SUSTAINABLE CONFLICT RESOLUTION: THE STUDY OF THE TREATY OF *HUDAIBIYA* TO RE-IMAGINE THE PEACE PROCESS TODAY

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ABSTRACT

The use of Alternative dispute resolution (ADR) mechanisms around the world has been on the rise since the inefficient, slow, and non-creative interpretation by the courts. It has cultural roots and mechanisms that provide several amicable ways to settle a conflict, such as negotiation, mediation, arbitration, conciliation, ombudsman, expert determination, etcetera. Despite having differences in the dispute resolution mechanisms and forums, sustainable development is one such agenda, that could become the point of common interest, approved by the United Nations and countries have been working to achieve the targets set by 2030.

Keywords: *Sīrah*, Conflict resolution, Sustainability, Peace.

Introduction

The belief behind Sustainable development has remained in the course of history in different ways for as long as humans have existed. It, however, changed its courses, perceptions, scopes, and names a lot many times. The idea of sustainable development today revolves around development in such a novel way that is not halting the ability of upcoming human cohorts.[1] The idea of sustainable development today takes it one step further where the believer in sustainable development would not only think for himself or his surroundings today but also the stakeholders which do not exist today therefore, the approach is visionary and is also for the unforeseen future. Islam, being a *Deen[2]* and thus a complete code of life, has explained to humanity that their surroundings including their own selves are a trust to them and therefore, one has to be conscious not just about what he does to himself but also about what he is contributing to society today. This idea is taught in *Sīrah* in several instances where in this paper the authors are strictly looking towards the situation at the treaty of Hudaibiya at the times of Prophet Muhammad ﷺ in Islam: explaining how it was visionary and what lesson can we draw from peace processes that we as a society or societies want to establish today that does not halt the possibility of the future generations to conclude.

1. Conflict resolution: influencing factors and cooperation

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a. The right mechanism

The conflict resolution mechanisms that may involve the settlement of land-related disputes or movements in or through them may casually be divided into the following types: the famous in-court resolution, the out-of-court settlement, and the court-annexed settlement.[3] Every other way has its own shortcomings but that is not the point of our concern here, what generates curiosity is the adaptability of these mechanisms to the new terms. In ADR The popularity of the out-of-court settlements (whether independent or court-annexed) today shows both its effectiveness and some type of anomaly in the otherwise well-established and often-used litigation procedure. Because it offers a number of peaceful ways to resolve a dispute, such as negotiation, mediation, arbitration, conciliation, ombudsman, expert determination, etc. ADR was already the norm in civilizations that have flourished in Asia, such as the Chinese[4] or the Middle East, such as Islam.[5] ADR has shown to be more affordable, time-saving, and flexible than traditional litigation, whether it is court-annexed or autonomous. However, the progress and globalization that the world faces today due to integration, cooperation, and advancement in technology have compelled us to re-imagine the peace processes once again.

b. Knowledge integration and power structures

Another factor that is dominant is resolving the disputes and the violation of rights (pertaining to land or movements in or through them) involves knowledge integration and power structures, which compel the parties to behave in a certain way.[6] Theorists have argued knowledge is an important factor in the settlement of disputes. However, the assumption that the knowledge or the information regarding the dispute is equal to the parties or the one aiding,[7] may be a concern. Sometimes, it is assumed that the players have perfect knowledge of the possible moves of the other party(ies) or possible outcome(s).[8] Knowledge integration as the author suggests,

> *"… is considered to be one of the key elements in supporting conflict resolution to sustainability, especially in land disputes."[9]*

Research also suggests that the integration of multiple knowledge may help to manage the complexity of conflicts by fostering different sorts of awareness among the stakeholders, such as,

> *"… complexity awareness, awareness of different views and crucial knowledge gaps, and entire system awareness."[10]*

Moreover, the power structure, which is synonymous with authority as well, is derived from legal, political and from such positions of power in an institution. It plays a conclusive role in the settlement of the dispute. Power may come due to position or sometimes through knowledge, in any way achieved during the settlement, it can change the course of the results. One party's potential power might be turned into a negotiation advantage when each makes an effort to persuade or coerce the other to change his expectations and demands,[11] thus, one party's power may be the other's weakness. These thoughts occur when parties are looking for winning but in our case with sustainable development, if we don't let it win, our children will lose.

c. Sustainable development as the crossroad for thoughts and actions

Based on power and knowledge, for the first time in recorded human history, we can comprehend and prepare for the efficient, environmentally safe, and long-term use of limited resources without eating our children's lunches today. However, compared to yesterday, there is a rising tendency of racial intolerance, hunger, poverty, violence, and failing states,[12] all of which give to disputes and conflicts. In our desperation, we have not only disrupted the lives of humans but have also negatively impacted the environment and other living things to the point where the majority of them are on the verge of going extinct while some have already been through – already a dispute. Poor governance is the root of these fundamental problems, and it is thought that the democratic form of government provides the solution, once again a dispute. There are at least seventeen (17) critical goals that are actually different problems the world is facing today which include; poverty, hunger, child and maternal mortality, exclusive and unequal education, unsafe and unmanaged sanitation, non-renewable energy, exclusive and indecent work or employment opportunities, non-resilient infrastructure, income inequality, unsafe and non-resilient human settlements, irresponsible production and consumption patterns, climate change, overfishing and illegal fishing, land degradation and biodiversity loss, ineffective and corrupt institutions, and last but not the least, non-cooperation amongst the nations. It was thought that democracy would solve the problems; the core element is that if the people are given power, they will select the best candidates and remove the bad actors, who will then act in the best interests of the people, get rid of everything that impedes economic advancement, and defend their rights. This has never been materialized or perhaps never been interpreted and understood in the correct manner.

Therefore, sustainable development is one such agenda that falls right into our needs for today and interestingly the governments are ready to cooperate under the umbrella of the United Nations. It is absolutely possible that the lack of funds and the relevant expertise may need to be prepared, nonetheless, that is not unworkable. Countries, including Pakistan, introduced sustainable development as the national agenda for development and bring governmental and non-governmental machinery to work in cooperation to go back to normal.

Conclusively, the amalgamation of knowledge integration and power structures with sustainable development leads us to sustainable conflict resolution. These dispute resolutions are not just timely, quick, and efficient but also sustainable in such a technique not halting the ability to approach cohorts to conclude.

2. Sustainable conflict resolution and Islam

a. Sustainable conflict resolution

ADRs in particular have provided significant possibilities for parties to restructure and rearrange difficulties so that they no longer see them as problems. This perspective calls for the use of creativity as well as strong analytical abilities to investigate and find alternatives. Scholars of negotiation have experimented with creative problems like the orange peel problem and nine-dot puzzles for this.[13] Similar to creativity, there are many things that make solving conflicts easier, but bringing them all to the table at once is not always simple. On the other hand, after the United Nations established the framework of sustainable development and swore to promote its achievement via collaboration and

cooperation in all facets of human life to speed up the process, sustainable conflict resolution (SCR) is yet another dimension to this discussion. SCR offers the parties involved the chance to establish a win-win situation by submitting to an authority that satisfies today's requirements without jeopardising the ability of future generations to come to a consensus. It is not merely an innovative and nonviolent but pragmatic and workable mechanism to resolve issues that might have issues of enforceability like climate change and transboundary disputes.

Looking at the recent situation around, we find out that Pakistan received unprecedented flash floods, severe cloud bursts, and a downpour that was thrice the usual three-decade average in 2022.[14] Pakistan became the victim of the transboundary carbon emission effects[15] for which there should have been a reparation, not aid.[16]

b. Adaptability and practicality

The beauty of Islam is adaptability and practicality; for the former, the dogmas are so undeniably true that they are still workable today that cannot just help speed up the peace processes ultimately achieving sustainable development but help ensure the peace is maintained throughout the process, and for the latter, the life of the Prophet Muhammad ﷺ is the ultimate tool where he managed to put all such beliefs into practice paving the way for us and the for the generations to come. Islam places a strong focus on personal responsibility and accountability for one's acts, which is one of its most important practical features. Islam encourages people to work towards their own personal growth and development by fostering self-analysis and self-improvement. Islam emphasises the need to balance one's spiritual and material obligations as well, understanding that doing so will enable believers to live satisfying and meaningful lives. In terms of adaptability, Islam acknowledges the diversity of human experiences and cultures, emphasizing the importance of respecting and learning from different perspectives. The religion's core values, such as compassion, justice, and humility, are applicable in different contexts, and Muslims are encouraged to find creative and pragmatic solutions to contemporary challenges.

On the collective level, the idea of sustainable development mainly resides on three pillars; social, economic, and environmental.[17] Islam has projected a similar idea under the concept of *Khilafah* (vicegerency), *Amanah* (trust), and *Ummatan Wasatan* (moderate nation). Islam develops the same idea into the idea of sustainability as one should not go beyond the prescribed limits on the face of the Earth because humankind has been made a *Khalifah* (vicegerent) and *Ameen* (trustworthy) to emerge as a moderate nation collectively and not transgress in the matter of the present inhabitants of this world and for the ones to come after.[18] This is what was broadcasted by Prophet Muhammad ﷺ in Islam through words and actions in several instances including at the time of the conclusion of the Treaty of *Hudaibiya*.

c. Sustainable conflict resolution at the treaty of Hudaibiya

The *Sīrah* of the Prophet Muhammad ﷺ is truly an inspiration for anyone who wishes to live a balanced and sustainable life; that does not harm itself, or the surroundings, and looks forward to not letting future generations compromise. His character is the epitome of whatever he did and is considered to be divine in inspiration as the Quran states,

"Nor does he speak from [his own] inclination. It is not but a revelation revealed"[19]

Three wars and several atrocities later, in the sixth year after the migration to *Yathrib* (now known as Medina), Prophet Muhammad ﷺ had a dream to visit and circumambulate around the Holy Ka'ba in the Holy city of Mecca,[20] known as *Umrah* (minor pilgrimage). He ﷺ and along with him his companions around 1500 in number, in the simplest of attires with their sheathed arms since they had no intention of the belligerence. The news reached the Meccans and they were afraid because the last three times they visited were intending to fight, therefore, it was kind of natural to them to think like that. The historians record that the spy revealed the Quraish's and their allies' resolve to prevent Muslims from reaching Mecca. He claimed that the mob had thrown their women and children to the ground and was dressed in Panther skin.[21] This was perhaps a do-or-die situation, however, the Prophet ﷺ, despite the ability, being the mercy for the world, continued taking a rugged mountainous terrain reaching and finally camping at *Hudaibiya*, a place one day from Mecca to avoid the encounter.

Now looking through the scope of knowledge integration and power structures discussed earlier. The Prophet ﷺ had lived with these people a good 53 years of his life, and knew their families & ancestors, traits, temperaments, language, beliefs & lifestyles and a lot more. On the other hand, they had a piece of similar information reading him ﷺ too, but it was not perfect, because he ﷺ was following Islam while they did not have much information to predict the course of action; a plus one for the Prophet ﷺ. Moreover, Prophet Muhammad ﷺ knew what is their capacity and they did not know of it. Thus, to collect knowledge, they started sending messengers, who would observe the situation, try to comprehend the intention of the Prophet ﷺ and his companions, and make their strategy as to whether to allow them to enter the city to perform the minor pilgrimage or not. The Prophet ﷺ consulted with his companions who were ever ready to fight if they were stopped from entering the holy city. The Muslims had gotten emotionally overwhelmed by this news but not their leader. His vision was farsighted than the others, and he dropped the idea of fighting even if it were too early to say how this situation would turn out.[22]

The negotiations got underway when the Muslims stayed in *Hudaibiya*. First, the Prophet ﷺ and the Quraish were reconciled by Budail bin Warqa Al-Khuza'i. He questioned the Prophet ﷺ about his aspirations. The Prophet ﷺ strongly retorted that his purpose was not to fight but rather to perform the Umrah. He ﷺ informed the Quraish through the mediator that if they stood in the way, they would be dealt with appropriately because doing the Umrah was on directions from Allah SWT and not at his personal desire.[23] The second one was Mirkaz bin Hafs who was given the same reply and was succeeded by Al-Hulais bin Alqamah who observed Muslims' preparation for the pilgrimage, their love, spirit, and devotion to visit the Ka'aba. He went back to the Quraish and warned them of breaking alliance with them if they stopped Prophet ﷺ Muhammad (SAW) or his companions. With every passing messenger, the Quraish were losing their power structures, because their allies were leaving their support, or at least threatening to do so. The nail in the coffin was the arrival of Urwah bin Masood Ath-Thaqafi, who arrived to negotiate the matter between the parties, stayed with the Muslims for some time and had a wonderful meeting with the Prophet ﷺ. Historians record his encounter in the following words that he spoke to Quraish when he went back,

> *"I have been to Chosroes, Caesar and Negus in their kingdoms, but never have I seen a king among a people like Muhammad among his companions. If he performs his ablution, they would not let the water thereof fall on the ground; if he expectorates, they would have the mucus to rub their faces with; if he speaks, they would lower their voices. They will not abandon him for anything in any case. He, now offers you a reasonable plan, so do what you please."[24]*

The knowledge, at this point, was all in his favour. Furthermore, due to this knowledge, the Quraish were already losing their support with their allied tribes – losing power structures. When the Prophet ﷺ was dealing with the messenger with utmost dignity, respect, and honour, the Quraish's treatment of the Prophet ﷺ's messenger was otherwise. He was dealt with in a rude way and was even threatened with his life. They even maimed his ﷺ camel on which he rode to them.[25] The second attempt of the Prophet ﷺ with respect to sending the messenger was of Uthman bin Affan, who had a family to protect him. He delivered the message and the sound advice, and he was offered a bribe, to perform *Umrah* alone which he denied. He has an unusually long stay for the messenger, to which Muslims had a solemn pledge, The Pledge of the tree, to fight and shed their last drop of blood if the pagans in the tribe of Quraish had killed the messenger of the Prophet ﷺ. Eventually, Uthman returned in peace, unhurt.

The Quraish finally came to their senses and eventually realised that the tactics would not work on the Prophet ﷺ and his fellow companions after witnessing him ﷺ and his companions' firm resolve towards their intention to perform *Umrah* in accordance with Allah's direction, to shed the last drop of their blood to defend their faith and fellow companions, and a sheer determination and love for the house of Allah. They, therefore, sat down at *Hudaibiya* with him ﷺ once more in an effort to negotiate a solution to the situation. Suhail bin Amr, a prominent Quraish leader known for his political sagacity, persuasive oratory, wit, and cunningness, had been forwarded by them. He was perhaps a very sharp candidate for the job but he lacked the knowledge and power structures that were created because it seems like by the blessing of Allah, the Prophet ﷺ had an unusual vision of the state of events and had an altogether different plan to play. The Prophet ﷺ adopted the model later on reviewed by Gulliver (1979) in his famous work titled, 'Disputes and Negotiations: A Cross-Cultural Perspective'. These models are manipulative where parties influence each other's expectations, assessments, and behaviour during the search for an outcome.[26]

The Quraish had so far played cheap tactics; creating hurdles during the travel by dispatching Khalid bin Waleed with his 200 cavalries, dispatching messengers, disrespecting Muhammad's ﷺ messengers, executing a surprise attack, and obviously not letting them enter the city to perform a divine duty. These deceptive methods used to prevent Muslims from accessing Mecca also exposed to all of Arabia the pagans in the tribe of Quraish's fear of the rising Muslim dominance. Additionally, by talking with him ﷺ and sitting down, the Quraish made it clear to the rest of Arabia that he ﷺ is the head of the coalition of Muslims in Medina. It was indeed a severe blow to their power structure and a source of benefit to the Prophet ﷺ. So far, he ﷺ had remained calm and non-violent, which is the foremost feature of any sustainable conflict resolution, that despite having the edge and ability to take violent reaction, he ﷺ was

rather motivated to set an example for rest of the humanity that how important anger management and the positive practical use of the power structures.

3. Conclusions

The treaty concluded at Hudaibiya between the said parties was titled a 'manifest victory' in the Holy Quran[27] and historians remember it as the turning point in the history of Islam as it helped Muslims in a variety of ways, especially in terms of learning the mechanism for the sustainable conflict resolution. As a result, Muhammad ﷺ granted their myopic requests, but they didn't fully comprehend what he ﷺ had accomplished for the benefit of Muslims and other tribes in Arabia who weren't Muslims. The terms concluded had several far-reaching and sustainable effects, however, we are looking towards the learnings with reference to sustainable conflict resolutions,

i. His ﷺ serene and polite nature led to the peaceful resolution, thus, contributing to reducing all sorts of violence and related deaths everywhere, achieving sustainable development goal 16.1.

ii. The non-disturbance led to the normal routine for children, women, and the elderly, thus, achieving sustainable development target 16.1.4.

iii. The quick decision-making led to the swift conclusion of the matter, achieving sustainable development goal 16.7.

iv. The treaty and the terms were all transparent, achieving sustainable development goal 16.10.

v. With the armistice for the next decade, it was easier for him ﷺ to now focus on the internal challenges to eliminate them and subsequently put a society that turned out to be resilient, safe, and inclusive, achieving sustainable development goal 11 partially.

vi. Cooperation was established between the allied parties, beginning to achieve sustainable development goal 17.

vii. The letter to emperors led to the spread of Islam and its peaceful and sustainable practices achieving sustainable development goals 17.

The pandemic revealed to us the realities of the health industry, and the world cannot withstand another disaster. Due to the overburdened legal system and limited resources, the judicial system may fail, which would erode public confidence in it. Hence, in order to support and relieve the court system of its burden and to make the whole process of justice speedy, flexible, and sustainable, it is rather necessary to plan in advance with ADRs. It was seen that the decisions made by Muhammad ﷺ through *Sulh* and *Tahkim* (the ADR processes) were peaceful and long-lasting.

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