is the most pervasive form of conflict in international relations because economic transactions are pervasive.<sup>5</sup>

### **Violent Conflicts**

Violent conflicts are those in which war is used as an instrument of peace, source of achieving national interest and employ this tactic to resolve the matter in their own favor. "War, a condition in which two or more than two states carry on a conflict by armed forces is a common form of armed international conflict."<sup>6</sup> Wars do not usually arise out of disputes concerning the respective rights of the belligerents, but arise from conflicts of interest. These conflicts are about territorial borders, ethnic hatred, revolutions and so forth. All the states value home territory with almost fanatical devotion, border disputes tend to be among the most intractable in international relations.<sup>7</sup> States do not yield territory in exchange for money or any other positive award.

International conflicts over the control of governments are likely types of conflicts that lead to the use of violence. They involve core issues of the status and integrity of states, the stakes tend to be high, and interests of involved actors are often diametrically opposed. Violent conflicts also arose on the control of governments of other states. When one state wants to alter or replace the government of a second state, a conflict always exist between the two governments. In addition, the first state may come into conflict with other parties that oppose changing the second states government.

### **Secondary Models**

Secondary models constitute more than three categories:

- **Balancing Objective Model** This is relevant to equilibrium restoration and maintenance activity of the two states. They try to maintain military

equilibrium among themselves and by retaining it try to maintain the status quo. "The balancing objective conflict is typical in a multipolar international system characterized by a wide dispersal of power."<sup>8</sup> Under such circumstances, the participants in an interstate conflict seek primarily to restore the disturbed equilibrium in the system.

- **Hegemonic Objective Model:** It is a recurring phenomenon in international politics. It grows out of the contestant competition of the centre states to achieve effective hegemony over the rest of the system and to gain the economic and political benefits that accompany that position. If balancing objective model allows status quo, hegemonic model presents a situation of hegemony which is more offensive.
- **Revisionism vs Status Quo.** A frequently recurring form of conflict arises when a policy of expansion collides with the interests of a passive status quo state. The objectives of contending states are complementary as compared to the revisionist states. The revisionist state seeks to take away from the passive state a particular object or advantage where as the status quo state seeking nothing new, tries to retain what it already has.

### **Conflict Resolution**

The existence of conflict in the global system has obliged states to develop techniques for the resolution of their disputes. The development and implementation of peaceful strategies for settling conflicts using alternatives to violent forms of leverage is known by the general term conflict resolution.<sup>9</sup> The methods developed over the centuries for the resolution of international conflict may be classified into three general categories: a) methods of pacific conflict resolution; b) coercive procedures short of war; and c) forcible procedures through war.

### **Pacific Methods**

The methods of pacific resolution make available a variety of peaceful substitutes for violence. In general terms, they may be classified as diplomatic- political or judicial. They are following:

### **Diplomacy**

Diplomacy is a means to settle international disputes. It is the art of approaching or persuading the opponent for resolving an issue peacefully. Diplomacy can be used in national politics. It can be used to settle the regional and ethnical disputes peacefully. Diplomacy involves direct government to government interactions, acting upon the people in other governments who are able to do the things we want their states to do. Sir Ernest Satow in his guide to diplomatic practice defined diplomacy as “The application of intelligence and tact to the conduct of official relations between governments of independent states.”<sup>10</sup>

Diplomacy is the process of conducting communication among states through officially recognized representatives. The communication is almost continuous among states as their representatives or diplomats protect state interests and reduce conflict. Diplomacy has an instrumental value in the settlement of specific conflicts. States may prosecute their differences and intensify their conflicts by a great variety of methods, but tensions between them are most effectively managed and reduced through diplomatic means.

Diplomatic methods of resolving conflict can be attempted through direct negotiations, good offices, mediation, inquiry and conciliation. These different forms of diplomacy less formal than either judicial settlement or arbitration. If the parties to an international dispute are disposed to discuss their differences rather than to threaten one another or to fight about them, they will resort to negotiations as a means of settlement. Direct Negotiations may take the form of bilateral or multilateral diplomacy. Such negotiations may be conducted between heads of states, directly through ambassadors and other accredited diplomats of the concerned parties or through an international conference.

When two states are unable to reach agreement and relations between them become strained it is permissible for outside actors to offer their services in an effort to facilitate a settlement. The technique of good offices may be invoked. A “tender of good offices” is a polite inquiry as to whether the third state can be of service in preserving or restoring peace. It is often extended at the request of one of the parties to the controversy and is frequently made after a rupture of diplomatic relations or in course of war. If it is accepted on both sides, the third state may transmit suggestions for a settlement between the parties or may make suggestions itself. In the latter case true “mediation occurs”. Most conflict resolution uses a third party whose role is mediation between two conflicting parties, according to Goldstein.<sup>11</sup>

Mediation is a procedure by which, in addition to providing good offices, a third party participate actively in the negotiations. It tries to reconcile the opposite claims and to appease mutual resentments developed by the contending parties. The mediator may not impose its own solution on the dispute but is expected to take a strong initiative in proposing formulas. In the first convention of the first Hague Peace Conference of 1899 and 1907 it is provided that “the function of a mediator was declared to be that of reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.”<sup>12</sup>

Most of the today’s international conflicts have one or more mediating parties working regularly to resolve the conflict short of violence. There is no hard and fast rule saying what kinds of third parties mediate what kinds of conflict. Today the UN is the most important mediator on the world scene. Some regional conflicts are mediated through regional organizations such as the European Community and the Organization of American States. Mediators may actively propose solutions based on an assessment of each side’s demands and interests.

As there is a lack of any procedure in both methods for conducting a thorough investigation into the facts of the law,



hence these steps may be considered as preliminary to the more specialized techniques of conciliation and inquiry. Inquiry designates the resolution of conflict through establishment of a commission of inquiry. Such a group, consisting of an equal number of members from each of the disputing parties plus one or more from other states, acts to facilitate a solution of the conflict. Thus, in case of disputed boundaries, boundary commission may be appointed to inquire into the historical and geographical facts which are the subject of controversy and thus clarify the issues for a boundary agreement. The commission of inquiry does no more than determine the facts of a dispute by means of impartial investigation.

Conciliation is a procedure that combines inquiry and mediation. It signifies the reference of a dispute to a commission or committee to make a report with proposals to the parties for settlement, such proposals not being of a binding character. According to Judge Manly O. Hudson "Conciliation is a process of formulating proposals of settlement after an investigation of the facts and an effort to reconcile opposing contentions, the parties to the dispute being left free to accept or reject the proposals formulated."<sup>13</sup>

Conciliation multiplies the pacifying effects of both mediation and inquiry in the resolution of troublesome disputes. It is the most formalized of the diplomatic and political methods of settling international conflicts. It is particularly useful for serious political disputes because its flexibility makes it more adaptable to varying circumstances than more rigid judicial or legislative procedures. Its object is always peace by compromise not justice by law.

Conflict situation can be resolved through bargaining process between two or more than two states. Bargaining is one of the prepositions for resolving the severe conflict which develop from severe crisis. Deterrence is also a bargaining. Bargaining is the adjustment or syntheses of the divergent perceptions or the divergent vital strategic goals with the main purpose of retaining major self interests." Bargaining may be

defined as “tacit or direct communication in an attempt to reach agreement on an exchange of value—that is, of tangible or intangible terms that one or both parties value.”<sup>14</sup>

### **Judicial methods:**

Judicial methods of resolving conflict are an attempt to regularize the terms and procedures that form the basis of the disposal of disputes. The two judicial procedures are arbitration and adjudication. Solutions are reached on the basis of law and in some cases equity but they explicitly exclude political compromise because only legal disputes can be judicially resolved. The awards of arbitration and the decisions of an international court are binding on the disputing parties and hence these procedures are described as decisional or binding.

### **Arbitration**

The procedure known as arbitration is one of the oldest methods used by western countries to settle international disputes.<sup>15</sup> It means reference of a dispute or conflict between the states to a third party, freely chosen by the parties, who make an award. If both sides agree in advance to abide by a solution devised by a mediator the process is called arbitration.<sup>16</sup> In that case both sides present their arguments to the arbitrator who decides on a fair solution. For example the Israelis and Egyptians submitted their border dispute over the hotel at Taba to arbitration when they could not come to an agreement on their own.

In its simplest form, arbitration involves the negotiation by the parties to the dispute of a bilateral treaty, known as compromise, in which they state clearly the question to be arbitrated, name the arbitrators and set forth the rules of procedure and principles of law to be applied. When a dispute is not submitted to the judgment of a single arbitrator, such as the sovereign of a third state, a tribunal is set up consisting usually of one or two nationals of each of the disputing states, plus one or more nationals of outside states. These may be named in the compromise. One of the outsiders usually acts as

umpire. As C.C Hyde defined arbitration as “an impartial adjudication according to a law and that before a tribunal of which at least a single member, who is commonly a national or a state neutral to the contest, acts as an umpire.”<sup>17</sup> The tribunal reaches decision by a majority vote and submits a written statement of the award to the respective disputants. An arbitral award is binding upon the parties. However it can be rejected on certain grounds. The process of arbitration is identical with that of adjudication except as to the method of choosing judges.

### **Adjudication**

The International disputes can be settled by a properly constituted international judicial tribunal applying rules of law. The only general organ of judicial settlement at present available in the international community is the International Court of Justice at The Hague, which succeeded to and preserves continuity with the Permanent Court of International Justice. The court is supposed to decide the case on the basis of international law and jurisdiction usually extends only to legal issues.<sup>18</sup> That government will not agree to this method of conflict resolution which has a weak legal position in a contentious situation.

Most of the conflicts have important legal aspects, but one or both of the parties do not wish to characterize the situation in legal terms because their political objectives and actions are not compatible with existing legal principles or jurisdiction. In other cases, a justifiable dispute is not handled by legal procedures because of greater tensions and conflicts between the two states. There is also problem of the sources of modern international law and governmental attitudes towards that law. There must be considerable common interest between the opponents before the procedure can be used. Both the parties must agree that settlement should be based on rules of international law and it should be an award outcome, whereby one party wins and one loses, rather than a compromise. But

these prerequisites are seldom found simultaneously in conflicts and crises

### **Coercive Procedures Short of War**

States turn to coercive but non violent methods of settling a dispute if pacific procedures fail to produce satisfaction. Among the non violent coercive techniques are the recall of diplomats, expulsion of opposing states' diplomats, denial of recognition of a regime, breaking off diplomatic relations and suspension of treaty obligations. More obviously "unfriendly" is the class of actions involving force short of war: blockade, boycott, embargo, reprisal and retorsion.

- **The Pacific Blockade.** It appears to have been first employed in 1827; since that date there have been about 20 instances of its employment.<sup>19</sup> It is also a measure involving force short of war for the settlement of dispute. However, it is sometimes employed in peace. In times of war, the blockade of a belligerent state's ports is a very common naval operation. It is generally designed to coerce the state whose ports are blockaded into complying with a request for satisfaction by the blockading states.
- **Retorsion.** Another hostile strategy but short of war for resolving the conflict is retorsion which means an unfriendly but legal act by another state. It does not involve the armed force. The best known instance of retorsion is the severance of diplomatic relations, e.g. the US broke off diplomatic relations with Iran when its citizens seized the US embassy in Tehran in 1979. Other acts of retorsion involve revocation of diplomatic privileges or withdrawal of fiscal or tariff concessions. An unusual act of retorsion was President Jimmy Carter's refusal to allow athletes from US to participate in 1980. Summer Olympics held in Moscow. His decision

was a protest against the Soviet Union's invasion of Afghanistan in 1979.

- **Reprisals.** Another hostile method is reprisals. These are methods adopted by the states for securing redress from another state by retaliatory measures.<sup>20</sup> It means coercive measures adopted by one state against another for the purpose of settling some dispute brought about by the latter's illegal or unjustified conduct. The coercion can be non violent such as the seizure of property or a naval blockade, or violent as in the case of an armed attack. Reprisals are usually thought of as illegal whereas retorsion consists of retaliatory conduct to which no legal objection can be taken. Reprisals are only justified if their purpose is to bring about a satisfactory settlement of a dispute.

### **World For A**

The UN successor to the League of Nations, has taken over the responsibility for resolving international disputes. One of the fundamental objects of the organization is the peaceful settlement of the disputes between states. According to Article 1 of the UN charter, "The major purpose of UN is to maintain international peace and security and to bring about by peaceful means and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."<sup>21</sup>

In this connection, General Assembly and Security Council have also been assigned responsibilities. The General Assembly is given authority to recommend measures for the peaceful adjustment of any situation. The Security Council acts in two kinds of disputes a) disputes which endanger international peace and security and b) cases of threats to the peace or breaches of peace, or acts of aggression. In the former case, the Security Council may call on the parties to settle their

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differences through arbitration, judicial settlement, negotiation and conciliation. It may also suggest appropriate methods of settling the dispute. In the latter case, the Council is given power to recommend measures to be taken to restore International peace and security and it may call on the parties to comply with certain provisional measures. Under Article 41 to 47 of the Charter, the Security Council has right to give effect to its decisions not only by coercive measures such as economic sanctions but also by the use of armed force against states which decline to be bound by these decisions.<sup>22</sup>

Although this organization has been instrumental in solving colonial conflicts by helping the territories in question, to achieve independence and establish viable governments, but in other case it has not resolved the underlying issues but merely put a lid on extensive violence. It has taken peace supervisory functions in Kashmir, Suez, ME and Cyprus areas, sanctions against Rhodesia but it has not been able to achieve a settlement or compromise outcome. Violence in many crises have been reduced but not completely controlled. It has a much less enviable record in actually resolving conflicts.

### **Forcible or Coercive Means of Settlement**

When states cannot agree to solve their disputes amicably, a solution may have to be found and imposed by forcible means. The principle forcible modes of settlement include war, terrorism etc.

War: The right of state to make war as an ultimate means of self help when other measures of obtaining redress for alleged wrongs were unsuccessful; had until the year 1920, a recognized place in international law.<sup>23</sup> War is not a primary tool to get the conflict settled, states don't indulge deliberately in war, it is a last resort. War has its own instrumental value in the settlement of conflict between more than two states. Until the nuclear era, force was viewed as creative in the right circumstances because it could be employed to resolve outstanding political issues. The scope and functions of wars lent credence to the assumption that force and politics complemented each other. Clausewitz in his book "On War"

comments war and politics by asserting that “war is but continuation of politics by other means.”<sup>24</sup>

War is illegal under the charter of UN except for self-defense. They wage war in pursuance of their objectives. War may be conventional or nuclear. Conventional war, infact, is time consuming. It takes long time to wage a conventional war and during that period, conflict may be resolved. On the other hand, nuclear war is highly scientific and technological. It is spontaneous and causes total destruction. USA and USSR always abstained from nuclear war because threat of nuclear war was there. Conventional war may be prescription for resolving the conflict.

Wars, like other forms of conflict, may be either balancing-objective or hegemonic objective. In other words, a war may either be fought according to the rules and seek to restore the status-quo or it may threaten to destroy the system by altering relationships drastically and permanently. The balancing-objective form of war is known today as limited war, and hegemonic-objective type is total war.

Terrorism is basically just another step along the spectrum of violent leverage, from total war to guerilla war. Terrorism refers to pol.violence that targets civilians deliberately and indiscriminately.<sup>25</sup> Like other violent means of leverage, terrorism is used to gain advantage in international bargaining situations. Terrorism is effective if it damages morale in a population and gains media exposure for the cause.

### **Outcomes of International Conflict**

Outcome means any sort of final result of the conflict, different from procedures which are the formal diplomatic means of arranging some compromise. There are at least six possible outcomes or settlements of conflict. Firstly, is avoidance that when both the states perceive incompatible goals, values , interests, or positions, one possible solution is

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for one or both parties to withdraw from physically or bargaining position or to cease the actions that originally caused hostile responses.

Secondly, conquest, which means the final result of the conflict, can be conquest that overwhelming the opponent through the use of force. Thirdly submission or deterrence, one side withdraws from a previously held value, position or interest because the opponent makes effective threats to push him out by the use of force. The fourth outcome of conflict is Compromise in which both sides agree to a partial withdrawal of their initial objectives, positions, demands or actions. A complicated outcome based on compromise is award wherein the opponents agree to a settlement achieved through non bargaining procedures. An award is any binding decision effected by an independent third party or criteria which sets out the substantive terms of settlement.

Often international conflicts have no formal outcome i.e. deterrence, avoidance, compromise, conquest or award, but persist for a long period until the parties accept new status quo as partially legitimate. Most of the international conflicts are resolved by becoming obsolete that is both the sides learn to live with situation over a period of time, even though their formal positions are incompatible.

### **Conclusion**

The critical point in the conflict occurs when the actions of one state lead the government of another to consider the possibility of using force. Mild threats, pressures and reprisals can often be controlled, but if tensions are high enough and the actions perceived as extremely threatening, a crisis situation, where a decision to use organized force may be required, results. In a crisis, symbolic communication often increases while overt bargaining and negotiation decrease; and the behavior of policy makers may well be vitally affected by the pressures of time, perceptions of threat and the need to act quickly. Violence often results. Both the League of Nations and UN have in fact dealt primarily with crises rather than conflicts. In resolving conflicts and promoting peace, the



record of UN is not impressive. Indeed, one of the discouraging facts about international organizations has been their unwillingness to cope with conflicts before they reach the crisis stage. It has proved effective as instrument of peace only in the area of transition from colonialism. It is at the crisis stage probably that formal settlements are least likely to be attained

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