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DISPUTE RESOLUTION IN INTERNATIONAL RELATIONS: MEDIATION, NEGOTIATION AND DIALOGUE IN PERSPECTIVE

Usman Salihu
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Abstract
International Diplomacy are essential non-litigation strategies for providing peaceful solutions to conflict situations. When combined, both strategies can provide a more professional and effective way to promote sustainable peace and developmentIn other words, diplomacy is seen as the method through which states conduct their businesses with each other in the international system. Through diplomacy, states seek to coordinate policies that designed to enhance their welfare or power. This paper discusses the origin and conceptual clarification of diplomacy, and how diplomacy is conducted in the international system. The paper also examines the functions of diplomacy and its usefulness in dispute resolution. The methods of dispute resolution are mediation, negotiation and dialogue, the political and judicial methods, are also examined. The paper also examines the role of the International Court of Justice as an international adjudicator. The research made use of primary and secondary Data it relied heavily on secondary sources. The theoretical frame work adopt in this study is Liberal Theory. Diplomacy stands out as a peaceful means by which states conduct their foreign policy in the international system, the study recommend that when there is dispute between two nations states the mechanisms for settlement should be employed.

KEYWORDS: Diplomacy, Adjudication, Dispute Resolution, Negotiation, International Court of Justice.

INTRODUCTION Diplomacy The concept of diplomacy and its conduct in international relations has been a subject of controversy. This controversy has arisen in part as a result of the conceptual framework from which the subject is approached. In other words, there has been a myriad of definitions by different scholars. To Harold Nicholson (1964), diplomacy is "the management of international relations by means of negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomat". While the Oxford English Dictionary defines diplomacy as "the management of international relations by negotiation, Stephen Hook (2005) defines it as "interactions among representatives of two or more sovereign states involving official matters of mutual or collective concern". It is also through diplomacy that the foreign policy of every state seeks to attain its purposes by agreement, rather than by war, even though both diplomacy and war are somehow inseparable; nations use either of the two. "The inability of

Department of Political Science,
Kogi State University Kabba, Kogi State.
E-mail – susman@ksukabba.edu.ng
Phone Number: 08033535450

diplomacy to resolve conflict may lead to war. By the same token, the inability of war to win total annihilation may require diplomacy to negotiate a truce". The application of diplomacy in international relations seeks to maintain stable and functional relations with as many foreign governments as possible and resolve interstate differences without recourse to force. The absence of tensions during interactions among states offers openings for cordial and profitable relations, particularly for commerce in which the citizens and government of all parties involved may profit (Hook, 2005). From the foregoing definitions, we can see that the concept of diplomacy means different things to different people, but a common characteristic found in these definitions is that diplomacy involves methods, means and instruments or techniques of achieving foreign policy objectives of nation states.

Dispute resolution in international diplomacy encompasses the peaceful methods states use to settle conflicts, ranging from direct dialogue to binding arbitration. Guided primarily by **Article 33 of the UN Charter**, these mechanisms aim to resolve tensions and maintain global stability without resorting to the use of force.

The mechanisms for resolving disputes fall into two primary categories: **diplomatic (non-binding)** and **adjudicative (binding)**

1. Diplomatic and Political Methods (Non-Binding) Diplomatic methods give states maximum control over the process and the final outcome. However, because they are political rather than strictly legal, they do not guarantee a settlement will be reached.

Negotiation: Direct, face-to-face discussions between the conflicting states. It is typically the first and most flexible approach. **Mediation:** A neutral third party directly assists the conflicting nations in finding common ground and facilitating communication. The mediator guides the process but does not impose a solution.

Good Offices: An impartial third party or international body provides a venue and basic support for the disputing states to communicate directly, without actively participating in the substance of the talks **Conciliation:** A commission investigates the dispute and proposes formal terms of settlement. While more formal than mediation, the resulting proposals are still non-binding.

Inquiry (Fact-Finding): Established commissions investigate specific factual disputes to clarify issues, which often prevents misunderstandings from escalating into open conflict.

2. Legal and Adjudicative Methods (Binding)

When diplomatic negotiations stall or when the dispute involves precise interpretations of international law, states may turn to legal frameworks. Unlike diplomatic methods, these result in binding decisions. **Arbitration:** The parties submit their dispute to a designated panel or tribunal. They agree beforehand to abide by the arbitral award.

Judicial Settlement: States submit their cases to established international courts, such as the International Court of Justice (ICJ) the court renders a final, legally binding judgment based on international law.

Review of related literature Diplomacy is the established method by which nations manage their relationships, resolve disputes, and achieve foreign policy goals through dialogue and negotiation, rather than war or violence. Practiced by ambassadors and

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envoys, it serves as the foundation for global security, international trade, and cross-border cooperationDiplomacy and its conduct in international relations has been a subject of controversy. This controversy has arisen in part as a result of the conceptual framework from which the subject is approached It is believed that the concept of diplomacy is applicably tied to the commercial revolution and the rise of independent states in the international system. From Rourke's (2006) account of the origin of diplomacy, the concept of diplomacy dates back centuries before the birth of Jesus Christ. According to him, "historical indicators of negotiations and other diplomatic exchanges date back almost four millennia, and records from what appear to be embassies can be found from as far back as the time of the great Babylonian Emperor, Hammurabi (1792)". There was description of diplomacy in Homer's Iliad, and the Greeks, followed by the Romans, wrote treaties and used ambassadors to negotiate disputes". The seventh century witnessed the rise of the state as the dominant political actor which elevated diplomacy to the current practice. The role professional and international diplomats played in international politics from the treaty of Westphalia (1648) to the Congress of Vienna (1815) on behalf of their respective states also gave impetus to the origin of diplomacy. The common interest in the maintenance of an international equilibrium led to a fundamental reorganization, as well as the consolidation of diplomatic procedures and practices modern diplomacy was revived by international economics as the new industrial powers competed for spheres of influence in developing parts of the world in order to source for cheap raw materials for the industries that sprang up in Europe and America as a result of the industrial revolution. Corroborating Okoro's assertion, Rourke (2006) argues that "despite many links to the past, diplomacy has also changed drastically because of the evolving context of world politics". Rourke however argues that even though the early twentieth century serves as a benchmark in the transition to modern-era diplomacy, in this evolving new context, the "old diplomacy" did not vanish, but it changed drastically.

"The eclipse of colonialism, the advances in travel and communications, the spread of democracy and other factors have all played a role in changing the context of diplomacy". Modern diplomacy which promoted the pursuit of, and advancement of national interests by states, arising from the impetus of the industrial revolution, called for more systematic and business-like instruments than classical diplomacy appeared to offer. (Rourke, 2006). This has given rise to some limits on the impact of the International Court of Justice. One of these limits is the lack of enforcement of its decisions. All states' courts rely heavily on the willingness of those within their jurisdiction to comply voluntarily or, when that fails, on a powerful executive branch to enforce court decisions. States' domestic courts are supported by the executive branch which has the power to enforce the decisions of these courts. By contrast, countries are often reluctant to enforce the decisions of the International Court of Justice, and the UN Secretariat which is the ICJ executive branch, does not have the authority to enforce ICJ rulings. This allows countries to sometimes ignore the rulings of the ICJ. In other words, member-states of the United Nations have refused to accept the compulsory jurisdiction of the International Court of Justice (ICJ). Considering these limitations on the effectiveness of the ICJ, one may be tempted to write off the court as having little more than a symbolic value.

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Such a judgement, according to Rourke (2006) would be in error. He argues that the rulings of the ICJ help define and advance international law. The Court's handling of disputes gives countries a way, short of war, to settle such disputes once diplomacy has failed.

Functions of Diplomacy in International Relations The functions of diplomacy in international relations are carried out by diplomats. Generally, diplomats are saddled with the responsibility of maintaining stable and functional relations with as many foreign governments as possible and to resolve interstate differences without recourse to force (Hook, 2005). "Diplomats posted overseas also serve as the 'eyes and ears' of their governments, providing leaders at home with timely and firsthand information about developments in host countries" (Hook, 2005). According to Article 3 of the Vienna Convention of 1961 on diplomatic relations, the functions of diplomatic mission consist the following:

a. representing the sending state in the receiving state.

b. Protecting in the receiving state, the interest of the sending state, and of its nationals within the limits permitted by international law.

c. negotiating with the governments of the receiving state on behalf of the sending state. To ascertain by all lawful means, conditions and developments in the receiving state and reporting thereon to the government of the sending state.

d. Promoting friendly relations between the sending state and the receiving state and developing their economic, cultural and scientific relations. Another functions of diplomacy are

Representative: representing national interest abroad.

Negotiation: Negotiating agreements and treaties.

Conflict resolution: Resolving disputes peacefully.

Cooperation Promotion: fostering cooperation on global issuers. Contemporary ADR promotes the use of diplomatic-political, traditional, national and international dispute settlement procedures such as negotiation, mediation, conciliation, and arbitration. Though it is not always successful, states use negotiation to solve even contentious issues due to its effectiveness (Gross, 1988).

Direct diplomatic negotiations are the most important and most common means to settle international disputes; negotiation is the method of settling disputes among parties by compromising to the agreement and avoiding conflicts and arguments (Alhashemi, 2022).

Adjovu (2022) believed that negotiation is a critical skill needed in international politics; it is the primary function of diplomacy in international relations. Mediation and conciliation are ADR methods used to settle disputes outside the court.

Both methods appoint a neutral third party to help parties reach an agreement in their negotiation process; however, while the mediator assists the parties in reaching their agreement, the conciliator's duty is to persuade them to reach an agreement.

Cornell Law School (2023) defined mediation as an ADR method with a neutral person that helps the parties to find a solution to their dispute; it is less rigid than litigation and arbitration and allows for creative techniques that would not be

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acceptable in other settings (for instance, a mediator can speak ex parte with each side to find mutually acceptable solutions that might not otherwise emerge). Conciliation refers to the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the Assistant Secretary while negotiation is the process of parties bargaining in an attempt to reach an agreement or an out-of-court settlement. Arbitration refers to an ADR method where the parties in dispute agree to have their case heard by a qualified arbitrator out of court Online Dispute Resolution (ODR) is a form of contemporary ADR that is gradually gaining momentum among scholars, judicial officers and practitioners across the Globe; according to the United Nations (2016), ODR is a viable solution to the lack of access to effective justice. ODR evolved from the synergy between ADR and Information Communication Technology (ICT) as a method for resolving disputes that were arising online, and for which traditional means of dispute resolution were inefficient or unavailable (Katsh& Rifkin, 2001; Lodder, 2006). ODR also involves programs or systems offered by private enterprises, non-profit organizations, governments, or a combination of these (Salter, 2017). ODR is a form of dispute resolution which uses technology to facilitate the resolution of disputes between parties; it primarily involves negotiation, mediation, arbitration, or a combination of all three. However, Richard Susskind (2020) while trying to differentiate between Online ADR (OADR) and ODR, argued that adding Zoom to ADR mechanisms or the current court system does not equate to sufficiently capitalizing on all that technology has to offer beyond online communication. APEC (2023) on their part, argued that advanced technologies such as Artificial Intelligence (AI) and machine learning, which are an integral component of ODR, remain largely untapped by ADR providers and the justice system. Haloush (2008) defined online alternative dispute resolution (OADR), or ADR online as the use of internet technology, wholly or partially, as a medium by which to conduct the proceedings of Alternative Dispute Resolution (ADR), to resolve commercial disputes which arise from the use of the internet. Those proceedings are operated by neutral private bodies under published rules of procedure.

ODR programs refer to the new menu of processes for dispute resolution and litigation offered online by courts (Ebner & Greenberg, 2020). ODR programs are getting more integrated into the menu of court offerings as a means of dealing with the justice crisis and as a system for cost-effective and efficient resolution of legal disputes (Shmitz, 2010; Katsh& Rabinovich-Einy, 2017). Unlike previous court-connected alternatives to litigation, ODR is a disruptive intervention that revolutionizes the court's delivery of justice and recalibrates the justice expectations of courts, litigants and lawyers (Condlin, 2017; CIV. JUST. COUNCIL, 2015). ODR can also be viewed as a wide field which may be applied to a range of disputes; from interpersonal disputes including consumer to consumer disputes or marital separation; to court disputes and interstate conflicts (NCTDR, 2023). Though courts are beginning to experiment and integrate ODR into their judicial procedures, and legal frameworks are created to function as basis for ODR cases, ODR as a method of dispute settlement still remains mainly applied and used in the cyberspace (Resolution Systems Institute, 2023; Leahu, 2020) International Diplomacy is a means of carrying on the business of international society through negotiation, communication and

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representation (Clinton, 2016) or a non-violent approach to managing international relations that relies principally upon dialogue to make effective two-way communications, negotiations, and compromises (Opeoluwa, 2017). International diplomacy can be linked to new diplomacy which refers to international relations in which citizens play a greater role (Pachios, 2002); new diplomacy addresses a broad range of issues such as human rights (for instance, the campaign to end South African apartheid and the Save Darfur campaign), humanitarian assistance, labour rights, environmental issues, and fair trade (Moomaw, 2007). International diplomacy can refer both to diplomacy between and among states and related actors and diplomacy at an international level (Yorke, 2020); it is mostly concerned with global issues such as war and peace; security, the environment, economics, international development, global health, migration, and human security (Bjola& Kornprobst, 2018).

GI Global (2023) described sustainable peace as 'existing in a state where the probability of using destructive conflict, oppression, and violence to solve problems is so low that it does not enter into any party's strategy, while the probability of using cooperation, dialogue, and collaborative problem solving to promote social justice and wellbeing is so high that it governs social organization and life.' IPI (2017) described sustaining peace as an explicit and deliberate policy objective for all states, regardless of whether they are beset by violent conflict; sustaining peace is underpinned by an infrastructure composed of institutions, norms, attitudes, and capacities spanning different sectors and levels of social organization. It is also an endogenous process which requires strong and inclusive national ownership and leadership; it is multi-sectorial and all-encompassing, amounting to a meta-policy deserving of attention at the highest levels of national government. According to the United Nations (2016), sustaining peace encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict; addressing root causes; assisting parties to conflict to end hostilities; ensuring national reconciliation; and moving towards recovery, reconstruction and development. The functions of diplomacy in international relations as performed by the diplomats which are in accordance with the provisions of the Vienna Convention as outlined above are further expatiated below. The diplomat provides some of the basic and vital information on which his government base its policy decisions. Modern means of communication allows his government to make him a full partner in the decision-making process of his government, especially as it relates to foreign policy. The major and primary function of diplomacy in international relations through the diplomat is representation. The diplomat represents his state in the totality of international relations. The diplomat representing his home country in another country, represents both the person and the power of his Head of State. He is given almost the same privileges and immunities that are normally given to visiting Heads of State. "In the eyes of many citizens of the country in which he is stationed, he is the country he represents, and that country is judged according to the personal impression he makes" (Onuoha, 2008). It is the responsibility of the diplomat to represent his country and its interest. He is the symbol and exemplification of the government of his country. The diplomat also conducts negotiations with the receiving government. In this regard, he is to act within the limits of the policy of his government, regardless of his role in shaping the policy. The subject of negotiation, which in a nutshell is the search

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for solutions by way of peaceful arrangements can range from treaty to other less important political, economic, technical or cultural agreements to resolution of disputes and other bilateral agreements. Another important function of the diplomat is the provision of information to his sending and receiving countries respectively. Since information is part of the important raw materials for foreign policy formulation, diplomats are to ensure that their sending states receive frank, adequate and precise information about their receiving state. This aspect of the diplomat's function does not stop at just gathering information, they have to assess and analyses whatever information they receive.

Dispute Resolution Through Diplomacy

There are two basic methods employed by states through diplomacy to settle disputes. Dyke (1973) classified these methods as amicable and non-amicable. He further divided the amicable into those that are political which involves negotiations, and those that are judicial, involving arbitration and adjudication. According to him, the principal distinction between political and judicial methods is that in political method, negotiations do not imply an obligation to reach a settlement, whereas resort to judicial procedures implies an obligation to accept an award or decision as binding. Under political method, negotiations proceed on the tacit assumption that the parties have a common interest of some sort. Each party responds to the view that by negotiating it may be able to gain more, or to lose less, than by refusing to negotiate. At the same time, the parties are very likely to have conflicting interests, or conflicting ideas about how a common interest can best be served. The relative prominence of the common and conflicting interests varies greatly in different situations. Where the common interests are dominant, the negotiators face the problem of developing terms that maximize the gains of all parties. Where the conflicting interests are dominant, one side will be seeking to maximize its gains and the other side to minimize its losses. Negotiations are often facilitated by the use of third party. Third party involves, good offices, mediation and conciliation. The third party may be a government that is not directly involved in the dispute, or several governments acting jointly, or an international agency like the Security Council of the United Nations. The third party may provide good offices or mediation, or it may engage in an investigation of the facts or in conciliation .Adjudication, which is an old method of settling international disputes, is the second of the judicial methods of dispute resolution. This judicial method developed on a significant scale only after the First World War. Under this method, a Permanent Court of International Justice was established, which was succeeded after the Second World War by the International Court of Justice which is a principal organ of the United Nations. Membership of the United Nations automatically involves adherence to the statute of the court. The International Court of Justice settles disputes between nations. International Court of Justice as an International Adjudicator The International Court of Justice is principal judicial organ of the United Nations, which was established to adjudicate disputes brought before it by states in the international system. The Court consists of fifteen judges who are elected for nine-year terms by the concurrent action of the Security Council and the General Assembly. The traditional home of the International Court of Justice is at The Hague in Netherlands, even though New York is the headquarters of the United Nations. All the members of the United Nations are automatically members of the International Court of Justice. The Court is charged with two basic responsibilities.

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First, it must exercise jurisdiction over cases submitted to it by member states. Secondly, the court may render advisory opinions to the General Assembly, or to the Security Council upon request .The Optional Clause is an article in the Statute of the Court. It is optional in the sense that states accepting the rest of the Statute may choose whether or not to be bound by this particular provision. "Although all UN member-countries are technically parties to the ICJ statute, they must also sign the so-called optional clause agreeing to be subject to the compulsory jurisdiction of the ICJ. About two-thirds of all countries have not done so, and others that once were adherents to the Optional Clause have withdrawn their consent" (Rourke, 2006). This has given rise to some limits on the impact of the International Court of Justice. One of these limits is the lack of enforcement of its decisions. All states' courts rely heavily on the willingness of those within their jurisdiction to comply voluntarily or, when that fails, on a powerful executive branch to enforce court decisions. States' domestic courts are supported by the executive branch which has the power to enforce the decisions of these courts. By contrast, countries are often reluctant to enforce the decisions of the International Court of Justice, and the UN Secretariat which is the ICJ executive branch, does not have the authority to enforce ICJ rulings. This allows countries to sometimes ignore the rulings of the ICJ. In other words, member-states of the United Nations have refused to accept the compulsory jurisdiction of the International Court of Justice (ICJ). Considering these limitations on the effectiveness of the ICJ, one may be tempted to write off the court as having little more than a symbolic value. Such a judgment, according to Rourke (2006) would be in error. He argues that the rulings of the ICJ help define and advance international law. The Court's handling of disputes gives countries a way, short of war, to settle such disputes once diplomacy has failed. The International Court of Justice advisory opinions also help resolve issues between International Government Organizations (IGOs) and also helps in establishing international law. In separate actions, the UN General Assembly and the World Health Organization each asked the ICJ to rule on the legality of using nuclear weapons. The court ruled in 1996 that "the threat or use of nuclear weapons would generally be contrary to the rule of international law applicable in armed conflict". It however, went on to say that it was unable to "conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defense, in which the very survival of a state would be at stake.

Liberalism: is a political and economic ideology that emphasis individual freedom, equality; and the protection of human rights. Liberalism seeks to balance individual freedom with social responsibility, promoting a society where individual can thrive and contribute. Liberalism offer a strikingly different response. It argues that conflict is a problem to be solved, not a destiny to be accepted, and that human reason, economic ties, democratic institutions and international cooperation can steadily shrink the role of violence in the world polities. This post unpacks the major liberal approaches to conflict resolution, how they differ from one another and why and why they collectively reject the idea that war is necessary tool of state crafts.

Method of Data collection

The study relies exclusively on secondary data obtained from a wide range of credible sources, which include textbooks, peer-reviewed journal articles, academic dissertations, conference papers,

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government publications, newspapers, policy documents, and publications from local and international organizations.

CONCLUSION

Diplomacy stands out as a peaceful means by which states conduct their foreign policy in the international system. In pursuing their national interest, states employ diplomacy as an important method of achieving such interests. By means of diplomacy, they negotiate with one another and coordinate political and socio-economic policies that will promote their power and welfare of their citizens. Apart from its role in the maintenance of stable and functional relations among governments of states in the international system, diplomacy has been a useful instrument of resolving disputes among states without recourse to force. The functions of diplomacy in international relations are performed by diplomats in Representation of the sending state in the receiving state protecting in the receiving state, the interest of the sending state, and of its nationals within the limits permitted by international law. Negotiating with the governments of the receiving state on behalf of the sending state. To ascertain by all lawful means conditions and developments in the receiving state and reporting thereon to the government of the sending state. Promoting friendly relations between the sending state and the receiving state and developing their economic, cultural and scientific relations .Diplomacy has always applied two methods in the resolution of disputes. These are political method and judicial method. While the political method embraces negotiation, the judicial method has to do with arbitration and adjudication in settling disputes between states. The International Court of Justice is a principal organ of the United Nations Organization (UNO) that settles disputes between states through adjudication. The court's jurisdiction over contentious cases between states is only with the consent of the states involved.

Recommendations

- Promote Early Intervention: States and international organizations should address disputes at an early, stage before they escalate in to violent conflict. Early mediation and dialogue can prevent misunderstandings and reduce tensions.
- Strengthen mediation mechanisms: international bodies such as United Nations, African Union, and regional organizations should enhance their mediation capacities. Neutral and credible mediators should be appointed to facilitate peaceful settlements. Requires building structural resilience, ensuring strict mediator impartiality, and aligning processes with local and international law. Whether in local, corporate, or international contexts, effective mediation relies on standardized preparation, trust-building, and robust resources to ensure that the process remains voluntary, cost-effective, and empowering for all parties.
- Encourage continuous dialogue: regular communication channels should be maintained between conflicting parties. Dialogue helps build trust, improve understanding, and reduce hostility. Keep conversations open, safe, and engaging by asking **open-ended questions**, practicing **active listening,** and showing **genuine curiosity**. This builds trust, moves exchanges beyond simple yes-or-no answers, and turns monologues into collaborative discussions
- Utilize international law: Dispute should be resolved in accordance with international law and established legal frame works. Respect treaties and

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international norms promotes stability and predictability. To resolve a cross-border, diplomatic, or human rights issue requires navigating a complex web of treaties, customary norms, and international tribunals. Depending on the issue, different mechanisms and courts are designed to hold state or non-state actors accountable.

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