

Diplomacy and mediation: a “two-in-one” solution for peaceful settlement of international disputes

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1. Introduction

It is well-known that diplomacy formed and influenced the interstate relations throughout the history of mankind but the events and processes of the modern age evidenced that the classic diplomatic conception formed out during the history can't be no more applied fully for solving the special-featured international problems of our days. The most determinant factor of this change was the appearance of the globalization what not only redounded to the enhancing of the worldwide social and political connections, but even generated and escalated several multi-faceted – and sometimes dangerous – international disputes and conflicts as well. It became evident that there is need to create a new diplomatic strategy in order to settle the queries and conflicts mentioned above in a peaceful way. In spite of being an instrument of intrastate dispute settlement, mediation may be an important part of this strategy, because – similar to diplomacy – negotiation is the main element of it and with combining it with the diplomacy, a special instrument can be gained, what may be applicable successfully and efficiently in peaceful settlement of international disputes.

In this article I will examine – strictly *from theoretical aspect* – the relation between mediation and diplomacy¹, the legal frameworks, and all criteria and conceptions what could be applied for the creating of a new, successfully and efficiently applicable diplomatic strategy. The first part of the paper highlights the system and the nature of international conflicts, the second one the international mediation, while the last one illustrates the relating diplomatic norms and rules. So, let's see the international relations at first.

2. General characters of international disputes, conflicts and their settlements

As I mentioned earlier, there is need to special and complex applicable conception in order to settle the multi-faceted international disputes and conflicts

¹ Although several essays and articles were written about the connection between mediation and dispute settlement but it was examined *always relating to the international trade*. In this paper I will analyse this connection *only from foreign political and diplomatic aspect*.

generated and enhanced by the globalisation.² The most important character of international dispute settlement is the growing tendency of the appearance of international-featured “third-party tribunals” resting on regime rules and established and conducted by states of the world. A part of these “third-party tribunals” is acted – in most cases – by international organizations what have widespread applicable and multi-faceted mechanisms of dispute settlement in order to settle the queries successfully.³ It can be seen that the effectiveness of dispute settlement depends on the complexity of the mechanism of dispute settlement involving rules, legal standing, and legalization process. So we can say that it has to differentiate between interstate and supranational dispute settlement.⁴ Interstate dispute settlement is more ideal for the states that prefer their domestic interests and haven’t got the needful political, economical or financial potential to claim their interests efficiently. At the same time, supranational dispute settlement is applied by the states that advance the interests of the member states and have appropriate political, economical, financial and institutional resources for forming, affecting and determining the processes and development of the world-politics.⁵ This fact illustrates well that supranational dispute settlement relative to interstate one should lead to more frequent initiation of cases when treaty violations occur, less bias in the initiation and settlement of cases and of course better compliance with treaty provisions.⁶ The introduction of the institution and competences of the “supranational prosecutor” may enable to control the states taking part in negotiations with treating all states – and their matter – equally, independently of their political, economical and financial situation. With abolishing the differences named above, this conception may facilitate both the negotiation among states and the dispute settlement as well.⁷

Besides the disputes, the international-featured conflicts are also important part of this paper because – similar to disputes – they can be settled efficiently – in several cases – with the application of “third-party featured” instru-

² See more details about international dispute settlement in. James McCall Smith -Jonas Tallberg: *Dispute Settlement in World Politics: States, Supranational Prosecutors, and Compliance*. (hereafter: Smith-Tallberg) p. 1–37.

In. http://www.statsve.su.se/publikationer/tallberg/smith_tallberg_dispute_settlement_081016.pdf (2010.11.16.), and Michael S. Lund: *Conflict Prevention: Theory in Pursuit of Policy and Practice* p. 287–308. (hereafter: Lund).

In. [http://205.201.242.80/topics/docs/9781412921923-Bercovitch—Conflict_Prevention—Theor_in_Pursuit_of_Policy_and_Practice_\(2\).pdf](http://205.201.242.80/topics/docs/9781412921923-Bercovitch—Conflict_Prevention—Theor_in_Pursuit_of_Policy_and_Practice_(2).pdf) (2010.11.19).

³ In recent years international relations theorists created a multitude of typologies aimed at capturing essential dimensions of variation in the institutional design of dispute settlement. The most determinant among these dimensions are: access, independence, jurisdiction, bindingness, and remedies. See more details about these categories in. Smith-Tallberg: *op. cit.* p. 7.

⁴ In the first case the authority to sue states for non-compliance resides exclusively with states but in the other conception this authority is usually delegated to a commission or secretariat with a kind of prosecutorial function. See more details about this distinction in. Smith-Tallberg: *op. cit.* p. 7–8.

⁵ See more details about the nature of interstate and supranational dispute settlement and the difference being between them in. Smith-Tallberg: *op. cit.* p. 9–11.

⁶ See these characters in. Smith-Tallberg: *op. cit.* p. 11.

ments. So, let's see some words about the *theoretical basis* of the conflict settlement.⁸

As it is known, globalization always generates and escalates several international conflicts all over the world. Prevention may be one of the most effective instruments for avoiding the massacre of innocent people attendant on armed conflicts.

The conception of conflict prevention – as it's known today – created by UN Secretary General Boutros-Ghali who extended the conceptual frames and the adaptability of the earlier definition.⁹ As a result of this, it became possible not only to keep regional conflicts from going global and to keep violent ones from spreading to more places, but even to shift the limited applicability to a wide-spread and more flexible one enabling not only to prevent a conflict but even to reconstruct the political and social structure¹⁰ destroyed by it.

As it can be seen the multi-faceted conflicts require multi-faceted, complex, flexibly and widespread applicable preventive strategy. In other words: the range of applicable instruments, policies,¹¹ and participant actors are highly determined by the nature of the conflict. These instruments can be divided into two groups according to their applicability; the first one can be applied for the consolidating of the socio-economic circumstances while the second one for the political ones. Because of this dividing prevention has also two categories: the time-sensitive, and actor- or event – focused “operational” prevention involving diplomatic demarches, mediation, training in non-violence and military deterrence in order to manifest conflicts from escalating and the “structural” prevention involving instruments applicable for forming and influencing deeper social and political conditions being relevant from appearance and escalation of conflicts. It's clear that both versions have to be applied in favour of the success and efficiency. Of course the actors that may be involved in prevention are also diverse: international organizations governmental and non-governmental bodies, regional organizations, the private sector, trade and financial investments are also found in this category.¹²

Unfortunately – despite of well-constructed institution named above – the new international norms relating conflict prevention are not able completely

⁷ See more details about it in. Smith-Tallberg: *op. cit.* p. 11–12.

⁸ In this part of the first chapter of the paper I examine *only the theoretical basis* of the conflict settlement, so – because of the limited wordage – I wouldn't like to highlight the conflict types in this work. See more details about its important instruments – such as mediation and diplomacy – and their nature and characters in the other chapters of this work.

⁹ The basis of the conception of conflict prevention was established firstly by Hammerskjöld in 1960 in order to keep the superpower proxy wars in third-world countries from escalating in to global confrontations. See it in. Lund: *op. cit.* p. 288.

¹⁰ In other words: the appearance of such categories like conflict management, peace enforcement or peacekeeping in the conceptual frame of prevention eclipsed the classical notion: acting before violent conflict fully breaks out is likely to be more effective than acting on a war in progress. This could be a bit problematic for some analysts. See more details about it in. Lund: *op. cit.* p. 289.

¹¹ Among the instruments it has to be mentioned early warning, mediation, confidence-building measures, fact-finding, preventive deployment and peace zones. The most determinant policies are humanitarian aid, arm controlling social welfare, military deployment and media. Of course almost any policy sector could be mentioned whether labelled conflict prevention or not. See it in. Lund: *op. cit. ib.* It can be led back to the complexity of the prevention named above.

¹² Besides these groups even the regional organizations of the conflict-prone country may be relevant. See more details about it and the categories named above in. Lund: *op. cit.* p. 291.

to establish a general obligation to respond to potential eruptions of violence especially genocide because of the existing debates about the armed intervention and its legitimacy. It's clear that – in spite of the efforts relating to obligate the military intervention¹³ – in most cases the consensual preventive engagement may become more accepted and efficient than the armed one. At the same time there are some categories – like counter-terrorism, nuclear arms control, democratization, non-violent regime change, and so on – in which it is very difficult to decide if the military or the peaceful instrument has to be preferred in a conflict prevention. In order to create the ideal preventive conception, there is need to some fundamental changes; for example: act an early stage and not to vacillate in emergency cases, use talented and influential international diplomats, apply “third-party tribunals” for settlement of queries, provide support and reinforcement for moderate local leaders, create closer cooperation with local bodies and organizations and involve major powers in order to guarantee the legitimacy of the negotiations, neutralize potential external supporters of one side or the other if it has a concern to the conflict.¹⁴ In order to realise all of these efforts, several useful heuristic guidelines must be created and taken into account by policymakers, e. g. combinations of instruments to apply to the early stages of conflict the basic types of prevention have to treat equally but at the same time there is need to find the ideal equilibrium between the application of military and non-armed conflict prevention. In other words: “soft” measures must be followed by hard ones so diplomacy must precede the use of force. According to the UN Charter: “...the procedures in Chapter Six for peaceful settlement of disputes may have to be followed by the more coercive measures in Chapter Seven of sanctions and peace enforcement.”¹⁵ The case of interactive conflict resolution methods may be the same: the greater the intensity of conflict the more importance could be given for directive techniques of mediation, arbitration and adjudication.¹⁶ Now let's see how can be applied the mediation in the dispute settlement.

3. Mediation in international dispute settlement

As I remarked earlier, mediation is one of the most important instrument of the peaceful settlement of international disputes. Albeit that it is used mainly in the frame of international trade, but because of its special character – similar to diplomacy, negotiation plays an important role also in mediation – mediation may be applied successfully in the settlement of disputes relating to world-politics as well.¹⁷

¹³ It's an important fact that in 2001, the International Commission on Intervention and State Sovereignty asserted a “responsibility to protect” ordinary people who are at risk of crisis or conflict. See more details about in. Lund: *op. cit.* p. 295.

¹⁴ See more details about it in. Lund: *op. cit.* p. 297–299.

¹⁵ See it in. Lund: *op. cit.* p. 299.

¹⁶ See the previous footnote.

¹⁷ In this part of the paper I analyse *only the diplomatic aspects of mediation* and I ignore its international trade and criminal application. See more details about its diplomatic aspect in. Jacob Bercovitch: *Mediation in International Conflicts: Theory, Practice and Development* p.1–43 (hereafter: Bercovitch).

In. http://www.scienzeformazione.unipa.it/doc/332/Mediation_review_and_theory.doc (2010.11.19), and Kyle Beardsley: *Pain, Pressure and Political Cover: Explaining Mediation Incidence* p. 1–26. (hereafter: Beardsley).

In. <http://userwww.service.emory.edu/~kbeards/KB-medsel-JPRfinal.pdf> (2010.11.24).

It's well-known that applicable methods are numerous and varied and they can be found in article 33 of the UN Charter.¹⁸ It recognizes the existence of three basic methods for the peaceful settlement of international conflicts, such as: direct negotiation among the parties, several kinds of mediation – e.g. good offices, conciliation – and binding methods – e.g. arbitration and adjudication – of third party intervention. As it can be seen, the multi-faceted international conflicts require a complex and widespread applicable conception of mediation. It is well illustrated by the fact that there are several different conceptual approaches of mediation¹⁹ depending on institutional, personal, and functional factors, so we can say: there is no a generally accepted definition for mediation. For the same reason there are no a general mediative process what could be applicable successfully in each and every conflicts, but it would be useful to emphasize some factors and conditions what may make mediation more effective. It's quite important from the point of view of the international mediation, in which not only the general requirements – such as for example timing, knowing of the circumstances of the conflict and it is participants, independence, knowing of the experiences came from previous mediative processes or the personal qualities and abilities of the mediator, like trustfulness, strong claim to legitimacy, intelligence, specific knowledge of the conflict, tact, skills in drafting formal proposals, or even a good sense of humour²⁰ – are important but there are several questions relating to the process of mediation – such as the assessing of the outcomes and impact of mediation, discerning the changes relating to the behaviour of parties if the conflict become problematic, the period of the mediation, the connection between criteria, the nature of conflict, the parties and the mediator – what have to be answered in favour of the success.²¹ Another important problem, that mediators – depending on being individuals or states – apply very different mediative strategies but can't be accommodated within a single perspective.²² In order to solve this problem it has to create several objective and subjective criteria to cover the many objectives of all mediators, and to know something about the various goals of mediation.

Subjective criteria are used for referring to the parties' or the mediator's perception that the goals of mediation have been achieved or that a desired change has taken place so the mediation was successful. At the same time, the other group of the criteria are substantive indicators that can be demonstrated empirically, so in this case mediation is successful only if certain activities or effects were accomplished.²³ In spite of this well-constructed system, these criteria can't be applied as the only measure of globalization mainly because of the diversity of conflicts, situations, and participants of mediation.

¹⁸ "Parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies, or arrangements or other peaceful means of their choice." See it in. Bercovitch: *op. cit.* p. 3.

¹⁹ See these approaches in. Bercovitch: *op. cit.* p. 3–7.

²⁰ See more details about these criteria in. Bercovitch: *op. cit.* p. 34–37.

²¹ See more details about it Bercovitch: *op. cit.* p. 39.

²² Individual mediators emphasize communication-facilitating strategies be more concerned with the quality of interaction and seek to create a better environment for conflict management at the same time states try to influence the behaviour of the parties and achieve a settlement of shorts. See it in. Bercovitch: *op. cit.* p.39.

²³ See more details about these groups of criteria in. Bercovitch: *op. cit.* p. 39–41.

Third-party-conception probably is the most determinant and efficient instrument of mediation, because the appearance of an independent third party what *has no interests* at stake in the conflict and has various means of leverage to serve as mediator and able to generate international audience costs for pressuring the antagonists to accept mediation may settle a conflict more efficiently and surely.²⁴ Third parties can provide positive or negative inducements to engage in mediation.²⁵ The third party pressure for mediation is the greatest if as more outside actors take part in the mediation as it's possible. From this point of view, the most important outside actors are the neighbouring states because they absorb the brunt of physical externalities whitt giving them a particular interest so regional power balances will be shaped and the future bargaining over similar issues will be facilitated.²⁶ As it can be seen the third-party negotiation could be one of the best solutions for creating an efficient conception for mediation. But how it would be changed, if it was combined with the diplomacy? Let's see it in a few words.

4. Diplomacy and conflict resolution

It's well known that diplomacy – like war – influenced the international relations throughout the history of mankind. At the beginning it was used by the dynasts of ancient states in order to settle the queries relating mainly to the war. This function of it didn't changed fundamentally because there are several non-armed and armed conflicts today what could be settled in a peaceful way. The main instrument of it is the negotiation, what plays focal role both in mediation and diplomacy, so diplomacy may also a determinant instrument of conflict resolution.²⁷

After a connotation, diplomacy focuses on the management of international relations by negotiation. This illustrates well that diplomatic efforts to resolve international conflicts constitute integral parts of the foreign policy and state-

²⁴ For example international leaders often make public declarations of their intentions to mediate such that the failure of mediation to occur is a clear indication of the disputing parties' intransigence. To the extent that states care if other actors perceive them as cooperative or malicious, they will be enticed to accept mediation when the tenor of discontent for their hostilities rises. See it in. Beardsley: *op. cit.* p. 9.

²⁵ It is so important especially in the case of obstinate combatants because the inducements are more likely to be less tangible in the form of political capital from key actors. See it in. Beardsley: *op. cit. ib.*

²⁶ Two potential caveats can be found here not only the states has own means to intervene and shape the outcome of the conflict unfortunately military intervention may be a preferred solution for the most interested third-parties and if many states have interest to see peace established it can be lead to the situation that other third-parties take on the burden of establishing peace what may cause the under-provision of mediation. See more details in. Beardsley: *op. cit.* p. 10.

²⁷ See more details about the connection between diplomacy and conflict resolution in. Christer Jönsson–Karin Aggestam: *Diplomacy and Conflict Resolution* p.1–18 (hereafter: Jönsson–Aggestam). In. <http://busieco.samnet.sdu.dk/politics/nisa/papers/agggestam.doc> (2010.11.17.) and David A. Hoffman: *Mediation and the Art of Shuttle Diplomacy* p. 10–13 (hereafter: Hoffman). In. [http://www.bostonlawcollaborative.com/blc/394BLC/version/default/part/AttachmentData/data/Mediation%20and%20the%20Art%20of%20Shuttle%20DiplomaDi%20\(2010-17-27\).pdf](http://www.bostonlawcollaborative.com/blc/394BLC/version/default/part/AttachmentData/data/Mediation%20and%20the%20Art%20of%20Shuttle%20DiplomaDi%20(2010-17-27).pdf) (2010.11.24.).

craft of the involved states. Negotiation is the most prominent practice associated with diplomacy, with mediation as an important subcategory. Although – as it is known – diplomacy can be used efficiently – because of its special characters – in cases relating to settlement of international disputes, but this kind of application of this institution – for that very reason – sometimes may be complicated. In other words: diplomacy has norms and practices both facilitating the negotiation and complicating it ones. From the point of view of this paper it is worth examining and comparing both of categories of norm groups, so let's see at first the diplomatic instruments facilitating the conflict resolution. One of the most important instruments is coexistence and reciprocity. Acceptance of coexistence reflects the realization on the part of states that they are mutually dependent to a significant degree.²⁸ Interdependence may be – and is most often – asymmetrical. The norm of coexistence facilitates conflicts resolution in contrast to notions of exclusion or excommunication which render interaction with disapproved partners impossible. The other important instrument is reciprocity resting on correlation. Its main account is the ensuring of that exchanges should be of roughly equivalent values. Reciprocity also involves contingency, insofar as actions are conditional on responses from others. It has two parts: diffuse and specific reciprocity; the first one implies that the parties do not insist on immediate and exactly equivalent reciprocation of each and every concession on an appropriate *quid* for every *quo*. In the second one partners exchange items of equivalent value in a delimited time sequence however it is less precise one. Reciprocity applied in diplomatic relations falls in between or oscillates between the two poles. In that case if diplomatic interaction comes close to the pole, conflicts may be resolved easier. On the other hand, appliance of specific reciprocity often makes it more problematic. From another point of view: the anticipation of specific reciprocity may deter states – and diplomats – from initiating cycles of uncooperative behaviour. At the same time, the specific reciprocity triggered by the expulsion of diplomats has often aggravated interstate conflicts. So we can say: the successful and efficient conflict resolution requires a complexity of reciprocity.

The essential instrument of diplomacy relating to the negotiations is the open communication what determined the whole system of diplomacy in the history. The need to communicate is most graphically demonstrated paradoxically, when diplomatic relations are severed and the parties almost always look for, and find other ways of communicating. These communicative channels may be multi-faceted and diverse depending on the circumstances.²⁹ As it can be seen: open communication is an essential element of the efficient diplomatic activity, hence of the dispute settlement as well. Mediators play determinant role in keeping communication channels mentioned above open ongoing and undistorted between parties in order to settle the conflict. In these situations, mediators may for instance act as go-between facilitate back-channel negotiations supply additional information and identify common problems that may inhibit deadlocks and enhance communication. Shared diplomatic

²⁸ Coexistence implies that if there is no equality, at list equal rights to participate in international intercourse. See more details about it in. Jönsson - Aggestam: *op. cit.* p. 5.

²⁹ States lacking diplomatic relations may exchange messages through intermediaries or they may also communicate directly. See more details about these and other methods relating to the diplomatic communication in. Jönsson-Aggestam: *op. cit.* p. 6–7.

language with mutually understood phrases and expressions as well as rules governs the external form of intercourse. As a result of the institutionalization of diplomacy, a special terminology came into existence in order to allow cross cultural communication with a minimum of unnecessary misunderstanding. This common language involving courtesy, non-redundancy and constructive ambiguity – similar to the circumlocution – reduces the chance of needless provocation. The shared language and intersubjective structures of meaning and collective understanding among diplomats are significant assets when it comes to conflict resolution limited to the diplomatic community. Diplomats are commonly described as sharing a commitment to peace or international order and all diplomats regardless of nationality have an enduring obligation to work always towards that most elusive of human objectives a just, universal and stable peace. It benefits the diplomatic guild, outside observers point to the continued representation of ideas. The fact that diplomats can create balance between diplomacy as a means of identifying and fostering “us”, and diplomacy as a means of fostering the latent community of mankind, shows well, that diplomacy contributes to effective conflict resolution. Diplomatic immunity is also important because the age old rules of the inviolability ensure the security of diplomatic correspondence and that’s why the diplomatic work and structure so the communication as well. In other words: the diplomatic immunity rooting deeply in notions of personal of representation has functional necessity so all privileges and immunities created by it are essential from the point of view of the performance of the diplomatic functions and of the reciprocity relating to the governments of the states. *Pacta sunt servanda* ensured always the required agreements being relevant from the point of view of the dispute settlement.³⁰ Unfortunately there are some institutions inside the diplomacy what can be problematic – *in some cases* – from the point of view of the dispute settlement. These are: precedence, openness, constructive ambiguity, and recognition. Let’s see these categories in a few words.³¹

In spite of the dominance of the reciprocity being in diplomatic practice, precedence played also an important role in it what led sometimes to conflict. Because of the precedence – what is actually a kind of a hierarchy among individual rulers or states – it was often questionable which diplomatic actors can take part in a diplomatic conference or even can sign agreements and treaties. This query was settled partly by the Congress of Vienna in 1815 what established the precedence among diplomatic envoys according to the date they have presented their credentials this regarding precedence among their principals altogether; as a result of this the post of the *doyen* came into existence; this post was occupied always by the ambassador who has served longest in that state. This settle was arranged finally by the alphabetization created in the Congress of Aix-la-Chapelle in 1818. However precedence may still arise, but – as a result of alphabetization – it can be resolved creatively and pragmatically, so precedence can’t no longer do issues contribute to conflict or complicate conflict resolution. Openness is the other double-edged element of diplomacy. It roots in the diplomatic strategy of the last century. The diplomatic strategy mentioned above based on the claim to an opened and public policy –

³⁰ See more details about it in. Jönsson–Aggestam: *op. cit.* p. 5–9.

³¹ See more details about these categories in Jönsson–Aggestam: *op. cit.* p. 9–15.

and of course diplomacy – resting on the Fourteen Points. In this document Wilson declared for a new policy resting on democratic and moral bases. According to him there is need to a new and public diplomacy because its classical version encourages conspiracies and war so – for that very reason – the international negotiations should now be pursued openly and in public without private or secret understandings because these assumptions – in the mirror of the growing influence of media and public opinion – are the key elements of an open and democratic diplomacy.³² In our days the high media exposure existing in the modern society has to a certain extent limited the autonomy and flexibility of diplomats particularly in cases with active domestic constituencies with opposing views of conflict resolution concession making is difficult so we can say there is ambivalence among diplomats about the publicity surrounding some of their activities. In other words: there is a built in tension between the publicity and diplomacy so publicity and the need for privacy in diplomacy are clearly two opposing principles that originate from two completely different frames of reference involving the nature of information and who possesses it.³³ Another problematic diplomatic principle is the constructive ambiguity however it may facilitate conflict resolution but – because of the avoidance and postponing of the detailed interpretations until implementation – it may generate problematic results in the long run. It has two main disadvantages: Firstly, it may exacerbate an already fragile situation characterized by suspicion and mistrust with creating new grounds for hostilities as these ambiguities need to be addressed, interpreted and agreed upon.³⁴ Secondly, there is a “sceptical scrutiny of a peace agreement what may develop, weakening the support for an agreement significantly.”³⁵

Here can be mentioned also the recognition. In other words: it is a kind of accepting of other actors as more or less peers and treating them accordingly is equally essential to personal and international relations in spite of the differences being between them. Recognition is not only a prior condition for official relations to develop at the international level but even it is a prerequisite for reciprocal exchanges in international relations.³⁶ The principles of diplomatic recognition have varied considerably throughout history ranging from inclusive to highly exclusive. At one extreme recognition might be, and has been, granted to virtually any with some authority and material or moral resources, but sometimes only specific actors with certain attributes are recognized such

³² See more details about this conception in Jönsson–Aggestam: *op. cit.* p. 11.

³³ In some circumstances diplomats may prefer to negotiate privately and thereby limit the publicity surrounding a diplomatic process. In contrast, news media work to expose and scrutinize activities of diplomats and politicians, thereby strengthening the public consciousness that secrecy runs counter to democratic principles. See more details about this conception in. Jönsson–Aggestam: *op. cit. ib. et. seq.*

³⁴ Particularly in identity – based conflicts where the parties are lacking established rules of engagement and conflict resolution, the use of constructive ambiguity often become destructive and counterproductive. See it in. Jönsson–Aggestam: *op. cit.* p. 12.

³⁵ This is the reason why diplomats and scholars alike are arguing for the necessity of enforcement mechanisms as well as promoting the idea of acting custodians over peace processes. This method was used in Cambodia by the United Nations and in the Northern Ireland peace process by the United Kingdom and Ireland. See it in. Jönsson–Aggestam: *op. cit.* p.12–13.

³⁶ „From the viewpoint of individual political units diplomatic recognition represents a ‘ticket of general admission to the international arena.’” See more details about the citation in. Jönsson–Aggestam: *op. cit.* p. 13.

as sovereign states adhering to the principles of western civilization. The biggest disadvantage of the exclusive recognition, that it limits the ability of diplomacy to resolve conflicts to those involving a specific kind of recognized actors.³⁷ So we can say problems of recognition may hamper interaction between states and non- state entities in particular. Today the growing interface between domestic and international conflicts necessitates just this kind of interaction. Diplomats and NGO representatives communicate share information and negotiate with increasing frequency and in varying contexts to solve global or regional conflicts. Furthermore, NGOs are allowed increasing access to international organizations. These facts illustrate well that – in spite of the problematic diplomatic instruments mentioned above – diplomacy can be applied successfully in multi-faceted dispute settlements. Here can be mentioned the shuttle diplomacy which is one of the most important diplomatic strategy applied today for settlement of disputes. It is used often to describe situations in which the negotiator travels long distances to meet with the parties when *there is no other option* can help resolve urgent problems – such as armed conflict – and lay to groundwork for further negotiations, because in this case mediators making extensive use of caucuses, that is the reason why some forms of caucusing can play an important role even in mediations where the talks are mainly direct. So we can say that these separate meetings also proved to be important strategically. In such meetings the mediator can explore with each of the parties various options with the assurance that none of what is said will be repeated or represents a binding commitment. There are important lessons to be taken from the use of shuttle diplomacy and caucusing in international disputes, because using of caucusing in international dispute settlement shows that even when the parties are likely to have ongoing relationships, separate meetings in a mediation may be needed the only workable methods of achieving a resolution.³⁸

In sum we can say that – as it is known – the multi-faceted international conflicts generated mainly by the special social and political relations rooting in globalization means the main problem for both the world-politics and the mankind as well. It's also clear that *the peaceful settlement of international disputes, and conflict resolution can be seen as fundamental values of state and law, thence as cornerstones of the modern diplomacy*, so we can say: it became evident that – instead of applying military operations taking often several lives – it would be better to use an “armless” conception, and that's the reason why there is needed to create and apply a new, special, multi-faceted diplomatic strategy in order to settle these disputes and conflicts in peaceful way. Because of their special character, – negotiation is the main element – both mediation and diplomacy may be the cornerstone of the new strategy mentioned above. Relating to this fact it must be mentioned that – because of special political and social circumstances – the traditional diplomacy changed essentially throughout the time: new diplomatic actors, – e.g. NGOs, civil society organizations – activities, – like conflict preventing, peacemaking, peace-

³⁷ Unfortunately the recognition was sometimes used for political purposes as it can be seen in the case of China and the German Democratic Republic during the Cold War. See more details about these two cases in. Jönsson-Aggestam: *op. cit.* p. 14.

³⁸ See more details about it in. Hoffman: *op. cit.* p.10–13.

keeping, humanitarian and economic aid to assist civilian reconstruction, etc. – and new forms of diplomacy – track-two, multilateral, or even public diplomacy – appeared. This illustrates well, that diplomacy can't be applied no more – *in several cases* – according to the traditional scheme. Although neither diplomacy, nor mediation is perfect solely but with combining the two instruments – more precisely: combining their advantages, and avoiding their disadvantages – a conception could be gained what can be applied efficiently and successfully in the settlement of international disputes and it may reduce the number of the conflicts and their victims as well.