
UNIT 10 COERCIVE METHODS

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10.1 INTRODUCTION

Since the Peace Treaty of Westphalia in 1648 the concept of nation-state has acquired significance in the global system. The behaviour of states in the larger global milieu has been explained in terms of realism which is based on some fundamental assumptions such as: (i) global order is anarchical in nature; (ii) states are always engaged in the struggle for power; (iii) national interest of the states is always pursued in terms of acquisition of power; (iv) state is considered as the sole and rational actor in terms of the policy choices; and (v) the stability in power structure can be attained through balance of power mechanism which is based on perseverance of status quo. Thus, for a long period, the global order concentrated on the working of sole actor, i.e. state, and its interests are defined in terms of struggle for power. Though classical realism has been modified and amended by later scholars through their new orientations in the name of neo-realism, structural realism, defensive, cooperative, state-centric realism etc., yet reflections in terms of balance of power or unipolarity are grouped together under the common denomination, i.e. state.

Since 1980s and 1990s the concept of security has undergone transformations with new terminologies and basic postulates. It has traveled a long distance from state-centric and military or territorial security to 'common', 'collective' and 'cooperative' security system based on interdependence and positive interactions among states. However, the importance of states have not been reduced or eliminated but only slightly changed from not only state

alone, it has shifted to states along. Since the coming of the United Nations Development Programmes' report in 1994, the concept has been drastically altered from 'state' to 'human security' where the latter has been made the referent objective of security.

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

Aims and Objectives

This Unit would enable you to understand

- The concept of coercion
- Coercion as a method of conflict resolution
- Merits and demerits involved in this method.

10.2 METHODS OF CONFLICT RESOLUTION

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

10.2.1 Pacific Settlement

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

- (a) Diplomatic and Political methods do not use force and violence and final judgments arrived through these mechanisms may not be binding upon the parties concerned. Hence they are called non-binding or non-decisional and mutual agreements are generally arrived

- at through compromises. These methods are: (i) Negotiation; (ii) Good offices; (iii) Mediation; (iv) Inquiry; and (v) conciliation.
- (b) Judicial methods are also peaceful. But the only difference between diplomatic and these methods is of its binding nature. The decisions arrived through these methods are binding on the disputed parties. Hence, these procedures are described as decisional and binding. Two judicial methods are: (i) Arbitration (adopted by PCIJ); and (ii) Adjudication (adopted by ICJ).

10.3 COERCIVE METHODS

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

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

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

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

From the above twin categories, the first category of methods, i.e. pacific or peaceful methods have already been discussed in the earlier Units. Hence, the focus of this Unit will be restricted only to a detailed evaluation of coercive methods both short of war and involving warfare.

10.3.1 Coercive Methods Short of War

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

10.3.1.1 Retortion

Generally the retortion method used by the state is a legal but deliberately an unfriendly act with a retaliatory or coercive purpose. When a state behaves in a discourteous manner with another state, the latter has right to retaliate under the international law. But in doing so only the measures allowed under law are permitted. Consequently, the general mechanisms applied

in retaliations are – recall of diplomats, rupture of diplomatic ties, declaring diplomatic staff as non-persona grata (undesirable person), economic sanctions etc.

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

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

10.3.1.2 Reprisal

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

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

- (a) Reprisal is only justified, if at all, where the state against which it is directed has been guilty of conduct in the nature of an international delinquency.
- (b) Reprisal would not be justified if the delinquent state had not been previously requested to give satisfaction for the wrong done, or if the measures of reprisals were 'excessive' proportionally in relation to the injury suffered.
- (c) Reprisals are only justified if their purpose is to bring about a satisfactory settlement of a dispute.
- (d) Reprisals should not be resorted to unless and until negotiations for the purpose of securing redress from the delinquent state fail.

At the outset it must be clear that retaliatory acts between belligerent states in the course of war are a different matter from reprisals, although they are also termed 'reprisals'. Therefore reprisals have always been a controversial matter. However, the basic distinction between reprisals and retortion is that the former consist of acts which would generally otherwise be quite illegal, whereas the latter consists of retaliatory conduct to which no legal objection can be taken.

Though, it is agreed that reprisals are based on the use of violent means short of war, yet on the basis of use of means, these can be divided into four categories: (a) Positive; (b) Negative; (c) Special; and (d) General. Positive reprisals are based on the use of primitive laws for retaliation, i.e. law of 'an eye for eye'. Negative reprisals are conducted by not using the violent means, rather the methods like non-payment of debts or non-obligation of treaties are applied. Special reprisals are based on the methods used during the middle ages. They are resorted to for the indemnification of private individuals for injuries and losses inflicted on them

by subjects of other nations. General reprisals take place when an aggrieved state performs warlike operations without the intention of making war. Thus, the above-mentioned different types of reprisals are permitted by the orthodox view of International law where either denial of justice is involved or a situation of international delinquency exists.

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

- (i) Under Article 2(3) of the UN Charter, the member states are restrained to settle their disputes by peaceful means in such a way as not to 'endanger' international peace and security.
- (ii) Under Article 2(4) of the UN Charter, the member states are to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the UN.
- (iii) In practice, the UNSC in 1964, by a majority, condemned reprisals as being 'incompatible with the purposes and principles of the UN'.
- (iv) On 24 October 1970, the UN General Assembly, while adopting the 'Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States' declared that: 'States have a duty to refrain from acts of reprisal involving the use of force.'

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

10.3.1.3 Embargo

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

10.3.1.4 Boycott

It is the reverse of the embargo. Through this strategy a state may stop the imports from any

country that does not observe international law or involves in international crime. It can be pursued both at official and non-official levels. By non-acceptance of goods of a particular country, the affected state may create economic problems for the former. It is even done sometimes by the states to promote their local/indigenous products. However, most of the times, it is used to fulfill political objectives. A major limitation of this strategy is that this can be implemented only in the territorial jurisdiction of the pursuing state.

10.3.1.5 Pacific Blockade

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

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

10.3.1.6 Intervention

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

However, this does not mean that intervention is ruled out for all purposes. Practically speaking, it is allowed both individually and collectively on the basis of the following two major principles:

- (i) **Principle of Self Defence:** Under this principle, intervention is allowed by an individual state against the other state. The right to self-defence is provided under Article 51 of the UN Charter but with numerous limitations. The limitations like – allowed only in case of arms attack; through UN system; review by security council; threatening international peace and security; not-available against non-UN members etc. restricts its operation in a very limited manner.
- (ii) **Principle of Collective Measures:** Besides individualist manner, it is also allowed as collective activity under the UN system. In the name of collective intervention it is permitted on humanitarian ground on the basis of Articles 1, 55 and 56, because the violation of human rights provides legal obligation upon the members in respect of human

rights for collective intervention under the UN system. Moreover, under Chapter VII (Articles 39 & 42), the UN can take action if the activities of human rights violation or civil war are there and if these endanger international peace and security.

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

10.3.1.7 Collective Security

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

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

10.3.2 Coercive Methods Through War

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

10.3.2.1 Limited War

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

between the former enemies after political re-adjustments, made necessary by the war, have been consummated.

10.3.2.2 Total War

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

10.4 PROBLEMS AND PROSPECTS

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

10.4.1 Threats of Weapons of Mass Destructions (WMDs)

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

10.4.2 Against the Basic Thrust of Global Order

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

10.4.3 Against the Basic Criterion of Security

Coercive methods are used by the states for conflict resolution towards the establishment of peace and security for themselves. But as discussed in the introduction, in the contemporary

times the very contours of security have undergone transformation. It is no longer limited to narrow conception of security limited to the very notion of defence of border by military means. Rather it proliferated into new terminologies like 'common', 'comprehensive' and finally to 'human' security. Under the rubric of human security, it contains security in terms of economic, health, food, political, cultural and even to environmental security. Therefore, the need for peace and security today cannot be met merely by security of the frontiers and borders by use of force; new kinds of comprehensive measures may be required to fulfill the basic requirements of security. Hence, the use of coercive methods is going to disarray the goals of security as the transformed character of latter, prevent the achievement by using force as a means to attain it.

10.4.4 Against the Principles and Objectives of International Organisation

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

10.4.5 Not Suited for Durable Peace

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

Thus, it can be discerned that the use of coercive methods cannot be considered a viable alternative either for resolution of conflicts or for the establishment of peaceful world order. What are the prospects? One need not be pessimistic, rather some optimism still remains. With some structural changes in the international system, along with the support of operational dynamics, the use of coercive methods can be avoided to a greater degree. At structural level, efforts need to be made by the community of nations to envision new world order, devoid of hegemony and competitive power politics. A way out should be devised by establishing a multi-polar order based on democracy, transparency and accountability. Here an effort should also be made for the establishment of an equilibrium world both in political and economic

terms. This can be done by way of accommodation and understanding among major centers of power themselves and with rest of the states. Operationally, the approach of non-proliferation of WMDs, democratisation of UN, and efforts towards sustainable developments are the keys for a peaceful world bereft of war-like tendencies. Though this task does not seem to be easy, the cost of survival of the humanity might compel both rich and poor and powerful and weak nations to come together for their larger interests.

10.5 SUMMARY

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

10.6 TERMINAL QUESTIONS

1. What do you understand by pacific settlement of disputes? How different is it from coercive methods?
2. Examine at length the coercive methods of conflict resolution.
3. What are the problems involved in using the coercive methods? Are there any peaceful alternatives to it? Discuss.

SUGGESTED READINGS

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