

# Means of Settlement of Armed Conflicts

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**ABSTRACT:** For centuries, the politics and history of the world were connected with armed conflicts, wars, and the solution of one or another territorial or other political and economic issues by force. Constant conflicts and challenges forced the world community to think of creating some kind of peaceful mechanism that would lead to more peaceful aspects of human development. Armed military confrontations have always been and remain the most important challenge of the international community. As a result of the conflicts, the progress of human development has slowed down, causing enormous damage and destruction, especially in the twentieth century. As the world faced this reality, it became clear that a series of operations were needed to prevent armed conflicts and establish peaceful relations between states. Although many types of agreements and alliances have existed throughout history, significant changes have occurred over the past century and a half with the creation of international peacekeeping organizations tasked with promoting the peaceful resolution of disputes and preventing catastrophic conflicts. Despite tremendous progress, peaceful resolution of the conflict remains a major challenge, underscoring the continued need for coordinated action to achieve universal peace and security. This article discusses many strategies and ways to resolve military conflicts. Using dogmatic research methodology and comparative legal analysis based on practitioner experience, it evaluates the effectiveness of existing conflict resolution systems. The article makes recommendations, assesses current approaches to improving conflict resolution, and offers advice for promoting a more stable global order.

**KEYWORDS:** global politics, international organizations, armed confrontations, international community, peaceful dispute resolution, legal framework

## **Introduction**

For millennia, global politics and history have been associated with state disputes, armed conflicts, wars, and the use of force to resolve one or more territorial or political and economic difficulties. Unfortunately, this ensuing process of world history is very important now, as indicated by potential or ongoing conflicts, armed conflicts, and even hostilities around the world. In general, armed military confrontations have always been and continue to be the most significant challenge to the international community, as evidenced by the history of the last two centuries, when states continued to use various methods to achieve their political or economic goals, frequently resorting to open armed confrontations and military actions. Conflicts and hostilities between states took on a more global character around the start of the twentieth century, encompassing a vast arena and even involving many states, culminating in world wars that resulted in significant losses and destruction for humanity's growth.

Global society was compelled to consider and establish specialized systems for preventing large-scale wars and promoting more peaceful aspects of human growth. Discussions on this issue have been ongoing for a long time. At various points in history, relevant agreements and alliances were formed between states, as well as political and economic blocs. However, over the last century and a half, there has been a trend towards the formation of permanent associations of states, i.e., international organizations and such functions and mechanisms within them. The introductory part of this article presents the pressing issues surrounding peaceful settlement of all disputes and violent conflicts, and the prevention of large-scale confrontations, which would contribute to the maintenance of global peace and stable development. Although significant progress has been made in this direction, we cannot say that the issue has been completely removed from the agenda and that the world is assured that there will no longer be any threat to universal peace and security, even though the main driving idea and goal of the international agreements and organizations that exist today

is precisely concern for world peace and security. As a result, such efforts continue to this day and have not stopped.

This article discusses the various procedures and means available for ending military conflicts. To adequately present the topic, the researcher used dogmatic research methodology and comparative legal analysis. Regarding the latter, the opinions of numerous scientists were considered. Additionally, this article aims to assess the effectiveness of existing conflict resolution processes at this point and make recommendations to improve the current situation.

### **Overview of Active Armed Conflicts**

Although the international community is actively working on the peaceful resolution of state disputes and the prevention of conflict scenarios, the global situation remains extremely tough today. Individual major powers' private interests frequently dominate their contacts and activities, posing considerable obstacles to the process of peaceful conflict resolution in a non-confrontational and legal context. In Europe, this was most evident in the Russia-Ukraine relationship and the ongoing armed war between the two. Politico magazine classified Russia's invasion of Ukraine in February 2022 (Simpson 2013) as "more dangerous than anything Europe has seen since the end of World War II" (Herszenhorn 2022). According to world estimations, this conflict resulted in the most acute crisis in Russia's ties with the West since the 1962 Cuban Missile Crisis. This type of confrontation has increased the risk of Russia using nuclear weapons, posing an even bigger threat and putting not only Ukraine but the entire globe, including Russia, on the path to disaster. Furthermore, it is unacceptable that such measures are carried out by the Russian Federation, a permanent member of the world's only universal international institution, the United Nations Security Council, which is directly responsible for global peace and security.

As a result of past and current events, Israel has long been at the center of global politics. Iran's massive missile and drone attack against Israel on April 13, 2024, is especially important. Iran's offensive against Israel mirrored the Russia-Ukraine war's strategy of launching a massive attack to destabilize and disorient the enemy (Carter and Kagan 2024). Despite this strategy, the Israeli Defense Forces neutralized nearly 99 percent of the launched weaponry, demonstrating that Iran misjudged the strength of Israel's defenses. Israel says Iran's missile and drone attacks were largely thwarted. It is challenging to predict how things will turn out, but it is a reality that significant territorial changes are occurring all across the world.

In addition to the foregoing, there is a pretty heated conflict between Israel and Palestine. This long-standing conflict, as well as its current intensification, were precipitated by an event that occurred on October 7, last year, when Hamas, the Palestinian militant group that controls the densely populated Gaza Strip, launched a missile attack on Israel. The interactions between the two, including negotiations, have always been based on respective political dynamics rather than on a sincere desire to establish peace (Arosoaie 2015, 67). To counter this attack, Israel launched retaliatory bombing of the Gaza Strip as well as military operations to dismantle and destroy Hamas, as the Israeli Prime Minister has stated on numerous occasions. Unfortunately, hostilities continue to occur today, with the assistance and, some could argue, provocation of many states, and current peaceful settlement mechanisms are unable to work efficiently.

North and South Korea are also considered fighting regions, however, the armed conflict has given way to a more political confrontation that began during the Cold War and continues to this day. At the same time, North Korea retains concealed weapons that might spark a serious confrontation at any time, and the North Korean leader's strong remarks read as threats concerning the use of nuclear weapons. There is also a long-standing disagreement between China and Taiwan, which China regards as a vital element of its territorial integrity, and which might escalate into an armed confrontation, posing a threat to global peace and security (BBC 2024). All of the aforementioned hotspots and major conflicts pose a significant threat to world peace, demonstrating that individual governments are willing to engage in any form of war to advance their interests and power.

## **Current Conflict Resolution Mechanisms**

As previously stated, humanity has endeavored to avoid and resolve interstate disagreements, confrontations, and hostilities amicably since time immemorial. In this regard, the most significant achievement was the establishment of a universal international organization - the League of Nations - at the turn of the twentieth century, following the First World War, through the combined efforts of the states, to maintain peace in the future and avoid possible armed conflicts (The Covenant of the League of Nations 1920). This historic accord ushered in profound changes in global political thinking and even gave optimism that humanity might evolve peacefully, although the world community was confronted with a new threat and a world war in less than two decades.

The League of Nations was typically called upon and tasked with preventing a large-scale military conflict; nevertheless, its processes were entirely powerless to perform this purpose, and the Second World War broke out on an unprecedented scale in human history. This tragedy practically prompted the entire community, even during WWII, to develop new procedures to avert another large-scale military war between nations. As a result, following the League of Nations in 1945, a more refined universal international organization, the United Nations, was established with a broader participation of states and much-enhanced structures and methods for ensuring global peace and security.

The United Nations is the only universal organization in the world that is based on the most important international agreement and the main charter document, the UN Charter, which more specifically defines the goals, obligations, and responsibilities that must be followed by all member states of the United Nations, and this applies equally to non-member states of the United Nations. According to the Charter, the main goals of the United Nations are: to protect international peace; to develop friendly relations between states based on the principles of equality and peoples' self-determination; and to implement international cooperation to solve economic, social, cultural, and humanitarian problems. Promote universal respect for fundamental human rights for all people, regardless of race, gender, language, or religion. To accomplish these objectives, states should be led by the following principles and norms: Sovereign equality, mutual obligations, peaceful dispute resolution, non-aggression, UN assistance, non-member compliance, and non-intervention in domestic affairs (United Nations 1945, Charter, Chapter I).

The above-mentioned principles and norms are mandatory for all states, of any ideology, strong or weak, big or small, and are still valid and used today, though it should be noted that the history of the last 80 years has shown us that not all states treat them with the same spirit and good faith and step on the UN the effective use of the mechanisms defined in the Charter, which not only deal with political, social, and economic issues, but also with disputes.

The principles contained in the UN Charter were further clarified and specified in 1975 (OSCE Final Act, 1975), when 35 European and American countries signed the Helsinki Final Act, which lays out the main principles of state relations in ten points and is still fully consistent with the generally recognized principles of the UN Charter and international law in compliance. Furthermore, it should be noted that violating such principles and norms, inadequately implementing them, or even using them for one's profit, will result in major problems, including violent military clashes. What the entire world has cared about for years—peace and security—is partly questioned, and the historical process indicates that this or that state often does not care about the world's peace and security, but poses a threat to it. One of the founding members of the United Nations and a permanent member of its Security Council is the Russian Federation, which, for the last 30 years since the collapse of the USSR, has been constantly attempting to interfere in the internal affairs of various countries to achieve its interests, and which, on its initiative, creates alliances and international organizations with the sole purpose of circumventing Russian imperial policy.

Although the United Nations Organization (UN) was designed to repair the League of Nations' failures and avoid global threats that the League of Nations could not avoid at the time,

the UN is currently facing significant challenges. However, it is crucial to note that, because of the efforts of the United Nations and other states, there was no global violence after WWII, but there were still minor, local battles. The United Nations' greatest problem, beyond avoiding conflicts and violent confrontations, is to legitimately penalize aggressor governments that violate the United Nations Charter and its principles.

According to the UN Charter, diplomatic contacts have a considerable impact on relations between states, particularly during disputes and armed conflicts, and they are the main and front line in resolving such crises. Diplomacy is centered on the art of communication and negotiation, which is used to resolve disputes and military confrontations. The globe, which never lacks conflicts, whether between countries or inside countries, constantly seeks the main answer at the negotiating table, however in this regard, the interests of major and superpowers have precedence when making objective and equitable judgments.

The UN Security Council is tasked with ensuring international peace and security under the UN Charter, and it has the authority to make both advisory and binding decisions for states. However, the UN Security Council frequently approves recommendatory resolutions because adopting binding judgments needs unanimity among the Security Council's permanent members, which is not always possible. In such a circumstance, the UN General Assembly can act (Resolution 377 [V], 1950), although this is also an insufficient vehicle for reaching binding agreements (UN General Assembly, 5<sup>th</sup> Session, 10-12).

The Security Council's inability to make effective recommendatory or binding decisions is due to its structural specificity, as it is represented by five states with unequal rights and duties in the form of permanent members, who can block any discussed issue with their veto, and ten non-permanent members, each of whom is a renewable state every two years. Furthermore, all binding decisions require the unanimous agreement of the permanent members. This is especially disruptive when it comes to peacekeeping matters, particularly when one of the Security Council's permanent members is involved. In the event of a threat to international peace and security, a violation of the peace, or an act of aggression, the General Assembly may not determine whether to use force, but may promptly examine the situation and provide recommendations to members on how to preserve collective measures. It can refer the case to the International Court of Justice, as it has done several times, particularly concerning the legal consequences of Israel's construction of a wall in occupied Palestinian territory in 2004, though this mechanism does not fully guarantee the peaceful resolution of disputes and conflict situations (Resolution 2334, 2016).

The UN Charter also states that the primary purpose of the UN is to maintain international peace and security, (United Nations 1945, Art. 1.1) and if efforts to resolve a dispute through negotiated methods fail, (United Nations 1945, Chapter VI) the Charter establishes a collective security protection mechanism that allows the UN to use coercive action (United Nations 1945, Chapter VII). The Security Council has the authority to take military action if necessary, according to Chapter VII of the Charter; however, due to the aforementioned unequal rights and privileged permanent member states, the use of just effective mechanisms provided for in Chapter VII is somewhat delayed, and the resolution of disputes and armed conflicts is largely based on the interests of individual countries. To overcome these challenges, the UN introduced/established UN-mandated peacekeeping operations, which were first implemented in 1956 during the Suez Canal crisis (Establishment of UNEF). This was an impromptu response to a circumstance not anticipated by the Charter, but this mechanism has its own set of challenges, which we shall examine in further detail later.

As previously stated, the world community is constantly working on mechanisms to ensure the resolution of disputes and armed conflicts, and diplomacy should be the primary factor in their implementation; however, historical experience shows that diplomatic mechanisms alone are insufficient and should be supplemented by others, including the United Nations by implementing coercive mechanisms.

## **Challenges and efficacy of peacekeeping operations**

According to the United Nations Charter, the UN Security Council and Secretary General have a variety of tools at their disposal to avert disagreements and military conflicts while maintaining peace. Peacekeeping operations that operate under the auspices and authority of the United Nations, although the United Nations Charter does not define them, are among the most innovative and significant (Aleksidze 2006, 353-354).

The implementation of peacekeeping missions is also entirely dependent on the Security Council and is led by the UN Secretary-General, though the goodwill of UN member states, which practically provide peacekeeping missions with appropriate equipment and material support, is critical to its success. These missions are never of a single sort; their character is determined by the conditions in the conflict zone (Aleksidze 2006, 354). Peacekeeping missions are guided by three basic principles: 1) party cooperation, 2) impartiality, and 3) non-use of force, except for the defense mandate. The primary purpose of peacekeeping operations is to maintain the ceasefire and effectively use the time to negotiate between the conflicting parties; preventive operation implementation; comprehensive dispute resolution; and the protection of humanitarian operations during conflict (Aleksidze 2006, 355).

Peacekeeping missions are also accompanied by obstacles relating to the course of the armed conflict, which are rarely predictable and, hence, have a significant impact on the peacekeeping operation itself. The mission never knows what will happen when it arrives or how things will alter. As a result, peacekeeping mission personnel must be prepared for a wide range of outcomes. Another challenge is to make the peacekeeping mission a hardship for the opposing parties. Members of the mission or representatives of the diplomatic corps frequently risk their lives to peacefully end the existing issue and find a solution. In some cases, the parties involved in the negotiations have different requirements and try to persuade the peace mission representatives, who should have a neutral position, to change their minds and subject them to political pressure, which does not always result in the desired outcome, and thus they become targets among the opposing parties. In addition, there are concerns about the discussions and the political decisions that the opposing parties must make as a result of the negotiations; yet, as previously stated, it is common for two or more sides involved in the conflict to disagree on a variety of subjects. This remains a significant challenge to the complete operation of peacekeeping deployments.

Some peacekeeping missions have suffered major setbacks, such as the massacres of UN-protected civilians in the former Yugoslavia and Rwanda, raising concerns about their viability and effectiveness, prompting the formulation of new doctrine on the substance and conditions of their usage. This has also resulted in the application of humanitarian law requirements in UN peacekeeping operations, both for combat forces engaged in war and for security and stabilization forces engaged in law enforcement and public order activities (The Practical Guide to Humanitarian Law).

The challenges and difficulties that accompany the peacekeeping missions and the existing conflict resolution mechanisms in general, often make their resolution ineffective and are practically aimed at maintaining the status quo of the conflict situation and freezing it, rather than at a perfect and fair settlement. Although states have made significant efforts to improve the effectiveness and implementation of dispute resolution institutions, the current scenario does not allow for complacency. When we focus on the UN's ineffective mechanisms for resolving disputes and armed conflicts, the private interests of the world's big superpowers emerge, which increasingly outweigh the basic interests of maintaining international peace and security. This is especially true for the five permanent members of the UN Security Council with nuclear weapons, who, even at the start of the twenty-first century, use their veto power more frequently and prevent the timely resolution of urgent issues than in the second half of the twentieth century, and they do the UN a disservice by violating the norms and principles

enshrined in the UN Charter, setting a bad example for other UN states (UN Peacekeeping Challenges n.d.).

Probably, as long as there is unequal participation and influence of member states in the structures and mechanisms of the United Nations, as long as there are practices of privileged member states, no perfect mechanisms for the peaceful and effective resolution of disputes and conflicts between states will be able to be created or function in practice.

## Conclusion

As a result of the foregoing, the world's major settlement processes make peaceful and fair resolution of disputes and violent conflicts less effective in practice. Although the system is far more flawless than in earlier ages, it still needs more modification and growth, particularly in an age when the threat of nuclear weapons is present.

The current situation emphasizes the importance of peacefully resolving disagreements and violent conflicts, preventing further escalation, and ensuring humanity's stability and peace. Recent events and conflicts, such as the confrontation connecting Israel and Iran, the Russia-Ukraine war and the Israel-Palestine conflict, the disagreement between China and Taiwan, and the struggle between South and North Korea, have all proved this.

In terms of UN peacekeeping operations, it is important to emphasize that any, even a very fair agreement and decision at the level of UN organizations, must be fully and efficiently implemented on the ground. In this regard, the current UN peacekeeping operations cannot be a sufficient and effective force to govern the situation because the issue again intersects with the private interests of different states, which use any scenario primarily to achieve their own goals. As a result, as previously stated, it is necessary to further refine and perfect the existing mechanisms, as well as to develop stricter and more effective mechanisms for the enforcement of responsibilities in international law, all of which would contribute to the modernization of the UN system and its adaptation to modern requirements and realities. All governments must accurately grasp their authority before the world community and avoid engaging in actions that conceal their private interests from the international community through cunning and deception.

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