International Conflict Resolution

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International conflict resolution is concerned with processes of removing tensions between states or maintaining them at levels consistent with continued peaceful pursuit by states of their goals (individual or collective). A full description of the processes of conflict resolution within a community would entail a full description of the numerous and complex kinds and degrees of the divisive and common concerns among its members. This statement acknowledges, on the one hand, that conflict and even war are by no means an abnormal part of international life (Stone 1954; Wright 1942; Boasson 1950; Singer 1949; Boulding 1962; International Sociological Association 1957). It has been calculated that only 270 years of the 3,500 years known to history have been free of wars. On the other hand, we should not go so far as to identify "international politics" wholly with "oppositional" relations of groups (Wright 1955, p. 131). Charles Boasson correctly says that such identification does not sufficiently take into account the role of accommodation and renunciation, the influence of norms of legal and ethical judgment, and the impact of the appeal to justice (Boasson 1963, pp. 77-78; Stone 1965). The cooperative aspect is stressed by Ernst Haas, who re-explored the prospects of contemporary international "functionalism" in the face of varied and changing types of national societies and the future international environment *[see*international integration (/social-sciences/applied-and-social-sciences-magazines/international-integration)*;* Haas 1964], and by John Burton, who offered the thesis that the use of power is steadily yielding place to cooperative measures even in oppositional relations between states pursuing only their own, independent, "nonaligned," interests in regional and functional arrangements (1965).

The study of international conflict resolution cannot be reduced to a detailed study of decision making, even if we could obtain all the information, perceptions, interpretations, and alternative choices available to decision makers (Snyder et al. 1954; and for a more diffuse project for guiding decision makers, see McDougal 1953). Decisions are often deeply relevant to conflict, but such decisions are only part of the context and content of a conflict and its resolution. Detailed decision-making studies have two serious drawbacks: they entail endless and often fruitless piling up of detail, and they may lose sight of important factors by concentrating on *reported* or *knowable decisions.* The full constellation of circumstances that constitutes an international conflict is operative even if decision makers do not act and are not aware of all the circumstances. To count such inaction and unawareness as being themselves decisions would, of course, only fictionalize the whole approach (Boasson 1963, pp. 22-35, 75-77).

It is an undoubted gain that since World War i the study of international conflict and its resolution has moved out of the general monopoly of the historian (Boasson 1963, pp. 43-49) and away from the specialized, technical concerns of the international lawyer and publicist (Stone 1954, introduction; Stone 1956; Boasson 1963, pp. 50-59). There is now a *Journal of Conflict Resolution,* and teaching and research in this area are widespread, especially in the United States (/places/united-states-and-canada/us-political-geography/united-states). Notable experiments in methodology are also proceeding. A project of the Carnegie Endowment for International Peace sought to identify conflicts and the phases through which they pass, with relation to rise and fall of tension and violent or nonviolent resolution. At the important Center for Research in Conflict Resolution at the University of Michigan (/social-sciences-and-law/education/colleges-us/university-michigan), Kenneth Boulding has essayed a systematic study of conflict as a general social process and of international conflict within this framework (1962, pp. 227-276, 304-343). Robert North at Stanford University (/social-sciences-and-law/education/colleges-us/stanford-university) is seeking, with the aid of computers, to identify, from the myriad of factors constituting the constellation of circumstances of past international crises, those factors that are generally significant in interpreting and handling such crises. Relevant work has also been done by biologists on animal conflicts and by psychologists and sociologists on individual and group behavior (e.g., Freud 1915-1933; West 1949; Scott 1958). These approaches, whatever they may add to knowledge, have scarcely revolutionized the handling of international conflict. But awareness of intractability even to specialized research may in itself promote patience and restraint on action that would be a positive factor in conflict resolution.

The purpose of this article is to identify and describe some of the approaches to resolution of conflict between states that have become institutionalized, or at any rate nominate. Specifically, this encompasses the wide range of approaches between war and international sanctions, at one extreme, and mere negotiation, at the other, and includes good offices, mediation, commissions of enquiry, and arbitration *[see*adjudication (/social-sciences-and-law/law/law/adjudication#1G23045000019)].

In municipal society we naturally think of process of law as a mandatory frame for handling major disputes. And despite the comparative weakness of international law (/social-sciences-and-law/law/international-law/international-law), conflict resolution cannot neglect this. Yet, the international legal frame is not only weaker; it seems to rest on a base diametrically opposed to the municipal. There subjection to binding third-party judgment is considered normal, while international law (/social-sciences-and-law/law/international-law/international-law) starts from the point that a state is not, save by its own consent, subject to any third-party decision (or even the less peremptory “good offices” or mediation). Though each state remains its own judge, this gives it no competence over another state; for every other state also enjoys the same prerogative. It takes two to make a quarrel; and it also takes both disputants to confer international competence.

A simple corollary to this is that each disputant is also at liberty to give effect to its own determination of its own rights. Although this liberty has been restrained by various international instruments such as the Kellogg-Briand Pact (/social-sciences-and-law/political-science-and-government/international-organizations/kellogg-briand) and the League of Nations (/social-sciences-and-law/political-science-and-government/united-nations/league-nations) Covenant (now replaced by the United Nations (/social-sciences-and-law/political-science-and-government/united-nations/united-nations) Charter), the *extent* of the restraints remains debated and problematical. The inhibitions on the major use of force between states are today not primarily legal but factual and psychological, springing from the distribution of economic and technological power and from the universal implications of the resort to nuclear weapons (/social-sciences-and-law/political-science-and-government/military-affairs-nonnaval/nuclear-weapons). Bargaining and positional maneuvering take place within an essentially military arena, whatever the final, correct legal interpretation. The contemporary problems connected with the resort to force by major powers, which face us *as a matter of fact,* are largely a continuation of those that faced the pre-1914 world *as a matter of both law and fact* (Stone 1958; 1961).

Good offices and mediation

Good offices and mediation are special forms of negotiation in which a third party plays a role (Nicolson 1954; Forgac 1937: Stone 1954, pp. 68-72). It is indicative of the comparatively recent growth and primitive nature of international arrangements for conflict resolution that even good offices is so highly valued as a method. For its import is only to restore communication and negotiation between disputants and perhaps induce some restraint in that communication; there is no obligation of the parties to go further. Its most famous success occurred when President Theodore Roosevelt (/people/history/us-history-biographies/theodore-roosevelt)'s approach to the belligerents helped to end the Russo-Japanese War (/history/modern-europe/russian-soviet-and-cis-history/russo-japanese-war) in 1905; and its most abject failure, when President Franklin D. Roosevelt's efforts in 1939 to stop the outbreak of World War II (/history/modern-europe/wars-and-battles/world-war-ii) were unavailing. The central negative feature of good offices is that its function does not extend even to expressing opinions on the merits, much less to any decision making. These functions are extremely modest, each party maintaining (as the Palestine and Kashmir and other contemporary cases have painfully shown) both the right of final decision and that of deciding whether negotiation (with or without mediation) is to proceed at all. Such legal rules as exist for both good offices and mediation are mainly concerned with legitimizing these mild, third-party intrusions into other states' quarrels.

It was still thought necessary in the first Hague Peace Conference, in 1899, to declare that the offer of such services was not an "unfriendly act." And after two generations of struggle for more effective and peremptory procedures through the League of Nations (/social-sciences-and-law/political-science-and-government/united-nations/league-nations) and the United Nations (/social-sciences-and-law/political-science-and-government/united-nations/united-nations), these tentative prenegotiation procedures still play an important role in conflict resolution.

Mediation differs from good offices mainly in the degree of noncoercive initiative permitted to the third party. The mediator, once he is invited to act, is free not only to transmit but also to initiate suggestions for solution (Wehberg 1958). However, the terms "good offices" and "mediation" are sometimes loosely used, without consistent distinction, especially in the United Nations; and the term "conciliation" (which has no *technical* meaning) also is often used interchangeably with "mediation" (Stone 1965, p. 71).

Fact finding

Success in any of these procedures being manifest in agreement, not decision, the merits of the dispute as to fact or law may never emerge at all. It is notorious that disputants see facts their own way, and this is especially true of states, which are often better able to conceal the evidence than are individuals. State resistance to third-party intrusion has always extended with particular jealousy to third-party fact finding, even when this is merely advisory. Not surprisingly, therefore, institutionalization of procedures of international fact finding is almost as recent as that of international adjudication.

International commissions of enquiry were provided for by the Hague Convention of 1899, which established a legal frame within which a commission could, by agreement of the parties, be appointed to find facts on a particular dispute. Such commissions proved useful in several instances, mostly naval incidents, of which the best known was the Anglo-Russian dispute concerning the Dogger Bank incident during the Russo-Japanese War (/history/modern-europe/russian-soviet-and-cis-history/russo-japanese-war). Both the League of Nations and the United Nations adapted this kind of technique to their own organizational arrangements, the former exploiting it particularly well as a means of procrastination and persuasion.

Alongside the scarcely inhibited powers of the United Nations Security Council (/social-sciences-and-law/political-science-and-government/united-nations/united-nations-security) to make binding decisions in conflicts involving threats to the peace or breaches of the peace, these traditional procedures seem puny and timid. The League of Nations (/social-sciences-and-law/political-science-and-government/military-affairs-nonnaval/league-nations) and its successor, by collectivizing even the mild, traditional procedures,

greatly developed and strengthened them (Conwell-Evans 1929; Walters 1952; Stone 1954, pp. 165-176). The United Nations, however, has been much hampered in these efforts by the steady voting alignments in the present bipolar political situation (Stone 1958, pp. 165-183; Morgenthau 1946; Claude 1958).

Peoples in crisis have always built stereotypes of themselves and their adversaries and molded the issues to the stereotypes. This, however, is greatly intensified today, when stereotyped attitudes are spread, often deliberately and with the blessing of state authorities, through all the channels of mass communication (/social-sciences-and-law/sociology-and-social-reform/sociology-general-terms-and-concepts/mass-0) in advance of the particular crisis. These stereotypes stand ever ready to determine what version of each future dispute shall receive national credence, so that even when the conflict-initiating state has itself invited the impartial inquiry, the "facts," as rationally found, often labor in vain to penetrate the national version. Thus, as the need for processes of really impartial fact finding increases, the difficulties of even this modest objective increase even more. Numerous specific conflicts illustrate these difficulties, but they appear most significantly in the problem of fact finding by an international organ acceptable to the two major antagonists as part of the inspection system in a world nuclear-disarmament plan. Each side has been stereotyped for the other as headed by cliques bent on world domination by treachery or force. The issues for the impartial organ involve survival for each side, and there is a lack of third parties who, on such issues, stand sufficiently above the suspicion that they are sympathetic to or intimidated by one side or the other to be trusted by both. Successful establishment of an organ with such functions would be a sign that the survival crisis is over and not just a first step toward meeting it.

"Internationalist" effort since World War I (/history/modern-europe/wars-and-battles/world-war-i) has not always respected these realities. Impatience with the weak diplomatic methods caused blueprints for more "modern" machinery to be created. Under the League of Nations the response to the ambitious General Act for Pacific Settlement of 1928 was poor. But the response of United Nations members to the proposed revision of this Act in 1949 was even more discouraging. Indeed, though each Part of the Act may be accepted separately, even Part I, on conciliation, has not been accepted by a single communist state or by any new Asian state. Disappointment of hopes for stronger measures has stimulated some interest in the possibilities of improving mediation techniques. The matter has, for example, been among the projects of the Institut de Droit International and the United Nations Educational, Scientific and Cultural Organization (Rolin 1959; Jessup 1956; Efremov 1927; Hill 1932; Revel 1931; Jackson 1952; "Techniques of Mediation ⋯" 1958; Douglas 1957).

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The discussion has centered on the degree to which the mediation process could benefit from (1) being

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