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Question Explain Conflict management and Conflict resolution?

### Definition of Conflict

George Simmel explain that 'Conflict is a form of sociation' and that 'a certain amount of discord, inner divergence and outer controversy, is organically tied up with the vary elements that ultimately hold the group together'.

Kenneth Boulding defines conflict as a form of competition in which the competing parties recognise that they have mutually incompatible goals.

Lewis Coser regards conflict as "a struggle over values and claims to scarce status power and resources in which the aims of the opponents are to nullify, injure or eliminate the rivals".

Robert C. North "A conflict emerges whenever two or more persons or groups seek to possess the same object, occupied the same place or the same exclusive position play in incompatible goals or undertake mutually incompatible means for achieving these purposes."

Mack and Lyndee identified the characteristics of the range of conflict phenomena

- (i) existence of two or more parties.
- (ii) there interaction arises from a condition of resource scarcity or positions scarcity.



- (iii) they engage in mutually opposing actions.
- (iv) These behaviours are intended to damage, injure or eliminate the other party.
- (v) These interactions are overt and can be measured or evaluated by outside observers.

According to Stockholm international peace research institute a major armed conflict is defined as use of armed force between the military forces of two or more governments, or of one government and at least one organised armed group resulting in battle related deaths of at least thousand people in any single calendar year and in which the incompatibility concerns control of government and territory.

Uppsala conflict database Arm conflict is defined as contested incompatibility that concerns government or territory or both where the use of arm force between the two parties results in at least 25 battle related deaths of these two parties at least one has to be the government of the state.

According to Marx, "Conflict leads not only to exchanging relations within the existing social structure but the total social system undergoes transformation through conflict."



## Types of Conflict

Symetric Conflicts: between similar actors, the conditions, resources and contexts of conflicting parties are roughly equal. They can compromise on how to deal with conflict according to agreed social, political or legal norms and transform these rules of elaborative engagement, strength may influence the nature of the compromise but in the end it is reliability & reciprocity which counts.

Asymmetric Conflicts: cannot be easily transformed without paying respect to unbalanced relationships that lie at their roots. For example: At intra-state level (within state) asymmetric conflicts are caused by unequal social status and equal wealth and access to resources and unequal power leading to problem such as discrimination, unemployment, poverty, operation crime.

## Causes of Conflict

Conflict is a normal and necessary part of healthy relationships. After all, two people can't be expected to agree on everything at all times. Therefore, learning how to deal with conflict - rather than avoiding it - is crucial.

When conflict is mismanaged, it can harm the relationship. But when handled in a respectful and positive way,



Conflict provides an opportunity for growth, ultimately strengthening the bond between two people. By learning the skills you need for successful conflict resolution, you can face disagreements with confidence and keep your personal and professional relationships strong and growing.

Conflict arises from differences. It occurs whenever people disagree over their values, motivations, perceptions, ideas, or desires. Sometimes these differences look trivial, but when a conflict triggers strong feelings, a deep personal need is at the core of the problem, a need to feel safe and secure, a need to feel respected and valued, or a need for greater closeness and intimacy.

### Objectives of Conflict Management

#### 4 Introduction

Wars produce the worst violations of human rights worldwide and are the greatest impediments to human development. Most of more than 50 major armed conflicts since the Cold War have been internal clashes over religion, national or ethnic identity, and access to natural resources or wealth. Conflict management refers to peace, and looks for alternative channels for dialogue and negotiation. Over the past decade, the global number of active major armed conflicts has declined overall, but the decline has been very uneven, with major drops in 2005 and 2007.



and an increase in 2009. The end of the Cold War brought a new momentum to the study of conflict management. One of the main reasons for this was the proliferation of violent conflicts in regions such as Eastern Europe. The level of domestic ethnic conflicts, as well as of ethnic ~~conf~~ conflicts between communities and neighbouring states, attracted much interest among researchers.

Conflict management has become a necessity of the modern international system. Conflicts are monitored, controlled, and prevented from growing into destructive proportions. Conflict control has become both a diplomatic task and a branch of military strategy. This attitude may take even more radical form if developments such as terrorism, extremism, and illegal trade in drugs and arms are not brought under firm legal control. The international community has made significant efforts to find solutions to conflicts from the past era associated with ideological struggle or national self-determination. It must now find ways to deal with new conflicts as they appear. These have been adjusted in diplomatic practice and have become a part of the international political sphere.

They may be roughly labeled as "conflict management," which includes the following:

- Conflict resolution, which looks for models and mechanisms for solving existing conflicts;
- Conflict control, which aims at controlling the state of



conflicts, above all the level of violence; and

- Conflict prevention, which stresses the avoidance of conflicts in the future.

The idea of conflict management is strongly supported by practical results from the previous times in international relations, including the following:

The end of the Cold War between the United States and the Soviet Union, their mutual efforts in strategic arms reductions, joint activities in settling some regional conflicts, and confidence-building in Europe; the end of colonisation, success in the resolution of wars of national liberation, and the accomplishments of nation-building efforts; the end of the North-South confrontation between the rich nations of the West and the poorer developing nations of the South, and the evolution of the World Trade Organisation, one of the strongest elements of the current international system; the end of the oil crisis of 1974, which followed a major conflict of interests between oil consumers and the producers/exporters of oil, and the development of the Organization of Petroleum

Exporting Countries (OPEC), a reliable vehicle for conflict resolution through market regulation. These accomplishments have proved the validity of conflict management as a realistic goal for policy makers.



## Conflict Management and Conflict Resolution

### International Conflict Management

International Conflict Management refers to international political, legal institutional mechanisms available to and used by states and international institutions to manage conflict. It sometimes involves the use of force or force short of war and includes coercive diplomacy and methods like sanctions etc. It attempts at reducing, manoeuvring and mitigating conflict. It may involve alliances, procedures of international law for dispute settlement, arms control and disarmament and use of the UN for peacekeeping in general. In short, it involves mechanisms in search for security in an insecure world. The basic assumption is that conflict in the international system is unavoidable. However, it is contended that even in extremely hostile relations between states there is a perceptible element of co-operation lessening of conflict, which obviously requires widening the area of co-operation and narrowing of the areas of difference. This topic is so important for the wider subject of peace and conflict studies that many of the following points also find mention at other places.

### International Conflict:

Armed conflicts around the world take place usually for gain (territorial or resources); dominance, historical



animosity, or prestige or irredentist identities. It is possible to manage conflict by addressing some of the basic causal factors that lead to conflict between states.

Conflict is distinct from 'tensions'. Tensions include latent hostility, suspicion etc but does not manifest in overt opposition. However 'tensions' between states usually precede a 'conflict'. International conflict is between states. However leaders of states may and can determine the nature of such a conflict. Conflict that occurs within a state takes the form of revolutions, coups, civil disorders, terrorism etc. Conflict management or resolution involves the need to understand and analyse conflict from such diverse perspectives and find solutions.

### Conflict Resolution

"The development and implementation of peaceful strategies for settling conflicts - using alternatives to violent forms of language - are known by the general term conflict resolution."

Conflict resolution mechanisms are not new. The Charter of the United Nations lists some methods by which conflicts can be resolved between states.

Article 51 lists methods for peaceful settlement of disputes between states. However, recourse to conflict resolution has been steadily increasing and has become more refined and successful.



It is possible that escalation towards conflict between states can be slowed down or reversed. Charles Osgood and Morton Deutsch and Amitai Etzioni argued that a government wishing to de-escalate a conflict should make a limited 'unilateral concession or gesture of conciliation' which the adversary is likely to reciprocate.

In today's world of international politics, new and improved instruments of conflict resolution are available. International law, international organisations and supranational organisations have all been contributing to the resolution and management of international conflict.

### Methods of Conflict Resolution

Whenever there is conflict of interests between states, war is only one of the possible modes of policy to resolve the conflict. War remains as only one of the conflict resolution procedures. Other conflict resolution procedures involve negotiation, conciliation, mediation, arbitration and adjudication. However, the fact that conflict exists in the international system makes it necessary that states develop mechanisms for adjustment and settlement of disputes among them. Whenever conflict intensifies into a probable armed conflict, a formal adjustment becomes necessary. National prestige can become an impediment to conflict resolution. It is in such a scenario that pacific settlement of disputes based on



formal procedures and practices has to be resorted to. Diplomatic - political and judicial methods have to be used for settlement of disputes. Diplomatic methods include negotiations, good offices, mediation, ~~and~~ inquiry and conciliation. Judicial procedures include arbitration and adjudication. Some further aspects of these are ~~at~~ here.

### 1-> Diplomatic Methods

Negotiation: Negotiations between nations in conflict can be either bilateral or multilateral. These can be conducted directly between Heads of state or Ambassadors or special representatives of the countries involved.

Negotiations can be held between conflicting parties through an international conference also.

Negotiation, good offices, mediation, conciliation and inquiry are methods of settlement of disputes less formal than judicial settlements or arbitrations.

Negotiation usually proceeds in conjunction with good offices or mediation. It involves consultation and communication. The Australia - New Zealand Free Trade Agreement of 1965 had provisions for consultation. The 1963 US - Soviet Hot Line Agreement implied negotiations and consultations.

Good Offices and Mediation Good offices and mediation involve a friendly third state which assists in bringing about



an amicable solution to a dispute. The party offering good offices or mediation may be an individual or an international organisation or a state. The distinction between good offices and mediation is mostly one of degree. In good offices, a third party offers its services to bring the disputing parties together and to suggest the making of a settlement without actually participating in the negotiations or conducting an exhaustive inquiry. Mediation on the other hand involves the mediating party in a more active role which includes participating in negotiations and helping reach a peaceful solution. The mediator's suggestions have no binding character. For example, the former Soviet Union mediated a settlement between India and Pakistan at Tashkent in 1965.

The scope of good offices and mediation is limited. No specific procedures are laid down. The effort is to resolve the dispute through voluntary participation of conflicting nations and negotiation. For instance, The Netherlands offered its good offices to resolve the Sri Lankan dispute with the LTTE.

Conciliation : Conciliation includes inquiry and mediation. An individual or a commission works to bring about conciliation between disputing parties. The UN has resorted to this method to solve several disputes since 1945.

Conciliation includes a variety of methods by which a



dispute is settled amicably with the help of other states or impartial bodies of inquiry or advisory committees. It usually involves proposals of settlement after investigation of facts and an effort to reconcile opposing viewpoints. Conciliation commissions have been provided for in the Hague Conventions of 1899 and 1907 for peaceful settlement of international disputes. Such commissions can be set up by special agreement between parties to a dispute. The commission would investigate and report on situation of fact. However, the investigation and report are not binding. The pact of Bogota of 1948 provides for conciliation commissions.

An inquiry is different from conciliation in the sense that it does not make any specific recommendations. However, the inquiry would establish established and clarify facts to a dispute, thereby helping adversaries to go in for a negotiated settlement. A commission of inquiry is very useful in cases of disputed boundaries.

Arbitration : Arbitration involves the reference of a dispute to certain persons called arbitrators freely chosen by the parties, who make an award without being bound by any strict legal considerations. However, many disputes involving purely legal issues have been referred to arbitrators for settlement. Several treaties between states have included provisions



for arbitration of disputes between them. Arbitration has been in vogue since antiquity. The Jay treaty of 1794 between US and Great Britain recognises arbitration in case of disputes between them.

The Alabama claims Award of 1872 between US and Great Britain has given great impetus to arbitration as a method of resolving disputes.

Arbitration has become a source of international legislation since disputes concerning interpretation or application of the provisions of conventions have been resolved through this method. The 1899 Hague Conference codified the law relating to arbitration and laid down the foundations of the Permanent Court of Arbitration. The Permanent Court is neither a court nor permanent. It includes a list of members appointed by states which are parties to the Hague conventions. It constitutes a panel of competent lawyers from whom arbitrators are appointed by states when the need arises. Each state appoints two arbitrators, one being its national and one from the panel. These arbitrators chose an umpire who presides over the tribunal. The award is given by majority vote. The tribunal will act on the basis of a compromise or arbitration agreement specifying the dispute, the time allowed for appointing the members, its jurisdiction, the procedure to be followed and the rules



of law and principles according to which its decision to be given. The Permanent Court of Arbitration by itself has no specific jurisdiction.

Arbitration is essentially a procedure involving consensus. States cannot be compelled to arbitrate against their wish. Their consent is necessary to determine the nature of even the tribunal that is appointed. Arbitration tribunals have resolved disputes involving legal issues as well as disputes based on questions of fact, requiring clarification. This procedure is more appropriate for technical disputes and is less expensive. The advantage of arbitration lies in the fact that it does not involve publicity and parties can agree that the awards be not published.

## 2) Judicial Methods

These are basically two judicial procedures for conflict resolution; arbitration and adjudication. Solutions to a dispute are arrived at on the basis of principles of international law. The arbitration award and judicial decision in a dispute are binding on the conflicting parties.

Arbitration is done by an ad-hoc tribunal or by the Permanent Court of Arbitration, the Hague. Adjudication is sought from the International Court of Justice.

The decision to opt for a judicial procedure is the prerogative of a state. It is voluntary; Chile and Argentina gave their border problems to a panel



of Latin American judges in the 1980s.

Judicial methods are relatively effective since the disputants have voluntarily agreed to opt for the procedure thereby conveying their consent to abide by the award.

Judicial settlement is brought about by a properly constituted international judicial tribunal applying rules of international law. Today recourse to judicial settlement can be had through the International Court of Justice (ICJ) at the Hague. The ICJ is a successor to the Permanent Court of International Justice created after the first World War.

The ICJ is a permanently constituted tribunal governed by a statute and its own body of rules and procedure binding on all parties appealing to court. The proceedings of the court are public and the hearings and judgements are published. All the states wanting to refer cases for settlement can approach the ICJ.

International Court of Justice was established in 1945 and articles 92-96 of the charter refer to it.

The Court is the principal organ of the United Nations and forms an integral part of the Charter. The court consists of 15 judges who was chosen from the list of nominees by the General Assembly and the Security Council, who elect them through an absolute majority. They represent principal legal systems of the world and the main forms of civilization.



The jurisdiction of the ICJ includes member states parties to the statute and other states who have been accorded recognition by Security Council. The court decides contentious cases referred to it and gives advisory opinions when sought. The court has compulsory jurisdiction where parties are bound by treaties or conventions in which they had agreed that the court should have jurisdiction over certain categories of disputes. The court has also jurisdiction under the 'optional clause' of article 36 of the statute wherein states accept obligation in all legal disputes concerning (a) the interpretation of a treaty (b) any question of international law (c) the existence of any fact constituting a breach of international obligation.

All disputes are decided by majority of the judges present. The court's decision has no binding force except between the parties and in respect of the particular case. Unless otherwise decided by the court, each party bears its own cost's of the case. The General Assembly and the Security Council of the United Nation Organisation may request the advisory opinion of the court on legal questions. Such an opinion lacks the binding force of the judgement.

The Manila declaration of 1982 on peaceful settlement of international disputes has been approved by the General Assembly. This may be considered as a code of rules on



the subject and manifesto of guidelines. Many of the principles contained in the United Nations Charter have been reaffirmed. The Manila declaration emphasises the importance of direct negotiations, fact-finding, judicial settlement and the role of the Secretary General in bringing to the notice of the Security Council any matter which he considers as threatening the maintenance of international peace and security.

In fact, members of the United Nations have undertaken to settle their disputes by peaceful means and to refrain from threats of war or the use of force by article 2 of the charter.

The UN Security Council can act in two kinds of disputes (a) disputes which may endanger international peace and security and (b) cases of threats to peace or acts of aggression. The Council can call up on the parties to dispute to settle the conflict through peaceful methods. It may even recommend appropriate procedures. It is empowered to recommend or decide what measures are to be taken to maintain or restore international peace and security and can call up on parties concerned to comply with certain ~~for~~ provisional measures. It may also appoint a commission of inquiry or may authorise a reference to the International Court of Justice. Under articles 41-47 of the charter, the Security Council can give effect to its decisions not only by coercive measures like economic



sanctions but also by the use of armed force against states which defy to be bound by these decisions.

### 3) Non-Violent and Coercive Procedures Short of War.

In addition to the above methods these are several methods short of war that states resort to resolve conflict. These methods involve among others, recall of diplomats, expulsion of diplomats, special de marches; suspension of treaties and agreements, blockade, embargo, gunboat diplomacy or saber rattling.

The threat of use of force can at times resolve even serious and potentially dangerous conflicts. The Cuban missile crisis of 1962 is a case in point. Sometimes, international grouping groupings can help mitigate tendencies towards conflict. The non-aligned movement for instance, played such a role among the developing countries with some measure of success.

### 4. Citizen - Diplomacy.

When at times states do not take the initiative to reduce conflict, ordinary citizens may attempt to raise the awareness of mutual advantages in the resolution of conflict. This is termed as Track II diplomacy or citizen diplomacy. This <sup>can</sup> lead to formal confidence building measures between rival states and truly



lead to the resolution of conflict. Recent efforts by citizen groups in India and Pakistan have improved the relations between the two nations. One of the methods adopted by nations in such situations involves breaking the conflict into pieces or fractions and tackling each of them separately. An incremental reduction in conflict would result from such an approach.