

INTERNATIONAL RELATIONS PART 2

CONFLICT AND RESOLUTION

Definitions:

- **Disputes** refers to a situation where 2 or more nations or groups within nations perceive their interests to be incompatible, leading to disagreements, rivalry, or even warfare. It can manifest in diverse forms, from diplomatic disputes to armed conflict.
- **Armed conflict** refers to an armed confrontation between governmental authorities and other states or organised armed groups. International relations theory helps to analyse the causes and dynamics of conflict, while international law provides the framework for managing and resolving conflicts.

Types of Armed Conflict (Gelditsch et al, 2002)

- (A) **External conflict/Interstate:** involving 2 or more sovereign states
- (B) **Internal/Intrastate:** involves home government and domestic opposition groups (which can take on international dimension once other country come into play)
- Factions fighting over territorial control or to establish a government
 - Ethnonationalist movements fighting for autonomy or recognition
 - Domestic strife like genocide
 - Terrorism

Causes of Conflict

Political scientist Kenneth Waltz puts forth 3 causes fuelling conflicts:

1. Primarily due to the nature and behaviour of human beings
2. Some states have war prone internal structures due to how they are organised politically (eg. dictatorships)
3. When there is no world government or authority to prevent it (ie. anarchy)

PART 1: PREVENTING CONFLICTS

Recall traditional theories of International Relations:

Realism	Liberalism
• Gained momentum in WW2 • States are seen to be insecure, selfish and power seeking • States live in the context of anarchy	• 'Utopian' theory • Anarchic nature of the international system is mitigated by interdependence among the states

Preventing armed conflict: Realist point of view

Realists see international relations as fluid, often dangerous and unpredictable. They point to the frequent history of international relations worsening rapidly and see no indication of an amicable new world order.

(A) Balance of power

From the realist's point of view, preventing war largely revolves around making the prospect of war so [redacted] (and the losses incurred so high) that belligerent states are less likely to launch any kind of offensive.

States do this primarily by enhancing their military capability and entering into strategic alliances, while undermining the capabilities of others. This generates a 'balance' where theoretically, no state is permitted to get too powerful within the international system.

However, this balance of power between states is **neither static nor permanent**. States continually accrue power to match gains made by its rival, potentially leading to arms build-up and other forms of escalation. Additionally, it is impermanent as there is no guarantee that states will be able to keep up with its rival(s), and it is believed that imbalance of power would automatically lead to a **domino effect**, and result in states undertaking ever more drastic and dangerous actions.

As Stephen Walt explains, "when facing a powerful or threatening state, a worried country can mobilize more of its own resources or seek an alliance with other states that face the same danger, in order to shift the balance more in its favor".

Furthermore, when power is unbalanced, stronger states will be tempted to use their advantage to go to war with weaker states in order to secure more power. This is done in light of the powerful international norm of *raison d'État* (the primacy of state interest over opinions regarding cooperation, morality or international law).

The great ancient Greek historian, Thucydides put it starkly in the Melian Dialogue: *"The strong do what they can and the weak suffer what they must."* Realists do not celebrate this norm but recognise its existence and potency.

While realists describe the balance of power as a prudent strategy to manage an insecure world, critics see it as a way of legitimising aggression.

- Eg. Nazi Germany triggered a fair-weathered alliance between the US and Soviet Union during World War 2, where they saw a similar threat from rising Germany.
- Eg. India and Pakistan conducted 26 missile tests in 2021, making it a year of intense arms rivalry. This is a classic case of security dilemma whereby one state's actions causes insecurity to the other, and the other state's efforts to augment its security further makes the first one insecure.
- Eg. Japan aims to double its defence spending to about 2% of GDP by 2027, a sharp increase which is slated to put it as the world's third-largest spender on the military after the US and China. Analysts mentioned that the game-changer was the threat perception posed by the war in Ukraine, with China and Moscow's 'no-limits partnership' unsettling Japanese strategists. This is further fuelled by North Korea's attempts to strengthen its nuclear and ballistic missile programme.

(B) Deterrence

Deterrence is the mechanism that enables balance of power, and posits the credible threat that the use of force can prevent violence such as war.

Key assumptions of deterrence theory:

- decision-makers want to avoid resorting to war in situations where costs outweigh potential gains
- alternatives to war are available

It is most likely to succeed when a prospective attacker believes that the probability of success is low or the costs of attack are high. Deterrence does not necessarily require military superiority.

In short, deterrence is a human construct based on the function of human perceptions and calculations which are affected by multiple factors beyond confident prediction. Its functioning remains **unpredictable and fallible**.

Nuclear deterrence and the Mutually Assured Destruction (MAD) doctrine:

This topic gained prominence as a military strategy in the Cold War with regard to the use of nuclear weapons. This is also related to the concept of MAD, according to which a full-scale nuclear attack on a power with retaliatory capabilities would devastate both parties.

Case study: North Korea

Given the extreme destructive powers of nuclear weapons, North Korea's nuclear programme serves to balance the U.S., despite being in completely different leagues both politically and economically.

- Additionally, its nuclear programme is often used as a bargaining chip to secure food and other aid, as it did in 2012.
- From this perspective, North Korea's missile tests are not so easily dismissed or consigned to irrationality, and are part of a deliberate strategy to maintain security by balancing and deterring perceived rivals.

Proponents of the MAD doctrine ('mutually assured destruction' doctrine) claim that states are now more concerned with avoiding wars rather than winning them.

*As James Taub observes: **It is a testimony to the lunacy of nuclear blackmail that leaders have declined to deploy it even under the most intense pressure.** In the midst of the 1973 Arab-Israeli War, when Israel's very existence briefly seemed threatened, Israeli Defense Minister Moshe Dayan proposed readying the nation's nuclear forces for a "demonstration" blast, but, according to an extensive study of the incident, the nation's war cabinet rejected the idea. India and Pakistan fought three wars before both nations acquired nuclear weapons, but neither has ever openly threatened to use them against the other [since acquiring them]. Nuclear theorists cite both of these acts of restraint as evidence that the prospect of "mutual assured destruction" makes nukes, on balance, more stabilizing than destabilizing.*

However, critics highlight that such a strategy also gives rise to the Nash equilibrium, where once armed, both parties would have little or no incentive to initiate a conflict, nor to disarm too.



Food for thought: Question to drive conceptual understanding

1. Can decision-makers today be relied upon to be rational? Are there any specific examples to support your opinion?
2. What kinds of costs and gains can you think of with reference to war?
3. While deterrence and balance of power maintain a kind of equilibrium, do you think they render the world safer?
4. Examine the extent to which expenditure on arms and the armed forces is justified in the modern world. (2014)

Preventing armed conflict: Liberal perspective

Liberal theorists argue that states seeking power, including economic power, will be led by self-interest into greater cooperation with other states. In other words, the liberal perspective assumes that the benefits of cooperation and integration are so great and readily apparent that no rational party would risk by initiating conflict.

Utopians claim that the rise of countervailing norms, international institutions that buttress global collective security, peaceful conflict resolution and disarmament would need for deterrence. They saw the end of the Cold War to have ushered in a new global commitment to cooperation, the rule of law, and benign conflict resolution.

It is not an overstatement, however, to observe that the global establishment of a powerful, effective cooperative norm and corresponding international institutions that can be trusted to control aggression and provide protection globally would **necessitate an unprecedented reordering of the international system.**

(A) Collective Security Ideal

Rather than viewing security as a zero-sum game, liberal states subscribe to a Collective Security Ideal (CSI). According to CSI, rogue states that use force against other states unlawfully will be met by united action.

- CSI assumes that the **collective benefits of peace outweighs individual benefits** of war and that potential aggressors know that the international community will act to punish an aggressor.
- This is a key departure from deterrence as the threat that deters potential aggressors comes from united action by the international community rather than from a singular more powerful state.

Boycotts and isolation from the international community

- Eg. Gleneagles Agreement in 1977 when the collective Commonwealth nations waged an international campaign against apartheid, to discourage sporting contact and competition with South Africa for its detestable racist policies by discouraging contact and competition between their sportsmen and sporting organisations from South Africa. The Commonwealth was a relevant body to impose a sporting ban on South Africa because several of the sports most popular among white South Africans, like cricket and rugby, are dominated by Commonwealth member states.

Sanctions

Sanctions can be used to change behaviour, constrain access to critical goods or funds, signal or stigmatise targets to reinforce international norms.

General sanctions might be ineffective, as they might be perceived by the population as a collective punishment, leading to the unintended effect of galvanising the population around the regime in question ('rally around the flag effect').

Smart sanctions, which are more **targeted and selective**, have gained popularity. These include freezing assets of governments and high ranking individuals. This avoids the high humanitarian costs of general sanctions and hurts those in power.

- Eg. In a strong response to the Rohingya crisis, the US and the EU countries imposed economic and commercial sanctions on Myanmar, freezing the bank accounts of senior military officers who were allegedly responsible for human rights abuse against 700,000 Rohingya refugees in Rakhine state.
- Eg. In 2013, 42 nations including Canada and the Arab League partially blocked trade with the Syrian regime of Bashir al-Assad for its human rights abuse and repression of minority groups.

Case Study: United Nations

Punitive measures, like collective sanctions or authorisation of use of force, are only possible when the members of the UN Security Council (SC) are in accord, and a coalition of states agrees to finance and partake in the operation.

The Security Council has 15 members: Permanent 5 + other ten are voted in by the General Assembly for two-year tenures.

The 'permanent five' (China, France, Russia, the United Kingdom and the United States) hold the privilege of a veto right allowing them to prevent the adoption of resolutions of the Security Council on any substantial issues.

Therefore, this creates a situation where power begets power:

- Politically, the right to veto is also a necessary concession to ensure the participation of the most powerful nations in a world organisation.
- Critics see it as undemocratic, and the main cause for UN's inaction against war crimes committed by the permanent members and its allies.
- Furthermore, the Security Council is severely constrained when key members are in ideological conflict (the US and Russia/China).
- Eg. The US routinely casts lone votes of vetoes on resolutions criticising Israel
- Eg. Failure of the United Nations to establish a coordinated response to the Syrian war, despite hundreds of thousands killed and millions displaced since 2011

Dispute resolutions via the ICJ or arbitration courts

International dispute resolution courts play a crucial role in maintaining peace and order by providing a structured process for resolving conflicts between states. These courts, such as the

International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS), offer platforms to settle disputes through legal means. They emphasise the peaceful resolution of disputes via negotiation and settlement rather than force. There is a structured framework which sees application of international law principles, and the decisions issues are binding on the parties involved.

Case study: International Court of Justice (ICJ, an organ of UN)

The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States (contentious cases) and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies (advisory proceedings).

The Court decides disputes between countries, based on the voluntary participation of the States concerned. If a State agrees to participate in a proceeding, it is obligated to comply with the Court's decision. Weaknesses of the court include:

- not accessible to individuals as only states can be parties to proceedings
- absence of genuine compulsory jurisdiction
- advisory opinions are not binding

The court plays an important role in preemptively resolving tensions between states before they erupt into larger conflicts.

- Eg. The Pedra Branca dispute was a territorial dispute between Singapore and Malaysia over several islets at the eastern entrance to the Singapore Strait. The dispute began in 1979 and was largely resolved by the International Court of Justice (ICJ) in 2008, which opined that Pedra Branca belonged to Singapore and Middle Rocks belonged to Malaysia. Sovereignty over South Ledge belongs to the state in the territorial waters of which it is located.

While effective in restraining less powerful countries, such international institutions **lose their bite when it comes to larger powers**. For instance, China has refused to submit to international arbitration in its dispute with the Philippines over the Spratly Islands in the South China Sea. When it comes to reining in larger powers, international organisations essentially become **paper tigers** as they lack the leverage to enact real change.

(B) Arms Control and Disarmament

A logical way to prevent war from breaking out is to reduce the [redacted] with which it can be waged. In other words, regulating arms proliferation, reducing the number of arms and limiting the types of weapons employed should reduce the sense of insecurity that leads to war.

- Eg. the Chemical Weapons Convention (1993), "aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties".
- Eg. Nuclear Non-Proliferation Treaty (1970), by which signatory countries without nuclear weapons agree not to acquire or develop them, and states that do have nuclear weapons promise not to transfer the technology to non-nuclear states. The NPT has been effective in dissuading countries that seriously considered a nuclear programme from doing so, such as Canada and Sweden. However, it must be noted that the NPT has been much less successful when it comes to disarmament.

Case study: 2025 attacks on Iranian Nuclear Facilities

While the extent of the damage which the Iranian nuclear programme has sustained remains unclear, the non-proliferation regime which has kept it transparent for years has been left in tatters.

Context:

- In 2015, Iran signed the Joint Comprehensive Plan of Action (JCPOA) with the US, United Kingdom, China, Russia, France and Germany. It accepted strict ceilings on uranium enrichment and agreed to reduce its uranium stockpile by 97 percent in exchange for sanctions relief. The JCPOA proved highly effective while it remained in force.
- In 2018 during his first term as president, Trump decided to pull out of the JCPOA, claiming that under its provisions Iran received “too much in exchange for too little”, and launched a “maximum pressure” campaign to cripple Iran’s economy.
- In 2020, after a Trump-ordered air strike killed Iranian General Qassem Soleimani, Tehran announced it would no longer be bound by any operational limits in the nuclear deal.
- Under Trump’s second administration, US officials restarted talks, but from Iran’s perspective, what was proposed was a less favourable deal than the JCPOA, and it came from a country whose promises had proven unreliable.

2025 attacks:

- The US-Israeli attacks all but killed the efforts to revive negotiations. Within hours of the attacks, Iran scrubbed another round of talks with the US in Oman and ordered its negotiators home.
- Outside the NPT, Iran would no longer be bound by any limits or inspections, leaving the world in the dark about its activities. An opaque Iranian nuclear programme would likely spur other regional powers to do the same, shredding decades of restraint.



Self-reflection: Take 1.5 mins to think about this

While it seems straightforward that a reduction in munitions would make the world a safer place, why do you think that complete disarmament remains elusive and unlikely?

Your thoughts [To be shared in seminar discussions]:



Questions to drive conceptual understanding

1. 'Countries experiencing conflicts should be left to sort out their own problems.' How far do you agree? (2016)
2. Given greater levels of international cooperation, how necessary is it for countries to engage in the arms trade? (2020)

Concluding thoughts about armed conflicts

- In truth, Thucydides and *raison d'État* rein over international relations, such that sovereign power remains the ultimate currency in a self-help international system with a near-global lack of security and trust.
- Deterrence remains important, but it is both capable of failure and is unpredictable.
- The utopian-proffered solution of disarmament must await the fundamental reordering of international relations. Decisions to disarm may likely inspire enemies to challenge powers which appear less able to deter in hard times ahead.

The multi-dimensional aspect of disputes [Power]

Techno-Nationalism

Governments **pursue technology as a power multiplier**, which drives economic competition, and determines winners and losers in the most basic of all human preoccupations: warfare.

'Techno-nationalism' is a mindset which equates the technological prowess of a state's chosen actors with the strength of its national security, its prosperity and social stability. It seeks to attain **competitive advantage** for its stakeholders on both local and global scale, and to leverage this advantage for geopolitical gain.

Antoine de Saint Exupéry, French writer, famously wrote: 'Every nation is selfish and every nation considers its selfishness sacred.'

At the core of techno-nationalism are six core elements or behaviour, each of which affects a wide swathe of the international landscape:

1. 'Weaponisation' of supply chain
2. Strategic decoupling and 'de-risking'
3. Re-shoring, near-shoring and friend-shoring
4. State-funded innovation and talent wars
5. Tech-diplomacy, strategic partnerships and tech alliances
6. Tradecraft and 'hybrid cold war'

There are also a few key categories of 'foundational' technologies': Advanced materials (eg. rare earth and materials), advanced manufacturing (eg. nano-scale manufacturing), artificial intelligence, aerospace, biotechnology, connectivity and communications, energy (eg. electric batteries), propulsion, quantum, robots and drones, sensing & navigation, semiconductors

In the big picture, China, America and the EU's technology-related expenditures account for more than the combined tech-budgets of a hundred of the world's less developed countries, and a large

chunk of the so-called middle tier nations.

- Ensuing backlash against China's rise is fuelled in the West by a strong sense of betrayal (naïve from the realist's point of view) that China's ascend was through deception, stealth and trickery to steal technologies from the West.
- From China's view, it is gaining resurgence as a global power and claiming its rightful place.

Techno-nationalism has also instigated a **reorganisation of the global economy** whereby strategic supply chains are bifurcating around the US and China-centric technology hubs. States and firms now operate in a grey zone, where they are both strategic partners and adversaries with home and host governments, depending on where the geopolitical winds are blowing.

The **innovation race** between Beijing and the West is accelerating the fragmentation of strategic supply chains. Technology scholar Rob Atkinson calls this **innovation mercantilism**. The bifurcation of R&D and innovation around great power rivalry is not a zero-sum game. There is a superabundance of overlapping commercial interests, so re-shoring stimulates other economic activity. Governments are also **linking technology transfer to security alliances**.

- Eg. AUKUS defence pact, which includes technology transfer for everything from nuclear submarines, missile technology, to quantum and machine learning
- Eg. 2020 Biden administration mobilising 'China-free' supply chain initiatives and adding Chinese companies to lists of restricted entities, like Semiconductor Manufacturing International Corporation, Hikvision (facial recognition and surveillance technology), and SenseTime (AI)
- Eg. Japan and the Netherlands agreeing to cooperate with Washington's export control regime and block designated technologies to China
- Eg. Beijing's shift to hard authoritarianism with the tipping point being the passage of the Anti-Espionage laws in 2023, raiding of foreign company offices and targeting of American companies such as Micron, Apple and Tesla for selective sales-ban

Graham Allison, in 'Destined for War', argues that throughout history, an ascendant power's challenge to an established incumbent creates a 'Thucydides Trap' which often results in the two going to war.

But, the Sino-American story involves much more **deeply intertwined economic relationships** on both supply and demand side, contrasting the Cold War between the US and former Soviet Union, which featured two entirely different political and economic systems. Despite the co-dependencies, Washington and Beijing are in a much **messier hybrid cold war, which is a brew of economic, cyber and information-related actions**, all of which fall below the threshold of armed conflict, but are nevertheless disruptive to the workings of the international system.

Case study: Chip-Centric Geopolitics

- Chips enable both commercial and military functionality. Hence, Washington has attempted to weaponise supply chains by choking off access to American chip design software and manufacturing equipment. This goes hand in hand with the re-shoring of chip fabrication back to the US through the CHIPS and Science Act. It has also doubled down to persuade the other Group of Five countries (America, Japan, Taiwan, South Korea and the Netherlands) to support chip-related laws against China, Russia and other targeted entities.

- As Moore's law approaches its eventual endpoint, the high R&D costs for the next generation of breakthroughs will weed out all but a small group of players.
 - Moore's law: inverse relationship between size reduction of chips and the doubling of power of a semiconductor. By 2023, TSMC began developing chips in the range of 2nm and 1.4nm, with 200 billion transistors on a single piece of silicon.
- Hence the question is whether China, which lags in leading edge chip capabilities, can catch up in the proverbial horse race. As Moore's law slows down the leaders of the pack, China would gradually gain ground. Meanwhile, Washington and its allies would pursue joint initiatives to keep Chinese firms outside their small yard with a high fence.
- Innovation will occur through strategic public-private partnerships, increasingly funded by governments, which further concentrates power in a few clusters.
 - For example, in 2023, TSMC, Intel and Samsung laid out US\$97 billion in capital expenditures, aimed at innovation. This is more than double of what the EU earmarked for public funding of its chips initiative for over a decade.
 - The concentration of wealth and power within the semiconductor industry is the result of a technology feedback loop. Applied Materials, Nvidia, Intel, Broadcom, Qualcomm, AMD and Texas Instruments (all American) are the largest semiconductor companies. TSMC from Taiwan, South Korea's Samsung and ASML of the Netherlands round out the list. Only deep pocket clients who are also R&D collaborators can get into the action: 'Magnificent 7' list of clients - Apple, Alphabet, Amazon, Meta, Microsoft, Nvidia and Tesla.
 - The manufacturing of leading-edge chips involves more than 150 specialised materials and chemicals which are controlled by the same small group of elite nations. Beyond the steep technical challenges, Beijing needs to forge the right kind of chip alliances with other nations.

Case study: The War against Huawei

- Huawei Technologies is the largest telecommunications manufacturer in the world and a symbol of China's growing economic might and technical prowess. It is a proxy for Beijing's wider geopolitical aims, and according to Wall Street Journal in a 2019 report, received \$75 billion in state assistance from 2008 to 2018.
- Huawei is a central component to Beijing's expansion of hard and soft power via its Belt and Road Initiative. Huawei's and ZTE's 5G networks remain at the heart of the BRI. By establishing Chinese digital hegemony over a large swathe of the world's less developed countries, Beijing hopes to dominate and make their products the de facto standard for a large part of the 'emerging world'. The platform economy is also data - rich.
- Additionally, as early as 2012, American intelligence agencies began airing concerns that Beijing can implant spyware and malware into Huawei's technology to monitor subjects of interest, steal data or sabotage a telecom network.
- In response, Washington has mounted a 3-prong campaign to counter its global presence, by blocking technology transfers from other advanced economies, convincing other countries to replace Huawei equipment from their telecommunications network, and to decouple HMN Tech from undersea fibre optic cable networks. Furthermore, Washington placed Huawei on the entity list and restricted its access to Google's Android operating system.
- As of 2023, about 40 countries have banned or restricted the use of Huawei equipment in the core of their network infrastructure. The US, Australia and India have

banned Huawei outright.



Food for thought

It is important to know that technology by itself is not deterministic (ie. the creators are choosing whether to use it for good or evil). Also, virtually every technology can be used for commercial and military purposes, which creates a 'dual-use dilemma' that is a challenge for businesses, traders, innovators and policymakers. What implications are there for all the stakeholders involved?

Eg. Washington rolled out the US Outbound Investment Transparency Act 2023, which would require due diligence that investments in China were not linked to the Chinese military. An impossible task given the opaque nature of China's system of civil-military fusion initiatives.

Eg. The US government expressed concerns about Tik Tok: the platform offers features in its content creation and live streaming capabilities which can qualify as dual-use (ie. both entertainment and uses which raises national security concerns). For instance, the "Duet" feature allows for users to interact with each other, but has the potential to be used to spread propaganda. The algorithm, which is controlled by a foreign entity, and data collected also raise privacy and security concerns.



Essential reading

Techno nationalism: How It's Reshaping Trade, Geopolitics, and Society, by Alex Capri

The author discusses the various elements of techno-nationalism, such as export controls, data geopolitics, the AI arms race, nationalism in academia, as well as the commercialisation and militarisation of space

SECTION 2: CONFLICT -REGULATION OF THE USE OF FORCE

(A) Legality of the use of force /Whether the use of force is justified (*jus ad bellum*)

The use of force is prohibited in the UN Charter under Article 2(4) and customary law.

However, there are exceptions such as:

(1) Right to individual or collective self-defence if an armed attack occurs (Article 51)

The UN Charter envisions the Security Council moving swiftly to dispel the need for forcible self-defence but, in reality, action is not a common occurrence. As long as there is an armed attack and the SC has not taken steps to prevent continuity, states can exercise this defence.

From earlier traditional customary rules (*Caroline* case): self-defence can be invoked when there is a need for immediacy (“instant and overwhelming”) and unavailability of other means (“Leaving no choice of means”).

Controversies usually surround how extensive this exception is to be read. The right to use *interventionary/anticipatory* self-defence (when attack is imminent and inevitable) has not been ruled out, but *preventive* self-defence (when attack is merely foreseeable) is generally not accepted under international law.

- Eg. UK’s exercise of self-defence in the Falklands/Malvinas.
- Eg. Used to explain the long period between the attacks of 11 September to the US military operations in Afghanistan, after they demanded cooperation from the Taliban government, the de facto government of Afghanistan.

(2) Authorisation of the use force by the UN Security Council to maintain and restore peace (Chapter VII of the UN Charter)

- Eg. UNSC Resolution for cooperation with Kuwait to secure withdrawal of Iraqi invading forces.
- Eg. UNSC Resolution 1973 of March 2011 authorising state members to protect civilians in Libya. Libyans joined the Arab Spring to protest the oppressive rule of Colonel Gaddafi, who responded with armed violence against civilian protests.

Rarely used in light of the Permanent 5 with veto rights.

(3) Humanitarian intervention in light of genocide, ethnic cleansing or large-scale atrocities (without SC authorisation)

Seen as a new part of customary law. Critics opposed it on the practical ground that it would only be used by stronger states against weaker ones, declaring their opposition in the Ministerial Declaration of G-77 Countries.

- Eg. NATO use of force against Yugoslavia, which did not have SC authorization but was not condemned either.

Controversies about use of force:

- Civilians and non-combatants being harmed or killed in conflicts as part of collateral damage and miscalculations.
- It can also encourage the policy of deliberate civilian victimisations, in desperation by states to achieve victory and reduce costs in protracted war of attrition
 - Eg. Russia's invasion of Ukraine (see political scientist Alexander Downes)

Use of force is difficult to resolve:

- **Imperfect information:** it is impossible to know what resources an opponent has or how fiercely they would resist
- **Sunk costs:** leaders would need to make sufficient gains in order to justify the sacrifices already made
- **Fighting, segregation and propaganda hardens each side's image of the other:** feelings of hatred and suspicions increase when there is death, destruction and suffering
- **Loss of trust:** parties would not have sufficient trust in order to negotiate for a deal
- **Wars have a tendency to escalate:** even when one side is losing, it may consider striking new and dangerous targets.

(B) International humanitarian law/ Just and Fair conduct in conflict (*jus in bello*)

"We must never lose sight of the meaning and purpose of international humanitarian law. It is the difference between life and death, between restraint and anarchy, between losing ourselves in horror and retaining our humanity."

-United Nations Secretary-General António Guterres.

International humanitarian law is to be complied with regardless of legality or legitimacy of the resort to force (whether the state is aggressor or victim):

- Non-combatant immunity:** non-combatant must be protected from harm as much as possible. The distinction between combatant and non-combatants is less clear in non-international conflict contexts.
- Necessity:** persons posing a threat should be captured rather than killed, unless necessary to protect other persons against death or injury
- Proportionality:** prohibition of attacks against military objectives which are expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination which would be excessive in relation to concrete and direct military advantage achieved.
- Unnecessary human suffering must be reduced at all costs:**
 - Prohibition of particularly destructive and indiscriminate munitions.
 - Avoidance of use of heavy explosive weapons in populated areas
 - Ensuring essential services are provided, and enabling neutral and impartial humanitarian access. States and other actors like NGOs need to reduce the risk of food insecurity and invest in practical solutions to mitigate the effects of climate change in conflict-affected regions.

Oxford University law professor Theodor Meron stated that "The humane and noble ideals of chivalry included justice, loyalty, courage, mercy, the obligations not to kill or take advantage of the vanquished enemy, and to keep one's word."

In compliance with international humanitarian law, countries must investigate alleged war crimes and prosecute perpetrators.

Representatives in the General Assembly have observed that the world is not lacking in legal arsenal but political will, as some states and armed groups continue to commit violations which exacerbates suffering:

Albania's representative pointed out that the Council has already advanced a normative framework to protect civilians and humanitarian space. Yet there is little value in resolutions when a permanent Council member acts with impunity in broad daylight by using missiles and kamikaze drones to hit residential areas, flatten kindergartens and demolish power installations. "Mandates that exist only on paper [...] erode trust in multilateralism," he stated, especially when the most vulnerable "bear the brunt of terrible decisions taken by powerful men."

Humanitarian support and obstacles

Protracted conflicts bring about ceaseless suffering that is compounded by climate shocks, food insecurity, and economic hardship. The international community must break the deadly cycle of armed conflict and hunger by addressing underlying causes, strengthening vulnerable countries' economies, and increasing contributions to humanitarian aid.

The International Committee of the Red Cross is an important stakeholder in this regard. However, humanitarian support operations are subject to the consent of parties to the conflict (ie. sovereignty principle), so in practice, humanitarian organisations can rarely provide the support required without government consent. The sovereignty principle is a salient legal hurdle and a key tension in humanitarian support.

Additionally, **humanitarian aid has become a tool of government politics**, used to control displaced people.

- Eg. Throughout the South Sudanese civil war between 2013 to 2018, the government selectively granted access to humanitarian aid in line with its own political and military aims. For instance, the government blocked access to rebel-held rural areas into government-controlled territory. This gave the Sudan People's Liberation Army, a guerrilla group transformed into the army of the South Sudan's government, free rein to loot and burn the emptied areas as well as its affiliated militias.

"Humanitarianism is always politicised, somehow," researcher Hugo Slim argued. "It is a political project in a political world."

Furthermore, international efforts made to de-escalate conflicts come at high cost, and depends on the **vested interests of the international community**:

- Eg. The Korean War and Vietnam War received great attention in the context of the Cold War. In contrast, genocides in Rwanda and Somalia received very little international support.

The remedy would be to acknowledge how humanitarian aid cannot be separated from political realities, and be attuned to local political and conflict dynamics -by being decentralised and not

dictated by political elites.



Further Reading

"Why humanitarians should stop hiding behind impartiality" -The New Humanitarian

(C) Future of War [Change & Continuity, Control & Responsibility]

(I) Technology and ethical Implications

New technologies include Artificial Intelligence, synthetic biology, autonomous systems, enhanced soldiers, lasers, and high speed munitions to defeat technologically sophisticated adversaries. Information warfare and potentially lethal genetically modified viruses further present new possibilities. Armed conflict has evolved to total surveillance, unmanned warfare, standoff weapons, surgical strikes, cyber operations and clandestine operations by elite forces whose battlefield is global.

Such new technologies **threaten traditional frameworks for thinking about ethics of war**, and whether leaders understand the relevant criteria for making a decision (concepts like discrimination between combatants and noncombatants, weapon proportionality and military necessity)

Case Study: Autonomous systems chipping away at humanity

Such autonomous systems reduce risk to warfighters, as well as allow operations to take place over great distances and inaccessible areas. It can also potentially reduce bad behaviour and unethical behaviour of soldiers on the ground.

But the debate revolves around whether we can programme into robots, all the nuanced thinking and decision making capabilities of humans. There are also questions on whether they should even be given lethal decision making authority over human life.

Sceptics and Kantian believers think that it is categorically wrong to take the human agent out of the firing decision, as it undermines the possibility of holding someone accountable -the very ethos of military operations.

Lieutenant General H.R. McMaster: "The warrior ethos is at risk because some continue to advocate simple, mainly technologically based solutions to the problem of future war, while ignoring war's very nature as a human and political activity that is fundamentally a contest of wills."

Furthermore, it gives rise to questions on:

- How to determine system trustworthiness and detection of errors in algorithms
- Issues of greater risk of interruption of the command link -cyber warfare and electromagnetic warfare

War is a deeply human activity as the battlefield gives rise to feelings such as courage, fear, cruelty, remorse, altruism, guilt, sacrifice and empathy. The traditional battlefield required an interaction with people, and killing was deeply intentional and personal. Emotions in war form the basis for the many tenets of Just War Theory. On battlefields of the future, technology would deaden our senses to the horror of war and its consequences.

(II) Unknown enemies, undefined battlefields and unpredictable timelines

In 1999, Chinese colonels Qiao Liang and Wang Xiangsui made prescient predictions that soldiers would increasingly be computer hackers, financiers, drug smugglers and agents of private companies rather than members of the military.

Today, we are witnessing a **change in the type and tactics of new and different enemies**, who have access to advanced technology, and are unconstrained by rules of civilised behaviour. Overall, there is **greater uncertainty** as opponents can disguise their identity, and software can make its way into networks across the world apart from military infrastructure

- Eg. Russia's use of computer attacks and social media in annexation of Crimea and support of rebels in Ukraine.
- Eg. Cyber warfares such as the Stuxnet attack on Iranian nuclear centrifuges which have not been formally acknowledged by any government
- Eg. A dam in upstate new york penetrated by Iranian hackers

There is also the rise of **asymmetrical warfare**, with guerrilla wars, insurgencies, humanitarian interventions, civil wars and global war on terror with **undefined battlefields and unpredictable timelines**. There is **reduced conflict on battlefields**. Instead, conflicts are being brought to cities, ungoverned areas, cyberspace, electromagnetic spectrum or outer space. There is also increased terrorism and attacks on soft targets (terror attacks in Paris, Brussels, San Bernardino, Orlando, Nice, Berlin, London, Stockholm).

The US Special Operations Command defines gray zone security conflicts as 'ambiguity about the nature of the conflict, opacity of the parties involved, uncertainty over policy and legal frameworks'. The above factors have the following implications:

- **Battles not defined temporally** → spread out in time and space. With adversary rarely readily recognisable
- **Hybrid war** → individuals, groups and nations. Organised crime groups, quasi-state-sponsored hackers
- **Combatants and noncombatants are deliberately mixed** → Eg. Hamas use of civilian shields and terrorist hostage taking

Example of ambiguity of cyber concepts: activities such as intrusions into networks to collect info are analogous to information gathering, while interference social campaigns are digitalised propaganda/disinformation and political meddling on a large scale.

Laws of armed conflict were successful in the past as conflicts were between states or so called rational actors. Today's threats come from failed states or armed groups which look upon adherence to the rules of war as ridiculous and capitalise on the west's ethical stand. More importantly, in the past, conventional weapons were targetable with relative precision, with moral and legal imperatives directing that they target military installations and forces. Now, cyber weapons can target civilian communications and computing systems broadly.



Further Readings

Future War: Preparing for the New Global Battlefield, by Robert H. Latiff
The Age of AI and Our Human Future, by Kissinger, Schmidt & Huttenlocher

SECTION 3: ACCOUNTABILITY POST-CONFLICT

Major international institutions involved in conflict resolution and accountability/ *Jus post bellum*

1. International Court of Justice (organ of UN): Justice and accountability post-war

The United Nations and the International Court of Justice (ICJ) are organisations and authorities that provide avenues for peace-keeping and to facilitate reconciliation between conflicting parties. Even smaller regional organisations, such as ASEAN, seek to mediate between the contesting claims of territory in the South China Seas.

Eg. In 1986, the ICJ ruled in favour of Nicaragua and against the United States and awarded reparations to Nicaragua as it held that the U.S. had violated international law by supporting the Contras in their rebellion against the Nicaraguan government and by mining Nicaragua's harbours.

2. International Criminal Court: Prosecutes individuals for international crimes such as genocide, crimes against humanity, war crimes and crime of aggression

The founding treaty, the Rome Statute, grants the ICC jurisdiction to try individuals who are suspected of the crime of genocide, war crimes, crimes against humanity or the crime of aggression.

It operates on the assumption that the world is bound together by certain core values. From this imagery of international relations, there is an obligation for states to prosecute crimes which 'deeply shock the consciousness of humanity' and 'threaten the peace, security and well-being of the world' (Preamble to the Rome Statute).

- Earlier international criminal tribunals were often created top-down, by victorious powers (e.g. Nuremberg, Tokyo) or by the Security Council (e.g. Yugoslavia, Rwanda). The ICC is created bottom-up, through a treaty that rests on the freely expressed consent of sovereign states.
- Yet, 7 countries voted against the treaty: China, Iraq, Israel, Libya, Qatar, the U.S., and Yemen.

Traits of the ICC

- **Complementarity:** The ICC is intended to complement and not replace national criminal systems. It prosecutes crimes only when states are unwilling or unable to do so.
- **Cooperation:** It is a judicial institution. It does not have its own police force or enforcement body. It relies on cooperation with countries for effectuation of its arrest warrants, transferring arrested persons to the ICC detention centre, freezing of assets and enforcing sentences. This makes the process of accountability slow as well.

Significant challenges which may put the court's legitimacy into question:

- **Only has jurisdiction via consent.** Parties concerned need to have a desire for the dispute to be resolved by the court, and are thus more likely to comply with the judgment of the court.
- **A weak record of prosecutions and allegations of racism/discrimination** in the selection and trial of cases from smaller/weaker countries while ignoring the richer and larger countries. While it claims to have a global mandate, until 2016, all 9 of the cases being investigated were from African countries.
 - Eg. In 2016, 3 African countries, Burundi, the Gambia and South Africa signalled their intention to leave the ICC, due to perceptions of it being 'unreasonable' for disproportionately targeting African countries. Countries like Nigeria have opposed the idea of en masse withdrawal. The ICC remains the continent's most credible court of last resort for the most serious crimes, in the absence of the establishment of an African court.
- **A difficult relationship with the world's great powers**, such as Russia and the United States.

Punishment for violations of international criminal laws:

Sentences for convictions have ranged from 5 years to life imprisonment or the death penalty. Heavy sentences are necessary to warn other political leaders that they would be held accountable for their behaviour, and to express shock and outrage of the community.

Each of the traditional justifications for punishment -**retribution, deterrence, isolation from society/incapacitation and rehabilitation** have been mentioned as an important objective.

While several judgments have suggested that deterrence and retribution are the main purposes, several penalties being imposed suggest that the judges consider rehabilitation to be an equally important goal.



Food for thought

Consider the 2 questions below, in light of the case studies shown on the slides:

1. How far can an individual be held responsible for crimes against humanity? (2010)
2. To what extent is it possible to make the punishment fit the crime? (2013)

Determining an appropriate penalty which contributes to peace and national reconciliation is a difficult task. Perpetrators of heinous crimes and their victims will never agree on a just sentence. Perpetrators and victims of different nationality or ethnicity would also usually not agree on the appropriateness of a sentence.

- Considerations would be given to the gravity of the crimes, and the perpetrator's position of power (systematically planning, instigating, carrying out of the international crimes)
- Judicial economy and budgetary constraints are important to the operations of criminal tribunals. A guilty person's cooperation can act as a mitigating factor. Guilt and genuine remorse which encourages others to come forward and confess, saving the tribunal time and resources. Participation in the international crime under duress (eg. Superiors threatening to kill him if he does not participate) cannot be a complete defense, but might be a mitigating circumstance.

Concluding thoughts

International law is not a guarantor for a just global order. Much rests on the will and interests of the actors involved. International law itself cannot solve injustices and cannot manufacture solutions.

Why, despite the end of conflict, peace seems improbable?

- 1. When both parties hold diametrically opposing views of the wrongdoing, it can be difficult to make headway and often results in deeper resentment.**

Furthermore, when perpetrators honour their own countrymen involved in the perpetrating of wrongdoings, and take offence at other countries' attempts to commemorate the suffering of their own people, it can rub salt into old wounds and worsens the situation.

- Eg. The reaction of Japan to the Nanking massacre remains a thorn in the flesh that makes any progress in Sino-Japanese relationship difficult. Japan continues to refute the death toll figures and even denies that such an event occurred. More than three quarters of a century has passed, but the historic massacre is not something that can be wiped away. If anything, it has intensified in the past decade with the annual visit of Japan's Prime Minister to the controversial Yasukuni war memorial, as well as how history is portrayed

in Japanese history curriculum (where a positive view of Japan's past is emphasised and any references to atrocities removed).

- Eg. This contrasts with Germany, which challenges its youths to come to terms with the burden of a collective past, through review of Chapter 6 of standard German history text, covering the historical progression of Hitler's rise to power till the Holocaust, in order to explain why the past should not repeat itself.

2. Cultural expectations and way of life impact how reconciliation can occur.

While apology is beneficial in a process of reconciliation, it is not absolutely required. Apology is a conventional part of social relations in East Asia. In everyday life, apologies are expected for infractions ranging from forgotten appointments to traffic violations that result in injury to person or property. Apology plays a part in lesser utilization of lawsuits and attorneys throughout East Asia, as compared with the West.

- Eg. The national reconciliation process that has proceeded successfully between Japan and the United States after a bitter war has never seen an official apology, not for Pearl Harbor and not for Hiroshima.
- Eg. Japanese leaders have expressed numerous apologies to Chinese and South Korean officials but nationalist Diet members and TV commentators took the microphone on the occasion of each apology, asserting that Japan had nothing to apologize for. In reaction, journalists and agitated publics on the continent seized upon the mixed messages from Japan as evidence that the leaders' statements were insincere. It was common in China and Korea to draw a distinction between "regret" and "apology", the former being a superficial sentiment unaccompanied by true sorrow and deeds of restitution. Other continental critics said that nothing short of an apology voiced by the Emperor or voted in the Diet would hold credibility.

3. Domestic portrayal of the opponent and deep resentment or apathy as time passes

Popular animosity towards a foreign common enemy can provide political benefits to the governing regime and distract from domestic issues. Once an enemy is classified as a national enemy, deep reconciliation is impeded.

- Eg. Thais harbor deep resentment toward the Burmese for an invasion that destroyed the Thai capital centuries ago in the 1600s, and the preserved ruins of the ravaged capital Ayutthaya keep historical memory alive.
- Eg. The history of Japan's status as Korea's national enemy goes back at least to the time of Hideyoshi's invasion in 1598, and nearly every historical museum on the peninsula makes this abundantly clear. However, the Japanese are not united in a contrite view of history; older Japanese believe that their punishment for the war has been paid; and younger Japanese have little interest in the issues that agitate their counterparts across the water.

But it need not last forever as pragmatic concerns might prevail:

- Eg. Singapore's people have not forgotten; they have decided to give up resentment. Singapore and Japan today enjoy healthy political, economic, and cultural relations. In the

crucial postwar years, Singapore's pragmatic leadership decided that it was more beneficial to foster business and trade ties than to fixate on the wrongs of the past.

Peace-seeking: Forgiveness and Reconciliation

International governmental organisations can provide a neutral platform for dialogue and negotiation which are perceived to be fair, resulting in the forgiveness of a country for its past actions.

However, forgiveness and reconciliation can be an arduous and complex journey when there is wrongdoing involved. It is a two-way process which requires the perpetrators to take the initiative to acknowledge their own wrongdoing and offer a sincere apology and adequate compensation. Apology is a one-sided act, incomplete as a transaction when the goal is comity rather than humiliation. "Deep interstate reconciliation" requires that the offended party be active – even proactive – in acceptance and forgiveness.

Possible practices for peacebuilding and reconciliation

- Conduct the rituals of reconciliation on all sides. Apologies should be made, repeatedly, and in dramatic ways that will catch attention and become established in memory.
- Accept the inevitability of contrarian voices and movements on all sides in the process of reconciliation.
- Avoid deliberate provocations such as, official visits to war memorials, political excursions to disputed islands, and intrusive air defense identification zones.
- Establish the goal of restorative justice rather than criminal justice.
- Engage in multi-national history projects. Construct joint, reconciling histories, but allow space and mutual respect for conflicting national histories.
- Establish in war museums and memorials the consciousness that the victims of war lie on both sides of battle lines. Eg. The Okinawa Prefectural Peace Memorial Museum achieves this awareness in its multi-national Cornerstone of Peace, where the names of all victims of the Battle of Okinawa are inscribed.
- Encourage people-to-people exchanges and the sharing of popular culture.
- Explore and apply the reconciling teachings of religions and secular moral systems.



Food for thought: Question to drive conceptual understanding

How far is it possible for one country to forgive another for its past actions? (2015)