

International Relations

UNDERSTANDING CONFLICT AND CONFLICT RESOLUTION

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Conflict

Conflict is a state of discord caused by the actual or perceived opposition of needs, values and interests. It exist whenever incompatible activities occurs. An activity that is incompatible with another is one that prevents, blocks, or interferes with the occurrence or effectiveness of the second activity. Conflict has also be defined as “when two or more parties, with perceived incompatible goals seeks to undermine each other’s goal seeking capacity”. Conflict is different from competition and co-operation because in competitive situations, the two or more individuals or parties have mutually inconsistent goals, as either party tries to reach it goals it undermine the attempt of the others to reach others. Therefore, competitive situations will, by their nature, caused conflict. Conflict can also occur in cooperative situations, in which two or more individuals or parties have consistent goals because the manner in which one party tries to reach its goal may undermine the other individual or party.

A clash of interest, values, actions or directions often spark a conflict and conflict is also seen as the existence of the clash. Psychologically, a conflict exists when the reduction of one motivating stimulus involves an

increase in another. The word 'conflict' is applicable from the instant the clash occurs. Even when it is described as a potential conflict, it is implying that there is already a conflict of direction even though a clash has not occurred. As a result conflict can occur whenever there is interaction. Leo Otoide describes this situation in the international system thus:

...when states interact there is competition for power and prestige and in the process, the international system elicits a picture of perpetual conflict, of survival of the fittest, where the desire for power and influence determines the attitudes of states and the course of events.

Consequently, conflict can be seen as part of human society and the international system at large.

Conflict is also the incompatibility of goals or values between two or more parties in a relationship, combined with the attempts to control each other and antagonistic feelings towards each other. The incompatibility or difference may exist in reality or may only be perceived by the parties involved. Nonetheless, the opposing actions and the hostile emotions are very real hallmarks of human conflict. Conflict occurs between people in all kind of human relationships and in all social settings. As a result of the wide range of potential differences between people, the absence of conflict usually signals the absence of meaningful interaction. A conflict can be as small as a perceived disagreement or as large as war. It can originate in the person, between two or more people, or between two or more groups. Conflict by itself is neither good nor bad but the manner in which conflict is handled determines whether it is constructive or destructive.

There are many sources of conflict, the most common of these sources is the struggle for economic gains. This occurs in a situation where there are competing motives to attain scarce resources. Each party wants to get the most that it can and the behaviour and emotions of each party are directed towards maximizing its gain. The Nigerian-Cameroon boundary dispute where each party tries to gain the peninsula is an example of economic conflict. Another example is workers' union and management conflict. Conflicts can also be caused by value when incompatibility in ways of life, ideologies – the preferences, principles and practices that people believe in. This was the case in the cold war which has a strong value component, wherein each side asserts the rightness and superiority of its way of life and its political economic system.

Power conflict occurs when each party wishes to maintain or maximize the amount of influence that it exerts in the relationship and the social setting. It is impossible for one party to be stronger without the other being weaker in terms of influence over each other. Power conflict ensues which party usually ends in a defeat. It can occur between individuals, between groups or nations, whenever one or both parties choose to take a power approach to the relationship. Power also enters into all conflict since the parties are attempting to control each other. Also, it must be noted that most conflicts are not of a pure type, but involve a mixture of sources. For example, union-management conflict often involves different ideologies or political values in addition to the economic competition at the background. The more sources that are involved, the more intense and intractable the conflict usually is.

Miscommunication and misunderstanding can create conflict even when there are no basic incompatibilities. In addition, parties may have

different perceptions as to what the facts are in a situation and until they share information and clarify their perceptions, resolution is impossible. Self-centeredness, secretive perception, emotional, prejudices are all forces that lead one to perceived situations very differently from the other party. Lack of skill in communicating what we really in a clear and respective fashion often result in confusion, hurt and anger, all of which simply feed the conflict process by making it more complex.

Conflict have a definite tendency to escalate that is, to become more intense and hostile and to develop more issues on what the parties say the conflict is about. Escalating conflicts becomes more difficult to manage. The process of escalation feed on fear and defensiveness. Threat leads to counter threat and the self-fulfilling prophecy comes into play.

Each party believes in the evil intentions of the other and inevitability of disagreement, and therefore taken precautionary actions which signal mistrust and competitiveness. When the other party then responds with a counter action, this is perceived as justifying the initial precautionary measure, and a new spiral of action and counter-action begins through the norm of reciprocity, stronger attempts to control are met only with stronger resistance, but more contentious attempts to gain the upper hand.

With each succeeding spiral of conflict, polarization grows and the parties becomes more adamant and intransigent in their approach to the situation. Even though the intensity of the conflict may moderate for the periods of time, the issues remain, and triggering events induces conflictual behaviour with negative consequences, and the conflicts make

one more step up the escalation staircase. When party becomes locked in a conflict they are usually unable to get out by themselves, and the intervention of a third party to play the role of arbitrator, mediator or consultant may be required.

Supranational conflicts are conflicts that involved states or in which one of the parties is a state. There are three common types of supranational disputes: disputes involving maritime boundaries, disputes involving land and investor-state dispute also known as investment treaty disputes. These disputes are different from commercial disputes in many ways.

First, supranational disputes are likely to be settled by special tribunals that deal with international conflict resolution and settlement such as the **International Court of Justice (ICJ)**, the **Permanent Court of Arbitration (PCA)**, **The International Tribunal of the Law of the Sea (ITLOS)** and the **International Centre for Settlement of Investment Disputes (ICSID)**. Pure Commercial dispute, on the other hand, are likely to be settled in national courts or by international commercial arbitral bodies such as the **International Convention on the Settlement of Investment Disputes (ICSID)** and the **New York Convention on Commercial disputes**.

In resolving supranational conflicts, it is important to bear in mind that, unlike other conflicts, it is likely to arise out of a treaty. For example, a Maritime Delimitation Disputes may be governed by the 1982 law of the Sea Convention (UNCLOS III) or an investor-state dispute by the international settlement of investment dispute convention and the court is

to apply international conventions, international customs and the general principles of laws recognized by the nations in question.

Anthony Connerty summarized the special characteristics that make supranational dispute different from commercial dispute:

...they are likely to be heard by one of the supranational dispute resolution bodies such as the ICJ: the issues may require to be decided in accordance with the provisions of a treaty; the principles of international law are likely to be applied, and, in the case of an ICSID award, the provision of the New York Convention are not relevant to enforcement.

Conflict Resolution

There are various methods of dispute resolution. The most common among them is **negotiation**. Negotiation consist of discussion between officially designated representatives designed to achieved the formal agreement of other governments in an issues that is either shared concern or in dispute between them. Negotiation has been divided into three distinct stages: pre-negotiation, formal negotiation and agreement.

Good offices is another method of conflict resolution it involves the assistance of a third party or state not a party to the dispute. The third party in adhering strictly to the limits of good offices, may offer only a channel of communications or facilities for the use of parties but may not offer any suggestions for terms of settlements. It promotes a settlements without getting involved in the issues at stake.

Inquiring is another methods of conflict resolution. It is the process of fact-finding by a neutral team of investigators. Often the fact underlying

a particular conflict are in dispute among the parties and a clarification by an impartial commission will facilitate settlement.

In **mediation**, the mediator is a third party and primarily a facilitator who seeks to establish or restore communication between feuding parties. The mediator strives to bring the parties face to face to negotiate and this constitutes a vital objective of his endeavours, the mediator must have good influence, credibility and good standing with the parties. Above all, he must have good diplomatic skill.

Another method of conflict resolution is **conciliation** which is similar to mediation except for the legal distinction that the third party is a commission or an international body whose aid has been sought in finding a solution satisfactory to the disputants.

Arbitration is a step further than a fact finding mission since it involves the practical examination of the issues involved in a crisis and the decision is binding on the parties. Often a tribunal is set up to examine the issues and make recommendation to a superior body.

Adjudication or judicial settlement is a process of submitting to an international court for decision. Unlike arbitration, the court is subjected to no preliminary litigations upon its procedures, evidence to be considered or legal principles to be applied except those stated at the statute by which it was created.
