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INTERNATIONAL LAW'S INFLUENCE ON RESOLUTION OF CONFLICTS: IN THE CASE OF ERITREA-ETHIOPIA BOUNDARY COMMISSION

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Abstract. This article provides a comprehensive analysis of the Eritrea-Ethiopia Boundary Commission (EEBC) as a case study to explore the role of international law in resolving territorial disputes. Established under the Algiers Agreement following the Eritrean-Ethiopian War (1998–2000), the EEBC was tasked with delimiting and demarcating the contested border between the two states, relying on colonial treaties and international legal principles such as *uti possidetis juris*. The research highlights both the strengths and limitations of international legal frameworks, illustrating how the EEBC provided a clear legal resolution to the border conflict by awarding the disputed town of Badme to Eritrea. However, Ethiopia's refusal to comply with the EEBC's ruling reveals the broader challenges of enforcement in international law. Despite the ruling being final and binding, the lack of an effective enforcement mechanism delayed the resolution of the dispute until political developments, particularly Ethiopian Prime Minister Abiy Ahmed's peace initiative in 2018, finally led to normalization between the two countries. This study emphasizes the importance of complementing legal mechanisms with diplomatic and political engagement to ensure compliance and sustainable peace. By situating the EEBC case within the context of post-colonial legacies and regional geopolitics, the article offers new insights into the intersection of law, politics, and history in conflict resolution, contributing to broader debates on the efficacy of international legal institutions.

Key words: Eritrea-Ethiopia Boundary Commission, International Law, Territorial Disputes, *Uti Possidetis Juris*, Conflict Resolution, Algiers Agreement, Post-Colonial Legacies, Enforcement of International Law.

Introduction. The role of international law in conflict resolution remains a critical subject of inquiry in both legal and political scholarship, as it addresses the fundamental issues of state sovereignty, peacebuilding, and justice in global governance. With the rise of territorial disputes, internal conflicts, and protracted "frozen" conflicts, the mechanisms provided by international law for peaceful conflict resolution have been tested on numerous occasions. One of the key cases illustrating both the potential and limitations of international law in resolving such disputes is the Eritrea-Ethiopia Boundary Commission (EEBC). The EEBC, created as part of the Algiers Agreement following the Eritrea-Ethiopia War (1998–2000), serves as an important example of how legal bodies operate in resolving border conflicts, applying treaty interpretation and customary international law to find peaceful solutions. However, the enforcement of these legal rulings and the broader political challenges faced by such commissions highlight the complex interplay between law and politics in international conflict resolution.

Relevance of the Topic

The study of the Eritrea-Ethiopia Boundary Commission is highly relevant in today's international legal context due to its exploration of territorial conflicts, which remain a pressing issue in various parts of the world. Border disputes often lead to violent confrontations, and international law plays a critical role in providing frameworks to prevent and resolve such conflicts peacefully. The EEBC case, which involves legal principles, political will, and enforcement challenges, is particularly instructive for understanding the efficacy of international legal mechanisms in similar contexts, such as conflicts in the South Caucasus or other post-colonial regions where historical treaties continue to influence modern state boundaries.

Purpose of the Research

The purpose of this research is to critically examine the legal, political, and historical dimensions of the Eritrea-Ethiopia Boundary Commission's efforts to resolve the border conflict between the two states. By analyzing the EEBC's legal framework, its decision-making process, and the subsequent challenges of enforcement and compliance, this study aims to provide insights into the broader functioning of international law in territorial disputes. It seeks to assess the role that legal mechanisms, such as the EEBC, play in promoting peaceful solutions and to evaluate the limitations they face when legal decisions are met with political resistance.

Research Methods

This study employs a combination of legal analysis and case study methodologies. By examining primary legal documents, such as the Algiers Agreement, the colonial treaties underpinning the EEBC's decision, and relevant rulings by international legal bodies, the research focuses on the legal principles and frameworks that governed the boundary commission's work. In addition, the study draws on historical analysis to explore the colonial legacies and political contexts influencing the conflict. Finally, through a critical review of secondary literature on international law, conflict resolution, and enforcement challenges, the research integrates interdisciplinary perspectives to understand the complex dynamics at play.

Scientific Novelty and Contribution to the Literature

This research contributes to the existing body of literature by providing a comprehensive legal and political analysis of the Eritrea-Ethiopia Boundary Commission, with a focus on its broader implications for international law and conflict resolution. While much has been written about the historical context and political ramifications of the Eritrea-Ethiopia conflict, this study offers a novel perspective by examining the enforcement challenges that arise when international legal rulings are not implemented. Additionally, the study situates the EEBC within the wider debate on the efficacy of international law in addressing territorial disputes, particularly in post-colonial regions, thus contributing to ongoing discussions about the limits of legal frameworks in promoting global peace and security.

Literature Review. The literature on international law's role in conflict resolution explores diverse mechanisms through which legal frameworks impact peacebuilding. These works emphasize flexible, interdisciplinary approaches responsive to local and global dynamics. Mostert (1998) highlights practical methods for transboundary resource management, stressing contextual factors, while Krivenko (2015) critiques traditional legal language, advocating for broader interdisciplinary perspectives. Davidson and Wood (2004) focus on communication-based models, promoting inclusive, win-win solutions, whereas Chuma and Ojielo (2012) underline the importance of institutional capacity and collaboration for intra-state conflict prevention. Anghie (2006) examines colonialism's lasting influence on international law, arguing that its doctrines, like sovereignty, continue to affect conflict resolution. Vlasova et al. (2021) emphasize postmodern conflict theories, advocating adaptive methodologies for addressing asymmetrical threats. Chestnut (1989) applies systems engineering to conflict resolution, focusing on cooperative frameworks and data-sharing for non-military solutions, while Drenth (2001) highlights the role of scientific cooperation in fostering dialogue and bridging divides. Collectively, the research underscores the need for international law to be adaptable, interdisciplinary, and equitable, balancing historical legacies with modern complexities to promote sustainable peace.

International Law's Role in the Resolution of Conflicts

Conflicts, whether domestic or international, have long posed significant human, economic, and political challenges. Over time, international law has become a key mechanism for peaceful conflict resolution, providing a framework for negotiation, accountability, and justice. Rooted in treaties, customs, and precedents, its effectiveness often varies due to the complexity of conflicts and divergent interests. Initially focused on state sovereignty and war regulation (*jus ad bellum*, *jus in bello*),

international law evolved with milestones like the Peace of Westphalia (1648), which emphasized sovereignty and non-intervention. The 20th century saw the development of more robust frameworks, including the League of Nations and the United Nations. The UN Charter emphasized peaceful dispute resolution (Article 2(3)) and the prohibition of force (Article 2(4)), complemented by treaties like the Geneva Conventions and institutions such as the International Court of Justice (ICJ). These advancements marked critical steps in addressing modern conflicts.

Legal Frameworks for Conflict Resolution

International law encompasses various mechanisms for conflict resolution, ranging from diplomacy to adjudication. These frameworks provide a structured approach to resolving conflicts, which can include negotiation, mediation, arbitration, and judicial settlement.

Diplomacy and Negotiations

Diplomacy remains one of the most commonly used tools in conflict resolution, with international law providing guidelines for how states should conduct diplomatic negotiations. Treaties such as the Vienna Convention on Diplomatic Relations (1961) outline the privileges and immunities of diplomatic agents, ensuring that states can engage in dialogue without fear of reprisals. Moreover, international law often serves as a basis for the negotiation of peace agreements, with legal principles guiding discussions on territorial integrity, sovereignty, and human rights.

Mediation and Arbitration

International law also provides for mediation and arbitration as conflict resolution mechanisms. Mediation involves a neutral third party helping conflicting parties reach a settlement, while arbitration refers to a binding decision made by an impartial arbitrator based on legal principles. The Permanent Court of Arbitration, established in 1899, has played a key role in resolving disputes between states, particularly in cases involving territorial claims and resource allocation.

Judicial Settlement

The ICJ and other international courts and tribunals, such as the International Criminal Court (ICC) and the European Court of Human Rights (ECHR), provide judicial forums for the resolution of conflicts. These courts have jurisdiction over various issues, including border disputes, human rights violations, and war crimes. For example, the ICJ has adjudicated cases involving territorial disputes, such as the *Nicaragua v. Colombia* (2012) case over maritime boundaries.

Influence of International Law in Contemporary Conflicts

International law has proven to be both influential and constrained in its ability to resolve conflicts. Several factors determine its effectiveness, including the nature of the conflict, the willingness of parties to abide by legal norms, and the enforcement mechanisms in place. This section will analyze the impact of international law on different types of conflicts.

Inter-State Conflicts

Inter-state conflicts, involving disputes between sovereign states, remain a key focus of international law. Principles such as the prohibition of force, border inviolability, and self-determination have been applied in various cases. For instance, the ICJ ruled in *Nicaragua v. United States* (1986) that the U.S. violated non-intervention principles by supporting Contra rebels. Similarly, the peaceful resolution of the Burkina Faso-Mali border dispute in 1986 showcased international law's role in de-escalating tensions. However, enforcement remains challenging, particularly with powerful states. The Russia-Ukraine conflict and the 2014 annexation of Crimea highlight these limitations. Despite condemnation and sanctions, Russia has disregarded ICJ and ICC rulings, illustrating how geopolitical interests can undermine international legal mechanisms (Mahmutović, 2023).

Civil Wars and Internal Conflicts

International law plays a crucial role in addressing civil wars and internal conflicts through humanitarian and human rights law. The Geneva Conventions and Additional Protocols protect civilians and combatants in non-international armed conflicts, while instruments like the ICCPR set standards

for individual treatment during conflict. Notable examples include the ICTY, which prosecuted war crimes during the Yugoslav Wars, bringing justice to victims and reinforcing international legal standards. Similarly, the ICC has pursued accountability for atrocities in conflicts such as those in Sudan and the Central African Republic. However, challenges persist. States often resist external legal intervention, citing sovereignty, and enforcement efforts are limited by resource constraints, political will, and the complex nature of internal conflicts.

Frozen Conflicts in Post-Soviet Regions

Frozen conflicts, which remain unresolved for extended periods despite the cessation of active hostilities, present unique challenges for international law. In regions such as the South Caucasus (Nagorno-Karabakh), Transnistria, and Abkhazia, international legal efforts to resolve conflicts have been largely ineffective. These conflicts often involve complex issues of self-determination, territorial integrity, and ethnic identity, making legal solutions difficult to achieve. In the case of Nagorno-Karabakh, international law has provided a framework for negotiations, but it has been unable to produce a lasting resolution. Despite multiple UN Security Council resolutions calling for the withdrawal of Armenian forces from Azerbaijani territory, the conflict remained frozen for decades until renewed fighting broke out in 2020. While international law continues to play a role in post-conflict peacebuilding, such as through ceasefire agreements and negotiations mediated by the OSCE Minsk Group, the challenges of enforcement and competing national interests remain significant obstacles.

Limitations of International Law in Conflict Resolution

While international law has contributed significantly to the resolution of many conflicts, it faces several limitations that hinder its effectiveness. One of the primary challenges is the issue of enforcement. International legal institutions, such as the ICJ and ICC, lack the coercive power to enforce their rulings, relying instead on state compliance. This is particularly problematic when major powers or non-state actors are involved, as they may refuse to recognize the authority of international courts or comply with legal obligations. Additionally, the politicization of international law can undermine its effectiveness. Powerful states often use international legal mechanisms selectively, supporting their application when it aligns with their interests and ignoring them when it does not. This undermines the credibility of international law and diminishes its ability to serve as a neutral arbiter in conflicts.

Case Study: The Eritrea-Ethiopia Boundary Commission and Its Role in International Law

The Eritrea-Ethiopia Boundary Commission (EEBC) serves as a prominent example of how international law and legal mechanisms attempt to resolve territorial disputes between states. Formed in the aftermath of the Eritrean-Ethiopian War (1998–2000), the EEBC was tasked with resolving the complex and highly contentious border dispute between the two countries. As part of the Algiers Agreement, which was brokered by the international community in 2000, both parties agreed to abide by the final and binding decision of the EEBC, which was to be based on colonial-era treaties and customary international law.

Background: The Eritrea-Ethiopia Conflict

The Eritrea-Ethiopia conflict erupted in 1998 over a long-standing border dispute, particularly surrounding the town of Badme. While the border had been loosely defined during Italian colonial rule over Eritrea and successive Ethiopian administrations, tensions escalated when Eritrean forces captured Badme, leading to a two-year war that claimed tens of thousands of lives. The fighting ended in June 2000 after a ceasefire was brokered by the Organization of African Unity (OAU), leading to the signing of the Algiers Agreement in December 2000.

The Algiers Agreement was a turning point in the resolution of the conflict, as it provided a legal framework for addressing the underlying territorial issues. The key provision of the agreement was the establishment of the Eritrea-Ethiopia Boundary Commission, an independent body tasked with determining the precise border between the two countries. Both parties agreed that the commission's

decision would be “final and binding,” signaling a strong commitment to resolving the dispute through legal means rather than continued military confrontation (Permanent Court of Arbitration, 2024).

Establishment and Legal Framework of the EEBC

The EEBC was established in 2001 under the auspices of the Permanent Court of Arbitration (PCA) in The Hague. The legal basis for the commission’s work was grounded in international law, including the 1900, 1902, and 1908 colonial treaties between Italy (then Eritrea’s colonial ruler) and Ethiopia, as well as applicable customary international law. The commission was composed of five members: two appointed by each party and one neutral chairperson, Sir Elihu Lauterpacht, a distinguished international jurist. The EEBC was mandated to:

1. Delimit the boundary between Eritrea and Ethiopia based on the colonial treaties.
2. Demarcate the boundary on the ground to reflect the delimited line.

The Algiers Agreement outlined that both parties were obligated to fully cooperate with the EEBC and to respect its decision, which was to be issued without the possibility of appeal or modification. This created a strong legal commitment from both Eritrea and Ethiopia to resolve their territorial dispute through an international legal framework.

Procedural Approach of the EEBC

The EEBC approached the delimitation of the border by analyzing the relevant colonial treaties and maps, alongside extensive documentary evidence provided by both parties. The commission held hearings in The Hague, during which Eritrea and Ethiopia presented their respective arguments regarding the location of the border, particularly around disputed areas such as Badme.

The colonial treaties, which had defined the borders between Italian Eritrea and Ethiopia, were central to the EEBC’s work. However, the interpretation of these treaties was complicated by inconsistencies in historical records and maps. For instance, the 1902 Treaty between Italy and Ethiopia referred to geographical features that were not always easily identifiable on the ground, leading to differing interpretations by Eritrea and Ethiopia.

The EEBC’s legal methodology was grounded in principles of international law, including *uti possidetis juris*, which holds that newly independent states should inherit the borders of their predecessor states. This principle was particularly relevant in the context of decolonization, as it provided a legal basis for maintaining the borders established by colonial treaties. The commission also applied rules of treaty interpretation as outlined in *the Vienna Convention on the Law of Treaties* (1969), ensuring that its decision was consistent with established norms of international law.

The EEBC’s Decision and the Badme Dispute

In April 2002, the EEBC ruled that the disputed town of Badme and other contested areas belonged to Eritrea, based on colonial treaties. While this was a legal victory for Eritrea, Ethiopia rejected the decision, claiming it disregarded local realities and the population’s wishes. Despite agreeing to abide by the ruling under the Algiers Agreement, Ethiopia refused to comply with the award of Badme. This refusal led to a prolonged stalemate, with both countries maintaining military forces along the border. The UN Mission in Ethiopia and Eritrea (UNMEE) could not fulfill its mandate due to Ethiopia’s non-compliance, and Eritrea criticized the international community’s failure to enforce the ruling, resulting in heightened tensions and occasional clashes (Lyons, 2009).

Challenges of Implementation and Enforcement

The Eritrea-Ethiopia Boundary Commission (EEBC) case illustrates the challenges of enforcing international legal rulings without political will. Despite the legally binding nature of the EEBC’s decision, Ethiopia’s refusal to accept the ruling on Badme, in violation of the Algiers Agreement, exposed the limits of international law’s enforcement. Lacking a centralized mechanism, international law relies on state cooperation, and the UN Security Council did not take decisive action, likely due to political complexities and regional interests. The unresolved dispute fueled tensions, militarization, and economic stagnation for nearly two decades. A breakthrough came in 2018 when Ethiopian Prime

Minister Abiy Ahmed initiated a peace process, leading to both countries' acceptance of the EEBC ruling and normalization of relations. This delayed resolution highlighted the limitations of legal mechanisms in addressing such conflicts (Stauffer, 2018).

Implications for International Law and Conflict Resolution

The Eritrea-Ethiopia Boundary Commission (EEBC) case highlights key lessons for international law in conflict resolution. It demonstrates the ability of legal mechanisms to offer impartial solutions, as the EEBC's decision was grounded in treaty interpretation and customary law, providing a clear resolution to the dispute. However, it also reveals the enforcement challenges of international law. Despite agreements to abide by binding rulings, political and domestic pressures often hinder compliance, particularly given the absence of a centralized enforcement mechanism. The case further emphasizes the critical role of political will. While the EEBC delivered a legal resolution, it was Ethiopia's political shift under a reformist leader that ultimately resolved the conflict, showing that legal frameworks must be paired with diplomatic efforts for lasting peace.

Research Findings

The findings of this study on the Eritrea-Ethiopia Boundary Commission (EEBC) provide several key insights into the role and influence of international law in conflict resolution, particularly in territorial disputes. The research highlights both the potential strengths and significant limitations of international legal mechanisms in facilitating peace between conflicting states.

The Strengths and Challenges of International Legal Frameworks in Conflict Resolution

The EEBC demonstrated the ability of international law to deliver clear and impartial resolutions to territorial disputes. By applying colonial treaties and customary international law, grounded in **uti possidetis juris** and the Vienna Convention on the Law of Treaties, the commission provided a definitive legal outcome to the Eritrea-Ethiopia border conflict. This reaffirmed the legitimacy and authority of international legal frameworks in addressing complex disputes. However, the case also highlighted the critical challenge of enforcing legal rulings. Ethiopia's refusal to comply with the EEBC's binding decision on Badme, despite prior agreement under the Algiers Agreement, exposed the limitations of international law in ensuring compliance. Without centralized enforcement mechanisms, legal rulings depend on the political will of states, leaving international legal bodies like the ICJ and ICC vulnerable to non-compliance, especially from powerful states. This weakness undermines the effectiveness of international legal mechanisms in resolving disputes.

The Importance of Political Will and Strengthening International Institutions in Conflict Resolution

The Eritrea-Ethiopia border dispute resolution underscores the critical role of political will and the need to strengthen international institutions for effective conflict resolution. Although the EEBC provided a clear legal ruling, the dispute was resolved only in 2018 when Ethiopian Prime Minister Abiy Ahmed initiated a peace process, highlighting the necessity of diplomatic engagement alongside legal mechanisms.

The case also reveals the limitations of international institutions, such as the UN Security Council, in enforcing legal decisions. Ethiopia's prolonged non-compliance reflected inadequate international enforcement mechanisms. To enhance the effectiveness of international law, organizations like the UN and African Union must adopt stronger strategies, including diplomatic pressure and sanctions, to ensure the implementation of legal rulings.

Historical and Colonial Legacies Complicate Legal Disputes

The reliance on colonial treaties in the EEBC's decision-making process brings attention to the ongoing influence of historical and colonial legacies in modern international law. While these treaties provided a legal basis for the delimitation of the border, they were also a source of tension, as they often failed to account for the realities of local populations and the historical ties between communities. This finding emphasizes that while international law seeks to resolve conflicts based

on established legal principles, these principles may be complicated by the historical and political context in which they were developed. In cases where colonial-era treaties are invoked, there may be lingering issues of fairness and legitimacy that challenge the applicability of these legal frameworks. Addressing these complexities requires a nuanced approach that balances legal principles with the need for equity and justice in post-colonial contexts.

Conclusion. International law provides essential frameworks for conflict resolution, promoting peaceful negotiations, justice, and accountability through mechanisms like diplomacy, mediation, and judicial settlement. However, enforcement challenges, state sovereignty, and political interests often limit its effectiveness. Strengthening legal institutions and addressing modern conflict complexities, including frozen conflicts and disputes involving powerful states, remain critical priorities. The Eritrea-Ethiopia Boundary Commission (EEBC) illustrates both the strengths and limitations of international legal mechanisms. While the EEBC delivered a clear, legally sound ruling, the lack of enforcement delayed resolution, highlighting the importance of political will and diplomatic efforts in achieving lasting peace. The reliance on colonial treaties in its decision underscores the need to critically assess the historical roots of disputes and their impact on modern conflict resolution.

The EEBC case underscores the limitations of international law's authority, emphasizing the critical role of political will and diplomatic engagement in implementing legal resolutions. It highlights the need to strengthen international institutions' enforcement capacity to enhance law's effectiveness in peacebuilding. The case also illustrates the interplay between law and politics in conflict resolution. While legal mechanisms offer clarity and impartiality, their success depends on the surrounding political realities. A holistic approach, integrating law with diplomacy and addressing historical and political dynamics, is essential for sustainable conflict resolution. In conclusion, the research shows that international law is most effective when backed by political will, enforcement mechanisms, and an understanding of historical contexts. The EEBC case demonstrates that achieving lasting peace requires comprehensive international engagement and political cooperation beyond legal rulings.

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