UNIT 9  COERCIVE SETTLEMENT OF DISPUTES

Structure

9.1 Introduction

Aims and Objectives

9.2 Methods of Conflict Resolution
   9.2.1 Pacific Settlement
   9.2.2 Coercive Methods

9.3 Coercive Methods Short of War
   9.3.1 Retortion
   9.3.2 Reprisal
   9.3.3 Embargo
   9.3.4 Boycott
   9.3.5 Pacific Blockade
   9.3.6 Intervention
   9.3.7 Collective Security

9.4 Coercive Methods through War
   9.4.1 Limited War
   9.4.2 Total War

9.5 Problems and Prospects

9.6 Summary

9.7 Terminal Questions

Suggested Readings

9.1 INTRODUCTION

Since the Peace Treaty of Westphalia in 1648, the concept of nation-state has acquired significance in the global system. The behaviour of states in the larger global milieu has been explained in terms of realism which is based on some fundamental assumptions such as: (i) global order is anarchical in nature; (ii) states are always engaged in the struggle for power; (iii) national interest of the states are always pursued in terms of acquisition of power; (iv) state is considered as the sole and rational actor in terms of their policy choices; and (v) the stability in power structure can be attained through balance of power mechanism which is based on perseverance of status quo. Thus, for a long period global order concentrated on the working of sole actor, i.e. state, and its interests are defined in terms of struggle for power. Though classical realism has been modified and amended by later scholars through their new orientations in the name of neo-realism, structural realism, defensive, cooperative, state-centric realism etc., yet reflections in terms of balance of power or unipolarity are grouped together under the common denomination, i.e. state.
Since 1980s and 1990s the concept of security has undergone transformations with new terminologies and basic postulates. It has traveled a long distance from state-centric and military or territorial security to ‘common’, ‘collective’ and ‘cooperative’ security system based on interdependence and positive interactions among states. However, the importance of states has not been reduced or eliminated but only slightly changed from not only state alone, it has shifted to states along. Since the coming of United Nations Development Programmes’ report in 1994 the concept has been drastically altered from ‘state’ to ‘human security’ where the latter has been made the referent objective of security.

In this new conception security means ‘freedom from fear’ and ‘freedom from want’. This report listed seven components or specific values of human security, which are: (1) Economic Security; (2) Environmental Security; (3) Food Security; (4) Health Security; (5) Personal Security; (6) Community Security; and (7) Political Security. Thus, the changed notion of security addresses two sets of threats. First of all, some threats are more localised. These are threats that are particular to different societies or regions of the world and seemingly vary by level of economic development and geographical location. Secondly, some threats are global in nature because ‘threats within countries rapidly spill beyond natural frontiers. Thus, security today involves the fulfillment of interests of both individual, as well as, states. Hence, struggle for power cannot be ruled out completely, but certain constrains of community need to be taken care off. Similarly use of both peaceful and coercive mechanisms is prevalent. However, generally the latter methods are used only after the failure of forever techniques. These are not considered to be matter of first choice. Operationalisation of coercive methods needs the skillful use of coercive diplomacy which represents a reciprocal relationship between combatants using this maneuver to reach some mutual accord. This diplomacy has following characteristics: (i) It is political diplomacy based on the premises to coerce enemy’s decision; (ii) Some use of force may be there for credibility; (iii) precedence of limited use of force cannot be ruled out; (iv) To be successful signaling bargaining and negotiation must be accompanied; (v) Seriousness of it depends upon the perception of enemy about the use of coercive force.

**Aims and Objectives**

After going through the unit, you will be able to understand:

- The meaning of Coercive Methods;
- types of Coercive Methods; and
- problems and limitations of Coercive Methods.

### 9.2 METHODS OF CONFLICT RESOLUTION

It has become evident that despite the changes in the thinking of components of security and transformed global order existence of conflict in international system has not been ruled out. Besides, despite the incorporation of new actors and emergence of civil society to be considered as the replacement of the role of state as the core actor in international, there is need and urgency for evolving methods and strategies for the resolution of conflict. In this context, following two broad categories of methods can be evaluated:
9.2.1 Pacific Settlement

These methods involve the use of peaceful mechanisms devoid of use of force and violence. In general terms they may be classified into two categories: (a) Diplomatic and Political; and (b) Judicial.

a) Diplomatic and political methods do not use force and violence and final judgments arrived through these mechanisms may not be binding upon the parties concerned. Hence they are called non-binding or non-decisional and mutual agreements are generally arrived at through compromises. These methods are: (i) Negotiations; (ii) Good offices; (iii) Mediation; (iv) Inquiry; and (v) conciliation.

b) Judicial methods are also peaceful. But the only difference between diplomatic and these methods is of its binding nature. The decisions arrived through these methods are binding on the disputed parties. Hence, these procedures are described as decisional and binding. Two judicial methods are: (i) Arbitration (adopted by PCIJ); and (ii) Adjudication (adopted by ICJ).

9.2.2 Coercive Methods

When methods of Pacific Settlement of disputes fail, states adopt coercive methods which are of two types:

i) Coercive Methods Short of War; and

ii) Coercive Methods through War.

i) Coercive Methods Short of War: States turn to coercive but non-violent methods for the resolution of conflicts only if peaceful procedure fails to produce desired result. Most of these devices, although expressed in the mechanics of the diplomatic process, have their ultimate coercive effect in the psychological realm. These non-violent coercive techniques may be pursued through numerous state actions in the form of – recall of diplomats; expulsion of diplomats, denial of recognition, rapture of diplomatic ties; suspension of treaties etc.

These actions are taken by adopting one of the following methods – (i) reprisal; (ii) retortion; (iii) embargo; (iv) boycott; (v) blockade; (vi) intervention; and (vii) collective security.

ii) Coercive Methods through War: Last resort to the resolution of conflicts in the international system has always been the organised application of violence in the form of war. But the war may either be fought by tacit agreement within the terms of reference and restraint laid down by the international system and thus be related to the controlling equilibrium, or it may potentially destructive of the system by threatening to alter relationships drastically, dysfunction ally, and permanent. Consequently, wars can be fought in two broad categories (i) Limited War; and (ii) Total War.

9.3 COERCIVE METHODS SHORT OF WAR

The following methods, though coercive but non-violent, are used by the states if disputes are not resolved through peaceful means. These methods obviously are of unfriendly nature and a complex form of retaliation against its enemy.
9.3.1 Retortion

Generally retortion method used by the state is a legal but deliberately unfriendly act with a retaliatory or coercive purpose. When a state behaves in a discourteous manner with another state, the latter has right to retaliate under international law. But in doing so only the measures allowed under law are permitted. Consequently, general mechanisms applied in retaliations are – recall of diplomats, rupture of diplomatic ties, declaring diplomatic staff as non-persona gratia (undesirable person), economic sanctions etc.

Action under retortion can be taken both in terms of kind and direct or explicit nature. A common form of retortion consists in retaliatory increase in tariff rates against states which discriminate against the product of a particular nation. That is why it is called retaliation in kind. But sometimes when a state acts in reply to legal but discourteous, unfriendly, unfair on inequitable act with act of similar type, then retortion is not limited to retaliation in kind.

However, the use of retortion is limited by some provisions of the UN Charter. Most important among them is provision under article 2(3) of the charter which prevented the use of retortion if it endangers the international peace and security and justice in the global order. As a result, even if it is permitted in some cases then also it should not be in contravention to the possibility of creation of dangers to peace and security in the international system.

9.3.2 Reprisal

It is another type of coercive method used by the states involving generally all kinds of forceful measures. It is related to methods adopted by states for securing redress from another state by taking retaliatory measures. In earlier times, the term has been restricted to the seizure of property and persons, but in contemporary times it connotes coercive measures adopted by one state against another for the purpose of settling some disputes brought about by the latter’s illegal or unjustified conduct.

Practice of International law has evolved following principles on the basis of which this concept can operate:

a) Reprisal is only justified, if at all, where the state against which it is directed has been guilty of conduct in the nature of an international delinquency.

b) Reprisal would not be justified if the delinquent state had not been previously requested to give satisfaction for the wrong done, or if the measures of reprisals were ‘excessive’ proportionally in relation to the injury suffered.

c) Reprisals are only justified if their purpose is to bring about a satisfactory settlement of a dispute.

d) Reprisals should not be resorted to unless and until negotiations for the purpose of securing redress from the delinquent state fail.

At the outset it must be clear that retaliatory acts between belligerent states in the course of war are a different matter from reprisals, although they are also termed ‘reprisals’. That is why reprisals have always been a controversial matter. However, the basic distinction between reprisals and retortion is that the former consists of acts which would generally otherwise be quite illegal, whereas the latter consists of retaliatory conduct to which no legal objection can be taken.
Though, it is agreed that reprisals are based on the use of violent means short of war, yet on the basis of use of means these can be divided into four categories: (a) Positive; (b) Negative; (c) Special; and (d) General. Positive reprisals are based on the use of primitive laws for retaliation, i.e. law of ‘an eye for eye’. Negative reprisals are conducted by not using the violent means; rather the methods like non-payment of debts or non-obligation of treaties are applied. Special reprisals are based on the methods used during the middle ages. They are resorted to for the indemnification of private individuals for injuries and losses inflicted on them by subjects of other nations. General reprisals take place when an aggrieved state performs warlike operations without the intention of making war. Thus, above different types of reprisals are permitted by the orthodox view of International law where there is either denial of justice or a situation of international delinquency exists.

To operationalize reprisals numerous strategies can be adopted depending upon the situations and context of the problems. Generally adopted methods to implement reprisals are: (i) boycott of goods; (ii) an embargo; (iii) a naval demonstrations; and (iv) bombardment. But the use of these methods is not without any limitations. Both the provisions of UN Charter, as well as, the practice of international system put following restrictions on the working of this concept:

i) Under article 2(3) of the UN Charter, member states are restrained to settle their disputes by peaceful means in such a way as not to ‘endanger’ international peace and security.

ii) Under article 2(4) of the UN Charter, member states are to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the UN.

iii) In practice UNSC in 1964, by a majority, condemned reprisals as being ‘incompatible with the purposes and principles of the UN’.

iv) On 24 October 1970, UN General Assembly while adopting ‘Declaration on Principles of International Law concerning Friendly Relations & Cooperation Among States’ declared that: ‘States have a duty to refrain from acts of reprisal involving the use of force.

Even the use of force under ‘self defense’ (article 51) and for ‘collective action’ (article 33) is limited in terms of: ‘consisted in the threat or the exercise of military force against another state in such a way as to prejudice its territorial integrity or political independence would presumably be illegal’; and, non-use of peaceful means prior to resort to force would be considered illegal. Thus, reprisals are justified if other state has committed an international crime or violated any international law. It is justified only if its objectives are justified and satisfactory to settle international disputes.

### 9.3.3 Embargo

It is another type of coercive method used by the states to retaliate the action of belligerent state. If a state violates international law or commits some international crime then the affected nation uses the tactics of embargo. Through this strategy nation tries to prohibit the shipment of all goods or certain goods to a particular country or a group of countries. However, this obstruction of ships can be done only in the area of territorial waters. It is because beyond this jurisdiction high seas has been considered as an area
for the use of humanity at large. This can be imposed both by unofficial or official manner, i.e. this may be initiated by private groups or public sentiments or by governments. Similarly it can be utilised in both partial and full manner. Thus, in a limited sense a restriction of economic and like activities by the state against any other state can create problems for the nations which violate international law. However, these kinds of restrictions cannot be utilised beyond the sovereign jurisdiction area of the state applying embargo.

9.3.4 Boycott

It is the reverse of the embargo, through this strategy a state may stop the imports from any country who do not observe international law or is involved in international crime. It can be pursued both at official and non-official levels. By non-acceptance of goods of a particular country the affected state may create economic problems for the former. Even sometimes it is done by the states to promote their local/indigenous products. However, most of the times it is used to fulfill political objectives. Major limitation of this strategy is that this can be implemented only in the territorial jurisdiction of the pursuing state.

9.3.5 Pacific Blockade

In the time of war, the blockade of a belligerent state’s ports is a very common naval operation. The pacific blockade, however, is a measure employed in times of peace. It is generally designed to coerce the state whose ports are blockaded into complying with a request for satisfaction by the blockading state. Therefore while applying this ‘ingress’ and ‘egress’ of the ports of the states are blockaded so that ships of other states may not reach those ports. Simultaneously it is also ensured that ships of blockaded state may not go out of the ports. Therefore, this strategy is used by the state to compel other side to settle disputes. Here it must also be clarified that while operationalizing it blockading state has no right to seize ships of third states which endeavour to break a pacific blockade. Consequently, it follows that third states are not duly bound to respect such a blockade.

The strategy of pacific blockade is not without limitations. Article 2(3) of the UN Charter prohibits any such action under pacific blockade if it endangers international peace and security. However, under article 42 of the UN Charter it is justified as a collective measure taken under chapter VII of the UN Charter. Besides, it is advantageous in two more ways; (i) it is far less violent means of action than war; and (ii) it is also more elastic as compared to other such methods. But its utility as unilateral measures has been disapproved by the UN. Hence, in present times it has become an obsolete method.

9.3.6 Intervention

It is another compulsive measure used by the states for the resolution of conflict. It can be both diplomatic and military oriented in its application. In principle there are some provisions of the UN Charter which prohibits the use of intervention. As under article 2(4) unilateral use of force or threat thereof by states in their international relations is prohibited. Similarly, under article 2(7), UN is not allowed to intervene in the domestic affairs of the states. Even some resolutions that are passed by the United Nations, passed from time to time, also do not allow the UN to intervene in the matters of states.

However, this does not mean that intervention is ruled out for all purposes. Practically, speaking it is allowed both individually and collectively on the basis of following two major principles:
i) **Principle of Self Defence:** Under this, intervention is allowed by an individual state against the other state. The right to self defense is provided under article 51 of the UN Charter but with numerous limitations. The limitations like – allowed only in case of arms attack; through UN system; review by security council; threatening international peace and security; not-available against non-UN members etc. restricts its operation in a very limited manner.

ii) **Principle of Collective Measures:** Besides individualist manner, it is also allowed as collective activity under the UN system. On the name of collective intervention it is permitted on humanitarian ground on the basis of articles 1, 55 and 56, because violation of human rights provides legal obligation upon the members for collective intervention under UN system. Moreover, under chapter VII (article 39 & 42) UN can take action if the activities of human rights violation or civil war are there and if these endanger international peace and security.

Though on some other grounds like – to enforce treaty rights; prevent illegal intervention; balance of power; protection of persons and property; to maintain international law; problem of civil war etc. states use individual interventions, yet these are not permitted under international law. Thus, intervention can be used either individually by states in a limited manner on the ground of self-defence or it can be a collective exercise by the UN system for the preservation of peace and security at the international level.

### 9.3.7 Collective Security

When means of pacific settlement fail then UN resort can coercive method for such purpose, though word “collective measures” is used for such activities but in common parlance it is described as collective security. Though mentioned in preamble and article 1 of the UN Charter, yet it is elaborately and exclusively described in Chapter VII of the Charter. However, it can neither be pursued as first step nor be taken as a unilateral action in a hurried manner. It has to be implemented in step-by-step way. First of all, for the initiation UNSC has to determine the existence of any threat of peace, breach of peace or act of aggression. It is only after that it can make recommendation of collective measures. After that before the actual use of force, UN has to use measures like – partial interruption of economic activities by stopping rail, sea, air etc. network. Other channels of communications (postal, telegraphic, radio etc.) needs to be curtailed including severance of diplomatic relations. Later the embargo and blockade can be applied. Finally force is used as collective exercise through military staff committee under UN army and UN flag.

Thus, collective security measure is used as a last resort and for limited purpose. Besides, as far as constitutional provisions are concerned, it has been over emphasised as a strong method for application, but if analysed practically, due to cold conflict between powers, it remained non-effective for most of the period. Even in the post-Cold War decades, due to emerging hegemony and dominance of the sole superpower, it is more misused than regulated properly. The present status of uni-multi-polar or non-polar world order the ensuing fluidity has made it operationally difficult. Even the question mark on the relevance of the UN system itself has further created doubts about its use.

### 9.4 COERCIVE METHODS THROUGH WAR

Final and unanswerable device for producing solutions to conflict has always been the organised application of violence in the form of war. On the basis of methods, scope and
intensity of war it can be divided into two broad categories: (i) limited war; and (ii) total war.

9.4.1 Limited War

When a war is fought with limited objectives and with voluntary restraints on the use of force by the states, it is a limited war. Here, the purpose is not complete victory or annihilation of enemy rather to achieve limited goal. Even the scope for negotiated peace is always kept open despite warfare. Therefore, this type of warfare is fought by tacit agreement within the terms of reference and restraint laid down by the international system and thus is related to controlling equilibrium among the states. Here after restoring the balance war may be stopped and all restrictions prescribed under international law are observed. Thus both the parties in conflict observe massive restraints and always engaged in warfare till the objective is attained. The end of such war is theoretically marked by re-establishment of normal relations between the former enemies after political re-adjustments made necessary by the war have been consummated.

9.4.2 Total War

With the coming of weapons of mass destruction (WMDs) in the form of chemical, biological and nuclear weapons war has acquired the course of total war. This kind of war has the potentiality of destroying the system by threatening to alter relationships drastically, dysfunctionally and permanently. Here the purpose of war is complete victory or even annihilation of enemy. The purpose of this war has been very comprehensive and weapons of huge magnitude and devastating categories are used. But given the nature of weapon system, i.e. WMDs, and changed context of global milieu, the relevance of the concept of total war may be present in theory but very difficult to put into practice.

9.5 PROBLEMS AND PROSPECTS

Use of coercive measures is not without problems. If critically examined these methods cannot be applied due to constraints of both theoretical and operational dynamics of the international system. Following limitations make the use of coercive methods unusable.

Threats of Weapons of Mass Destructions (WMDs)

Use of science and technology in weapon developments has brought out significant transformations in the character of warfare. Development of chemical, biological and nuclear weapons rule out the very basis of the use of weapon systems. It is because these weapons come in the category of WMDs use of which may result in the vast destruction of population or even annihilation of humanity at large. Hence use of force may not remain limited rather it can give birth to the phenomenon of total war. Moreover, existence of symmetry between belligerent states is not essential which used to be the hallmark of conventional warfare. With the coming of these weapons even the asymmetrical possession of these weapons can prove to be dangerous. Hence use of forceful means became a limited option for the conflict resolution among states.

Against the Basic Thrust of Global Order

The use of forceful measures is anti-thesis to global order emerging after the end of Cold War. After the Second World War, global system was engulfed with the phenomenon of Cold War due to superpowers rivalry. But with the demise of Soviet system in 1991 and developments in the Eastern Europe from 1989 to 1991, there occurred a sudden shift
in international system. Now relaxation of tensions is being witnessed in the form of end of conflicts in different parts of the world. Besides, now-a-days, economic factors gained currency by replacing the politico – strategic concerns. This gain of momentum by economic indicators gave birth to importance of economic regionalism. Hence states are collaborating themselves under the banner of new regional economic forums like EU, NAFTA, ASEAN, BIMSTEC, East-Asia Summit etc. As a result, new economic realignments in the international system are against the norm of use of force. Thus, any action based on coercive methods is going to be considered derogatory against the emerging sway of economic or peaceful collaborations being witnessed in the current global order.

**Against the Basic Criterion of Security**

Coercive methods are used by the states for conflict resolution towards the establishment of peace and security for themselves. But as discussed in the introduction, in contemporary times the very contours of security have undergone transformation. It is no longer limited to narrow conception of security limited to the very notion of defence of border by military means. Rather it has proliferated into new terminologies like ‘common’, ‘comprehensive’ and finally to ‘human’ security. Under the rubric of human security it contains security in terms of economic, health, food, political, cultural and even to environmental security. Therefore, need for peace and security today cannot be met merely by security of its frontier and borders by use of force, rather new kind of comprehensive measures may be required to fulfill the basic requirements of security. Hence, use of coercive methods are going to disarray the goals of security as the transformed character of latter, prevent the achievement by using force as a means to attain it.

**Against the Principles and Objectives of International Organisation**

Establishment of the UN in 1945 was made to save the succeeding generations from the scourge of war. This objective of global peace was to be achieved by observing certain principles so that international peace and security of all the states can be ensured and it is desired that all nations may live in peaceful coexistence. Consequently, UN principles, as has been explained earlier in this lesson, do put certain restrictions on the use of coercive methods. In this regard special mention of article 2(3) & 2(4) of the UN Charter becomes inevitable. Under these clauses, nations are prevented to use coercive measures if that endangers peace and tranquility at international level and are against the territorial integrity of the any state. Even the provisions of collective action under chapter VII is enshrined in specific context and is allowed to use in a particular manner. Even the use of force in self-defence under article 51 also precludes the right of retaliation. Thus, the provision of UN Charter and its practices both are against the use of coercive methods. Even if in some eventualities the permission is granted then also it is for limited objective and in a very restrained manner.

**Not Suited for Durable Peace**

A stable peace and order at international level cannot be attained without addressing the basic root causes of conflict. Temporary peace can be attained by use of force or shelving the root causes under the carpet. However for durable peace, there is a need for basic trust and understanding which is essential among community of nations. For this each member of the community needs to investigate the deep rooted causes of conflict, i.e., economic deprivation, hunger, disease, disparities, sustainable development,
environmental crisis etc. Nearly the awakening about these maladies is not sufficient, rather a prognosis of them is essential to rule out conflict. The resolution of these problems lie in addressing socio-economic, cultural, political and environmental concerns of the community of nations and efforts are needed for the solutions of these problems. This can only be done through peaceful means, rather than the coercive methods. The latter may prove useful temporarily but long term solutions cannot be attained by the use of force.

Thus, it can be discerned that use of coercive methods cannot be considered a viable alternative either for resolution of conflicts or for establishment of peaceful world order. What are the prospects? One need not be pessimistic, rather some optimism still remains. Some structural changes in the international system, along with the support of operational dynamic, the use of coercive methods can be avoided to a greater degree. At structural level efforts need to be made by the community of nations in the post-Cold War international system that new world order be devoid of hegemony and competitive power politics and a way out be devised by establishing a multi-polar order based on democracy, transparency and accountability. Here an effort is required for the establishment of an equilibrium world both in political and economic terms. This can be done by way of accommodation and understanding among major centers of power themselves and with rest of the states. Operationally, approach of non-proliferation of WMDs, democratisation of UN, and efforts towards sustainable developments are the key for a peaceful world bereft of war like tendencies. Though this task does not seem to be easy, yet the cost of survival of the humanity might compel both rich and poor and powerful and weak nations to come together for their larger interests.

9.6 SUMMARY

The coercive methods are those strategies adopted by states against its enemies whereby through the procedures short of war or direct warfare a fear or terror is created on the basis of awards or punishments to belligerent state. Consequently all these techniques involve violence either at bilateral or multilateral levels. These include both short of war and war. Short of war methods are retortion, reprisal, embargo, boycott, pacific blockade, intervention and collective security. War can be limited or total. These mechanisms in the form of balance of power, balance of terror, collective security etc. have been experimented or various approaches like Marxist, power paradigm, international organisation, disarmament, arms control etc. are adopted. But all these mechanisms and approaches have failed to achieve the goal of peace by completely ruling out the situation of conflict. Besides, the changed character of international system and new concerns of state security under human security rules out the use and success of these methods. Therefore, there is urgent need for the evolution of an alternative paradigm for peace. It is because situation of conflict exists among states due to lack of just and equilibrium global order, as well as, trust deficit among states due to struggle for power involving pursuing of national interest by individual state. Therefore, Gandhian approach of trusteeship and vision for a non-violent society based on ethical and humanitarian value is answer to such problem. A world based not only on just and equalitarian principles but also looking to the problem of ‘Sarvodaya’ and ‘antodaya’ (upliftment of the last man in the row) to create an international system based on sustainable development needs to be worked for. This system devoid of conflict is going to abandon the use of coercive methods for the establishment of a peaceful world order.
9.7 TERMINAL QUESTIONS

1) Describe the international law principles on which reprisal can be used against States.

2) Write a note on embargo and boycott as coercive mechanisms for resolutions of conflicts.

3) What do you understand by interventions? On what principles it can be used effectively?

4) Distinguish between limited and total war.

5) Describe the main limitations of coercive methods of conflict resolutions.

SUGGESTED READINGS


UNIT 10  PACIFIC SETTLEMENT OF DISPUTES

Structure

10.1 Introduction

Aims and Objectives

10.2 Meaning and Early Traditions
10.2.1 Early Traditions of Pacifism

10.3 The Hague Conventions

10.4 The United Nations Charter

10.5 Traditional Means
10.5.1 Negotiation
10.5.2 Inquiry
10.5.3 Mediation and Conciliation

10.6 Legal Means
10.6.1 Arbitration
10.6.2 Adjudication

10.7 From Peaceful Settlement to Imposition of Peace

10.8 Summary

10.9 Terminal Questions

Suggested Readings

10.1 INTRODUCTION

Peace, said the famous scientist Albert Einstein, cannot be kept by force; it can only be achieved by understanding. It is absolutely true that in this conflict-ridden world, peace is much difficult to achieve. But as eminent people from varied fields have propounded time and again, peace is a state of mind, a journey, an absolute necessity and a prerequisite to live without any conflict. While conflicts do threaten to disturb the symmetry, it cannot be concluded that we have to live with them. While conflicts negatively affect us, there are numerous options to avoid them or disband them. This is achieved through peace. While it is much easier to get into conflicts, the will to follow the path of peace needs strength and courage. There are different ways to achieve peace. Different religions like Hinduism, Islam, Christianity, Sikhism, Jainism and Buddhism have talked about peace. In fact peace has been the core of all these religions. Similarly non-violence too finds a place in these religious scriptures wherein causing harm to any being is prohibited and is considered as a sin. Peace and non-violence have been the twin pillars on which Mahatma Gandhi relied heavily to oppose the mighty colonial empire. He is rightly considered as an apostle of peace. Gandhi also advocated pacifism as one of the best methods to achieve peace. This Unit deals with the concept of pacifism and its importance in achieving peace.
Aims and Objectives

After studying this Unit, you will be able to understand:

- the concept and meaning of pacifism;
- the background history of pacifism;
- the various conventions that worked on pacific settlements; and
- its importance in the contemporary era.

10.2 MEANING AND EARLY TRADITIONS

Meaning of Pacifism

When disputes are not resolved meaningfully and peacefully, they lead to war. The method of solving the disputes through wars and armed conflicts is not at all a feasible one. The means for solving disputes amicably is called pacific settlement of disputes. It has diplomatic and legal options which are laid down in the international law. It is these means that regulate relations among states and ensure world peace and security.

Pacifism means opposition to violence and war. The term was coined by French Peace Campaigner Emile Arnaud (1864-1921), a lawyer and writer who founded the International League for Peace and Freedom in 1861. In 1901, he noted his views and ideas in his treatise called “Code de la Paix”, broadly outlining the methods and goals of peace movements. This he called as pacifism through which he insisted on maintaining harmony, achieving peace through mutual consensus and also through tolerance and non-violence.

The term pacifism was adopted by the peace activists in 1901 at the tenth Universal Peace Congress in Glasgow. The basic premise of pacifism is that international disputes could be solved amicably, without military involvement/war or violence. It rejects the use of physical violence to attain social, economic or political goals by any country against another. It espouses outright and unconditional rejection of force and violence. To wage a war is morally wrong and to resort to war for gaining mileage is something that pacifism does not approve of. The concept of just war has no place at all in pacifism.

While the pacifists generally reject as morally wrong and call for better ways of settling disputes, there are some sections in it who feel that it is justified to respond opponent’s force with force. These are called semi-pacifists. Absolute pacifists are those who reject war and violence in any form; according to them, human life is too valuable to be killed or harmed.

10.2.1 Early Traditions of Pacifism

Some of the earliest sources of pacifism originate from religious scriptures and influences. Prominent among them are Jainism and Buddhism. Hinduism condemns violence and hatred. Islam propagates a way of life so as to enable human being to lead a peaceful life. Christianity calls for forgiving those who inflict harm. It insists on peace and its efficacy. It has been recorded that Emperor Asoka, who waged many a battle to expand his kingdom, became an absolute peace messenger after witnessing the cruel carnage of Kalinga war. The Seven Military texts of ancient China do not view war as a positive means to end conflicts. War is viewed as an inauspicious instrument to contain war. Even during the Roman Empire times, war was rejected by many scholars.
In the contemporary history, the Protestant Reformation gave rise to many new sects in Christianity. The Quakers or Religious Friends of Society and others are foremost among them. They were the most sincere advocates of pacifism and refused to serve in the military. A prominent English Quaker was William Penn, who took a stand on anti-militarist policy. Prominent thinkers who have been influenced by this school of thought were Jean-Jacques Rousseau, Immanuel Kant and Jeremy Bentham. Many other thinkers too advocated for peace as the goal of a nation’s interest and that nothing could be achieved by resort to arms or military actions. The period of Napoleonic wars saw many informal peace movements and initiatives for peace. The London Peace Society convened the first International Peace Congress in 1843 in London. One of the most influential writers of that era was the Russian writer Leo Tolstoy whose ‘The Kingdom of God is within You’ with its detailed history and advocacy for pacifism made a lasting impression on many thinkers and writers. Mahatma Gandhi was greatly influenced by Tolstoy’s writings and frequently corresponded with him regarding his thoughts and ideas. Gandhi led many non-violent campaigns both in South Africa and India and was greatly influenced by the writings of Leo Tolstoy, John Ruskin and Thoreau.

The World War-I in the year 1914 aroused amongst the peace groups a strong anti-militarist feeling. There were consistent efforts by different organisations towards ensuring disarmament. There were also efforts for the arbitration of disputes and to keep intact the territorial integrity of the nations involved in the war. The end of the war saw the emergence of The League of Nations, which in its capacity as an international organisation, tried its best to ensure disarmament and keep war at bay in the 1920s and 1930s. At the same time, it failed to keep up the momentum as Germany, Italy and Japan did not display willingness to adhere to disarmament and this led to the eventual outbreak of World War II.

With the onset of the World War II, the pacifist and anti-militarist feelings declined among the nations that were affected by war. Many prominent thinkers and supporters of pacifism were disturbed by the outbreak of war. They set aside their pacifist ideology to endorse military action against the Nazism and fascism. Some of the pacifists were reported to be severely ill-treated and punished in the Nazi Germany. The pacifists in some nations were not forced to enroll in military during the war time but were asked to do social and humanitarian service.

### 10.3 THE HAGUE CONVENTIONS

In 1899, the Russian Czar Nicholas II convened The Hague Peace Conference to discuss the issues relating to international peace and disarmament. The conference ended with the adoption of the methods of pacific settlement of disputes like arbitration, good offices and mediation. It was decided during the proceedings of the convention that a permanent organisation related to resolving the disputes and making peace settlements was mooted. Thus came into effect The Permanent Court of Arbitration (PCA) consisting of a panel of jurists designated by each country acceding to the convention. The rules and regulations relating to the conducting of arbitration were laid down and a permanent bureau was set up in The Hague. The PCA was established in 1900 and started functioning from the year 1902. The convention saw the participation of some of the nations from Europe, Asia and Mexico.

The Convention was held again at The Hague in 1907 known as the second Hague Peace Conference. This time there was also participation from the Central and South
American states. The participating nations revised and improved the rules related to the
governing of arbitral proceedings. One of the key suggestions came from the United
States that argued for creating a permanent tribunal composed of judges who were
judicial officers and were not occupied otherwise except for devoting their entire time to
the trial and decisions of international cases by judicial methods. It was also suggested
that the members of the jury should be from different countries so as to bring in the
positive and good points of their respective judicial systems. Though many countries
submitted joint proposals regarding this judicial body, none of them could come to a
consensus. But the draft convention became a major source for establishing the rules and
regulations and drafting of the Statute of the Permanent Court of International Justice
(PCIJ). The Permanent Court thus came into effect with its residence at The Peace
Palace in 1913 and made a significant contribution to the development of international law.

The outbreak of the First World War necessitated the establishment of a world court.
Article 14 of the Covenant of the Nations allowed the League to set up an international
court. An advisory Committee of jurists appointed by the League formulated the working
schedule, criteria for appointing the judges and the draft constitution for a permanent
court. The Statute of the Permanent Court of International Justice (PCIJ) was accepted
on 13th December, 1920 in Geneva.

The Permanent Court of International Justice was closely associated to the League of
Nations. It was created in 1922 after the end of the World War I and was much
applauded and received positive reaction from different sections. In the very first decade
of its operation, many states submitted their disputes to the court. Between 1922 and
1940, the PCIJ dealt with around 27 cases and delivered advisory opinion on 27 cases.

The Court’s mandatory jurisdiction came from three sources:

- The Optional Clause of the League of Nations
- General international conventions and
- Special bipartite international treaties.

Some of the provisions of the Court are as given below:

- Cases could also be submitted directly by states though they were not bound to
  submit material unless it fell into those three categories.
- The Court could issue judgments or advisory opinions. While the judgments were
  binding, the advisory opinions were not.
- The member states of the League of Nations followed advisory opinions failing which
  they feared that not to comply could weaken the moral and legal authority of the
  Court and the League.

Unfortunately, the outbreak of Second World War declined the powers of the PCIJ and
it did not deal with judicial business after 4th December, 1939, the day it held its last
sitting.

10.4 THE UNITED NATIONS CHARTER

The Charter of the United Nations was signed on 26th June, 1945 in San Francisco. The
outbreak of the Second World War brought to the fore the necessity of establishment of
a new international organisation whose decisions were binding on its members and which
would lead to permanent peace and world order. It came into force on 24th October, 1945. The Statute of the International Court of Justice became an integral part of the Charter. The purpose of the UN was

1) To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2) To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3) To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4) To be a centre for harmonizing the actions of nations in the attainment of these common ends (http://www.un.org/en/documents/charter/chapter1.shtml).

The Chapter VI of the UN Charter specifically underlines the provisions for Pacific Settlement of Disputes. Articles 33 to 38 underline these provisions which are given as under (http://www.un.org/en/documents/charter/chapter6.shtml):

**Article 33**

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 own choice.

2) The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

**Article 34**

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

**Article 35**

1) Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2) A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3) The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

**Article 36**

1) The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2) The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3) In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

**Article 37**

1) Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2) If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

**Article 38**

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

**The International Court of Justice (ICJ)**

The condensed number of activities of PCIJ led to its natural declining influence. The outbreak of Second World War had further serious consequences for the PCIJ and it was felt by the member countries of the PCIJ that there needs to be a new body that would look after the judicial matters on international concern. In 1943, an Inter-Allied Committee was formed to examine the matter and the meeting was attended by jurists from 11 countries. On the 10th of February, 1944, a report related to the matter recommended that

1) The statute of any new international court should be based on that of the Permanent Court of International Justice.

2) Advisory jurisdiction should be retained in the case of the new court.

3) Acceptance of the jurisdiction of the new court should not be compulsory.

4) The court should have no jurisdiction to deal with essentially political matters.

The draft statute of the ICJ was based on the statute of the PCIJ and was not exactly a new start. It was decided that the statute should be annexed to the Charter. With the coming into force of the new court; the PCIJ was naturally and necessarily dissolved. The ICJ was also based in The Hague. The PCIJ met for one last time in October 1945 and
transferred its archives and other documents to the ICJ. The election of the members to the ICJ took place in 1946 at the first session of the UN General Assembly and Security Council and thus came into effect.

10.5 TRADITIONAL MEANS

The means of Pacific Settlement of Disputes is divided into two categories – one, the diplomatic and political means and two, legal-adjudication means. While the diplomatic-political means seek to reconcile interests, the legal-adjudication means apply international law and determine the rights. The judgments are not binding in the case of diplomatic-political means unless the parties reach an agreement upon it; in the case of legal means, the decision is binding on the parties and cannot be evaded. Following are included in diplomatic and Political means.

10.5.1 Negotiation

Negotiation, basically a communication process without a third-party intervention, aims at achieving a joint decision. They are the basic means to any dispute settlement and are incorporated in all the dispute settlement conventions and treaties. The result of this means is usually a consensual decision of the parties involved in the dispute. Negotiation is a process where individuals with shared and opposed interests, work out a settlement in order to come to a consensual agreement. There are only two choices while negotiating (a) a win-lose situation wherein one person will win while the other will lose (b) a mutual problem solving wherein both the individuals or groups will try to maximize a joint outcome which will result in a win-win situation. The latter approach is opted if the disputing individuals or groups have a stake in maintaining the ongoing positive relationship with one another. Communication is to be effective during the course of negotiation as it involves paying attention to each other and address each other respectfully. Focusing on interests and not positions is necessary as positions are more conflicted than interests. One also needs to generate multiple alternatives for resolving the dispute.

10.5.2 Inquiry/Fact-Finding

The aim of Inquiry or fact-finding is to facilitate the solution of disputes that rise basically from a difference of opinion on ‘facts’ by clarifying of the facts. The parties, who have not been able to come to an agreement by means of diplomacy, should institute an International Commission of Enquiry to facilitate a solution of these disputes by elucidating the facts by means of an impartial conscientious investigation. The fact-finding or inquiry has been, of late, much applauded for its efficacy and has been appraised. In some cases, there are even compulsory cases of fact-finding in case of a dispute as enshrined in the United Nations Convention on the Law of the Non-Navigational uses of International Watercourses of 1997. Commissions of enquiry have been set up in cases of the collapse of the illegitimate regimes. The Hague Convention dealt exclusively with the provisions related to the commissions of enquiry.

10.5.3 Mediation and Conciliation

Mediation is one of the early international agreements as recognised under The 1856 Declaration of Paris that encouraged member states to settle their disputes through mediation. The Hague Conference of 1907 recognised the right of neutral states to act as mediators in international disputes and reaffirmed by the League of Nations. Article 33 (1) of the UN Charter has named Mediation as one of the preferred methods of dispute
settlement. Mediation is a process through which a neutral third person facilitates integrative negotiation between disputing individuals and groups. Although mediation is facilitated by a third person, it is a voluntary process where the disputing individuals or groups work out their own solutions, and make informed decisions to resolve their own disputes; the mediator does not make decisions for them. Even if the mediator suggests a solution, it is not binding on the disputing parties. Most mediators however are professionals who are unknown to the parties. The job of the mediator is to reconcile the opposing claims and appease the feelings of resentment that may have arisen between the states.

Another alternative means is the Good Offices which is similar to mediation but is not specifically mentioned in the Article 33 of the UN Charter. According to Article 2, Part-II of the Hague Convention of 1907, in case of serious disagreement or dispute, the Contracting Parties agree to have recourse, as far as the circumstances allow, to the Good Officer or mediation of one or more friendly powers. The decisions are not binding on the disputing parties and have only advisory value.

Conciliation differs from mediation only by a few degrees. But it is widely agreed that the mandate of the conciliator is more limited than the mediator in that the conciliator too cannot offer solutions to the parties in dispute. The conciliator can only reconcile the disputing parties towards the resolution of their conflict and does not have the power to impose solutions. Conciliation is not resorted to frequently; the parties would like to externalize their responsibility so as to earn credibility from their own citizens. Rather, they would prefer a binding judgment in order to appear that they have tried their best to solve the problem. Mediation and conciliation are the most preferred methods of alternative dispute resolution (ADR). These offer a more constructive and more flexible solutions to the parties in dispute. Somewhere the ADR brings in some benefits even to the loser whereas in arbitration and adjudication it comes down to ‘the winner takes it all’ situation. Since the erring parties too would like to draw some benefits, the ADR provides them a perfect platform to solve their problems partially.

### 10.6 LEGAL MEANS

#### 10.6.1 Arbitration

In arbitration, the disputants take their dispute to an impartial third party, who provides them with a decision to end their conflict. It may take varied forms depending on whether or not arbitration is freely chosen by the parties and whether or not parties have agreed to be bound by the arbitrator’s decision. It can be applied to different kinds of circumstances (public or private arbitration). Arbitration has some of the advantages of mediation such as privacy and flexibility while on the other there is a prospect of an authoritative decision. Arbitration hearings can be formal or informal depending on the nature and seriousness of the dispute. States usually perceive arbitration as a more flexible process than adjudication because the sovereignty issue is given precedence.

#### 10.6.2 Adjudication

Adjudication refers to a settlement by a court. In civil cases, one party (petitioner) goes to court to demand something from another (defendant). The court then makes a decision on the issues in dispute, unless a negotiated settlement occurs first. Here the framework for considering cases is adversarial, court procedures are highly formal and lawyers are
an essential part of this process. Moreover, this is an expensive way of resolving disputes. In the post-Second World war era, adjudication was resorted to only after the failure of the negotiations. But since 1989, the reluctance to accept binding adjudication has decreased. There are obligations to cooperate and with the growing number of problems, states are obliged to solve their disputes through peaceful means.

10.7 FROM PEACEFUL SETTLEMENT TO IMPOSITION OF PEACE

The last few decades have seen a surge in the political disputes between states. There have been even wars – direct and indirect – to fight terrorism, to restore internal peace of nations, and for control over natural resources. The international bodies and the UN have not been much effective in containing any crisis or dispute. At the same time, it cannot be said that efforts for peaceful settlement of disputes have not been made. But the hurry, with which wars have been waged to achieve the end objective, leaves many unanswered questions. Since collective security has been time and again reaffirmed by the members of the UN, the onus is on this international organisation to maintain international peace and security. There have been no binding decisions to maintain peace and often there have been breach of peace, threat to peace and acts of aggression threatening the sovereignty of the nations. There have been conflicts not only between sovereign states but also within the states.

In 1992, then Secretary-General of the United Nations, Boutros Boutros Ghali presented a report on ‘Agenda for Peace’. In this report, it has been stated that from the establishment of the UN in 1945 to 1992, there have been over 100 conflicts all over the world; around 20 million people lost their lives due to conflicts; and over 13 peace-keeping operations have been conducted. The UN could not intervene in most of the conflicts because the veto was used by the permanent members around 279 times, displaying the existing division among the members and the world at large.

Further, military interventions decided unilaterally but implemented multilaterally have become the norm of the day. There have been actions under various names such as ‘humanitarian enforcement’, ‘second generation operation’, and ‘independent multilaterally’ (Bloomfield, 1994). Urquhart states that ‘the actions and mechanisms of the United Nations – such as good services, conciliation and maintenance of peace – have been intended to resolve disputes and conflicts between states, and that today, under the changed conditions, it is expected to act as a world fire brigade or rescue team in situations such as civil wars within the borders of states or former states, where protagonists are different kinds of militia and “local masters of wars”. Therefore, it is not surprising that the old techniques of maintaining peace have not been effective under new changed circumstances. Preventive Diplomacy, defined as an action that should prevent arising of disputes, to prevent the existing disputes to escalate into conflicts and to limit conflicts to spread when they arise, has been reiterated as an effective means but the Gulf-War of the 1990s and subsequent wars have presented a different picture altogether. Peace is now being imposed under the changed international circumstances.

10.8 SUMMARY

Peaceful settlement or pacific settlement of disputes presents us an opportunity to maintain international peace and security by resorting to peaceful methods such as negotiation,
conciliation, mediation, good offices and so on. The contemporary era, with its unending woes and escalating tensions, has witnessed only disputes and disturbances that escalated into conflicts. The alternative dispute resolution methods are not finding much favour though the costs of wars and military interventions are weighing largely on nations. From times immemorial, there have been various efforts at conventions and conferences to promote and maintain peace. The onus is on the states to avoid conflicts, desist from illegal conducts and establish and strengthen the traditions and customs of maintaining everlasting peace in the world.

10.9 TERMINAL QUESTIONS

1) Trace the meaning and early traditions of Pacifism.

2) Enlist the contribution of the Hague Conventions in evolving the concept of Pacific Settlement of Disputes.

3) What are the traditional means of Pacific Settlement of Disputes? Discuss in detail.

4) Write short notes on:
   a) International Court of Justice
   b) Legal Means of Pacific Settlement of Disputes

SUGGESTED READINGS

1907 The Hague Convention for the Pacific Settlement of International Disputes (Unofficial Text: www.cil.nus.edu.sg)

Peters, Anne., International Dispute Settlement: A Network of Co-operative Duties, EJIL, Vol. 14, No. 1, pp. 1-34


UNIT 11 UNITED NATIONS PEACE KEEPING MISSION

Structure

11.1 Introduction

Aims and Objectives

11.2 The Evolution of Peacekeeping Mechanism

11.3 Features of Peacekeeping

11.4 Some Important Peacekeeping Missions

11.5 Second Generation Peacekeeping Missions
   11.5.1 The Difference

11.6 A Critical Appraisal

11.7 Developments and Reforms

11.8 Summary

11.9 Terminal Questions

Suggested Readings

11.1 INTRODUCTION

The United Nations Peacekeeping Mission is a unique arrangement designed to maintain peace in the world. When peacekeeping operations were initially introduced, no one could visualise their relevance and popularity the way we see it today. Till date, almost every part of the globe has seen one or the other form of peacekeeping mission launched there. The peacekeeping missions have become the mainstay of international relations and conflict resolution around the world. It is extremely important to learn about this unique arrangement. It was introduced as a response to a special situation in 1956 and ever since it has come to be seen as an answer to many situations of inter-state and intra-state conflicts. Peacekeeping missions have grown in number, stature, functions, and scale. They are no longer limited to deployment in situations of inter-state conflicts alone. They are performing newer functions and rendering civil administration tasks in situations of internal conflict and post-civil war reconstruction.

Aims and Objectives

After studying this Unit, you will be able to understand:

- the importance of peacekeeping as an approach to maintaining international peace;
- the unique circumstances in which the peacekeeping missions evolved;
- the nature and features of this arrangement;
- the changes introduced in peacekeeping missions over the years; and
- a critical appraisal of the arrangement and its relevance for the maintenance of international peace and security.
11.2 THE EVOLUTION OF PEACEKEEPING MECHANISM

Peacekeeping mechanism as an answer to conflicts was not envisaged by the founding fathers of the United Nations. That is why, there is no reference to peacekeeping mission in the UN Charter, nor any provision related to it. It was devised a decade after the establishment of the United Nations. Therefore, peacekeeping mission is known as the extra-Charter development in the UN system. They were never planned or strategically designed; rather they have emerged in response to temporary but urgent needs.

Let us briefly look at the context in which Peacekeeping plan initially emerged. In 1956, a crisis appeared to be building up in Egypt known as the Suez Crisis. The United Kingdom and France, the two permanent members of the Security Council, had invaded Egypt to gain control over Suez Canal, which was nationalized by the President of Egypt. Following the invasion, the military situation in the Suez region worsened. In the UN system, all matters relating to maintenance of international peace and security are primarily the concern of the Security Council. Hence, the Suez Crisis too came up for discussion in the Security Council. However, the Security Council was unable to take any decision to diffuse the Crisis due to a deadlock caused by the veto cast by the United Kingdom and France. The deadlock in the Security Council gave rise to a situation wherein the matter had to be referred to the General Assembly.

The General Assembly discussed the matter and requested the Secretary-General, Dag Hammarskjold, to submit a plan to diffuse the situation in Suez region. In response to this request, the Secretary-General submitted a plan for the deployment of Peacekeeping forces on 6 November 1956. The plan was mainly drafted by the President of the General Assembly, Lestor B. Pearson, a Canadian national. This plan was unique in the sense that it involved deployment of forces but it was intended to be less offensive in nature as compared to the enforcement measures taken by the United Nations under Chapter VII of the Charter. Ever since 1956, peacekeeping mission has been found to be very useful in dealing with escalation of tension/violence in situations of conflict. Peacekeeping has emerged as an additional procedure to oversee the maintenance of international peace and security in the event of failure of peaceful settlement of disputes or deadlock due to veto in the Security Council.

11.3 FEATURES OF PEACEKEEPING

The objective of Peacekeeping operations, as the term suggests, is to maintain peace, keep order, and act as a buffer between the two conflicting groups. The aim is not to defeat an aggressor or restore peace that has been breached. The peacekeeping forces are not deployed to remedy a situation. They are deployed to prevent further escalation of tension or conflict. The objective is to maintain peace while keeping the conflict at manageable levels, without deciding about the nature of conflict or who is the aggressor.

Secondly, peacekeeping forces were deployed as buffer forces between the conflicting parties. They merely separated the hostile armies by stationing/positioning themselves in the middle. In terms of the use of force, peacekeeping forces resembled police force more than the military forces because they were not heavily armed. Peacekeeping forces were mandated to use force as a last resort in self-defence; therefore, the measures used were short of armed force.
Thirdly, peacekeeping forces were expected to maintain an attitude of *neutrality*, and *impartiality*, towards the conflicting parties. It means that peacekeeping forces did not favour or take sides with either of the parties to the conflict. In principle, peacekeeping forces were not concerned with the cause of conflict or who was at fault. Their mandate was merely to diffuse the situation by acting as buffer forces, by keeping the fighting parties away from each other. Therefore, peacekeeping forces did not take sides in deciding the merits of claims made by the parties to the conflict. The Peacekeeping forces did not enforce a political settlement but only assisted the parties in suspending violence and buying time for a negotiated settlement. The peacekeepers must not interfere in the internal matters of a state.

Fourthly, and most importantly, peacekeeping forces were deployed only with the *consent* of the states party to a conflict. “Consent” was imperative because it indicated a desire on the part of the disputants to avoid a full-scale conflict. Consent has been considered as inevitable to the success of peacekeeping operation. Also, member states of the United Nations cannot force the parties to a dispute to accept the presence of a peacekeeping force; it is a force meant to prevent escalation of tensions, and thus cannot be imposed. The parties to a dispute have to willingly accept the peace initiatives by the United Nations. The consent is required not only for the establishment but also for the way in which a peacekeeping operation will carry out its mandate. The conflicting parties are consulted about the countries that will contribute the troops for a peacekeeping mission.

Fifthly, the Secretary-General has the right to decide about the composition of the troops. However, the troops are contributed by the member states voluntarily. With this element of voluntary participation comes the principle of collective responsibility. Though the military personnel are provided by member states on voluntary basis, they are collectively responsible to the Secretary-General once they enter the peacekeeping arrangement.

In the initial plan for peacekeeping mission it was agreed that the forces will not include troops from the five permanent members of the United Nations. This was done to avoid the problems associated with big-power politics and ideological groups in international relations. Non-involvement of major powers also distinguishes a peacekeeping mission from an enforcement action. Though there are exceptions, medium and small powers like Canada, India, and Nordic countries have usually contributed troops for peacekeeping missions. This has been done to insulate major powers from peacekeeping arrangement as also to refuse any charges of intervention or big-power interest. Moreover, it was held that medium states best represent the image of *neutrality*.

Peacekeeping missions can be drawn into two categories. The *first* are the *Observer Operations*, which contain small groups of observers to oversee the maintenance of status-quo. These were more popular in the initial years of the establishment of the United Nations. The second category of peacekeeping missions is the *operations involving use of armed forces unit*. Initially, they were very few in number, only about five peacekeeping operations involving deployment of forces till 1970 but their number has multiplied phenomenally in recent decades, particularly since 1990.

### 11.4 SOME IMPORTANT PEACEKEEPING MISSIONS

In the initial years of the United Nations, the observers were sent to various parts of the world where conflicts and disagreements were witnessed. These were usually small group of personnel and were extremely popular in the latter part of 1940s. Some prominent
examples of observer missions are UN Truce Supervision Organisation (UNTSO) in Palestine in 1948, UNMOGIP between India and Pakistan since 1949, UNOGIL in Lebanon, UNYOM in Yemen, UNGOMAP between Afghanistan and Pakistan, and so on. The observers of the ceasefire were provided by the national governments and were paid by their respective governments. As a result, the field observers received orders from their governments even while working for the United Nations. This greatly dented their neutrality and impartiality. The internationalization of observer forces and their supervision and control by the United Nations became possible with the Secretariats’ control over the observers’ salaries travel allowances, etc. Thus, the identity of observers shifted from being “representatives” of governments to “individual experts” directly under the charge of the United Nations. The fundamental principle of independence of observers has become the basis of impartiality, neutrality and independence of peacekeeping forces.

The peacekeeping operations were deployed sparingly till 1970s. The first peacekeeping operation involving deployment of armed forces unit was the UN Emergency Force (UNEF) in 1956 to resolve the Suez Crisis. UNEF was placed along the Suez Canal on Egyptian territory. The second peacekeeping mission was sent to Congo in the form of the UN Operation in Congo (UNOC) in 1960 when a conflict erupted between the rebels/secessionists of Congo and the Belgian paratroopers immediately after achieving independence from Belgium. It is claimed that Congo was the first instance where a peacekeeping mission sacrificed the principle of using force only in self-defence. The UNOC increasingly assumed enforcement-like powers and the peacekeepers were openly taking sides, fighting for the Central government of Congo. The UN Secretary-General, Dag Hammarskjold died in a plane crash in 1961 while on an inspection visit to Congo.

Within a couple of years, another Peacekeeping mission – UN Peacekeeping Force in Cyprus (UNFICYP) was deployed in 1964 following communal clashes reported between the majority Greek Cypriots and the minority Turkish Cypriots. In 1974, the UNFICYP separated the fighting Greek and Turkish forces. The efforts towards reunification of the two parts of Cyprus have not come about. This remains one of the long – drawn deployments of a peacekeeping mission.

The 1973, war between Israel and Egypt, and Israel and Syria in the Sinai region and in Golan Heights resulted in redeployment of UNEF – II to the Suez Canal region. In 1974, Israel and Syria reached an agreement to disengage in the Golan region. Ever since, the region is being maintained by UN Disengagement Observer Force (UNDOF) to repel any possible incursions by either Israeli or Syrian troops.

In 1978, the Security Council established UN Interim Force in Lebanon (UNIFIL) to ensure the withdrawal of invading Israeli forces in Southern Lebanon. Although this force was named as an interim force, it continued to be stationed there for over thirty years, amidst another Israeli invasion in 1982. Much of the work of UNIFIL has been limited to providing humanitarian assistance, mine clearance, and soon.

### 11.5 SECOND GENERATION PEACEKEEPING MISSIONS

The end of the Cold War dramatically changed the nature, number and context of the peacekeeping operations. While only five peacekeeping missions were deployed till 1970 and thirteen missions authorized till 1988, the next decade of the 1990s had seen nearly thirty-six operations authorized by the United Nations. The map of the UN Peacekeeping missions operating in the decade of the 1990s shows that no region of the world is left
untouched. Every continent had one or more of missions operating there. The rise in the number and incidence of deployment also meant that some of the principles associated with the Original plan of 1956 have been abandoned. The second-generation peacekeeping operations display features that are different from the original ones discussed in section 11.2 above.

The second generation peacekeeping operations are also known as robust peacekeeping owing to their mandate and the nature of operation. They have involved in restoring peace in situations of internal conflict, i.e., intra-state conflict, state building, social reconstruction, civil administration, conducting elections, repatriating refugees, etc. The initial instances of the second-generation peacekeeping missions were in Namibia (UN Transition Assistance Group, UNTAG), Angola (UN Angola Verification Mission, UNAVEM), and Cambodia (UN Transitional Authority in Cambodia, UNTAC). One common feature associated with these three missions was that they were comprehensive, often lengthy, deployments that included not merely troops but also police, legal, and humanitarian contingents. Peacekeepers have come to assume such humanitarian functions as protection of refugees, delivery of humanitarian aid, and rebuilding of infrastructure ravaged by armed conflict. They also introduced the notion of transitional peacekeeping implying assisting nation-building projects in the aftermath of conflict. Namibia and Cambodia, in their own way, signified the establishment of a democratically-elected government under the supervision of the United Nations.

11.5.1 The Difference

Hence, a new set of rules and features have emerged for the second generation peacekeeping operations, which are entirely different from rules that were part of the first peacekeeping plan of 1956. Firstly, the second-generation peacekeeping missions are multi-dimensional in their functions. Their task is not limited to remain stationed at the borders or in conflict zone to repel potential aggression and escalation of conflict. The functions have become diverse as also the broad mandate given to them. As mentioned above, peacekeeping forces are involved in civilian and humanitarian functions along with the military ones. Secondly, the locale of peacekeeping forces has shifted from the margins of a state boundary (in inter-state conflicts) to the interiors and centre of a conflict area, many times in the midst of a society, among the civilians (in intra-state conflicts and those leading to nation-building). Peacekeeping forces are increasingly interacting with civilians, learning to speak their language, win over their confidence, in an effort to build social bridges. This was not foreseen in the 1950s.

Thirdly, with the advent of the second generation peacekeeping operations, and a more diverse set of functions assumed by the United Nations, much of the principle involving exclusive participation of the smaller states has been abandoned. Greater functional specialisation and demand for logistics has paved the way for the inclusion of personnel from major powers. It is quite common to see American or British personnel participating in peacekeeping operations in the post-Cold War period. Lastly, the much-avowed principle of neutrality and impartiality has been shelved to a great extent. When peacekeeping forces are involved in non-military, administrative and humanitarian functions, their mandate automatically reflects support for a particular ideology, a set of institutions, and local groups partnering with them. Eventually, UN forces are seen as supporters of one group or the other. Perfect neutrality and impartiality of unimpeachable nature is neither possible nor to be expected in administering a diverse mandate.

The second-generation peacekeeping operations have stretched the limits of the United
Nations capacity in responding to crises situations. Conflicts in Former Yugoslavia, Rwanda have exposed the shortcomings of the world body in resolving complex, ethnic conflicts. Similar problems were encountered in East Timor as well. When one of the parties to a conflict is stronger than the others, the UN has found it difficult to obtain consent or ensure respect for its mandate.

### 11.6 A CRITICAL APPRAISAL

It is often said that peacekeeping operations have been contemplated only in cases where no major power is interested, or where interested powers are not able to impose a unilateral solution through their military might or otherwise. UN peacekeeping is not even contemplated in situations where one of the parties is strong enough to suppress the rest. It is selectively deployed where UN’s legitimacy and credibility is required. Expensive, large, long-drawn missions have put a strain on the financial and organisational resources of the United Nations. The earliest instance of financial stress due to peacekeeping emerged in 1964 following the operations in Suez and Congo. In fact, when the General Assembly authorized the deployment of UNEF-I and UNOC, Russia and France refused to pay their contribution towards the peacekeeping operations.

Another problem associated with financial constraint in the legitimacy of the General Assembly to authorize deployments. Former USSR and France have argued that only the Security Council is authorized to take action in situations affecting maintenance of international peace and security. When the General Assembly acts in the event of deadlock in the Security Council, it undermines the authority of the Security Council, and that of the veto-wielding permanent members.

The entire peacekeeping enterprise has suffered from lack of facilities for training of the personnel for emergency situations and the lack of manpower. In addition to it, absence of a coordinating agency has hampered the efficacy of the UN peacekeeping operations. Part of this problem has been addressed by establishing the Department of Peacekeeping Operations (DPKO) in 1992. It has administrative, managerial, planning and preparation responsibilities headed by the Under Secretary-General of peacekeeping. This Department has not entirely resolved the challenges faced by the peacekeeping missions and some issues still remain.

The success of some of the PKOs has also been a source of problem. Almost every crisis is sought to be addressed via the peacekeeping route. This has seriously reduced the responsive capacity of the United Nations as also its success rate. Some of the PKOs are launched without much attention to logistical and cultural details that has raised questions of credibility. The UN has very little time to train the peacekeeping forces before deployment when missions are authorized and deployed in haste. As a result, there is no standard level or organisational and behavioural qualities to be expected from the personnel.

### 11.7 DEVELOPMENTS AND REFORMS

In response to the criticism and challenges, the UN peacekeeping arrangement has seen several changes and reforms. The expanding nature of the PKOs in the 1990s necessitated a fresh look at the concept of peacekeeping. The Secretary-General Boutros Boutros-Ghali submitted *An Agenda for Peace* in 1992 in response to a request by the Security Council. The report set out broad contours of future action for common security. It defined and established linkages between preventive diplomacy peacemaking,
peacekeeping, and post-conflict peace building. Agenda for Peace discussed such other related aspects as safety of the personnel, cooperation with regional organisations and the problem of financing. It put forward proposal for increasing the Working Capital Fund, establishment of a Peacekeeping Reserve Fund of $50 million, and a UN Peace Endowment Fund with an initial target of $1 billion.

Brahimi Report was another attempt to address the challenges and suggest reforms. Secretary-General Kofi Aman appointed a panel of experts headed by Lakhdar Brahimi from Algeria to suggest reforms and solutions to the problems of peacekeeping. Among other things, the Report recommended an end to ad hoc deployments, formalisation of peacekeeping activities, creation of new information-gathering and analysis office to supervise DPKO, and, new powers to the Secretary-General to pledge advance funding to a new peacekeeping operation.

11.8 SUMMARY

The term peacekeeping is not mentioned in the UN Charter, nor was it envisaged in 1945. It is an extra-Charter growth. The nature of the UN peacekeeping operations has moved from maintaining agreed ceasefire and status quo to reconstructing conflict-ridden societies, from absolute neutrality to taking a political side, from exclusive participation of middle and smaller powers to inclusive participation of major powers. The UN PKOs have had their share of successes and failures during both Cold War years and in post-Cold War context. Some reforms and rethinking have been attempted to streamline the peacekeeping arrangement. Its widespread use with recurring continuity in varied situations and regions of the world testifies to the fact that it remains the most prominent flagship endeavour of the United Nations in maintaining international peace and security.

11.9 TERMINAL QUESTIONS

1) Discuss the context and causes that led to the evolution of peacekeeping mechanism.
2) What were the major features and principles guiding the initial peacekeeping missions?
3) In what way are the second-generation peacekeeping missions different? Explain the new features.
4) Briefly discuss the problems encountered by the peacekeeping operations.
5) What are the new developments and reforms initiated by the United Nations in the field of peacekeeping?

SUGGESTED READINGS


Claude, Jr., Inis L., Swords into Plowshares, Random House.


Basic Facts about the United Nations, New York, N.Y.: UN Department of Public Information.
UNIT 12  HUMAN SECURITY

Structure

12.1 Introduction

Aims and Objectives

12.2 Brief History of the Development of Idea of Human Security

12.3 Concept of Human Security

12.4 Definitions of Human Security
   12.4.1 United Nations Definitions
   12.4.2 Definitions by Other Experts

12.5 Human Security Principles and Approaches

12.6 The Human Security Approach in Conflict Prevention and Peace Building
   12.6.1 People-Centred bottom-up Approach
   12.6.2 Peace and Security Challenges

12.7 Summary

12.8 Terminal Questions

Suggested Readings

12.1 INTRODUCTION

Human security is an emerging ideal for being aware of global vulnerabilities. It recognises that first of all, the ultimate referent objects of security should be the individual, whose well being is not necessarily coterminous with the security of the State. And secondly, it highlights the source of threat to the individuals go far beyond intestate conflict to include, for example, internal conflict, human right abuses, communicable diseases, environmental disasters, poverty and malnutrition. Human security holds that a people-centred, multidisciplinary understanding of security involves a number of research fields such as development studies, international relations, strategic studies and human rights.

The United Nations Development Programmer’s 1994 Human Development Report is considered a milestone publication in the field of Human security, with its argument that ensuring “freedom from want” and “freedom from fear” for all persons is the best path to tackle the problem of global insecurity.

Aims and Objectives

After studying this Unit, you will be able to understand:

- meaning and definitions of Human Security;
- principles and approaches of Human Security;
- Human Security approach in Conflict Prevention; and
- Limitations and challenges of Human Security Approach.
12.2 BRIEF HISTORY OF THE DEVELOPMENT OF THE IDEA OF HUMAN SECURITY


In March 1999, the Government of Japan and the United Nations Secretariat established the UN Trust Fund for Human Security (UNTFHS) under the management of the office of the UN controller, with an initial contribution of approximately US$5 million.

In 1999, the Human Security Network (HSN), a group of foreign ministers from 13 countries, was formed to promote the concept of human security as a feature of all national and international policies. HSN members included Austria, Canada, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, with South Africa as an observer.

In the year 2000, at the Millennium Summit, then Secretary-General Kofi Annan called on the international community to advance, as the goals of the new millennium, the agenda of “freedom from fear” and “freedom from want” in the United Nations efforts to develop better responses to old and new challenges.

The independent Commission on Human Security (CHS) was established under the co-chairmanship of Sadako Ogata and Amartya Sen in 2001, to:

i) mobilise support and promote greater understanding of human security,

ii) develop further the concept as an operational tool, and

iii) outline a concrete action plan for its implementation.

To mobilise support and provide a concrete framework for the application of Human Security, the CHS published its final report Human Security Now in 2003.

In the latter half of 2003, following the CHS conclusion, the Advisory Board on Human Security (ABHS), was established as an independent advisory group. It was tasked with advising the UN Secretary-General on the propagation of the human security concept and the management of the UNTFHS.

In 2004, the Human Security Unit (HSU) was established with the principal objective of placing human security in the mainstream of UN activities. As such, the HSU works with different stakeholders to highlight the added value of the human security concept through its application under the UNTFHS and other activities.

In the second half of 2004, the report by UN Secretary-General’s High Level Panel on Threats, Challenges and Change, “A more secure world: our shared responsibility”, make use of the human security concept within the broader agenda of institutional reform in view of the new threats of the twenty-first century.

In 2005, in his final proposal for the UN reforms, then Secretary-General Kofi Annan, while not making specific reference to the term “human security”, nevertheless used its
three components: “freedom from fear”, “freedom from want”, and “freedom to live in
dignity” as the main thematic principles of the report title “In larger freedom: towards
development, security and human rights for all” (A/59/2005). Paragraph 143 of the 2005
World Summit Outcome (A/RES/60/1) notes that “all individuals, in particular vulnerable
people, are entitled to freedom from fear and freedom from want, with an equal
opportunity to enjoy all their rights and fully develop their human potential”. This reference
to human security was pivotal in advancing the acceptance and understanding of human
security in the United Nations.

In 2006, the Friends of Human Security – a flexible and informal group of supporters
comprising mainly UN Member States and international organisations – was formed to
provide a forum to discuss the concept, and to explore possible collaborative efforts to
mainstream human security and formulate joint initiatives at the United Nations.

In May, 2008, the Office of the President of the General Assembly convened an informal
thematic debate on human security, attended by more than 90 Member States. The
debate focused on the notion of human security, its multidimensional scope and its added
value to the work of the UN.

In 2010, the first report of the Secretary-General on Human Security (A/64/701) was
released on 8 March. It provided an overview of discussions on human security, and
outlined the principles and approach for its advancement and application to the priorities
of the United Nations.

On 20 and 21 May 2010, a panel discussion and plenary meeting of the General
Assembly was convened to consider the report of the Secretary-General (A/64/701).

On 27 July 2010, the General Assembly passed resolution 64/291. “Follow-up to
paragraph 143 on Human Security of the 2005 World Summit Outcome”, in which
Member States recognised the need to continue discussions on Human Security and to
agree on its definition in the General Assembly (A/RES/64/291).

The Secretary-General appointed Mr. Yukio Takasu as the Special Adviser on Human

As a follow-up to A/RES/64/291, on 14 April, the Office of the President of the General
Assembly convened an informal thematic debate and panel on human security. While
continued consultation was emphasised, inputs by Member States confirmed the emergence
of a level of consensus by which the notion of human security could be framed.

In November 2011, Mr. Takasu convened informal consultations with Member States to
ensure broad participation and inputs on the notion of human security, and possible areas
in which its application could bring added value to work of the United Nations.

In 2012, the second report of the Secretary-General (A/66/763) was released on 5 April.
The report proposed a common understanding on Human Security based on the views
expressed by the Member States.

A plenary meeting of the General Assembly was held on 4 June 2012, to discuss the
report of the Secretary General.

On 10 September 2012, the General Assembly adopted by consensus resolution 66/290,
“Follow-up to paragraph 143 on Human Security of the 2005 World Summit Outcome”
in which Member States agreed on a common understanding on human security (A/RES/66/290).

12.3 CONCEPT OF HUMAN SECURITY

As argued by the Commission on Human Security 3(CHS), the need for a new paradigm of security is associated with two sets of dynamics:

- First, Human Security in response to the complexity and to interrelatedness of both old and new security treats – from chronic and persistent poverty to ethnic violence, human trafficking, climate change, health pandemics, international terrorism and sudden economic and financial downturns. Such threats tend to acquire translational dimensions and move beyond traditional notions of security that focus on external military aggressions alone.

- Second, Human Security is required as a comprehensive approach that utilises the wide range of new opportunities to tackle such threats in an integrated manner. Human Security threats cannot be tackled through conventional mechanisms alone. Instead they require a new consensus that acknowledges the linkages and the interdependencies between development, human rights and national security.

It is also to provide and promote Human Security by:

- Identification of critical pervasive threats.
- Prevention to see that the risks do not occur.
- Mitigation so that if risks occur, the damage is limited.
- response so that victims or chronic poor survive with dignity and maintain their livelihoods.
- respect Human Security by – Identification, Prevention, mitigation of predictable, side effects that threaten Human Security, regardless of primary objective.

Vital Core:

- A rudimentary but multidimensional set of human rights and human freedoms based in practical reason.
- Spans the freedom from fear and the freedom from want.
- To be specified by appropriate procedures in context.

All human lives:

- People-centred: focus on individuals and their communities.
- Universal and non-discriminatory.

Critical Pervasive Threats:

- Critical threats cuts into core activities and functions.
- Pervasive threats are large scale, recurrent dangers.
- Threats may be direct, such as genocide or a civil war.
- Threats may also be indirect, for example under investment of financial collapse.
Long Term human fulfillment:

- Human Security is not sufficient for human fulfillment.
- Human Security process should be consistent with ongoing human development by supporting participation, freedom, institutional appropriateness and diversity.

12.4 DEFINITIONS OF HUMAN SECURITY

If Human Security first saw light within international organisations, and then states, it has increasingly become a subject of interest in the academic world, where it does not suffer from a deficit of definitions. Defining it has been an art reminiscent of the blind men who each tried to describe an elephant according to the part they were able to feel. An elephant was described as a long narrow soft column by the one who had touched the trunk, a massive circular bulk by he who had felt its body and a hard pointed object by the blind man who had felt the ivory. The myriad of academic definitions on human security, and the fact that one definition has not been coined so far, similarly reinforces the view that the ‘truth’ about the definition is in the eyes of the beholder.

The simplest definition of security is ‘absence of insecurity and threats’, i.e. freedom from both ‘fear’ (of physical, sexual or psychological abuse, violence, persecution, or death) and ‘want’ (of gainful employment, food, and health). Human security, therefore, deals with the capacity to identify threats, to avoid them when possible, and to mitigate their effects when they do occur.

12.4.1 United Nations Definitions

Various officer of the United Nations have defined Human Security. According to former Secretary General, Kofi Annan,

“Human security, in its broadest sense, embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and healthcare and ensuring that each individual has opportunities and choices to fulfill his or her potential. Every step in this direction is also a step towards reducing poverty, achieving economic growth and preventing conflict. Freedom from want, freedom from fear, and the freedom of future generations to inherit a healthy natural environment – these are the interrelated building blocks of human-and therefore national-security.”

Sadako Ogata, (former) United Nations High Commissioner for Refugees, suggests that several key elements make up Human Security. A first essential element is the possibility for all citizens to live in peace and security within their own borders. This implies the capacity of states and citizens to prevent and resolve conflicts through peaceful and non-violent means and after the conflict is over the ability to effectively carry out reconciliation efforts. A second element is that people should enjoy without discrimination all rights and obligations-including human, political, social, economic and cultural rights-that belonging to a State implies. A third element is social inclusion – or having equal access to the political, social and economic policy making processes, as well as to draw equal benefits from them. A fourth element is that of the establishment of rule of law and the independence of the justice system. Each individual in a society should have the same rights and obligations and be subject to the same set of rules. These basic elements which are
predicated on the equality of all before the law, effectively remove any risk of arbitrariness which so often manifests itself in discrimination, abuse or oppression.

Ogata further points out that “Threats to human security are varied – political and military, but also social, economic and environmental. A wide array of factors contribute to making people feel insecure, from the laying of land-mines and the proliferation of small arms, to transnational threats such as drugs trafficking, of HIV, Refugees fleeing conflicts. One of the main factors of human security is precisely the lack of effective political and security mechanisms to address conflicts.”

United Nations Development Programme (UNDP) provides the following definitions: “Human Security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life – whether in homes, in jobs or in communities. Such threats can exist at all levels of national income and development.”

According to UNDP, the list of threats to Human Security is long, but most can be considered under several main categories:

- Economic security
- Food security
- Health security
- Environmental security
- Personal security
- Community security
- Political security.

United Nations Deputy Secretary-General Louise Frechette says:

“What so we mean by Human Security? We mean, in its most simple expression, all those things that men and women anywhere in the world cherish the most; enough food for the family; adequate shelter; good health; schooling for the children; protection from violence whether inflicted by man or by nature; and a State which does not oppress its citizens but rules with their consent.”

12.4.2 Definitions by Other Experts

“Human Security refers to the quality of life of the people of a society or polity. Anything which degrades their quality of life – demographic pressures, diminished access to or stock or resources, and so on – is a security threat. Conversely, anything which can upgrade their quality of life – economic growth, improved access to resources social and political empowerment, and so on – is an enhancement of human security.”

Hans Van Ginkel (Rector, United Nations University) and Edward Newman define human security as:
“In policy terms, Human Security is an integrated, sustainable, comprehensive security from fear, conflict, ignorance, poverty, social and cultural deprivation, and hunger, resting upon positive and negative freedoms.”

Human Security Network and Looks Human Security as:

“A humane world where people can live in security and dignity, free from poverty and despair, is still a dream for many and should be enjoyed by all. In such a world, every individual would be guaranteed freedom from fear and freedom from want, with an equal opportunity to fully develop their human potential. Building human security is essential to achieving this goal. In essence, human security means freedom from pervasive threats to people’s rights, their safety or even their lives.”

According to Kanti Bajpai, “Human security relates to the protection of the individuals personal safety and freedom from direct and indirect threats of violence. The promotion of human development and good governance, and, when necessary, the collective use of sanctions and force are central to managing human security. States, international organisations, non-governmental organisations, and other groups in civil society in combination are vital to prospects of human security.”

Lincoln Chen suggests that “The term human security...focuses the concept of security of human survival, well-being and freedom.” “...He conceptualizes human security as the objective – the ultimate ends – of all security concerns. In this schema, other forms of security are simply means for achieving the ultimate objectives of human security.”

David T. Graham and Nana K. Poku suggests that “Rather than viewing security as being concerned with ‘individuals qua citizens’ (that is, toward their states), our approach view security as being concerned with individuals qua persons’ (Krause and Williams 1997). Implicit then, in this conjunction of issues with ideas of human security and liberation is the notion of the ethical and moral. As an approach that focuses upon the importance of the insecurities facing people rather than dominant paradigmatic orthodoxy that views critical concerns of migration – recognitions (i.e. citizenship), basic needs (i.e. sustenance, protection (i.e. refugee status ),or human rights (i.e. legal standing) – as problems of interstate politics and consequently beyond the realm of ethical and moral.”

Anne Hammerstad is of the view that “According to both ‘critical’ and ‘human’ security approaches, security is about the social, political, environmental and economic conditions conducive to a life in freedom and dignity for the individual.”

12.5 HUMAN SECURITY PRINCIPLES AND APPROACHES

From an operational perspective, Human Security aims to address complex situations of insecurity through collaborative, responsive and sustainable measures that are, people-centred, multi-sectoral, comprehensive, context-specific and prevention oriented. In addition human security employs a hybrid approach that brings together these elements through a protection and empowerment framework. Subsequently each human security principle informs the human security approach and must be integrated into the design of a human security programme. These measures seek to reduce the likelihood of conflicts, and help overcome the obstacles to development and promote human rights for all.
Human security principles along with their approach have been discussed in details as under:

People-centred Principle has the following approach:
- Inclusive and participatory.
- Considers individuals and communities in defining their needs/ vulnerabilities and in acting as active agents of change.
- Collectively determines which insecurities to address and identifies the available resources including local assets and indigenous coping mechanisms.

Multi-sectoral Principle has the following approach:
- Addresses multi-sectorality by promoting dialogue among key actors from different sectors/fields.
- Helps to ensure coherence and coordination across traditionally separate sectors/fields.
- Assesses positive and negative externalities of each response on overall human security situation of affected community (ies).

Comprehensive Principle has the following approach:
- Holistic analysis: the seven security components of human security.
- Addresses the wide spectrum of threats, vulnerabilities and capacities.
- Analysis of actors and sectors not previously considered relevant to the success of a policy/programmed/project.
- Develop multi-sectoral/multi-actor responses.

Context-specific Principle has the following approach:
- Requires in-depth analysis of targeted situation.
- Focuses on a core set of freedoms and rights under threat in a given situation.
- Identifies the concrete needs of the affected community (ies) and enables the development of more appropriate solutions that are embedded in local realities, capacities and coping mechanisms.
- Takes into account local, national, regional and global dimensions and their impact on the targeted situation.

Prevention-oriented Principle has the following approach:
- Identifies risks, threats and hazards, and addresses their root causes.
- Focuses on preventative responses through a protection and empowerment framework.

12.6 THE HUMAN SECURITY APPROACH IN CONFLICT PREVENTION AND PEACE BUILDING

The Human security approach has focused on strengthening citizen security, improving the delivery of and access to basic social services, restoring livelihoods, promoting community
reconciliation and enhancing conflict-prevention activities. By focusing on bringing the rewards of peace to people and communities, and by emphasising that a lasting peace hinges on a life free from fear, want and exclusion, the human security approach can help recast efforts towards concrete interventions that address people’s needs.

Multi-Sectoral strategies that engage a broad range of UN and local stakeholders have been pivotal in producing the peace dividend needed to bolster confidence in consolidating peace and transitioning to recovery.

The human security-based needs vulnerabilities and capacity analysis supports more targeted, efficient and sustainable priority setting.

The analysis provides a foundation for capacity building empowerment strategies that nurture local ownership and promote greater sustainability.

In an interconnected world, security must be seen as a global public good. The state-centric notion of security, which lays emphasis on the territorial integrity of the state and the role of military force, falls short in addressing the different dimensions of security in the life of individual human beings. State-centric security policies tend to take a top-down approach that falls to address issues that ultimately affect civilian’s perceived sense of safety, peace and justice in the long term. There is a growing consensus about the of a more holistic approach, based on a better understanding of what individuals and communities need in order to feel safe and secure. By recognising the structural causes of conflicts in terms of social, economic and political exclusion, grievances and inequalities, the human security approach requires analysing root causes, mapping existing local capacities for peace, and designing coordinated strategies for civil society and governmental preventive action as a part of a long-term commitment to peace.

### 12.6.1 People-Centred Bottom-Up Approach

Human security refers to the security of the individual as opposed to the security of states. When individuals and communities are put at the centre of analysis, there are implications for the assessment, planning, implementation and evaluation of security and peace-building initiatives. All these require in-depth knowledge of the situation and context-specific solutions. The human security approach is not only centred on people as objectives of interventions, but also as providers of security in their own right. This takes into consideration the needs of the population, their capacities and, fundamentally, their judgments. Sustainable human security is therefore not only the responsibility of the states, but also of citizens and local communities. Consequently, international efforts should support local capacities and leadership to enable local response strategies to conflict as much as possible.

Ultimately, the legitimacy of both state institutions and security strategies relates to the extent to which populations perceive access to justice, basic human needs and space for participation. The security policymaking process requires participatory mechanisms to determine what individuals and communities perceive as security treats as well as what is needed in order to feel secure. The Human security approach recognises that civil society is not a homogenous group. Consequently, the perspectives and needs of different segment of population – including men, women, boys and girls, refugees, minorities, etc. – need to be considered. A gender – inclusive approach further recognises and addresses the different vulnerabilities of women and men to these threats, and their respective strengths and skills to build a more secure society (UNSC res 1325). Accountability
towards local populations requires long-term relationships building and collaboration with a broad range of local actors, including diverse civil society and interest groups.

12.6.2 Peace and Security Challenges

Growing complexity of threats to peaceful co-existence and social justice:

Human security requires multiple and diverse actors to develop solutions to interdependent threats. The interconnectedness of threats means they may spill over from the borders of one country or region to another, eventually affecting people across a wider region and even globally. Human security also recognises the inter-linkages between peace, development, human rights and other fields, which are all relevant to address the cross-cutting challenges in conflict-affected contexts. Human security calls for complementary strategies ranging from the local to the regional and global levels as well as inter-sect oral collaboration.

Violence as an ‘unintended outcome’ of bad practice and lack of conflict sensitivity:

The implementation of short term Security Sector Reform and Demobilisation, Disarmament and Reintegration programme can generate more harm than good when carried out with minimum consultation or involvement of diverse, local stakeholders or appropriate contextualization. Even well-intended interventions can undermine existing peace building efforts or contribute to new outbreaks of violence if not properly tuned in with the context.

Comprehensive Approach that is Human Security-centred:

The growing push for a comprehensive approach at the UN requires not only a multidisciplinary approach by the states, but also regional intergovernmental bodies and civil society organisations (CSOs) from all fields to work together. Especially when it comes to foreign interventions, this has consequences for how actions in one sector affect those in another, requiring good communication and coordination mechanisms. Before any action can take place, there must be a common understanding of the conflict, and goals need to be aligned.

12.7 SUMMARY

The Human Security concept evolved at a time of great international shifts the disintegration of the Soviet Union ended the Cold War, lifting the shadow of bipolar politics that clouded relations between countries. Hundreds of thousands of deaths, millions displaced and made refugees, child soldiers, women raped and humiliated, inter-community violence, marginalisation and exclusions, increased defense expenditure at the cost of social and developmental sectors-this is what human insecurities did to our societies. However, the success of concepts like human security rests with civil society activists, NGO’s and social movements. It is evident that human security is an empowering idea with the potential to improve the terms of human existence when accepted by states.

12.8 TERMINAL QUESTIONS

1) What do you mean by human security?
2) Discuss various definitions of the concept of Human Security.
3) Analyse the principles of and approaches to Human Security.
SUGGESTED READINGS


