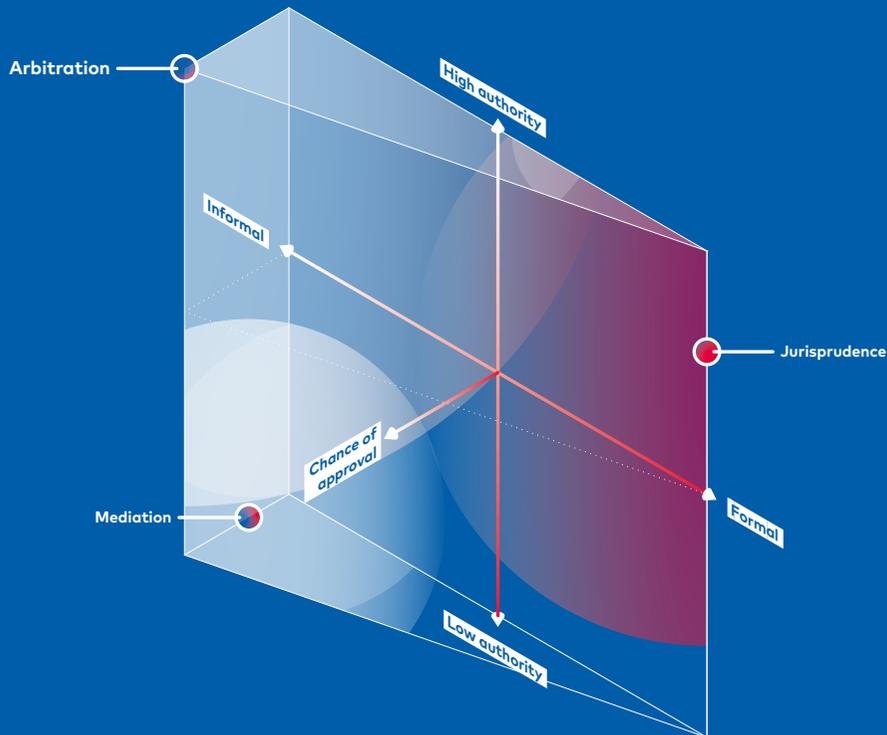




When Two People Quarrel, They Recruit a Third

Acting in crisis

Arbitration and conflict solution



Resolving international conflicts and crises is a special challenge. International relations lack a central authority that is superior to international actors and can intervene in a conflict. The actors involved in any conflict must jointly find ways to resolve it if they want to avoid an escalation, such as war. Before states worldwide agreed to establish international courts in the 20th century, they used so-called arbitration courts to resolve their conflicts. This was especially true of the 19th century. The peace movement regarded arbitration tribunals as a possibility for nonviolent conflict resolution.

From today's vantage point, arbitration courts remain of interest and in use, such as in the 2016 conflict between China and the Philippines over the South China Sea. The special appeal of arbitration courts lies in the fact that the two disputing parties themselves have great influence over the proceedings. Before the process begins, the parties appoint judges and agree on which law will be applied—in other words, matters that typically had already been determined in court. Although historically arbitration proceedings have become more and more formalized, and thus more and more like a court, they maintain great flexibility while still producing a binding verdict.

Although the court makes a decision that will ultimately cause one of the parties to the conflict feel inferior, it is to be expected that acceptance of the verdict will be more widespread than in a normal court. This is because the court of arbitration was established through the consent of both parties to the dispute and both parties were involved in the process. From the perspective of research on judicial and extrajudicial conflict resolution, it is therefore assumed that participation of the parties in dispute not only leads to a decision on the conflict, but also to genuine conflict resolution. In practice, however, this is not always the case. The conflict between China and the Philippines demonstrates that arbitration can also lead to further escalation of a conflict. From the beginning, China did not participate in the arbitration proceedings, so the arbitral tribunal was not able to contain the conflict at all, and instead has further hardened China's position through the legal decisions it made. Historical research also indicates that in the past arbitral tribunals not only successfully resolved conflicts, thus averting wars, but also enforced them.

Stefan Kroll's interest lies in the extent to which a general trend towards informality in international politics can be observed in the field of international justice and what special potential it possesses. His research focuses primarily on conflicts between states. Today, however, arbitration is mainly applied in conflicts between states and private actors (e.g., investment arbitration) or between private actors exclusively (e.g., commercial arbitration). Jana Bleckmann and Paul Pape have also dealt with these forms of arbitration in their work on display in this exhibition.