

# International Conflicts and Conflict Resolution: Periscoping the Role of the United Nations

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## Abstract

It is the contention of realist scholars and thinkers that states in the international system have a natural inclination or proclivity to war. This position is anchored on their belief that the world is inherently anarchic and that, therefore, it is in the interest of states in the international system to be prepared at all times to defend themselves. Relying on the historical-descriptive methodology of content analysis, this paper argues that though conflicts are inevitable in international relations, the international community has put in place certain mechanisms to avoid the occurrence of violent and destructive inter-state conflicts in order to preserve the global system. It concludes that the United Nations is at the forefront of ensuring that international conflicts and war are avoided or at least prevented from assuming violent dimensions which would threaten global peace and security.

**Keywords:** conflict, International Law, United Nations, war.

## Introduction

States in the international system live in dynamic interactions with each other. Such interactions vacillate between periods of conflict and periods of peaceful co-existence. International conflict is a situation in which there is a discernible form of antagonistic interaction between states (Ota, 2009: p. 8). This could be as a result of incompatible goals, such as national interest. As a matter of fact, inter-state conflicts are largely inevitable, according to realist scholars and thinkers, who see the international system as one that is inherently anarchic. Morgenthau (2012: p. 31), for instance, views international politics as the struggle for power and, along with other realist scholars like Niebuhr (1947), Kennan (1951) is not in the least bothered about

making efforts to control what he considers as states' natural inclination or proclivity to war. However, it is not all conflicts that result in wars. Wars are armed and violent conflicts between individuals, groups, and states. The Bosnian War of the 1990s is a pointer to the fact that the end of the Cold War and the collapse of the former Soviet Union have not removed the spectre of inter-state wars and the possibility of inter-state wars. In other words, the reality of war is undeniable (Bloomfield & Moulton, 1997: p. 8). Inter-state wars that occurred before 1991 include the Arab-Israeli conflict, the Korean War, and the India-Pakistan war. The United Nations (UN) is still involved in resolving these conflicts. Conflict resolution means a lessening of the intensity and severity of a conflict by designing programmes and embarking on activities that seek to discover, identify, and resolve the underlying root causes of the conflict (Ota, 2009: p. 83). The aim of the conflict resolution process is to terminate conflicts by adopting a constructive method of solving problems (Miller, 2003: p. 8).

### **Force, Order, and Justice in the International System**

It is a fundamental breach of international law for a state to wage war against another state or intervene in another state's internal affairs. It is still common practice, especially among powerful states, to circumvent this rule in the course of implementing their foreign policies. This means that although international law forbids intervention, most cases of intervention which the International Court of Justice (ICJ) has had to adjudicate have been those involving direct intervention. Cases of indirect intervention are rare.

Article 2(4) of the UN Charter is unambiguous in its prohibition of the use of force in inter-state relations because it is inconsistent with the purpose of the UN. In as much as states have resolved not to resort to violence in their international relations, they are, however, most likely to do otherwise when peaceful means of settlement of the contentious issues fail to assuage their national interests, pride or prestige. In a number of instances, the absence of clearly demarcated boundaries has continued to generate tensions between neighbouring states. The almost historic enmities between India and Pakistan, Algeria and Morocco, and China and Vietnam, among others are examples of boundary disputes between neighbours.

### **A. Origin and Historical Background to the Use of Force in International Relations**

The evolution of human societies and the subsequent emergence of sovereign states have been characterized by instances of armed conflicts between states. The Middle Ages witnessed the activities of naturalists who rationalized wars into two main categories, namely, just and unjust wars. This categorization of wars remained in the realm of deductive speculations, which left most states unaffected, or took into account the requirement of their *raison d'être*, which in turn, led to the justification of wars as being just, so long as states were free to determine the objects of their obligations. Legal obligations did not exist then, hence the frequent practice of states to resort to war whenever their national interest so demanded. There was a general acceptance by positivist writers on the other hand, that prior to 1919, states had an unlimited right to engage in wars (Kegley, Jr & Blanton, 2011: p. 357). During the Middle Ages too, wars were fought for a variety of reasons. The term “war” was given a judicial interpretation in the case of *Bas v. Tingy* (4 U.S. (4 Dallas) 37, 40) where it was defined as an extended contention of force between two nations. The term was divided into two, namely, *jus ad bellum* (the right to go to war), and *jus in bello* (right conduct in war). While the first deals with the moral basis of war, the second is concerned with the moral conduct within war (Guthrie & Quinlan, 2007).

In the days of the Roman Empire, the doctrine of “the just war” assumed greater importance. It was believed that force could be used by a state in the conduct of its international relations so long as it complied with the divine will. The concept embodied elements of Greek and Roman philosophy and was retained for the maintenance of peace and order. St. Augustine Aquinas (340-430 BC) defined the concept of just war as “... a means of avenging injuries suffered where the guilty party has refused to make amends” (Shaw, 1997: p. 778). It was also seen as the subjective guilt of the wrongdoer that had to be punished, rather than the objective wrong activity. Thus, the idea of a just war then was that of legality of the use of force by states (Shaw, 1997: p. 778). With the emergence of modern states in Europe, the two concepts (*jus ad bellum* and *jus in bello*) fused to form the *jus ad bellum* and became tied to the existence of states. War was then seen as the right of every state.

A threat to use force by one state against another could be defined as the explicit or implied promise by the government of one state to resort to force, conditional or non-conditional, upon certain demands of that government. The execution of that threat constitutes the force, including, for example, military preparations, manoeuvres, and the massing of armed forces at its border with another state. By implication, the action of a state may constitute force if it uses its military force to enter the territory of another state for any reason at all. Acts of aggression such as the invasion of one

sovereign state's territory by another and a situation where a state organises resistance units aimed at destabilising another state also constitute force.

## **B. Categories of Force**

In addition to war, there are other types of force which have existed over the years as a means of defending interests or imposing settlements or punishments against wrongdoers. These measures of self-help range from economic retaliation to the use of violence, pursuant to the international law provision of the right of self-defence. There are basically four categories of force, namely: retorsion, reprisals, pacific blockades and intervention (armed and humanitarian).

*Retorsion* is the technical term for retaliation against the discourteous, unkind, unfair, or inequitable acts of one state against another. The act which results in retorsion need not necessarily be illegal. On the contrary, it may be an act which, though not internationally illegal, involves discourteous or unfriendly attitudes toward another state. Whether or not retorsion as a political option is justified depends on the circumstance and condition of each case. However, the legitimate use of retorsion has been affected by Article 2(3) of the UN Charter which requires the pacific settlement of disputes. Retorsion could involve the expulsion of foreign nationals, or the severance of diplomatic relations, among others. In the words of Shaw (1997: p. 785), "Retorsion is a legitimate method of showing displeasure in a way that hurts the other state while remaining within the bounds of legality."

*Reprisal* refers to acts of one state against another which, though injurious and internationally illegal, may be permitted in exceptional cases for the purpose of compelling the state to consent to a satisfactory settlement of a dispute occasioned by its own international delinquency. This type of force is permissible in cases of international delinquency for which the injured state cannot get reparations through negotiation or other amicable means. In the Sicilian Sulphur Monopoly Case for example, Britain employed acts of reprisal against Sicily in 1840 for violating a treaty between both countries (Jessup, 1948). By the said treaty, which was signed in 1816, certain commercial advantages had been assured to Britain. When in 1833 the Neapolitan government granted a sulphur monopoly to a French company, Britain protested over this act as a violation of her treaty rights and demanded a revocation of the monopoly. But the Neapolitan government refused to comply, and Britain in 1840, had to seize Sicilian ships as a form of reprisal. Some ships had to be returned later when France agreed to withdraw the grant of the sulphur monopoly. By implication therefore, it means, as has been asserted, that "... reprisal is illegal per se but only justified by the earlier commission of that act by the other state" (Umzurike, 1993: p. 196). The use of reprisals by states is however contrary to the

provision of Article 2(4) of the UN Charter, and totally incompatible with the objectives, principles, and purposes of the UN. Any form of reprisal used which is short of force may still be illegal, provided it was not used for self-defence.

*Pacific blockade* is another form of force available to states. Before the 19<sup>th</sup> century, it was viewed as a measure adopted by belligerents in times of war. It was not until the second quarter of the century that the so-called Pacific blockade principle (a euphemism for a blockade even in peacetime) was resorted to as a compulsive measure for settling international disputes. All cases of blockade are either intervention or reprisals. In a pacific blockade, the blockading state has no right to intercept the vessel of the third party. It confines its efforts to the interception of only the vessels of the blockaded state. In 1902, Britain, Germany, and Italy sought to compel Venezuela to honour its financial obligations by blockading the coast of Venezuela (Greig, 1975: p. 423). However, the blockading powers yielded to the position of the U.S. that they had no right to interfere with vessels flying the U.S. flag. Though the three powers heeded the U.S. notice, they asserted that their blockade of Venezuela created a state of war and therefore, gave them belligerent rights (Greig, 1975: p. 423). In principle, a blockading state cannot simultaneously claim the benefit of peace and war. The legality of pacific blockades has also been questioned in accordance with Article 42 of the UN Charter, which allows only the Security Council to order such blockades in pursuance of its primary duty of maintaining global peace and security.

*Intervention* is the last category of force available to states. It consists of interference by one state in the internal affairs of another state. The Draft Declaration on the Rights and Duties of States adopted in 1949 by the UN provides that states owe a duty of non-intervention in both the internal and external affairs of another state. Also, the resolution adopted by the General Assembly of the UN in 1970 emphasised the principles of non-intervention. For intervention to fall within the ambit of international law, it must be in opposition to the will of the particular state concerned. It must also be designed to impair the political independence of that state.

There are instances where a state can legitimately intervene in the domestic or external affairs of other states. An example would be collective intervention in pursuance of the UN Charter. Another possible reason for intervention could be to protect foreign nationals and their properties abroad, as was the case in the Congo by Belgian and French troops during that country's political crisis in the 1960s. Intervention may also be necessary for a state to defend itself or repel an actual attack from another state.

### C. Exceptions to the Use of Force

The prohibition of the use of force in international relations as contained in Article 2(4) of the UN Charter is subject to exceptions such as self-defence, collective self-defence, collective security, and self-determination. The right to *self-defence* is a natural law which commits everyone to his own protection. When used in this context, it includes the right of a state threatened with an impending attack to judge for itself whether it is justified in resorting to force. However, the notion of self-defence is primarily one of municipal law, especially criminal law. It operates to protect essential rights from irreparable harm or damage in circumstances where there are no readily available alternative means of protection. In international law, there has not been any precise formulation of the concept, nor any celebrated judicial determination on the issue of whether the plea of self-defence has rightly been raised. It is thus the responsibility of the whole international community to ensure that any such plea is not advanced by states as an excuse for the illegal use of force.

The UN Charter provides that: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security” (Article 51, UN Charter). The proper interpretation of this Article has been a subject of controversy. The various interpretations and effects of this provision have led to the emergence of two schools of thought. According to the first school of thought, the customary notion of self-defence has been modified and restricted so that states can exercise it only in cases of armed attack against them (Jessup, 1948: p. 11). It also argues that any contrary interpretation would undermine or defeat the purpose of the proscription of force under Article 2(4) of the Charter. Furthermore, the adherents of this school of thought contend that the reference to the right of inherent self-defence cannot, and does not, have the effect of preventing new developments in the law. States, they say, reserve the right to vary the contents of the right if they so wish as reflected in Article 51. By implication, a state faced with an imminent attack must have to wait for the actual attack before adopting measures in self-defence. But the development and deployment of high-tech military equipment such as the spy satellite system, has rendered this idea quite unrealistic.

The second school of thought believes that the word “if” as used in Article 5 does not mean, “if and only if” since it would have the effect of preventing member-states of the UN from protecting or helping each other in the defence of a non-member state against an attack. Their position is that Article 51 should be understood as stating one of the instances which could necessitate self-defence. In fact, Article 51 retains “the inherent right of self-defence”, independent of other provisions of the

Charter in cases of armed attack. Whatever be the case, international law recognises three conditions on the basis of which the concept could be applied. These are:

- a. There must be the necessity for self-defence which must be instant and overwhelming, leaving no choice or means and moments for declaration,
- b. The act taken in self-defence must be commensurate with the harm to be averted,
- c. Self-defence can only be taken against a subject of international law to whom a prior wrong is attributable.

It has to be stressed here that the plea of necessity was among the legitimate excuses for hostile measures falling short of war, and that self-defence was only a special application. Because of the close correlation between the two concepts, it is hardly surprising that a plea of “necessity” or “self-defence” will arise out of similar situations, and often, it may be difficult to decide which of them is more appropriate. These two conditions came up in the *Caroline Case* (I.C.J. Report, 1949, 30; 29 BFSP 113 7-8) which has generally been treated as a case based on that principle. In that case, it was submitted by the U.S. Secretary of State that the use of force can only be justified if there is “...a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation... (nothing must be done that was) unreasonable or excessive; since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it” (Umzurike, 1993: p. 205).

A second condition which must be fulfilled before any lawful use of self-defence can be tolerated is that the action taken in self-defence must be commensurate with the harm to be averted. The U.S. Secretary of State, Webster, correctly emphasised this point in the *Caroline Case* when he argued that it must be shown that the act was nothing “unreasonable or excessive since the act justified by the necessity of self-defence must be limited by that necessity, and kept clearly within it” (Umzurike, 1993, p. 205). Put in other words, for any act of self-defence to be justified and justifiable, the force employed in such an act must be proportionate to the harm allegedly caused or threatened. The continued Israeli occupation of seized (or conquered) Arab territories in the West Bank, the Golan Heights, and the Gaza Strip since the 1967 Arab-Israeli war, is very illustrative of this point because it is curious if the law of self-defence permits the defender to, in the course of his defence, seize and keep the resources and territory of the attackers or aggressors.

Finally, measures of self-defence cannot be taken against a subject of international law to whom prior wrong is not attributable. Such measures can only be justified on

grounds of necessity, and that is why the Caroline Case could be categorised as one that was based more on necessity than self-defence. This is because it was never alleged at all by the British Foreign Secretary, Alexander Baring, 1<sup>st</sup> Baron Ashburton, that the action of the British forces was done out of necessity or that the exigency of the situation demanded immediate and extraordinary action. As earlier pointed out, such necessity must, of course, be instant, overwhelming, and leaving no choice of means and no moment for deliberation.

Arising, therefore, from the principles enunciated in the Caroline Case, are three fundamental requirements for acts to be regarded as legitimate self-defence in international law:

- a. In the first place, there must be an actual infringement or threat of infringement of the right of the defending state.
- b. Secondly, it must be shown that there has been a failure or inability on the part of the other state to use its own legal powers to stop or prevent the infringement.
- c. Lastly, acts of self-defence must be strictly confined to the objective of stopping or preventing the infringement and reasonably proportionate to what is required in achieving this objective.

It is, therefore, permissible or lawful in customary international law to use force in self-defence if it is made in response to an immediate and pressing threat. Such a threat must be one that could not be avoided by alternative measures, and the force so used to remove or avert the threat must be proportionate to the danger posed. Self-defence cannot be justified if the dispute can be avoided by diplomatic representations; that is, the adjustment of such differences through negotiation. It can also not be justified if the danger posed to a given state is so remote as to be nothing more than a feeling of suspicion.

*Collective self-defence* is another exception to the use of force by states in their interaction with each other in the international system. By the provision of Article 51 of the UN Charter, the use of force for purposes of collective self-defence is recognised. The said Article 51 states, *inter alia*, that, “Nothing... shall impair the inherent right of individual or collective self-defence if an armed attack is against a member of the United Nations”. This provision was incorporated into the UN Charter at the instance of the countries of South America which had entered into collective security pacts. By insisting on the insertion of this provision in the Charter, these countries sought to ensure that the legality of the argument was not brought into doubt by the Charter provision.

The concept of collective self-defence has generated some arguments, especially regarding its definition and application. For instance, to what extent can a state resort to force in defence of another state? Is collective self-defence merely a collection of individual states' rights of self-defence within the framework of a particular treaty or institution, or can regional security systems be based upon a broad interpretation of this right of collective self-defence? There is however no doubt regarding what is envisaged as the use of force in self-defence by two or more states. But does this mean that all the states exercising the right of self-defence must have been subject to individual attacks, or can states which have not been attacked come to the aid of another state that is a victim of armed attack? In other words, who must be attacked before the right of collective self-defence can ensue? Is it one state or all the states taking part in the collective defence arrangement? The answer to these questions is found in the statement of the Colombian representative at the 1945 Inter-American Conference on Problems of War and Peace (the Chapultepec Conference). There, it was held that: "..., an aggression of one American state constitutes an aggression against all American states, and all of them can exercise their right of legitimate defence by giving support to the attacked in order to repel aggression. This is what is meant by the right of collective self-defence" (Greig, 1975: p. 897). Implicit in this statement is the fact that collective self-defence is not just the joint exercise of individual rights, but that it is a collective action in response to an actual attack against one state. The attacked state must formally request assistance through recognised channels, such as her diplomatic mission, or through the head of the international organisation in which she shares membership with the other states to whom the request is being made.

Another exception to the use of force by states is *collective security*. This principle is premised on the need for the international community to give institutional backing to the use of armed force against delinquent states. The UN and other international organisations are authorised to employ force in restraining a recalcitrant state from threatening world peace and security. The Monroe Doctrine of 1823 officially projected the U.S. as a potential regional power with an activist "protector" role in the American continent, and a very strong aversion to European-style empires in both North and South America.

According to President James Monroe in his address to the U.S. Congress in 1823, the American continent was no longer to be a subject of future colonisation by European powers, and any attempt by any European power to extend its system of government to any portion of the American continent was to be regarded as dangerous to the peace and safety of the U.S. and other states in the American continent. The U.S. pledged to intervene in any part of the American continent, subject to a threat of interference from any European power or if vital U.S. interests

were endangered. The 1940 Havana Declaration also stated that any attempt on the part of a non-American state against the political independence of any state in the American continent was to be considered as an act of aggression against those American states that were signatories to the Declaration. This position reflected the historical background of the U.S. as a nation of refugees and adventurers who had fled Europe and who had a vision of a unique society with an approach to commerce and politics different from those of traditional or continental Europe. Thus, the principle of collective security as embodied in the Covenant of the League of Nations and in the Charter of the UN has its antecedent in the Monroe Doctrine. It should be noted that the power of the UN to use force for collective security is in addition to the rights which individual states may exercise in self-defence or collective self-defence. Furthermore, it has to be emphasised that the right of collective self-defence does not depend on the prior authorisation of the UN or any other international organisation, though it may be lawful under cotemporary international law. According to Article 51 of the UN Charter however, one important restriction on the right of collective and individual self-defence is that it is not available until the UN Security Council has taken measures necessary to restore international peace and security.

By the provisions of Article 24 of the UN Charter, the Security Council, as earlier stated, is charged with the responsibility of maintaining international peace and security. This includes enforcement actions taken under Chapter VII of the Charter in case of threats to peace, breaches of the peace, or acts of aggression. Article 39 of the Charter allows the Security Council to determine the existence of a threat to peace, or breach of the peace, or acts of aggression. Under Article 39 of the Charter, if the Security Council determines that there is any threat to the peace, breach of the peace, or acts of aggression, it may employ such measures as are specified in Articles 41 and 42 of the Charter. Article 41 provides that the Security Council may decide what measures not involving the use of armed force are to be used. It may call upon member-states of the UN to apply such measures. According to that Article, such non-military measures could include trade boycotts, arms embargo, or an embargo on international air flights (such as the one against Libya in 1992), interruption of economic and diplomatic relations, or other limited measures.

An example of a situation where the Security Council has had to invoke the provision of Article 41 is the action against Iraq in 1990 following her invasion and occupation of Kuwait. Similarly, the Security Council adopted measures under Article 41 of the Charter against Libya over her refusal to extradite two of its citizens accused of planning and perpetrating the bombing of a Pan Am Airline plane over Lockerbie, Scotland in 1986. The Security Council invoked Chapter VII of the UN Charter to impose threefold mandatory sanctions on Libya, namely: the prohibition of

international flights to or from Libya, an arms embargo, and the directive to states to reduce Libyan diplomatic and consular representations in their territories.

*Self-determination* is the fourth exception to the non-use of force by states under international law. According to Umozurike (1993: p. 206), “The U.N. Charter envisages the eradication of colonialism and provides for the progressive development of the people to self-government or independence”. Moreover, the UN General Assembly has expressly recognised the right to self-determination in its resolutions on the issue on December 12, 1958 and in its Declaration of December 14, 1960 on the granting of independence to colonies for the cessation of repressive policies (including armed action) by colonial powers against their colonial subjects to enable them exercise their right to independence (Yearbook, 1960: p. 49). Also, by Resolution 2105 (xx) of 1965, the UN General Assembly recognises “...the legitimacy of peoples under colonial rule to exercise their right to self-determination and independence and invites all states to provide material and moral assistance to the national liberation movements in colonial territories” (Yearbook, 1965: pp. 50-55). International law therefore not only condemns the use of force to perpetuate colonialism, but also implores states in the international system to assist colonial territories seeking to end colonial rule militarily and gain independence. The international community is by implication, under an obligation to protect and prevent its denial to colonial peoples. Therefore, the use of force by national liberation movements fighting for freedom and independence from colonial rule is also an exception to the use of force in international law.

### **Order in the International System**

The Black's Law Dictionary defines order to mean command, direction, or instruction. It could also mean a written direction or command delivered by a court or a judge (Garner, 1999: p. 656). The UN's main purpose of maintaining international peace and security, developing friendly relations among nations, working together to help raise peoples' living standards and encouraging respect for each other's rights and freedom; and being a centre for helping nations achieve their goals (McLean & McMillan, 2003: p. 564), all aim at ensuring order in the international system. It is against this background that contemporary international law provides that international disputes should be settled through peaceful means. Doing otherwise would negate the essence of the UN. In other words, both the UN and international law seek to ensure orderliness in international relations. This would serve as a panacea for international anarchy. That is why the demand under the UN Charter that international disputes should be settled through pacific means has

assumed the status of a fundamental principle of international law. It is now binding on both members and non-member-states of the UN.

### **Justice in International Relations**

As a general concept, justice connotes equality in the distribution of burdens and benefits among members of a given society. It is both a virtue and a value. As a general virtue, justice connotes a duty to perform group or individual acts of social reparation, welfare, and assistance. It implies, among other things, righteousness, for example, in not maltreating one's neighbours. Justice is a value to the extent that it insists on equal treatment of all members of the society.

At the international level, justice is accorded a deserving position in Article 2 of the UN Charter which states that the UN is based on the sovereign equality of all member-states. Thus, in international law, states are under an obligation to respect the sovereignty of other states by not interfering in the internal affairs of each other, except in some exceptional cases. These would include where a state that is restricted by an international treaty does not comply with the terms of such a restriction. In such a case, the other party or parties could intervene and enforce the treaty. Also, one state may violate the sovereignty of another state by entering its territory either to defend itself or to repel an attack from such another state. Justice is, therefore, a moral ideal, a great human need, and a worthy social enterprise. Since states cannot easily resort to violent self-help, international law makes provisions for redressing acts of injustice in an impartial manner. It is in this sense that justice and law generally relate to each other. International law is a good instrument of justice in international relations: it not only identifies acts of injustice, but also imposes liabilities or provides redress. Thus, justice becomes evident in the sense of injustice. It is this experience of a sense of injustice that incites nations to join together in their perception of a threat to world peace and security, in resisting such a threat, and in exulting over an achieved success.

### **Causes of International Conflict and War**

International conflict or war is an armed conflict between two or more states usually fought in order to achieve political ends (see Rummel, 1981: chap. 16). According to Rummel (1981), "War is generated by a field of sociocultural forces seated in the meaning of values and norms of states... For war to occur between two states, they must have some contact and salience, some awareness of each other". He holds the

position that for states to engage in a war against each other, they must have some opposing interests which are considered necessary and justifiable, as well as the capabilities to start and sustain the war. Therefore, for any state to go to war against another, there must not only be a necessary cause (such as contact, and perceptions and expectations), such a state must also have the capacity to initiate and sustain the fight. Not being adequately prepared before going to war would be a catastrophic national embarrassment for any country embarking on such a venture.

Every conflict has background conditions which tend to set the stage for wars. These are the remote and immediate causes. The remote background is made up of underlying historical animosities between two or more states. These create tensions and generally put the two states on the edge because of the possibility of an outbreak of violent conflict or war. In other words, a possible warlike situation between states is created in the context of lingering age-long animosities, suspicions, and bad faith between them. The result is an inevitable heightened state of military build-up by the countries involved, leading to insecurity, an arms race, and even the formation of military alliances. The immediate causes are the triggers which explode due to the mismanagement of the remote background conditions. This happens when leaders from one of the states react disproportionately and unreasonably to what they consider a security issue or threat from the other state(s). Tensions could escalate to the point of an armed conflict when any of the states perceives the tactics of its antagonist as both coercive and hostile.

### **Theoretical Explanations of the Causes of International Conflicts and War**

An international conflict becomes a war only when it assumes violent dimensions. That is, two states might be in a conflict without necessarily being at war with each other. In his classic work, Waltz has identified three levels of explanations of the causes of wars. These are the individual-level causes, the nation-state level causes, and the international-system level causes (see Waltz, 1959).

#### ***D. The individual-level causes***

These have to do with the human nature of individual human beings who make up every given state. The argument is that fundamentally, it is the decisions of individuals, whether as leaders of states or non-state actors, that determine whether an armed aggression will occur as well as when and how (Kegley Jr & Blanton, 2011: p. 252). Just like realist thinkers and scholars who believe that humans are born with a natural instinct for power which could ultimately lead to competition, conflict, and

war, psychiatrists like Freud (1962: p. 58) see aggression as an instinctive part of human nature, and that the instinct to death leads to war and destruction. However, the idea of human nature as the basis for aggression and war has been replaced by a new thinking which believes that aggression is not innate but learned (see Murithi, 2004: pp. 28-32). Therefore, it is obedience to constituted authority rather than aggressiveness that compels soldiers to fight in wars and for the general populace to give their consent or assent to the waging of wars. In essence, it is often the leaders of individual states who decide whether or not their states should go to war.

### *E. The nation-state level causes*

The argument here is that there are certain features common to some states, and that these may dispose them to being prone to wars vis-à-vis other states. Such characteristics include the nature of the economy, the domestic political opposition which the state in question faces, and the nature of its political system (Kaarbo & Ray, 2011: p. 195). For instance, though democratic states are likely to go to war as do non-democratic states, hardly do democratic states go to war against each other. This is because democratic states have the tendency to resolve their conflicts peacefully due to cultural expectations and are usually willing to negotiate with each other since they not only share similar institutions but also have opposition parties which could object to such policies.

Rasler and Thompson (2006: pp. 145-167) have argued that armed aggression by states is common among newly independent states who may seek to resolve some internal grievances by going to war against their neighbours over contested territories. Sometimes, such inter-state wars among third world countries could degenerate to such a level that great powers and non-state inter-governmental organisations might get involved and thus intervene in the internal affairs of the countries involved in the conflict. However, a state's willingness to uphold the principles of democracy, such as the right of the citizens to choose their political leaders through free and fair elections, could minimise the chances of even third world countries going to war against each other. Other internal characteristics of a state which could give rise to warlike dispositions include nationalism, poverty and disparities in wealth, and geopolitical environmental factors.

### *F. The international-system level causes*

The position of this level of analysis is that the anarchic nature of the international system predisposes states to aggression and war. The argument is that since each

state and its leaders must survive in such a system, they tend to use any means possible, including war, to pursue and achieve their national goals. This is the argument advanced by realists. According to this line of reasoning, the fact that there is no central authority in the international system means that states must resort to self-help in order to achieve their national goals. However, constructivist scholars like Wendt (1992: pp. 391-425) have argued otherwise. As far as they are concerned, it is not enough to blame anarchy in the international system for wars because when states resort to self-help in their relations with each other, the explanation for such behaviour should be sought instead, in human convention. That is, such behaviour is more or less the result of human convention because the international system is made up of states who determine whether or not the system should be anarchic. After all, there are effective governmental authorities in individual states, yet this has not stopped armed conflicts within individual states. Therefore, citing anarchy in the international system as a cause of armed conflicts between states is not tenable and lacks merit.

Other scholars have argued that the formation of bipolar military alliances by states tends to increase the possibilities of war breaking out between states (Kim, 1989: pp. 255-273; Levy, 1981: pp. 581-613). This was the situation when the Allied Powers were pitted against the Axis Powers in the Second World War. The number of major military powers in the international system, on the contrary, could reduce the extent and number of international conflicts when two dominant powers lead military alliances (Wayman, 1984: pp. 61-77). This was the situation during the Cold War when the U.S. and the former Soviet Union respectively led two military alliances namely, the North Atlantic Treaty Organization, and the Warsaw Pact.

In today's international system, the U.S. occupies a preeminent position as far as power is concerned. Although it is tempting to refer to the U.S. as the world's sole superpower, or to label the contemporary international system as a unipolar world where the U.S. could play the role of a powerful hegemon, the truth is that there are still some other major powers in the world, such as China and Russia. The world today is not truly unipolar because it needs a combination of world powers to address issues of global importance instead of a single hegemon (Huntington, 1999: pp. 35-49). Therefore, the U.S. alone cannot successfully make and enforce rules in the international system either to cause wars or stop them among states. Rather, it is the interdependent nature of states in the international system that could curtail the preference for war over peace by states. Such a relationship could render irrelevant, the emphasis on power distribution as a panacea for global peace as advanced by realists. This is the position of liberal theorists. They believe that states are constrained from adopting war as a national policy due to the complex level of interdependence among them. International interdependence is multifaceted and

facilitated by a number of international organisations and non-state actors (Kaarbo & Ray, 2011: p. 193; Oneal et al, 2003).

Finally, it must be admitted at this juncture that although war is inevitable in international relations, finding explanations for the causes of war is difficult. There is no single factor explanation, and the three levels used here are likely to offset or interact with each other (Pearson & Rochester, 1992: p. 283). By implication, therefore, there are many approaches to studying the causes of war. As has been aptly stated, "...the roots of the war system are deeply imbedded in human society and institutions, and... there is no simple or single explanation for such a complex phenomenon as war" (Palmer & Perkins, 2007: p. 190).

### **The United Nations and the Pacific Settlement of International Conflicts**

All through history, the international system has had to contend with inter-state conflicts and wars. In the twentieth century, two world wars were fought from 1914 to 1919 and from 1936 to 1945, respectively. In fact, it was the pervasive nature of inter-state wars that led to the formation of the League of Nations and the UN in 1920 and 1945, respectively. In the contemporary international system, the international community, under the aegis of the UN enjoys a monopoly of the use of force. States are therefore restricted in the use of force or coercive measures in the conduct of their international relations. This does not in any way contradict the fact that in municipal legal systems, individual states enjoy the monopoly of the use of force in their internal affairs so long as such force do not offend the conscience of the international community. Relevant bodies and institutions within the state systems are vested with powers to use force but private individuals are not permitted to employ force in the conduct of social relations except in self-defence or in the defence of personal property.

Under traditional international law, the right to wage war was viewed as inherent in the concept of state sovereignty. In fact, up to the nineteenth century, the attitude that it was the right of every state to resort to war was prevalent. Customary international law placed no limits on the right of states to resort to war. It was in later years that attempts began to be made towards limiting the right of states to resort to war as a national policy. These attempts started with the Hague Peace Conference of 1899 which produced a Convention for the Pacific Settlement of International Disputes, and the second Hague Peace Conference of 1907, which produced another Convention for the Pacific Settlement of International Disputes. Later, the League of Nations, in 1919, changed the whole basis of the law in two important respects. In the first place, the League Covenant created express obligations to employ pacific

means of settling inter-state disputes and not to resort to war without first exhausting those means. Secondly, it established a central organisation of states (the League of Nations) which was empowered to pass judgment on the observance of those obligations by individual states and to apply sanction in the event of such an obligation being violated.

### ***G. Institutional methods of settling inter-state conflicts***

Although the League Covenant did not prohibit war altogether, it made it difficult for an aggressor state to resort to war without breaking its obligations under the Covenant. But when the UN was established after the horrendous experiences of World War II, it gave institutional expression to the concept of international belligerency. Thus, Chapter Four of the UN Charter, as earlier stated, recognises the Security Council as the main organ for preserving international peace and security. It is the duty of the Security Council to settle disputes between countries or within countries if such disputes constitute a threat to world peace and security. This it can do by promoting negotiations or sending a fact-finding mission or, if suitable conditions exist, by creating peace-keeping operations in such a country (United Nations, 1995: p. 6).

Basically, the fundamental principles on the use of force in international relations are contained in Article 2 of the UN Charter. Article 2(3-4) of the Charter provides that:

All members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered. All members shall refrain in their international relations 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 United Nations.

Article 2(4) places a wide prohibition on the use of force by states. The said Article is broadly construed. An example is the Corfu Channel Case: United Kingdom v. Albania (I.C.J. Rep. 4, (1949)) where, following an incident in which two British warships were struck by mines while exercising a right of innocent passage in Albanian territorial waters, the UK carried out mine-sweeping operations in the Corfu channel. The UK argued that its action was

not contrary to Article 2(4) of the UN Charter, but the International Court of Justice (ICJ) rejected the argument.

In the Nicaraguan Case (1986), the position of the ICJ was that the principle contained in Article 2(4) has assumed the character of customary international law, and therefore applies to both states, parties to the UN Charter and to non-members. The general view is thus that Article 2(4) prohibits armed force and other coercive measures that do not involve the application of armed force. In as much as the said the Article prohibits the use of force and not war, *a fortiori*, war is unlawful under the UN Charter. Part of Article 2(4) provides that states should not employ force in their international relations in a manner that is inconsistent with the purposes of the UN Charter, and one of the major objectives of the UN is the suppression of acts of aggression by states in the international system. In order to avoid any form of subjective interpretations by states, the General Assembly of the UN in 1974 adopted a Resolution on the Definition of Aggression (U.N. Resolution 3314 (1974)). Article I of the Resolution defines aggression to mean "...the use of force by a state against the sovereignty, territorial integrity, or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition". Article 2 of the Resolution states that:

The first use of armed force by a state in contravention of the Charter shall constitute prima facie evidence of an act of aggression though the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances including the fact that the act concerned or their consequences are not of sufficient gravity.

Instances of acts of aggression are given in Article 3 of the Definition of Aggression Resolution, subject to and in accordance with Article 2 cited above. These include:

- a. The invasion or attack by the armed forces of a state of the territory of another state, or any military occupation however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another state or any part thereof;
- b. The bombardment by the armed forces of a state against the territory of another state or the use of any weapon by a state against the territory of another state, et cetera.

Furthermore, Article 5(1) of the said Resolution states that no consideration of whatever nature, whether political, economic, military, or otherwise, may serve as a justification for aggression. Article 5(2) goes further to provide that a war of aggression is a crime against international peace and that aggression gives rise to international responsibility. According to Article 6, nothing in the definition is to be constructed as in any way enlarging or diminishing the scope of the UN Charter, including its provisions concerning cases in which the use of force is lawful. The UN Charter, therefore, is the basis of the prohibition of the use of force in international relations.

Article 2(4) of the UN Charter has indeed had a profound effect on international law and politics. The total prohibition of the use of force is now regarded as a fundamental rule of international law. This Article has, over the years, been reinforced by a number of important Resolutions of the UN General Assembly. These include General Assembly Resolution 2131 (1965) on the prohibition of intervention, and General Assembly Resolution 2625 (1970) on General Principles of International Law.

#### ***H. The Kellogg-Briand Pact***

Although the UN Charter is the basis for the prohibition of the use of force in international relations, there had been, prior to 1945, attempts by the international community to control or abolish the use of force in inter-state relations. These took the form of trying to reduce both the ends sought through war and the instruments of violence. The concept of the “just war” (which, as earlier pointed out, implied the justification of war for certain legitimate ends), the Kellogg-Briand Pact outlawing the use of war, the Nuremberg War Crimes Trials (where the doctrine of “crimes against humanity” was used to punish top-ranking Nazi leaders for their roles in the genocide against Jews during World War II), and the UN Charter (in which signatory states renounced the use of force except in self-defence), have all been variously applied by the international community to prevent the outbreak of another World War.

The Kellogg-Briand Pact of 1928, which was signed in Paris by France, the United States, the United Kingdom, Ireland, Canada, Australia, New Zealand, South Africa, India, Belgium, Czechoslovakia, Japan, Italy, and Germany, represents the first serious multilateral attempt to set legal limits to the use of force in relations between states across their national frontiers. Under the Pact, signatories to the treaty condemned recourse to war for the solution of international disputes and renounced war as an instrument of national policy in their relations with each other. This was

the main provision of the Pact in comparison with the Covenant of the League of Nations. At the beginning of the twentieth century, the Pact amounted to a total prohibition of the use of force in relations between its signatories, *inter se*. Whether this prohibition really covered compulsory measures short of war is a controversial issue. However, the diplomatic correspondences preceding and accompanying the conclusion of the Pact was that, by common consent, wars in self-defence were not outlawed by the treaty. Thus, the test of the legality of any war waged became whether it was war fought in self-defence. It can be said that the Pact represented a step forward in the prohibition of war vis-à-vis the Covenant of the League of Nations. This progress notwithstanding, the Pact had lapses. That explains why the attempt then to prohibit the use of war as a means of settling inter-state disputes failed to stop the outbreak of World War II in 1939. It was the concomitant devastation occasioned by that war that forced the nations of the world to search for a more effective machinery to prevent further inter-state wars. This search, as already known, led to the formation of the United Nations in the city of San Francisco, United States, on October 24, 1945, with its headquarters in New York, United States.

In its settlement of inter-state disputes through institutional methods, the UN sometimes involves regional organisations. In the words of Bloomfield and Moulton (1997: pp. 79-80), "The drafters of the UN Charter thought of regional organisations as the leg on which the organisation would rest". Thus, regional organisations like the Organization of American States, the Organization of African Unity (now African Union), and the Arab League, were, within the contemplation of Chapter 8 of the UN Charter, expected to make the first moves in settling inter-state conflicts within their spheres of influence. These regional organisations did well in their duties as the international police of first resort in settling regional disputes.

Another institutional method of international conflict resolution by the UN is judicial settlement through the International Court of Justice (ICJ). It was established by Article 92 of the UN Charter to serve as its principal judicial organ. Its predecessor was the Permanent Court of International Justice (PCIJ) which was established in 1920 as a world court by the League of Nations. The ICJ only decides matters brought before it based on extant international law. Though most of its cases have political backgrounds, the ICJ settles cases brought before it through the application of the principles and rules of international law.

The UN uses arbitration to settle international conflicts. In doing so, it sets up tribunals which could either be made of either a single arbitrator or composed of a collegiate body whereby the parties involved in the dispute are allowed to appoint an equal number of arbitrators. The chairman of the tribunal could be appointed

either by any of the parties or by the arbitrators nominated. Where a single arbitrator is involved, he/she is usually suggested by either of the parties. The person is usually a head-of-state of another country who will, in pursuance of his or her role, nominate other individuals or a single individual to act for him/her. Once the tribunal has taken its decision, it becomes binding on the parties to the dispute but where the tribunal exceeds its powers, whatever arbitral award it makes could be ignored by either of the parties.

### ***I. The United Nations and the diplomatic methods of settling inter-state conflicts***

The processes involved in the diplomatic settlement of international conflicts are categorised into four, namely:

- a. Negotiation
- b. Good offices and mediation
- c. Inquiry
- d. Conciliation

Negotiation as a diplomatic method of inter-state conflict resolution involves two parties to a dispute initiating and creating a forum to meet and reconcile contentious issues. It is only the parties to the dispute that take the decision on how to go about the negotiation. A third party is not involved at all. The context in which it is used here is that negotiation is a dialogue which, though intended to find a peaceful resolution of an outstanding dispute, may not necessarily do so to the satisfaction of both parties. The success or otherwise of the process depends on both the power and the skills of the representatives of both parties. Problems however arise when either of the parties refuses to honour the agreements reached due to mutual distrust.

Unlike negotiation, good offices and mediation involves a third party. This could either be one individual, a group of eminent individuals, a state, a group of states, or an international organisation. The role of the third party in good offices is to encourage and influence the two parties to agree to and enter into negotiations. On its part, mediation is the active involvement of the third party in the negotiation process aimed at finding a peaceful resolution of the contentious issues between two states. The third party in good offices could be a serving or former head-of-state of another country, or any other respected person. When a third state offers the services of good offices or mediation to resolve an inter-state dispute, the contending states, in line with the Hague Convention for the Pacific Settlement of Disputes, are not to regard such offers as an unfriendly act (Umozurike, 1993: p. 185). States are obligated to resort to good offices and mediation whenever they have a serious

dispute or conflict before resorting to war (see Article 3 of Hague Convention No. 1 of 1899, and Convention No. 1 of 1907).

Inquiry usually involves the establishment by the international community of a commission of inquiry. The commission is usually made up of reputable observers whose duty is to examine and ascertain the facts of the matter in dispute. The contentious issue must be one that could be resolved through investigation by the commission in an impartial and conscientious manner. But problems arise when the issues in dispute involve either a given state's honour or its vital national interest. In that case, the involvement of the commission (which is, of course, a third party) could have the effect of discouraging some states from accepting such intervention.

Conciliation also involves third party intervention. It is a cross between inquiry and mediation whereby the third party investigates the issue in contention and submits a report on suggestion for an amicable resolution. Such reports do not constitute binding resolutions but are only regarded as proposals. Because the reports usually clarify the facts, their proposals could serve to encourage negotiations between the parties involved. According to the 1928 General Act on the Pacific Settlement of International Disputes (revised in 1949), the rules provide that the functions of commissions set up for purposes of conciliation include making use of the techniques of inquiries and mediation. Furthermore, membership of such commission should be five, with one to be appointed by each of the opposing parties while three are to be appointed from among the citizens of third states by mutual agreement of such states. In the UN system, conciliation commissions established include the Conciliation Commission for Palestine under UN General Assembly Resolution 194 (III) of 1948, and the Conciliation Commission for the Congo under UN General Assembly Resolution 1474 (ES-IV) of 1960 (Shaw, 1997: p. 729).

## **Conclusion**

The role of the UN in ensuring world peace and security has a precedent in both the League of Nations Covenant and the Kellogg-Briand Pact. These two international instruments for the pacific settlement of international disputes were preceded by the Hague Peace Conference of 1899. Currently, the UN Charter has express provisions on the non-use of force as a national policy, and the adoption of peaceful means to resolve inter-state disputes. Thus, under contemporary international law, the UN has adopted negotiation, good offices, inquiry, and conciliation as diplomatic approaches to the resolution of international conflicts. These are in addition to the institutional methods of settling inter-state conflict by ensuring justice and order in the international system. Despite their shortcomings, these mechanisms have largely

succeeded in preventing the outbreak of a third world war. Their replication by regional organisations has minimised the occurrence of violent regional conflicts which could have destabilised the international system and inevitably endangered world peace and security. Therefore, the prohibition of the use of force and the imperative of upholding justice in inter-state relations still constrains the exercise of state power in the global system.

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