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Peace and Conflict Studies
(Optional)

SEMESTER IV

POLITICAL SCIENCE

BLOCK : 2

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POLITICAL SCIENCE
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INTRODUCTION TO BLOCK 2

This is the second block of the third course titled "Peace and Conflict Studies" of the MA Fourth Semester Programme in Political Science of KKHSOU. The block contains seven units (units 9-15).

The ninth unit discusses International Humanitarian Law and its various aspects. The tenth unit discusses the concepts of conflict management and conflict resolution. The eleventh unit discusses the concepts of conflict settlement and conflict transformation. The twelfth unit discusses the concept of peace-making and the theme of reconstructive and transformative peace building. The thirteenth unit discusses the legal means of conflict resolution in international law and municipal law. The fourteenth unit discusses the role of diplomacy in peace making. The fifteenth unit discusses the issue of militarization in India and the impact of the conflict situation on women and children in North East India.

While going through the units of this block, you will find that each unit is further divided into certain sections and sub-sections, wherever necessary, for your better understanding. You will notice some alongside boxes while going through a unit , which have been included to help you know some of the difficult, unseen terms. Again, each unit carries certain activities after every section. These "ACTIVITIES" will provide you the opportunity to practically apply your own thoughts based on the knowledge gained from reading the text in a particular section. Besides, in order to give you additional information on certain relevant topics, you will find a category called "LET US KNOW" after the sections in each unit. Another category that has been included at the end of each section of a particular unit is "CHECK YOUR PROGRESS". The purpose of this category is to help you to asses for yourself as to how thoroughly you have understood a particular section. It will be better if you answer the questions put in these boxes immediately after you go through the sections of the units and then match your answers with "ANSWERS TO CHECK YOUR PROGRESS" given at the end of each unit. Furthermore, a set of sample questions has been included under the category called "POSSIBLE questions" to give you a hint of the pattern of questions you are likely to get in the examination.

UNIT 9: INTERNATIONAL HUMANITARIAN LAW

UNIT STRUCTURE

9.1 Learning Objectives

9.2 Introduction

9.3 Meaning and Nature of International Humanitarian Law

- 9.3.1 Origin and Evolution of International Humanitarian Law
- 9.3.2 Application of International Humanitarian Law

9.4 Basic Rules of International Humanitarian Law in Armed Conflicts

- 9.4.1 Provisions of International Humanitarian Law
- 9.4.2 Common Article 3

9.5 Developments in the Post-Geneva Convention period

9.6 Let Us Sum Up

9.7 Further Reading

9.8 Answers to Check Your Progress

9.9 Possible Questions

9.1 LEARNING OBJECTIVES

After a thorough study of this unit, you will be able to:

- explain the meaning and importance of International Humanitarian law
- examine the nature of International Humanitarian law
- discuss the origin and evolution of International Humanitarian Law
- explain the application of International Humanitarian Law since 19th Century
- discuss several international conventions for codification of International Humanitarian Law
- discuss the basic rules of International Humanitarian Law in armed conflicts
- explain the developments in Post-Geneva Convention period.

9.2 INTRODUCTION

International Humanitarian Law is an important component of International Law. International law is the set of rules followed by civilized countries in their mutual dealings. There are two aspects of International Law-Laws of War and Laws of Peace. All the civilized states observe these rules-developed either through custom or international treaty, for smooth functioning of international affairs. Whether it is war or peace, sovereign countries observe these principles for mutual national interest. International Humanitarian Laws are those rules which are applicable during armed conflicts, aggression and war. Basically, these laws aim to protect human life, prohibit torture and cruel treatment during conflicts, comprise provisions for protection of women and children etc. Rules of International Humanitarian Law also deals with other issues raised during the conduct of hostilities like combatants and prisoners of war status and protection of the Red-Cross and Red Crescent emblems.

9.3 MEANING AND NATURE OF INTERNATIONAL HUMANITARIAN LAW

International humanitarian law or IHL in short, also referred to as the laws of armed conflict, is the rules that regulate the conduct of war and conflict. International Committee of Red Cross defines, "International Humanitarian Law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflicts." It protects persons who are not participating in war (non-combatants) or are no longer participating and restricts the means and methods of warfare available to combatants.

International Humanitarian Law binds state and non-state parties in an armed conflict to observe humanitarian norms. In international conflicts it must be observed by the states involved, whereas in internal conflicts, i.e., within the state, it binds the government, as well the groups fighting against it or among themselves. Thus, IHL lays down rules that are applicable to both state and non-state actors during armed conflict.



LET US KNOW

There is a debate among scholars regarding whether **International Law is true law or not.** John Austin concluded that international law is not true law but "positive international morality" only. Holland also described international law as nothing more than the moral code of nations and "the vanishing point of jurisprudence". On the other hand, scholars like Oppenheim, Starke, Hall and others argue that international law is a positive law derived from custom and observance of its rules is compulsory for the civilized states. Hence it is also true law and mandatory.

9.3.1 Origin and Evolution of International Humanitarian Law

Since the beginning of civilization, certain principles and customs regulated the conduct of hostilities. International Humanitarian Law is rooted in these humanitarian principles. However, these principles were recognized and respected as law only since the 19th century. This recognition process is called codification of International Law. The states agreed to follow the traditional customs and usage of armed conflict as international law and promise to follow them vide some Convention or Treaty. For example, the Hague Convention of 1899, the Geneva Convention of 1949 etc. Based on the bitter experience of modern warfare, states have agreed to a series of practical rules. These rules strike a careful balance between humanitarian concerns and the military requirements of the States. Thus, International Humanitarian Law is a universally accepted body of law, contributed and nourished by the states themselves.

Serious violation of International Humanitarian Law is called war crime. Individual soldiers, military generals, head of the state or anyone who is engaged in war or conflict cannot escape from these laws if hostilities are conducted with a criminal attitude. The

Nuremburg War Trials against the Nazi military generals and soldiers, after the Second World War, explained war crimes. The judges in their verdict said that individuals responsible for committing heinous war crimes even in the name of national interest are also punishable under International Law.

A major part of IHL is contained in the four Geneva Conventions of 1949. Nearly every state in the world has agreed to be bound by them. The conventions have been developed and supplemented by two further agreements: the additional protocols of 1977 relating to protection of victims of armed conflicts.

The following agreements and treaties are prohibiting the use of certain weapons and military tactics and protect certain categories of people and goods during conflict.

Table 7.1

Development of International Humanitarian Law

Name of the Conference/ Treaty/Convention	Year	Purpose of the Conference/ Treaty/Convention
Convention for the Protection of Cultural Property in the event of armed conflict	1954	Rules for preserving heritage sites, cultural sites and monuments during conflict.
The Biological Weapons Convention	1972	Use of Biological weapons like spreading virus in enemy territory in war or conflict is inhuman and prohibited.
The Conventional weapons Convention and its five protocols	1980	Prohibits use of conventional but inhuman war tactics and armaments.
The Chemical weapons convention	1993	Use of chemical weapons like poisonous gases, Chemical bombs in war or conflict is inhuman and prohibited.

The Ottawa Convention on anti-personal mines	1997	Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction
The optional protocol to the Convention on the Rights of Child	2000	Involvement of children in armed conflict either as soldiers or helpers in conflict zone is prohibited.

Besides the above mentioned conventions The Hague Conventions of 1899 and 1907 on land warfare, the Brussels Conference on laws of Maritime warfare and The Hague rules of Aerial Warfare also touch upon humanitarian concerns and make provision for protection of non-combatants, women and children, dead and wounded soldiers etc. Now a days, many provisions of International Humanitarian Law are now accepted as customary law-that is, as general rules by the states.

9.3.2 Application of International Humanitarian Law

International Humanitarian Law applies only in situations of armed conflict. Armed conflict may be international or non-international in nature. Armed conflict is international when one or more states resort to the use of armed force against another state. War of aggression, war of national liberation, war against alien occupation etc. are examples of International Armed Conflict. But many armed conflicts today are non-international in nature. Non-international armed conflicts are those in which government forces are fighting against armed insurgents, or rebel groups are fighting among themselves. Examples may be cited of LTTE-Sri Lankan army conflict, Palestine-Israel conflict etc. Sometimes, both international and non-international armed conflicts may take place at the same time and within the same territory; such as the conflicts in Iraq and Afghanistan.

International Humanitarian Law lays down rules that are applicable to both state and non-state actors. In international conflicts

it must be observed by the states involved, whereas in non-international and internal conflict it binds the government, as well the groups fighting against it or among them. International Humanitarian Law also imposes obligations on individuals. A person may be held individually criminally responsible for "grave breaches" of the Geneva Conventions and of Additional Protocol I, and for other serious violations of the laws and customs of war (war crimes). International Humanitarian Law establishes universal jurisdiction over persons suspected of having committed all such acts.

There is an International Criminal Court (ICC) situated at The Hague, Netherlands that began functioning on 1st July, 2002. The ICC has jurisdiction to prosecute individuals for international crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. As such, individuals will also be accountable for war crimes committed in non-international armed conflict.



ACTIVITY 9.1

Discuss the importance of International Humanitarian Law?

Why it is called the Law of Armed Conflict?

.....

.....

.....

.....



CHECK YOUR PROGRESS

Q.1: Define International Humanitarian Law?

.....

Q.2: What is Codification?

.....

Q.3: What is War Crime?

.....

Q.4: When were the additional protocols to Geneva Convention adopted?

.....

Q.5: When was the Biological Weapons Convention held?

.....

Q.6: Individuals are not bound by International Humanitarian Law. (True or false)

.....

9.4 BASIC RULES OF INTERNATIONAL HUMANITARIAN LAW: THE GENEVA CONVENTIONS AND OPTIONAL PROTOCOLS

The basic rules of International Humanitarian Law are framed in the four Geneva Conventions of 1949 and the Optional Protocols adopted in 1977. These are international treaties that contain the most important rules limiting the barbarity of war. These rules protect people who do not take part in the fighting (civilians, medical aid workers) and those who can no longer fight (wounded, sick and shipwrecked troops, prisoners of war).

The first Geneva Convention protects wounded and sick soldiers on land or battle field during war.

The second Geneva Convention protects wounded, sick and shipwrecked members of armed forces at sea during war.

The third Geneva Convention applies to prisoners of war (POW).

The fourth Geneva Convention accords protection to civilians, including in occupied territory. Civilian persons include internally displaced persons, women, children, refugees, stateless persons, journalists and other categories of individuals.

The Geneva Conventions came into force on 21 October 1950. Since then 194 states have ratified these treaties making it universally applicable. The need for Optional Protocols emerged when the world witnessed an increase in the number of non-international armed

conflicts and war of liberation. In response, two Protocols additional to the four Geneva Conventions were adopted in 1977. The Protocol-I is intended to strengthen the protection of victims of international conflicts. Protocol-II exclusively deals with situations of non-international armed conflicts which first ever international treaty of this nature. In 2005, a third additional Protocol was adopted creating an additional emblem, the Red Crystal, which has the same international status as the Red Cross and Red Crescent emblem.

The Basic Rules of International Humanitarian Law are as follows:

1. Persons who are not taking part in hostilities (non-combatant) in situation of armed conflicts shall be protected in all circumstances.
2. The wounded and the sick shall be cared for and protected by the party to the conflict which has them in its power.
3. The emblem of the "Red Cross", or of the "Red Crescent," shall be respected as the sign of protection.
4. Captured persons must be protected against acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.
5. No one shall be subjected to torture, inhuman or degrading treatment or punishment.
6. Parties to a conflict do not have an unlimited choice of methods and means of warfare.
7. Parties to a conflict shall at all times distinguish between combatants and non-combatants. Attacks shall be directed solely against legitimate military targets.



LET US KNOW

The International Committee of Red Cross was established in 1864. The Red Cross has the mandate of international law to extend medical aid during war

and conflict. It is the symbol of hope, help and humanity in conflict situation. The Red Cross and Red Crescent are globally recognized emblems of assistance in times of conflict and disaster. These emblems have worldwide recognition in national and international law under the Geneva Conventions of 1949. The third emblem of this kind, the Red Crystal, approved in the Optional Protocol III of the Geneva Convention in 2005, is used by National Society as a member of the International Red Cross and Red Crescent.

9.4.1 Provisions of International Humanitarian Law

From the above discussion we can enumerate the provisions of International Humanitarian Law as below. Most of these provisions are prohibitory and impose restrictions upon the state and non state actors.

- Use of weapons of mass-destruction (WMD) in conflict and war that cause heavy and inhuman causalities to non-combatants are prohibited.
- Use of biological weapons like virus bomb; chemical weapons like poisonous gases are also prohibited.
- Inhuman war tactics and armaments are banned.
- Any damage to cultural property, heritage sites, historical monuments etc. during conflict will be treated as offence.
- Medical units, hospitals, religious sites are not be attacked during war. Distinctive emblems should be hoisted at such buildings.
- Children should not be involved in armed conflict either as soldier or helper in conflict zone.
- Wounded and sick soldiers including that of enemy side should be provided medical treatment and care.
- Hospital ships, postal ships and other neutral vessels at sea during war are protected under International Humanitarian Law.
- Due regard should be displayed to the dead bodies at the battle zone.

- Conflicting parties are required to give access to international relief and monitoring agencies like the Red Cross into the battle zone.
- Prisoners of war are to be treated with dignity and respect. They must be kept in hygienic condition.
- Information about the prisoners to be communicated properly to their nation.
- Women prisoners are to be kept separately and proper care must be taken for their security.
- The prisoners of war can be engaged in peaceful work not directly related to the war. But wages should be paid for their labour.
- They should not be forced to change their nationality and fight against their own people.
- International Humanitarian Law also makes provision for relief for the prisoners and their judicial proceedings as per rule of law.
- Prisoners of war shall be released and repatriated without delay after the cessation of hostilities.
- International Humanitarian Law has detailed provision on humanitarian relief for populations and enemy property in occupied territory. The fourth Geneva Convention particularly deals with protection of civilians in wartime.

9.4.2 Common Article 3

Article 3 to Geneva Conventions is significant because it covers situations of non-international armed conflicts. These types of conflict are increasing rapidly since the Cold War period. They include civil wars, internal armed conflicts that spill over into other states or internal conflicts in which a third state or a multinational force intervenes alongside the government. Article 3 is common to all the four Geneva Conventions. It contains the essential rules in a condensed manner

and makes them applicable to non-international conflicts. Article 3 is summarized as below:

- It requires humane treatment for all persons in enemy hands, without any adverse distinction. It specifically prohibits murder, mutilation, torture, cruel, humiliating and degrading treatment, the taking of hostages and unfair trial.
- It requires that wounded, sick and shipwrecked be collected and cared for.
- It grants the Red Cross the right to offer its service to the parties to the conflict.
- It calls on all parties to conflict to enforce all rules of the Geneva Conventions.

Today most armed conflict are non-international, therefore applying Article 3 is of utmost importance. Its full respect is required.



ACTIVITY 9.2

Discuss the significance of International Humanitarian Law after the 2nd World War.

.....

.....

.....



CHECK YOUR PROGRESS

Q.7: Which Geneva Convention protects wounded and sick soldiers on land or battle field during war ?

.....

Q.8: Mention any two rules of International Humanitarian Law.

.....

.....

Q.9: Write any two provisions of International Humanitarian Law.

.....

.....

Q.10: Which Geneva Convention accords protection to civilians, including in occupied territory ?

.....

9.5 DEVELOPMENTS IN THE POST-GENEVA CONVENTION PERIOD

International humanitarian law now includes several treaties that outlaw specific weapons. For example, cluster bombs, anti-personnel mines, boody-traps, incendiary weapons, blinding laser weapons etc. are restricted. These weapons cause death and injuries long after conflicts have ended. Unexploded land mines have caused up to 7000 deaths a year. An estimated 98% of these victims are civilian; farmers tilling their fields and children. The following treaties and conventions have strengthened International Humanitarian Law.

- The 1980 Convention prohibits weapons that produce non-detectable fragments, restricts the use of mines and boody traps, prohibits attacking civilians with laser and incendiary weapons and require the warring parties to clear unexploded bombs and mines.
- In 1997, the Ottawa Treaty or Mine Ban Treaty prohibits the Use, Production and Transfer of Anti-Personnel Mines except for training purpose.
- The Convention on the Rights of the Child (1989) and Optional Protocol on the Involvement of Children in Armed Conflict (2000) forbids the engagement of anyone under the age of eighteen in armed conflict.
- The Convention on Cluster Munitions (2008) prohibits the use of bombs that scatter bomblets.
- The UN Convention for the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) has also enhanced interpretation of International Humanitarian Law.

- The UN Security Council resolution 1888 and 1889 (2009) also binds the conflicting parties regarding protection of women and children against sexual violence in armed conflict. UNSC resolution 1325 aims to improve participation of women in peace building process.

Thus, we can observe that International Humanitarian Law is expanding its horizon. Recent studies and researches reveal that a gendered approach is required as IHL is criticized by feminists as male centric. ICRC in a study on the Middle East, Latin America, and the Pacific found that long standing practices in various cultures are generally consistent with modern humanitarian law. These knowledge and approach is going to facilitate easy implementation of International Humanitarian Law in 21st Century.



CHECK YOUR PROGRESS

Q.11: An ICRC study found that long standing practices in various cultures are generally consistent with modern humanitarian law. (True/ False)

.....

Q.12: When was the Ottawa Convention adopted?

.....

Q.13: What was the objective of The Convention on Cluster Munitions (2008)?

.....

Q.14: What is the full form of CEDAW?

.....



9.6 LET US SUM UP

- International humanitarian law or IHL in short, also referred to as the laws of armed conflict, is the rules that regulate the conduct of war and conflict. International Committee of Red Cross defines, "International Humanitarian Law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflicts."

- International Humanitarian Law binds state and non-state parties in an armed conflict to observe humanitarian norms. In international conflicts it must be observed by the states involved, whereas in internal conflicts, i.e., within the state, it binds the government, as well the groups fighting against it or among themselves. Thus, IHL lays down rules that are applicable to both state and non-state actors during armed conflict.
- Since the beginning of civilization, certain principles and customs regulated the conduct of hostilities. International Humanitarian Law is rooted in these humanitarian principles. However, these principles were recognized and respected as law only since the 19th century. This recognition process is called codification of International Law.
- The states agreed to follow the traditional customs and usage of armed conflict as international law and promise to follow them vide some Convention or Treaty. For example, the Hague Convention of 1899, the Geneva Convention of 1949 etc. Based on the bitter experience of modern warfare, states have agreed to a series of practical rules.
- These rules strike a careful balance between humanitarian concerns and the military requirements of the States. Thus, International Humanitarian Law is a universally accepted body of law, contributed and nourished by the states themselves.
- Serious violation of International Humanitarian Law is called war crime. Individual soldiers, military generals, head of the state or anyone who is engaged in war or conflict cannot escape from these laws if hostilities are conducted with a criminal attitude.
- The Nuremburg War Trials against the Nazi military generals and soldiers, after the Second World War, explained war crimes. The judges in their verdict said that individuals responsible for committing heinous war crimes even in the name of national interest are also punishable under International Law.
- A major part of IHL is contained in the four Geneva Conventions of 1949. Nearly every state in the world has agreed to be bound by them. The conventions have been developed and supplemented by two further agreements: the additional protocols of 1977 relating to protection of victims of armed conflicts.

- The following agreements and treaties are prohibiting the use of certain weapons and military tactics and protect certain categories of people and goods during conflict.
- International Humanitarian Law applies only in situations of armed conflict. Armed conflict may be international or non-international in nature. Armed conflict is international when one or more states resort to the use of armed force against another state.
- War of aggression, war of national liberation, war against alien occupation etc. are examples of International Armed Conflict.
- But many armed conflicts today are non-international in nature. Non-international armed conflicts are those in which government forces are fighting against armed insurgents, or rebel groups are fighting among themselves.
- International Humanitarian Law lays down rules that are applicable to both state and non-state actors. In international conflicts it must be observed by the states involved, whereas in non-international and internal conflict it binds the government, as well the groups fighting against it or among them. International Humanitarian Law also imposes obligations on individuals.
- A person may be held individually criminally responsible for "grave breaches" of the Geneva Conventions and of Additional Protocol I, and for other serious violations of the laws and customs of war (war crimes). International Humanitarian Law establishes universal jurisdiction over persons suspected of having committed all such acts.
- There is an International Criminal Court (ICC) situated at The Hague, Netherlands that began functioning on 1st July, 2002. The ICC has jurisdiction to prosecute individuals for international crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. As such, individuals will also be accountable for war crimes committed in non-international armed conflict.
- The basic rules of International Humanitarian Law are framed in the four Geneva Conventions of 1949 and the Optional Protocols adopted in 1977. These are international treaties that contain the most important

rules limiting the barbarity of war. These rules protect people who do not take part in the fighting (civilians, medical aid workers) and those who can no longer fight (wounded, sick and shipwrecked troops, prisoners of war).

- The Geneva Conventions came into force on 21 October 1950. Since then 194 states have ratified these treaties making it universally applicable. The need for Optional Protocols emerged when the world witnessed an increase in the number of non-international armed conflicts and war of liberation.
- In response, two Protocols additional to the four Geneva Conventions were adopted in 1977. The Protocol-I is intended to strengthen the protection of victims of international conflicts.
- Protocol-II exclusively deals with situations of non-international armed conflicts which first ever international treaty of this nature. In 2005, a third additional Protocol was adopted creating an additional emblem, the Red Crystal, which has the same international status as the Red Cross and Red Crescent emblem.
- Article 3 to Geneva Conventions is significant because it covers situations of non-international armed conflicts. These types of conflict are increasing rapidly since the Cold War period. They include civil wars, internal armed conflicts that spill over into other states or internal conflicts in which a third state or a multinational force intervenes alongside the government.
- International humanitarian law now includes several treaties that outlaw specific weapons. For example, cluster bombs, anti-personnel mines, boody-traps, incendiary weapons, blinding laser weapons etc. are restricted.
- These weapons cause death and injuries long after conflicts have ended. Unexploded land mines have caused up to 7000 deaths a year. An estimated 98% of these victims are civilian; farmers tilling their fields and children. The following treaties and conventions have strengthened International Humanitarian Law.



9.7 FURTHER READING

1. Croix-Rouge, Comité international de la. Customary International Humanitarian Law. ICRC.
2. Pert, Alison and Crawford, Emily. International Humanitarian Law. Cambridge University Press. 2020.



9.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. No. 1: International humanitarian law or IHL in short, also referred to as the laws of armed conflict, is the rules that regulate the conduct of war and conflict. International Committee of Red Cross defines, "International Humanitarian Law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflicts." It protects persons who are not participating in war (non-combatants) or are no longer participating and restricts the means and methods of warfare available to combatants.

Ans to Q. No. 2: Since the beginning of civilization, certain principles and customs regulated the conduct of hostilities. International Humanitarian Law is rooted in these humanitarian principles. However, these principles were recognized and respected as law only since the 19th century. This recognition process is called codification of International Law.

Ans to Q. No. 3: Serious violation of International Humanitarian Law is called war crime. Individual soldiers, military generals, head of the state or anyone who is engaged in war or conflict cannot escape from these laws if hostilities are conducted with a criminal attitude. The Nuremburg War Trials against the Nazi military generals and soldiers, after the Second World War, explained war crimes. The judges in their verdict said that individuals responsible for committing heinous war crimes even in the name of national interest are also punishable under International Law.

Ans to Q. No. 4: 1977

Ans to Q. No. 5: 1972

Ans to Q. No. 6: True

Ans to Q. No. 7: First Geneva Convention

Ans to Q. No. 8: (i) Persons who are not taking part in hostilities (non-combatant) in situation of armed conflicts shall be protected in all circumstances.

(ii) The wounded and the sick shall be cared for and protected by the party to the conflict which has them in its power.

Ans to Q. No. 9: (i) Use of weapons of mass-destruction (WMD) in conflict and war that cause heavy and inhuman causalities to non-combatants are prohibited.

(ii) Use of biological weapons like virus bomb; chemical weapons like poisonous gases are also prohibited.

Ans to Q. No. 10: Fourth Geneva Convention

Ans to Q. No. 11: True

Ans to Q. No. 12: 1997

Ans to Q. No. 13: To prohibit the use of bombs that scatter bomblets.

Ans to Q. No. 14: Convention for the Elimination of All Forms of Discrimination Against Women



9.9 POSSIBLE QUESTIONS

Q. 1 : What is the difference between international and non-international armed conflicts?

Q 2: Explain the meaning and nature of International Humanitarian Law.

Q 3: Discuss the origin and evolution of International Humanitarian Law.

Q 4: Write about the application of International Humanitarian Law.

Q 5: What is UN resolution 1325?

Q 6: What is Common Article 3?

Q 7: When did the Geneva Conventions come into force?

Q 8: Which Optional Protocol deals with situation of non-international conflicts?

Q 9: Write any five basic rules of International Humanitarian Law

Q 10: Write any five basic provisions of International Humanitarian Law.

*** ***** ***

UNIT 10: CONFLICT MANAGEMENT, CONFLICT RESOLUTION

UNIT STRUCTURE

10.1 Learning Objectives

10.2 Introduction

10.3 Concept of Conflict Management

10.4 Concept of Conflict Resolution (western and non-western approaches)

10.5 Let Us Sum Up

10.6 Further Reading

10.7 Answers to Check Your Progress

10.8 Possible Questions

10.1 LEARNING OBJECTIVES

After going through this unit, you will be able to know :

- explain the meaning of conflict management
- explain the types of peaceful conflict management methods
- discuss the concept of conflict management
- discuss the western and non-western approaches to conflict management

10.2 INTRODUCTION

Conflicts are natural in all walks of daily life- both at workplace and home. Conflict is ever present. But conflict is a complex and big subject. Conflict is a process that occurs in layers. It is something inevitable. It exists everywhere. Individual differences are a normal phenomenon as no two persons are the same. It is thus a normal part of life. Conflict is also multidimensional in nature as it manifests itself in different ways as per the degree of seriousness and capacity. Conflicts occur at various levels-within the family, within the nation and also among nations. Therefore, resolution or elimination of conflict requires the widening of the area of cooperation and the lessening of the area of conflict.

10.3 CONCEPT OF CONFLICT MANAGEMENT

The term 'conflict' has various different meanings. There is no unanimity among the scholars about what constitutes a conflict. One school in North America defines conflict in terms of clash of interests between two parties. According to Kenneth Boulding "conflicts over interests are situations in which some change makes at least one party better off and the other party worse off each in their own estimation". It is often used as a synonym for 'incompatible' or 'irreconcilable'. For example, we often refer to conflicting beliefs, values or loyalities. A conflict starts when there exists two different sets of interests, aims, values, and beliefs. In simple words, conflict can be defined as a state of affairs characterized by the existence of an incompatible aspect of relationship. But, a conflict exists only when the incompatibility of interests and values is perceived by both the parties concerned. At the initial stage, a conflict is always called a latent or covert conflict. This means that the conflict exists only at the initial level at which both the parties perceive their interests as incompatible. But, a latent or covert conflict becomes an overt conflict when both the parties concerned decide to resolve it by a behaviour that is likewise incompatible or mutually injurious, often involving the use of physical violence. This implies that a latent conflict exists when the incompatible interests is perceived and it is transformed into an overt conflict when the incompatibility of interests is sought to be resolved by incompatible means including use of physical violence. According to Chester Barnard conflict is "the zone of indifference". The concept of conflict applies to almost all its forms, viz., economic, national or international. International conflict is the most important as it is the competition among states marked by a dramatic alternation of peace and war.

Conflict management is a concept which implies not only about dealing with the conflict but also it denotes the management of conflict in violent or competitive and non-violent or cooperative ways. In the present world, the field is burgeoning with institutions, organizations- private , multilateral and individual consultants who are specialized in managing conflicts.

The term *'conflict management'* can defined as the process of limiting the negative aspects of conflict while increasing the positive aspects of conflict. The main aim of conflict management is to enhance learning and group outcomes including effectiveness or performance in an organizational setting. Conflict management is the principle that all conflicts cannot necessarily be resolved but learning how to manage conflicts can decrease the odds of non-productive escalation. Conflict management involves acquiring skills related to conflict resolution, self-awareness about conflict modes, conflict communication skills and also establishing a structure for management of conflict in your environment. It can be stated here that all members of every organization need to have ways of keeping conflict to a minimum and also solving problems caused by conflict before conflict becomes a major obstacle to your work. Means and measures of how to deal with conflict date back to even biblical days. However, besides religious framework, conflict management also has its roots spanning from interpersonal skills to organizational measures and industrial to international relations.

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Conflict management in international relations is not only a concept about dealing with the conflict rather it denotes the management of conflict

in violent or competitive and non-violent or cooperative ways. An attempt to define conflict management is not very easy. It is a dynamic concept with blurry boundaries. In simple words, Dennis Sandole says , "conflict management is about ways in which parties try to deal with conflict. Today the field is burgeoning with institutions, organizations- private, multilateral and individual consultants who specialize in managing conflicts. Various literature on conflict management covers a wide territory. Means and measures of how to deal with conflict date back to even biblical days. However, besides religious framework, conflict management also has its roots spanning from interpersonal skills to organizational measures and industrial to international relations.

In the world, there are many international conflicts and such conflicts usually exist between nations, states or peoples. But it is also a fact that international conflicts do not include always conflicting states. In fact, sometimes the conflict could be inside the state's borders and still it is considered as an international conflict if it is creates a threat to international peace and universal values such as violation of human rights or right for self-determination. It must be mentioned here that international conflicts have serious consequences like war or political and economic instability. In order to prevent such consequences and resolve a conflict peacefully many peace movements have emerged and also a multitude of international organizations are established. To settle a conflict peacefully, even warring parties can try negotiate and then reach an agreement which will be quite beneficial for all. However, in many cases it is not easy to resolve a conflict only by state negotiation, and it further needs external intervention from some international organizations like the United Nations or other international organizations like the Peace Corps. These type of interventions are known as mediations and mediation is a kind of conflict management method which helps the states in times when their negotiations are almost in the path of failure or when it reaches a deadlock. For ongoing or frozen conflicts the mediators can even employ military, political or economic interventions. Mediation has been one of the most popular approaches to conflict management and conflict resolution. It is the most productive

international conflict management approach. Since the end of the Cold War, the UN has become an objective international actor for taking part in peace-building and conflict resolution using various techniques, tools and approaches. The UN sustains various peacekeeping operations all over the world. The cost of such efforts has increased considerably since 1980s. According, to Goulding, "peacekeeping is a process which aims to control and prevent international military conflicts". The United Nations uses various risk assessment approaches in conflict management and resolution to monitor each situation and also proposes communication between the conflicting parties in the ongoing conflict to prevent critical situation and violence. The role played by the UN regarding conflict management has gained immense recognition and scholarly attention since the past . For creation of peaceful environment and to prevent conflict, peace workers apply various conflict resolution strategies which are helpful to a considerable extent. As a result, the concept of Intercultural conflict management emerged which made it to analyze conflicts and find the ways to reduce international tension. According to Ting-Toomey and Oetzel, "intercultural conflict management is a process that relies on cooperation and mutual respect in order to satisfy mutual interests. Bercovitch said that there are **three types of peaceful conflict management methods -** diplomatic, legal and political.

In case of the diplomatic type, negotiation is considered to be the problem-solving process that relies on cooperation and mutual respect to satisfy mutual interests.

The legal type is a kind of conflict management method in which the conflicting parties use when they do not want to involve external power and want to control conflict by themselves. This kind of conflict management is legal and it means states are trying to create a new international law or submit a conflict to the international courts or tribunals. In this kind of conflict management, the states decline all responsibility for the conflict and do not keep it under its control.

Political type of conflict management is something which is political and results in the establishment of international organizations. These

organizations are like the UN or regional groups such as African Union or European Union which takes various measures to resolve conflict or provide warring parties with humanitarian aid. These organizations have the express purpose for achieving peace. Whatever decisions are taken by these organizations are taken by the government of the concerned countries, but not the judges which is the difference between the legal types of conflicts management. In such situations, the states pass on the responsibilities to the external agencies and they do not control the conflict anymore. Thus, when these international agencies are involved in such conflicts, they need to offer the conflicting parties more than they can do by themselves during bilateral negotiation. Thus, the international agencies take negotiations into their own hands, also undertakes the intercultural conflict management and use the culture-sensitive skills and treat everyone with respect.



CHECK YOUR PROGRESS

Q.1: Write the meaning of conflict?

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Q.2: Since the end of the Cold War, the UN has become an objective international actor for taking part in peace-building and conflict resolution using various techniques, tools and approaches. (True/ False)

.....

Q.3: Mention the three types of conflict management methods.

.....

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.....

Q.4: In case of the diplomatic type, …… is considered to be the problem-solving process. (Fill in the blank)

10.4 CONCEPT OF CONFLICT RESOLUTION (WESTERN AND NON-WESTERN APPROACHES)

Conflict resolution simply is conceptualized as the methods and process which involves facilitating the peaceful ending of conflict and retribution. It is process where two parties to find a peaceful solution to disagreement among them. The committed group members attempt to resolve the conflicts through active participation in communicating information about their conflicting motives or ideologies to the rest of the group and then engage in collective negotiation also. The dimensions of conflict resolution typically parallel the dimensions of conflict in the way how the conflict is processed. There are a wide range of methods and procedures for addressing conflict like negotiation, mediation, mediation-arbitration, diplomacy and creative peace-building. The term 'conflict resolution' is sometimes used interchangeably with dispute resolution in which arbitration and litigation processes are critically involved. Concept resolution is a concept that can be thought to encompass the use of non-violent resistance measures by conflicted parties in order to promote effective resolution.

Conflict resolution primarily aims at the satisfaction of basic human needs and it believes that the non-fulfillment of basic human needs is at the root of violent conflicts. Conflict is essentially a subjective phenomenon and therefore its resolution must involve analysis and reconstruction of perception of beliefs about attitudes towards the other side improving communication and facilitating the development of trust and cooperation between the hostile groups and individuals. Mahatma Gandhi too believed that conflict was the result of structural denial of human needs. For him, conflict resolution entails a facilitated problem-solving process that is interactive, analytical and actively involves all the individuals and identity groups directly concerned. In between the two extremes of avoiding conflict and responding to it with violence, each and every society and culture all over the world has developed structured and active conflict resolution approaches to address actual and potential conflicts between individuals, groups and communities.

Western Approaches to Conflict Resolution:

Most of the western approaches to conflict resolution require the usage of a go-between or an intermediary. According to Heidi Burgess, intermediaries are people , organizations or nations who enter a conflict with the aim of trying to help the disputants de-escalate or resolve it. Intermediaries can play various kinds of roles whether active or passive, depending on the circumstances and the kind of help the disputants require from them. However, sometimes the hostile individuals or groups may decide to resolve the conflict on their own initiative by discussing the issues between themselves without involving any intermediary. If the discussion does not work out, then one could move to the process of one to one negotiation. As human beings, we negotiate all the time and therefore negotiation is considered the most simple and widely prevalent skill of negotiation that is used in conflict resolution as a strategy.

If the stakeholders are not able to work out a solution on their own, either through discussion or negotiation, then they may take assistance from an intermediary. The intermediary may initially focus on the process of conciliation where she or he has the limited role of focusing on reducing hostilities. Beyond this, one could move to the process of mediation and seek active assistance from the intermediary in exploring options and negotiating a settlement. When sometimes people in a conflict find it difficult to negotiate one-on-one when issues are complex, emotions are intense or stakes are high then mediation becomes an option for managing conflicts constructively. Mediation implies a process through which a neutral third person or an intermediary facilitates integrative negotiation between disputants. But, the responsibility to decide on acceptable solutions is ultimately in the hands of the contending parties.

If the conflicting parties are still not satisfied, the disputants could resort to the process of **arbitration** whereby disputes are sought to be resolved by an independent third party. **Arbitration** implies a procedure to resolve disputes outside the courts. The arbitrator would behave like a judge, decide on the right and wrong and impose a decision to end the conflict.

Adjudication refers to a settlement of a dispute by a court. When all else fails, the conflicting parties may take recourse to the formal means of settling their dispute through judicial means or through a court of law. However, this is an expensive way of resolving conflicts.

In the early history of Western societies negotiation and mediation as instruments of peaceful conflict resolution have existed but they were institutionalized as means of peaceful resolution of inter-state conflicts only in the 20th century.

Relationships are key to human existence, therefore, dialogue is the best medium through which differences could be ended between disputants and peace could be built. Dialogue means to sit and talk with each other and trying to iron out differences. If dialogue is a process or the end then the means through which the process is conducted is known as facilitation. It is a process of helping a group complete a task, solve a problem or come to an agreement to the mutual satisfaction of the people participating in the dialogue or discussion.

Non-Western Approach to Conflict Resolution:

Under the non-western approach, the Gandhian method of conflict resolution that is 'Satyagraha' is the best example which basically means "a relentless search for truth and a determination to reach truth". Satyagraha as conceived by Gandhi is a dialectical process that is creative, constructive and centrally concerned with human needs. In order to resolve conflict Gandhi employed a combination of three basic approaches. Firstly, the method of Satyagraha which implied cooperation with the opponent as a person but non-cooperation with the opponent's role in the context of the social structure and the unjust policies pursued by the latter. Gandhi saw conflict as built into social structures and not into people. Therefore, he made a clear distinction between the actor and the deed. Secondly, Gandhi was ready to cooperate with the opponents whenever possible throughout the struggle, aimed at transforming their hearts in order to build relationships and to create the basis for a sound post-conflict life. Thirdly, Gandhi sought synthesis or transcendence that was mutually agreeable and satisfactory

to all parties and superior to any one of the original positions with the aim of creating new choices and restructuring the opposing elements of a conflict. This would include correction in the attitudes, reversal of behavioural polarization patterns and removal of the goal incompatibility. The main aim of Gandhiji's Satyagraha is neither to harm the opponent nor to impose on them a solution against their will; rather it seeks to help the parties achieve a more secure, creative and truthful relationship. Besides Satyagraha is not used against someone, but it is done with someone. The core idea being that moral appeal to the heart and conscience is much more effective than violence or pain. According to Gandhi's view, conflict is the result of structural denial of human needs and conflict resolution thus requires a method of struggle that satisfies three conditions: it must destoy need-denying structures, create need-satisfying structures and respect the needs of the conflicting parties during the struggle itself. Satyagraha was thus Gandhi's attempt to devise a method of struggle that satisfied all the three conditions.

Thus, it can be concluded that the both the western and non-western (Gandhian approach) approaches to conflict resolution believe that the denial of human needs causes conflict and damages relationships. Both agree that restoring relationships through facilitated methods of problem-solving is thus the main aim of conflict resolution.



CHECK YOUR PROGRESS

Q.5: Write briefly about the role of an intermediary in conflict resolution ?

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Q.6: The core idea of Satyagraha is that moral appeal to the heart and conscience is much more effective than violence or pain. (True/False)

.....



10.5 LET US SUM UP

- The term 'conflict' has various different meanings. There is no unanimity among the scholars about what constitutes a conflict. One school in North America defines conflict in terms of clash of interests between two parties. According to Kenneth Building "conflicts" over interests are situations in which some change makes at least one party better off and the other party worse off each in their own estimation".
- It is often used as a synonym for 'incompatible' or 'irreconcilable'. For example; we often refer to conflicting beliefs, values or loyalities. A conflict starts when there exist two different sets of interests, aims, values, and beliefs. In simple words, conflict can be defined as a state of affairs characterized by the existence of incompatible aspect of relationship.
- But a conflict exists only when the incompatibility of interests and values is perceived by both the parties concerned. At the initial stage a conflict is always called a latent or covert conflict. This means that the conflict exists only at the initial level at which both the parties perceive their interests as incompatible.
- But a latent or covert conflict becomes an overt conflict when both the parties concerned decide to resolve it by a behaviour that is likewise incompatible or mutually injurious. This implies that a latent conflict exists when the incompatible interests are perceived and it is transformed into an overt conflict when the incompatibility of interests is sought to be resolved by incompatible means.
- According to Chester Barnard conflict is "the zone of indifference". The concept of conflict applies to almost all its forms viz, economic, national or international. International conflict is the most important as it is the competition of states marked by a dramatic alternation of peace and war.
- Coming to 'conflict management' it can defined as the process of limiting the negative aspects of conflict while increasing the positive

aspects of conflict. The main aim of conflict management is to enhance learning and group outcomes including effectiveness or performance in an organizational setting.

- Conflict management is the principle that all conflicts cannot necessarily be resolved but learning how to manage conflicts can decrease the odds of non-productive escalcation. Conflict management involves acquiring skills related to conflict resolution, self-awareness about conflict modes, conflict communication skills and also establishing a structure for management of conflict in your environment.
- It can be stated here that all members of every organization need to have ways of keeping conflict to a minimum and also solving problems caused by conflict before conflict becomes a major obstacle to your work.
- Conflict management in international relations is not only a concept about dealing with the conflict rather it denotes the management of conflict in violent or competitive and non-violent or cooperative ways. An attempt to define conflict management is not very easy. It is a dynamic concept with blurry boundaries.
- In the world, there are many international conflicts and such conflicts usually exist between nations, states or peoples. But it is also a fact that international conflicts do not include always conflicting states.
- In fact, sometimes the conflict could be inside the state's borders and still it is considered as an international conflict if it is creates a threat to international peace and universal values such as violation of human rights or right for self-determination.
- It must be mentioned here that international conflicts have serious consequences like war or political and economic instability. In order to prevent such consequences and resolve a conflict peacefully many peace movements have emerged and also a multitude of international organizations are established.
- To settle a conflict peacefully, even warring parties can try negotiate and then reach an agreement which will be quite beneficial for all. However, in many cases it is not easy to resolve a conflict only by state negotiation, and it further needs external intervention from some

international organizations like the United Nations or other international organizations like the Peace Corps.

- These type of interventions are known as mediations and mediation is a kind of conflict management method which helps the states in times when their negotiations are almost in the path of failure or when it reaches a deadlock. For ongoing or frozen conflicts the mediators can even employ military, political or economic interventions.
- Mediation has been one of the most popular approaches to conflict management and conflict resolution. It is the most productive international conflict management approach. Since the end of the Cold War, the UN has become an objective international actor for taking part in peace-building and conflict resolution using various techniques, tools and approaches.
- The UN sustains various peacekeeping operations all over the world. The cost of such efforts has increased considerably since 1980s. According, to Goulding, "peacekeeping is a process which aims to control and prevent international military conflicts".
- The United Nations uses various risk assessment approaches in conflict management and resolution to monitor each situation and also proposes communication between the conflicting parties in the ongoing conflict to prevent critical situation and violence.
- The role played by the UN regarding conflict management has gained immense recognition and scholarly attention since the past. For creation of peaceful environment and to prevent conflict, peace workers apply various conflict resolution strategies which are helpful to a considerable extent.
- As a result, the concept of Intercultural conflict management emerged which made it to analyze conflicts and find the ways to reduce international tension. According to Ting-Toomey and Oetzel, "intercultural conflict management is a process that relies on cooperation and mutual respect in order to satisfy mutual interests. Bercovitch said that there are three types of peaceful conflict management methods - diplomatic, legal and political.

- In case of the diplomatic type, negotiation is considered to be the problem-solving process that relies on cooperation and mutual respect to satisfy mutual interests.
- The legal type is a kind of conflict management method in which the conflicting parties use when they do not want to involve external power and want to control conflict by themselves.
- This kind of conflict management is legal and it means states are trying to create a new international law or submit a conflict to the international courts or tribunals. In this kind of conflict management, the states decline all responsibility for the conflict and do not keep it under its control.
- Political type of conflict management is something which is political and results in the establishment of international organizations. These organizations are like the UN or regional groups such as African Union or European Union which takes various measures to resolve conflict or provide warring parties with humanitarian aid.
- These organizations have the express purpose for achieving peace. Whatever decisions are taken by these organizations are taken by the government of the concerned countries, but not the judges which is the difference between the legal types of conflicts management.
- In such situations, the states pass on the responsibilities to the external agencies and they do not control the conflict anymore. Thus, when these international agencies are involved in such conflicts, they need to offer the conflicting parties more than they can do by themselves during bilateral negotiation.
- Thus, the international agencies take negotiations into their own hands, also undertakes the intercultural conflict management and use the culture-sensitive skills and treat everyone with respect.
- Conflict resolution simply is conceptualized as the methods and processes which involve facilitating the peaceful ending of conflict and retribution. It is a process where two parties to find a peaceful solution to disagreement among them.
- The committed group members attempt to resolve the conflicts through

active participation in communicating information about their conflicting motives or ideologies to the rest of the group and then engage in collective negotiation also.

- The dimensions of conflict resolution typically parallel the dimensions of conflict in the way how the conflict is processed. There are a wide range of methods and procedures for addressing conflict like negotiation, mediation, mediation-arbitration, diplomacy and creative peace-building.
- The term 'conflict resolution' is sometimes used interchangeably with dispute resolution in which arbitration and litigation processes are critically involved. Concept resolution is a concept that can be thought to encompass the use of non-violent resistance measures by conflicted parties in order to promote effective resolution.
- Conflict resolution primarily aims at the satisfaction of basic human needs and it believes that the non-fulfillment of basic human needs is at the root of violent conflicts. Conflict is essentially a subjective phenomenon and therefore its resolution must involve analysis and reconstruction of perception of beliefs about attitudes towards the other side improving communication and facilitating the development of trust and cooperation between the hostile groups and individuals.
- Mahatma Gandhi too believed that conflict was the result of structural denial of human needs. For him, conflict resolution entails a facilitated problem-solving process that is interactive, analytical and actively involves all the individuals and identity groups directly concerned.
- In between the two extremes of avoiding conflict and responding to it with violence, each and every society and culture all over the world has developed structured and active conflict resolution approaches to address actual and potential conflicts between individuals, groups and communities.
- Most of the western approaches to conflict resolution require the usage of a go-between or an intermediary. According to Heidi Burgess, intermediaries are people , organizations or nations who enter a conflict with the aim of trying to help the disputants de-escalate or resolve it.

- Intermediaries can play various kinds of roles whether active or passive, depending on the circumstances and the kind of help the disputants require from them. However, sometimes the hostile individuals or groups may decide to resolve the conflict on their own initiative by discussing the issues between themselves without involving any intermediary.
- If the discussion does not work out, then one could move to the process of one to one negotiation. As human beings, we negotiate all the time and therefore negotiation is considered the most simple and widely prevalent skill of negotiation that is used in conflict resolution as a strategy.
- If the stakeholders are not able to work out a solution on their own, either through discussion or negotiation, then they may take assistance from an intermediary. The intermediary may initially focus on the process of conciliation where she or he has the limited role of focusing on reducing hostilities.
- Beyond this, one could move to the process of mediation and seek active assistance from the intermediary in exploring options and negotiating a settlement. When sometimes people in a conflict find it difficult to negotiate one-on-one when issues are complex, emotions are intense or stakes are high then mediation becomes an option for managing conflicts constructively.
- Mediation implies a process through which a neutral third person or an intermediary facilitates integrative negotiation between disputants. But, the responsibility to decide on acceptable solutions is ultimately in the hands of the contending parties.
- If the conflicting parties are still not satisfied, the disputants could resort to the process of arbitration whereby disputes are sought to be resolved by an independent third party. Arbitration implies a procedure to resolve disputes outside the courts. The arbitrator would behave like a judge, decide on the right and wrong and impose a decision to end the conflict.
- Adjudication refers to a settlement of a dispute by a court. When all else fails, the conflicting parties may take recourse to the formal means

of settling their dispute through judicial means or through a court of law. However, this is an expensive way of resolving conflicts.

- In the early history of Western societies negotiation and mediation as instruments of peaceful conflict resolution have existed but they were institutionalized as means of peaceful resolution of inter-state conflicts only in the 20th century.

Relationships are key to human existence, therefore, dialogue is the best medium through which differences could be ended between disputants and peace could be built. Dialogue means to sit and talk with each other and trying to iron out differences. If dialogue is a process or the end then the means through which the process is conducted is known as facilitation. It is a process of helping a group complete a task, solve a problem or come to an agreement to the mutual satisfaction of the people participating in the dialogue or discussion.

- Under the non-western approach, the Gandhian method of conflict resolution that is 'Satyagraha' is the best example which basically means "a relentless search for truth and a determination to reach truth".
- Satyagraha as conceived by Gandhi is a dialectical process that is creative, constructive and centrally concerned with human needs. In order to resolve conflict Gandhi employed a combination of three basic approaches.
- Firstly, the method of Satyagraha which implied cooperation with the opponent as a person but non-cooperation with the opponent's role in the context of the social structure and the unjust policies pursued by the latter. Gandhi saw conflict as built into social structures and not into people.
- Therefore, he made a clear distinction between the actor and the deed. Secondly, Gandhi was ready to cooperate with the opponents whenever possible throughout the struggle, aimed at transforming their hearts in order to build relationships and to create the basis for a sound post-conflict life.
- Thirdly, Gandhi sought synthesis or transcendence that was mutually agreeable and satisfactory to all parties and superior to any one of the

original positions with the aim of creating new choices and restructuring the opposing elements of a conflict. This would include correction in the attitudes, reversal of behavioural polarization patterns and removal of the goal incompatibility. The main aim of Gandhiji's Satyagraha is neither to harm the opponent nor to impose on them a solution against their will; rather it seeks to help the parties achieve a more secure, creative and truthful relationship.

- Besides Satyagraha is not used against someone, but it is done with someone. The core idea being that moral appeal to the heart and conscience is much more effective than violence or pain.
- According to Gandhi's view, conflict is the result of structural denial of human needs and conflict resolution thus requires a method of struggle that satisfies three conditions: it must destoy need-denying structures, create need-satisfying structures and respect the needs of the conflicting parties during the struggle itself. Satyagraha was thus Gandhi's attempt to devise a method of struggle that satisfied all the three conditions.
- Thus, it can be concluded that the both the western and non-western (Gandhian approach) approaches to conflict resolution believe that the denial of human needs causes conflict and damages relationships. Both agree that restoring relationships through facilitated methods of problem-solving is thus the main aim of conflict resolution.



10.6 FURTHER READING

1. Kumar, Mahendra. *Theoretical Aspects of International Politics*. Shiva Lal Agarwal & Company.
2. Baylis, John, Smith Steve and Patricia Owens. *The Globalization of World Politics: An Introduction to International Relations*. Oxford University Press.
3. Chandra Prakash. *Theories of International Relations*. New Delhi. Vikash Publishing House.

4. *The Anatomy of Peace: How to Resolve the Heart of Conflict*. The Arbinger Institute.



10.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. No. 1: The term 'conflict' has various different meanings. There is no unanimity among the scholars about what constitutes a conflict. One school in North America defines conflict in terms of clash of interests between two parties. According to Kenneth Boulding "conflicts over interests are situations in which some change makes at least one party better off and the other party worse off each in their own estimation". It is often used as a synonym for 'incompatible' or 'irreconcilable'. For example, we often refer to conflicting beliefs, values or loyalities. A conflict starts when there exists two different sets of interests, aims, values, and beliefs. In simple words, conflict can be defined as a state of affairs characterized by the existence of an incompatible aspect of relationship. But, a conflict exists only when the incompatibility of interests and values is perceived by both the parties concerned. At the initial stage, a conflict is always called a latent or covert conflict. This means that the conflict exists only at the initial level at which both the parties perceive their interests as incompatible. But, a latent or covert conflict becomes an overt conflict when both the parties concerned decide to resolve it by a behaviour that is likewise incompatible or mutually injurious, often involving the use of physical violence. This implies that a latent conflict exists when the incompatible interests is perceived and it is transformed into an overt conflict when the incompatibility of interests is sought to be resolved by incompatible means including use of physical violence.

Answer to Q. No. 2 : True

Answer to Q. No. 3 : negotiation

Answer to Q. No. 4 : Conflict resolution simply is conceptualized as the

methods and process which involves facilitating the peaceful ending of conflict and retribution. It is process where two parties to find a peaceful solution to disagreement among them.

Ans to Q. No.. 5: If the stakeholders are not able to work out a solution on their own, either through discussion or negotiation, then they may take assistance from an intermediary. The intermediary may initially focus on the process of conciliation where she or he has the limited role of focusing on reducing hostilities. Beyond this, one could move to the process of mediation and seek active assistance from the intermediary in exploring options and negotiating a settlement. When sometimes people in a conflict find it difficult to negotiate one-on-one when issues are complex, emotions are intense or stakes are high then mediation becomes an option for managing conflicts constructively. Mediation implies a process through which a neutral third person or an intermediary facilitates integrative negotiation between disputants. But, the responsibility to decide on acceptable solutions is ultimately in the hands of the contending parties.

Ans to Q. No 6: True



10.8 POSSIBLE QUESTIONS

Q. 1 : Write the meaning of the term "conflict" ?

Q. 2 : Define conflict management.

Q. 3 : What is mediation?

Q. 4 : Write a short note on conflict.

Q. 5 : What are the various methods of conflicts management. Briefly explain.

Q. 6 : Discuss the concept of conflict resolution and the approaches to conflict resolution.

Q. 7 : What is conflict management? Discuss the various kinds of conflict management methods.

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UNIT 11: CONFLICT SETTLEMENT, CONFLICT TRANSFORMATION

UNIT STRUCTURE

11.1 Learning Objectives

11.2 Introduction

11.3 Conflict Settlement and Conflict Transformation

11.3.1 Conflict Settlement

11.3.2 Conflict Transformation

11.4 Approaches to Conflict Management

11.5 Let Us Sum Up

11.6 Further Reading

11.7 Answers to Check Your Progress

11.8 Possible Questions

11.1 LEARNING OBJECTIVES

After going through this unit, you will be able to :

- explain the meaning of conflict management
- explain the concept of conflict transformation
- discuss the traditional approaches to conflict transformation
- discuss the systemic approach to conflict transformation

11.2 INTRODUCTION

An attempt to define conflict management is not that easy. In fact, it is a dynamic concept with blurry boundaries. Simply speaking, according to Dennis Sandole conflict management is about ways in which parties try to deal with conflict. The simplest view of conflict management obscures its processual and power dynamisms. The literature on conflict management covers a wide territory. Another important concept in the realm of conflict studies is that of conflict transformation which aims at transforming negative destructive conflict into positive constructive conflict.

11.3 CONFLICT SETTLEMENT AND CONFLICT TRANSFORMATION

11.3.1 Conflict Transformation

Conflict settlement means an approach aimed at reaching an agreement between the parties through negotiation and bargaining. As per this approach, none of the parties involved in the conflict may achieve all of their goals, but the goal is to achieve a mutually compatible compromise acceptable to all the parties. The process of settlement involves making concessions from both sides. There are third party mediators in settlement-type process who who make use of different strategies including pressure, inducements and/ or threats in order to compel the conflicting parties to agree to a compromise solution. Very often, a settlement is the quickest solution to a difficult or violent situation. However, it is argued by critics that a settlement is not the solution to bringing durable peace. The underlying relationships and structures, which had led to the conflict, remain unaddressed. In practice, conflicts that have reached settlements often resurface. For instance, the Versailles Peace Treaty which ended World War I imposed harsh conditions on the defeated power, namely, Germany. However, this settlement failed to resolve the root causes of the conflict. Although the Treaty of Versailles brought an end to the open hostilities of the war, it actually paved the way for future conflict to break out in the subsequent years. (Source: http:// www.netuni.nl/courses/conflict1/week1/1.3_week.html)

11.3.2 Conflict Transformation

The term 'conflict transformation' can be defined as a concept which is designed to reframe the way in which peace-building initiatives are discussed and pursued specially in the context of ethnic conflict. Traditionally, the emphasis has been on conflict resolution and conflict management methods which mainly focus on reducing or defusing outbreaks of hostility. Conflict transformation

puts greater weight on addressing the underlying conditions which give rise to that conflict preferably well in advance of any hostility but also to ensure a sustainable peace. It attempts to make explicit and then reshape the social structures and dynamics behind the conflict. Conflict transformation is a process of engaging with and transforming the relationship, interests, discourses and when necessary the very constitution of society that supports the continuation of violent conflict. Conflict transformation, as a concept, aims to transform negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict.

The concept of conflict transformation approaches differ from those of conflict management or conflict resolution. Conflict management seeks to merely manage and contain conflict and conflict resolution approaches seek to move conflict parties away from zero-sum positions towards positive outcomes often with the help of external actors. On the other hand, conflict transformation involves transforming the relationships that support violence. The theory and practice of conflict transformation are often associated with the academics and practitioners Johan Galtung and John Paul Lederach. According to Lederach conflict transformation is "to envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships". Lederach further says "Conflict transformation pursues the development of change processes which explicitly focus on creating positives from the difficult or negative. It encourages greater understanding of underlying relational and structural patterns while building creative solutions that improve relationships".

According to the Institute for Conflict Transformation and Peacebuilding (ICP), "Conflict transformation, in contrast to conflict

resolution, does not only seek to resolve the contradiction in a conflict setting. It also aims at addressing structural and social root causes by challenging injustices and restoring human relations and it deals with ethnical and value-based dimensions. Conflict transformation is not only an approach or a tool but primarily a mindset. Conflict transformation, according to our 3 Cs approach, needs to be comprehensive, compassionate and creative". (Source: https://www.revolvy.com/page/Conflict-transformation?cr=1)

According to the international non-profit organization, namely, Search for Common Ground, "conflict transformation initiatives are often characterized by longtime horizons and interventions at multiple levels aimed at changing perceptions and improving communications skills addressing the roots of conflict, including inequality and social injustice". (Source: https://www.revolvy.com/page/Conflict-transformation)

There is a set of principles of conflict transformation developed by TransConflict which contribute to the conceptual debate about conflict transformation. These are -

- Conflict should not be regarded as an isolated event that can be resolved or managed but as an integral part of society's on-going evolution and development
- Conflict should not be understood solely as an inherently negative and destructive occurrence but rather as a potentially positive and productive force for change if harnessed constructively
- Conflict transformation goes beyond merely seeking to contain and manage conflict but instead seeks to transform the root causes of a particular conflict
- Conflict transformation is a long-term, gradual and complex process, requiring sustained engagement and interaction
- Conflict transformation is not just an approach and set of techniques but a way of thinking about and understanding conflict itself

- Conflict transformation is particularly intended for intractable conflicts where deep-rooted issues fuel protracted violence
- Conflict transformation adjusts to the ever-changing nature of a conflict particularly during pre-and-post violence phases and at any stage of the escalation cycle.
- Conflict transformation is always a non-violent process which is fundamentally opposed to violent expressions of conflict
- Conflict transformation addresses a range of dimensions- the micro-meso-and macro levels; local and global
- Conflict transformation is concerned with five specific types of transformation, focusing upon the structural, behavioural and attitudinal aspects of conflict: actors, contexts, issues, rules and structures.
- For conflict transformation to occur, tensions between parties to conflict must be overcome first by ensuring all actors recognize that their respective interests are not served by resorting to violence and secondly by seeking consensus on what should be transformed and how
- Conflict transformation stresses the human dimension by reminding parties of the compatible nature of their needs, instead of emphasizing their opposing interests and by rejecting unilateral decisions and action which may represent victory of one over the other
- Conflict transformation does not resort to a predetermined set of approaches and actions, but respects and adapts to the particularities of a given setting
- Conflict transformation looks beyond visible issues and is characterized by creative problem-solving incorporating the perspectives of a broad array of actors including those typically marginalized from such considerations
- Conflict transformation invariably involves a third impartial party in order to help actors exchange cognitive and emotional views

of each other and thereby helping to break down divisions between 'us' and 'them'

- Conflict transformation represents an ambitious and demanding task which is better equipped to cope with the asymmetric, complex and protracted nature of contemporary conflicts than prevailing techniques and approaches

Conflict transformation views peace as centered and rooted in the quality of relationships. These relationships have two dimensions: our face-to-face interactions and the ways we structure our social, political, economic and cultural relationships.



CHECK YOUR PROGRESS

Q.1: Write the meaning of conflict settlement ?

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.....

Q.2: The theory and practice of conflict transformation are often associated with the academics and practitioners, namely, Johan Galtung and John Paul Lederach. (True/False)

.....

11.4 APPROACHES TO CONFLICT TRANSFORMATION

There are many violent conflicts in the world and for overcoming there emerged the concept of conflict transformation. In this context, the name of traditional approaches and systematic approaches could be mentioned. In most societies, especially in the developing world, there are traditional institutions and structures which have contributed towards conflict transformation at a local level. Again, there is also the theory of systemic conflict transformation. Under certain circumstances recourse to traditional approaches has made sense and in some others the systematic approach.

- **Traditional Approaches to Conflict Transformation**

Traditional approaches to conflict transformation are basically based on customs and vary considerably from society to society, from region to region and from community to community. In fact, there are so many different traditional approaches to conflict transformation as there are different societies and communities with a specific history, specific culture and also specific customs in the global south. There is no one single general concept of traditional conflict transformation. Rather, traditional approaches are always context specific and this is a decisive feature of traditional approaches and this is an important indicator of the difference between traditional and modern approaches. In principle, traditional approaches are specific, not universally applicable whereas modern approaches aims at universal applicability.

From a traditional point of view conflict is perceived as an unwelcome disturbance of the relationship within the community. Traditional conflict transformation thus aims at the restoration of order and harmony in the community. Cooperation between conflict parties in the future has to be guaranteed and thus traditional conflict management is thus geared towards the future. Reconciliation is necessary for the restoration of social harmony of the community in general and of social relationships between conflict parties in particular. The aim is not to punish but to restore good relations. Restorative justice means compensation for loss not retribution of offence. Traditional approaches generally follow the line of restorative justice instead of punitive justice. Thus, the ultimate aim of conflict transformation is the restoration of relationships.

Then traditional approaches cannot be compartmentalized into political or juridical or otherwise. In fact, they are holistic, comprising social, economic, cultural and religious-spiritual dimensions. This is in accordance with the entirety of traditional lifestyles and worldviews in which the different spheres of societal life are hardly separated. Traditional approaches do not provide a panacea for conflict transformation that can be utilized at all times in all situations. Rather, their applicability is confined to specific conditions.

Traditional approaches to conflict transformation are not state-centric and because of that they are credited with legitimacy by the communities in which they are sought. Sometimes, traditional approaches could be observed particularly under conditions of state failure and state collapse.

Traditional approaches provide for inclusion and participation. They take into consideration the fact that all parties and every member of each party involved in the conflict is responsible for the conflict and therefore, everybody also has the responsibility for its solution. A solution can be achieved by consensus.

But there are five major weaknesses also matched to the strengths of the traditional approaches. These are as follows:

i) Traditional conflict transformation approach does not necessarily put an end to violence in the long term.

ii) Traditional approaches may contradict universal standards of human rights and democracy.

iii) Traditional approaches have a limited sphere of applicability. They are confined to a relatively small community context to the 'we' group of family, clan, village or neighbouring communities. Transformation of traditional approaches from the local context to larger societal contexts with a lot more and much more diverse actors poses serious difficulties.

iv) Traditional approaches are preservative. They are geared towards the preservation of the status-quo or the restoration of the good old order.

v) Traditional approaches are open to abuse. There are many examples of traditional authorities abusing their powers for their own benefit and to the detriment of the weaker members of traditional communities.

Thus, traditional approaches give us wider insights for conflict transformation processes more generally.

- **Systemic Approach to Conflict Transformation**

The explicit aim of systemic conflict transformation is to contribute to reducing violence in conflicts and mobilize the system's own internal resources. Systems display boundaries and sub-systems. These perform specific functions within the system and exhibit their own patterns of interaction with the system elements. However, systemic approaches are relevant because they make a meaningful contribution to reducing the complexity in the conflict.

Systemic conflict transformation is based on the recognition that highly escalated inter-group conflicts constitute highly complex 'systems'. Systemic conflict transformation is based on a series of normative assumptions which are extremely important.

These are :

i) The need for a peaceful and constructive transformation of conflict systems.

ii) Support for processes of comprehensive social change is desirable and necessary for a transformative approach.

iii) Local actors must be in the driving seat of social change.

iv) The need for a holistic human rights approach.

iv) The systematic approach is committed to protecting and promoting human rights and humanitarian norms and principles.

v) The systemic approach is an inclusive approach in which the interests and legitimate needs of all stakeholders in the conflict system are taken into account.

vi) A transformative approach must also contribute to overcoming gender-specific power relations and violence.

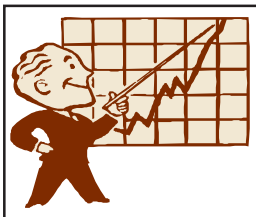
The cycle of systemic conflict transformation consists of :

i) Observing the system

ii) Working with and within the system

iii) Evolving along with the system

The systemic approach guides individuals, organizations and networks towards an open-ended and complexity-sensitive way of thinking and acting without blurring the necessary focus on specific details and factors. It makes an important contribution to establishing a strategic planning framework to coordinate and link different activities, levels of activity and actors.



CHECK YOUR PROGRESS

Q.3: Traditional approaches to conflict transformation are ……..and not universally applicable. (Fill in the blank)

Q. 4: Mention any two normative assumptions of the systemic conflict transformation.

.....

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11.5 LET US SUM UP

- Conflict settlement means an approach aimed at reaching an agreement between the parties through negotiation and bargaining. As per this approach, none of the parties involved in the conflict may achieve all of their goals, but the goal is to achieve a mutually compatible compromise acceptable to all the parties.
- The process of settlement involves making concessions from both sides. There are third party mediators in settlement-type process who who make use of different strategies including pressure, inducements and/ or threats in order to compel the conflicting parties to agree to a compromise solution.
- Very often, a settlement is the quickest solution to a difficult or violent situation. However, it is argued by critics that a settlement is not the

solution to bringing durable peace. The underlying relationships and structures, which had led to the conflict, remain unaddressed. In practice, conflicts that have reached settlements often resurface.

- For instance, the Versailles Peace Treaty which ended World War I imposed harsh conditions on the defeated power, namely, Germany. However, this settlement failed to resolve the root causes of the conflict.
- The term 'conflict transformation' can be defined as a concept which is designed to reframe the way in which peace-building initiatives are discussed and pursued specially in the context of ethnic conflict.
- Traditionally, the emphasis has been on conflict resolution and conflict management methods which mainly focus on reducing or defusing outbreaks of hostility.
- Conflict transformation puts greater weight on addressing the underlying conditions which give rise to that conflict preferably well in advance of any hostility but also to ensure a sustainable peace. It attempts to make explicit and then reshape the social structures and dynamics behind the conflict.
- Conflict transformation is a process of engaging with and transforming the relationship, interests, discourses and when necessary the very constitution of society that supports the continuation of violent conflict.
- Conflict transformation, as a concept, aims to transform negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict.
- Conflict management seeks to merely manage and contain conflict and conflict resolution approaches seek to move conflict parties away from zero-sum positions towards positive outcomes often with the help of external actors.
- On the other hand, conflict transformation involves transforming the relationships that support violence. The theory and practice of conflict transformation are often associated with the academics and practitioners Johan Galtung and John Paul Lederach.

- There is a set of principles of conflict transformation developed by TransConflict which contribute to the conceptual debate about conflict transformation.
- There are many violent conflicts in the world and for overcoming there emerged the concept of conflict transformation. In this context, the name of traditional approaches and systematic approaches could be mentioned.
- Traditional approaches to conflict transformation are basically based on customs and vary considerably from society to society, from region to region and from community to community. In fact, there are so many different traditional approaches to conflict transformation as there are different societies and communities with a specific history, specific culture and also specific customs in the global south.
- There is no one single general concept of traditional conflict transformation. Rather, traditional approaches are always context specific and this is a decisive feature of traditional approaches and this is an important indicator of the difference between traditional and modern approaches. In principle, traditional approaches are specific, not universally applicable whereas modern approaches aims at universal applicability.
- From a traditional point of view conflict is perceived as an unwelcome disturbance of the relationship within the community. Traditional conflict transformation thus aims at the restoration of order and harmony in the community.
- Cooperation between conflict parties in the future has to be guaranteed and thus traditional conflict management is thus geared towards the future.
- Reconciliation is necessary for the restoration of social harmony of the community in general and of social relationships between conflict parties in particular. The aim is not to punish but to restore good relations. Traditional approaches generally follow the line of restorative justice instead of punitive justice.

- Thus, the ultimate aim of conflict transformation is the restoration of relationships.
- Then traditional approaches cannot be compartmentalized into political or juridical or otherwise. In fact, they are holistic, comprising social, economic, cultural and religious-spiritual dimensions. This is in accordance with the entirety of traditional lifestyles and worldviews in which the different spheres of societal life are hardly separated.
- Traditional approaches do not provide a panacea for conflict transformation that can be utilized at all times in all situations. Rather, their applicability is confined to specific conditions.
- Traditional approaches provide for inclusion and participation. They take into consideration the fact that all parties and every member of each party involved in the conflict is responsible for the conflict and therefore, everybody also has the responsibility for its solution. A solution can be achieved by consensus.
- The explicit aim of systemic conflict transformation is to contribute to reducing violence in conflicts and mobilize the system's own internal resources. Systems display boundaries and sub-systems. These perform specific functions within the system and exhibit their own patterns of interaction with the system elements. However, systemic approaches are relevant because they make a meaningful contribution to reducing the complexity in the conflict.
- Systemic conflict transformation is based on a series of normative assumptions which are extremely important. Some of these are: the need for a peaceful and constructive transformation of conflict systems; support for processes of comprehensive social change is desirable and necessary for a transformative approach , etc.
- The systemic approach guides individuals, organizations and networks towards an open-ended and complexity-sensitive way of thinking and acting without blurring the necessary focus on specific details and factors. It makes an important contribution to establishing a strategic planning framework to coordinate and link different activities, levels of activity and actors.



11.6 FURTHER READING

1. Lederach, John Paul. *The Little Book of Conflict Transformation: Clear Articulation of the guiding principles by a pioneer in the field.* Good Books, 2014.
2. Menkhaus, Ken (2000), "Traditional Conflict Management in Contemporary Somalia", in I. William Zartman (ed.). *Traditional Cures for Modern Conflicts: African Conflict Medicine*. Lynne Rienner, 183-199.



11.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. No. 1: Conflict settlement means an approach aimed at reaching an agreement between the parties through negotiation and bargaining. As per this approach, none of the parties involved in the conflict may achieve all of their goals, but the goal is to achieve a mutually compatible compromise acceptable to all the parties. The process of settlement involves making concessions from both sides. There are third party mediators in settlement-type process who who make use of different strategies including pressure, inducements and/ or threats in order to compel the conflicting parties to agree to a compromise solution. Very often, a settlement is the quickest solution to a difficult or violent situation. However, it is argued by critics that a settlement is not the solution to bringing durable peace. The underlying relationships and structures, which had led to the conflict, remain unaddressed. In practice, conflicts that have reached settlements often resurface.

Ans to Q. No. 2: True

Ans to Q. No. 3: specific

Ans to Q. No. 4: i) The need for a peaceful and constructive transformation of conflict systems.

ii) Support for processes of comprehensive social change is desirable and



11.8 POSSIBLE QUESTIONS

Q. 1 : Explain the meaning of conflict transformation.

Q. 2 : Write briefly about conflict settlement.

Q. 3 : What is conflict transformation? Write the principles of conflict transformation.

Q. 4 : Write about the systemic approach to conflict transformation.

Q. 5 : Discuss the approaches to conflict transformation.

Q. 6 : Explain any four weaknesses of traditional approaches.

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UNIT12: RECONSTRUCTION AND TRANSFORMATIVE PEACE BUILDING AND PEACE MAKING

UNIT STRUCTURE

12.1 Learning Objectives

12.2 Introduction

12.3 Peace Making- Meaning and Methods

12.3.1 Concept of Peace-making

12.3.2 Methods of Peace-making

12.4 Peace building- Reconstruction and Transformation: Actors and Processes

12.4.1 Concept of Peace building

12.4.2 Peace building- Reconstruction: Actors and Processes

12.4.3 Peace building- Transformation: Actors and Processes

12.5 Let Us Sum Up

12.6 Further Reading

12.7 Answers to Check Your Progress

12.8 Possible Questions

12.1 LEARNING OBJECTIVES

After going through this unit, you will be able to :

- explain the meaning of peace-making
- discuss the various methods of peace making in international politics
- discuss the meaning of peace building
- discuss the major actors and processes of peace building reconstruction and transformation

12.2 INTRODUCTION

In the previous units, we have discussed the concept of conflict and various ideas associated with conflict in the context of international relations. In this unit, an attempt is made to discuss one of the another core elements of international politics that is 'peace' and other areas associated with the concept of peace like peace making and peace building to develop an environment where human rights are preserved to a great level.

Peace is a concept which implies a situation of societal friendship and harmony in the absence of hostility and violence. Simply speaking, in social sense it means lack of conflict such as war and freedom from fear of violence between individual or groups. It is discussed more elaborately below.

12.3 PEACE-MAKING: MEANING AND METHODS

12.3.1 Concept of Peace-making

The term 'peace' like many other theoretical terms is difficult to define. Like happiness, justice, harmony and freedom, peace is something we often recognize by its absence. Johan Galtung among others proposed the important distinction between 'positive' and 'negative' peace. Positive peace means the simultaneous presence of many desirable states of mind and society like harmony, justice, equity and so on. On the other hand, negative peace denotes the 'absence of war' and other forms of large-scale violent human conflict. Many philosophical, religious and cultural traditions have referred to peace in its positive sense.

Throughout history, various leaders have used peace-making and diplomacy to establish a certain type of behavioral restraint that has resulted in the establishment of regional peace or economic growth through various forms of agreements or peace treaties. These types of behavioural restraint has often resulted in the reduction of

conflicts, greater economic interactivity and consequently, substantial prosperity.

In the global political context for maintenance and preservation of peace and security, the widely known international organization the United Nations (UN) was established after World War II in 1945. The goal of promoting peace and security is mentioned first in the UN Charter and peaceful settlement of disputes is also foremost among the means for goal attainment. As issues of peace and security were increasingly understood to include human security and justice, the UN was expected to take on a stronger role in maintaining standards for individuals within states. In order to perform its significant and foremost role of maintaining peace and security, the three major methods employed by the UN are peaceful settlement, collective security and preventive diplomacy or peacekeeping. In the early 1990s, after the end of the cold war, the UN agenda for peace and security expanded quickly. The then Secretary General Boutros Boutros Ghali outlined the more ambitious role for the UN in his seminal report, "Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping" (1992). The report described interconnected roles for the UN to maintain peace and security in the post-cold war context. These included:

- **Preventive diplomacy :** It involves confidence - building measures, fact finding and preventive deployment of UN authorized forces.
- **Peacemaking :** It is designed to bring hostile parties to agreement, essentially through peaceful means. However, when all peaceful means have failed, peace enforcement authorized under Chapter VII of the Charter may be necessary. Peace enforcement may occur without the consent of the parties.
- **Peace-keeping :** It implies the deployment of a UN presence in the field with the consent of all parties which may be referred to classical peacekeeping.

- **Post-conflict peace building :** It means to develop the social, political and economic infrastructure to prevent further violence and to consolidate peace.

'Peace-making' can be defined as practical conflict transformation focused upon establishing equitable power relationships robust enough to forestall future conflict, often including the establishment of means of agreeing on ethical decisions within a community or among parties that had previously engaged themselves in inappropriate that is violent responses to conflict. Peacemaking seeks to achieve full reconciliation among adversaries and new mutual understanding among parties and stakeholders. An example of peacemaking is the several types of mediation usually between two parties and involving a third, a facilitator or mediator.

United Nations peacemaking is an extension of the parties' own efforts to manage their conflict. When the parties cannot, the Security Council or the General Assembly may call upon the Secretary General to exercises his 'Good Offices' to facilitate the resolution of the conflict. The Secretary General may also undertake independent peacemaking initiatives by offering his 'Good Offices' to parties to resolve the conflict in a peaceful way. United Nations Peacemaking excludes the use of force, unless imposed action is taken by the Security Council to facilitate the peacemaking process. UN peacekeeping went through a rapid expansion in the early 1990s. By the mid-1990s, the UN had become involved in maintaining international peace and security by resisting aggression between states by attempting to resolve disputes within states (civil wars), and by focusing on conditions within states including economic, social and political conditions. In 1994, UN peacekeeping operations involved nearly 80,000 military personnel around the world, seven times the figure for 1990.

Outside the UN context, peacemaking is used sometimes to refer to a stage of conflict which occurs during a crisis or a prolonged conflict after diplomatic intervention has failed and before

peacekeeping forces have had a chance to intervene. Peacemaking is sometimes simply understood as an outside intervention in a violent conflict.

12.3.2 Methods of Peace-making

The term 'peace-making' is used in several different ways. According to the UN, "peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations- Pacific Settlement Disputes". (source: www.un.org) . Peacemaking is a diplomatic effort intended to move a violent conflict into non-violent dialogue where differences are settled through representative political institutions. The main idea behind peacemaking is to end the violence between contending parties. There are various methods through which peacemaking can be done and these are : i) negotiation, mediation, conciliation and arbitration, ii) The International law through International courts is another method, iii) Threat or Use of Force

Article 33 of the UN Charter specifies negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements as modes of peaceful intervention in violent conflicts. Articles 41 and 42 of the Charter again allow for sanctions , blockading and violent intervention in order to restore the peace between warring states. Moreover, according to the UN Charter peacemaking were based on the concept of sovereign states. Therefore, there is no support for intervention in civil wars in the UN Charter.

Boutros Boutros-Ghali suggested in the "Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping" that the International Court of Justice (ICJ) would be an effective tool for peaceful adjudication of disputes. In case of interstate wars or the threat, the International Court of Justice (ICJ) would be the most effective entity for settling disputes. However, civil wars could not be

adjudicated in the ICJ. Again the ICJ has no effective enforcement mechanisms. Any unfavorable decision made by the court is likely to be ignored. Other international courts though exist but their jurisdiction is more limited. For example, the European Court of Justice and European Court of Human Rights. Due to the lack of enforcement mechanisms on the part of ICJ, effective peacemaking strategies should rely on the threat of force according to Ghali. But negotiation, arbitration and mediation are always the first choice for third parties in armed conflicts, still the threat of force should not be ignored completely.

The concept of 'peace enforcement' is within the broad category of peacemaking. The UN defines peacemaking as nothing but the diplomatic efforts to end conflict and on the contrary peace enforcement is the active use of force. Moreover, peace enforcement is a subsidiary concept within peacemaking. There are some tools that fall in the peace enforcement categories and these are sanctions, blockades and military intervention. Sanctions are the mildest in terms of military force, though the effect of sanctions can be quite devastating. Then the difference between sanctions and blockades is quite small. One is considered an act of war but the other is not. Sanctions generally are seen as limiting exports and imports from a country or group while blockade involves the active prohibition of all material trying to enter or leave a country or region. Blockading is considered as a 'casus belli' meaning reason to go to war as it is an active intervention in another state's trade.

Peacekeeping is now divided into First-Generation/ traditional peacekeeping and Second-Generation peacekeeping. First-generation peacekeeping was simply to guarantee ceasefires with neutral interposition forces. While Second-generation peacekeeping has evolved to allow flexibility of functions and mission from guaranteeing ceasefires to election monitoring to subsequent peace enforcement.

Thus, peacemaking is a tool to use in violent conflicts. Peacemaking efforts are often closely intertwined with preventive diplomacy, peacekeeping and peacebuilding. Peacemaking in the post-Cold War era occurs most often within states where battles lines are not clearly drawn and the strategic situation fluctuates frequently.

Moral Obligations to Peace-making :

The moral obligations to Peacemaking under Article 33 of the UN Charter are-

1. The parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice.
2. The Security Council shall when it deems necessary call upon the parties to settle their dispute by such means.



CHECK YOUR PROGRESS

Q.1: Write the meaning of preventive diplomacy.

.....

Q.2: Write the meaning of First-generation and Second-generation peacekeeping.

.....

12.4 PEACE BUILDING- RECONSTRUCTION AND TRANSFORMATION (ACTORS AND PROCESSES)

12.4.1 Concept of Peace building

In international relations the term 'peace building' refers to the process that facilitates the establishment of durable peace and at the same time tries to prevent the recurrence of violence by addressing

the root causes and effects of conflict through reconciliation, institution building and political as well as economic reconstruction. This consists of a set of physical, social and structural initiatives that are often an integral part of post conflict reconstruction and rehabilitation. The term "peace building" was brought to international attention in 1992 when former UN Secretary General Boutros Ghali announced his "Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping". According to Johan Galtung, peace building is "the process of creating self-supporting structures that remove causes of wars and offer alternatives to war in situations where wars might occus". Conflict resolutions mechanisms according to Galtung should be built into the structure and be present there as a reservoir for the system itself to draw upon, just as a healthy body has the ability to generate its own antibodies and does not need ad hoc administration of medicine. In fact, peace building involves addressing social and political sources of conflict as reconciliation.

Again there are certain strategic peace building principles as provided by the Joan B. Kroc Institute For Peace & Justice, University of San Diego. These are:

i. Peace building is complex and has multiple actors.

ii. Peace building requires values, goals, commitment to human rights and needs.

iii. Peace building goes beyond conflict transformation.

iv. Peace building cannot ignore structural forms of injustice and violence.

v. Peace building is founded on an ethnic of interdependence, partnership and limiting violence.

vi. Peace building depends on relational skills.

vii. Peace building analysis is complex; underlying cultures, histories, root causes and immediate stressors are essential.

viii. Peace building creates spaces where people interact in new ways, expanding experience and honing new means of communication.

ix. Peace building also heals trauma, and promotes justice and transforms relationships.

x. Peace building requires capacity and relationship-building at multiple levels.

According to John Paul Lederach, peace building is "understood as a comprehensive concept that encompasses, generates and sustains the full array of processes, approaches and stages needed to transform conflict towards more sustainable, peaceful relationships." The term peace building thus involves a wide range of activities that both precede and follow formal peace accords. Peace is a dynamic social construct. It is seen not merely as a stage in time or a condition.

Peace building is about dealing with the reasons why people fight in the first place and supporting societies to manage their differences and conflicts without resorting to violence. It is a long - term and collaborative process as it involves changes in attitudes, behaviors and norms. Peace building approaches often refer to positive and negative peace. This is used to denote a transition from violence to peace which can be two phases- improved stability and positive peace. Stability means the absence of violence when people can get on with their lives after the fighting stops. This period is dubbed as negative peace as the stability frequently masks the reality that grievances or other causes of conflict have not been addressed and may erupt again. This brings the challenge to use periods of stability to build longer term - positive peace.

Peace building approaches and methods are varied and diverse but they work to ensure that people are safe from harm, have access to law and justice and are included in the political decisions that affect them and have access to better economic opportunities and also enjoy better livelihoods. There are various ways through which peace building can be achieved and these are :

- Engaging in various forms of diplomacy
- Strengthening democracy and through inclusive politics for example, active citizenship initiatives
- Improving justice system
- Working to improve general security
- Improving infrastructure and urban and rural planning
- Including peace education in curricula
- Creating free and inclusive media
- Improving healthcare
- Making development programmes in conflict areas sensitive to conflict dynamics
- Working together with trade and business to create sustainable jobs or improve their employment practices

Thus, peace building is done collaboratively at local, national, regional and international levels. In fact, individuals, communities, civil society organizations, governments, regional bodies and also the private sector plays a prime role in building peace.

12.4.2 Peace building- Reconstruction: Actors and Processes

Any successful peace building strategy relies on a multi-stakeholder engagement processes with a variety of actors. The actors involved in conflict and peace building are such as the state, civil society and private businesses which are termed as 'insiders' and the 'outsiders' including international organizations and NGOs, UN agencies, specific campaigns and intyernational financial institutions. Each play a unique and important role in contributing in some way to the process of peace building though problems like lacking coordination, standards, norms or unity in purpose creates difficult operating environment.

State: It is the primary actor and it plays an important function regarding the protection of human rights against potential abuses. It has a role to play in promoting conflict-sensitive business practices through the adoption of CSR voluntary guidelines.

Local civil society: As in other aspects of economic recovery and peace building, local NGOs play variety of roles including those of advocacy, public goods provider, watchdog and capacity builder. Local NGOs can pick up relatively insignificant changes in social dynamics, often subtle signals of brewing conflict. Then they can fill in the service delivery shortfalls that grow during conflict. Then they can conduct peace and conflict impact assessments to ensure that development aid does no harm and builds peace.

International NGOs: International NGOs engage in a variety of activities to promote private sector development, enhance the capacity of local civil society and governments and ensure transparency and accountability. It links the private sector and peace building. Let us discuss some of these:

Collaborative for Development Action: Collaborative for Development Action (CDA) is an NGO which is committed to improving the effectiveness of international actors who provide humanitarian assistance, engage in peace practice and are involved in supporting sustainable development.

Transparency International: It is a global civil society organization that aims to fight corruption.

International Alert : It is established as an independent peace building organization that works in 20 countries and territories globally to build foundations for peace and security in communities affected by violent conflict.

The United Nations : The vast body of agencies, funds and departments that comprise the vast network of international actors rely on the United Nations. Member states, regional organizations like African Union in peace keeping operations, multilaterals and each

affiliate of the UN rely on close coordination to align objectives and operations towards common human security goals. This coalition maximizes mandate for global peace and security by expanding a state-centered framework of international relations to include private and non-state actors as key players in the application of international law.

UN Peacekeepers: The presence of UN Peacekeeping missions also impacts greatly post conflict economics. Large incoming missions demand tremendous assets and personnel, spurring rapid growth of local markets.

International Financial Institutions (IFIs): IFIs were initially established with the purpose of contributing to the restoration of peace in the wake of conflicts through various financial attempts and for international financial transactions. The shared aim of IFIs is generally to bolster international monetary cooperation; the World Bank has prioritized the realization of the Millennium Development Goals dealing mainly with reducing global indebtedness. The World Bank in the past years has increased its focus on providing aid for low and middle income countries under stress and suffering from conflict. The internal policy development in the World Bank Group also includes guidelines and benchmarks for global private sector investment and operations in conflict-prone countries and is often used as a prerequisite to receive project finance.

12.4.3 Peace Building- Transformation: Actors and Processes

Peace building and conflict transformation actors usually involves a broad range of actors who make use of a wide repertoire of practices. These actors can be categorized into four main groups :

States and intergovernmental organizations: It is among the most influential of all the actors as their practice impinges most

directly and powerfully on the conflict parties and the positive and negative consequences of their interventions are fully in the eyes of the public. The 1990s began with a hopeful phase in which the UN set out to implement the expanded conception of peacemaking envisioned in former UN Secretary General Boutros Boutros-Ghali's 'Agenda for Peace' with notable peace building operations in areas with peace settlements including Cambodia, Namibia, Angola, Mozambique and El Salvador.

Development and Humanitarian organizations: In the 1980s and 1990s these organizations were increasingly drawn into the costly business of rebuilding war-torn societies and were responding to the acute damage to development which had resulted from armed conflicts by targeting development programmes specially towards peace building.

International NGOs concerned with conflict prevention and transformation: The NGOs have paid most attention to theories of conflict transformation and seek an in-depth understanding of the roots of conflict and working with people within and outside the conflict parties. The NGOs seek an open space for dialogue, sustain local or national conferences and workshops on paths towards peace, identify opportunities for development and engage in peace building, relationship building and institution building over the longer time.

Parties to the conflict and other relevant groups within the affected societies: Finally the most importantly the local actors themselves have the greatest responsibility and the greatest opportunity for transforming their own conflicts and play a significant role in opening channels of dialogue and opening political space and shift towards conflict transformation.

Thus, conflict transformation and peace building involves certain theories, actors and practices and conflict transformation is a comprehensive approach addressing a range of dimensions.



CHECK YOUR PROGRESS

Q.3: Mention two ways through which peace building can be achieved.

.....

Q.4: Mention any two groups of peace building transformation actors.

.....



12.5 LET US SUM UP

- 'Peacemaking' can be defined as practical conflict transformation focused upon establishing equitable power relationships robust enough to forestall future conflict, often including the establishment of means of agreeing on ethical decisions within a community or among parties that had previously engaged themselves in inappropriate that is violent responses to conflict.
- Peacemaking seeks to achieve full reconciliation among adversaries and new mutual understanding among parties and stakeholders. An example of peacemaking is the several types of mediation usually between two parties and involving a third, a facilitator or mediator.
- United Nations peacemaking is an extension of the parties' own efforts to manage their conflict. When the parties cannot, the Security Council or the General Assembly may call upon the Secretary General to exercises his 'Good Offices' to facilitate the resolution of the conflict. United Nations Peacemaking excludes the use of force, unless imposed action is taken by the Security Council to facilitate the peacemaking process.
- UN peacekeeping went through a rapid expansion in the early 1990s. By the mid-1990s, the UN had become involved in maintaining international peace and security by resisting aggression between states by attempting to resolve disputes within states (civil wars), and by focusing on conditions within states including economic, social and political conditions.

- Outside the UN context, peacemaking is used sometimes to refer to a stage of conflict which occurs during a crisis or a prolonged conflict after diplomatic intervention has failed and before peacekeeping forces have had a chance to intervene. Peacemaking is in this context is simply understood as an outside intervention in a violent conflict.
- The term 'peacemaking' is used in several different ways. According to the UN, "peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations- Pacific Settlement Disputes". (source: www.un.org) .
- Peacemaking is a diplomatic effort intended to move a violent conflict into non-violent dialogue where differences are settled through representative political institutions. The main idea behind peacemaking is to end the violence between contending parties. There are various methods through which peacemaking can be done and these are : i) negotiation, mediation, conciliation and arbitration, ii) application of International law through international courts iii) threat of use of force

  Article 33 of the UN Charter specifies negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements as modes of peaceful intervention in violent conflicts.
- Articles 41 and 42 of the Charter again allow for sanctions , blockading and violent intervention in order to restore the peace between warring states. Moreover, according to the UN Charter peacemaking were based on the concept of sovereign states. Therefore, there is no support for intervention in civil wars in the UN Charter.

  Boutros Boutros-Ghali suggested in the "Agenda for Peace" that the International Court of Justice (ICJ) would be an effective tool for peaceful adjudication of disputes. In case of interstate wars or the threat, the International Court of Justice (ICJ) would be the most effective entity for settling disputes.

- However, civil wars could not be adjudicated in the ICJ. Again the ICJ has no effective enforcement mechanisms. Any unfavorable decision made by the court is likely to be ignored. Other international courts though exist but their jurisdiction is more limited. For example, the European Court of Justice and European Court of Human Rights.
- Due to the lack of enforcement mechanisms on the part of ICJ, effective peacemaking strategies should rely on the threat of force according to Ghali. But negotiation, arbitration and mediation are always the first choice for third parties in armed conflicts, still the threat of force should not be ignored completely.
- The concept of 'peace enforcement' is within the broad category of peacemaking. The UN defines peacemaking as nothing but the diplomatic efforts to end conflict and on the contrary peace enforcement is the active use of force. Moreover, peace enforcement is a subsidiary concept within peacemaking. There are some tools that fall in the peace enforcement categories and these are sanctions, blockades and military intervention.
- Peacekeeping is now divided into First-Generation/ traditional peacekeeping and Second-Generation peacekeeping. First-generation peacekeeping was simply to guarantee ceasefires with neutral interposition forces. While Second-generation peacekeeping has evolved to allow flexibility of functions and mission from guaranteeing ceasefires to election monitoring to subsequent peace enforcement.
- Thus, peacemaking is a tool to use in violent conflicts. Peacemaking efforts are often closely intertwined with preventive diplomacy, peacekeeping and peacebuilding. Peacemaking in the post-Cold War era occurs most often within states where battles lines are not clearly drawn and the strategic situation fluctuates frequently.
- In international relations the term 'peace building' refers to the process that facilitates the establishment of durable peace and at the same time tries to prevent the recurrence of violence by addressing the

root causes and effects of conflict through reconciliation, institution building

- The term "peace building" was brought to international attention in 1992 when former UN Secretary General Boutros Ghali announced his "Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping".
- According to Johan Galtung, peace building is "the process of creating self-supporting structures that remove causes of wars and offer alternatives to war in situations where wars might occurs".
- Conflict resolutions mechanisms according to Galtung should be built into the structure and be present there as a reservoir for the system itself to draw upon, just as a healthy body has the ability to generate its own antibodies and does not need ad hoc administration of medicine. In fact, peace building involves addressing social and political sources of conflict as reconciliation.
- Peace building is about dealing with the reasons why people fight in the first place and supporting societies to manage their differences and conflicts without resorting to violence. It is a long - term and collaborative process as it involves changes in attitudes, behaviors and norms. Peace building approaches often refer to positive and negative peace. This is used to denote a transition from violence to peace which can be two phases- improved stability and positive peace.
- Stability means the absence of violence when people can get on with their lives after the fighting stops. This period is dubbed as negative peace as the stability frequently masks the reality that grievances or other causes of conflict have not been addressed and may erupt again. This brings the challenge to use periods of stability to build longer term - positive peace.
- Peace building approaches and methods are varied and diverse but they work to ensure that people are safe from harm, have access to law and justice and are included in the political decisions that affect

them and have access to better economic opportunities and also enjoy better livelihoods.

- There are various ways through which peace building can be achieved such as engaging in various forms of diplomacy, strengthening democracy and through inclusive politics for example, active citizenship initiatives, etc.
- Any successful peace building strategy relies on a multi- stakeholder engagement processes with a variety of actors. The actors involved in conflict and peace building are such as the state, civil society and private businesses which are termed as 'insiders' and the 'outsiders' including, international organizations and NGOs, UN agencies, specific campaigns and international financial institutions.
- Each play a unique and important role in contributing in some way to the process of peace building though problems like lacking coordination, standards, norms or unity in purpose creates difficult operating environment.
- Peace building and conflict transformation actors usually involves a broad range of actors who make use of a wide repertoire of practices. These actors can be categorized into four main groups, namely, states and intergovernmental organizations, development and humanitarian organizations, international NGOs concerned with conflict prevention and transformation and parties to the conflict and other relevant groups within the affected societies.



12.6 FURTHER READING

1. Schirch, Lisa. *The Little Book of Strategic Peacebuilding: A Vision And Framework For Peace With Justice (Justice and Peacebuilding).* Good Books. 2005
2. Ackerman, A.(2000), “Making Peace Prevail: Preventing Violent Conflict in Macedonia”. Syracuse. University Press.



12.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. No. 1: Preventive diplomacy involves confidence - building measures, fact finding and preventive deployment of UN authorized forces.

Ans to Q. No. 2: Peacekeeping is now divided into First-Generation/ traditional peacekeeping and Second-Generation peacekeeping. First-generation peacekeeping was simply to guarantee ceasefires with neutral interposition forces. While Second-generation peacekeeping has evolved to allow flexibility of functions and mission from guaranteeing ceasefires to election monitoring to subsequent peace enforcement.

Ans to Q. No. 3: (i) Including peace education in curricula

(ii) Making development programmes in conflict areas sensitive to conflict dynamics

Ans to Q. No. 4: (i) States and intergovernmental organizations

(ii) Development and Humanitarian organizations



12.8 POSSIBLE QUESTIONS

Q. 1 : Explain the meaning of peacebuilding.

Q. 2 : Write briefly about peacemaking.

Q. 3 : Mention the methods of peacemaking.

Q. 4 : Write the meaning of sanction and blockade?

Q. 5 : Define peacemaking? Discuss the various methods of peacemaking.

Q. 6 : Define peacebuilding? Discuss four peacebuilding reconstruction actors and four transformation actors.

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UNIT 13: LEGAL MEANS OF CONFLICT RESOLUTION

UNIT STRUCTURE

13.1 Learning Objectives

13.2 Introduction

13.3 Means of Conflict Resolution in International Law

13.4 Means of Conflict Resolution in Municipal Law

13.5 Let Us Sum Up

13.6 Further Reading

13.7 Answers to Check Your Progress

13.8 Possible Questions

13.1 LEARNING OBJECTIVES

After going through this unit, you will be able to :

- explain the means of conflict resolution in international law
- explain the means of conflict resolution in municipal laws
- discuss the differences between international law and municipal law

13.2 INTRODUCTION

Conflict has been defined in various ways. It has been seen as incompatibility between the two or more parties. Or it can be termed as the existence of incompatible activities. It is an inevitable part of human life. It is impossible to get rid of. It is a dynamic phenomenon. It involves not only the objective situation but also the way in which the participants understand and feel about the situation. Conflict is not necessarily negative. Deutsch notes that, conflict is an inevitable feature of all social relations. It can take a destructive or a constructive course. It can take the form of enlivening controversy or deadly quarrel. So, conflict resolution is not just about averting danger of conflict. Nor is it a way of fixing the problems, but it is about finding and capitalizing on the opportunity that is inherent in the event.

Conflict resolution refers to a process of resolving disagreements or disputes between individuals, states or among state and non-state actors. It tries to reconcile opposing arguments to establish peace. It protects and promotes human rights of all parties. In general, conflict resolution adopts the following methods. Conflict resolution is also known as dispute resolution or alternative dispute resolution. Legally, the methods for conflict resolution include negotiations, mediation, diplomacy, arbitration, litigation and formal complaint processes. These measures have been given by US Legal Forum (http://uslegal.com)

- Problem solving or confrontation in which the two parties work together to find out a common solution.
- Compromising in which both sides arrives on an agreement about their gain and loss.
- Forcing in which the person having power direct a solution for acceptance by the other.
- Smoothing in which the major points of agreements are given attention and disagreements between the two sides are not highlighted; and
- Withdrawing in which either one or both sides withdraws from conflict.

13.3 LEGAL MEANS OF CONFLICT RESOLUTION IN INTERNATIONAL LAW

Conflict occurs between warring parties who contest an incompatibility which can be territorial or governmental. Generally, the warring parties in international conflict are government of a state or any opposition organizations that uses armed force to promote its position. These conflicts can be concluded with peace agreements or ceasefires which do necessarily not bring the conflict to an end but contribute towards the same. So, necessarily conflict resolution is an expanding form of professional practice around the world. International law refers to the entire body of legal rules, norms and standards which govern the conduct of nation states in their

dealings with one another. It is reelected in treaties, conventions, agreements, declarations, etc. However, at times we do see the breach of international law when conflict arises among nations. Broadly, there are two ways of conflict resolution provided in international law, namely, **Peaceful means** and **Coercive means.**

Peaceful means of resolving conflict try non-violent means to settle dispute. According to Article 33 of UN Charter 'any dispute that is likely to endanger the maintenance of international peace and security should be first be addressed through negotiation, mediation or other peaceful means, and states that the Council can call on the parties to use such means to settle their dispute'.

The second means of conflict resolution is coercive which uses force as a means but only when all means of conflict resolution fail completely. The methods that have been established as coercive are retaliation, reparation, closure of territorial borders, boycott, suspension or expulsion from international organization, and the breaking of diplomatic relations.

I) Peaceful means of Conflict Resolution: The peaceful or pacific means of conflict resolution in international law are as follows:

1. Extrajudicial dispute resolution or Alternative Dispute Resolution (ADR)
2. Negotiation
3. Good Offices
4. Mediation
5. Conciliation
6. Inquiry
7. Arbitration
8. Adjudication
9. Online Dispute resolution
10. Role of the UN

II) Coercive means of Conflict Resolution: The coercive means of conflict resolution are as follows:

a) Coercive methods short of war-

1. Pacific blockade
2. Embargo
3. Retaliation
4. Reprisal
5. Reparation
6. Closure of territorial borders
7. Expulsion from international organization
8. Retortion

b) Coercive methods through war-

1. Limited war
2. Total war

I) Peaceful means of Conflict Resolution:

The following are the certain **peaceful means of conflict resolution** used in resolving conflict among the nations in international relations:

1. Extrajudicial dispute resolution or Alternative Dispute Resolution (ADR):

Alternative Dispute Resolution or ADR processes include arbitration, collaborative law, and mediation to resolve conflict and potential conflict between nations. ADR generally depends on agreement by the parties to use ADR processes, either before or after a dispute has arisen. ADR has experienced steadily increasing acceptance and utilization because of a perception of greater flexibility, costs below those of traditional litigation, and speedy resolution of disputes, among other perceived advantages.

2. Negotiation:

Negotiation is used to denote intercourse between states for the purpose of arriving at a settlement of dispute or for relaxation of international tension. It is the simplest form of dispute resolution. Negotiation can be carried out by the heads of states or their agents. Example: Indo - Pak Indus Water treaty 1960 and Yalta and Potsdam agreement during WWII.

3. Good Offices:

When a third party offers its services to remove differences between two states which are not willing to negotiate directly. A friendly third state assists in bringing about an amicable solution to the dispute. These offices may also be offered by international organizations. Example: The U.N Security Council offered its good offices in the disputes between Indonesia and Netherlands in 1947.

4. Mediation:

Mediation is a kind of negotiation through the agency of third party. It is quite similar with good offices except that the participation of third party itself is more active in mediation. Example: The Soviet Premier Kosygen mediating between India and Pakistan at Tashkent in 1966.

5. Conciliation:

The reference of a conflict to a commission or committee to make a report with proposals for settlement is called conciliation. It is the process of ending a disagreement by recommendations. It is a kind of mediation where the committee mediates.

6. Inquiry:

Through inquiry investigation of relevant matters are made so as to establish facts. It is also known as fact-finding. It is an indirect method just to investigate and establish so as to facilitate reconciliation among the states. Generally, the embassies take up such an initiative.

7. Arbitration:

It means the hearing and settlement of a dispute by an impartial referee chosen by the warring states. It decides a dispute and is a binding decree. Example: The Rann of Kutch arbitration of 1968 for the settlement of disputes between India and Pakistan.

8. Adjudication:

It is a form of arbitration which can be done by a permanent institution like judiciary as the arbitral tribunal where it is known as judicial settlement. The International Court of Justice is such a tribunal.

9. Online Dispute Resolution or ODR:

Online Dispute Resolution or ODR or is a growing field of dispute resolution which involves the usage of technology to resolve disputes through negotiation, mediation or arbitration or a combination of all three methods through online techniques.

10. Role of the UN:

One of the fundamental objectives of the UN is maintenance of 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 breach of the peace. The General Assembly and the Security Council have been assigned responsibilities in this connection. The General Assembly is given the authority to recommend measures for the peaceful adjustment of any situation. The Security Council acts in two kinds of dispute: a) Dispute that endanger international peace and security; b) Cases of threats to the peace or breaches of peace, or acts of aggression.

II) Coercive means of Conflict Resolution:

a) Coercive procedure 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. It also includes actions like -

1) The Pacific Blockade:

   It was first used in 1827. 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 blocked into complying with the terms and conditions of the blockading states. It is sometimes employed during peace also.

2) Embargo:

   If a state violates international law then the affected nation may resort to the technique of embargo whereby the latter

tries to prohibit the shipment of all goods or certain goods to a particular country or a group of countries. However, the technique of embargo is applicable only in the area of territorial waters.

3) Retaliation:

It is a limited reaction of a state against another state on certain harmful conduct .It is contrary to international law. It is a kind of reprisal method also. This method includes embargo against ships and aircrafts, property and even commodities of the country against which action is taken. It also sometimes involves cutting off communications and trade relations and financial relations with the problem countries.

4) Reprisal:

Methods adopted by states for securing redress from another state by retaliatory measures is called reprisals. 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. It may be in the form of violent (armed attack) or non violent (seizure of property or naval blockade) means. They are usually regarded as illegal. Reprisals are justified if they bring about satisfactory settlement of dispute.

5) Reparation:

It is a legal philosophy which refers to a kind of transitional justice where states take measures to gross violations of human rights law in the form of compensations. It is applicable mainly in case of slavery.

6) Closure of territorial borders:

One of the common sources of armed conflict in the present century is territorial disputes which is often resolved by arbitration or adjudication of the governments. If in case

such mechanism does not work, then governments decide to close the borders as a recourse to end conflict. Many a time borders between India and Pakistan have been sealed to contain conflict.

7) Expulsion from International Organizations:

When a nation continuously violates international law and indulges in violent armed conflict of any form one after another, then international organizations like the UN expulses the nation from its membership either partially or fully.

8) Retortion:

Retortion means retaliation on the part of a state in a legal way to a discourteous act by another state. It does not involve armed force. Severance of diplomatic relations is one of the examples of retortion. For example, the US broke off diplomatic relations with Iran when its citizens seized the US embassy in Tehran in 1979. Other acts of retortion involve revocation of diplomatic privileges or withdrawal of fiscal or tariff concessions. Another example of retortion is when US President Jimmy Carter refused to allow athletes from the US to participate in the 1980 Moscow Olympics. His decision was a protest against the Soviet Union's invasion of Afghanistan in 1979.

b) Coercive methods through war-

Limited War and Total war :

War is the ultimate means of self help when other measures of obtaining redress for alleged wrongs are unsuccessful. War is not the primary tool to settle a dispute. It is the last resort. However, war has its own instrumental value in settlement of conflict between two or more states. In case of a limited war, the aim is not complete victory or wiping out the enemy, but it is to achieve a limited goal, such as

restoration of status quo or maintenance of equilibrium. In case of a total war, the aim is to destroy the existing system by altering relationships drastically and permanently.

Essentially, there is no fixed way of resolving conflict among the nations. It depends upon the extent and depth of the conflict. National interest also plays an important role in choosing the method of conflict resolution. Diplomacy at different strata of the government plays a key role in diminishing the outbreak and spread of conflict among the nations. The role of the UN is also significant in leveraging the warring tendencies of the nations. However, inspite of much effort, the international arena is often clouded with the ever increasing tendency of conflict breaking out. The answer lies in the very fact of human nature being violent and selfish.



CHECK YOUR PROGRESS

Q.1: Mention any two peaceful means of conflict resolution?

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Q.2: Mention the names of any two filmmakers who created many documentary style movies to raise awareness about the Vietnam War and the opposition the same.

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13.4 MEANS OF CONFLICT RESOLUTION IN MUNICIPAL LAW

Municipal law implies the national or domestic law of a sovereign nation. At the domestic level, conflict resolution may need the intervention

of the state. In such a scenario, several techniques may be resorted to. These include:

(a) Filing of lawsuits or litigation: In this case, the dispute is settled formally in a court of law. The dispute is then sought to be resolved through a fair trial based on the application of the law of the land.

(b) Arbitration: Arbitration is a form of alternative dispute resolution. It is a way to resolve disputes outside the courts. In case of arbitration, the disputed matter is looked into by an impartial person or the arbitrator for decision. The "arbitration award" is enforceable in the courts.

(c) Conciliation: It implies the act of mediating between two disputing parties. This is an out of court settlement process.

(d) Negotiation: it refers to discussions aimed at resolving the dispute through discussion and compromise so that the best possible outcome is reached on both sides.

(e) Facilitation: In facilitation, a neutral person helps the disputing parties to work together and resolve differences.

Thus, conflict resolution in municipal law provides for legally enforceable conflict resolution mechanisms like filing of formal lawsuits in a court of law. At the same time, there is also a scope for extra-judicial mechanisms like arbitration, negotiation, etc. whereby a dispute could be resolved outside the court itself.



CHECK YOUR PROGRESS

Q.3: Write the meaning of arbitration.

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Q.4: Write the meaning of negotiation.

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13.5 LET US SUM UP

- Broadly, there are two ways of conflict resolution provided in international law, namely, Peaceful means and Coercive means.
- Peaceful means of resolving conflict try non-violent means to settle dispute. According to Article 33 of UN Charter 'any dispute that is likely to endanger the maintenance of international peace and security should be first be addressed through negotiation, mediation or other peaceful means, and states that the Council can call on the parties to use such means to settle their dispute'.
- The second means of conflict resolution is coercive which uses force as a means but only when all means of conflict resolution fail completely. The methods that have been established as coercive are retaliation, reparation, closure of territorial borders, boycott, suspension or expulsion from international organization, and the breaking of diplomatic relations.
- The peaceful or pacific means of conflict resolution in international law are as follows: Extrajudicial dispute resolution or Alternative Dispute Resolution (ADR); Negotiation; Good Offices; Mediation; Conciliation;Inquiry;Arbitration;Adjudication;Online Dispute resolution;Role of the UN.
- The coercive means of conflict resolution are as follows : Pacific blockade, Embargo, Retaliation,Reprisal, Reparation, Closure of territorial borders, Expulsion from international organization, Retortion, Limited war, Total war.

- Essentially, there is no fixed way of resolving conflict among the nations. It depends upon the extent and depth of the conflict. National interest also plays an important role in choosing the method of conflict resolution. Diplomacy at different strata of the government plays a key role in diminishing the outbreak and spread of conflict among the nations. The role of the UN is also significant in leveraging the warring tendencies of the nations.
- Municipal law implies the national or domestic law of a sovereign nation. At the domestic level, conflict resolution may need the intervention of the state . In such a scenario, several techniques may be resorted to. These include: Filing of lawsuits or litigation; Arbitration; Conciliation; Negotiation; Facilitation.
- Conflict resolution in municipal law provides for legally enforceable conflict resolution mechanisms like filing of formal lawsuits in a court of law. At the same time, there is also a scope for extra-judicial mechanisms like arbitration, negotiation, etc. whereby a dispute could be resolved outside the court itself.



13.6 FURTHER READING

1. Sridhar, Madabhushi. *Alternative Dispute Resolution- Negotiation and Mediation.* Lexis Nexis, 2010.
2. Keshav, Krishan. *Alternative Dispute Resolution (Arbitration, Conciliation Negotiation and Mediation).* Singhal Law Publications, 2017.



13.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. No. 1: Negotiation and Role of the UN

Ans to Q. No. 2: Reprisal and Retortion

Ans to Q. No. 3: Arbitration is a form of alternative dispute resolution. It is

a way to resolve disputes outside the courts. In case of arbitration, the disputed matter is looked into by an impartial person or the arbitrator for decision. The "arbitration award" is enforceable in the courts.

Ans to Q. No. 4: Negotiation refers to discussions aimed at resolving the dispute through discussion and compromise so that the best possible outcome is reached on both sides.



13.8 POSSIBLE QUESTIONS

Q. 1 : Discuss the means of conflict resolution in international law.

Q. 2 : Explain the peaceful means of conflict resolution in international law.

Q. 3 : Explain the coercive means of conflict resolution in international law.

Q. 4 : Write about any four coercive means of conflict resolution in international law.

Q. 5 : Discuss the means of conflict resolution in municipal law.

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UNIT 14: ROLE OF DIPLOMACY IN PEACE MAKING

UNIT STRUCTURE

14.1 Learning Objective

14.2 Introduction

14.3 Track 1, Track 2 and Track 3 Diplomacy

- 14.3.1 Track 1 Diplomacy
- 14.3.2 Track 2 Diplomacy
- 14.3.3 Track 3 Diplomacy

14.4 Role of Media in Peace Making

14.5 Peace Journalism

14.6 Let Us Sum Up

14.7 Further Reading

14.8 Answers to Check Your Progress

14.9 Possible Questions

14.1 LEARNING OBJECTIVES

After going through this unit, you will be able to :

- discuss diplomacy as an important tool of foreign policy
- explain Track 1, Track 2 and Track 3 diplomacy as instruments of foreign policy
- examine the strengths and weaknesses of Track 1, Track 2 and Track 3 diplomacy
- outline the role of media in peace building process
- conceptualize the term 'peace journalism'

14.2 INTRODUCTION

Diplomacy is the art and practice of conducting negotiations between representatives of states. Diplomacy is the main instrument of foreign policy, which consists of the broader goals and strategies that guide a state's interactions with the rest of the world.

Traditionally, the term 'diplomacy' referred to interaction between nation-states. More recently, however, scholars have delineated several levels of diplomacy. Track 1 Track 2 and Track 3 diplomacy are the most frequently used terms. Track 1 diplomacy refers to official discussions typically involving high-level political and military leaders, while Track 2 diplomacy is unofficial dialogue and problem-solving activities aimed at building relationships. On the other hand, Track 3 diplomacy is people-to-people diplomacy undertaken by individuals and private groups.

The chapter further focuses on media and its role in the process of peace building. Media is the means of public communication reaching to the large, scattered, heterogeneous and anonymous audience of the society at the same time. Media play a very significant role in the society. Media also play a central role in the promotion of peace. Media and journalism can be a great assistance in conflict management and peace building. Peace Journalism as one of the new concepts of journalism and its acceptance to the audience as one of the tools for world peace. Peace journalism can contribute a lot to enhance the process of peace-building. Peace journalists try to uncover the causes behind a conflict and true goals of all participants while making sure to humanize all victims of the conflict.

14.3 TRACK 1, TRACK 2 AND TRACK 3 DIPLOMACY

14.3.1 Track 1 Diplomacy

The term "Track 1 Diplomacy" refers to official governmental diplomacy, or "a technique of state action, which is essentially a process whereby communications from one government go directly to the decision-making apparatus of another". Track 1 Diplomacy is conducted by official representatives of a state or state-like authority and involves interaction with other state or state-like authorities: heads of state, state department or ministry of foreign affairs officials, and other governmental departments and ministries. Track 1 Diplomacy

is official discussions involving high level political and military leaders and focusing on cease-fires, peace talks, and treaties and other agreements. In these discussions, heads of states meet, have high-tea, discuss issues and release joint statements etc. Track 1 Diplomacy may also be referred to as "First Track" or "First Tier" diplomacy.

Track One Diplomacy or Official Diplomacy has a long history whose roots lie in the remote history of humankind. De Magalhaes (1988) describes Official Diplomacy as, "an instrument of foreign policy for the establishment and development of contacts between the governments of different states through the use of intermediaries mutually recognized by the respective parties". The most important feature that distinguishes Track 1 diplomacy from all other forms of diplomacy is its formal application at the state-to-state level. It follows a certain protocol to which every state is a signatory. Track 1 Diplomacy is usually considered to be the primary peacemaking tool of a state's foreign policy. It is carried out by diplomats, high-ranking government officials, and heads of states and is aimed at influencing the structures of political power.

Track 1 Diplomacy may take place bilaterally between two states, or multilaterally when several states interact together, and even regionally or globally through inter-governmental organizations (IGOs). For example, when Estonia and Russia negotiated over issues related to the Russian-speaking people living in Estonia, these negotiations were examples of bilateral track-one diplomacy. Much of the work of the United Nations could be classified as global Track 1 Diplomacy.

The purpose and intentions of Track 1 diplomatic efforts may vary greatly. This type of diplomacy may be used coercively and may involve sanctions, ultimatums, and psychological intimidation. It may also be used persuasively and involve argumentation or compromise. It may further be used as a means of adjusting states' relationship to and views of one another. Track 1 Diplomacy may be a tool for reaching mutual agreements, which may themselves reflect elements

of persuasion or coercion. Track 1 Diplomacy may be used by a third-party state to help bring about an agreement between other states.

Track 1 Diplomacy varies not only according to the different roles played by the states, but also according to the manner in which these Track 1 roles are carried out. Official interactions may be at the senior head-of-state level, ministerial level, or involve lower-level officials. In negotiations, states may shift the levels of officials sent to negotiations as a signal of the level of commitment to the negotiation.

Track 1 Diplomacy can be categorized in various types. The Institute of World Affairs outlines the following types of Track 1 diplomatic activities -

- Informal consultations
- Good offices
- Special envoys
- Mediation
- Negotiations
- International condemnations
- Fact-finding missions
- Diplomatic and economic sanctions

It is to be mentioned that war, peace-keeping and other military and development initiatives are often not included in traditional definitions of official diplomacy. However, such initiatives are led by official representatives of states or state-like authorities like Track 1 Diplomacy. Track 1 Diplomacy takes place as part of the regular interactions of states and also throughout the life cycle of conflicts.

- ***Strengths of Track 1 Diplomacy***

Track 1 Diplomacy was developed as a foreign policy tool to specifically improve relations among nations. This type of diplomacy has numerous strengths. The following are some of the strengths of Track 1 Diplomacy -

i) Track 1 Diplomacy has the ability to use political power to influence the direction of negotiations and outcomes. This power might include using the threat of military force if a party decides to go against international treaties.

ii) Track 1 Diplomacy has the capacity to access material and financial resources that give high leverage and flexibility in negotiations.

iii) Track 1 Diplomacy can employ in-depth knowledge about the parties' interests because of the use of various intelligence sources.

iv) Track 1 mediators have the competence to use broad knowledge of their states' foreign policies, and also the foreign policies of the conflicting parties.

❍ ***Weaknesses of Track 1 Diplomacy***

Regardless of the strengths outlined above, Track 1 Diplomacy has several weaknesses also. Some of the weaknesses of Track 1 Diplomacy are -

i) The first weakness of Track 1 Diplomacy is that its conflict resolution approaches are corrupted by power. State power can be a liability to durable peace, rather than a facilitative tool. Power can suppress underlying issues of weaker parties, thereby undermining the sustainability of a peace agreement.

ii) Diplomatic missions, an asset to Track 1 Diplomacy, are normally closed down at the peak of conflicts between countries thereby reducing communication when it is needed most.

iii) Officials cannot, of course, speak against their country and, as a result, may either be too rigid or delay negotiations through consultations with their leaders at home.

iv) Track 1 Diplomacy is affected by electoral cycles.

14.3.2 Track 2 Diplomacy

Track 2 Diplomacy or 'backchannel diplomacy' is the practice of non-governmental, informal and unofficial contacts and activities between private citizens or groups of individuals, sometimes called non-state actors. Track 2 Diplomacy is unofficial dialogue and problem-solving activities aimed at building relationships and encouraging new thinking that can inform the official process. It contrasts with Track 1 Diplomacy, which is official, governmental diplomacy that occur inside official government channels. However, Track 2 Diplomacy is not a substitute for Track 2 Diplomacy. Rather, it is there to assist official actors to manage and resolve conflicts by exploring possible solutions derived from the public view and without the requirements of formal negotiation or bargaining for advantage.

Track 2 diplomacy is unofficial, non-structured interaction. It is always open-minded, often altruistic and strategically optimistic. Its underlying assumption is that conflicts can be resolved or eased by appealing to common human capabilities to respond to good will and reasonableness. Scientific and cultural exchanges are examples of Track 2 Diplomacy.

Montville (1991) defines Track 2 Diplomacy as, "unofficial, informal interaction between members of adversary groups or nations that aim to develop strategies, to influence public opinion, organize human and material resources in ways that might help resolve their conflict". Montville emphasized that Track 2 Diplomacy is not a substitute for Track 1 Diplomacy, but compensates for the constraints imposed on leaders by their people's psychological expectations. Most important, Track 2 Diplomacy is intended to provide a bridge or complement official Track 1 negotiations. Examples of organizations engaged in Track 2 Diplomacy are Search for Common Ground, West African Network for Peace-building (WANEP), European Centre for Conflict Prevention (ECCP), and many others.

- ***Strengths of Track 2 Diplomacy***

The strengths of Track 2 Diplomacy have been discussed in detail, but separately by Montville (1991), Ury (1999), Sanders (1991), Ryan (1995), and Lederach (1997). Some of the strengths of Track 2 Diplomacy are mentioned below -

i) Track 2 parties are not inhibited by political or constitutional power. Therefore, they can express their own viewpoints on issues that directly affect their communities and families.

ii) Track 2 officials do not have the fear of losing constituencies because they are the constituency.

iii) Track 2 Diplomacy empowers the socially, economically, and politically disenfranchised groups by giving them a platform from which they can air their views on how peace can be achieved in their own communities or nations.

iv) Track 2 Diplomacy is effective both at the pre-violent conflict and post-violent conflict stages. It is a very effective tool for violent conflict prevention and post-conflict peace-building.

v) Track 2 Diplomacy involves grassroots and middle leadership who are in direct contact with the conflict.

vi) Track 2 Diplomacy is not affected by electoral cycles.

- ***Weaknesses of Track 2 Diplomacy***

Although there are number of strengths or advantages of Track 2 Diplomacy, yet it has several weaknesses too. Some of the weaknesses of Track 2 Diplomacy are listed below -

i) One of the main weaknesses of Track 2 Diplomacy is that Track 2 participants have limited ability to influence foreign policy and political power structures because of their lack of political power.

ii) Track 2 interventions can take too long to yield results.

iii) Track 2 Diplomacy has limited ability to influence change at the war stage of a conflict.

iv) Track 2 participants rarely have resources necessary for sustained leverage during negotiations and for the implementation of agreements.

v) Track 2 Diplomacy is not effective in authoritarian regimes where leaders do not take advice from lower level leaders.

vi) Track 2 Diplomacy actors due to their lack of political power, are in most cases not accountable to the public for poor decisions.

vii) Because of their multiplicity, Track 2 actors and organizations often function without having proper coordination.

14.3.3 Track 3 Diplomacy

Track 3 Diplomacy is people-to-people diplomacy undertaken by individuals and private groups. It is also known as sociological public diplomacy, grassroots diplomacy and even citizen's diplomacy. Track 3 Diplomacy involves the interface between civil society and official and non-official diplomacy processes. Without the consent and cooperation of the commoners , each and every agreement made by elites - official or not - would be a mere skeleton without flesh.

The lack of people's involvement in the struggle to build a new social order makes any peace-making process unstable, fragile and vulnerable. Track 3 Diplomacy is therefore an initiative that operates and mediates in the field within a divided society, trying to reconcile it. It does not aim specifically to resolve the wider conflict but instead focuses on the concepts of contact and understanding as a way of setting the table for resolution.

Track 3 actors represent a dense array of grass roots groups, enlightened persons, cultural minorities, networks and popular movements who have marginal clout on decision making power and are unable to achieve requisite social change without external help. This form of diplomacy tries to influence indirectly by transitional media advocacy, lobbying and citizen activism. Conflict transformation at

the grassroots level lies with the peoples and communities directly affected by it.

Track 3 Diplomacy requires people to people interactions involving creativity, compromises and innovation of brave individuals and groups who have refused to surrender in their struggle for peace. Its efforts are manifested through different structures, initiatives and programs seeking to bring people together in order to give a human face to the other and hopefully generate sufficient momentum and pressure from below to bring about the long overdue political will to move forward towards a peace agreement.

Track 3 Diplomacy represents the most profound force in promoting security. For instance, security relations between the US and Taiwan has improved and Track 3 diplomacy has played a stronger role in enhancing overall ties.

Track 3 Diplomacy has been embraced by a few countries. For instance, in the India-Pakistan cross-border security relations Track 3 Diplomacy was initiated by individuals and groups within the civil society. The objective was to promote mutual understanding through people to people contacts, to diffuse existing and latent tensions by creating an informed public opinion and to use public pressure on governments to restructure their relations.



CHECK YOUR PROGRESS

Q.1: Track 1 Diplomacy is conducted by official representatives of a state. (True/False)

.....

Q.2: Mention any two types of Track 1 diplomatic activities.

.....

Q.3: Track 2 Diplomacy or 'backchannel diplomacy' is the practice of non-governmental, informal and unofficial contacts and activities between private citizens or groups of individuals, sometimes called non-state actors. (True/False)

.....

Q.4: Mention the name of an organizations engaged in Track 2 Diplomacy.

.....

Q.5: Which kind of diplomacy is also known as grassroots diplomacy and even citizen's diplomacy.

.....

14.4 ROLE OF MEDIA IN PEACE MAKING (PEACE JOURNALISM)

In this age of information explosion, media assumes a position of immense importance as it is the vital means of sharing information with the people at large. Media is the means of public communication reaching to the large, scattered, heterogeneous and anonymous audience of the society at the same time.

Information given to the cross-section of people in the society is mass communication and the media used for the purpose is mass media. In other words, mass media is the means of communication that reach large number of people in a short time, such as television, radio, movies, newspapers, magazines, and the Internet.

There is no denying the fact that communication is universal to all human beings and is central to our lives. In fact, it regulates and shapes all human behavior. On the other hand, media is the most powerful tool of communication. It helps promoting the right things at the right time. It gives a real exposure to the mass audience about what is right or wrong.

Media plays a very significant role in the society. Mass media, both print and the electronic perform many crucial functions that include influencing public opinion, determining the socio-political agenda, providing a link between the government and the people, acting as a government watchdog, and affecting socialization.

We must recognize that media also play a central role in the promotion of peace. The media can emphasize the benefits that peace can bring, they can raise the legitimacy of groups or leaders working for peace, and they can help transform images of the enemy.

Media and journalism can be a great assistance in conflict management and peace building. However, the power they have is also limited, as they will never be able to eliminate armed conflicts altogether. The media can be a good tool in a healthy and functioning environment but more is needed than ethical and responsible reporting to ensure lasting peace and safety. The role of the media is twofold. On the one hand, the media report and reflect on pressing issues and can help to question established concepts and ideas. On the other hand, they can be used for propaganda purposes and instead of revealing truths, try to cover things up and by this curtail people's freedom and right to information.

In general, media can have four inputs on any peace process. First, they help in defining the political atmosphere in which the peace process takes place. Second, the media has an active influence on the strategy and behaviour of the stakeholders to the conflict. Third, the media has an important influence on the nature of debate about a peace process. Fourth, the media can strengthen or weaken public legitimacy of the stakeholders involved in the peace process.

A peace process is usually long and complex, and the direction it takes is often open to interpretation. Journalistic norms and routines, which dictate the selection of sources and construction of story lines, can have a significant effect on which interpretation appears to make the most sense. News reports provide citizens with important clues about the political climate surrounding the peace process.

14.5 PEACE JOURNALISM

Peace journalism, as the name suggests, is a form of journalism committed to exploring root causes of conflict in order to "create opportunities for society at large to consider and value non-violent responses to conflict".

Peace journalism is a set of journalism practices that emerged in the 1970s. Norwegian sociologist, peace researcher and practitioner Johan Galtung proposed the idea of peace journalism for journalists to follow to show how a value bias towards violence can be avoided when covering war and conflict.

Peace journalism has been developed from research that indicates that often news about conflict has a value bias toward violence. It also includes practical methods for correcting this bias by producing journalism in both the mainstream and alternative media, and working with journalists, media professionals, audiences, and organizations in conflict. This concept was proposed by Johan Galtung.

Its operational definition of peace journalism is "to allow opportunities for society at large to consider and value non-violent responses to conflict". This involves picking up calls for, and articulations of, non-violence policies from whatever quarter, and allowing them into the public sphere. The broad definition of peace journalism include the terms like conflict solution journalism, conflict sensitive journalism, constructive conflict coverage, and reporting the world.

Peace Journalism is now a globally distributed reform movement of reporters, academics and journalists. It aims to shed light on structural and cultural causes of violence, as they impact upon the lives of people in a conflict arena as part of the explanation for violence. It aims to frame conflicts as consisting of many parties and pursuing many goals rather than a simple dichotomy. An explicit aim of peace journalism is to promote peace initiatives from whatever quarter and to allow the reader to distinguish between stated positions and real goals.

Peace Journalism as one of the new concepts of journalism and its acceptance to the audience as one of the tools for world peace. Peace journalism can contribute a lot to enhance the process of peace-building. Peace journalists try to uncover the causes behind a conflict and true goals of all participants while making sure to humanize all victims of the conflict. The journalists do not try to exploit the loss and suffering but make sure that the reporting is balanced and also demonstrate how easily news can be manipulated. Part of the ethical guidelines for this kind of reporting is to bring out people that use peaceful measures and speak out against war and violence and document the suffering and loss on all sides. Possible solutions and trying to prevent further escalation of the conflict are at the centre of peace journalism as well. A suggested framework used by peace-building

media can employ different strategies such as, (i) Conflict-sensitive and peace journalism; (ii) Peace-promoting entertainment media; (iii) Media regulation to prevent incitement of violence, and (iv) Peace-promoting citizen media.



CHECK YOUR PROGRESS

Q.6: Write briefly about peace journalism.

.....

.....

.....

.....



14.6 LET US SUM UP

- Diplomacy is the main instrument of foreign policy, which consists of the broader goals and strategies that guide a state's interactions with the rest of the world.
- Track 1 Diplomacy is official discussions involving high level political and military leaders and focusing on cease-fires, peace talks, and treaties and other agreements.
- Track 1 Diplomacy may take place bilaterally between two states, or multilaterally when several states interact together, and even regionally or globally through inter-governmental organizations (IGOs).
- Track 1 Diplomacy can be categorized in various types.
- Track 2 Diplomacy is unofficial, non-structured interaction.
- Track 2 Diplomacy is intended to provide a bridge or complement official Track 1 negotiations.
- Track 3 Diplomacy is people-to-people diplomacy undertaken by individuals and private groups.
- Track 3 Diplomacy represents the most profound force in promoting security.
- Media assumes a position of immense importance as it is the vital means of sharing information with the people at large.

- Media and journalism can be a great assistance in conflict management and peace building.
- Peace journalism is to allow opportunities for society at large to consider and value non-violent responses to conflict.
- Peace Journalism is now a globally distributed reform movement of reporters, academics and journalists.



14.7 FURTHER READING

1. Galtung, Johan, *"On the role of the media in worldwide security and peace,"* In Tapio Varis (ed.), Peace and Communication, pp. 249-266, San Jose, Costa Rica: Universidad para La Paz.
2. Lederach, P. J. (1997). *Building peace: Sustainable reconciliation in divided societies.* Washington DC: United States Institute of Peace.
3. Lynch, J. & McGoldrick, A. (2005). Peace Journalism. Gloucestershire: Hawthorn Press
4. Montville, J. (1991). Track Two Diplomacy: The Arrow and the Olive Branch: A case for Track Two Diplomacy. In, V. D. Volkan M.D., J. Montville, & D. A. Julius (Eds.), *The Psychodynamics of International Relations:* Vol. 2. *Unofficial diplomacy at work:* Massachusetts: Lexington Books.
5. Nan, A.S. (2003). *Track I Diplomacy.*



14.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. No. 1 : True

Ans to Q. No. 2 : (a) Informal consultations

(b) Good offices

Ans to Q. No. 3 : True

Ans to Q. No. 4 : Search for Common Ground

Ans to Q. No. 5 : Track 3

Ans to Q. No. 6 : Peace journalism, as the name suggests, is a form of journalism committed to exploring root causes of conflict in order to "create opportunities for society at large to consider and value non-violent responses to conflict".

Peace journalism is a set of journalism practices that emerged in the 1970s. Peace journalism has been developed from research that indicates that often news about conflict has a value bias toward violence. It also includes practical methods for correcting this bias by producing journalism in both the mainstream and alternative media, and working with journalists, media professionals, audiences, and organizations in conflict. This concept was proposed by Johan Galtung. Its operational definition of peace journalism is "to allow opportunities for society at large to consider and value non-violent responses to conflict". This involves picking up calls for, and articulations of, non-violence policies from whatever quarter, and allowing them into the public sphere. The broad definition of peace journalism include the terms like conflict solution journalism, conflict sensitive journalism, constructive conflict coverage, and reporting the world. Peace Journalism is now a globally distributed reform movement of reporters, academics and journalists. It aims to shed light on structural and cultural causes of violence, as they impact upon the lives of people in a conflict arena as part of the explanation for violence.An explicit aim of peace journalism is to promote peace initiatives from whatever quarter and to allow the reader to distinguish between stated positions and real goals.

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14.9 POSSIBLE QUESTIONS

Q. 1 : Explain the meaning of Track 1 Diplomacy. Write any two strengths and any two weaknesses of Track 2 Diplomacy.

Q. 2 : Explain the meaning of Track 1 Diplomacy. Write any two strengths and any two weaknesses of Track 2 Diplomacy.

Q. 3 : Explain the meaning of Track 1 Diplomacy. Write any two strengths and any two weaknesses of Track 2 Diplomacy.

Q. 4 : Explain the meaning of Track 1 Diplomacy. Write any two strengths and any two weaknesses of Track 2 Diplomacy.

Q. 5 : Explain the meaning and significance of about peace journalism.

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UNIT 15: WOMEN AND CHILDREN IN CONFLICT SITUATION IN NORTH EAST INDIA

UNIT STRUCTURE

15.1 Learning Objective

15.2 Introduction

15.3 Militarization in India

15.4 Conflict Situation in North East India

15.4.1 Impact of Conflict on Women

15.4.2 Impact of Conflict on Children

15.5 Let Us Sum Up

15.6 Further Reading

15.7 Answers to Check Your Progress

15.8 Possible Questions

15.1 LEARNING OBJECTIVES

After going through this unit, you will be able to :

- explain the meaning of 'militarization'
- discuss the process of militarization in India
- discuss the conflict situation in North East India
- explain the impact of conflict on women and children in North East India.

15.2 INTRODUCTION

Militarism has been a significant element of the imperialist or expansionist ideologies of several nations throughout history. Militarization is a difficult term with many interpretations and definitions. It is related to militarism, which is an ideology that reflects the level of militarization of a state.

The north-east of India is a magnificent and tragic tapestry of people, events and nature. There is strength and fragility in its immense diversity - 350 communities in eight states with a population of about 35 million people.

The conflict in the North Eastern Indian states has been studied, defined and given different terminologies such as armed conflict, militancy, insurgency, ethnic conflict, political violence, armed movement and so on. Conflicts in the Northeast India range from insurgency for secession to insurgency for autonomy, from 'sponsored terrorism' to ethnic clashes, to conflicts generated as a result of continuous inflow of migrants from across the borders as well as from other States.

The armed conflicts in the northeastern States have taken their toll on women, who find themselves subjected to physical and mental abuse and get caught in killings and clashes. The clashes affect whole communities, but women are the hardest hit, a situation that has got a lot to do with their position in society. In clashes between communities and ethnic groups, violence against women of the enemy community or group is a common tactic.

Children also face tremendous problems including risks to the security of their lives in armed conflict situations. They are subjected to arrest, detention, torture, rape, disappearances and extrajudicial executions by the law enforcement personnel. Children have been forced, lured, motivated to join in the armed groups in North East India. Children are forced to join the armed groups due to different circumstances such as economic condition of the family, breakdown of law and order, fast changing social order, destitution, hopelessness, false notion of power and position, etc. Children in the region have also been denied justice under the Juvenile Justice (Care and Protection) Act. Children have been regularly apprehended, detained and subjected to torture while many were killed in fake encounters.

15.3 MILITARIZATION IN INDIA

Militarism has been a significant element of the imperialist or expansionist ideologies of several nations throughout history. Militarism is the belief or the desire of a government or a people that a state should maintain a strong military capability and to use it aggressively to expand national interests and values. It may also imply the glorification of the military

and of the ideals of a professional military class and the predominance of the armed forces in the administration or policy of the state.

Militarization is a difficult term with many interpretations and definitions. It is related to militarism, which is an ideology that reflects the level of militarization of a state. Militarization is the act of assembling and putting into readiness for war or other emergency. It is the process by which a society organizes itself for military conflict and violence.

From a more qualitative perspective, militarization means to gear a state or a society toward the needs of a military environment or to subject a community to military requirements. In quantitative terms, militarization means that a state or an area is furnished with military personnel or military equipment and the necessary funds for this.

The rise of militarism in India dates back to the British Raj with the establishment of several Indian independence movement organizations such as the Indian National Army led by Subhas Chandra Bose. The Indian National Army (INA) played a crucial role in pressuring the British Raj after it occupied the Andaman and Nicobar Islands with the help of Imperial Japan, but the movement lost momentum due to lack of support by the Indian National Congress, Battle of Imphal and Bose's sudden death. After India gained independence in 1947, tensions with neighbouring Pakistan over the Kashmir and other issues led the Indian government to emphasize military preparedness. After the Sino-Indian War in 1962, India dramatically expanded its military prowess which helped India emerge victorious during the Indo-Pakistani War of War 1971 India became third Asian country in the world to possess nuclear weapons, culminating in the tests of 1998. The Kashmiri insurgency and recent events including the Kargil War assured that the Indian government remained committed to military expansion. In recent years the government has increased the military expenditure across all branches and embarked on a rapid modernization programme.

At Indian independence in 1947, the country's founders worried that the army India inherited- conservative and dominated by officers and troops drawn disproportionately from a few "martial" groups-posed a real threat to

democracy. They also saw the structure of the army, with its recruitment on the basis of caste and religion, as incompatible with their hopes for a new secular nation. However, India has successfully preserved its democracy, however, unlike many other colonial states that inherited imperial "divide and rule" armies, and unlike its neighbour Pakistan, which inherited part of the same Indian army in 1947.



CHECK YOUR PROGRESS

Q.1: Militarism has been a significant element of the imperialist or expansionist ideologies of several nations throughout history. (True/False)

.....

Q.2: Write briefly about militarization in India.

.....

.....

.....

.....

15.4 CONFLICT SITUATION IN NORTH EAST INDIA

The Northeast region of India comprising of eight states - Assam, Nagaland, Manipur, Arunachal Pradesh, Mizoram, Tripura and Sikkim - a region poorly connected to the Indian mainland by a small corridor, and surrounded by many countries such as Bhutan, Myanmar, Bangladesh and China, is the setting for a multitude of conflict that undermines the idea of India as a prosperous and functioning democracy.

The north-east of India is a magnificent and tragic tapestry of people, events and nature. There is strength and fragility in its immense diversity - 350 communities in eight states with a population of about 35 million people. While major interstate conflicts are on the decline, there are many prolonged, intractable conflicts within the state and across borders involving a variety of non-state actors. As political and social deprivation give birth to ethnic militancy, economic under development leads to regional militancy.

The conflict in the North Eastern Indian states has been studied, defined and given different terminologies such as armed conflict, militancy, insurgency, ethnic conflict, political violence, armed movement and so on.

For more than half-a-century, the Northeast has seen an unending cycle of violent conflicts dominated by insurgencies with demands ranging from outright sovereignty to greater political autonomy. Indirectly, insurgent movements also have spawned a variety of related conflicts in the region. Insurgency has taken a toll of thousands of lives, both of security forces and citizens.

- ***Types of Conflicts in the Northeast India***

Conflicts in the Northeast India range from insurgency for secession to insurgency for autonomy, from 'sponsored terrorism' to ethnic clashes, to conflicts generated as a result of continuous inflow of migrants from across the borders as well as from other States.

Conflicts in the region can be broadly grouped under the following categories -

(i) National Conflicts: Involving concept of a distinct 'homeland' as a separate nation and pursuit of the realization of that goal by its votaries.

(ii) Ethnic Conflicts: Involving assertion of numerically smaller and less dominant tribal groups against the political and cultural hold of the dominant tribal group. In Assam, this also takes the form of tension between local and migrant communities.

(iii) Sub-regional Conflicts: Involving movements which ask for recognition of sub-regional aspirations and often come in direct conflict with the State Governments or even the Autonomous Councils.

Besides, criminal enterprise aimed at expanding and consolidating control over critical economic resources also has, of late, acquired the characteristics of a distinct species of conflict in the region. It has been appropriately observed that- The conflicts in the North East have some

peculiar characteristics: they are asymmetrical; they are ambiguous, making it difficult to differentiate a friend from an enemy; they are fought in unconventional modes, deploying political and psychological means and methods; and the conflicts eventually tend to escalate into prolonged wars of attrition.

- ***State Specific Armed Conflicts in Northeast India***

While whole of the Northeastern region of the country displays a variety of conflicts, it needs to be noted that in its acute form, the problem is endemic in certain well defined areas. The variety of conflicts besetting the region will be evident from the short conflict profiles of the region.

Nagaland

The Naga insurgency, which started in the 1950s, known as the mother of the Northeast insurgencies, is one of the oldest unresolved armed conflicts in the world. However, following the cease-fire with the dominant Isak-Muivah faction of the National Socialist Council of Nagaland (NSCN), the State is virtually free from overt violent unrest although as already noted, it is the original hot-spot of insurgency. The minority Khaplang faction of NSCN does not approve of the cease-fire has also, on the whole, remained peaceful. But, the demand of 'Greater Nagaland' or 'Nagalim' may become an issue of enormous concern for more armed conflicts in the region.

Arunachal Pradesh

Although armed conflict was active in the Tirap district of Arunachal Pradesh, the State has remained peaceful after the cease-fire with NSCN. There was some disquiet with the settlement of relatively more enterprising Chakma refugees from Bangladesh in the State in large numbers which appears to have subsided.

Manipur

Currently, Manipur is the most insurgency ridden State with about 15 violent outfits representing different tribes and communities active in the State. One fourth of Manipur (which is the valley), is home to more than 70 percent of its population which predominantly consists of the culturally distinct Meitei community. The State was ruled as a monarchy (later Princely

State) by the Meitei rulers. The Meitei influence declined in socio-economic spheres after independence with the tribals coming into the forefront largely because of reservations. There was also resentment in a section of the Meitei society about the merger of the State with the Indian Union, which led to the Meitei insurgency from the 1960s. Tribals account for around 30 percent of the State's population and broadly belong to Naga, Kuki-Chin and Mizo groups. Insurgency in Nagaland and Mizoram also spilled over to the State. The cease-fire between the Union Government and the NSCN has reduced violence in Naga areas of the State, but has given rise to fresh tensions as the NSCN insists on a greater 'Nagalim' which would include four districts of Manipur.

Mizoram

Mizoram, with its history of violent insurgency and its subsequent return to peace is an example to all other violence affected States. Following an accord between the Union Government and the Mizo National Front (MNF) in 1986 and conferment of statehood in the next year, complete peace and harmony prevails in Mizoram.

Meghalaya

Meghalaya is fortunately free from violence of the intensity that prevails in many other parts of the Northeast. Except violence against 'outsiders' particularly the Bengali speaking linguistic minority, there have been no major problems in the State. However, increasing inter-tribal rivalry and emerging tensions about infiltration from Bangladesh have been identified as some of the areas of concern for leading to conflicts.

Tripura

The State's demographic profile was altered since 1947 when mass migrations from newly emerged East Pakistan converted it from a largely tribal area to one with a majority of Bengali speaking plainsmen. Tribals were deprived of their agricultural lands at throw-away prices and driven to forests. The resultant tension caused major violence and widespread terror with the tribal dominated Tripura National Volunteers (TNV) emerging as one of the most violent extremist outfits in the Northeast. However, effective

decentralization in the non-scheduled areas, bringing tribal areas within the purview of an autonomous 'Sixth Schedule Council', successful land reforms and systematic promotion of agriculture have contributed to considerable conflict reduction. While the tribal-non-tribal clashes are on the decline in the State, the changing religious composition of tribal groups is giving rise to newer tensions with apprehension of increased inter-tribal conflicts.

Assam

A wide variety of conflicts prevail in Assam such as agitations against influx of foreigners, perceived inability of the Government to deport them, occasional tensions between religious and linguistic groups and escalating conflicts involving tribal communities who seek local autonomy etc. Undivided Assam had the longest history of insurgency. Naga and Mizo insurgencies were the earliest to flare up. Eve in the present truncated Assam, there are a number of extremist outfits led by the United Liberation Front of Assam (ULFA). It has also been argued that there have been several contributing factors for the youth to join the cadres of ULFA such as unemployment, corruption in Government machinery, influx of illegal migrants, dominance of non-Assamese in the business sector, perception of exploitation of Assam's natural resources by the Centre and alleged human rights violation by the Security Forces. In addition, almost all tribal communities of the State have some armed outfits purportedly safeguarding their interests.

Thus, in total, Manipur, Assam, Naga land and Tripura have witnessed scales of conflict that could, at least between 1990 and 2000, be characterized as low intensity conflicts. However, it must also be mentioned that internal conflicts have been a permanent feature of the Asian political landscape since 1945, of which post-colonial India is no exception. Currently, most of the states in the region are affected by some form of conflict, expect for Arunachal Pradesh, Mizoram and Sikkim in which the situation is at the moment relatively stable. The reasons for the respective conflicts are wide ranging from separatist movements, to inter-community, communal and inter-ethnic conflicts.

15.4.1 Impact of Conflict on Women

Women are directly and specifically impacted by conflict as women. They are the ones who do the daily tasks in everyday life in times of civil strife; they are responsible as mothers of the children, the hurt and the wounded, who are innocent hostages to the conflict not of their creation. They are the wives of injured, disabled or missing men, the soldiers of warring factions and the state. They suffer as civilians with their freedoms curbed and shackled. They are assaulted, beaten, humiliated, raped and murdered during conflicts. In fact, they face violence from three quarters - the State, the opposing community, and often in their own homes in the form of domestic violence.

Women are victims of war and conflict in a variety of other ways as well. The loss of family members, which includes husbands, brothers and children, has long-term psychological effects of women. The suffering endured by after conflicts and devastation results in emotional and mental stress. Their loss is not just emotional, it is also economic and most women experience a decline of social legitimacy. The loss of male family members often renders them completely poverty stricken since they form the bulk of the unemployed and illiterate they are ill equipped to take over the burden of being primary earners or sole earning member and head of the household. All too often destitution follows the loss of earning men.

Women and girls bear the brunt of many of the harmful consequences of armed violence. In the last two or three decades, the use of violence against women and girls during conflicts, and especially sexual violence, has become more visible. But aside from increased sexual violence, conflict exacerbates many inequalities that can last well after a war ends. Here are just a few examples.

Countless women and girls all over the world suffer from the trauma of war and conflict - often as widows or orphans, perhaps displaced from their homes, sometimes detained. Many times, they are separated from loved ones and become victims of violence and

intimidation. For the most part they are civilians caught in the crossfire. They show astonishing resourcefulness and resilience in coping with the disintegration of their families, the loss of their homes and belongings, and the destruction of their lives.

The vulnerability of women often derives from the fact that armed conflicts today have changed in such a way that civilians are increasingly caught in the fighting, and that women bear the brunt of the burden of ensuring the day-to-day survival of their families.

Women are especially susceptible to poverty, exclusion, and the sufferings caused by armed conflict when they are already subject to discrimination in times of peace.

The armed conflicts in the northeastern States have taken their toll on women, who find themselves subjected to physical and mental abuse and get caught in killings and clashes. The clashes affect whole communities, but women are the hardest hit, a situation that has got a lot to do with their position in society. In clashes between communities and ethnic groups, violence against women of the enemy community or group is a common tactic.

A case in point in this respect is the case of Manipur; where there is a massive protest is being staged against the allegedly draconian Armed Forces Special Powers Act (AFSPA) that has accorded tremendous unaccountable power in the hands of the armed forces. Owing to the vast unaccountable power it entrusts on the security personnel, the enforcement of AFSPA has resulted in innumerable incidents of arbitrary detention, torture, rape, and looting in the region in the garb of maintaining "public order". The Committee on Human Rights has documented 55 selected incidents of arbitrary killing by the security forces between 1980 and 1996 - none of which have been resolved so far.

Further, it has been found that it is the women who have to bear the brunt such a law, as they are the 'soft targets'. There are number of instances that bear testimony to this, the most blatant being the

alleged rape and killing of a young Manipuri woman named Manorama Devi by Assam Rifles, which led to such an upsurge of a defiant protest that saw number of Manipuri women shedding their clothes and challenging the soldiers to rape them that shocked the country and steered the conscience of every thinking Indian.

In case of the State of Assam, the ongoing insurgency movement and the presence of the armed forces in order to curb the movement has also seen rights of the women being violated and vitiated in many instances. What is most disturbing is that most such cases, despite being reported are not treated with the required urgency.

15.4.2 Impact of Conflict on Children

The human cost of any conflict, especially armed and protracted conflict, has been really devastating. It is more so with the children who hardly develop skills to deal with the intricacies of facing and living with conflict. Millions of children are caught up in conflicts in which they are not merely bystanders, but targets. Some fall victim to a general onslaught against civilians; others die as part of a calculated genocide. Still other children suffer the effects of sexual violence or the multiple deprivations of armed conflict that expose them to hunger or disease. Just as shocking, thousands of young people are cynically exploited as combatants.

Children in armed conflict situations face tremendous problems including risks to the security of their lives. They are subjected to arrest, detention, torture, rape, disappearances and extrajudicial executions by the law enforcement personnel. The disruption of food supplies, the destruction of crops and agricultural infrastructure, the disintegration of families and communities, the displacement of population and the destruction of educational and health services and of water and the sanitation system, all take a heavy toll on children.

The children who are at the transitional age from childhood to adulthood are more vulnerable due to the natural complexities and

confusion that they face during this period. It is more so in the conflict-affected societies due to fear, uncertainty, chaos and confusion that violence itself produces. Adolescents are at extreme risk during armed conflict. They are targets for recruitment into armed forces and armed groups; they are targets for sexual exploitation and abuse; and they are at great risk of sexually transmitted diseases, including HIV/AIDS.

Children have been forced, lured, motivated to join in the armed groups in North East India. Children are forced to join the armed groups due to different circumstances such as economic condition of the family, breakdown of law and order, fast changing social order, destitution, hopelessness, false notion of power and position, etc.

Bandhs (protest shut-downs) and blockades due to civil conflict are a frequent phenomenon in the region which have an adverse impact on children. Such a situation creates problems in the public service delivery system of food, water, medical and supplies of other essential commodities. As a result of curfews and boycotts, more than 80% of the schools with thousands of students in the entire region get affected badly.

Trafficking is seen as a manifestation of conflict for impoverished people in this northeastern region of the country. Many of the parents and guardians are lured easily by people who come promising to provide a dignified living to their children.

Children in the region have also been denied justice under the Juvenile Justice (Care and Protection) Act. Children have been regularly apprehended, detained and subjected to torture while many were killed in fake encounters. Others were abused in fake surrender ceremonies organized by State Armed Forces. In these events children are being lured to attend and are detained as fake members of insurgent groups.

Children have been affected by internal displacement due to the conflict in North East India. Children are forced to live in the relief

camps in suffocating and sub-human living conditions. Children have also gone missing in large numbers in the region. The Assam State Commission for Protection of Child Rights (ASCPCR) reports that in the state of Assam alone, 4,234 children out of whom 2,819 are girls have been reported to be missing since 2011 and are still untraced.

Moreover, having parents killed due to insurgency-related activities, by armed forces or due to ethnic conflict, hundreds of children have become orphaned at an early age. The deprivation from parental care in turn threatens to cause other concerns for children in North East India.



CHECK YOUR PROGRESS

Q.3: The Isak-Muivah faction is associated with which insurgent group?

.....

Q.4: The vulnerability of women often derives from the fact that armed conflicts today have changed in such a way that ..... are increasingly caught in the fighting. (Fill in the Blank)



15.5 LET US SUM UP

- Militarism is the belief or the desire of a government or a people that a state should maintain a strong military capability and to use it aggressively to expand national interests and values.
- The rise of militarism in India dates back to the British Raj with the establishment of several Indian independence movement organizations such as the Indian National Army led by Subhas Chandra Bose.
- India has successfully preserved its democracy, however, unlike many other colonial states that inherited imperial "divide and rule" armies.

- The north-east of India is a magnificent and tragic tapestry of people, events and nature. There is strength and fragility in its immense diversity - 350 communities in eight states with a population of about 35 million people.
- The conflict in the North Eastern Indian states has been studied, defined and given different terminologies such as armed conflict, militancy, insurgency, ethnic conflict, political violence, armed movement and so on.
- Conflicts in the Northeast India range from insurgency for secession to insurgency for autonomy, from 'sponsored terrorism' to ethnic clashes, to conflicts generated as a result of continuous inflow of migrants from across the borders as well as from other States.
- Women are directly and specifically impacted by conflict as women.
- The conflicts in the northeastern States have taken their toll on women, who find themselves subjected to physical and mental abuse and get caught in killings and clashes.
- Children also face tremendous problems including risks to the security of their lives in conflict situations.



15.6 FURTHER READING

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5. A Study on Impact of Armed Conflict and Violation of Child Rights, MACR, 2010, Imphal.



15.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q. No. 1: True

Ans to Q. No. 2: Militarism has been a significant element of the imperialist or expansionist ideologies of several nations throughout history. Militarism is the belief or the desire of a government or a people that a state should maintain a strong military capability and to use it aggressively to expand national interests and values. It may also imply the glorification of the military and of the ideals of a professional military class and the predominance of the armed forces in the administration or policy of the state.

Militarization is a difficult term with many interpretations and definitions. It is related to militarism, which is an ideology that reflects the level of militarization of a state. Militarization is the act of assembling and putting into readiness for war or other emergency. It is the process by which a society organizes itself for military conflict and violence.

The rise of militarism in India dates back to the British Raj with the establishment of several Indian independence movement organizations such as the Indian National Army led by Subhas Chandra Bose. The Indian National Army (INA) played a crucial role in pressuring the British Raj after it occupied the Andaman and Nicobar Islands with the help of Imperial Japan, but the movement lost momentum due to lack of support by the Indian National Congress, Battle of Imphal and Bose's sudden death. After India gained independence in 1947, tensions with neighbouring Pakistan over the Kashmir and other issues led the Indian government to emphasize military preparedness. After the Sino-Indian War in 1962, India dramatically expanded its military prowess which helped India emerge victorious during

the Indo-Pakistani War of War 1971 India became third Asian country in the world to possess nuclear weapons, culminating in the tests of 1998. The Kashmiri insurgency and recent events including the Kargil War assured that the Indian government remained committed to military expansion. In recent years the government has increased the military expenditure across all branches and embarked on a rapid modernization programme.

Ans to Q. No. 3: National Socialist Council of Nagaland (NSCN)

Ans to Q. No. 4: civilians



15.8 POSSIBLE QUESTIONS

Q. 1 : Explain the meaning of militarization in India.

Q. 2 : Discuss the conflict Situation in North East India.

Q. 3 : Explain the impact of conflict on women in North East India.

Q. 4 : Impact of Conflict on Children in the context of North East India.

*** ***** ***



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5) *UNDP Human Development Reports, 2019*

*** ***** ***

Name of the Paper: .....
Course Code: .....

Centre for Internal Quality Assurance (CIQA)
Krishna Kanta Handiqui State Open University
City Office: Housefed Complex, Guwahati-781006

Learner's Feedback on Course

Dear Learner,

Regarding the course as mentioned above, we would like to know your opinions and comments so as to improve the quality of self learning materials in future. Please respond to the following statements by ticking the number you feel most reflect your opinion. After completion of the additional comments, please detach the page and send/mail the same to us at the address given below.

The Director, Centre for Internal Quality Assurance, KKHandiqui State Open University
Housefed Complex, Dispur, Guwahati-781006
(E-mail id: ciqa@kkhsou.in)

1) Approximately how many hours did you spend for studying the units in the course? ☐☐☐

2) Please give your opinions (by ✓ mark) to the following items based on your reading of the block:

Sl. No.	Statements	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
I)	The SLMs of the course fulfil the learning objectives set out in the beginning of each unit					
II)	The units of the SLM could satisfy my academic needs and expectations					
III)	The Unit writers have excellent knowledge about the course contents					
IV)	Language and contents of the units were presented at a level which I could readily understand					
V)	Ample opportunity for participation in the activities provided in the units					
VI)	Used enough Illustrations (Diagrams, tables etc.) for conceptual clarity					
VII)	Quality of content is engaging, relevant, and up-to-date					
VIII)	The self check questions are very helpful					
IX)	The Possible/model questions and the answers to check my progress have benefited me a lot					

Additional Comments: *(Please feel free to provide your open comments)*

1) Which aspects of the SLM, according to you, worked well?

.....

.....

2) What sort of changes/improvements do you feel KKHSOU could implement to improve the overall quality of the SLM?

.....

.....

Thank you for taking the time to complete this form.