# Organizing Peace:
## An Algorithmic Analysis of Four Centuries of International Law and the Decline of War

A dissertation presented by

**Justin K. Haner**

To the Department of Political Science

In partial fulfillment of the requirements for the degree of

Doctor of Philosophy

In the field of

Political Science

Northeastern University
Boston, Massachusetts
November 2023

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**Abstract:**

There are more than 200 million words of agreement that collectively give form to the international system, organize relations between states, and which cumulatively, and ever more closely, bind its peoples together. Over the last four centuries, these words have been negotiated, debated, challenged, refuted, clarified, and made legally and mutually understandable before becoming formally enshrined in one of the 79,287 international treaties signed during this period. Simultaneously, and despite some notable exceptions, the world has become an increasingly peaceful and cooperative place, with interstate warfare declining gradually around the world and then rapidly after 1945. This project seeks to better understand why this global paradigmatic transformation has occurred and how it has been affected by the negotiation, signing, and implementation of tens of thousands of international treaties over time.

Many existing studies have difficulty in explaining long-term change and either tend to assume that war is inevitable due to the supposedly immutable condition of anarchy, emphasize developments that have occurred too recently to explain the longer-term trends, or focus on a small subset of the most important multilateral treaties in history to the relative exclusion of all the important treatymaking effects and gradual changes that happen at every stage in between. Explanations for why interstate wars are so infrequent today, when they were a major and widely accepted instrument of foreign policy throughout most of history, have been stymied by our inability to fully appreciate and meaningfully incorporate the complex expanding totality of international law over time and its cumulative pacific effects on international relations.

This project was able to overcome these challenges by leveraging artificial intelligence, new data, and machine-learning algorithms, to systematically analyze and visualize four centuries worth of international treaties, and to provide significant new contributions to our understanding

of how the international system has become more organized and peaceful over time. Using computational treaty analysis, each agreement was classified by topic, signatories, and a variety of additional metrics to measure absolute and relative changes in the formal, legal aspects of the international system over time, which can now be seen accumulating over the centuries like so many strata preserved in the historical "fossil record" of international relations. By compiling, translating, processing, and visualizing the 79,287 recently digitized treaties signed between 1648 and 2022, this dissertation vividly illustrates the incremental but consistent change in the structure of international order and provides a window into the past regarding what the dominant concerns of international law and relations were over the last four centuries, what they are today, and how they have changed over this period.

This expansive and algorithmically analyzed record of international law chronicles a broad range of formal interstate activity, including international banking, trade, aid, loans, infrastructure, conquest and colonization, wars, peacemaking, diplomacy, arbitration, intergovernmental organizations (IGOs), maritime law, territorial boundaries, alliances, joint military training, nuclear weapons regulation, scientific collaboration, technology transfer, health and sanitation, telecommunications, emergency assistance, and peacekeeping missions. Collectively, 84 different subjects of international affairs were at least partially captured in this international treaty record, and this project allows us to see how they evolved, intersect, and to assess their relative prevalence and chronicity over time on the global scale.

Bolstered by this treaty data, this project advances "organized peace theory", which contends that international peace is a function of international organization and that the long-term decline in warfare is in large part a result of the expanding sense of community, mutual consensus, and the institutionalization of supranational dispute resolution mechanisms that comprise and

sustain the international system. Each of these three factors are connected, and driven to a significant extent, through the negotiation and enduring results of treatymaking. Every treaty signed helps to shape the international system, not just the major post-war agreements between Great Powers. Between each well-known multilateral agreement, thousands of lesser-known and smaller scale agreements are signed that collectively help to build a sense of community, expand consensus, and help institutionalize legal alternatives to war while laying the groundwork for more ambitious agreements to be reached in the future.

Ultimately, this project demonstrates how the expanding body of international law and the cumulative effects of negotiating and implementing tens of thousands of international agreements over the last four centuries has progressively organized the international system and relegated most global competition to trade wars and gray-zone conflicts, rather than the historical norm of open war. Slowly and then suddenly, humanity transitioned from a highly anarchic world of conquest and colonization, with an average of just 19.7 new treaties signed globally each year and 67% of which would only be signed after war was concluded, to one that is much more cooperative, better organized, and that signs an average of 910.4 new treaties every year, half of which now involve a supranational organization, and nearly all of which are peacefully concluded.

**Keywords:** Peace, International Organization, International Structure, International System, International Order, International Law, Treaties, Anarchy, Global Governance, International Security, International Relations, Computational Treaty Analysis, Computational Text Analysis, Machine Learning, Topic Modeling, Algorithm, Decline of War, Armed Conflict, Long Peace, Great Power Conflict, United Nations, History of International Law.

# Acknowledgments

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# Chapter 1: Organizing Peace

"Peace is proclaimed: that is well, that is much. But it still remains necessary to organize it."

- Aristide Briand, French Foreign Minister, Paris, 1928

## Introduction

The prevailing world order is under attack from all sides. The ineptitude and inherent unjustness of its chief security organization, the United Nations Security Council (UNSC), is on full display as Russia, one of its Permanent Five (P5) veto-wielding members, attempts to wipe neighboring Ukraine off the map in a brazen violation of its most basic obligations under international law. From rising tensions in the Taiwan Strait to clashes in Nagorno-Karabakh and Kashmir, war in Tigray, cross-border drone strikes and cyber-attacks, and nationalist forces gaining strength in many parts of the world – it can feel as though we are living through one of the most violent and unstable periods in world history.

However, despite this bleak depiction and the many shortcomings of the United Nations (UN) system, the vast majority of the world is actually experiencing its least violent period in history. Wars between the so-called "Great Powers", or states with the most powerful militaries and the ability to project influence around the world, have historically occurred during 8 out of every 10 years between 1500 and 1815 (Levy, 1983). Yet, Great Power wars have been declining in frequency for at least the last 400 years, and there has not been a direct war fought between the world's most powerful states since 1945 (Brecke, 2001; Goldstein, 1988; Levy, 1982, 1983; Levy & Thompson, 2011; Mueller, 1991; Pinker, 2011; Vayrynen, 2006). While Europeans fought an average of two wars every year from 1400 to 1945, that rate has also been declining for at least the last four centuries and there has not been a single war in Western Europe, and only three in Europe

as a whole, since the end of World War II (Brecke, 2001; Long & Brecke, 2003; Pinker, 2011). No major interstate wars have been fought in South America since 1942, and none in North America since 1916 (Holsti, 2006). Globally, interstate warfare has become dramatically less frequent since the end of World War II (Braumoeller, 2019; Gaddis, 1987; Goldstein, 2012; Mearsheimer, 2013; Mueller, 1991; Pinker, 2011). Territorial conquest declined sharply after 1945 and ended almost altogether by 1975 (Altman, 2020). This "Long Peace" since the establishment of United Nations (UN) has been called "history's greatest nonevent" and its importance is often overlooked, especially in the context of the even longer-term declines in war between European and Great Powers, which are the two groups with best available records (Gaddis, 1987; Mueller, 1991). Even despite the significant setbacks of both World Wars, the overall downward decline of war trendline remains intact (Vayrynen, 2006) and, by some measurements, the 44 most powerful states in the world have not gone to war with one another directly since 1945 (Gaddis, 1987; Mueller, 1991).

The importance of the Long Peace, as well as the long-term decline in European and Great Power wars, becomes even more apparent in historical context. Today, as Morgan (2013) notes "most states, most of the time, are not at war, do not expect to be any time soon, and are not seriously planning for one". The relative peacefulness of the modern era sits in stark contrast to the brutality and violence of even the recent past of the 19th century, in which war was once the dominant mechanism to "resolve" international disputes and territorial conquests averaged 250,000sq kilometers each year (Hathaway & Shapiro, 2017; Howard, 2002).

Many in the West have forgotten just how dangerous and chaotic the world of the past was. While the illegal Russian annexation of Crimea, and the further attempt to seize all of Ukraine, is an important contemporary outlier, it is important to juxtapose this rare event with the fact that use

of military force to seize territory used to be so frequent that an average of 11 Crimea-sized conquests occurred every single year between 1816 and 1928 (Hathaway & Shapiro, 2017). In fact, wars used to be such a common and ubiquitous part of life that brief periods of peace were seen as the aberration (Howard, 2002). Out of all conflict-possible pairings since 1945, just 0.2% of them have gone to war – a rate roughly 45 times less frequent than groups did under conditions much closer to actual anarchy when the majority suffered war at least every other year (Boehm, 2013; Braumoeller, 2019; Divale, 1972; Ember, 1978). By contrast, today there are 36 states, comprising 19% of the UN Member-States, that have no military at all (World Population Review, 2022) and this is something that would have been unimaginable only a few generations ago.

Simultaneously, states around the world have negotiated and signed almost 80 thousand international treaties containing more than 200 million words of mutual agreement over the last four centuries. While treaties are certainly not the only means of organizing relations, they are perhaps the most concrete manifestations of the co-constructed "structures of human association" that collectively shape the international system (Katznelson, 1997; Wendt, 1999). These agreements are no mere "scraps of paper" either, but rather are discrete and observable instances of cooperation (Denemark & Hoffmann, 2008) that give rise to the regimes and intergovernmental organizations (IGOs) that help solve problems, stabilize relations, and facilitate further and more ambitious cooperation (Keohane, 1984, 1988; Haggard & Simmons, 1987; Martin, 1992; Simmons, 1998; Barnett & Finnemore, 1999; Koremenos et al., 2001, 2003; Boehmer et al., 2004; McLaughlin & Hensel, 2007; Hooghe et al., 2019). Evidence of their significance can be seen in the substantial time and resources invested in their negotiation (Chayes & Chayes, 1993; Keohane, 1988; Koremenos et al., 2003), the fierce resistance of states and domestic coalitions who oppose their creation (Simmons, 2009; Jones et al., 2016), and the overwhelmingly high rate of

compliance with them once they come into force (Chayes & Chayes, 1993; Downs et al., 1996; Henkin, 1979).

Despite the world becoming more peaceful over time in tandem with the signing of these treaties over the last four centuries, the connections between these two long-term processes, and their implications for understanding global peacebuilding, have yet to be fully explored. This project seeks to better understand this long-term paradigmatic transformation from a world ruled by war and conquest to one predominately of peace and cooperation through law by focusing on two interconnected research questions: Why is there a long-term decline in interstate warfare? And how has the signing of tens of thousands of international treaties over the last four centuries affected the organizational structure of the international system? While this study may be the first to attempt to empirically address the latter question, there are a wide variety of theories and approaches to answering the former that this project seeks to build upon.

**Competing Approaches to the Decline of War Debate**

The "decline of war thesis" has been heavily contested since it was popularized by Pinker (2011), yet he was not the first nor the only researcher to note this long-term decline of violence, other scholars have found this trend as well and have provided a variety of potential explanations (Gat, 1999, 2013; Goldstein, 2012; Holsti, 2006; LeBlanc, 2003; Levy & Thompson, 2011; Morgan, 2013; Mueller, 1991; Spruyt, 2013; Vayrynen, 2006).

However, despite the growing evidence, there are several scholars that claim that "Humanity seems to be as belligerent as always" (Cirillo & Taleb, 2015), or who call the historically unprecedented period of peace after 1945 the "entirely probably Long Peace" (Braumoeller, 2019) and claim that the decline is not statistically significant (Braumoeller, 2019;

Cirillo & Taleb, 2015, 2016), or who argue that the decline of war thesis is overstated and a product of modern medicine and the way Battle-Related Deaths (BRD) are counted (Fazal, 2014). Anti-declinist studies reach these conclusions typically because they rely on data that is directionally biased in at least one, but often all, of the following four ways: using 1816 as the start point of analysis, relying on overly restrictive definitions of a state, not scaling Battle-Related Death (BRD) thresholds relative to population size, or not adequately accounting for missing data. Each of these factors biases the data in such a way as to make the past appear more peaceful than it was, and the present appear more war-prone by comparison (Butcher & Griffiths, 2017, 2020; Gat, 2013; Goldstein, 2012; Keeley, 1996; LeBlanc, 2003; Payne, 2004; Pinker, 2011; Richardson, 1960; Wright, 1942).

While fully accounting for this missing data and incontrovertibly proving the truly long-term decline of war is likely impossible with so many records lost to time or never written down at all, anti-declinists failure to convincingly account for these four biasing factors means that the absence of detailed global decline of war evidence conveniently compiled into .csv format, is certainly not evidence of the absence of war in the past. With the available records we do have, especially the more well documented accountings of the dramatic decline in wars within Europe and between the Great Powers, the collective evidence for, and importance of, the long-term decline in warfare is too significant to ignore (Divale, 1972; Ember, 1978; Levy, 1982, 1983; Gaddis, 1987; Mueller, 1989, 1991; Keeley, 1996; Brecke, 2001; Walker, 2001; Howard, 2002; LeBlanc, 2003; Long & Brecke, 2003; Gat, 2006, 2013, 2015; Holsti, 2006; Vayrynen, 2006; Bowles, 2009; Levy & Thompson, 2011; Pinker, 2011; Goldstein, 2012; Boehm, 2013; Morgan, 2013; Spruyt, 2013; Cunen et al., 2020).

Among the scholars that do appreciate the decline of war thesis, there is relatively little consensus regarding why exactly it is occurring. Realist, power-based approaches can be helpful in understanding certain tactical decisions within an increasingly small subset of wars fought out of fear immediate attack or eventual attack, yet the commitment to the notion of a permanent and unchanging anarchic international system makes them the least able to explain the long-term trends towards cooperation and peace (Deudney, 2017; Donnelly, 2015) and its potential applicability wanes in the opposite direction of global peacebuilding, perhaps relatedly, as its realpolitik prescriptions make war more likely, not less (Holsti, 2004; Poast, 2022; Senese & Vasquez, 2008; Vasquez, 2009). Other power-based explanations for the decline in war rely on purported causal factors which begin around 1945 or later, including those arguing for cooler heads prevailing in the face of mutually assured destruction from nuclear weapons (Mearsheimer, 2013) or that peace is primarily the result of the United States (US) acting as a global policing force (Thayer, 2013). While these arguments clearly cannot explain any decline of war prior to 1945, and are not especially convincing for explaining even the Long Peace (Gaddis, 1987; Mueller, 1989, 1991; Tannenwald, 2005, 2013), some argue that they are just the latest deadly technological development in a long history of military weapons advancements that collectively have made war so destructive and costly as to fundamentally change the cost-benefit calculus in favor of peace (Levy, 2013; Levy & Thompson, 2011). However, as military historians, archeologists, and anthropologists, including LeBlanc (2003), Gat (2006), and Oka et al., (2017), point out, once we account for population size, it becomes clear that wars are not actually becoming any deadlier, or more costly, in relative terms (Gat, 2013).

Goldstein (2012) makes the argument that there is a sweeping long-term decline in warfare over millennia, yet primarily looks to the effectiveness of UN peacekeeping as the reason despite

the trendline they outline clearly predating its existence and it not being especially clear how much of even the Long Peace could be explained by peacekeeping forces (Fortna, 2013), as they excel at maintaining existing cease-fires but not necessarily at preventing war from beginning in the first place (Fortna, 2004).

Other approaches to understanding the decline in warfare point to factors such as the increasingly high levels of trade between states (Dorussen & Ward, 2010; Gartzke, 2007; McDonald, 2004), the spread of democracy (Doyle, 1986; O'Neal, 2003; Russett, 2014), or the increasing suffrage for women that gradually followed (Caprioli & Boyer, 2001; Hudson et al., 2009; Barnhart et al., 2020). While each of these developments are important contributing factors, especially given how increasing trade ties can increase social interactions between states (Dorussen & Ward, 2010), the fact that both states which are more democratic and those which are more inclusive are more likely to comply with international law, more likely to support international institutions, and more likely to have fully settled their borders with contiguous states (Chiba et al., 2015; Gibler, 2007; Hudson et al., 2009; Mitchell & Prins, 1999; Owsiak, 2012; Owsiak & Vasquez, 2021; Rasler & Thompson, 2005), none of their purported causal factors change over time in a way that would suggest a major impact upon the decline of war (Drezner, 2019; Fortna, 2013), and both democratization and gender equity progress have occurred too recently to explain the longer-term trendlines (Marshall & Gurr, 2020).

The critical literature that this project builds out from most prominently, and seeks to contribute to, relates to the expanding functionalist, normative, and contentious issue resolving effects of international law and institutions.

The functional benefits of institutions are well established. Regimes and international organizations can promote order and stability by providing rules and procedures that regularize

and coordinate behavior, helping expectations converge and to reduce friction and improve the interactions between states (Haggard & Simmons, 1987; Keohane, 1984; Keohane & Nye, 1987; Krasner, 1982; Young, 1980). Institutions can promote cooperation through monitoring agreements, providing information about compliance, and reducing transaction costs (Keohane, 1984; Haggard & Simmons, 1987; Barnett & Finnemore, 1999; Boehmer et al., 2004), by providing venues for political engagement, negotiations, and dispute resolution (Haftel, 2012; Keohane & Nye, 1987; Mclaughlin & Hensel, 2007; Morgan, 2013), and helping mitigate commitment problems for collective action and enhancing reputation building effects by extending the "shadow of the future" through repeated interactions across multiple institutional venues (Kreps & Wilson, 1982; Martin, 1992; Koremenos et al., 2001, 2003; Boehmer et al., 2004; McLaughlin & Hensel, 2007).

Normative explanations for the decline in warfare perhaps demonstrated most convincingly by Pinker (2011), whose book *The Better Angels of our Nature: Why Violence had Declined,* popularized this debate and in which he marshals an impressive and compelling array of evidence to depict the declining acceptability of a wide variety of violent practices that were once common in many places around the world, ranging from major power wars to interpersonal violence, slavery, dueling, human sacrifice, and the cruelest forms of torture and abuse towards both people and animals. Pinker's (2011) work, which echoes Mueller's (1989, 1991) earlier arguments that major wars between the most developed states are becoming obsolete due to widespread social "attitude change" towards war, are especially helpful in demonstrating the remarkable overall shift in how the institution of war has changed from being widely considered to be a "glorious", natural method of resolving differences between states, to a wasteful pursuit which was at best a necessary evil that should be only used as a last resort, and then finally to something that has been outlawed

in all but the narrowest of dire circumstances and is almost universally condemned (Holsti, 1991; Howard, 2002). Normative approaches are also particularly important for explaining the importance of social norms in setting default behaviors for states (Goldstein & Keohane, 1993; Spruyt, 2013), especially when formally enshrined into international law (Sikkink & Finnemore, 1998; Simmons, 2009), deviations from which become increasingly difficult to justify as the social and legal costs of non-compliance rise (Raustiala & Slaughter, 2012).

Further, as Morgan (2013) and Spruyt (2013) contend, the social effects of institutionalized interactions on state leaders, diplomats, and increasingly on citizens from all walks of life is a significant factor in explaining the long-term decline in warfare. Multilateral institutions, especially intergovernmental organizations (IGOs), are especially important in this regard as they serve as the "loci for human interaction" (Katznelson, 1997, p. 102) and provide permanent structures which serve as the physical sites and recurring impetus for a significant amount of social interactions between state officials (Bearce & Bondanella, 2007; Haftel, 2012) and can help to normalize the idea and reinforce the expectation and appropriateness of solving communal problems directly at the supranational level (Morgan, 2013).

Socialization is a critical factor in promoting consensus and cooperation because the desire to be able to justify one's actions to their peers and to themselves creates significant internal and external social pressures to conform due to the cognitive costs of non-conformity leading to cognitive dissonance while going along with the group provides "cognitive comfort" (Aronson et al., 2012; Goodman & Jinks, 2013). Far from being exempt, socialization occurs even in the most hard-power focused security institutions, allowing states to move beyond strategic calculus and accept a logic of appropriateness, internalizing institutional norms (Cross, 2013b; Gheciu, 2005; Lewis, 2005; March & Olsen, 1989). Increasing interactions between "ultra-social" state actors

not only promotes consensus and cooperation, but also helps to expand and deepen their shared sense of community over time (Buzan, 1993; Cross, 2007, 2023; Hooghe et al., 2019). Face-to-face social interactions engage the empathetic mirror system part of the "social brain", allowing individuals to better understand, sympathize, and recognize the shared humanity with one another (Holmes, 2018), and this expanding sense of mutual recognition within a growing global community, while still relatively "thin", can make war increasingly difficult to justify against other members (Michelle, 2003; Opotow et al., 1995; Wendt, 2003; Williams, 1997).

Contending that "international governance is both functional and social" (Hooghe et al., 2019), scholars are increasingly realizing that there are significant benefits to utilizing combined normative and rationalist or functionalist approaches to studying international politics and organization (Jervis, 1997; Legro, 1996; Spruyt, 2013; Vayrynen, 2006). Our understanding of how these forces work in tandem can be further advanced by incorporating elements of the lesser-appreciated contentious issues paradigm, which provides a potential bridging theoretical framework between the two approaches and its emphasis on the resolving of specific conflict-provoking issues, such as territorial boundaries, helps support and extend existing explanations of the generally peace and cooperation promoting social and functional effects of international institutions (Holsti, 1991; Mansbach & Vasquez, 1981; Vayrynen, 2006).

As the name implies, the contentious issue paradigm argues that international politics is primarily about raising and resolving issues (Diehl, 1992; Hensel, 2001; Hensel et al., 2008; Mansbach & Vasquez, 1981). Issues are broadly defined as being "a disputed point or question, the subject of a conflict or controversy" (Randle, 1987, p. 1) and one of the great benefits of this framework is that it is not exclusively concerned with any one particular factor such as power, norms, economics, regime types, or institutions, but rather the potential applicability of any of

these concepts in generating issues, resolving them, or both (Mansbach & Vasquez, 1981). In the contentious issues approach, war is considered to occur not "because of" a specific factor or factors(s) but rather "in order to" to resolve some particularly salient or highly valued issue (Holsti, 1991, p. 14). While this distinction may seem semantic, this approach to the study of war helps to more accurately frame conflict not as a endemic, natural, or immutable and unchanging condition that humanity is doomed to suffer in perpetuity, but rather as a problem to be solved by channeling it into peaceful institutions and inclusive negotiations and decision-making processes, where it can be transformed into a constructive force for spurring action and positive change (Francis, 2017).

As Lopez and Johnson (2017) and Gat (2006) note, the major theories of international relations often only implicitly address or overgeneralize the causes of war into single issue categories. The emphasis on resolving specific issues offered by this approach not only allows helps bridge normative and functional approaches to studying international politics, but also helps to expand our understanding of why the range of potential issues thought to be legally and morally justifiable "casi belli" or "occasions for war" has not only changed over time, but narrowed dramatically to an increasingly circumscribed and heavily constrained subset of legally and socially permissible justifications (Luard, 1986; Randle, 1987; Holsti, 1991; Spruyt, 2013). Our understanding of how normative and functional institutional changes have made cooperation easier to achieve and war more difficult to justify, is in some respects implicitly contingent upon the resolution of specific contentious issues, such as establishing consensus around territorial boundaries (Owsiak, 2012; Owsiak & Vasquez, 2021; Vasquez & Henehan, 2001), reaching agreements to manage or access critical resources (Hensel et al., 2008; Koubi et al., 2014; Mitchell & Prins, 1999), and by developing alternative mechanisms for seeking compensation for tortious

injuries, unpaid debts, or other violations of formal or customary international law (Hathaway & Shapiro, 2017, 2019).

The availability and institutionalization of peaceful dispute resolution mechanisms are critically important because states, when faced with a particularly contentious or even potentially war-salient issue, will seek to take action towards its resolution, using whichever tools they think are the most likely achieve their goal (Hensel et al., 2008; Hensel & Goermans, 2021) within the set of options that are available and perceived to be effective to them and which they consider to be appropriate responses with regard to the specific issue in question (Hensel et al., 2008; Hensel & Goermans, 2021; Lees, 2021; Luard, 1986; Vasquez, 2009). Given how violence goes against the nature of most people and leaders often have to resort to dehumanizing their enemies to convince large populations to commit violence (Michelle, 2003; Opotow et al., 1995; UNESCO, 1989) and the high potential costs and inherently risky nature of war, it is almost always used only as a last resort and an action that states will only pursue when they do not perceive there is any other credible means of resolving the dispute they face (Brewer, 1973; Diehl, 1992; Fearon, 1995; Hensel, 2001; Hensel et al., 2008; Holsti, 1991; Mansbach & Vasquez, 1981; Randle, 1987). For this reason, understanding the increasing availability, legitimacy, efficacy, and institutionalization of peaceful dispute resolution mechanisms, and how the accumulation of successful contentious issue resolutions through them over time can affect the structure of the international system, is one of the most significant yet under-explored factors in explaining the long-term decline in warfare and trend towards greater peace and cooperation between states (Hensel et al., 2008; Holsti, 1991; Randle, 1987).

Ultimately, given the simultaneously social and functional nature of the international system (Hooghe et al., 2019; Jervis, 1997; Legro, 1996; Vayrynen, 2006) and the necessity of it to

be able to resolve contentious issues between states (Luard, 1986; Mansbach & Vasquez, 1981; Vasquez, 2009), I believe that by combining the collective strengths of the constructivist, functionalist, and contentious issues paradigms, a more complete and enriched understanding of the long-term decline in warfare can emerge. The critical nexus where these three perspectives converge most significantly and impactfully regarding the long-term decline in warfare is in the diplomatic negotiation process of, and the enduring results from, international treatymaking.

Despite the pronounced organizational change through the creation of tens of thousands of international treaties over the last four centuries, our understanding of how the international system changes because of these agreements, how its effects on state behavior change in turn, and why this change has been mostly pacific and progressive over time, have been difficult to fully appreciate due to its vast complexity, scale, and slow changing nature. This is one of the reasons why peace is so much more difficult to account for than war (Schroeder, 2013). Many existing studies have difficulty in explaining gradual and long-term change in the international system, and often instead focus on a targeted subset of international treaties or on the most well-known order-building historical events (Allan, 2018). Even the most herculean of these studies, such as Luard (1986), Randle (1987), and Holsti (1991), each of which represent critical advancements in the study of war and peace, have been forced to focus on a smaller subset of the most important multilateral treaties in history to the relative exclusion of all the important advancements and cumulative changes that happen in between. While the international system may be disproportionately affected by major powers during these critical junctures, emphasis on these events misses the importance and power of smaller actors which is much more apparent during the in-between, incremental international organization periods and during which it is more genuinely co-constituted rather than imposed, through countless negotiations and contestations by smaller

states (Tourinho, 2021). Correspondingly, our explanations for why interstate wars are so infrequent today, when they were a major accepted instrument of foreign policy throughout much of history, have been stymied by our inability to collectively evaluate and fully assess the vast expanding totality of international law over time.

This project was able to overcome these challenges by leveraging artificial intelligence, new data, and machine-learning algorithms, to systematically analyze all 79,287 treaties written between 1648 and 2022 and categorize them by topic, signatories, and a variety of other metrics to measure changes in the formal legal aspects of the international system over time. By appraising how these changes manifested in the "fossil record" of international relations, with new treaties addressing an expanding array of international issues accumulating like so many strata in the historical record of international law, this study seeks to provide significant new contributions to our understanding of how the international system and the global community have become more organized and peaceful over time.

## Organized Peace Theory Overview

Bolstered by this treaty data, and while recognizing that many of the initial contributions will be descriptive and correlational with follow-on studies needed to confirm some of the theorized causal mechanisms, this project advances "organized peace theory", which contends that international peace is a function of international organization and that the long-term decline in warfare is in large part the result of the increasingly organized international system, and the expanding sense of community, mutual consensus, and the increasing institutionalization of supranational mechanisms for resolving contentious issues between states that comprise and sustain it. Each of these factors are connected, and driven to a significant extent, through the

negotiation, signing, and implementation of almost eighty thousand international treaties since 1648. As states continue to negotiate treaties over time, these treaties collectively form an increasingly organized structure to their relations which progressively improves their prospects for peace and cooperation while making war increasingly difficult to justify as they gradually become more coherent parts of a larger, functional whole.

There are more than 200 million words of agreement that collectively give form to the international system, organize international relations, and which cumulatively, and ever more closely, bind its peoples together. Over the last four centuries, these words have been negotiated, debated, challenged, refuted, clarified, and made legally and mutually understandable before becoming formally enshrined in one of the 79,287 international treaties signed during this period. The difficult nature of reaching mutual consensus and forging lasting agreement between disparate worldviews on any given issue to states of such importance that a formal treaty is warranted, often means that each negotiation can take years or even decades to successfully conclude. And yet it is ultimately because of this difficulty, rather than in spite of it, that much of the global peacebuilding and organizing of the international system takes place, as each phase in the international law creation process contributes to the consensus, community, and contentious issue resolution mechanisms necessary for sustaining a peaceful and prosperous system of global governance.

While not exclusively, the international system is constructed in large part through the negotiation and enduring results from the treatymaking process, and each new treaty signed organizes relations and promotes peace in at least three ways.

First, the many long days spent trying to find common ground and reach an agreement throughout the lengthy pre-negotiation and negotiation process involves a multitude of structured social interactions that allows actors from all sides to socialize and become more familiar with one

another. The act of committing to one another during the treaty signing, and the opportunity to live up to the terms of the agreement along with the many social interactions often taking place between the states on an ongoing basis during the treaty implementation phase, all help to promote mutual understanding as state actors are increasingly able to empathize with and recognize their shared humanity with one another, making mutual consensus easier to find (Aronson et al., 2012; Cross, 2007; Gheciu, 2005; Goodman & Jinks, 2013). This establishing or deepening of their shared sense of belonging to an overarching international community helps to build trust and overcome short-term, parochial interests on behalf of the larger group (Buzan, 1993; Cross, 2007; Holmes, 2018; Ostrom, 1990).

Community building above and beyond the national level is a critical component of organizing peace and explaining the long-term decline in warfare because it is the underlying relational infrastructure that makes global governance possible (Hakimi, 2020; Marks, 2012). A shared sense of community helps to facilitate cooperation between states, and through forging a common identity within the increasingly global community and expanding the degree of mutual recognition and humanization of one another. This makes war increasingly difficult to justify for any reason against other members as the same social and moral rules, rights, and obligations the potential aggressor state expects to enjoy increasingly begin to apply to the potential target state as well (Dower, 2002; Hogg, 2016; Michelle, 2003; Opotow et al., 1995; Wendt, 2003; Williams, 1997).

Both community and peace are reliant upon "vast numbers of transactions and interchanges" (Schroeder, 2013) and the social interactions inherent to the negotiation and implementation of tens of thousands of international treaties signed over the last four centuries have exponentially increased them. These community building effects are amplified by treaties

that not only build the relational infrastructure necessary for global governance, but also the actual infrastructure and means to more easily connect with one another, share ideas, trade, travel, as well as those which create institutions or ongoing cooperative projects with significant additional recurring social interactions, and those which help to normalize the idea and reinforce the expectation and appropriateness of solving communal problems directly at the supranational or global level (Bearce & Bondanella, 2007; Dorussen & Ward, 2010; Hakimi, 2020; Katznelson, 1997; Morgan, 2013; Topik & Wells, 2012).

The second way that treatymaking contributes to the global peacebuilding process is by forging and securing agreement between the signatories. Each treaty successfully negotiated is in some sense a bridge between worlds and the disparate worldviews of leaders, representing a small degree of expanded mutual consensus between them. The more treaties signed between states, the better organized the structure of their relations becomes as they continue to work out the parameters of their cooperative coexistence by clarifying rules and procedures across a wide variety of issue-areas and stabilizing relations as incongruent expectations converge over time, reducing the potential sources of friction between them (Charney, 1993; Krasner, 1982; Morrow, 2012; Osiander, 2011; Young, 1980).

The vast lack of consensus between states under the much more anarchic conditions of the past has meant that there has historically been an almost infinite number of issues which could generate some degree of friction between states (Luard, 1986; Randle, 1987). However, the enduring nature of treaties helps to hold this consensus together and enables it to be built upon iteratively and expanded upon over time (Ghervas, 2021; Holsti, 1991; Kohen, 2011; Lesaffer, 2012), and thus as states continue to integrate via the negotiation and signing of more and more treaties over time, the residual amount or "degree of anarchy" in their relations diminishes (Kamo,

1979). The cumulative structural effects of the signing of tens of thousands of treaties between states effectively means that the total amount of anarchy in the international system, along with all its potentially negative friction causing effects on interstate relations, has been declining over the last four centuries.

While every treaty negotiated helps to build consensus and reduce friction between states, the most pacific progress is made in this regard when formal agreements are struck to help address the most contentious and potentially "war-salient" issues, or those which are the most animating, recurrent, or persistent and which, if left unresolved, are the most likely to generate friction, hostility, conflict, and potentially even war. Of these issues, a variety of the most salient have been resolved over time through the negotiation of peace treaties, territorial boundary agreements, and treaties concerning states' abilities to trade for, or otherwise access, the critical resources they need to survive and compete. Given the how the subjects of these agreements are some of the most contentious and the most likely to lead to war (Garcia, 2018; Gat, 2006; Gibler, 2017; Hathaway et al., 2018; Hensel, 2001; Hensel et al., 2008; Hensel & Goermans, 2021; Holsti, 1991; Keegan, 1993; Koubi et al., 2014; Luard, 1986; Mitchell & Thyne, 2010; Owsiak, 2012; Owsiak & Vasquez, 2021; Randle, 1987; Vasquez, 2009; Vasquez & Henehan, 2001), treaties which help to build and secure consensus in these critical areas are especially important and have some of the largest potential impacts upon improving relations and building peace and promoting cooperation between the signatories (Owsiak, 2012; Owsiak et al., 2021; Owsiak & Vasquez, 2021). By narrowing the range of socially and legally acceptable justifications for war in this way over time (Holsti, 1991; Luard, 1986; Randle, 1987; Spruyt, 2013), it becomes harder for even the most callous, egotistical, or opportunistic leader to lead a state to war (Mitchell & Thyne, 2010).

The third way that treatymaking promotes peace is that each time states peacefully resolve a dispute and publicly sign a treaty, they create precedence for cooperating peacefully in the future and help to institutionalize and normalize diplomatic dispute resolution and cooperation, rather than war and rivalry (Denemark & Hoffmann, 2008). As Adler (1998) explains, "peace is, first and foremost, itself a *practice*" and through the repeated practice and enactment of peaceful diplomacy and negotiation, rather than reliance upon the institution of war, this helps to shift state officials understanding of what the socially appropriate response to potentially war-salient issues should be (Adler & Pouliot, 2011; Bourdieu, 1977; Neumann, 2002). The more successful instances of peacefully settled disputes there are in the international system, the more the normative environment shifts such that it "deprives war of its political oxygen" (Vayrynen, 2006).

While every treaty peacefully concluded contributes to the institutionalization of peace, agreements that are either reached through or otherwise explicitly endorse peaceful dispute resolution through diplomacy, mediation, arbitration, adjudication within permanent international courts, or the use of voting procedures within supranational organizations are especially helpful in positively reinforcing and legitimizing these institutions (Adler & Pouliot, 2011; Keohane, 1988; Neumann, 2002; Randle, 1987). The more treaties that either create, support, or otherwise facilitate greater use, legitimacy, and availability of these peaceful dispute resolution mechanisms, the more these institutions become embedded into the international system and regarded as the appropriate and expected options to resolve disputes, the more difficult it becomes to justify going to war for any reason as evidence of successful alternatives become more abundant and reinforced within the international community over time (Goldstein & Keohane, 1993; Mansbach & Vasquez, 1981; Spruyt, 2013; Vasquez, 2009; Vayrynen, 1983; Wallensteen, 1984).

Building peace at the international and ultimately global level necessitates developing the supranational political institutions needed to manage "Clausewitz in reverse", as in the continuation of conflict through non-military means, rather than the other way around (Atack, 2005; Ramsbotham, 2000). Peace is not built by stopping conflict, but rather by channeling it into institutions and inclusive decision-making processes, where it can be transformed into a constructive force for spurring action and positive change (Francis, 2017). Treatymaking is peacebuilding in this way as, in tandem with the community and consensus building effects, it helps to address the root causes of armed conflict while building up the institutional capacities necessary to resolve disputes and more effectively manage peace between states in the future (Atack, 2005; Boutros-Ghali, 1992; Galtung, 1976). In this way, the institution of war has gradually, though clearly not wholly, been replaced over the last four centuries through the creation and repeated institutionalization of peaceful mechanisms to settle disputes.

Ultimately, this project will demonstrate how dramatically our world has changed as the result of the negotiation, signing, and implementation of at least 79,287 international treaties over the last four centuries. The socializing negotiation process effects and enduring results from the creation of this vast collection of agreements have progressively improved the organizational structure of the international system over time by expanding our shared sense of community and recognition of common humanity, enhancing our mutual understanding of one another and reaching consensus across a wide spectrum of critical areas, while institutionalizing peaceful and increasingly supranational dispute resolution processes over war. Collectively, these trifold treatymaking effects have increasingly promoted cooperation over armed conflict, as slowly and then suddenly, humanity shifted from a highly anarchic world of conquest, colonization, and a low pace of international negotiation, to one with a much faster rate of international treatymaking, that

is much more cooperative, and is much better organized as a result of the cumulative organizational effects of tens of thousands of international laws that collectively relegate most global competition to trade wars and gray-zone conflicts, rather than the historical norm of open war.

## Research Design and Computational Treaty Analysis Overview

To better understand how the global peacebuilding process has manifested over time and to assess its potential impacts upon the long-term decline in warfare, this project leveraged new machine learning techniques to analyze all 79,287 known international treaties signed between 1648 and 2022. This compilation of treaties is the largest such corpora to have been created to date, and includes bilateral treaties, closed multilateral treaties, and open multilateral treaties. Using a combination of Term Frequency – Inverse Document Frequency (TF-IDF), which statistically determines the importance of words in the treaties based on relative distributions, and Latent Dirichlet Allocation (LDA), which is an unsupervised learning algorithm that uses probabilistic theory to discover the texts' most prominent topics (Řehůřek & Sojka, 2010), as well as a wide array of additional existing and custom designed natural language processing and detection programs, each agreement was ultimately modeled and classified across up to 84 different primary, secondary, and tertiary topics, such as those which regulate trade, address border disputes, manage transnational resources, or declare peace after war, as well as by their signatories, year signed, and a variety of additional metrics to measure changes in the formal aspects and legal structures of the international system.

By compiling, analyzing, and visualizing this vast record of international law created and preserved since 1648, critical new insights about our past can be uncovered within this fossil record of international relations, with new treaties addressing an expanding array of international issues

accumulating over time like so many strata in the historical record of international law. Through careful inspection of these topics and their characteristics within any given strata, or slice of time, and observing how these have changed and expanded over time, in terms of both their absolute and relative frequencies and a variety of additional metrics, this study provides significant new contributions to our understanding of how the international system and the global community have become more organized and peaceful over time.

If "anarchy is what states make of it" as Wendt (1999) suggests, then this is what they made of it:
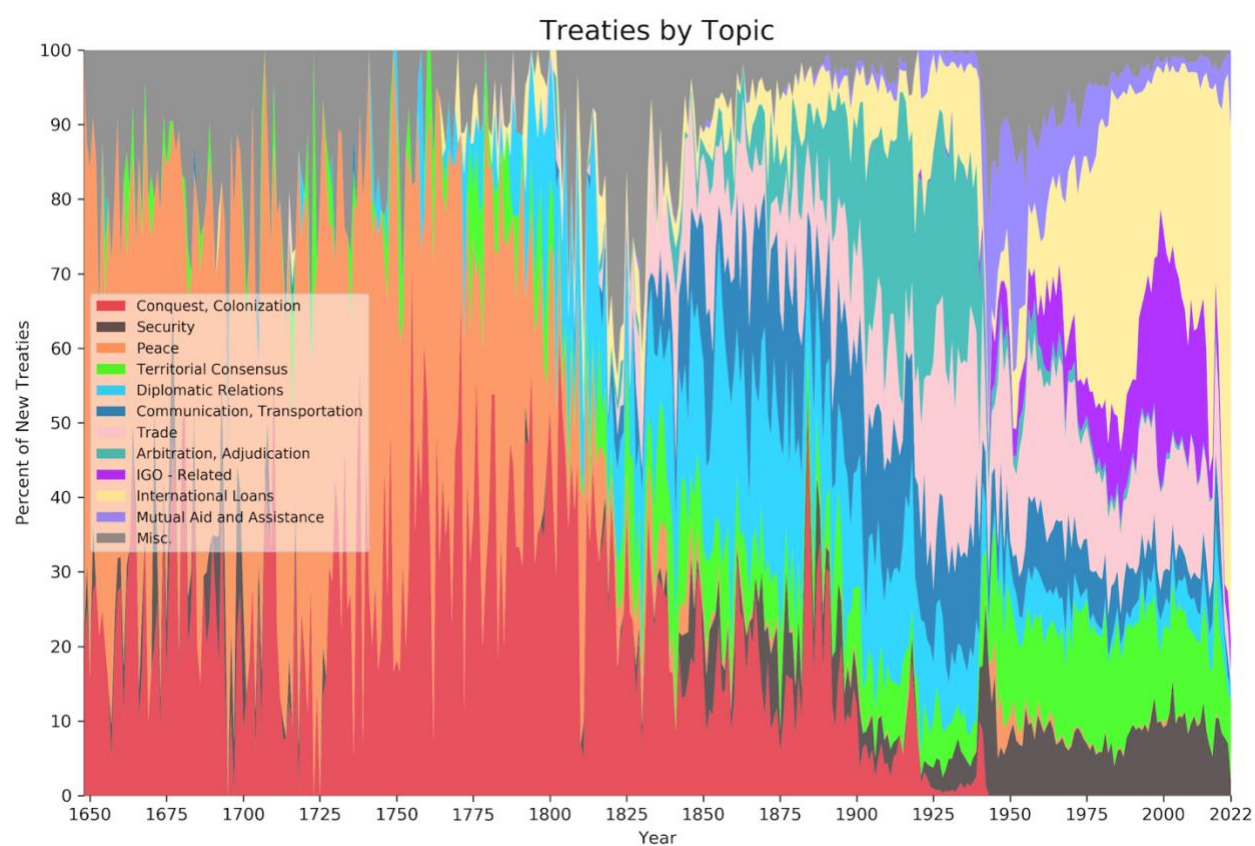


*Figure 1.1: The "Fossil Record" of International Relations, 1648 – 2022, Unadjusted*

These changes can be more easily discerned when depicted as a rolling percentage for every five-year period. Figure 1.2 and all other treaty categorization by percentage graphs, unless otherwise specified, will display the results as rolling percentages over every five-year period.
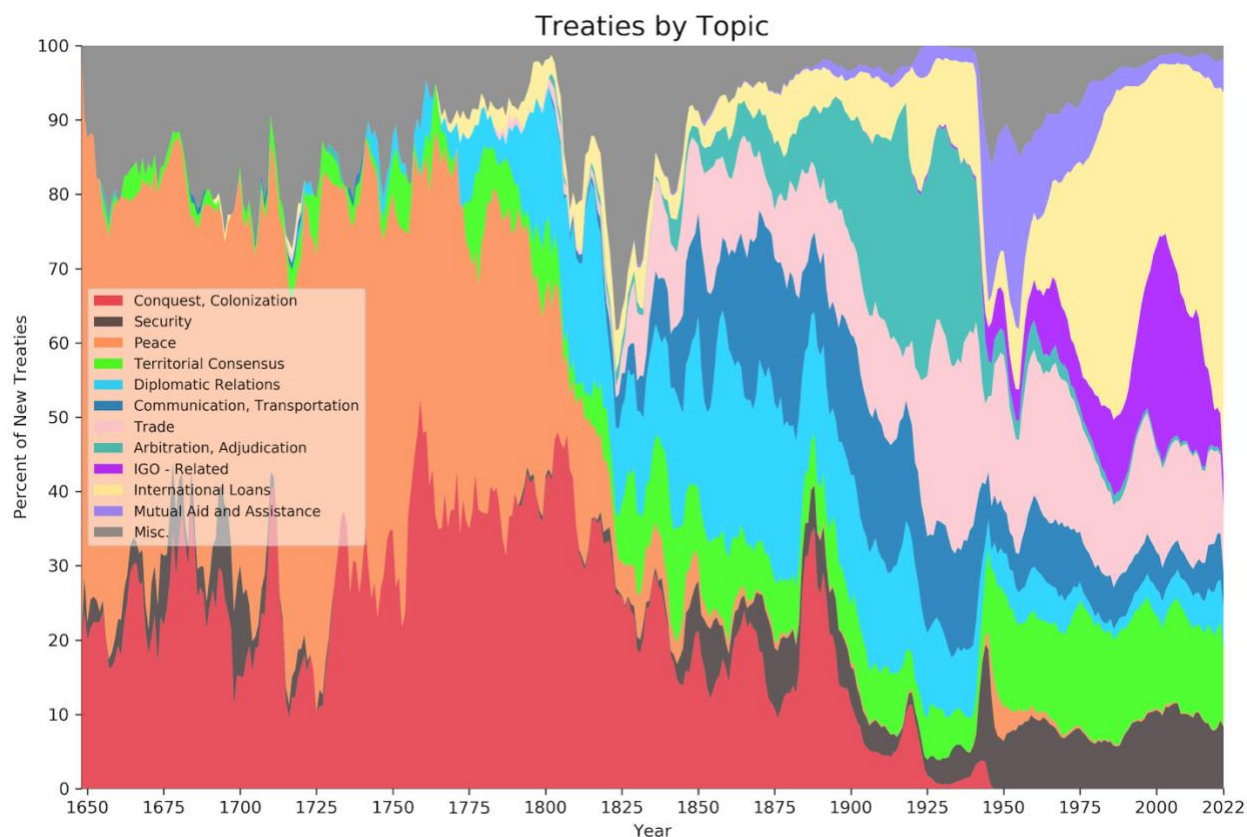
*Figure 1.2: The "Fossil Record" of International Relations, 1648 – 2022, Adjusted*

In the adjusted version of Figure 1.2, a variety of trends are immediately noticeable, from the dominance of conquest, colonization, and peace treaties during the 17th and 18th centuries, which comprised more than 75% of all treaties concluded during this period, to the explosion of new and more peaceful types of treaties, such as those concerned with diplomacy, communication, transportation, trade, and international organizations making up larger and larger percentages of the agreements concluded throughout the 19th century and beyond.

This is just one of several coding schemes used to track changes in the international system over time. Beyond their topics, every treaty was coded across five further metrics to observe additional important changes in the global patterns of international law over time. When each of these coding schemas are applied to this fossil record of international relations, they reveal another

layer to our history and provide a new lens through which to understand the community, consensus, and peace building effects of treatymaking over time.

## Significance, Limitations, and Contributions

Given this project's global unit of analysis, the 374-year temporal range, and the analysis of nearly eighty thousand international treaties ranging across 84 substantive topics of international law, many of its contributions are descriptive and correlational at this stage and follow-on studies will be needed to confirm some of the theorized causal mechanisms and structural pacific effects involved in the global organizing process, though much of this work has already been done by others on a smaller scale. Additionally, the deeper into this treaty record and farther back in time one looks, the more likely it is to have gaps and a stronger potential Western bias regarding the treaties preserved. However, given the vast dearth of existing information available, especially concerning the structure of the international system and frequency of warfare prior to 1816, this project makes a significant contribution to our understanding of how international affairs were conducted in the past, and how dramatically they have changed.

Through the creation and analysis of the fossil record of international relations, this study provides a window into the past regarding what the dominant issues of international relations have been over the last four centuries, what they are today, and, perhaps most importantly, how they have changed over that period. The additional metrics and information extracted from each treaty, including the number of signatories, general type of integration and degree of mutual recognition they reflect, their potential to amplify social connections, travel, or trade between states, the consensus they indicate across a variety of critical areas, and their most closely associated dispute

resolution mechanism, helps to reveal further important changes in the global patterns of international law and the collective organization of the international system over time.

This expansive and algorithmically analyzed record of international law chronicles a broad range of formal interstate activity, including international banking, trade, aid, loans, infrastructure, colonization, wars, peacemaking, diplomacy, arbitration, intergovernmental organizations (IGOs), maritime law, territorial boundaries, alliances, joint military training, nuclear weapons regulation, scientific collaboration, technology transfer, health and sanitation, telecommunications, emergency assistance, and peacekeeping missions. Collectively, 84 different subjects of international affairs were at least partially captured in this international treaty record, and this project allows us to see how they evolved, intersect, and to assess their relative prevalence and chronicity over time on the global scale.

Measuring the average number of initial signatories to multilateral treaties and what percentage of all known sovereign states that figure represents, reveals how the international community has expanded over time, rising from an average of just four states, typically contiguous and comprising 3% or less of the world's total states, being initially party to any given multilateral agreement during the 17th and 18th centuries to an average of more than 25 states from all over the world in the post-1945 era, a figure which climbs to an average of 33.9 if only looking at open multilateral agreements. While initial signatory figures are an undercount as they do not include later accessions, today an average of just under 25% of the world's states immediately sign on to every new multilateral agreement of which they were allowed to take part.

The pace of international treatymaking, as measured by the number of treaties signed per year, rose from just 19.7 new treaties signed per year during the 17th and 18th centuries and then roughly doubling every fifty years from then onwards eventually reaching a 21st century average

of 910.4 new treaties signed every year. 20,863 treaties were concluded between 1648 and 1944, and at least 58,424 have been written since then, meaning that more than 74% of all international treaties concluded over the last four centuries were written in the last 20% of that period. Put another way, it took the world 289 years to negotiate and conclude its first 20,000 treaties, but only 40 years to sign the next 20,000 agreements and has been signing just under 10,000 new agreements every 10 years since the late 1970s.

Of particular significance is a new metric that is designed to affirm and expand our understanding of the long-term decline in warfare, by coding and tracking the relative frequencies of treaties as either representing discrete and observable instances of peaceful negotiation, or similarly distinct and identifiable indicators of the use of force (Denemark & Hoffmann, 2008). This indicator helps to demonstrate just how different the highly anarchic world of the 17th and 18th century was, as 67% of all treaties during this period were signed during or upon the conclusion of wars, and just 33% peacefully concluded. In the 21st century, fewer than 1 out of every 236 treaties was signed during or at the conclusion of war, and well over 99% of agreements are reached peacefully.

By leveraging machine learning to analyze all 79,287 known treaties signed since 1648, this project represents a massive increase in both scale and breadth relative to all existing studies of international law by an order of magnitude. Most other studies either rely on hand-coding procedures to analyze a significantly smaller subset of treaties or focus on a single treaty topic (Alschner et al., 2021; Boockmann & Thurner, 2006), and even the most ambitious studies have focused on just multilateral treaties and contain less than 9% of the treaties by volume compared to this project (Denemark & Hoffmann, 2008; Van Der Wusten et al., 2011). This project not only investigates more than ten times the amount of treaties sampled in the next largest study of

international law and ranges across a time period that is five times longer than most, it is actually capable of analyzing the entirety of these treaties, not just the headline or index information, and able to deliver results with a depth and degree of nuance that approaches what was previously only possible by hand-coding treaties individually, with the added benefit of enhanced reproducibility.

One aspect of this contribution is proof of concept. Simply being able to prove that computational text analysis of this scale is possible and can be meaningfully conducted on international treaties, despite their strict formality, often incomprehensible jargon-laden legalese, and even deliberate obfuscation at times (as well as across foreign and temporal language barriers) is an important step for computational social science. This is also likely the first time that general (all topic) computational treaty analysis of this kind has been successfully accomplished, and it is the first time it has been carried out on such a large scale. A further methodological contribution I have found is that by using a pre-trained neural network to identify and retain a more tailored subset of the parts of speech contained within a text can improve topic model coherence relative to commonly used noun-only and noun and verb only techniques by 7.4% and 10.5%, respectively.

Another contribution of computationally analyzing the totality of international law written over the course of nearly four centuries is the ability to bring it together into a series of data visualizations meant to help shift our perspective of "big history" and the seeming impossibilities of overcoming the many interconnected international challenges we face today. By bringing to light much of the largely hidden and exceedingly complex structure of the international system and allowing us to see the legal record of international relations more clearly, I hope that this will better enable us to see how vibrant international diplomacy really is and just how dramatically the world has changed (mostly for the better) over the last four hundred years. It is my hope that, with the advantage of a long-term perspective, visualization of this information will help to reframe

perspective concerning modern friction points in the international system, such as Taiwan's sovereign status, how to regulate AI - enhanced weapons systems, or how to reform the United Nations (UN) from seemingly intractable and unsolvable issues to just another area of international agreement that has yet to be reached and the next step in our long history of negotiating seemingly impossible agreements. This project ultimately seeks to help us step back from a narrow focus on today's problems and notice how vastly better organized our global architecture is today from the violent world of our past.

## Chapter Overviews

This dissertation proceeds as follows. Chapter 2 begins by addressing some of the most common critiques of the decline of war thesis before reviewing the existing literature for potential explanations for long-term decline in warfare and the global trend towards peace, chief among them being: realist conceptions of international system polarity and balance of power calculations; the increasing costs of war due to the development of more destructive technology, including second-strike capable nuclear weapons and the threat of mutually assured destruction; increasing international trade and interdependence between states; the spread of democracy across larger segments of the world; increasing gender equality and suffrage for women; widespread normative change, institutional socialization, and our "better angels" winning out over time; liberal institutional arguments concerning the utilitarian cooperation facilitation functions of regimes, IGOs, and other institutions; post-functionalist or other arguments for the combined pacification social and rational effects of institutions; and how the institutionalization of alternative means for resolving of contentious issues between states can have lasting effects on the structure of the international system. Ultimately, this chapter argues that it takes combining aspects of each of the

constructivist, functionalist, and contentious issues paradigms to more fully account for the success of global peacebuilding over the last four centuries. Building out from the critical nexus of the international treatymaking, where these three paradigms converge most significantly and impactfully with regard to the long-term decline in warfare, bolstered by new insights appraised from the computationally developed fossil record of international relations, and while recognizing that many of the initial contributions are descriptive and correlational with follow-on studies needed to confirm some of the theorized causal mechanisms, this chapter concludes by advancing organized peace theory as a possible alternative framework for understanding global peacebuilding.

Chapter 3 explains the new datasets and machine-learning algorithms used to systematically analyze all 79,287 treaties written between 1648 and 2022 and categorize them by topic and a variety of other metrics to measure changes the formal legal aspects of the international system over time. This chapter begins by explaining the importance of studying international treaties, their remarkably high rates of compliance, their enduring nature, some additional benefits to using individual treaties as discrete and observable datapoints, and why they provide one of the best and most reliable ways to measure not only key trends in the topics of international law, but also how the absolute levels and relative rates of peaceful cooperation, warfare, multilateralism, supranationalism, consensus across critical areas, and community-building change over time. Additionally, this chapter gives a brief overview of how computational treaty analysis works, why it is such a powerful methodological innovation, an explanation of the treaty data sources used and the extensive pre-processing steps necessary to prepare them for analysis and data extraction. Further, this chapter covers the topic modeling and the unsupervised machine learning techniques used and how they were tailored and optimized for this project. A demonstration of how the entire

processing and computational treaty analysis process works from start to finish, using the infamous Last Treaty of Lahore as an example, can be seen in Figures 3.4 and 3.5. The final section includes some descriptive statistics and an overview of the computational treaty analysis results, including the distribution of all treaties by topic and five additional metrics, which are displayed in Tables 3.1 and 3.2.

Chapter 4 discusses why treatymaking is community building and how the socialization inherent to the difficult and lengthy diplomatic negotiation process and treaty implementation, especially if the agreement necessitates or enables further ongoing social interactions between the parties, helps to promote and expand mutual recognition, understanding, and a shared sense of community between the signatories (Aronson et al., 2012; Buzan, 1993; Cross, 2007; Goodman & Jinks, 2013). Community building is a critical component of organizing peace as it provides the "relational infrastructure for international law" that facilitates global governance (Hakimi, 2020) and makes it easier for state actors empathize with one another, reach consensus, and cooperate (Holmes, 2018; Hooghe et al., 2019; Marks, 2012; Ostrom, 1990), while also expanding the mutual recognition of the shared humanity and common identity between its members, making war increasingly difficult to justify against other members (Michelle, 2003; Opotow et al., 1995; Wendt, 2003; Williams, 1997).

While no single treaty can create and sustain a global sense of community on its own, Chapter 4 helps demonstrate the true scale and cumulative pacific social effects of the negotiation and implementation of tens of thousands of treaties, including more than 4,800 diplomacy and travel related agreements, more than 300 international shipping agreements, more than 700 postal service agreements, over 500 treaties regulating transnational railways, more than 600 governing international roads, over 2,000 agreements facilitating air travel, as well as just under 1,000

telecommunications agreements covering everything from the telegraph to satellite communication. Collectively, the negotiation and implementation of more than 12,000 global connection infrastructure agreements, over 12,000 commercial community interaction amplifying agreements, and more than 50,000 other treaties, has helped facilitate greater cooperation and recognition of their shared humanity as they transitioned from thinking of one another as "the beasts of some other nation" (50 CTS 23) in an anarchic and brutal world that only involved diplomatic socialization through the signing of an average of 19 new treaties per year, to a world in which states now sign more than 900 new treaties every single year and connect almost constantly in innumerable ways with one another while increasingly recognizing that this world is not something to be claimed by nation-states but rather is the "common heritage of mankind" (Garcia, 2021; ITLOS, 2023).

Chapter 5 examines how the negotiation and implementation of this same vast body of international law containing more than 200 million mutually agreed upon words reflects an expanding international and eventually global consensus across an increasingly vast array of issue-areas that helps to clarify the rules and procedures that regularize behavior within them thereby stabilizing relations, reducing anarchy and friction, and facilitating the gradual convergence of previously wildly different expectations between states over time (Charney, 1993; Krasner, 1982; Morrow, 2012; Osiander, 2011; Young, 1980). This chapter explains why the pacific effects of consensus building through treatymaking are particularly pronounced when formal agreements are struck to help address the most contentious and especially "war-salient" issues, or those which are the most animating, recurrent, or persistent and which, if left unresolved, are the most likely to generate friction, hostility, conflict, and potentially even war (Holsti, 1991; Randle, 1987; Vasquez, 2009; Vasquez & Mansbach, 1984). The reaching of consensus in these critical areas,

including across a wide range of demonstrably war-salient issues through the signing of at least 1,600 peace treaties, as well as over 1,300 land border agreements, 2,000 maritime law related treaties, over 1,400 FDI treaties, and more than 10,000 other resource and trade related agreements, has helped to resolve many of the most contentious issues between states around the world, narrowing the range of remaining socially and legally permissible justifications for war (Holsti, 1991; Luard, 1986; Randle, 1987; Spruyt, 2013), making it increasingly difficult for even the most callous, egotistical, or opportunistic leader to lead a state to war (Mitchell & Thyne, 2010). The global cumulative effects of consensus building over the last four centuries have also transformed some of the least regulated and most violent areas of international affairs that were once "zones of war", such as state conduct upon the High Seas or conflict over transnational rivers, into increasingly organized "zones of peace" (Schroeder, 2013) in which the interactions of states are so regularized, predictable, and institutionalized that these former sources of conflict are now often sources of ongoing cooperation and trust-building between states (Vinogradov et al., 2003).

Chapter 6 demonstrates how the institutionalization of peace and the development of increasingly ambitious international dispute resolution mechanisms over the last four centuries has, in concert with the community and consensus building processes, led to the remarkable shift in the international system from one which legalized and was reliant upon war, to one that has increasingly built the institutional capacities necessary to resolve conflicts and more effectively manage peace between states (Atack, 2005; Boutros-Ghali, 1992; Galtung, 1976). This chapter discusses how this shift was brought about in large part through the increasing formalization and institutionalization of alternative dispute resolution mechanisms, including more than 4,800 diplomacy related agreements, 3,400 arbitration and adjudication related agreements, 10,786 treaties concerning IGOs, which have collectively, though not entirely, undermined and replaced

the institution of war, as declaring war for any reason becomes increasingly difficult to justify as evidence of successful alternatives become more abundant and reinforced within the international community over time (Goldstein & Keohane, 1993; Mansbach & Vasquez, 1981; Spruyt, 2013; Vasquez, 2009; Vayrynen, 1983; Wallensteen, 1984). This chapter also discusses and visualizes the use of international treaties to measure war and to gauge the effects of organizing peace over time as during the 17th and 18th centuries, 67% of all treaties were signed either during or only after the conclusion of war, with just 33% peacefully concluded. This ratio would reverse almost exactly during the first half of the 19th century and continue to decline over time until finally falling to less than 1% of all treaties signed since the creation of the UN system in 1945.

The final chapter summarizes the key findings and policy implications of this research. This conclusion strongly advocates for a collective shift in how we view national and international security and argues that states can make themselves more secure not by building up their military, but by negotiating directly with and increasing their social connections to their supposed "enemies", investing the time and resources necessary to find and expand mutual consensus between them, especially with regard to settling disputed territorial borders, and by committing to an open-ended peace process through one of the many alternative dispute resolution mechanisms and openly rejecting the validity of any potential outcomes through conquest or use of force. The path to truly permanent and lasting positive peace is through enhanced mutual understanding and social understanding, through hard-reached compromises and partial wins, through the gradual resolution of contentious issues and a firm commitment to long-term engagement and diplomacy. This chapter argues that what our history and the fossil record of international relations teaches us above all else is that peace is ultimately built by resolving issues of mutual concern and building the community and consensus promoting infrastructure and peacebuilding institutions to resolve

disputes nonviolently. This can fundamentally reshape the nature of relations between states over time from one of conflict and antagonism, to one of cooperation and peaceful coexistence.

# Chapter 2: Potential Explanations for the Long-Term Decline in Warfare

"We may be winning the war on war, but we do not yet know why."

- Page Fortna, 2013

## Introduction

While there is growing acceptance of the long-term decline of warfare, there is less consensus regarding why this is happening. This chapter begins by addressing some of the most common critiques of the decline of war thesis. It then explores a wide range of possible explanations that are either offered explicitly by existing studies or are extrapolated from prominent theories of international relations and highlights some promising new avenues of inquiry.

Given the broad and fundamental nature of attempting to understand the long-term decline in warfare, the list of potentially applicable theories and explanatory factors is extensive. This list includes: realist conceptions of international system polarity and balance of power calculations; the increasing costs of war due to the development of more destructive technology, including second-strike capable nuclear weapons and the threat of mutually assured destruction; increasing international trade and interdependence between states; the spread of democracy across larger segments of the world; increasing gender equality and suffrage for women; widespread normative change, institutional socialization, and our "better angels" winning out over time; liberal institutional arguments concerning the utilitarian cooperation facilitation functions of regimes, IGOs, and other institutions; post-functionalist or other arguments for the combined pacification social and rational effects of institutions; and how the institutionalization of alternative means for

resolving of contentious issues between states can have lasting effects on the structure of the international system.

The commitment of some of these power-focused theories to the notion of a permanent and unchanging anarchic international system makes them the least able to explain the long-term trends towards cooperation and peace (Donnelly, 2015; Deudney, 2017). The emphasis of other theories on factors like democratization, gender inclusive suffrage, UN peacekeeping, and increasing levels of trade all certainly have pacific effects but have either occurred too recently to explain the longer-term declines in warfare which pre-date them or otherwise might be contributing or reinforcing factors but do not change in a way that would suggest a primary driving impact upon the decline of war (Finnemore, 2003; Fortna, 2013).

Ultimately, I will argue that aspects of the constructivist, functionalist, and contentious issues paradigms are the most critical for understanding key components of the long-term changes in the international system, and that by combining their collective strengths a greater understanding of the global peacebuilding process and long-term decline in warfare can emerge. Through focusing on where these three approaches converge at the critical nexus of interstate cooperation through the diplomatic negotiation process and the enduring pacific effects of international treaties and the institutions they create and reinforce, I will contend that the success of global peacebuilding is in large part a result of the increasingly organized international system, and the expanding global consensus, sense of community, and increasing institutionalization of peaceful mechanisms for resolving contentious issues between states that comprise and sustain it.

**Anti-Declinist Arguments**

Despite the growing evidence for the long-term decline of war, there are several scholars that believe that the decline is either not statistically significant (Braumoeller, 2019; Cirillo & Taleb, 2015, 2016) or who argue that the decline of war thesis is overstated, and a product of modern medicine and the way Battle-Related Deaths (BRDs) are counted (Fazal, 2014). Anti-declinist studies tend to reach these conclusions because the data they rely upon is biased in at least one, but often all, of the following four ways: it either begins in 1816, uses an overly restrictive definition of a state, it fails to scale BRD thresholds for war relative to population size, or it does not account for missing data. Each of these four factors makes the past appear more peaceful than it was, and the present appear more war-prone by comparison (Butcher & Griffiths, 2017, 2020; Gat, 2013; Goldstein, 2012; Keeley, 1996; LeBlanc, 2003; Payne, 2004; Pinker, 2011; Richardson, 1960; Wright, 1942).

This includes the arguably most prominent anti-declinist, Bear Braumoeller (2019), author of "Only the Dead" who claims to have found no evidence of a downward trend in the rate of interstate war during the last 200 years. To a certain extent, his non-finding is understandable given that the longest-term available and conveniently formatted .csv dataset on interstate war is the Correlates of War (CoW), which is affected by at least three biasing factors. The CoW begins in 1816, it uses an overly restrictive definition of a state (e.g., between 1815 and 1920, states must have had official diplomatic relations with both the United Kingdom (UK) and France to be included, and for the entire period states must have had a population size of greater than 500,000), and it uses a non-scaled 1,000 BRD threshold for war (Correlates of War Project, 2017).

Beginning with the first factor, and while admitting that any start point will ultimately be arbitrary and some starting decision must be made, the choice of 1816 specifically to begin the dataset, while certainly not intentional, significantly biases any attempts to draw long-term

conclusions about trends in war and peace over time because the year prior was such a critical turning point in the organization of Europe. 1815 marked both the end of the brutal series of Napoleonic Wars, which involved a great number of states between 1803 and 1815 and are not captured by the CoW, as well as the beginning of a much better organized and more stable European system following the establishment of the Concert of Europe that year, and this starting point makes the past seem more peaceful than it was in actuality (Goldstein, 2012).

The second factor, the use of non-inclusive definitions of a state, is manifested in the CoW in two ways. First, the requirement to have a population size of 500,000 or more effectively excludes many smaller modern states and most sovereign polities throughout history (LeBlanc, 2003). Second, the requirement for a state to have formal international recognition and diplomatic relations with the UK and France is significantly biased against non-European states who by nature of geographical distance alone, and not any intrinsic properties of a state, are less likely to have had official diplomatic ties with them (Butcher & Griffiths, 2017). By not including wars in which either the aggressor or target state did not meet one of these criteria, many 19th century European colonial wars and non-Western wars are excluded and bias the decline of war debate by making this period seem more peaceful than it was.

The 1,000 BRD threshold for war, used by both the CoW and the Uppsala Conflict Data Program (UCDP) (Gleditsch et al., 2002; Maoz et al., 2019), is a metric built to suitably measure large-scale, modern, and predominantly Western wars, and the use of this criterion by the major datasets means that many significant and important smaller-scale wars will be left out (Fazal, 2014; Fazal & Poast, 2019). While necessary to a certain extent, strictly constraining conceptions of warfare in such a way as to only apply to large-scale, complex societies also "confuses the methods of war with the results of war" (LeBlanc, 2003, p. 57), and will, by definition, skew interstate war

datasets towards making the past appear more peaceful than it was. Both Cirillo and Taleb (2016), who use an even higher 3,000 BRD threshold for their study, though they impressively include wars from as far back as 2,000 years ago, and Braumoeller (2019) note, that a major advantage of the using Great Power and large-scale war data is that these wars are so destructive that they are much more likely to have been chronicled and far fewer records of them are likely to have been lost to time. Fazal (2014), joins them in their declinist skepticism and is right to question the 1,000 BRD threshold for war, but in terms of historical comparison, the error rate is on the other side of the coin. The perennial wars fought across the vast continents of pre-colonial Africa, North and South America, and Oceania rarely resulted in more than 1,000 BRDs, but were far more severe in relative terms (Keeley, 1996; Walker, 2001; LeBlanc, 2003; Gat, 2013, 2015; Bowles, 2009; Lambert, 2013; Walker & Bailey, 2013). Australia never developed large sedentary agriculture and thus its average sovereign group size only reached 500 to 600 individual each, and yet it was per-capita one of the deadliest regions of the world (LeBlanc, 2003). The Inca were able to conquer entire Andes with an army of less than 50,000 men, typically fighting groups that were orders of magnitude smaller (Gat, 2006). The Lugbara tribes of Uganda, the Bedouin in Syria, and the Zulu tribes prior to unification in the 19th century each only averaged around 3,000-5,000 people, the Bantu and the Maasai groups in East Africa and Basseri tribes in Iran were around 15,000 each, an even the last tribal groups in Europe, the Montenegrins, only averaged around 2,000 individuals each (Gat, 2006). In fact, the dominant polities in most of the world, throughout the vast majority of history, would not have met either the state population size criterion or the 1,000 BRD threshold, despite for the warfare they engaged in (Keeley, 1996; Walker, 2001; LeBlanc, 2003; Gat, 2013, 2015; Bowles, 2009; Lambert, 2013; Walker & Bailey, 2013).

Regarding contemporary issues with the BRD threshold for war, Fazal (2014) and Fazal and Poast (2019) both make the important point about why the way we measure BRDs matters and how advances in medicine and sanitation practices could be keeping more modern wars below the 1,000 BRD threshold used by the major war datasets. Fazal (2014) argues that the Long Peace may be the result of advances in modern medicine, better protective equipment, and faster medical evacuation lowering the casualty rate of modern wars. Fazal and Poast (2019) note that the ratio of those wounded to killed war around three to one until modern battlefield medicine brought the ratio down to ten to one, as more soldiers who would have perished in the past were able to be saved. Further, pointing to the improvements in hygiene and sanitation practices, they are right to point out that collectively these factors could potentially keep some modern wars from reaching the 1,000 BRD threshold. This advancement was true to my experience while serving in the US Army Infantry. I was certified in combat lifesaver training and carried advanced medical first-aid gear as part of my standard kit. Every US Infantryman carries, at a minimum, tourniquets and quick-clotting bandages designed to rapidly stop bleeding and to save lives. Every fire-team, the smallest US military unit consisting of 4 to 5 Soldiers, also carries a long-distance radio capable of calling in medical evacuation helicopters that are standing by with engines warmed. However, the US military is arguably one of the best equipped in the world and it is much less clear how widespread these battlefield medicinal advances are, especially in contested border regions and other places where conflicts are more likely to occur.

The final and most significantly biasing factor which undermines anti-declinist arguments is that of missing data. The closer events are to the present, the more complete information we have about them, and the further they are in the past, the less likely we are to have detailed information or any surviving records at all (Wright, 1942). Payne (2004, p. 198) argues that any

studies claiming an increase in the number of wars over time is merely showing that "the Associated Press is a more comprehensive source of information about battles around the world than were sixteenth-century monks". A cursory glance at any of the major long-term war datasets, most noticeably the column(s) listing battle-related deaths, will confirm this historical record disparity. One particularly striking example of how missing data biases our view of the past comes from the *Annals of Spring and Autumn*, a work attributed to Confucius, which chronicled the period between 722 BCE and 481 BCE, in the region of what is now modern-day China. In just this one accounting of one corner of the ancient world, there were 483 wars recorded wars and 52 state deaths by conquest (Smith & Fairbank, 1992; Zhang, 2014). This single accounting of regional wars contains records of more total instances of war than the entire leading Correlates of War Dataset, which is intended to cover the entire globe from 1816 to 2007 yet contains just 337 wars.

While fully accounting for this missing data and incontrovertibly proving the truly long-term decline of war is likely impossible with so many records lost to time or never written down at all, anti-declinists failure to convincingly account for these four biasing factors means the absence of detailed global decline of war evidence conveniently compiled into .csv format, is not evidence of absence. With the available records we do have, especially the more well documented accountings of the dramatic decline in wars within Europe and between the Great Powers, the collective evidence for, and importance of, the long-term decline in warfare is too significant to ignore (Divale, 1972; Ember, 1978; Levy, 1982, 1983; Gaddis, 1987; Mueller, 1989, 1991; Keeley, 1996; Brecke, 2001; Walker, 2001; Howard, 2002; LeBlanc, 2003; Long & Brecke, 2003; Gat, 2006, 2013, 2015; Holsti, 2006; Vayrynen, 2006; Bowles, 2009; Levy & Thompson, 2011; Pinker, 2011; Goldstein, 2012; Boehm, 2013; Morgan, 2013; Spruyt, 2013; Cunen et al., 2020).

**Potential Realist Explanations**

From Thucydides (431 B.C.E.), to Hobbes (1651), to Morgenthau (1948), many classical realists have argued that humans are inherently aggressive, that their human nature is fixed, and that have a desire to dominate the world around them. According to Pinker (2011), humanity does have five "inner demons" that can lead to violence, either through a desire for revenge, desire to dominate, predatory desires to gain money or satisfy lust, taking sadist pleasure in causing pain and suffering in others, or through messianic complexes that rationalize violence for some supposed ideological greater good. While new scientific evidence is coming to light that fundamentally challenges the nature of these assertions on biological grounds (Burkart et al., 2014), we can see from the long-term decline of war and the trend towards greater cooperation over time, that despite humanity's many faults and imperfections that progress is possible and that our "better angels" can win out, given the right circumstances.

Structural or neorealists argue however that we will never have the right circumstances. Absent a world government serving as a global leviathan able to curtail state behavior by force, they argue we are forever bound to recurrent conflict and war, due to the supposedly immutable laws that govern international relations through the power politics deriving from international anarchy (Waltz, 1959; Gilpin, 1981). Realist definitions of anarchy typically refer to a state of world affairs in which there is no central government which can exercise the use of force to compel states to change behavior (Milner, 1991) often claiming that contemporary international politics is fundamentally indistinguishable from the brutal Hobbesian (1651) state of nature. Against this backdrop, Poast (2022) aptly refers to realism as "the school of no hope", and notes that it is perhaps more accurately defined by not by what it predicts, but by what it claims is impossible – long-term international cooperation. While "keeping Realism real", he clarifies that it is not just

that realists think cooperation would be difficult, it is that they believe it to be structurally impossible and that, under anarchy, the immutable reality is that states will always seek to arm themselves and to maximize their own security and interest (Poast, 2022). This third image of international relations is what they argue prevents any genuine collaboration between sovereign states because states' only true interest is self-interest and the fear of relative gains or becoming dependent on other states precludes any significant or long-term peaceful cooperation (Mearsheimer, 2006; Waltz, 1959).

I agree with the structural emphasis of neorealism and the need to study the characteristics of the international system, as Waltz (1979) suggests, to understand the general patterns of state behavior and of war. However, its assumption that anarchy is an immutable systemic condition and binary in nature greatly undermines its validity. As Deudney (2017) notes, realism overemphasizes these aspects of anarchy because it has great difficulty perceiving political systems as possibly existing along a spectrum, with a possibly "messy middle". Thus, it cannot offer any explanation of gradual pacific change over time because of this over simplified bifurcation of a complex reality. The Waltzian concept of anarchy in IR should be instead thought of as "metaphorical, rather than explanatory", because it does not allow us to identify the ways that the international system is actually structured (Donnelly, 2015, p. 415).

The principles of "realist folklore", as Vasquez (2009, p. 170) describes them, may have once applied to the world as a whole, as they suggest, perhaps 10,000 years ago when we lived in small hunter-gatherer groups prior to the advent of farming (LeBlanc, 2003; Gat, 2006) and more than one in five of us would be killed in the endemic warfare that characterized true anarchy. They may be accurately describing the international politics of small, remote pockets of the world, including the Highlands of Papua New Guinea, but the vast majority of the world has organized

its way out of that those truly anarchic situations reflecting the closest approximation of the actual "state of nature" that humanity can be said to have existed in a long time ago.

The other potentially applicable aspect of realist theories to the long-term trends in war and peace relates to the overall polarity of the international system, referring to the number of Great Powers in a given period with the capability to project their will and exert significant influence around the globe. The only consensus about international polarity seems to be that multipolar systems are the most dangerous and lead to the highest chance of major power wars (Thompson, 1986). Beyond that, the field appears split as to whether unipolarity or bipolarity is preferable. Proponents of hegemonic stability theory argue that the world is most peaceful when it is dominated by a state so powerful that its supremacy cannot be challenged and they feel secure enough that they can afford to build a more open international system (Krasner, 1976; Gilpin, 1981). Mearsheimer (2013) and Ikenberry (1998) argue that the Long Peace is in largely a biproduct of US hegemony. Waltz (1979) argues instead that states tend to form alliances to balance out other major powers, and that peace can only be achieved temporarily in such a system and is most stable during conditions of bipolarity because there is more certainty about state behavior under these conditions. However, some argue that bipolarity is actually less stable and more likely than even multipolarity to incentivize declining major powers to attack while they still have the military superiority during periods of power transition (Copeland, 2000). However, when looking at the long-term trends, especially the over five century decline in both the frequency and duration of Great Power wars (Goldstein, 1988; Levy, 1982; Levy & Thompson, 2011), hegemons have risen and been dethroned, balances of power have been achieved and then lost, and polarity has shifted many times over the centuries, and yet, as Holsti (2006) points out, major wars have declined in "*all* power contexts" since at least 1495. These concepts also are difficult to apply to

regional zones of peace, especially when those zones contain states with wide varying degrees of military capacity, such as the near complete absence of war in Europe since 1945, or the durable interstate peace in South America since 1942 (Spruyt, 2013). As Fortna (2013) notes, changes in the relative capacities of states, or in their offensive and defensive calculations, or in their broader geopolitical power-balancing behaviors "cannot explain the change in war outcomes adequately… because the purported explanatory variable does not change over time in a way that fits with the shift in outcomes".

However, as Poast (2022) rightly asserts, critics of realism should not disregard all its principles, as there is certainly some explanatory power in a subset of international situations. When realism the theory is internalized by state leaders and translated into realpolitik behaviors, such as seeking relative gains, courting external alliances, and bolstering military forces, these power politics behaviors themselves tend to generate fear and hostility, empower hardline factions, and create a conflict spiral which actually increases the probability of war, making states less secure overall (Senese & Vasquez, 2008; Vasquez, 2009; Poast, 2022). As Mansbach & Vasquez (1981, p. 29) explain, "The phenomena of conflict and power do not disappear altogether, but are relegated to a place *within* a theory of allocation". Within this contentious issue-based framework, power-based approaches to studying war can be helpful with establishing the basic parameters for conflict-possible dyads and understanding why decisions might be made to initiate an attack during certain perceived windows of opportunity which are to their tactical advantage, however this approach is only even potentially applicable to an increasingly small subset of wars fought out of fear immediate attack or eventual attack, and is much less able to explain wars fought over other issues or the likelihood of war's occurrence in general (Vasquez, 2009).

Realism is fundamentally most instructive regarding the ancient past, when states existed

in a world much closer to that of Hobbesian anarchy that their assumptions about international politics remain steeped in. As Holsti (2004) and Fortna (2013) point out, the decline of war statistics clearly indicate that perpetual war and insecurity are not necessary consequences of international anarchy. Neither human nature, false assumptions of immutable laws derivative of anarchy, realpolitik tactics, nor the shifting polarity of the international system can ultimately provide a convincing explanation for the overall decline in warfare. Thus, while realism is one of the few theories that includes variables in existence for the entire timeline, it is by far the least capable of explaining the decline of war.

## Nuclear Weapons Development

The invention and first use of nuclear weapons, coinciding with the ending of World War II and the beginning of the Long Peace, seems, at first, to be compelling evidence for at least post-1945 restraint between Great Powers. Some claim that because of mutually assured destruction, guaranteed by the development of assured nuclear retaliation via second-strike capability (nuclear bombers, submarines, hardened or secret launch sites, etc.), cooler heads have prevailed and wars have been avoided (Futter & Williams, 2016; Mearsheimer, 2013; Roberts, 2020; Williams, 2012). However, not only are nuclear weapons an inherently risky policy option for peace, with only about 8% of our current stockpiles needed to end all life on earth (IPPNW, 2018), their non-existence prior to 1945 rules them out for any longer-term explanations for the decline of war.

Beyond the perfectly synchronized starting points, the closer one looks at the nuclear explanation for the Long Peace, the smaller the subset of its potential applicability becomes. For many years after their invention, only a handful of states had nuclear weapons, and yet interstate warfare remained rare. Even today, only 9 out of more than 195 states, or about 4.6%, have nuclear

arsenals and the dramatic reduction in interstate war during this Long Peace extends to the vast majority of the world, not only those conflict dyads with nuclear arsenals (Gaddis, 1987). Even the extended nuclear umbrella argument is difficult to sustain as nuclear weapons-free zones have covered the entirety of Latin America since 1967, most of the South Pacific since 1985, and all of Africa since 1996 (Tannenwald, 2005).

While impossible to disprove the counterfactual, the absence of war between nuclear armed states might have been entirely likely without the development of nuclear weapons and mutually assured destruction capabilities. These weapons clearly have deterrent value, especially for smaller states like North Korea, however, as Mueller (1991) argues, they might have been irrelevant to the Long Peace because their addition on top of the rapidly advancing conventionally destructive arsenals may not have made a particularly significant difference in terms of deterrence between the world's major powers. Despite many opportunities for the US to use them prior to the USSR's development of retaliation strike capacity in 1955, as well as during the Korean and Vietnamese wars, it never did so (Ambrose, 1984). Further, no state has used nuclear weapons since 1945 and their credibility as a deterrent is suspect if there is a "nuclear taboo" and states are not willing to use them in the first place (Tannenwald, 2005). We also know that states build nuclear weapons for reasons other than security, including international prestige and domestic bureaucratic politics, both of which having nothing to do with deterrence (Sagan, 1996).

It is also not especially clear if the invention of nuclear weapons had a particularly pacific effect overall on the likelihood of war between states in general. As Levy (2013) notes, fears of nuclear proliferation dramatically increase incentives for states to attack pre-emptively to stop rivals from developing nuclear weapons. U.S. and Israeli actions and rhetoric towards Iranian uranium enrichment programs are evidence of the potential conflict-generating nature of this issue.

Ultimately, despite the invention and first use of nuclear weapons in 1945, with less that 5% of all states possessing them, nuclear weapons free zones covering vast regions able to achieve substantial improvements in interstate peace without them, and their non-use for any reason in any war since World War II despite clear opportunities to do so, the nuclear peace argument is at best a partial explanation for peace between a subset of states during the Long Peace, and obviously cannot explain the longer-term trends in the decline of war.

## Deadlier Weapons Development in General

While nuclear weapons alone cannot explain any decline of war prior to their development in 1945, some argue that they are just the latest deadly technological development in a long history of military weapons advancements that collectively have made war so destructive and costly as to fundamentally change the cost-benefit calculus in favor of peace (Kaysen, 1990; Levy, 2013). However, this argument has been made in the past with regard to the development of the crossbow, machine guns, dynamite, and poison gas, none of which have brought about more peaceful relations between states and these advancements do not temporally align with the "sawtooth shaped decline" in warfare (Pinker, 2011).

War has always been a costly and destructive affair, with or without advanced technology. Humans are fully capable of large-scale destruction without sophisticated weapons, as the genocides in Cambodia, Rwanda, and Darfur attest. Further, despite the development of increasingly advanced weaponry over time, as LeBlanc (2003), Gat (2006), and Oka et al., (2017) all point out, once we account for population size wars are not actually becoming any deadlier, or more costly in relative terms over time (Gat, 2013). The 20th century as a whole, including both World Wars, saw fewer that 2% of people killed from violent conflict (LeBlanc, 2003) an order of

magnitude less than the average of roughly 20% of all people killed under the significantly more anarchic conditions of the past (Boehm, 2013; Bowles, 2009; Chacon & Mendoza, 2013; Divale, 1972; Ember, 1975, 1978; Gat, 2006, 2015; Hayano, 1974; Johnson, 2013; Kimber, 1990; LeBlanc, 2003; Lovisek, 2013; Milner, 2013; Walker, 2001; Walker & Bailey, 2013). It is not even particularly clear if the costs of war are becoming higher in general as the trend away from mass conscription and towards voluntary military service has actually insulated many leaders from the unpopular business of raising an army through coercion and a general draft of its citizens, lowering public opposition to war in some cases (Horowitz & Levendusky, 2011). This troubling trend is something that may become further advanced if states become increasingly reliant on AI-enhanced drones, rather than soldiers, in the future (Haner & Garcia, 2019).

## The Pacific Effects of Trade, Democracy, and Universal Suffrage

### Capitalist Peace Theory

"No two countries with a McDonalds have gone to war" or so says the maxim of the capitalist peace theory popularized by Thomas Friedman in 1999. And while Big Macs are no longer available in Russia since McDonalds exited the country after its invasion of Ukraine (Wolf, 2022), the idea that greater trade-based interdependence between states should make them less likely to go to war is a compelling one. Robert Wright encapsulated this idea of a capitalist peace based on shared economic ties well when he quipped that "among the many reasons that I think we should not bomb the Japanese, is that they made my minivan" (Pinker, 2007).

Some have argued that states should be less likely to go to war if they have shared economic interests (Gartzke, 2007; Hegre et al., 2010; Copelovitch & Putnam, 2014) especially since war has been shown to reduce trade levels not only bilaterally between the states involved, but with

third-parties as well (Hegre et al., 2010). Looking at data from 1950 to 2000, Lee and Pyun (2016) found bilateral trade integration to be positively correlated with peace. Some have argued that dramatic increases in trade post-1960 have incentivized alliance formation and thereby lead to the decline in interstate war (Jackson & Nei, 2014). Others, reviewing similar trade data, find that there is no empirical support at all for the idea that high levels of trade make war less likely (Ward et al., 2007). Barbieri and Schneider's (1999) review of the subject found that most conflict and trade-related data to either show a negligible impact, and even for increased trade to be associated with higher chances of war under some circumstances. Another study found trade interdependence to be associated with fewer militarized interstate disputes, but trade volume to be associated with greater risk of armed conflict (Goldsmith, 2013).

The high levels of trade just prior to World War I, infamously touted by Norman Angell, has been called the "Achilles heel" of the capitalist peace hypothesis (Drezner, 2019) as global trade as a percentage of Gross Domestic Product (GDP) and interdependence were incredibly high at that time, at levels not to be seen again until the 1990s, and yet this did not stop the outbreak, or contain the severity of, one of the most devasting wars in human history (Goldstone, 2007; Keohane & Nye, 1987). Analyzing this period from 1870 to 1938 Barbieri (1996), and after controlling for the effects of regime type, capabilities, alliances, and other standard dyadic variables, she found that states with more extensive economic interdependence, whether symmetrically balanced or asymmetric dependence, were more likely to have militarized interstate disputes and that economic links overall had no effect on the likelihood of war.

Sangha (2011) argues that the decline in major wars is best attributed to the changing profitability of warfare and points out that there are virtually no economic gains that can be reasonably expected from them today, due to the disruption in trade and foreign investment. Levy

(2013) at least partially credits economic interdependence for the long-term decline in warfare, as it increases the potential costs of war. Kaysen (1990) notes that other economic changes, beginning with industrialization, meant that the value of land began to diminish as large-scale farming, husbandry, and cash crop cultivation was gradually replaced with less land intensive industries, allowing wealth generation to be increasingly less tied to territory over time. While this transition may be at least a partial explanatory factor with regard to the decline in great power wars, the extent to which this is true beyond that varies a great deal based upon which region of the world you are discussing and large regions of the world are still reliant on the production of raw materials and lack significant industrialization and yet these regions are still much more peaceful than they were in the past. Major wars have always been a gamble, and it is not entirely clear if the relative economic costs today are really any higher now than they were in the past. As Gat (2013) notes, after accounting for relative costs and population size, wars are not any more economically destructive today. He further points out that war has always been a major economic exertion that has financially bankrupt some countries, including France, which was so thoroughly ruined by the debts its wars had incurred in the 18th century that it led to the French Revolution.

Defenders of Marxist conceptions of international relations are also likely to scoff at the idea that capitalism or industrialization could bring about peace rather than domination and imperialism. For Marxists, transitioning from a world dominated by open war to one characterized by informal control between "core" and "periphery" states through conditional international loans, multinational corporations, and interventions to prop up corrupt elites is not truly a pacific change but rather the continuation of a predatory practice by less costly means (Blau & Wallerstein, 2000). The capitalist peace notion that the market and businesses fundamentally favor peace is also undercut by the military industrial complex. One need not look further than former US Vice-

President Dick Cheney, former Chairman of Haliburton, which received massive no-bid contracts to help rebuild Iraq, to see how what you sell might affect whether your business favors peace or war (Rosenbaum, 2004).

McDonald (2004) argues that it is not trade that leads to peace but rather free trade, and that this distinction can salvage the commercial peace theory and helps explain why the high levels of trade, but not free trade, prior to World War I were not enough to prevent its breakout. They argue that when states enact protectionist barriers to trade, that this empowers nationalist forces and undermines international commercial groups who might be less likely to support war (McDonald, 2004). Lee and Pyun (2016) similarly found that reductions in protectionist trade policies was associated with a reduced chance of war. The problem with these arguments, and a likely reason for the lack of consensus and apparent mixed correlation between trade and peace, is that I believe both international free-trade policies and the chance of war to be driven primarily by a third variable, the degree of organization in their relations.

Capitalism is not necessarily intrinsically peace or war promoting, its effect is contingent upon the how the international system is structured (Vayrynen, 2013). The existence of tariffs and other protectionist trade policies had been the default position between the vast majority of states, and changes to these policies are typically the result of many decades of treaty negotiations and trust building between them as they gradually improve and formalize how to regulate trade between them alongside a wide variety of other issues. Studies which include cases and variables that capture both trade and heavy regional intergovernmental organization allude to this (Aydin, 2010). Bilateral trade flows typically rise after states have improved the degree of organization in their relations, and made some tangible progress towards building peace, an effect with is

especially pronounced after they establish greater territorial consensus and permanently settle their borders with one another (Simmons, 2005; Schultz, 2014).

Ultimately, while increased trade and interdependence alone are not a panacea for war and have not changed over time in a way that suggests they are the primary driver of long-term decline in warfare (Drezner, 2019; Fortna, 2013) they remain important cooperation promoting effects, particularly with regard to the increased interactions and connections they create between states, which can help to build a shared sense of community between states, and incentivizing individuals and businesses within the potential aggressor state to urge restraint (Dorussen & Ward, 2010). Being mutually reliant in an interdependent way, in the absence of organization, with another state is not sufficient for building lasting peace (Vayrynen, 2013). While it may provide incentives to not go to war, it does not reduce the potential incongruence in states views of the world or their expectations of one another, the well from which contentious issues and justifications for war spring (Luard, 1986; Rummel, 1979). Trade is a positive goal and seeking to facilitate it typically brings states closer together through negotiating consensus about the rules governing commercial interactions and in that process they increase their commercial community interactions (Dorussen & Ward, 2010), and become increasingly socialized, gaining familiarity, understanding, and mutual recognition of one another and of their shared interest in committing to a peaceful dispute resolution process (Goodman & Jinks, 2013; Holmes, 2018; Morgan, 2013; Wendt, 2003). And while some worry that interdependence can be metaphorically "weaponized", such as by cutting states off from the SWIFT banking system and global supply chains (Farrell & Newman, 2019), the much more organized world under which this level of financial and economic integration is possible, is one in which interdependence is far less likely to lead to actual weaponization.

**Democratic Peace Theory**

What about the spread of democracy? While there is significant disagreement about the exact causal mechanism involved, proponents of Democratic Peace Theory (DPT) generally argue that democratic countries are significantly less likely to go to war against one another relative to all other types of dyads (Doyle, 1986; O'Neal, 2003; Oneal et al., 2003; Oneal & Russett, 1999; Russett, 2014; Ward et al., 2007) and thus imply that the spread of democracy to more countries around the world should lead to lower levels of international armed conflict as democratic dyads replace other regime type pairings.

Most quantitative studies of democratic peace show a significant correlation between democratic dyads being less likely to go to war with one another relative to other regime pairs (Dixon, 1994; O'Neal, 2003; Oneal & Russett, 1999; Russett, 2014). Conflicts between democracies that do break out have become shorter and less severe over time (Mitchell & Prins, 1999). Yet some studies have found either only a modest statistical effect and question its empirical basis (Ward et al., 2007) while others claim that no such link exists and that since the chances of any pair of states being at war at any given time is relatively low, that it is not surprising that democracies have only infrequently been at war with each other (Spiro, 2006). Despite this lingering dissent, as Levy (1988) notes, there is wide acceptance that there is more peace between democracies than other regime type pairings and that this is "the closest thing to an empirical law in international relations".

While the statistics of DPT are hard to question, the lack of consensus regarding what the exact causal mechanism is that explains the pacific outcome makes it more difficult to rule out the potential spuriousness of this relationship (Barnhart et al., 2020; Mueller, 1989, 1991). Setting aside the debate for now over whether the democratic peace is the result of shared values (Owen,

2000), domestic political norms (Dixon, 1994; Maoz & Russett, 1993), joint strategic interests (Gowa, 1999), market economies (Gartzke, 2007), women's suffrage (Barnhart et al., 2020), or something else entirely (Gibler, 2007; Owsiak & Vasquez, 2021; Rasler & Thompson, 2005) there is more agreement that democracies do not appear to be inherently any less violent towards countries they deem non-democratic and are just as likely to be involved in wars as authoritarian regimes overall (Gleditsch & Hegre, 1997; Gowa, 1999; Owen, 2000). Even the most prominent proponents of DPT note that "Democracies are not necessarily peaceful in general" (Russett, 2014, p. 32). This suggests the theory's potential relegation regarding the decline of war thesis.

With regard to longer term decline in warfare, the spread of democracy around the world is far too recent of a phenomena to account for the more than four century decline in warfare (Brecke, 2001; Gat, 2006, 2013; Goldstein, 1988; Levy, 1982; Levy & Thompson, 2011; Long & Brecke, 2003; Pinker, 2011), which pre-dates even the earliest beginnings of the modern democratization trend by at least 250 years as it only began in earnest in the 1850s (Marshall & Gurr, 2020). DPT therefore is unable to account for earlier pacific progress, including the remarkable regional peace between the monarchs of Europe which held during the previous 35 years after the agreements reached during the Congress of Vienna allowed the almost exclusively non-democratic regimes of that era to coexist peacefully without shared democracy as a common factor (Gat, 2013; Holsti, 1991). While certainly applicable to peace between an increasing subset of democratic dyads over time, democracies would only outnumber authoritarian regimes worldwide after the Cold War ended, though the number of democracies would not overtake non-democracies until the 1990s (Marshall & Gurr, 2020).

While not applicable to the enter trendline and the decline in warfare that predates nearly all modern democracies, inclusive and participatory governance is a significant contributor to

peace in at least three ways. First, as a political organizational system between domestic groups, democracies, generally speaking, provide a much more robust set of internal dispute resolution mechanisms that are often highly capable of resolving contentious issues and political grievances and preventing armed conflict between groups and against the state, thereby contributing by becoming internal "zones of peace" (Ash, 2016; Bartusevičius & Skaaning, 2018; Dyrstad & Hillesund, 2020; Kacowicz, 1995; Ross, 1993; Stockemer, 2010). Second, democratic states are more likely to comply with international law (Chiba et al., 2015), more likely to form or join IGOs (Rasler & Thompson, 2005), and more likely to have fully settled their territorial borders with contiguous states (Gibler, 2007; Mitchell & Prins, 1999; Owsiak, 2012; Owsiak & Vasquez, 2021), all of which contribute to the overall organization of the international system and the global peacebuilding process. Finally, and perhaps most importantly, democracies are far more likely to empower women.

## Suffragist Peace Theory

Another important factor and potentially significant contributor to the long-term decline in warfare is that of the increasing empowerment and enfranchisement of women over time. It is difficult to overlook how nearly all monarchs and the vast majority of elected leaders throughout our past and frustratingly into our present have been men, and thus nearly every single war throughout history has been started by men.

While an intrinsically valuable goal, studies are increasingly demonstrating how the empowerment of women can promote peace between states as well. Some scholars have found that women are generally more supportive of peaceful options and less supportive of decisions to threaten or use force than men are (Barnhart et al., 2020; Caprioli, 2000). Others have found that

the lower the status of women in society, the more likely it is that that society will go to war against others or fracture into civil war (Isaacs, 2013). Many studies have found that gender diverse organizations are also more creative, more productive, and more effective than male-dominated ones (Credit Suisse Research Institute, 2019; ILO, 2019; Shoreibah et al., 2019; Turban et al., 2019). Studies have also found that women tend to be less supportive of defense spending (Eichenberg & Stoll, 2012) and that their involvement in decision-making processes can moderate male aggression (Isaacs, 2013). Collectively, this indicates that the more access women have to power, the less likely it becomes that states will go to war (Regan & Paskeviciute, 2003).

Women also tend to be more stable leaders, on average, than men. One socio-biological explanation for this may be that men have an average of twenty times more testosterone than women, a hormone that is positively correlated with aggressive behavior (Johnson, 2006; McDermott, 2015; Reiter, 2015). What is particularly troubling is not hormonal males in the abstract, but how levels of this hormone react to social situations and those inherent to international politics and conflict. Testosterone levels are known to spike in situations of social hierarchy and in situations where there is something to "win", and individuals with higher levels have a greater tendency towards overconfidence and aggression (Goldstein, 2003; Johnson, 2006).

For these reasons, some contend that the increasing rates of suffrage in most consolidated democracies over time may be the missing causal factor behind democratic peace theory, and by extension could be responsible for some of the long-term decline in violence (Barnhart et al., 2020; Hudson et al., 2009) found that the levels of violence against women within a state was a better predictor than either wealth or regime type with regard to peaceful relations outside of it. When the pacific preferences of women are empowered through suffrage and the removal of other barriers to state leadership, feminist democratic states are not only less likely to go to war against

other democracies but are less likely to go to war in general (Barnhart et al., 2020). This general pacific effect can also be seen when states do go to war, the ones with greater gender equality are more restrained and less severe than those that are more masculine dominant (Caprioli & Boyer, 2001). Further, states with higher levels of gender equality are more likely to support international institutions and to have better relations with their neighbors (Hudson et al., 2009), and peace agreements last longer when women are included in the negotiating process (Nilsson, 2012; O'Reilly et al., 2015).

Not all studies found strong support for suffragist peace. Some have found only mixed results (Koch & Fulton, 2011) and others found no difference between genders with regard to support for war (Gartner, 2008). However, perhaps revealingly, I was not able to find a single study attempting to claim that men are more peaceful than women. Further, the vast preponderance of the empirical evidence on this issue does appear to support the thesis that states with hypermasculine leaders or cultures, and higher degrees of gender inequality or gender-based violence are significantly more likely to start a war, even after controlling for other potential related factors (Barnhart et al., 2020; Caprioli, 2000; Caprioli & Boyer, 2001; Caprioli & Trumbore, 2006; Cohen & Karim, 2022; Hudson et al., 2009; Isaacs, 2013; Regan & Paskeviciute, 2003; Sobek et al., 2006).

This is not to generalize that all female leaders are pacific, and though women are less likely on average to support war, many still do, and experimental evidence suggests that women are even just as likely as men to support the use of nuclear weapons (Press et al., 2013). Koch and Fulton (2011) also found that some of the women shattering glass ceilings and becoming state leaders tend to support higher levels of defense spending and are associated with slightly greater likelihoods of involvement in militarized conflict. Yet, these examples are often the exception

rather than the rule and may reflect more about the masculine cultures and stereotypes about women that they needed to overcome politically, rather than reflecting any general sentiment about women in state leadership in general.

While the general cooperation and peace promoting effects of the political empowerment of women, relative to the narrower democratic dyad directed explanatory value of most liberal peace theories, make feminist peace explanations a more compelling potential explanation for increased peace between advanced and inclusive democracies, neither causal variable has been in existence long enough to account for the longer decline in warfare. Just as extensive democratization occurred too recently to apply to the longer-term trendlines, widespread suffrage for women occurred even more recently. Beginning with New Zealand in 1893, it took most of the 20th century for even democratic countries to grant women's suffrage, with the US finally giving in to campaigners demands in 1920 (though women of color would still face significant hurdles for decades), and many countries maintained greater restrictions on women's right to vote throughout much of the century (Schaeffer, 2023). Ultimately, the increased proclivity of women towards nonviolent conflict resolution (Barnhart et al., 2020; Caprioli, 2000; Isaacs, 2013), their enhanced relative socio-biological stability (Goldstein, 2003; Johnson, 2006; Reiter, 2015), ability to craft more durable peace agreements (Nilsson, 2012; O'Reilly et al., 2015), and greater support for international institutions (Hudson et al., 2009) all suggest that increasing gender equality may be an important factor in explaining the increased pace of international organization and decline in warfare in the post-1945 era, especially between and within the most inclusive democracies (Hudson et al., 2009; Regan & Paskeviciute, 2003).

**The Critical Nexus: Norms, Institutions, and Contentious Issues**

The primary literatures that this project builds out from and aims to advance are the constructivist, functionalist, and contentious issues paradigms. Contending that "international governance is both functional and social" (Hooghe et al., 2019), scholars are increasingly realizing that there are significant benefits to utilizing combined normative and rationalist approaches to studying international politics and organization (Jervis, 1997; Legro, 1996; Spruyt, 2013; Vayrynen, 2006). As Spruyt (2013) explains, Ostrom's (1990) division of logics of appropriateness based on norms, and logic of consequences based on utilitarian grounds, are rarely ever truly considered in isolation but rather often merge together over time as a moral norm might lead to a utilitarian convention, which then eventually becomes accepted once again as morally desirable to adhere to and so on (March & Olsen, 1989). Jervis (1998) argues this blending is why the "the two need to be combined".

Our understanding of how these forces can work in tandem can be further advanced by incorporating elements of the lesser-appreciated contentious issues paradigm, which provides a potential bridging theoretical framework between the two approaches and its emphasis on the resolving of specific conflict-provoking issues, such as territorial boundaries, helps support and extend existing explanations of the generally peace and cooperation promoting social and functional effects of international institutions (Holsti, 1991; Mansbach & Vasquez, 1981; Vayrynen, 2006).

## Norms, Institutions, and Socialization

While far from complete and certainly not uniformly distributed, it is difficult to dispute the fact that anti-war sentiment has grown over time, and even authors skeptical of the explanatory value of this change are forced to concede that global norms and attitudes towards the favorability

of war have "unquestionably shifted" towards peace (Levy, 2013). This change is perhaps demonstrated most convincingly by Pinker (2011), whose book *The Better Angels of our Nature: Why Violence had Declined,* popularized this debate and in which he marshals an impressive and compelling array of evidence to depict the declining acceptability of a wide variety of violent practices that were once common in many places around the world, ranging from major power wars to interpersonal violence, slavery, dueling, human sacrifice, and the cruelest forms of torture and abuse towards both people and animals. To explain this change Pinker (2011), argues that humanity's "Better Angels", empathy, self-control, moral sense, and reason, have won out over our "Inner Demons" he points to a wide variety of factors, including but not limited to: commerce, expanding suffrage, the humanitarian revolution, increasingly widespread education systems, and the "Flynn Effect", which holds that people today are generally smarter than those in the past for a variety of nutritional and environmental factors (Pinker, 2011). The normative aspects of Pinker's explanation, echoes Mueller's (1989, 1991) argument that major wars are becoming obsolete due to widespread social "attitude change" regarding the acceptability of war.

While Mueller's (1989, 1991) argument that the anti-war movement drove this change, as he admits, is primarily applicable in just the last century and in the most developed parts of the world, the widespread changing norms surrounding the general justifiability of war that they and Pinker (2011) point to, and exactly which situations it might be considered an appropriate or expected response have had an important effect on the decline of war. Normative conceptions of morality play a significant role when state leaders consider the use of force (Walzer, 1977) and whether consciously or not all state actors are shaped in some ways by their "principled beliefs", which help guide decision-making and define what types of behavior are thought to be right or wrong in general (Goldstein & Keohane, 1993). The very logic under which the benefits, costs,

and potential remedial necessity of war are weighed and the circumstances under which it is considered an appropriate response are all learned (Vasquez, 2009) and scholars of the English School agree that it is the culture of "international society" which affects leaders' beliefs and their ideas regarding the appropriateness of war (Lees, 2021). While attitudes towards war have certainly changed over time, our understanding of what exactly is driving this change and why, broadly speaking, peace and cooperation are able to prevail in a sustained and progressive way over such the long period can be enhanced by including analysis of international law and other types of institutional growth over this period.

Norms are taken more seriously when formally written into international law (Sikkink & Finnemore, 1998) as treaties demonstrate a "a seriousness of intent that is difficult to replicate in other ways" (Simmons, 2009). Through their formal adoption into the existing international system and legal structure they gain additional legitimacy and greater potential effects on state behavior (Spruyt, 2013). States are well aware of the status and strength of international norms and the range of pressure they exert (Dixon, 2017). By their explicit and public nature, treaties not only advance and help institutionalize the norms which gave rise to them, they raise the expectations of domestic and international activists and oppressed groups, giving them a legal justification, tool, and benchmark against which the manifestations of a state's aberrant actions are much more easily demonstrable and often undeniable (Simmons, 2009). Transnational activist networks can then more easily hold states accountable for their actions, bring public and legal attention to transgressions, and mobilize pressure against them to change behavior (Keck & Sikkink, 1999). Shaping norms in this way is a critical mechanism that weaker actors can use to collectively shape the international system and wield collective power (Tourinho, 2021). Novel interpretations of

laws also help create new norms which can lead to new or updated treaties which could further institutionalize the norms that gave rise to them in the first place (Garcia & Das, 2011).

As Keohane (1988) notes, long-term cooperation ultimately requires institutions, a term used to describe both organizations and organized behavior (Morgan, 2013). The term "institutions" has often used interchangeably with the term "regimes", and though the latter has been described as "imprecise and wooly" (Strange, 1982) it is commonly defined as "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area" (Krasner, 1982, p. 186). Institutions are similarly defined to include formal or informal organized patterns of activity, either general or with regard to a particular subset of activity or arrangement, with rules for governing and constraining behavior and setting expectations (Keohane, 1988). While both are critically concerned with guiding state behavior by providing rules and setting expectations, institutions are in some sense a regime brought more fully to life through repeated general compliance and demonstrable state practice in adherence to the rules, thereby both setting and reaffirming expectations. While norms can be formally enshrined into regimes through the signing of a new treaty and thus further promote the organization of behavior and convergence of expectations around its given topic (Randle, 1987), it is often through its actual enactment and implementation that the norm ultimately becomes "institutionalized" and embedded into the fabric of the international system as the default script for states to follow (Spruyt, 2013). Once institutionalized, norms continue to guide state behavior and enhance compliance with international regimes as they become the default expected behavior and continue to "specify policy in the absence of innovation" (Goldstein & Keohane, 1993). Institutions are thus both "simultaneously causes and effects" in some sense as once established, they can constrain state behavior while constantly being affected and reformed by that behavior

(Martin& Simmons, 1998). This inherent duality of institutional structure makes a strong case for why social and functional factors of institutions should be studied together (Spruyt, 2013).

Arguments in favor of the pacific effects of rationalist or functional factors within institutions, typically associated with liberal institutionalist approaches to analyzing international relations, have been made at least as far back as Kant's 1795 articulation of the necessity of establishing a "federation of free states". Regimes can promote order and stability and facilitate cooperation by providing rules and procedures that regularize and coordinate behavior, help expectations converge and thus reduce friction and improve the interactions between states (Haggard & Simmons, 1987; Keohane, 1984; Keohane & Nye, 1987; Krasner, 1982; Young, 1980). IGOs can help resolve some minor issues without need for additional treaties (Morgan, 2013) and promote cooperation through monitoring agreements, providing information about compliance, and reducing transaction costs (Barnett & Finnemore, 1999; Boehmer et al., 2004; Haggard & Simmons, 1987; Keohane, 1984). From a functionalist perspective, the growing numbers of interactions within the multiple channels offered by IGOs reduce incentives for violence and increase the incentives for cooperation as there are more chances and venues for payback, issue linkage, as well as more potential gains at risk to lose in war or non-compliance (Boehmer et al., 2004; Haftel, 2012; Keohane & Nye, 1987; Mclaughlin & Hensel, 2007). Institutions can also mitigate commitment problems for collective action and enhance reputation building incentives by extending the "shadow of the future" and reducing incentives to defect by extending the perceived interaction timeline through repeated interactions across multiple institutional venues (Kreps & Wilson, 1982; Martin, 1992; Koremenos et al., 2001, 2003; Boehmer et al., 2004; McLaughlin & Hensel, 2007). Creating and joining IGOs enhances the ability of the

constituent polities to have a genuine influence on external world events, particularly for smaller states who might not have been able to do so otherwise (Nugent & Paterson, 2003).

Neofunctionalism's observation of both how positive spillover between regulation and integration in one area can create incentives to organize related areas, as well as how interest groups begin to shift their loyalty to the supranational level as they believe the new institution to be a better suited mechanism for achieving their transnational goals (Rosamond, 2005), are both critical processes at the global level, though technocratic automaticity has not manifested in a particularly significant, centralized manner as the UNSC has not moved to expand its governance scope in a meaningful way. Neofunctionalism's contribution to our understanding of how iterative problem solving and regulation can expand international consensus and the further the trend towards supranational community building (Sweet & Sandholtz, 2010) are both important components of organizing peace and will be addressed in greater detail in Chapter 5 and 4, respectively.

The growth of institutions in terms of quantity, scale, and breadth has been steady since the mid to late 19th century (Oneal & Russett, 1999). Most quantitative studies have shown increasing numbers of shared IGO membership to significantly reduce disputes (Oneal & Russett, 1999; Berbaum et al., 2003; Hasenclever & Weiffen, 2006). However, others have shown joint IGO membership to be associated with an increase in conflicts among members (Gartzke et al., 2001; Ward et al., 2007). Some of this variation may likely stem from insufficiently accounting for proximity effects, as states who live closer together are both more likely to be members of additional regional IGOs and contiguous states are more likely to have disputed territorial boundaries, which is one of the most common causes of war throughout history and remains so today (Owsiak, 2012; Owsiak & Vasquez, 2021; Toft, 2014; Vasquez & Henehan, 2001). In any

event, in order to more fully understand how institutions can promote peace and cooperation their rationalist or functional aspects must be considered alongside the critical social forces that they work in tandem with and ultimately rely significantly upon to have effect (Hooghe et al., 2019; Jervis, 1997; Legro, 1996; Vayrynen, 2006).

Morgan (2013) and Spruyt (2013) both make compelling arguments for the impact of multilateral institutions on the decline in major wars, not because of any strictly utilitarian effects, but rather because they are the critical engines of their norm promotion and diffusion through socialization. By providing the rules for stable coexistence and predictable interactions, institutions allow for information, goods, finance, and people to cross borders and thus for social interactions to occur (Holsti, 2004). IGOs are particularly powerful socialization sites as they serve as one of the primary "loci for human interaction" across borders (Katznelson, 1997, p. 102) and foster greater communication and socialization by providing a permanent structure for regular meetings between officials and committees (Haftel, 2012).

Institutional socialization is a particularly powerful force in promoting consensus and cooperation because there is a fundamental basic human desire to be able to justify one's actions to their peers and to themselves (Aronson et al., 2012; Goodman & Jinks, 2013). Along with other potential socializing mechanisms, state actors tend to adopt norms and beliefs through acculturation. Goodman and Jinks (2013) describe acculturation a powerful consensus and cooperation promoting force because state actors face internal and external cognitive and social pressures to conform due to fact that going along with the group provides some degree of "cognitive comfort" relative to the cognitive distress costs of non-conformity and the cognitive dissonance it involves. This argument is based on a variety of studies demonstrating how most individuals feel significant cognitive discomfort, often manifesting as guilt, regret, or anxiety,

when their behavior conflicts with their socially constructed identity, and this motivates them to minimize the discomfort by either finding a way to justify their actions that is consistent with the prevailing norm or by changing their behavior (Aronson et al., 2012; Gibbons et al., 1997; Goodman & Jinks, 2013; Schultz et al., 2008). Public approval for conformity and disproval for non-conformity imposes further social-psychological costs (Cialdini et al., 2006; Petty et al., 1997; Risse & Sikkink, 2020).

Social interactions within international institutions, including diplomatic negotiations, can have important effects on state behavior and their foreign policy choices both directly through the socialization of state actors involved and indirectly through a "macro-micro-macro" causal pathway, in which the socialization within the macro level of the international system affects the micro level of state officials, activists, media outlets members, and ordinary citizens, who then affect the macro level again in turn by influencing the government composition, rhetoric and framing used, and the ultimate foreign policy decisions of their state (Goodman & Jinks, 2013).

In addition to acculturation, socialization to institutional norms can also occur in these settings as a result of persuasion, role playing, and shifting conceptions of how to calculate strategic interest (Checkel, 2005; Gheciu, 2005). Institutions can exercise "soft power" in this way to attract, seduce, or co-opt states into changing their behavior (Nye, 2004). Diffusion of norms and their shared meanings help to promote mutual understanding of exactly what the international system is and what its community expectations are (Barnett & Finnemore, 1999). Far from being exempt, socialization occurs even in the most hard-power focused security institutions, allowing states to move beyond strategic calculus and accept a logic of appropriateness, internalizing institutional norms (March & Olsen, 1989; Katznelson, 1997; Lewis, 2005; Cross, 2013).

The effect that socialization has on state leaders, diplomats, and increasingly on citizens from all walks of life is one of the most significant and critical components of organizing peace and for explaining the long-term decline in warfare, however some important questions remain. How do states build enough trust with one another to move beyond intergovernmental coordination and lower levels of organized cooperation and "deepen" their commitment to one another through more significant levels of integration and supranational institutions? And why have they been "widening" over time (Umbach, 2010) to include and organize the interactions of increasingly larger segments of the world? Further, while institutionalization may promote stability as expectations converge, and socialization can promote consensus surrounding the appropriateness of certain norms, both of these processes are in some sense neutral with regard to the specific character of the actions they promote. Given that states can therefore be socialized into accepting negative and violent norms, such as Japan did with imperialism in the early 20th century (Hathaway & Shapiro, 2017), why is it that, broadly speaking, peace and cooperation continues to prevail over the long-term? Answers to these questions can be enhanced through consideration of how socialization not only promotes consensus within groups, but also helps to expand and deepen their understanding of one another and the collective sense of community between states over time.

Taking issue with Mitrany's (1943) over-emphasis on the strict logical function of utilitarian systems, while still accepting liberal assumptions about the beneficial effects of international institutions, Hooghe et al. (2019) advance a "postfunctionalist theory" which extends and improves functionalism by including social elements of governance, arguing that "international cooperation depends on the extent to which people(s) conceive themselves as members of a community." The common norms, sense of group identity, and feeling of sharing a common fate within communities can help facilitate cooperation through diffuse reciprocity and

thus more easily allow groups with a stronger sense of community to overcome short term costs and collective action problems to achieve functional resolution of transnational issues and the provision of public goods (Hooghe et al., 2019; Ostrom, 1990). Increasing interactions between "ultra-social" state actors not only promotes consensus and cooperation, but also helps to expand and deepen their shared sense of community over time (Buzan, 1993; Cross, 2007, 2023; Hooghe et al., 2019). Face-to-face social interactions engage the empathetic mirror system part of the "social brain", allowing individuals to better understand, sympathize, and recognize the shared humanity with one another (Holmes, 2018), and this expanding sense of mutual recognition within a growing global community, while still relatively "thin", can make war increasingly difficult to justify against other members (Wendt, 2003; Williams, 1997).

This may be a large part of why Wendt (1999) argued that humanity has moved from a "Hobbesian culture", in which states see one another as potential enemies without any inherent right to exist independently, to a largely "Lockean culture", in which states are seen as potential rivals with a basic mutual recognition of one another's right to exist independently, though the parameters of that existence still have to be further worked out if we are to make it to a fully "Kantian culture" based on Hegelian or fully equal and symmetric recognition of one another and a total commitment to non-violent dispute resolution.

In many respects, the focus on international community in Hooghe et al. (2019) post-functionalist approach echoes the emphasis on international society by the English School. According to Bull (1977), international society is distinct from the international system, which they define as coming into existence as soon as "two or more states have sufficient contact between them, and have sufficient impact on one another's decisions to behave – at least in some measure – as parts of a whole". Their definition of international society adds the criteria that it must have

also established by common consent a set of rules and institutions to govern their relations, which are in the common interests of the society to maintain (Bull & Watson, 1984). Therefore, an international system can exist without society, but not the other way around. The English School also makes an important contribution in its understanding of how war was institutionalized and relied upon to resolve disputes within international society (Lees, 2021). Further, by passing international laws and creating rules and institutions to govern the society, states are able to "limit their menu of appropriate behaviors" of states (Lascurettes, 2012) as they tell "individual states when war is permissible, desirable, or even obligatory" (Luard, 1986), and thus by changing the laws and expectations within the international community, the institutions of war can be replaced through the establishment of alternative dispute resolution mechanisms.

The critical downside to this social component of international order is that the boundaries of international society often shape the outer limits of where cooperation is thought possible. These boundaries can mark the line where shared interests, laws, and norms stop, and beyond which the members of each social group are under no obligation to extend any internal rights and obligations to those outside of it (Bull, 1977). Sense of community can be a double-edged sword in this way, when it is not fully inclusive and creates in-group vs out-group or "us vs them" tensions, as the boundaries of community can limit the extension of empathy to those outside of it and make war and violence seem more justifiable against them (Marks, 2012; Michelle, 2003; Opotow et al., 1995; Williams, 1997).

Despite the important contributions to understanding the long-term decline in warfare that combining the functional and social consensus and community building benefits of institutions offers, some important questions still remain. Why is it that despite the creation of a vast plethora of new IGOs and more than 75 years of heavily institutionalized interactions via the UN and other

post-war institutions, that global community building remains "at best weak", with hostile rhetoric and fears of war persisting despite the vastly extended "shadow of the future" of the modern era? In stark contrast, why has community building and significant international integration been able to progress so far and so rapidly in Europe, despite being host to the almost unprecedented levels violence and total warfare of both World Wars not so long ago? I believe our answers to these questions can be significantly advanced by connecting the more general social and functional cooperation promoting effects of institutions, with the more targeted international organizing effects that accrue between states as they negotiate consensus and resolve specific contentious issues themselves over time (Randle, 1987). As Vayrynen (2013, p. 305) notes, it takes a combination of "normative, and institutional factors" to explain the "gradual demise of religious, dynastic, and, more recently, territorial and statist reasons for going to war" and the contentious issues paradigm provides a potential bridging theoretical framework for doing so.

## The Contentious Issues Paradigm

As the name implies, the contentious issue paradigm argues that international politics is primarily about raising and resolving of issues (Diehl, 1992; Hensel, 2001; Hensel et al., 2008; Mansbach & Vasquez, 1981). Issues are often defined as being "a disputed point or question, the subject of a conflict or controversy" (Randle, 1987, p. 1). Essentially, contentious issues are matters of significant disagreement in expectations between states which generate friction or conflict between them. One of the great benefits of the contentious issues framework is that it is not exclusively concerned with any one particular factor such as power, norms, economics, regime types, or institutions, but rather the potential applicability of any of these concepts in generating issues, resolving them, or both (Mansbach & Vasquez, 1981). This provides a natural way to bridge

the social and often informal aspects of international diplomacy and negotiation on community and consensus building, with the more formal and function-focused aspects of the implementation and institutionalization of international law through various regimes, IGOs, courts, and other venues for social interaction, global governance, and dispute resolution. Cooperation and conflict are thus not considered to be driven by the struggle over any one particular issue, but rather over a wide variety of concerns that are important for various reasons to state elites and domestic coalitions, the resolution of which plays out upon the international stage. As Randle (1987, p. xii) notes, the history of international relations is a "history of humans creating, addressing, and coping with issues, and ultimately resolving some of them".

While the contentious issues paradigm has developed into a more significant program of empirical research recently, it remains one of the lesser known and underutilized approaches to studying international politics (Hensel & Goermans, 2021). This potentially powerful framework continues to suffer from a lack of broad consensus internally and some of its key works only implicitly discuss issues, preferring instead to frame their research in more prominently recognizable terminology (Hensel, 2001). However, some of the commonly held assumptions within this paradigm are that all foreign policy and politics in general, whether cooperative or conflictual, is issue-directed; that the specific characteristics and salience of each issue can vary and that these differences matter; and that the same causal processes affect political interactions regardless if the level of analysis is international, domestic, regional, local, etc. (Diehl, 1992; Hensel, 2001; Mansbach & Vasquez, 1981). Some scholars emphasize the importance of the pattern of past interactions between the actors and degree of hostility or friendship they conveyed, often discussing this in terms of the presence or absence of a "rivalry" (D. Dreyer, 2010). Others emphasize the importance of issue tangibility, or how concrete vs. abstract it is (e.g. loan

repayments vs. national pride), as well as issue divisibility, as in whether or how easily it can be divided between the parties in question (e.g. disputed territory in general vs. a symbolic city such as Jerusalem (Mansbach & Vasquez, 1981; Randle, 1987). Issues most readily lead to violent conflict when two or more states have incompatible objectives or maintain mutually exclusive viewpoints regarding how a specific problem should be resolved (Holsti, 1981). For this reason, intangible issues are often some of the most difficult to resolve and are associated with a higher likelihood, on average, of states resorting to war to settle them (Atkinson, 2021; Fearon, 1995; Vasquez, 2009; Vasquez & Henehan, 2001).

Issues vary widely in terms of salience, broadly defined as ''the degree of importance attached to that issue by the actors involved'' (Diehl, 1992, p. 334) or ''the intensity with which peoples and their leaders value an issue and its subject matter'' (Randle, 1987, p. 2). Essentially, salience refers to how prominent and pressing an issue is considered to be with regard to its relative priority on a state leader's agenda and the perceived degree of urgency with which they feel they must act in order to resolve it. Issue salience is often asymmetric, with each party valuing an issue's resolution with a different degree of urgency (Diehl, 1992). This means one state could potentially see an existentially threatening issue existing between itself and another state in a unidirectional sense, with the other state being completely unaware of this perception. However, most issues are much more symmetric and mutually shared, such as disputed territorial or maritime borders. Issues are typically more salient when they are perceived to represent a value being deprived to a state, such as status they believe they deserve, or a loss of resources felt in a sense of relative deprivation to the other gaining at their expense, regardless of whether there is necessarily any intrinsic or instrumental value to it (Mansbach & Vasquez, 1981). Frequently recurring or persistent issues that continually cause friction between states are also some of the most salient (Vasquez, 1983).

Looking at 65 American foreign policy cases from 1949 to 1968, Brewer (1973) found that the frequency of threat to a goal or value, whether recurrent or concurrent, mattered more than the tangibility or divisibility regarding issue salience.

An important assumption of the issues paradigm and which is incorporated into organized peace theory is that the same fundamental processes that shape political interactions apply regardless of what size, regime type, or how institutionalized or consolidated the sovereign polities in question are (Mansbach & Vasquez, 1981). That is to say that while democratic and authoritarian regimes may have different socially derived issues that they view as most important, the foreign and domestic policies of both are still functionally issue directed. Further, this means that the same causal structures that affect international politics and interstate war are thought applicable to domestic politics and political violence, even if the degree to which they are present are often dramatically different. The generally more representative and inclusive political process for resolving contentious issues within democracies is therefore thought to be the reason why they are more stable and internally peaceful (Ash, 2016; Bartusevičius & Skaaning, 2018; Dyrstad & Hillesund, 2020; Kacowicz, 1995; Ross, 1993; Stockemer, 2010). In this regard, international relations can be thought of as an extension of the same rules that govern peace at the domestic level. The contentious issues approach is an attempt to bridge the "radical separation between domestic and international politics" (Milner, 1991) and assumes that the "same psychological and game-theoretic dynamics… apply whether coalitions are street gangs, militias, or great power armies" (Pinker, 2011, p. 216).

Contentious issues are fundamentally derivative of a conflict or "incongruent structure" of expectations (Rummel, 1979) between the parties in question with regard to how a certain matter should be handled, distributed, shared, or otherwise resolved (Luard, 1986). The vast lack of

consensus between states under the much more anarchic conditions of the past has meant that there has historically been an almost infinite number of issues which could generate some degree of friction between states, ranging from mundane issues such as different systems of weights and measures, to issues of much greater salience, such as egregious human rights violations, disputes over how to manage shared water resources, or historical animosity regarding disputed sacred territory. Issues can be generated externally from the geopolitical environment, or internally from the actors themselves (Mansbach & Vasquez, 1981). Externally derived issues are often something immediate and unexpected, such the outbreak of a pandemic, or when a neighboring state collapses into civil war, or when a new technology allows for the extraction of rare earth minerals from the seafloor when this was previously impossible. Internally derived issues are typically when an actor actively seeks to challenge the international status quo in some way (Mansbach & Vasquez, 1981), including by seizing territory, establishing a nuclear weapons development program, or if leaders attempt to distract from domestic issues, such as high inflation rates or political unrest, by stoking animosity against a neighboring state (Mitchell & Thyne, 2010). Issues can remain static or dormant for long periods of time until some incident revives them (e.g. deadly disputed border clash), others gradually rise in salience as some aspect of it intensifies over time (e.g. climate change), some suddenly become resolved of their own accord (e.g. collapse of USSR) only to give rise to new issues at a later date (e.g. Vladimir Putin's desire to restore it) (Randle, 1987).

The greater the salience of an issue, the more states are willing to invest or risk in order to resolve them, and the more urgently they will seek to take action towards its resolution using whichever tools they think are the most likely achieve their goal (Hensel et al., 2008; Hensel & Goermans, 2021) within the set of options that are available to them and which they consider to be appropriate responses with regard to addressing the specific issue in question (Lees, 2021;

Luard, 1986; Vasquez, 2009). Issues can be resolved in a variety of ways, including by informal diplomacy, direct negotiations, mediation, arbitration, adjudication, a wide variety of different voting procedures and formulas within IGOs, states, or other governance structures, or even through unilateral use of force (Brownlie, 2009; Randle, 1987). In the contentious issues approach, war is primarily considered to occur not "because of" a specific factor or factors(s) but rather "in order to" to resolve some issue (Holsti, 1991, p. 14). While "virtually anything" can become an issue, typically only the most contentious ones towards the highest end of the salience spectrum have ever been considered to be important enough to justify going to war (Randle, 1987, p. 10).

Given the strong and rational preference for most state leaders to avoid the unreliable and dangerous nature of warfare as a means of attempting to resolve issues (Brewer, 1973; Mansbach & Vasquez, 1981; Diehl, 1992; Fearon, 1995; Hensel, 2001; Hensel et al., 2008), understanding the increasing availability, legitimacy, efficacy, and institutionalization of peaceful dispute resolution mechanisms in general and with regard to specific contentious issues over time is one of the most significant yet under-explored factors in explaining the long-term decline in warfare.

The emphasis on resolving specific issues offered by this approach not only helps bridge normative and functional approaches to studying international politics, but also helps to expand our understanding of the why the range of potential issues thought to be legally and morally justifiable "casi belli" or "occasions for war" has not only changed over time, but narrowed dramatically to an increasingly circumscribed and heavily constrained subset of legally and socially permissible justifications (Luard, 1986; Randle, 1987; Holsti, 1991; Spruyt, 2013). As Lopez and Johnson (2017) and Gat (2006) note, the major theories of international relations often only implicitly address or overgeneralize the causes of war into single issue categories. Through analyzing how resolving specific contentious issues has increasingly narrowed the specific

potential justifications for war and contributed to the declining justifiability of war in general, this project hopes to expand our understanding of this critical connection and the important role it has in creating an increasingly stable, organized, and peaceful international system over time.

Ultimately, given the simultaneously social and functional nature of the international system (Hooghe et al., 2019; Jervis, 1997; Legro, 1996; Vayrynen, 2006) and the necessity of it to be able to resolve contentious issues between states (Luard, 1986; Mansbach & Vasquez, 1981; Vasquez, 2009), through utilizing the collective strengths of the constructivist, functionalist, and contentious issues paradigms, a more complete and enriched understanding of the long-term decline in warfare can emerge. The critical nexus where these three perspectives converge most significantly and impactfully with regard to the long-term decline in warfare is in the diplomatic negotiation process of, and the enduring results from, international treatymaking and the organizing of peace.

## Organized Peace Theory

Building out from the critical nexus of the international treatymaking where the constructivist, functionalist, and contentious issues paradigms intersect, bolstered by new insights appraised from the computationally developed fossil record of international relations, and while recognizing that many of the initial contributions are descriptive and correlational with follow-on studies needed to confirm some of the theorized causal mechanisms, this project advances "organized peace theory". This theory contends that international peace is a function of international organization and that the long-term decline in warfare is in large part the result of the increasingly organized international system, and the expanding sense of community, mutual consensus, and the increasing institutionalization of supranational mechanisms for resolving

contentious issues between states that comprise and sustain it. Each of these factors are connected, and driven to a significant extent, through the negotiation, signing, and implementation of almost eighty thousand international treaties over the last four centuries. As states continue to negotiate treaties over time, these treaties collectively form an increasingly organized structure to their relations which progressively improves their prospects for peace and cooperation while making war increasingly difficult to justify as they gradually become more coherent parts of a larger, functional whole.

There are more than 200 million words of agreement that collectively give form to the international system, organize international relations, and which cumulatively, and ever more closely, bind its peoples together. Over the last four centuries, these words have been negotiated, debated, challenged, refuted, clarified, and made legally and mutually understandable before becoming formally enshrined in one of the 79,287 international treaties signed during this period. When disparate ideas, expectations, and worldviews are filtered through the difficult negotiation process, they become distilled into something more precise and meaningful, and the collective time, effort, and resources spent and compromises made along the way helps to infuse the final agreement with greater legitimacy and shared, explicit, and mutually understood significance (Chayes & Chayes, 1993; Raustiala & Slaughter, 2012). The difficult nature of reaching mutual consensus and forging lasting agreement between disparate worldviews on any given issue to states of such importance that a formal treaty is warranted, often means that negotiations can take years or even decades to successfully conclude. And yet, it is ultimately because of this difficulty, rather than in spite of it, that much of the global peacebuilding takes place; as it is through the many social interactions that occur between state actors during this lengthy process that they are increasingly able to better understand, empathize with, and recognize their shared humanity with

one another and establish or deepen a shared identity which transcends national boundaries and helps to create trust and overcome short-term, parochial interests on behalf of the larger group (Buzan, 1993; Cross, 2007; Holmes, 2018; Ostrom, 1990). The many meetings and long days and years spent negotiating each agreement force the parties to socialize and become more familiar with one another, and as that mutual recognition and understanding grows, shared consensus becomes easier to find (Aronson et al., 2012; Cross, 2007; Gheciu, 2005; Goodman & Jinks, 2013). Conflict is an inevitable part of life, and it is through the frank conversations and genuine arguments inherent to negotiation that states are able to establish a common lifeworld and greater understanding between them (Risse, 2000).

Each phase in the international law creation process contributes to the consensus, community, and contentious issue resolution mechanisms necessary for sustaining a peaceful and prosperous system of global governance. From the community and consensus building and reinforcing effects that result from the socialization that occurs through any treaty negotiation (Aronson et al., 2012; Cross, 2007; Goodman & Jinks, 2013; Holmes, 2018), to power of the public, voluntary, explicit, and enduring nature of formally signing and committing to treaties which reinforce the growing sense of community, anchor consensus and stabilize relations, and help to institutionalize peaceful dispute resolution over warfare (Abbott & Snidal, 2000; Denemark & Hoffmann, 2008; Koremenos et al., 2003; Raustiala & Slaughter, 2012), to how the implementation agreements helps reduce friction and transaction costs, create or enhance peaceful dispute resolution mechanisms, and facilitate the repeated interactions inherent to large-scale political governance projects that helps to further cement and deepen the socialization and community and consensus building effects between signatories (Goodman & Jinks, 2013; Hakimi,

2020; Keohane, 1988b; Krasner, 1982; Young, 1980), treatymaking contributes to organizing peace at every stage in the process.

States negotiate new treaties when they judge the current situation insufficient regarding their interests over a specific issue or collection of issues (Saunders, 1984). Whether this occurs as a result of decisive moral vision or genuine altruistic desire to resolve issues and build better institutions to service legitimate social purpose (Garcia & Das, 2011; Ruggie, 1998; Wendt, 1999), or enlightened self-interest and rationalist incentives for achieving the functional integration to overcome collective action problems (Guzman, 2008; Keohane, 1984; Keohane, 1988b), or some combination of the two (Hooghe et al., 2019), at a basic fundamental level, treatymaking, regardless of motivation, is ultimately an issue or goal-oriented behavior, broadly defined (Chayes & Chayes, 1993; Iakovidis, 2013; Koremenos et al., 2001, 2003).

The negative externalities of plural sovereignty have almost always led to the need for states to work together to resolve issues that would be difficult or impossible to do on their own (Hooghe et al., 2019; Keohane, 1984; Martin& Simmons, 1998). Whether it is due to our shared reliance on scarce natural resources, the interdependent nature of technology (Deudney, 2000), a fundamental human desire and struggle for true mutual recognition from neighboring groups (Wendt, 2003), the nature of "problems without passports" (Annan, 2009), or other ''relentless imperatives of rising global interdependence'' (Deudney & Ikenberry, 1999), it is through the interdependence of these issues and the connections forged by attempting to resolve them that states interact frequently enough to have to take each other's actions into account on an ongoing basis and begin to act as collective parts of a larger whole, at which point an international system can be said to exist between them (Bull, 1977; Bull & Watson, 1984; Buzan, 1993; Corry, 2010).

This theory contends that the ultimate root of most international conflict and war, and the source of most contentious issues and the "incongruent structure" of expectations they derive from (Rummel, 1979), is the negative externalities of plural sovereignty that result from the division of the world into arbitrary political entities (Mitrany, 1943) that are not organized sufficiently in alignment with the larger international system. The "irregularity" in states interests in an unintegrated and disorganized system is the "fundamental cause of tensions and wars" (Kamo, 1979). Friction, conflict, and even war can occur between states when the interdependent scale and salience of the contentious issues they face, including security from one another, exceeds their shared sense of community, established mutual consensus, and the institutionalization of peaceful mechanisms for resolving disputes. Given the broad, if not uniform, preference for peace (Fearon, 1995; Michelle, 2003; Opotow et al., 1995; UNESCO, 1989), the opportunity within any conflict dyad, or pair of states with the technical capacity to wage war on one another (Braumoeller, 2019; Bremer, 1992), for their leaders to justify war presents itself relative to the degree to which these three factors are present or absent from the international system they share and co-create. Thus, as this collective "degree of organization" has expanded across each of these three areas within the international system over the last four centuries, and the frequency of interstate warfare is expected to decline proportionally.

Peace is built in large part by making war unjustifiable. Every war, no matter how fundamentally unjust or cruel in its enactment, must have a significant justification at its onset and contentious issues provide that justification (Luard, 1986; Mansbach & Vasquez, 1981). As Luard, (1986, p. 129) explains "Competition alone, even competition for status, is not sufficient to create war. There must be an issue". The strict veracity of the issue is not always important; however, it must be at least somewhat defensible to the domestic and international audience. The "true" issue

that the state is wishing to resolve is not necessarily the one touted publicly, however there must be a war-salient issue that is openly justifiable enough to at least rhetorically placate potential opposition at home and abroad.

Domestically, a war-salient issue provides the justification needed to shore up support with key national and regional elites, hedge against threats from potential political rivals, and assist with propaganda messaging and resonance while rallying voters or general support amongst the public (Kornprobst, 2014; Rapp, 2022). Leaders always need to be able to justify and explain their decision at home because they need support not only from the people who would be called upon to fight in it, but also critically to convince the local elites of every locality or fiefdom in their state, from knights to tribal, clan, or militia leaders, whose support, especially in less centralized states, is essential for enticing recruitment or pressing citizens into conscription into military service (Hathaway & Shapiro, 2019). Recruitment for a job that may very well be your last has always been a difficult task and one that is made significantly easier when there is a motivating war-salient issue to rally around. Sovereigns would often take great pains to craft a "war manifesto" outlining the justification for war and would have town criers and religious institutions proclaim the justness of their cause whilst seeking to undermine enemy recruitment efforts by distributing the manifestos and their message as far as possible in the offending states territory as well (Hathaway & Shapiro, 2017).

Internationally, a plausible justification is essential for rallying potential allies and supporters, even those already treaty-bound to fight alongside the aggressor, for similar reasons with regard to their propaganda, recruitment, and domestic support, but also because the specific clauses of an alliance might stipulate that allies would only be bound to join wars that are defensive in nature or otherwise considered just and legal under international law. A war-salient issue also

provides political cover for third-parties wishing to stay neutral and to continue trade relations, and for rationalizing their neutrality both at home and abroad. Russia's naked aggression currently makes this a difficult sell globally for them, however by at least rhetorically pointing to NATO expansion as an existential threat, this gives China and other supporters at least a veneer of legitimacy and enough political cover to maintain support at home.

While the practice of issuing formal war manifestos ended just after the second World War and the outlawing of all wars of aggression by the UN Charter, leaders today still feel compelled to portray any military actions as legal, even if pursuing the legal justification is expensive, time consuming, and disadvantageous militarily (Rapp, 2022). When states are unable to find international legal support for their actions, they are more likely to pursue covert actions rather than face the social and legal blowback from an unjustifiable war (Poznansky & Perkoski, 2018). However thin or tortured the justification might be, there must necessarily always be some significant issue that states could point to defend their actions in the courts of public opinion and, ideally, courts of law as well.

The range of potential available socially and legally acceptable justifications, while never inexhaustible, is bound to the legal structure of the international system and what it permits (Raustiala & Slaughter, 2012). And therefore organized peace theory looks to the structure of the international system, and the demonstrable changes observable within the fossil record of international relations, to explain how, as the result of incredible diplomatic effort, the range of socially and legally acceptable of "casi belli" or justifiable "occasions for war", and the frequency of their occurrence, have shrunk dramatically over time (Holsti, 1991; Luard, 1986; Randle, 1987; Spruyt, 2013).

While not exclusively, the international system is constructed in large part through the negotiation and enduring results from the treatymaking process, and each new treaty signed organizes relations and promotes peace in at least three ways. First, the many social interactions during the long years of negotiations, the act of committing to one another during the treaty signing, and the opportunity to live up to the terms of the agreement along with the often many social interactions taking place between the states on an ongoing basis to implement the agreement, all help to promote and reinforce mutual recognition, understanding, and a shared sense of community between the signatories (Aronson et al., 2012; Cross, 2007; Goodman & Jinks, 2013). Community is the underlying relational infrastructure that makes global governance possible (Hakimi, 2020; Marks, 2012) and which helps diplomats and leaders overcome short term costs and collective action problems to achieve consensus about contentious transnational issues and the provision of public goods beyond what theories of strict strategic calculus would predict (Cross, 2007; Hooghe et al., 2019; Lewis, 2005; Ostrom, 1990). Shared sense of community begins with the recognition of common humanity, and continues to deepen as social interactions increase familiarity, understanding, empathy, and the sense of group identity and feeling of sharing a common fate (Buzan, 1993; Goodman & Jinks, 2013; Holmes, 2018).

Community building above and beyond the national level is a critical component of organizing peace and explaining the long-term decline in warfare because it both helps to facilitate greater cooperation between states, and in forging a common identity within the expanding supranational community and expanding the degree of mutual recognition and humanization of one another, this makes war increasingly difficult to justify for any reason against other members as the same social and moral rules, rights, and obligations the potential aggressor state expects to enjoy increasingly begin to apply to the potential target state as well (Michelle, 2003; Opotow et

al., 1995; Wendt, 2003; Williams, 1997). The stronger the shared sense of community, the stronger their justification will need to be as they will face more resistance attempting to rouse their nation to go to war against a group they have some degree of loyalty towards (Dower, 2002; Hogg, 2016).

Both community and peace are reliant upon "vast numbers of transactions and interchanges" (Schroeder, 2013) and the social interactions inherent to the negotiation and implementation of tens of thousands of international treaties signed over the last four centuries have exponentially increased them. These community building effects are amplified by treaties that not only build the relational infrastructure necessary for global governance, but also the actual infrastructure and means to more easily connect with one another, share ideas, trade, travel, as well as those which create institutions or ongoing cooperative projects with significant additional recurring social interactions, and those which help to normalize the idea and reinforce the expectation and appropriateness of solving communal problems directly at supranational or global level (Bearce & Bondanella, 2007; Dorussen & Ward, 2010; Hakimi, 2020; Katznelson, 1997; Morgan, 2013; Topik & Wells, 2012).

The second way that treatymaking contributes to the global peacebuilding process is by forging and securing consensus between the signatories, as each treaty successfully negotiated represents a small degree of expanded mutual understanding and explicit agreement about how the world should be and how its component parts should interact, and helps better organize the structure of their relations with regard to their current and future interactions concerning the specific issue(s) addressed or resolved by the treaty. As more and more treaties create and reinforce regimes across a wide variety of issue-areas and help to explicitly clarify the rules and procedures that regularize expected behavior within them, the more the degree of consensus between them expands and the more stability there will be in the relationship as incongruent expectations

between states begin to converge and friction between them is reduced (Charney, 1993; Krasner, 1982; Morrow, 2012; Osiander, 2011; Young, 1980). Significant and sustained cooperation requires that non-conforming actions of states be brought into relative harmony with one another in this way (Keohane, 1984).

While every treaty negotiated helps to build consensus between states, the most pacific progress is made in this regard when formal agreements are struck that help address the most contentious and especially "war-salient" issues, or those which are the most animating, recurrent, or persistent and which, if left unresolved, are the most likely to generate friction, hostility, conflict, and potentially even war. Peace treaties were especially important for expanding consensus and increasingly circumscribing the permissible social and legal justifications for war over time as each was carefully crafted with the intention of establishing a permanent consensus concerning the specific issues over which the war was fought and states understood that they were explicitly giving up their legal right to go to war in the future if there was a dispute regarding any of the specific issues directly addressed by the treaty place (Ghervas, 2021; Holsti, 1991; Lesaffer, 2012). Additionally, given how critical and contentious the issues concerning disputed territory and the ability to trade for, or otherwise access, perceived critical resources are for states, and how they have been some of the most common causes of war throughout history (Garcia, 2018; Gat, 2006; Gibler, 2017; Hathaway et al., 2018; Hensel, 2001; Hensel et al., 2008; Hensel & Goermans, 2021; Holsti, 1991; Keegan, 1993; Koubi et al., 2014; Luard, 1986; Mitchell & Thyne, 2010; Owsiak, 2012; Owsiak & Vasquez, 2021; Randle, 1987; Vasquez, 2009; Vasquez & Henehan, 2001), treaties which help to build mutual consensus in these areas are especially important and have some of the largest potential impacts upon improving relations and building peace and

promoting cooperation between the signatories (Owsiak, 2012; Owsiak et al., 2021; Owsiak & Vasquez, 2021).

Every treaty negotiated and signed is in some sense a bridge between worlds and the disparate worldviews of leaders. Having an expanding body of international law to draw upon gives states an increasingly common and comprehensive language and framework through which to communicate and interact (Chayes & Chayes, 1995). The enduring nature of treaties helps to hold this consensus together and allows them to be built upon iteratively and expanded upon over time (Ghervas, 2021; Holsti, 1991; Kohen, 2011; Lesaffer, 2012). The vast lack of consensus between states under the much more anarchic conditions of the past has meant that there has historically been an almost infinite number of issues which could generate some degree of friction between states. As states build consensus between them over time through the negotiation of more and more treaties, especially if they address the most contentious such as borders and resource access, they leave fewer issues which might otherwise sour relations or rise to sufficient war-salience to justify fighting over in the first place and turn the "traditional structure of randomness" into a more coherent and predictable international system (Kamo, 1979). By narrowing the range of socially and legally acceptable justifications for war in this way over time (Holsti, 1991; Luard, 1986; Randle, 1987; Spruyt, 2013), it becomes harder for even the most callous, egotistical, or opportunistic leader to lead a state to war (Mitchell & Thyne, 2010). As the degree of consensus expands in this way, it is not so much that the "consequences of anarchy" change as the system is organized (Buzan, 1993), but rather the residual amount or "degree of anarchy" or "political distance" between them diminishes (Kamo, 1979). The cumulative structural effects of increasing numbers of treaties signed between states over time effectively means that the total amount of

anarchy in the international system, along with all of its negative, potentially war-salient externalities, has been declining for at least the last 374 years.

The third and last way that treatymaking promotes peace is that each time states peacefully resolve a dispute and publicly sign a treaty, they create precedence for cooperating peacefully in the future and help to institutionalize and normalize diplomatic dispute resolution and cooperation, rather than war and rivalry (Denemark & Hoffmann, 2008). Treatymaking is peacebuilding in this way as, in tandem with the community and consensus building effects, it helps to address the root causes of armed conflict while building up the institutional capacities necessary to resolve conflicts and more effectively manage peace between the groups in question in the future (Atack, 2005; Boutros-Ghali, 1992; Galtung, 1976). While peacebuilding is a term most often used in reference to post-civil war settings, the concept is readily applicable to the international community and interstate wars and can be a useful lens for identifying what or whom the persistent "blockages to peace" are as well (Richmond, 2021).

As states have developed a stronger sense of community and expanded their collective consensus across multitudes of important aspects of international affairs over time, their increasing ability to do so peacefully has contributed to the "accumulating norms of peace settlement regimes" (Randle, 1987, p. xi). As Adler (1998) explains, "peace is, first and foremost, itself a *practice*" and through the repeated practice and enactment of peaceful diplomacy and negotiation, rather than reliance upon the institution of war, this helps to shift state officials understanding of what the socially appropriate response to potentially war-salient issues should be (Adler & Pouliot, 2011; Bourdieu, 1977; Neumann, 2002). The more successful instances of peacefully settled disputes there are in the international system, the more the normative environment shifts such it that "deprives war of its political oxygen" (Vayrynen, 2006).

While every treaty peacefully concluded contributes to the institutionalization of peace, agreements that are either reached through supranational institutions, or which otherwise explicitly endorse the peaceful dispute resolution processes of either diplomacy, mediation, arbitration, adjudication, or voting procedures within supranational organizations are especially helpful in positively reinforcing and legitimizing these institutions (Adler & Pouliot, 2011; Keohane, 1988; Neumann, 2002; Randle, 1987). Treaties that either create, support, or otherwise facilitate greater use, legitimacy, and availability of these peaceful dispute resolution mechanisms, the more embedded they become within the international system and regarded as the appropriate and expected options to resolve disputes and the more difficult it becomes to justify going to war for any reason as evidence of successful alternatives become more abundant and reinforced within the international community over time (Goldstein & Keohane, 1993; Mansbach & Vasquez, 1981; Spruyt, 2013; Vasquez, 2009; Vayrynen, 1983; Wallensteen, 1984).

The availability and institutionalization of peaceful dispute resolution mechanisms are critically important because states, when faced with a particularly contentious or even potentially war-salient issue, will seek to take action towards its resolution, using whichever tools they think are the most likely achieve their goal (Hensel et al., 2008; Hensel & Goermans, 2021) within the set of options that are available and perceived to be effective to them and which they consider to be appropriate responses with regard to the specific issue in question (Hensel et al., 2008; Hensel & Goermans, 2021; Lees, 2021; Luard, 1986; Vasquez, 2009). Given how violence goes against the nature of most people and leaders often have to resort to dehumanizing their enemies to convince large populations to commit violence (Michelle, 2003; Opotow et al., 1995; UNESCO, 1989) and the high potential costs and inherently risky nature of war, it is almost always used only as a last resort and an action that states will only pursue when they do not perceive there is any

other credible means of resolving the dispute they face (Brewer, 1973; Diehl, 1992; Fearon, 1995; Hensel, 2001; Hensel et al., 2008; Holsti, 1991; Mansbach & Vasquez, 1981; Randle, 1987).

Rather than "War is the continuation of politics with other means", as Clausewitz (1832) famously suggested, I would update the aphorism to "war is the *failure* of politics with *existing* means". Building peace necessitates developing the political institutions for global governance that are needed to manage "Clausewitz in reverse", as in the continuation of conflict through non-military means, rather than the other way around (Atack, 2005; Ramsbotham, 2000). Peacebuilding is not about stopping conflict, conflict is inevitable, but rather it is about channeling it into peaceful institutions and inclusive decision-making processes, where it can be transformed into a constructive force for spurring action and positive change (Francis, 2017).

When the international system does not have clearly established dispute resolution mechanisms and rules supporting their use, states are more likely to resort to unilateral use of force (Vasquez, 2009). Under the much more anarchic conditions of the past, with very little consensus about how to interact with one another and much weaker sense of community and recognition of the humanity in one another, as well as the lack of sufficiently institutionalized alternatives, states were once much quicker to declare war when they perceived themselves to be at an impasse with another state over a highly salient contentious issue (Holsti, 1991). However, when there are clear rules and expectations for how disputes are to be resolved through established institutions, war becomes much more difficult to justify (Vayrynen, 1983; Wallensteen, 1984). For this reason, every decision to utilize a peaceful dispute resolution mechanism has important effects on the structure of the international system, and in reinforcing the appropriateness and expectation of using that means in the future, relative to war (Denemark & Hoffmann, 2008; Randle, 1987). In this way, the institution of war has gradually, though clearly not wholly, been replaced over the

last four centuries through the creation and repeated institutionalization of peaceful mechanisms to settle disputes.

While my analysis focuses almost exclusively on states and supranational organizations, this is not meant to imply that other non-state actors do not play critical roles in the global organizing process. Non-Governmental Organizations (NGOs) and other network weaving organizations help organize the in-between and fill in the gaps in the global common organization structure (Ingram & Torfason, 2010). Aid groups help address important issues directly that the state lacks either the will or capacity to resolve internally on their own. Transnational Advocacy Networks (TANs) help to increase the pace of global organization by mobilizing information and resources, helping to reframe issues, and directly pressuring states to resolve important international issues (Keck & Sikkink, 1999). Epistemic communities and transnational businesses that stretch across borders are also critical in creating supranational identities, increasing interactions, and helping to solve issues directly (Cross, 2007; Dorussen & Ward, 2010; Haas, 1989; Hakimi, 2020).

Wendt (2003), Waltz (1979), and (Jervis, 1997) have all noted how macro-level forces and their positive and negative feedback effects can shape the international system, and this theory similarly focuses on the systemic level of analysis, though I do not expect organizational progress to continue in deterministic or strictly teleological sense (Wendt, 1999, 2003), but rather in a probabilistic manner with human agency operating within an increasingly organized system that increases the ability of states to cooperate peacefully over time. International bureaucracy guides behavior in this way, making certain outcomes more likely to occur than others, but it is never determinative and human agency always remains the ultimate driver (Barnett & Finnemore, 2019). While the international system is becoming increasingly organized, all the decisions made within

it and through the negotiation and organizing process itself are collectively affected by individual actors with both unique and shared goals and ideas working on behalf of communities to solve problems. It is the desire of individual actors, most often, though increasingly less exclusively, working through formal state diplomatic, bureaucratic, and leadership capacities, to improve the world, however they define it, that is one of the primary engines which underpin the gradual and cumulative expansion of international law, organization, and peace over time.

## Conclusion

Ultimately, this review found a vast wealth of relevant and important literature for understanding a variety of connected processes which have contributed to the long-term decline in warfare and the organization of peace over time. While each paradigm can help address certain aspects of these trends, none are truly able to on their own as it takes a combination of increased social interactions and norms, functional rules and regulations, and institutions designed to channel conflict and resolve contentious issues to build a more positive and lasting peace between states (Morgan, 2013). Ultimately, it takes aspects of each of the constructivist, functionalist, and contentious issues paradigms to more fully account for the success of global peacebuilding over the last four centuries, which I will argue is in large part the result of the increasingly organized international system, and the expanding sense of community, degree of consensus, and increasing institutionalization of peaceful mechanisms for resolving contentious issues between states that comprise and sustain it.

Despite the pronounced organizational change through the creation of tens of thousands of international treaties over the last four centuries, our understanding of how the international system changes as a result of these agreements, how its effects on state behavior change in turn, and why

this change has been mostly pacific and progressive over time, have been difficult to fully appreciate due to its vast complexity, scale, and slow changing nature. This is one of the reasons why peace is so much more difficult to account for than war (Schroeder, 2013). Many existing studies have difficulty in explaining gradual and long-term change in the international system, and often instead focus on a targeted subset of international treaties or on the most well-known order-building historical events (Allan, 2018). Even the most herculean of these studies, such as Luard (1986), Randle (1987), and Holsti (1991), each of which represent critical advancements in the study of war and peace, have been forced to focus on a smaller subset of the most important multilateral treaties in history to the relative exclusion of all the important advancements and cumulative changes that happen in between. While the international system may be disproportionately affected by major powers during these critical junctures, emphasis on these events misses the importance and power of smaller actors which is much more apparent during the in-between, incremental international organization periods and during which it is more genuinely co-constituted rather than imposed, through countless negotiations and contestations by smaller states (Tourinho, 2021). Correspondingly, our explanations for why interstate wars are so infrequent today, when they were a major accepted instrument of foreign policy throughout much of history, have been stymied by our inability to collectively evaluate and fully assess the vast expanding totality of international law over time.

In the next chapter, I will explain how this project was able to overcome these challenges by leveraging artificial intelligence, new data, and machine-learning algorithms to gain new insights into how the international system and the global community have become more organized and peaceful through the creation and implementation of tens of thousands of international treaties over the last four centuries.

# Chapter 3: Research Design and Computational Treaty Analysis

"There is little progress in international relations without progress in international law."

- Garcia and Das, 2011

## Introduction

This project began with just about a half billion words (424,193,521) in a variety of languages that collectively comprised all 79,287 known international treaties signed from 1648 to 2022. After preparing the treaties using a wide variety of existing and custom designed text processing programs, and a significant manual data cleaning effort, I was able to leverage machine learning to carry out computational treaty analysis on all of these agreements. Ultimately this allowed me to categorize them by topic, such as those which regulate trade, address border disputes, manage transnational resources, or declare peace after war, as well as to extract data on a variety of other metrics to measure changes in the formal, legal aspects of the international system over time. By appraising how these changes manifested in the "fossil record" of international relations, with new treaties addressing an expanding array of international issues accumulating like so many strata in the historical record of international law, this study provides significant new contributions to our understanding of how the international system and the global community have become more organized and peaceful over time.

This chapter begins by explaining the importance of studying international treaties, their remarkably high rates of compliance, their enduring nature, and some additional benefits to using individual treaties as discrete and observable datapoints. This section is followed by the project's general research design which involves assessing the absolute and relative changes in the global patterns of treatymaking over time through the application of a variety of different coding schema

to each treaty. The next section of this chapter gives a brief overview of how computational treaty analysis works, why it is such a powerful methodological innovation, an explanation of the treaty data sources used and the extensive pre-processing steps necessary to prepare them for analysis and data extraction. This chapter then he covers the topic modeling and the unsupervised machine learning techniques used and how they were tailored and optimized for this project. A demonstration of how the entire processing and computational treaty analysis process works from start to finish, using the infamous Last Treaty of Lahore as an example, can be seen in Figures 3.4 and 3.5. The final section includes some descriptive statistics and an overview of the computational treaty analysis results, including the distribution of all treaties by topic and five additional metrics, which are displayed in Tables 3.1 and 3.2.

## The Significance of International Treaties

Throughout history, and especially over the last four centuries, states have increasingly looked to international treaties as a way of structurally improving their relations. International diplomacy and treatymaking are some of the only activities that are as ancient of an institution as war, and they are more prevalent by far (Diggelmann, 2012). Non-aggression pacts, boundary treaties, and resource sharing agreements date back at least as far as 4,500 years ago in Mesopotamia (May, 2021) and were also commonly used more than 2,000 years ago between the hundreds of sovereign states that lived in the region of what is now modern-day China (Zhang, 2014).

Over the last four centuries, states around the world have negotiated and signed almost 80 thousand international agreements with one another, and while treaties are certainly not the only means of organizing relations, they are perhaps the most concrete manifestations of the co-

constructed "structures of human association" that collectively shape the international system (Katznelson, 1997; Wendt, 1999). Ideas about how states should behave and coexist become infused with greater significance when transmuted into treaties, and their more explicit and precise distillation and enduring nature, can be more easily be iteratively and cumulatively built upon and improved over time (Kohen, 2011; Sikkink & Finnemore, 1998; Simmons, 2009; Spruyt, 2013). Treaties are rarely rushed into, and their words are never crafted by happenstance or accident, rather they are carefully designed organizational structures specifically crafted to endure and withstand shifting political winds, to mend and stabilize relations, and to forge connections and consensus across vast ideological chasms.
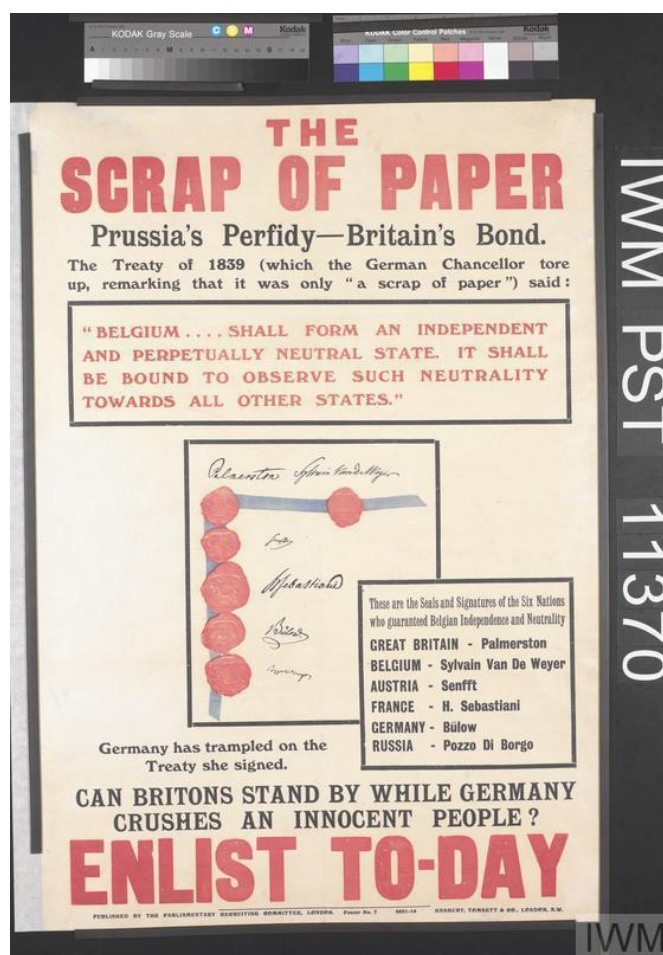


*Figure 3.1: "The Scrap of Paper"*

(Parliamentary Recruiting Committee of Great Britain, 1914)

These agreements are no mere "scraps of paper" either, as Germany would find out in 1914, but rather the product of painstaking negotiation over years or even decades to help ameliorate a specific contentious issue, solve a common problem, or otherwise give rise to the regimes and IGOs that give shape to the international system and promote order and stability by providing rules, procedures, and venues that regularize and coordinate behavior, and facilitate further cooperation (Barnett & Finnemore, 1999; Boehmer et al., 2004; Haggard & Simmons, 1987; Hooghe et al., 2019; Keohane, 1984; Keohane, 1988; Koremenos et al., 2001, 2003; Krasner, 1982; Martin, 1992; Mclaughlin & Hensel, 2007; Simmons, 1998). As Simmons (2009) puts it "Treaties are perhaps the best instrument available to sovereign states to sharpen the focus on particular accepted and proscribed behaviors".

Humans in any institutional environment tend to interpret and frame both their behavior and the actions of others through shared frameworks and shared meanings (Goodman & Jinks, 2013), and having an expanding body of international law to draw upon gives states an increasingly clear, common, and comprehensive language and framework through which to communicate and interact (Chayes & Chayes, 1995). The value in the clarity provided by treaty law was expressed well by Aleksandr Troianovski, the first Union of Soviet Socialist Republics' (USSR) Ambassador to the US, when he explained that the general principles of international order were far too subtle and subjective to be relied upon and that "very precise international treaties duly signed" were needed because they were "something more positive, more concrete and definitive" and provided "exact formulas and determined obligations" without which there could not be order in international relations in any true sense (Triska & Slusser, 1958).

The public and legal nature of international agreements further empowers the norms which often give rise to them (Sikkink & Finnemore, 1998) as treaties demonstrate a "seriousness of intent that is difficult to replicate in other ways" (Simmons, 2009) and their formal adoption into the existing international legal system increases their legitimacy and potential effects on state behavior (Spruyt, 2013). By their explicit and public nature, treaties empower domestic and transnational activist networks by giving them a legal tool and structure through which they can more effectively hold states accountable for transgressions (Keck & Sikkink, 1999). Signing treaties provides tangible and explicit goals for change and creates "a legal yardstick against which the behavior of states may be judged" (Higgins, 1978). Additionally, having publicly signed treaties to use as a benchmark can help raise the expectations of domestic and international activists and oppressed groups as it provides a clear legal justification for advocacy, potential access to court systems, and a more concrete framework for demonstrating wrongdoing as proving the violation of international law is more easily discernible and harder to deny than more abstract allegations (Simmons, 2009). International law has a "multiplier effect" in this regard and can change lives and bolster movements in a significant and tangible way (Garcia and Das, 2011).

International law constrains actors by adding the social and increasingly legal requirement that states must justify their non-compliance with existing custom and treaties, thus making compliance and conformity to the prevailing normative legal structure the default position for states (Goldstein & Keohane, 1993; Raustiala & Slaughter, 2012). As the expected and default response is to comply with the law, all deviations from it become necessary to justify and ultimately become more difficult to continue to justify over time (Spruyt, 2013) as state actors now have the additional socio-psychological costs of having to justify their non-conformity to their peer's behavior (Aronson et al., 2012; Goodman & Jinks, 2013),

The lengths that states go to appear to adhere to international law and the language used by those in violation of it, however contorted their logic may be, to attempt to justify that they are not, in fact, in violation of international law (Charney, 1993). Every ounce of effort states have to spend in justifying why they are not in compliance with international law, is evidence of its significant, though clearly not foolproof, constraining effects on state behavior.

Under the right conditions, international law can be "a more powerful force for order and peaceful change than is military strength." (Huth et al., 2011). All else being equal, the stronger the negotiated peace agreement that is put in place after wars, the longer the peace between the signatories has lasted (Fortna, 2004). Formal treaties and their reporting, conferences, or other recurring requirements help get issues onto the agendas of elites (Simmons, 2009).

Further evidence of the significance of international law can be seen in the substantial time and resources invested in their negotiation and the attention paid to every word written (Chayes & Chayes, 1993; Keohane, 1988; Koremenos et al., 2003). If states were unaffected by international law and the global consensus it represents, states might sign them all without fear of any consequence, which is clearly not the case. Rather, there is fierce resistance by states and some domestic coalitions within them that find some incipient treaty making processes to be so threatening that they stall, obfuscate, water down, and attempt to derail negotiations at every stage in the process because they understand a treaty's tangible and material effects, even if their power remains largely ideational and normative (Simmons, 2009; Jones et al., 2016). Both the functional value of agreements and how difficult it is to create them are clear indicators of their significance (Keohane, 1988b). The overwhelmingly high rate of compliance with international law is further evidence of its significance.

**Compliance with International Law**

Most states sign treaties because they generally support and aspire to implement them (Simmons, 2009). As Henkin (1979) famously wrote "almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time". Despite the lack of an overarching state to enforce these agreements, there is an overwhelmingly high rate of compliance with international agreements (Charney, 1993; Chayes & Chayes, 1993; Downs et al., 1996). While most studies on compliance cover the post-1945 period, states took even greater care when entering into international agreements before the creation of the UN because violation of them was considered a just cause for war by the other signatories (Hathaway et al., 2018). Even skeptics of the power of international law, including Morgenthau (1948), are forced to admit that "international law had in most instances been scrupulously observed".

While accepting that "Treaties alter politics; they do not cause miracles", generally speaking, international agreements rarely fall apart when someone defects (Simmons, 2009). As Chayes and Chayes (1993) note, fears about free-riders and collaboration problems have been "overestimated" as some non-compliance in rare situations or crises is expected, as well as by states known to have fierce domestic constituencies resisting a particular treaty. Not only are norms not significantly undermined by a few violations (Altman, 2020; Kratochwil & Ruggie, 1986; Sandholtz, 2019), evidence of some non-compliance has even been argued to indicate the optimal level of "depth" for a particular regime, as total compliance with a particular treaty likely means it is "shallow", in that it does not impose as substantial a change upon state behavior as it might have been able to (Raustiala & Slaughter, 2012). While habitual violation of a treaty can significantly undermine its legitimacy, the sweet spot for effectiveness may be one that most states

are willing to adhere to most of the time, but that at least some states find themselves unable or unwilling change their behavior that significantly at this time (Raustiala & Slaughter, 2012).

## The Enduring Nature of International Treaties

Most formal negotiated resolutions, and especially peace treaties, are meant to be 'perpetual' with regard to the specific issue(s) addressed by the agreement (Ghervas, 2021; Holsti, 1991; Kohen, 2011; Lesaffer, 2009, 2012). As Kohen (2011, p. 359) explains "The mere passage of time without any reference to a treaty or even without its application does not lead to its termination" and some treaties have been invoked as late as two centuries after they had been signed (Thornton, 2019). In the enforcement of treaties by force period prior to 1945, states understood that when they signed peace treaties that they were explicitly giving up their legal right in perpetuity to go to war in the future if there was a dispute regarding any of the issues directly addressed by the treaty (Ghervas, 2021; Holsti, 1991; Lesaffer, 2009, 2012). While sunset clauses and other time-bound parameters of treaties have become somewhat more common in the post-1945 era, these are primarily forcing functions to ensure that the state signatories update, enhance, and expand the original agreement, rather than an indication of an ephemeral characteristic (Kohen, 2011).

Formal legalization is key to commitments meant to last over long periods of time (Abbott & Snidal, 2000; Raustiala & Slaughter, 2012). The enduring nature of international treaties is a critical part of why they make particularly good datapoints for measuring consensus building and other cumulative effects in the international system over time.

## The Benefits of Using Treaties as Data

The use of international treaties as data offers several key advantages. The demonstrable significance of international law on conflict and cooperation in both quantitative studies (V. Fortna, 2004; Huth et al., 2011) and qualitative analysis (Garcia & Das, 2011; Jones et al., 2016; Simmons, 2009) combined with their high levels of observed compliance (Charney, 1993; Chayes & Chayes, 1993; Downs et al., 1996; Henkin, 1979) lends them significant credibility as markers of genuinely negotiated mutual consensus and can be thought of as "discrete and observable instances" of cooperation across a variety of subject areas (Denemark & Hoffmann, 2008).

Relative to related concepts, such as norms or ideas, I share Simmons' (2009) commitment to focus on treaties because they are more tangible and explicit manifestations of public state commitment to them, while fully recognizing the important role that ideas and norms have in bringing about their creation in the first place. In this way, treaties are both examples of cooperation and facilitators of it, and often are examples of both the codification of existing norms while also further institutionalizing and strengthening them (Haggard & Simmons, 1987). This dual nature of international agreements makes them an especially good way to measure international structure because both serve to constrain state behavior while constantly being affected and reformed in turn by it (Martin& Simmons, 1998).

As Koremenos (2013) contends "Each piece of international law can and should be studied as an institution" and while this is true in most cases, especially multilateral ones, at the very least every treaty constitutes a new or enhanced regime from the moment it is signed (Randle, 1987). In this way, treaties reflect a concrete manifestation of expanded agreement, as well as clearly identifiable instance of significant social interactions between state officials having occurred, and their enduring nature makes them particularly good datapoints for measuring consensus building and cumulative change in the international system over time.

**Research Design**

To better understand how the global peacebuilding process has manifested over time and to assess its potential impacts upon the long-term decline in warfare, this project leveraged new machine learning techniques to analyze all 79,287 known international treaties signed between 1648 and 2022. Using computational treaty analysis, each agreement was classified according to its primary and secondary topics, signatories, year signed, and a variety of additional metrics to measure changes in the formal aspects and legal structures of the international system.

By compiling, analyzing, and visualizing this vast record of international law created and preserved over the last four centuries, critical new insights about our past can be uncovered within this "fossil record" of international relations, with new treaties addressing an expanding array of international issues accumulating over time like so many strata in the historical record of international law. Using computational treaty analysis, each agreement was ultimately modeled across up to 84 different primary, secondary, and tertiary topics. Through careful inspection of these topics and their characteristics within any given strata or slice of time, we can retroactively infer what the primary concerns, or most salient issues, were in the international system during that particular period. By observing how the topics and types of agreements signed have changed and expanded over time, in terms of both their absolute and relative frequencies and a variety of additional metrics, this project aims to provide an enriched explanation for the long-term decline of war and the global trend towards peace.

Beyond their topics, every treaty was coded across five further schema to observe additional important changes in the global patterns of international law over time. When each of these coding schemas are applied to the fossil record of IR, they reveal another layer to our history

and a new lens through which to understand the community, consensus, and peace building effects of treatymaking over time.

Regarding community building, this project created a variety of admittedly imperfect yet important new metrics to assess how the social and relational infrastructure of global governance was expanded over time. To this end, the pace of global treatymaking, as measured by the number of new treaties signed in a given year, and the increasing total amount of voluntarily negotiated agreements over time were used, as each implies some significant amount of social interactions between states actors and an implicit or explicit recognition of their sovereign equality (Cross, 2007; Denemark & Hoffmann, 2008). To assess the expanding composition and membership of the international and ultimately global community, the average number of initial signatories to multilateral treaties and what percentage of all existing sovereign states in the world they represented at that time were measured. Changes in the language used and the relative subject matter frequency found within treaty strata over time were used to assess what level of recognition and shared sense of community, or lack thereof, each implies, as well as whether the agreement has the potential to amplify social interactions by expanding the global connection infrastructure, to promote trade and facilitate additional commercial community interactions, to begin or expand new joint cooperative projects that involve ongoing socialization, or whether they help to normalize the idea and reinforce the expectation and appropriateness of solving communal problems directly at the supranational level (Dorussen & Ward, 2010; Holsti, 2004; Morgan, 2013).

Global consensus building across a wide variety of issue-areas was primarily measured using the topic modeling results to assess the absolute growth, pace of treatymaking, and relative frequency of treaties across topic and sub-topic over time. Aggregate totals were used to assess the

expanding areas of mutual agreement and common understanding between states, with each new treaty signed bringing their worldviews and expectations that much closer into congruence. Agreements were also grouped and coded with regard to several critical areas of consensus, chief among them being peace treaties, territorial boundary agreements, and treaties concerning states' abilities to trade for, or otherwise access, the critical resources they need to survive and compete. Given the how the subjects of these agreements are some of the most contentious and the most likely to lead to war (Garcia, 2018; Gat, 2006; Gibler, 2017; Hathaway et al., 2018; Hensel, 2001; Hensel et al., 2008; Hensel & Goermans, 2021; Holsti, 1991; Keegan, 1993; Koubi et al., 2014; Luard, 1986; Mitchell & Thyne, 2010; Owsiak, 2012; Owsiak & Vasquez, 2021; Randle, 1987; Vasquez, 2009; Vasquez & Henehan, 2001), the consensus reached through their negotiation is expected to have an outsized effect on promoting peace and the narrowing of socially and legally acceptable justifications for war over the last four centuries (Holsti, 1991; Spruyt, 2013). Because the earlier parts of the treatymaking process are when much of the consensus and community building takes place (Garcia & Das, 2011; Toope, 2001), the signing of treaties is in some respects a lagging measure of progress in both areas.

Finally, to assess the ultimate progress of the global peacebuilding process, each treaty was coded using two additional typologies. The first categorizes treaties based on their most closely related dispute resolution mechanism and is intended to provide an approximate metric for the relative rate of use and institutionalization of each. These mechanisms include informal diplomacy, direct negotiations, mediation, arbitration, adjudication, a wide variety of supranational voting procedures and formulas found within IGOs, or even through the threat or use of force (Brownlie, 2009; Randle, 1987). The more each dispute resolution mechanism is used within the increasingly interconnected and socialized international system, the more the institution it represents is

reinforced and regarded as the appropriate and expected action for states to take, deviations from which become increasingly difficult to justify (Goldstein & Keohane, 1993; Keohane, 1988b; Mansbach & Vasquez, 1981; Spruyt, 2013).

The second is a new metric that is designed to affirm and expand our understanding of the long-term decline in warfare, as well as a way to track the relative frequencies of treaties as either representing discrete and observable instances of peaceful negotiation, or similarly distinct and identifiable indicators of the use of force (Denemark & Hoffmann, 2008). This determination was made using close inspection of the primary and secondary topics found within each treaty and is explained in greater detail in Table 3.2.

Using treaties to measure war in this way has a few key advantages over existing datasets. Recalling the four biases in existing datasets as: using 1816 as the start date, relying on an overly restrictive definition of a state, non-scaled BRD thresholds for war, and difficulty accounting for the effects of missing data, all of which makes the past appear more peaceful than it was and the present appear more war-prone by comparison (Butcher & Griffiths, 2017, 2020; Gat, 2013; Goldstein, 2012; Keeley, 1996; LeBlanc, 2003; Payne, 2004; Pinker, 2011; Richardson, 1960; Wright, 1942). Using treaties as war data can help to reduce each of these biases. First, it provides some sense of the relative frequencies of the use of war as foreign policy versus diplomacy, which is especially helpful for understanding trends which occurred prior to the CoW start point of 1816. While the practice of formally concluding wars with peace treaties was largely discontinued in the 1950s (Fazal, 2013), making the use of treaty data to measure war somewhat less applicable from that point forward, the post-1945 era is by far the most well documented period and thus is in the least need of alternatives. Further, the decline in peace treaty usage was largely a by-product of the decline in the institution of war itself and thus there were far fewer occasions for peace treaties

to be signed in post-1945 era the first place (Irajpanah & Schultz, 2021). By not requiring any minimum population size or BRD threshold, this metric accounts for a much higher percentage of the common types of wars that permeated the colonial era, as brutal wars of colonization by Western states were formally concluded and legalized through treaties like the Last Treaty of Lahore and captured successfully in the dataset. For example, very few wars between the US and indigenous groups in North America are captured by existing datasets, yet the US took particular care to document and legalize these conquests. The algorithm used was extremely accurate in differentiating between friendly treaties with indigenous groups, such as peace and trade negotiations concluded between the French and the Iroquois (9 CTS 167), and violent ones, such as treaty 66 CTS 325, which "legalized" the forced removal and genocide of the Cherokee by the US and precipitated the event known as the "Trail of Tears", and which was correctly coded as a Conquest and Colonization Treaty. Finally, this method of measuring war helps reduce some of the biasing effects from missing data as it uses a ratio of treaties explicitly concluded during or at the conclusion of war to those concluded peacefully, and this ratio includes all of the signatories that were included in the treaty series, and thus reflects a roughly accurate depiction of the relative rates of war between those states. This use of a ratio however is only useful as a general measurement of wars relative decline but would not be a reliable metric for absolute frequencies.

There are some additional potential limitations of this approach. Given the global unit of analysis, the 374-year temporal range, and the analysis of nearly eighty thousand international treaties ranging across 84 substantive topics of international law, the breadth of potential contributions from this project is significant, however many remain primarily descriptive and correlational in nature at this stage. As such, this study primarily focuses on the systemic level of analysis, and seeks to uncover and describe important global trends, while recognizing the need

for the next phase in this project to include a more in-depth analysis of the regional and dyadic variation observed within the international system. Follow-on studies will be needed to confirm some of the theorized causal mechanisms and structural pacific effects involved in the global organizing process, though much of this work has already been done by others on smaller scales. Additionally, the deeper into the fossil record of international relations and farther back in time one looks, the more likely it is to have gaps and a stronger potential Western bias with regard to the treaties preserved. However, given the vast dearth of existing information available, especially concerning the structure of the international system and frequency of warfare prior to 1816, this project makes a significant contribution to our understanding of how international affairs were conducted in the past, and just how dramatically they have changed over time.

## Computational Treaty Analysis Methodology

This project takes advantage of newly developed machine learning techniques to analyze the recently digitized texts of all 79,287 known international treaties signed between 1648 and 2022. This project represents a massive increase in both scale and breadth relative to all existing studies of international law by at least an order of magnitude. Most other studies either rely on hand-coding procedures to analyze a significantly smaller subset of treaties or focus on a single treaty topic (Alschner et al., 2021; Boockmann & Thurner, 2006), and even the most ambitious studies have focused on just multilateral treaties and contain less than 9% of the treaties by volume compared to this project (Denemark & Hoffmann, 2008; Van Der Wusten et al., 2011).

This dataset included close to a half billion words comprising about a million pages of treaty text – far too many to code individually – however, it is now possible to determine their primary, secondary, and tertiary topics through a combination of Term Frequency – Inverse

Document Frequency (TF-IDF), which statistically determines the importance of words in the treaties based on relative distributions, and Latent Dirichlet Allocation (LDA), which is an unsupervised learning algorithm that uses probabilistic theory to discover the texts' most prominent topics (Řehůřek & Sojka, 2010). The algorithm trains itself by analyzing randomly selected subsections of the dataset and comparing the frequency of words found in those treaties to the relative frequency of words found across all of the treaties in order to determine which words are important for ascertaining a treaty's topic, which words are not, and which of the important words frequently occur together in the same treaty.

Beyond the increased scale that computational treaty analysis offers, it also significantly enhances our ability to understand the genuine topic(s) of each treaty in an unbiased and reproduceable manner. Analyzing tens of thousands of international treaties brings the major benefit of being able to see how macro-level forces shape international politics and how they change over time. While there is no substitute for the close reading of a treaty within its proper historical context, this ability to impartially categorize treaties in this way may help ameliorate some of the standard trade-off between the increased breadth gained from studying such a long time-period and globally inclusive unit of analysis coming at a cost of some loss of depth. Through this technique, it is possible to analyze the entire substance of each treaty, not just the headline or index information, and able to deliver results with a depth and degree of nuance that approaches what was previously only possible by hand-coding treaties individually. Even if one used the listed topics in the treaty indexes, each only lists one topic for each when in fact many agreements, especially peace treaties or larger multilateral ones, contain a variety of provisions, clauses, or even whole chapters addressing multiple different issues. Whereas the topic modeling algorithm used for this project was not only able to determine the primary topic of a treaty, but also the

secondary and tertiary topics it covers, and what percentage of the treaty is dedicated to each of them.

## Treaty Data Sources

In order to better understand how states have organized their relations over time, I collected and compiled a dataset including all known 79,287 treaties written between 1648 and 2022. These primarily came from three treaty series – the Consolidated Treaty Series (CTS) which covers 1648 to 1919, the League of Nations Treaty Series (LNTS) which covers 1920 to 1944, and the United Nations Treaty Series (UNTS) which includes all treaties concluded from 1945 onwards. This set of the treaties is the largest such corpora to have been created to date, and includes bilateral treaties, closed multilateral treaties, and open multilateral treaties.

My analysis begins in 1648 not because it marked the "birth of the modern state system", but because that was the date that Clive Parry, who compiled the CTS, chose as the start point for his herculean attempt to compile an exhaustive set of all known international treaties of the world written between the Treaty of Westphalia and the start of the League of Nations. Parry took particular care to collect facsimile copies of each original treaty, attempting to match the exact text whenever possible and translating them into English or French (Parry, 1969). The CTS was obtained from Oxford University Press. Only 11 treaties out of the 15,582 CTS treaties were found to be missing and copies were found and added back into the dataset from additional sources[1].

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[1] Treaties missing from either the CTS, LNTS, or UNTS were recovered from either the Library of Congress, State Department, the British Treaty Series, Derecho Internacional, the US Census Bureau, or the World War I Document Archive at Brigham Young University Library. Treaties listed as cancelled or withdrawn were excluded.

ARTICLE 18 OF THE COVENANT OF THE LEAGUE OF NATIONS STIPULATES
THAT :—

" Every treaty or international engagement entered into hereafter by any Member
of the League shall be forthwith registered with the Secretariat and shall as soon
as possible be published by it.   No such treaty or international engagement shall
be binding until so registered."

*Figure 3.2: Article 18 of the Covenant of the League of Nations*

The League of Nations Treaty Series contains 4822 treaties signed between 1920 and 1944. Due to the League of Nations (LoN) requirement that treaties be deposited with its Secretariat in order to be binding upon the signatories, and with 44 of the world's 57 sovereign states during this period being members of the LoN, and only one party needing to be a member for the treaty's inclusion in the LNTS, this collection is expected to have captured the vast majority of international treaties during this period (League of Nations, 1948). These treaties were acquired in 205 volumes from the United Nations Treaty Collection website. In addition to treaties negotiated outside of the LoN by member states, treaties negotiated within and through the auspices of the League of Nations were a part of this series as well. Treaties between two non-members of the League were also allowed to be deposited, however it is not clear how widely this was practiced beyond the US, which was eager to demonstrate its support for the LoN even though the treaty was never ratified by the Senate. The total actual number of treaties listed as being in the LNTS is 4834, however 12 of these treaties were either duplicates, never ratified, or otherwise cancelled by the parties involved and were removed from the dataset.

The third and final set of treaties used was the United Nations Treaty Series. This collection includes 58,883 treaties in total signed between 1945 and 2022. Article 102 of the UN Charter requires "Every treaty and every international agreement entered into by any Member of the United

Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this article may invoke that treaty or agreement before any organ of the United Nations". With near universal at its onset and eventual universal state membership, and the inability to invoke treaties before UN bodies which have not been deposited with the UN Secretariat, the UNTS is likely the most complete of all three treaty series. The UN Charter itself was missing from this collection, so I manually added it for analysis as well.

These treaties were acquired from the United Nations Treaty Collection website in over 3,000 separate volumes. Due to the significant time delay between when treaties are signed and deposited with the UN and when they are published in volume format, the last full text treaties included in this series end in 2015 and included the first 52,390 of the total 58,883 UNTS treaties. The remaining treaties covering generally the period of 2016 to the end of 2022, were included using only the summaries provided by the UNTC. Additionally, due to a rule change made in 1978, some treaties after that time were not published in full if they were either "relating to the organization of conferences", "Assistance and cooperation agreements of limited scope", "technical annexes", or were already published by a specialized UN agency. In total, the number of treaties not published in full came to 21,953. These summaries were able to be modeled successfully despite their brevity, however they were excluded from some variables and descriptive analyses where applicable, such as with regard to average treaty length over time. Additionally, out of the 58,916 expected total treaties in this series, 34 were identified to be missing. Of these, 31 were positively identified and accounted for, leaving just 3 treaties missing

from the final UNTS collection despite my best efforts to locate them. This still leaves the UNTS dataframe with a 99.995% completion.

**Treaty Pre-Processing and Data Extraction Summary**

For each series, several similar steps were required to prepare the treaty data for analysis, and this section provides a brief overview of this process. The first step was to compile and convert all the treaties into a uniform, machine-readable format. Treaties converted from image-based pdfs had an estimated conversion accuracy between 97-99% (Berman, 2017). The next step involved removing any duplicate copies of treaties from each of the treaty series (most included copies translated into several languages) and translating those treaties which did not already include an English version, into English. This was done in Python using several custom translation and filtering programs including a language detection and screening program, which relies upon Google Translate, to determine the language of the text on a paragraph-by-paragraph basis and exclude all non-English sections, and eventually a finer screening step which checked each word in each line of each treaty against an English dictionary set of words. A wide variety of manual cleaning steps and search/replace-type regular expression functions in Python were required to remove all the non-treaty text, such as headers, footers, volume set tables of contents, etc.

Due to the evolving nature of the English language from 1648 to today, the CTS was run through an Old English Converter, to allow for a more accurate cross-temporal analysis. This helped update words whose exact form has changed due to changes in the English language over time. In total, 74,189 different types of common error corrections and/or conversions of old English words to their modern spelling were completed in this step to improve the quality and

comparability of the CTS relative to the LNTS and UNTS. I also converted all British spellings of words to the American spellings using a customized search/replace regex program.

I used a pre-trained neural network to detect and remove all words which were not part of a targeted topic-focused part of speech subset of nouns, adjectives, verbs, which also removed proper nouns and other named entities, such as the individual plenipotentiaries. While the easier and more commonly used "noun only" approach has been previously shown to improve topic model coherence by 6% on average (Martin & Johnson, 2015), this technique was not strictly applicable to computational treaty analysis as it was found to remove some important substantive adjectives such as "aerial" and verbs like "shipped", which could be useful in determining a treaty's topic. To confirm the validity my targeted part of speech approach, I ran a battery of topic model coherence tests and found that it out performed the noun-only approach by an average of 7.4%. Relative to the noun and verb only approach, which is also commonly used, the targeted part of speech approach improved topic model coherence by 10.5%.

Additionally, to further improve topic model optimization, a custom list of so called "n-grams", or phrases comprised of multiple separate words that make more sense to both humans and machines when they are instead treated as a single term such as "European Union", was created using a bigram and trigram collocation frequency finder and concatenated using a custom python script.

Words were also lemmatized prior to analysis, a process which culled the remaining words down to their base or root forms (their lemma) so that different forms of the same word may be accurately counted as the same word, regardless of form, tense, or plurality. For example, words such as "trade", "trades", "traded" all become -> "trade", otherwise they would be counted separately in the model. Lemmatization was chosen over the other commonly used technique

called "stemming" because its morphological analysis is more sophisticated and because it preserves English-language base words, improving readability.

While any OCR, translation, or data cleaning process conducted on this scale will have some errors, the accuracy of these processes was remarkably high, and the observed error-rate was deemed acceptable for this project as the topic modeling conducted relies upon a probabilistic understanding of the key phrases and words used and does not require semantically precise or grammatically correct text. A small degree of error in this regard in unavoidable, but highly unlikely to alter the results because any small errors would likely be distributed at random and would be extremely unlikely to bias the results in any meaningful way. In any case, to improve the accuracy of the data, spot checks were performed before and after each stage of text pre-processing. Repeated translation errors and the most common conversion errors were corrected using a litany of search/replace-type regex functions in Python.

For each treaty, several key pieces of descriptive information were extracted, including the signatories, topics, wordcounts, and year signed. I chose to use the year of signing rather than when it was ratified or deposited primarily because the organizational effects of a treaty are expected to begin upon signing, as states negotiate treaties under the customary law principle of "pacta sunt servanda", meaning "agreements must be kept", and are broadly expected to move towards compliance during the ratification period, if the treaty requires one, as they have already expressed their consent to be bound by the treaty (Charney, 1993; Simmons, 2009). The signature of the sovereign or their plenipotentiary was also often all that was often required throughout much of history for a treaty to enter into force.

**Topic Modeling Overview**

Topic modeling is a computational text analysis method which is able to discern the primary, secondary, and tertiary topics of a text through a combination of two techniques - Term Frequency – Inverse Document Frequency (TF-IDF), which statistically determines the importance of words in the treaties based on relative distributions, and Latent Dirichlet Allocation (LDA), which is an unsupervised learning algorithm that uses probabilistic theory to discover the texts' most prominent topics (Řehůřek & Sojka, 2010). TF-IDF essentially assesses the frequency of words (Term Frequency) found in a given document and compares those values against the full distribution of those terms across all the documents included (the Inverse Document Frequency). After normalizing these frequencies in relation to the length of each document, words are given weighted values based on their distribution within each document relative to their frequencies across all documents (Řehůřek & Sojka, 2010). This means that words which are found in many or most documents are downweighted, and words which are found in only a subset of documents are weighted more heavily. For example, common words like "the" (if not already removed) would receive lower values than infrequently used words such as "atomic".

The algorithm is able to train itself (aka unsupervised machine learning), by analyzing randomly selected subsets of the dataset and comparing the frequency of words found in those treaties to the relative frequency of words found across all of the documents (Řehůřek & Sojka, 2010). This is how the model "learns" which words are important for ascertaining a treaty's topic, which words are not, and which of the most important words frequently occur together in the same treaty. In order to learn, the program needs to repeat this process many, many times over. For example, for the topic modeling of the post-1945 treaties (58,883) I used a "chunksize" of 6,000 treaties, meaning that each subset of training data randomly pulled included just over 10% of the total number of treaties in the analysis, and then compared those treaties' term frequencies to the

overall baseline frequency. This process was repeated 100 times by the program for each training cycle of the model, meaning that 100 different randomly select subsets of 6,000 treaties each were pulled and compared against the baseline frequencies. But that is just one training pass, and this model converged after 150 passes, meaning that the algorithm trained itself in this manner 15,000 times in a row before finally presenting its topic model results.

Despite my best efforts to update old terms and old English spellings of words to their modern equivalents, which were surprisingly different including use of an "f" as a "soft s" such that the word "house" used to be spelled "houfe", so that older treaties dating as far back as 1648 could be modeled simultaneously in a single unified model with treaties from as recently as 2022, I was unsuccessful as when modeled together these treaties continued to result in clear temporally clustered topics. Essentially, the program refused to accept that pre-1945 trade treaties and a post-1945 trade treaties were fundamentally the same topic and continued to insist that these were empirically distinct treaty topics. This was true across a range of other areas of international law that have been consistent topics of treaties over time, in each case it would split them right around 1945. After trying everything I could think of to bridge the gap, checking and rechecking to make sure that there was no other extraneous factors or items leftover from the UNTS specifically that could account for the difference, I realized that what I was seeing in the data was not any kind of spurious artifact like that at all. Rather, the computational treaty analysis was picking up upon and demonstrating empirically that the world had fundamentally changed after the United Nations was established in 1945. This shift was detectable in the language used, in various new and different clauses and enforcement mechanisms included, as well as in the subjects and scope of the agreements they signed. Ultimately, I had to split the dataset at that point and model them separately to get the best results. After close scrutiny of the results and coherence values from a

battery of topic model coherence tests, in the period from 1648 to 1944 (20,404 treaties) there were 38 separate treaty topic categories, and between 1945 and 2022 (58,883 treaties), there were 84 distinct types of treaties found.

Despite this technique being called "unsupervised" machine learning, the machine does require some significant supervision. AI is exceedingly good at learning, but not at knowing what it should learn or when it has sufficiently learned it. Regarding topic modeling, this meant that the algorithm could not name or determine what the different topics it found within the treaties actually were. It can only determine how internally coherent and statistically distinct they are from each other and display the top terms per topic cluster and the most representative treaties for each topic. Each treaty is given a score between 0 and 1 corresponding to what percentage of the terms contained within it relate to each of the topics found in the entire set. This meant that, for example, each treaty signed between 1945 and 2022, was given a primary or dominant topic score, as well as a score for each of the remaining 83 other topics in descending order, which collectively add up to 1 or 100%. Upon close review, the current model was found to be highly accurate and reliable for the primary and secondary topics, however this consistency waned for tertiary topics, which typically comprised less than 10% of the total topic distribution within a treaty, as Figure 3.5 in the next section demonstrates, and so tertiary topics were not included in the analyses or visualizations at this time. In order to identify and label the treaty topics, I ranked all treaties by their most dominant topic and then read through at least ten of the treaties with the highest scores for each topic, indicating they were the best representations of each term cluster, in order to assess and categorize each topic and to verify that they were in fact meaningfully distinct from the others.
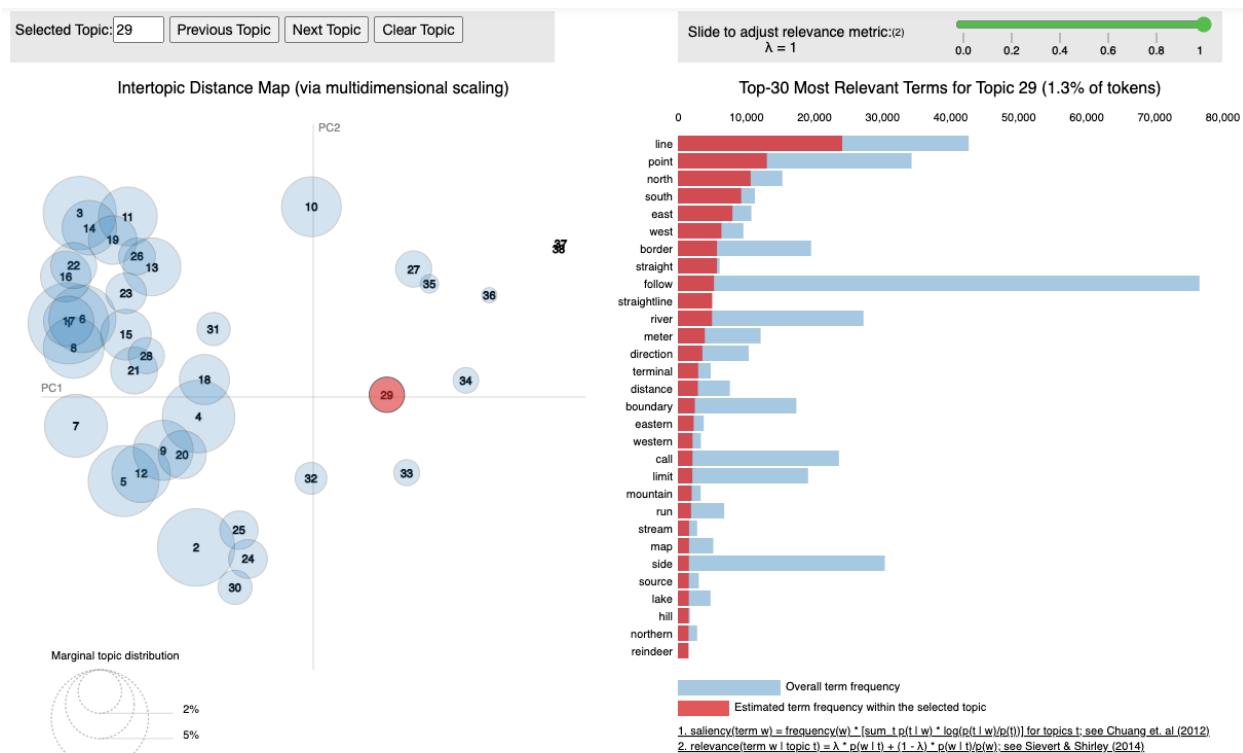
*Figure 3.3: Sample Topic Model Output - Border Treaty*

Figure 3.3 is an example of the topic modeling results displayed using a program called pyLDAvis. On the left side is a topic model map, displaying the relationships between the 38 topics found in the 20,404 treaties signed between 1648 and 1944. Each circle represents one of these topics and the distance between them corresponds to how distinct each of the topics are from one another. Circles on their own without any overlap represent topics with very little to no substantive term cross-over with other topics, and overlapping circles form a Venn diagram with the shared area in proportion to the proportion of terms found in common for those topics (Sievert & Shirley, 2015). The top 30 terms related to the highlighted topic number 29, which I have labeled as a territorial boundary agreement, are listed on the right side and their frequencies are displayed in red relative to the frequency of these terms found across all the treaties from this period, displayed in blue. While the algorithm cannot label a topic by itself, it is able to determine that treaties with

a high proportion of these 30 terms are different from other treaties in a statistically meaningful way (it does this with all relevant terms, but these 30 are the most strongly correlated with this topic and thus are given the most weight in the model). However, we can clearly see that these are terms used to specifically delineate or clarify a border or boundary between two states.

All values reflected in the visualizations represent the number of treaties categorized by their primary dominant and/or secondary topics and should be considered to be quite accurate in the relative sense, but not necessarily an absolute sense. For example, some trade treaties involve IGOs of one kind or another, such as the World Trade Organization, however there was no statistically distinguishable sub categorization of trade treaties that captured this variation within its own "Trade - IGO Related" topic type, as was the case for other topics, such as international loan agreements. While IGO-involved trade agreements exist, they were either not statistically distinguishable from direct or bilateral trade agreements based on the language used or otherwise not represented in a sufficient frequency to ultimately be computationally categorized as a separate class of treaty. However, the opposite is also true regarding some IGO dominant topics and given random selection batching used in TF-IDF models, the error term is not suspected to be directionally biased towards over grouping in any particular category and thus these effects are likely to roughly cancel each other out.

Similarly, on some treaties the topic scoring was overwhelming and clear with regard to a single topic, yet some indicated an agreement that substantively addresses two or more distinct topics and may have been grouped for visualization according to what the algorithm determined to be their primary topic, but which to our eyes may be more accurately described as to be primarily about its secondary topic. The Last Treaty of Lahore, depicted in Figures 3.4 and 3.5 in the following section, is a good example of this with a 34% Conquest score and a 30% Colonization

score, thus it was primarily categorized as a Conquest treaty, which it certainly is, but given the subjugation and non-integration of the territory forced to "remain obedient to the British Government", one might consider this treaty to be primarily Colonization related in nature. Again, the distribution of these cases, of which I have only found a handful, are again not suspected to be directionally biased, and thus may roughly cancel each other out. Overall, I was extremely impressed by the nuance and accuracy of the models and found very few instances of mislabeled dominant topics, however, it is important to stress that all computational results of this scale should be interpreted with some implied margin of error.

### Treaty Processing and Topic Modeling Example: The Last Treaty of Lahore

The following is an illustration for how this treaty preprocessing and topic modeling worked beginning with the image-based pdf start point and ending with the final version used for computational treaty analysis along with the identified topics by percentages. This particular treaty is somewhat infamous and is known as The Last Treaty of Lahore (102 CTS 375). It was signed in 1849 between the "Honourable" East India Company on behalf of the United Kingdom (UK) and Lahore, which was considered part of India at the time though is now part of modern-day Pakistan.

ENGLISH TEXT

I. His Highness the Maharajah Duleep Sing shall resign for himself, his heirs and successors, all right, title, and claim to the sovereignty of the Punjab, or to any sovereign power whatever.

II. All the property of the State, of whatever description and wherever found, shall be confiscated to the Honourable East India Company, in part payment of the debt due by the State of Lahore to the British Government, and of the expenses of the war.

III. The gem called the Koh-i-Noor, which was taken from Shah Shooja-ool-Moolk by Maharajah Runjeet Sing, shall be surrendered by the Maharajah of Lahore to the Queen of England.

IV. His Highness Duleep Sing shall receive from the Honourable East India Company, for the support of himself, his relatives, and the servants of the State, a pension not less than 4 and not exceeding 5 lacs of Company's rupees per annum.

V. His Highness shall be treated with respect and honour. He shall retain the title of Maharajah Duleep Sing Bahadoor, and he shall continue to receive during his life such portion of the above-named pension as may be allotted to himself personally, provided he shall remain obedient to the British Government, and reside at such places as the Governor-General of India may select.

Granted and accepted at Lahore on the 29th of March, 1849, and ratified by the Right Honourable the Governor-General on the 5th of April, 1849.

TERMS granted to the Maharajah Duleep Sing Bahadoor, on the part of the Honourable East India Company, by Henry Meers Elliott, Esq., Foreign Secretary to the Government of India, and Lieutenant-Colonel Sir Henry Montgomery Lawrence, K.C.B., Resident, in virtue of full powers vested in them by the Right Honourable James Earl Dalhousie, Knight of the most ancient and most noble Order of the Thistle, one of Her Majesty's most Honourable Privy Council Governor-General appointed by the Honourable East India Company to direct and control all their affairs in the East Indies, and accepted on the part of His Highness the Maharajah by Raja Tej Sing, Raja Deena Nath, Bhaee Nidhun Sing, Fakeer Nooroodeen, Gundur Sing, agent of Sirdar Shere Sing, Sindulwala, and Sirdar Lall Sing, agent and son of Uttur Sing, Kaleewalla, Members of the Council of Regency invested with full powers and authority on the part of his Highness.

(L.S.)    MAHARAJAH DULEEP SING.
(L.S.)    RAJA TEJ SING.
(L.S.)    RAJA DEENA NATH.
(L.S.)    FAKEER NOOROODEEN.
(L.S.)    BHAEE NIDHUN SING.
(L.S.)    GUNDUR SING, *Agent to Sirdar Shere Sing Sindunwala.*
(L.S.)    SIRDAR LALL SING, *Agent and Son of Sirdar Uttur Sing Kaleewala.*

(L.S.) DALHOUSIE.
(L.S.) H. M. ELLIOTT.
(L.S.) H. M. LAWRENCE.

*Figure 3.4: The Last Treaty of Lahore, Original Version*

The original version in Figure 3.4 contained 499 words, and after all of the pre-processing steps were completed, the final substantive version used for computational treaty analysis, shown below in Figure 3.5, ended up with just 109 words, with about 78% of the original text being removed along the way. This treaty includes a few trigrams, including EastIndiaCompany and HeirAndSuccessor. One OCR error that survived the cleaning process is highlighted in gray. This 1% final error ratio is roughly representative of what I observed in most English language treaties and was sufficiently inconsequential thanks to the down-weighting process inherent to TF-IDF modeling.

['grant', 'part', 'honorable', 'hast', 'company', 'lieutenant', 'colonel', 'resident', 'virtue', 'full', 'power', 'vest', 'right', 'honorable', 'earl', 'knight', 'ancient', 'noble', 'order', 'thistle', 'honorable', 'privy', 'council', 'appoint', 'honorable', 'EastIndiaCompany', 'east', 'company', 'direct', 'control', 'east', 'indie', 'accept', 'part', 'highness', 'agent', 'agent', 'son', 'council', 'regency', 'invest', 'full', 'power',

'authority', 'part', 'highness', 'highness', 'resign', <mark>'HeirAndSuccessor'</mark>, 'heir', 'successor', <mark>'right', 'title',</mark> <mark>'claim', 'sovereignty',</mark> 'sovereign', 'power', 'property', 'description', 'find', <mark>'confiscate'</mark>, 'honorable', 'EastIndiaCompany', 'east', 'company', 'part', <mark>'payment', 'debt'</mark>, 'due', <mark>'expense', 'war'</mark>, <mark style="background-color:lime">'gem'</mark>, 'call', <mark>'surrender'</mark>, 'highness', 'receive', 'honorable', 'EastIndiaCompany', 'east', 'company', 'support', 'relative', 'pension', 'exceed', 'rupee', 'highness', 'treat', 'honor', 'retain', <mark>'title'</mark>, 'continue', 'receive', 'life', 'portion', 'name', 'pension', 'allot', 'provide', 'remain', <mark>'obedient'</mark>, 'reside', 'select', 'grant', 'accept', 'right', 'honorable', 'agent', 'agent', 'son']

*Figure 3.5: The Last Treaty of Lahore, Final Processed Version*

Some of the key terms that differentiate this treaty's topic from other topics are highlighted in yellow. The top three topics resulting from computational analysis of the Last Treaty of Lahore were: Conquest 34%, Colonization: 30%, and Financial – Debt Related: 7%. The remaining 35 topic scores collectively comprised the remaining 29% of the topic distribution for this treaty. The primary and secondary topics are a fair characterization of the treaty, as the first article essentially is the forced surrender of sovereignty by Lahore after being conquered by the East India Company on behalf of the UK and their colonial subjugation in perpetuity. The coercive nature of this agreement is further confirmed by the fact that the lead signatory, Maharajah Duleep Sing, was just eleven years old at the time (Singh, 2008). The third highest topic score with 7% was the financial or debt related treaty category, which was in some sense a false positive result though the low but significant score is accurate empirically if not qualitatively as the second article is the legalization of the plundering of Lahore, justified as payment for expenses incurred carrying out the war against them in the first place, which is about the most Grotian legal justification possible and emblematic of the near complete lack of recognition between many states in this period. Article three is the most intriguing of all however, and the "gem" highlighted in green in Figure 3.5 refers to a legendary 105 carat diamond, one of the largest in the world, called the Koh-I-Noor that was also plundered and made a gift by the company to the Queen of England. It is currently still a part

of the British crown jewels and an ongoing contentious issue between Pakistan, India, and the UK to this day.

**Descriptive Statistics and Treaty Typologies**

Beginning with some descriptive and general trends found in the dataset, Figure 3.6 depicts the average length of international treaties written each year from 1648 to 2015.
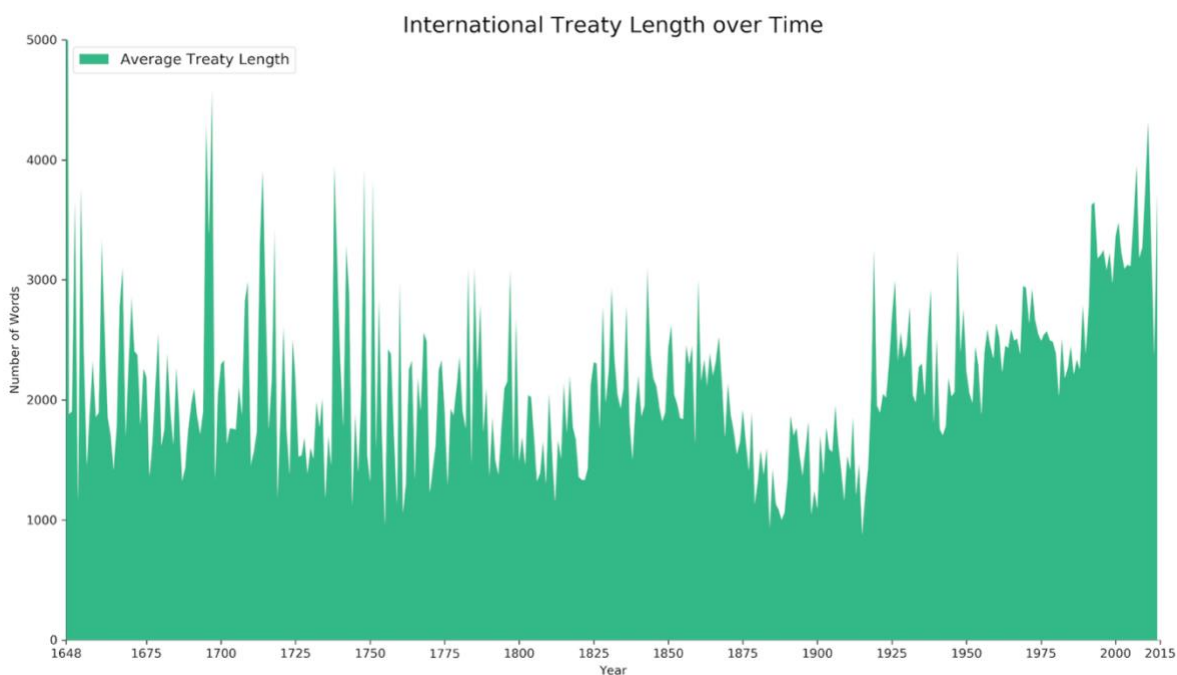


*Figure 3.6: Average Treaty Length, 1648 – 2015*

The overall average was 2,433.7 words, which has remained remarkably consistent over the last four centuries, despite the increasing complexity of our world. This figure was created by averaging the lengths of all treaties signed within each given year and only includes those for which the full text was available, which is why it stops in 2015 rather than 2022. 1648 appears to be a particularly wordy year mostly as a result of there only being 5 new treaties signed that year,

most of which were part of the exceedingly complex Treaties of Westphalia. The longest treaty in the dataset was the General Agreement on Tariffs and Trade, with 336,158 words.
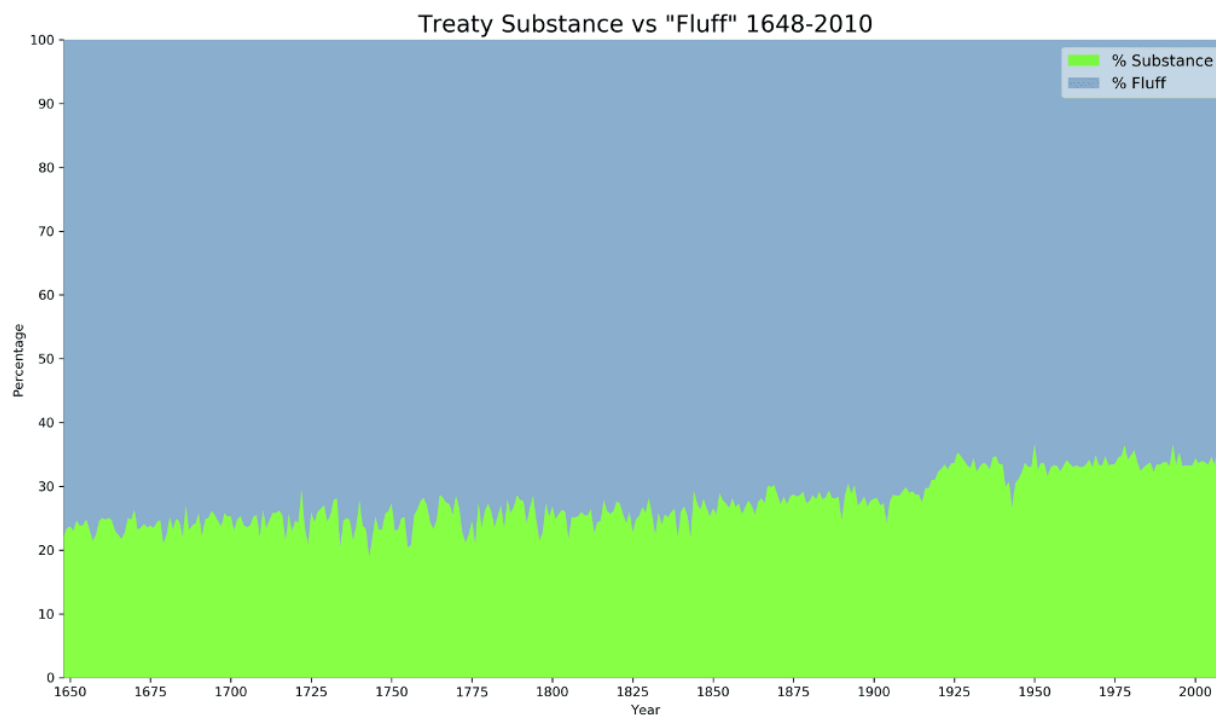


*Figure 3.7: What Percentage of a Treaty is "Fluff"?*

On average, between 70 - 75% of the language used when crafting a treaty is unrelated to the substantive topic(s) of the agreement itself. However, that is not to say that these words are unimportant for understanding the precise legal responsibilities of states party to the treaties, only that they are the type of general language that might be found in any treaty and not specifically related to the topic itself. This ratio was created by comparing the original full-length treaty wordcounts to the "substantive" wordcounts of the final processed versions of each treaty once they had been optimized for topic modeling.

Tables 3.1 and 3.2 display the categorization of each of the 79,287 treaties by its specific topic, a more general category primarily used for visualization purposes, the integration type it most closely represents, its broad characterization as a reflection of resulting either from war or

peaceful cooperation, its community and consensus building socialization effects, as well as the

most closely associated dispute resolution mechanism institutionalized by that agreement.

| Treaty Topic | Total | Treaty Category | Recognition, Integration Type |
|---|---|---|---|
| Conquest and Colonization | 2535 | Conquest, Colonization | Non-Recognition, Unilateral |
| Surrender, Armistic, Prisoners of War | 607 | Conquest, Colonization | Partial, Intergovernmental |
| Military Alliance, Assistance | 629 | Security | Direct Mutual, Intergovernmental |
| Joint Military Training, Operations | 620 | Security | Direct Mutual, Intergovernmental |
| Arms Control, Assistance Against Organized Crime | 998 | Security | Direct Mutual, Intergovernmental |
| IAEA, Nuclear Energy, Nonproliferation | 894 | Security | Supranational |
| Extradition, Criminal Law, Terrorism, Banditry | 2143 | Security | Direct Mutual, Intergovernmental |
| Drug Trafficking | 577 | Security | Direct Mutual, Intergovernmental |
| Peace Treaties | 1603 | Peace | Partial, Intergovernmental |
| Reparations and Post-War Settlements | 316 | Peace | Partial, Intergovernmental |
| Diplomatic Relations Establishment, Maintenance, Embassies | 2766 | Diplomatic Relations | Direct Mutual, Intergovernmental |
| Diplomatic Relations Expansion, Consulates, Visas, Etc. | 2090 | Diplomatic Relations | Direct Mutual, Intergovernmental |
| Postal Services, Exchange of Ideas (Letters) | 758 | Communication, Transportation | Direct Mutual, Intergovernmental |
| Postal Services, Exchange of Goods (Parcels) | 655 | Communication, Transportation | Direct Mutual, Intergovernmental |
| Telecommunications | 924 | Communication, Transportation | Direct Mutual, Intergovernmental |
| Television, Film | 195 | Communication, Transportation | Direct Mutual, Intergovernmental |
| Cultural Exchange, Education | 1668 | Communication, Transportation | Direct Mutual, Intergovernmental |
| International Shipping, Ports | 325 | Communication, Transportation | Direct Mutual, Intergovernmental |
| International Railways | 512 | Communication, Transportation | Direct Mutual, Intergovernmental |
| International Roadways | 619 | Communication, Transportation | Direct Mutual, Intergovernmental |
| Commercial/Civil Aviation | 326 | Communication, Transportation | Direct Mutual, Intergovernmental |
| Debt, Loans (Between States) | 3901 | International Loans | Direct Mutual, Intergovernmental |
| Banking, Financial Transfers | 499 | International Loans | Direct Mutual, Intergovernmental |
| Development Loan (through IGO) | 13310 | International Loans | Supranational |
| General Commerce, Commodities | 3099 | Trade | Direct Mutual, Intergovernmental |
| Tariffs, Customs Unions | 1771 | Trade | Direct Mutual, Intergovernmental |
| Intellectual Property Rights | 989 | Trade | Direct Mutual, Intergovernmental |
| Foreign Direct Investment | 1421 | Trade | Direct Mutual, Intergovernmental |
| Standardization | 161 | Trade | Direct Mutual, Intergovernmental |
| Labor Standards, IGO, ILO | 304 | Trade | Supranational |
| Domestic Economic Policy Integration | 3624 | Trade | Direct Mutual, Intergovernmental |
| Territorial Boundaries | 1313 | Territorial Consensus | Direct Mutual, Intergovernmental |
| Maritime Boundaries, Fishing Rights, Management | 705 | Territorial Consensus | Direct Mutual, Intergovernmental |
| Maritime Law (High Seas, International Rivers) | 999 | Territorial Consensus | Direct Mutual, Intergovernmental |
| EEZs, Undersea Resource Boundaries | 65 | Territorial Consensus | Direct Mutual, Intergovernmental |
| Airspace Boundaries, Incoming Aircraft Procedures | 1785 | Territorial Consensus | Direct Mutual, Intergovernmental |
| Space, Satellites | 104 | Territorial Consensus | Direct Mutual, Intergovernmental |
| Environmental Protection, Management | 588 | Territorial Consensus | Direct Mutual, Intergovernmental |
| Arbitration, Adjudication (Commercial, Financial) | 1931 | Arbitration, Adjudication | Supranational |
| Arbitration, Adjudication (General) | 1533 | Arbitration, Adjudication | Supranational |
| IGO (UN-Related) | 6266 | IGO - Related | Supranational |
| IGO (EU-Related) | 318 | IGO - Related | Supranational |
| IGO (Various Types) | 643 | IGO - Related | Supranational |
| UN, Third Party Peacekeeping | 352 | IGO - Related | Supranational |
| Emergency Assistance/Relief (Primarily by UN) | 895 | Mutual Aid and Assistance | Supranational |
| Aid-Based Loan (From IGO, Low or No Interest) | 309 | Mutual Aid and Assistance | Supranational |
| Direct Aid Between States | 552 | Mutual Aid and Assistance | Direct Mutual, Intergovernmental |
| Education Development Cooperation | 148 | Mutual Aid and Assistance | Direct Mutual, Intergovernmental |
| World Food Program | 185 | Mutual Aid and Assistance | Supranational |
| Scientific, Technical Cooperation | 4005 | Mutual Aid and Assistance | Direct Mutual, Intergovernmental |
| UN, WHO, Health and Sanitation Related | 611 | Mutual Aid and Assistance | Supranational |
| Health and Sanitation | 879 | Mutual Aid and Assistance | Direct Mutual, Intergovernmental |
| Refugee and Human Rights | 65 | Mutual Aid and Assistance | Direct Mutual, Intergovernmental |
| Misc. | 4197 | Misc. | Direct Mutual, Intergovernmental |

*Table 3.1: International Treaty Topics and Typologies, Part I*

The primary treaty categorization method was through the computational analysis techniques previously described. This process yielded 38 distinct topics for the period 1648 to 1944 and 84 distinct topics for the period 1945 to 2022. The 38 topics from the pre-1945 era were matched with analogous topics post-1945 era and because the level of granularity statistically determinable exceeded its interpretable and functional utility, the 84 topics in the post-1945 era were condensed into 53 total topics for analysis. Essentially, the algorithm could determine the difference between topics such as livestock trade treaties from other forms of agricultural or commodity-related trade agreements, etc., which were all condensed into the Treaty Topic: "General Commerce, Commodities" category. Similar statistical distinctions were made in other categories, including between different loan issuing agencies and their terms of agreement, and these were condensed into three topics based on whether the loans were directly issued between states or whether they were from an international bank or IGO. Low or no interest loans were kept distinct as well, as they may reflect a qualitatively different and perhaps more altruistic form of international cooperation. The total number of treaties per Treaty Topic are listed in the second column. For visualization purposes, the treaties were grouped into 12 broader Treaty Categories for ease of comparison over time.

The fourth column is a two-part characterization of each treaty in terms of the level of recognition and integration that it most closely reflects. Treaties in the Non-Recognition, Unilateral category are those that are imposed rather than negotiated and typically reflect a near total lack of recognition of the groups conquered. This category primarily includes those which explicitly document the largely European method of formally legalizing the expansion of territory through conquest and/or colonization. If any treaty is really just "a scrap of paper", it was this type

of agreement. These treaties were "produced in cartloads" to provide a legal veneer to the colonial landgrabs that were especially common during the 18th and 19th centuries (Lugard, 1922).

The Last Treaty of Lahore, included in the previous Figures 3.4 and 3.5, is a good example of a Conquest and Colonization treaty and clearly demonstrates the conclusion of the violent takeover and subjugation of one sovereign entity by another. Treaties in the Direct Mutual, Intergovernmental category are those which imply "the adoption of policies by separate countries as if they were a single political unit" which includes the vast majority of treaties and simply reflects any agreement directly negotiated between states and without any apparent supranational characteristics or organizations involved (Streeten, 2001). Each of these agreements is a direct, explicit, and mutual recognition of the sovereignty and independence of the other states party to it. All peace treaties are categorized as Intergovernmental for integration type and either Partial or Direct Mutual for recognition based upon if their secondary topic indicated the treaty was concluded after war or was negotiated peacefully, as detailed in the War vs Peace description of Table 3.2.

Regarding supranational community recognition and integration, this project uses a broad and inclusive definition, with a relatively low threshold for what is counted as supranational. Using the UN Economic and Social Council (ECOSOC) definition of a supranational organization as "an international organization, or union, whereby member states transcend national boundaries or interests to share in the decision-making and vote on issues pertaining to the wider grouping" as a guide, this project defines supranational agreements as those that either create, or are carried out by, any permanent or ad-hoc institution that operates above the horizontal, direct state-to-state dynamics of traditional negotiation and implementation of international law to govern or resolve issues on behalf of multiple states. This minimalist definition includes the treaties which are signed

by or are carried out through IGOs such as the UN, European Union (EU), World Health Organization (WHO), International Labor Organization (ILO), the International Atomic Energy Agency (IAEA), and regional IGOs, as well as permanent international courts, financial agencies, and arbitration tribunals established to resolve either specific or ongoing contentious issues. While many of these organizations are not wholly independent or fully supranational, in the way that the European Court of Justice (ECJ) might be, with jurisdiction that supersedes the authority of member-states and lower national courts, the premise of this treaty categorization is to capture the trend towards supranationalism in general, including those which are typically characterized as "liberal intergovernmental" institutions (Moravcsik, 2017).

| Treaty Topic | Community + Consensus Building Effects | War vs. Peace | Associated Dispute Resolution Mechanism(s) |
|---|---|---|---|
| Conquest and Colonization | Forced (Conquest, Colonization) | Post-War Treaties | Use of Force |
| Surrender, Armistice, Prisoners of War | Standard Effects | Post-War Treaties | Use of Force |
| Military Alliance, Assistance | Standard Effects | Peacefully Concluded | Use of Force |
| Joint Military Training, Operations | Ongoing Cooperation and Exchange Programs | Peacefully Concluded | Use of Force |
| Arms Control, Assistance Against Organized Crime | Standard Effects | Peacefully Concluded | Use of Force |
| IAEA, Nuclear Energy, Nonproliferation | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| Extradition, Criminal Law, Terrorism, Banditry | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Drug Trafficking | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Peace Treaties | Secondary Topic Dependent | Secondary Topic Dependent | Secondary Topic Dependent |
| Reparations and Post-War Settlements | Standard Effects | Post-War Treaties | Use of Force |
| Diplomatic Relations Establishment | Global Connection Infrastructure | Peacefully Concluded | Informal Diplomacy, Mediation, Direct Negotiations |
| Diplomatic Relations Expansion | Global Connection Infrastructure | Peacefully Concluded | Informal Diplomacy, Mediation, Direct Negotiations |
| Postal Services, Exchange of Ideas (Letters) | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| Postal Services, Exchange of Goods (Parcels) | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Telecommunications | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| Television, Film | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| Cultural Exchange, Education | Ongoing Cooperation and Exchange Programs | Peacefully Concluded | Direct Negotiations |
| International Shipping, Ports | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| International Railways | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| International Roadways | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| Commercial/Civil Aviation | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| Debt, Loans (Between States) | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Banking, Financial Transfers | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Development Loan (through IGO) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| General Commerce, Commodities | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Tariffs, Customs Unions | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Intellectual Property Rights | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Foreign Direct Investment | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Standardization | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Labor Standards, IGO, ILO | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| Domestic Economic Policy Integration | Commercial Community Interaction Amplifier | Peacefully Concluded | Direct Negotiations |
| Territorial Boundaries | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Maritime Boundaries, Fishing Rights, Management | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Maritime Law (High Seas, International Rivers) | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| EEZs, Undersea Resource Boundaries | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Airspace Boundaries, Incoming Aircraft Procedures | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| Space, Satellites | Global Connection Infrastructure | Peacefully Concluded | Direct Negotiations |
| Environmental Protection, Management | Ongoing Cooperation and Exchange Programs | Peacefully Concluded | Direct Negotiations |
| Arbitration, Adjudication (Commercial, Financial) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Arbitration, Adjudication (Commercial, Financial) |
| Arbitration, Adjudication (General) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Arbitration, Adjudication (General) |
| IGO (UN-Related) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Political Governance |
| IGO (EU-Related) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Political Governance |
| IGO (Various Types) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| UN, Third Party Peacekeeping | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Political Governance |
| Emergency Assistance/Relief (Primarily by UN) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| Aid-Based Loan (From IGO, Low or No Interest) | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| Direct Aid Between States | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Education Development Cooperation | Ongoing Cooperation and Exchange Programs | Peacefully Concluded | Direct Negotiations |
| World Food Program | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| Scientific, Technical Cooperation | Ongoing Cooperation and Exchange Programs | Peacefully Concluded | Direct Negotiations |
| UN, WHO, Health and Sanitation Related | Supranational Community + Consensus Institutionalization | Peacefully Concluded | Supranational Issue-Area Governance |
| Health and Sanitation | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Refugee and Human Rights | Standard Effects | Peacefully Concluded | Direct Negotiations |
| Misc. | Standard Effects | Peacefully Concluded | Direct Negotiations |

*Table 3.2: International Treaty Topics and Typologies, Part II*

Table 3.2 contains two additional treaty topic categorizations. The first reflects a categorization based upon their expected community and consensus building socialization effects, and contributions towards increasing the frequency of interactions between state officials, diplomats, and individuals from all walks of life, through which both a sense of international community (Buzan, 1993; Cross, 2007; Hooghe et al., 2019) and the relational infrastructure of peace is built (Hakimi, 2020; Schroeder, 2013). Standard Effects treaties refers to those which the

typical community and consensus promotion effects inherent to the socialization that occurs through any general treaty negotiation and implementation process, and without any apparent significant ongoing socialization effects (Aronson et al., 2012; Cross, 2007; Goodman & Jinks, 2013; Holmes, 2018). Global Connection Infrastructure agreements are those which facilitate the emergence or regulate the functioning of the procedures and material infrastructure that enables greater amounts of information, goods, finance, and people to cross borders and thus facilitate many additional social interactions to occur (Holsti, 2004). Commercial Community Interaction Amplifiers are treaties that are likely to facilitate an increase in international trade and the international community building effects that go along with it (Dorussen & Ward, 2010). Ongoing Cooperation and Exchange Programs are treaties which establish cultural exchange programs, joint military training protocols, or transnational cooperative environmental, scientific, or technical projects that involve recurring social interactions at scale and which help to establish identities that transcend nationality (Hakimi, 2020; Topik & Wells, 2012). Supranational Community and Consensus Reinforcing agreements are any that either create, enhance, or are carried out by an IGO or other supranational organization of some kind. Treaties in this category involve some of the highest numbers of recurrent consensus and community promoting social interactions on average, yet perhaps most importantly they help to normalize the idea, and reinforce the expectation and appropriateness of, solving communal problems directly at the supranational or global level (Morgan, 2013).

The third column in Table 3.2, War vs, Peace, is an attempt both to provide a new metric to measure and affirm the long-term decline in warfare, as well as a way to track the relative frequencies of treaties as either being discrete and observable instances of peaceful cooperation, or similarly distinct and identifiable cases of a significant use of force by one or more states

(Denemark & Hoffmann, 2008). Peaceful Cooperation treaties include any that were peacefully concluded without any apparent precipitating or ongoing armed conflict. This category is primarily meant to help differentiate treaties which were peacefully negotiated from those that were either imposed by force, indicate an ongoing war, or which were signed to officially conclude a war. Treaties in the Post-War category include those which indicate either an ongoing or recently concluded war, such as those concerning partial troop or garrison surrender agreements, prisoner of war exchanges, and armistices.

Peace treaties are most often, though not exclusively, concluded at the end of wars. To make this distinction, peace treaties were coded for this category using their secondary topics, each of which was closely reviewed to determine if the agreement was truly negotiated after war or if it was proactively negotiated to reaffirm and enhance peaceful relations between the signatories. Upon close inspection, peace treaties with secondary topics related to conquest, colonization, security issues, miscellaneous dispute settlement, territory, debt, or (re)establishing diplomatic relations were all found to indicate a Post-War treaty in the vast majority, if not all, cases. Collectively these subtopics represented 79.6% of all peace agreements. Peace treaties with secondary topics related to international trade, travel, shipping, postal exchange, or arbitration, which comprised the remaining 20.4%, all indicated agreements that were concluded peacefully without any apparent preceding war being fought or ended.

Combining these four treaty types and sub-types accordingly creates an approximate measure of the relative rate of warfare as an institution versus the institutionalization of peace over time. In total, 5,043, or 6.3% of the total treaties from 1648-2022, indicated active wars or the recent termination of wars, while 74,244 or 93.6% of all known treaties signed since 1648, were concluded peacefully.

The final column in Table 3.2 categorizes treaties based on their most closely related dispute resolution mechanism and is intended to provide an approximate metric for the relative institutionalization of each. Those related to war and military affairs are coded as Use of Force. Peace Treaties are again coded based upon their secondary topics, as explained in the Post-War treaty section. Diplomacy related treaties are coded as institutionalizing Informal Diplomacy, Mediation, and Direct Negotiations, the inability to capture the significance of informally resolved disputes in a more direct way is a shortcoming of this dataset. The vast majority of standard integration treaties that did not indicate any apparent connection to either war or supranational dispute resolution mechanisms were coded as institutionalizing Direct Negotiations. Treaties that either resulted from, or commit states to, the peaceful resolution of commercial, financial, or civil liability issues through arbitration, conciliation, or adjudication were coded into the Arbitration, Adjudication (Commercial, Financial Disputes) category. Treaties which states sign to establish, accede to, or otherwise commit themselves to international courts or legally binding arbitration mechanisms, such as through the Permanent Court of Arbitration (PCA) or Permanent Court of International Justice (PCIJ), and which are intended to help states resolve disputes across a wider range of often more salient issues, such as disputed territory, beyond those which could be settled through financial compensation, were coded into Arbitration, Adjudication (General) category. Treaties involving IGOs, international banks, or other supranational institutions that have a narrowly defined jurisdiction and which help to govern a specific issue-area, such as through the WHO, World Food Program, IAEA, ILO, or World Bank, are identified in the Supranational Issue-Area Governance category. Finally, treaties relating to IGOs with a wide, multi-domain governance jurisdiction and potential applicability, such as the UN or EU, were coded as Supranational Political Governance. This category is intended to capture agreements which are,

broadly speaking, the furthest along on the spectrum of supranational entities and dispute resolution mechanisms.

## Conclusion

Computational analysis proved a powerful tool through which I was able to systematically analyze all 79,287 treaties written between 1648 and 2022 and categorize them by topic, sub topic, and a variety of other metrics to assess changes in the formal legal structure of the international system as expressed by the shifting and expanding array of international treaties signed over time. Despite the strict formality, often incomprehensible jargon-laden legalese, and even deliberate obfuscation at times (as well as foreign and temporal language barriers), the successful application of topic modeling to the vast totality of international law is an important proof of concept and validation that computational text analysis can meaningfully be conducted on international treaties. As far as I am aware, this is the first time that general (all topic) computational treaty analysis of this kind has been successfully accomplished, and it is certainly the first time it has been carried out on such a large scale. A further methodological contribution is that using a pre-trained neural network to identify and retain a more tailored subset of the parts of speech contained within a text can improve topic model coherence relative to the commonly used noun-only and noun and verb only techniques by 7.4% and 10.5%, respectively.

Each of the following chapters will break down the key trends and insights this record reveals about the global organizing process, how exactly the community, consensus, and institutional structures of the international system have changed over the last four centuries, and why these changes collectively allow us to more fully account for the long-term decline in warfare.

# Chapter 4: Treatymaking is Community Building

"Uniting the Nations, it's gonna take some patience."

- Nahko Bear, 2016

## Overview and Significance

Treatymaking is community building. The socialization inherent to the difficult and lengthy diplomatic negotiation process and treaty implementation, especially if the agreement necessitates or enables further ongoing social interactions between the parties, helps to promote and expand mutual recognition, understanding, and a shared sense of community between the signatories, contributing towards the long-term international and ultimately global community building process (Aronson et al., 2012; Buzan, 1993; Cross, 2007; Goodman & Jinks, 2013). Community building is a critical component of organizing peace as it provides the "relational infrastructure for international law" that facilitates global governance (Hakimi, 2020) and makes it easier for state actors empathize with one another, reach consensus, and cooperate (Holmes, 2018; Hooghe et al., 2019; Marks, 2012; Ostrom, 1990), while also expanding the mutual recognition of the shared humanity and common identity between its members, making war increasingly difficult to justify against other members (Michelle, 2003; Opotow et al., 1995; Wendt, 2003; Williams, 1997).

Governance at any level is facilitated in large part through the social solidarity of the overarching community (Marks, 2012). The scale of international cooperation achievable is dependent in some respects on the degree to which the state actors involved consider themselves to be members of the same community, and the perceived ability of states to resolve contentious issues peacefully is constrained in part by the "thinness" of sense of community (Hakimi, 2020;

Hooghe et al., 2019). The common norms, sense of group identity, and feeling of sharing a common fate within communities can help facilitate cooperation through diffuse reciprocity and thus more easily allow groups with a stronger sense of community to overcome short term costs and collective action problems to achieve functional resolution of transnational issues and the provision of public goods (Hooghe et al., 2019; Ostrom, 1990). A shared sense of identity fundamentally "is a feeling", and it is through the emotional connection to the larger community that identity gains its power (Mercer, 2006). This feeling of transnational sense of community among diplomats has led to new pacific agreements and levels of cooperation that might not have otherwise been possible, and which exceed what might be expected from strictly utilitarian calculations of state interest (Cross, 2007).

Community building above and beyond the national level is crucial in explaining the long-term decline in warfare not only because it helps to facilitate greater cooperation between states, but also because the more individuals within different states recognize the common humanity they share with one another across national boundaries, the more difficult it becomes to justify going to war against other members as the same social and moral rules, rights, and obligations the potential aggressor state expects to enjoy increasingly apply to the potential target state as well (Michelle, 2003; Opotow et al., 1995; Wendt, 2003; Williams, 1997). Non-recognition and exclusion, especially when envisioning one's own group identity as being defined in some way by competition or rivalry with another group, is a strong precursor to war or political violence (Hogg, 2016). This is why some leaders seeking to go to war seek to dehumanize their enemies, and thus by virtue of their non-recognition within the community, they seek to morally exclude them from the rights those within the community share and the obligations they have to one another, making violence easier to justify (Michelle, 2003; Opotow et al., 1995). Community building is therefore

critical as the stronger the shared sense of identity, the stronger their justification will need to be as they will face more resistance attempting to rouse their nation to go to war against a group they have some degree of loyalty towards (Dower, 2002; Hogg, 2016).

International communities are built and sustained through social interactions (Adler, 2005; Hakimi, 2020). Once there is significant regularity of interactions between groups, a basic shared sense of community begins to emerge (Buzan, 1993; Dorussen & Ward, 2010; Varien & Potter, 2008). With regard to whether this occurs as a "spillover effect" and rational response to an increasingly interconnected and interdependent international system (Buzan, 1993), or through purposeful interaction and society building as the English School contends, and which has been shown to occur in diplomatic circles (Cross, 2007), the language used in many of the treaties I examined in the dataset seem to support the latter position, as many were explicit in their desire to amplify their interactions and actively promote the building of a greater shared sense of community between their subjects. Examples date back centuries, such as one signed in 1787 between Portugal and Sardinia (Italy) seeking to facilitate "the means to multiply friendships" by promoting "kinship, commerce and mutual correspondence" (50 CTS 223). In either event, the more interactions between states there are, the more likely it is that they will be able to understand and empathize with one another, recognize their shared humanity, expand the boundaries of their community, and deepen their shared sense of group identity and thus be better able to cooperate over time (Cross, 2007; Dorussen & Ward, 2010; Holmes, 2018; Ostrom, 1990; Parsons, 2002).

Supranational community building is a process of adding another layer of identity on top of national and more localized loyalties, not replacing them (Kamo, 1979). Fry (2013) calls this process "expanding the Us" as overarching identities are built between groups. It is not necessary or advisable that a supranational identity and sense of community supplant those at the national

level, as multilevel identities can coexist without undermining or competing within a person (Crisp & Hewstone, 2007) and can exist harmoniously in a state of "embedded cosmopolitanism", while efforts to replace existing identities are often met with fierce resistance (Atack, 2005; Erskine, 2000).

Sense of community is not something that is dichotomously present or absent, but rather exists along a spectrum of a shared sense of belonging or identity with a larger group (O'Donnell, 1997). As Wendt (2003) contends, "Group identity is a process not a thing…" and the starting point is "mutual recognition", which they describe as the appreciation of the other individuals in the group as having intrinsic value and rights as you would consider yourself to have, and thus there are certain expectations with regard to treating them as you yourself might expect or hope to be treated.

Using this expansion of Hegel's (1977) conception of recognition of shared humanity by Wendt (2003) as the starting point of community building between states, the lowest end of the sense of community spectrum would be the complete non-recognition of another state's right to exist independently as a sovereign entity whatsoever. States without this shared connection and recognition can exist in a relationship in which little to no justification for violence is needed as there is no shared sense that they are deserving of rights whatsoever (Williams, 1997). On the individual level, recognition is also the starting point of humanization, or the recognition of the common shared humanity with others, meaning that the social and moral rules, rights, and obligations that individuals expect to enjoy, begin to apply to individuals within the other state as well (Michelle, 2003; Opotow et al., 1995).

Basic mutual recognition of a states right to exist independently is necessarily the first step in organizing peace and for establishing a greater shared sense of community. Recognition is

fundamentally, though rarely explicitly, an acceptance and admission that both polities will likely have to deal with one another in some manner in perpetuity. This is the fundamental start to eventual long-term cooperation and whether consciously or not, it is the recognition that they are both smaller parts existing within a larger geopolitical whole. The more states understand and recognize both their shared humanity and their permanent interdependence and coexistence, the more likely it is that will see the benefit in working out all of the details of that existence (Buzan, 1993), and seek to reduce friction and transaction costs by expanding their areas of consensus and developing the supranational institutions necessary to constructively manage their differences and effectively govern transnational issues.

At the strongest sense of community end of the spectrum would be full Hegelian recognition between states as having a distinct and equal symmetrical status and rights under international law, rather than being an object without rights that can be freely subjugated, plundered, or "civilized", and would indicate a situation in which there is almost no possible circumstances in which war or violence against one another could be justified due the deep understanding of the shared human condition and shared collective identity between the states (Hegel, 1977; Wendt, 2003).

In between these extremes lies the vast majority of all modern international community relations between dyads, regional and other multilateral blocs, and the global community. Community building progress has been made over time through treatymaking as the more groups interact, the more they begin to understand and accept one another's differences, and build a collective solidarity and identity because it is ultimately through a recognition of difference by some "Other" that we can have a distinct identity or "Self", or as Brewer (1991) aptly describes it, "two actors cannot recognize each other as different without recognizing that, at some level, they

are also the same". Basic acceptance of a shared humanity is when the "other" begins to "count" as they are socially recognized as another human with at least some basic fundamental rights and not treating them equally, especially with regard to committing violence against them, requires an increasingly stronger justification (Michelle, 2003; Opotow et al., 1995; Williams, 1997). Over time, as the frequency and significance of interactions increases this will "virtually force" recognition to occur (Buzan, 1993) as the self-other or "us vs. them" distinction becomes blurred and is eventually transcended (Wendt, 1999).

While related, this type of basic recognition of shared humanity is a separate concept from the debate regarding declaratory vs. constitutive theory and the idea of their being a strict legal necessity for formal diplomatic recognition by external states for a new state to be considered a state (Vidmar, 2012). Establishing formal diplomatic relations between states is a concrete manifestation of some degree of mutual recognition and thereby the existence of some sense of community, as is the signing of any treaty to a certain extent, but the presence or absence of formal recognition does not necessarily translate well to their "true" degree of recognition or shared sense of community, which is much more difficult to capture and quantify in absolute terms. This chapter utilizes a variety of new absolute and relative metrics created by analyzing the changing language and subject matter of treaties found within the fossil record of international relations to better approximate the expansion and deepening of the shared sense of international community over the last four centuries.

Every stage in the treatymaking process helps to build and reinforce a sense of community between the parties involved. The difficult nature of reaching mutual consensus on any given issue to states of such importance that a formal treaty is warranted often means that negotiations can take years or even decades to successfully conclude. And yet it is ultimately because of this

difficulty, rather than in spite of it, that much of the community building takes place as it is through the many social interactions that occur between state actors during this lengthy process that they are increasingly able to better understand, empathize with, and recognize their shared humanity with one another and establish or deepen a shared identity which transcends national boundaries and helps to create trust and overcome short-term, parochial interests on behalf of the larger group (Buzan, 1993; Cross, 2007; Holmes, 2018; Ostrom, 1990). The public, voluntary, explicit, and enduring nature of formally signing treaties helps to reinforce the growing sense of community between the signatories by permanently linking them together in at least some small way and is critical for commitments meant to last over long periods (Abbott & Snidal, 2000; Raustiala & Slaughter, 2012). The implementation of agreements, especially those which involve regular conferences or meetings, as the repeated interactions inherent to large-scale political governance projects help to further cement and deepen the socialization and community building effects (Hakimi, 2020).

While every new treaty signed is expected to have some socialization and community building and reinforcing effects, some agreements have outsized effects and are especially helpful in amplifying the global community building process further and increasing the pace of global organization. Treaties which facilitate a significant level of additional social interactions between states, including through enhancing ease of travel, trade, communication, joint cooperative ventures, or exchange programs are particularly important for international community building and not only connects state officials but individuals from all walks of life in a way that often transcends national borders and identities (Dorussen & Ward, 2010; Hakimi, 2020; Topik & Wells, 2012).

Perhaps the strongest and most impactful community building amplifiers are those which create, enhance, or reinforce the use of IGOs. In addition to creating or enhancing IGOs which serve physical sites and impetus for a significant amount of recurring social interactions between state officials to occur (Holsti, 2004; Katznelson, 1997; Mclaughlin & Hensel, 2007), but agreements carried out by or through supranational organizations of any kind, broadly defined, help to normalize the idea, and institutionalize the practice, of solving communal problems directly at the supranational and eventually the global level (Morgan, 2013). Community is one of the strongest mechanisms that weaker actors can leverage to exert power larger states and even major powers (Tourinho, 2021), and this is especially true the more its governance mechanisms become institutionalized, as they can mobilize additional support and wield collective power beyond what would have been possible otherwise in a more divided less organized world. Conflict, effectively channeled in this way through supranational institutions, can help drive and sustain a shared sense of community, rather than tear it apart (Coser, 1956).

As treatymaking has progressed over the last four centuries, with nearly eighty thousand agreements of all sorts having been negotiated, including tens of thousands of community building amplifying treaties, the cumulative effects can be seen clearly as the pace of community building and of international organizing in general has quickened dramatically and the number of states' party to any given agreement has expanded significantly from mostly bilateral agreements and those between contiguous or nearby states, to truly global agreements connecting states all over the world, including some key universal treaties. However, the global community and consensus building process is far from uniform, and states with more ties to the world community are more likely to acculturate than countries with less ties (e.g. North Korea), as the more interactions there

are the more internal and external cognitive and social pressures to adopt norms conform (Goodman & Jinks, 2013).

While collective identity development may begin with mutual recognition, it has been a long road to even get to that starting point and much further still to get to the genuinely global sense of community that many feel to a widely varying extent today (Wendt, 2003). And it is through the difficulties and struggles of international treaty negotiation, signing, and implementation that has made that journey possible.

## Treatymaking Process Effects on Community Building

Treatymaking helps to build the international community because negotiations can often take years or decades to successfully conclude. The regular social interactions inherent to this process helps to expand the shared sense of community between the state actors as they are increasingly able to better understand, sympathize with, and recognize their shared humanity with one another and establish or deepen a shared identity which transcends national boundaries and helps to overcome short-term and parochial interests on behalf of the larger group (Buzan, 1993; Cross, 2007; Holmes, 2018; Ostrom, 1990; Parsons, 2002). Modern neuroscience is helping to confirm what scholars have observed for some time. Face-to-face social interactions have been shown to engage the empathetic mirror system in the brain, which allows individuals to gain some intuition into the experiences and understand the intentions of others and thus better recognize their shared human condition and more easily empathize with their concerns, goals, and desires, and build trust with them (Holmes, 2018). Thus, the facilitation of these in person interactions is especially critical to community building, however even "constant correspondence" between

diplomats even as far back as the 17th century has led to their socialization and helped to build a sense of community between them (Cross, 2007).
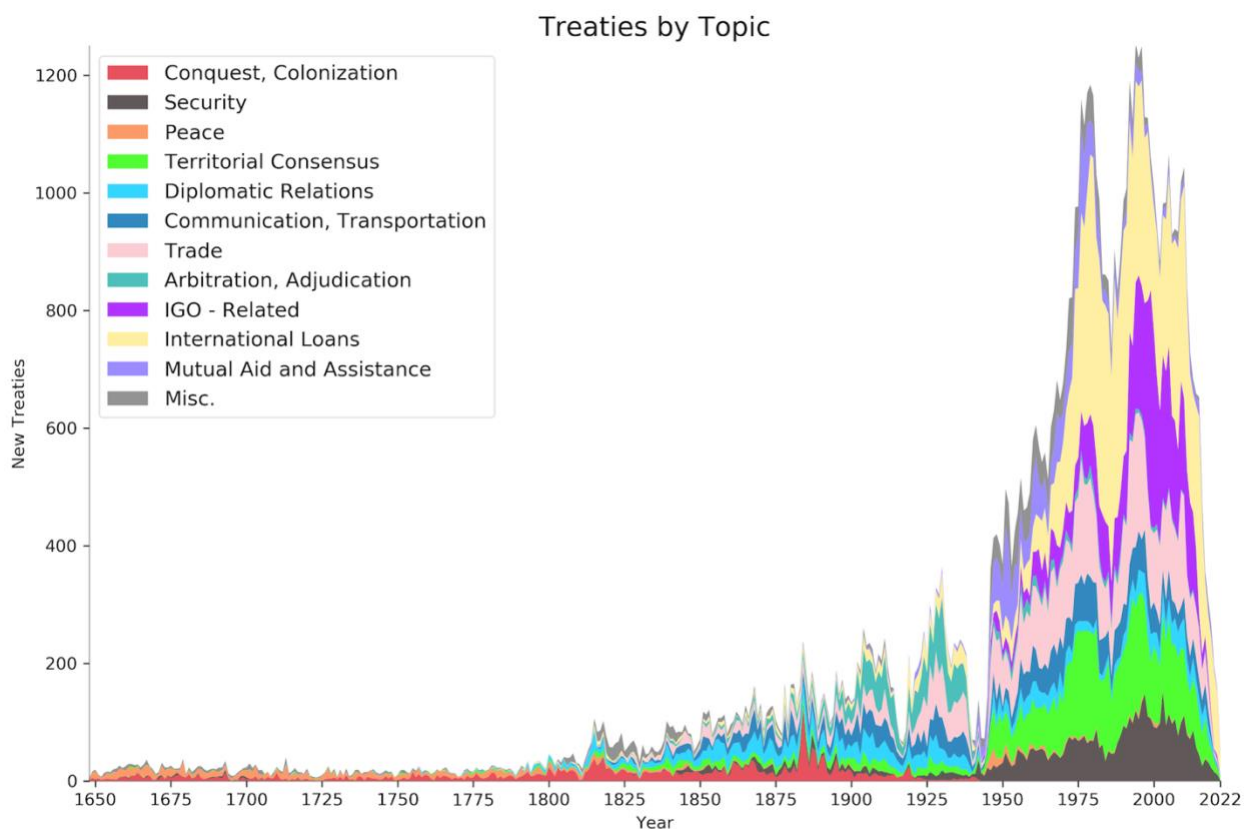


*Figure 4.1: Treaties by Topic, 1648 – 2022[2]*

Diplomatic socialization has occurred during all of the major deliberative treaty negotiation processes going all the way back to the 1648 Treaties of Westphalia, where diplomats spent several years preparing and negotiating the resulting agreements (Cross, 2007). Holmes (2018) argues this is why the Camp David Accords, and the Yalta conference between Churchill, Stalin and Roosevelt which laid the groundwork for the UN Charter, were ultimately successful. What is often less appreciated however is the scale of diplomatic socialization that has occurred in tandem

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[2] Please note that the appearance of a slowing down in treatymaking from 2015 to 2022 in this and each of the following new treaties over time graphs, does not indicate any substantive decline in the number of treaties concluded during that period but rather reflects the lagging treaty deposit and publication procedure of the UNTS.

with and in between all of these major historical treaty signings through the successful negotiation of tens of thousands of smaller scale, yet critically important treaties between 1648 and 2022.

Excluding treaties primarily related to conquest or colonization, which primarily reflect involuntarily concluded treaties following the use or threat of force, and which were almost certainly counter-productive from a community building standpoint, the remaining 74,244 treaties represent voluntary and peacefully negotiated agreements concluded over the last four centuries. These agreements collectively comprise 94% of all treaties signed over this period and were a major engine of community building over time. Each negotiation has involved scores or sometimes many more diplomats, state leaders, activists, business representatives, and other individuals, various combinations of which had to interact in social settings and correspond with one another on scores if not hundreds of occasions over many years to negotiate and create the agreement (Chayes & Chayes, 1993).

While the time and amount of meetings it takes for any given treaty will vary widely, relative to the difficulty of its subject, the distance between the initial positions of the negotiators, the amount of states involved (Moser & Rose, 2012), and their regime types (Freund & McDaniel, 2016), each treaty negotiation involves significant time and social interactions recurring over a period of months to years, and the longer it takes, the greater the amount of social interactions it will involve. At the quicker end of the spectrum, one study found that negotiating relatively standardized free trade agreements with the US takes an average of one year and eight months (Freund & McDaniel, 2016), however some particularly difficult treaties, such as the UN Convention on the Law of the Sea (UNCLOS), have taken decades to negotiate (ITLOS, 2023). The more states that are party to an agreement, all else being equal, the longer it takes to negotiate (Moser & Rose, 2012). For example, the first GATT round concluded in 1947 involved 19

members and took 8 months to negotiate, by the GATT round in 1963 it would take the 74

members 42 months to reach a new tariff cutting agreement, and the GATT round that concluded

in 1986 with 125 members would ultimately take 91 months (Martin & Messerlin, 2007). Having

greater checks and balances on executive power can double the length of treaty negotiations,

whereas having a king or other form of authoritarian monarch as the head of state of one of the

parties to a treaty negotiation can cut the negotiation time in half, relative to negotiations between

two more democratic states (Freund & McDaniel, 2016). As both democratization and the

membership of the international community have expanded over time, the latter rising from an

average of just four states initially party to any given multilateral agreement during the 17th and

18th centuries to an average of more than 25 in the post-1945 era, the amount of socialization that

has occurred per negotiated treaty is estimated to have increased significantly on average over

time[3]. This effect is further enhanced as social pressure increases both in regard to the amount of

interactions and the frequency of contact between the state actors and the community in question,

as well as with regard to the size of the community (Goodman & Jinks, 2013).

Each new treaty voluntarily concluded and signed is an explicit and formal recognition of

the equal sovereignty between the signatories, and expands or reinforces, even if just slightly, their

shared sense of community. It is not strictly necessary that the treaty is written out, just that the

agreement is reached publicly and immortalized in some fashion, including through oral history,

as was the case with the Haudenosaunee (aka Iroquois) confederation, which lasted for at least

four centuries (Snow, 1994). Formalization is key to commitments meant to last over long periods

(Abbott & Snidal, 2000; Raustiala & Slaughter, 2012) and having shared policies helps to bind

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[3] These figures come from using an automated search algorithm I created using a list of all states known to be sovereign during the year the treaty was signed, compiled primarily from Butcher & Griffiths (2020), Correlates of War Project (2017), and Gleditsch & Ward (1999) as well as the UNTS and CTS indexes.

states together communally (Yack, 1993). Signing ceremonies are ways of reinforcing international and global community building and the public, voluntary, explicit nature of committing states to one another helps to bind them together more permanently and secure their ties over the long term. The public spectacle of signing ceremonies and of making the cooperation widely known is helpful for extending the community building effects beyond state officials and within the general state populace. Individuals who might otherwise lack a particular opinion one way or another about the state in question, tend to adopt a sense of their relations with other states from the way their government portrays and cooperates with them (Hogg, 2016). The disproportionate rate at which some European cities served as the location for signing multilateral treaties is further evidence that significant socialization is occurring throughout the treatymaking process (Denemark & Hoffmann, 2008).

Communities as diverse as those in the international community are particularly reliant upon repeated interactions inherent to large-scale political governance projects to bind themselves together (Hakimi, 2020). The implementation of agreements which have recurring Conference of the Parties (CoP), or other regularly annual or biannual meetings, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Montreal Protocol, the Biodiversity Convention, most disarmament treaties such as the Chemical Weapons Convention, North Atlantic Treaty Organization (NATO), and so many others have increased the pace and scale of global community building dramatically over the last century. CoPs often create new norms and release reports with recommendations that may later become formalized into new treaties (Charney, 1993). The UNSC, United Nations General Assembly (UNGA), and many councils and other organs of the UN meet on a much more frequent basis. These annual and more frequent recurring meeting of states serve as fora for community and consensus building, and help to pressure

recalcitrant states to join and pitch in. Diplomats and other representatives not only come for the formal meetings, but are known to socialize for long hours afterwards at cocktail parties and many become genuine friends bound by their shared commitment to the international policy issues they specialize in. This often leads to the forming of a tight-knit epistemic community (Cross, 2013).

The implementation of agreements and the regular ongoing meetings they facilitate, along with the creation of permanent IGOs, courts, and many other supranational venues that some give rise to, helps to solidify and deepen the shared sense of community and social recognition, enabling greater levels of trust and stronger reputations of trustworthiness to develop, eventually paving the way for more ambitious agreements to be reached in the future (Bearce & Bondanella, 2007; Holsti, 2004; Katznelson, 1997; Mclaughlin & Hensel, 2007).

## Community and Consensus Building Amplifiers

While every new treaty negotiated involves significant socialization between state actors and is expected to have the standard community and consensus building and reinforcing effects inherent to the socialization that occurs through any general treaty negotiation and implementation process (Aronson et al., 2012; Cross, 2007; Goodman & Jinks, 2013; Holmes, 2018), some types of agreements have outsized effects that are especially helpful in amplifying both the global community building and consensus building processes. While similar socio-psychological factors and the cognitive costs of non-conformity are expected to promote both processes (Aronson et al., 2012; Goodman & Jinks, 2013), this chapter focuses on their community building aspects and the following chapter details pacific effects of consensus building.

This subset of treaty types includes any which facilitate a significant level of additional and ongoing interactions between states either by promoting international commercial ties; by

facilitating higher levels of travel and trade through the creation or enhanced regulation of material international infrastructure; by increasing the ability to communicate directly and diplomatically, and exchange ideas across borders through postal and telecommunication agreements; or through establishing cultural exchange programs, joint military training protocols, or transnational cooperative environmental, scientific, or technical projects that involve ongoing social interactions at scale. These types of agreements are particularly important for international community building and not only connect state officials but individuals from all walks of life in a way which helps to establish epistemic communities and other supranational identities and loyalties that transcend national borders (Dorussen & Ward, 2010; Hakimi, 2020; Topik & Wells, 2012). Treaties which create, enhance, are carried out by, or otherwise help to institutionalize the use of supranational organizations, especially IGOs, not only help to amplify community building through serving as the physical sites and impetus for a significant amount of recurring social interactions between state officials to occur (Bearce & Bondanella, 2007; Katznelson, 1997), they also help to normalize the idea and reinforce the expectation and appropriateness of solving communal problems directly at the international or global level (Morgan, 2013).

## Global Connection Infrastructure Agreements

If a shared sense of community is what provides the relational infrastructure that helps makes global governance possible (Hakimi, 2020), it is the actual material global infrastructure and the agreements which help sustain and regulate its functioning that, in turn, help to expand and reinforce a sense of community across borders. Over the last four centuries, 12,116 of these global connection infrastructure type agreements have been signed. The negotiation of each of these treaties involved the standard socialization and community reinforcing effects, as well as

enduring community building amplifying effects to facilitate additional social interactions and connections between states in an ongoing basis. By providing the rules for stable coexistence and predictable interactions which cut across many domains of international affairs, these types of agreements are particularly important for enabling greater amounts of information, goods, finance, and people to cross borders and thus facilitate many additional social interactions to occur (Holsti, 2004).
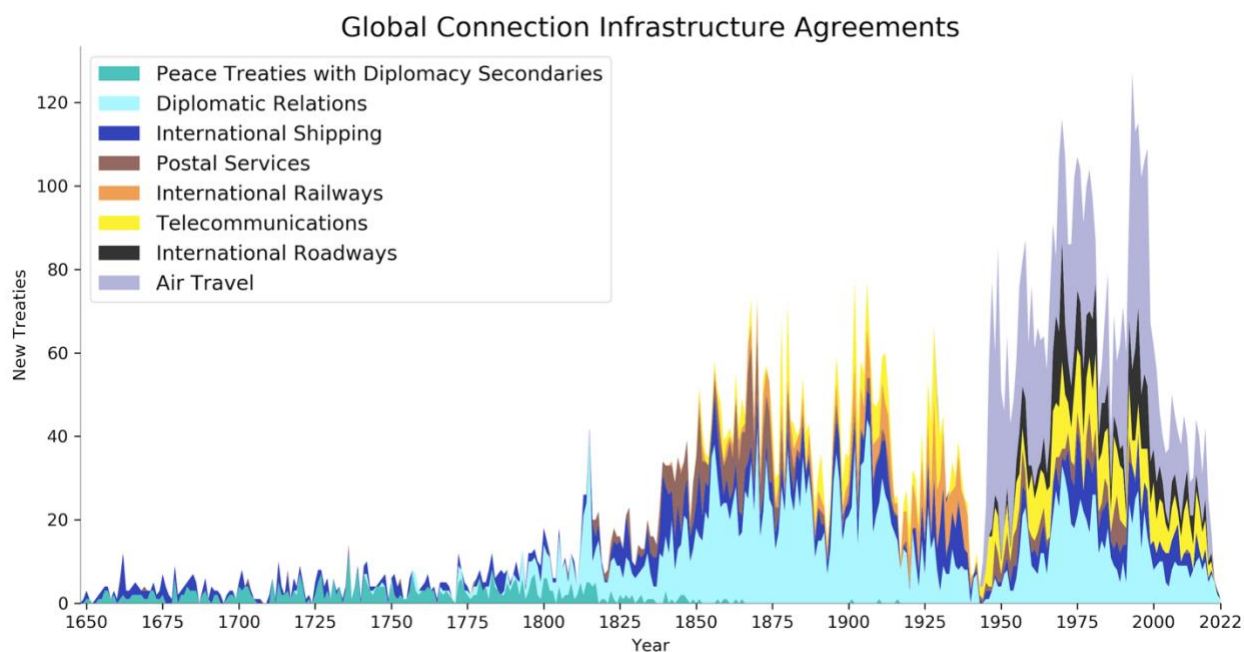


*Figure 4.2: Global Connection Infrastructure Treaties, 1648 – 2022*

The first and most essential connection infrastructure built between states is the organization of basic diplomatic relations. Establishing diplomatic ties and institutions are the essential means through which the many other types of agreements necessary to expand material infrastructure and further amplify community building are negotiated and through which much of the baseline rules for their interactions across all other treaty domains is established. Diplomatic agreements promoted community building at both the micro-level, between individual diplomats and within the growing diplomatic epistemic community (Cross, 2007), but also at the macro-level

as many of these treaties either established diplomatic relations and thus allowed for trade and many other cross-border interactions to occur, or further clarified rules of conduct for diplomatic exchange and communication, and the establishment of embassies and consulates.

Diplomacy is such an essential tool for states and so ingrained in international relations that the terms used to be used interchangeably (Cross, 2007). Partly as a result of this, and partly due to the tendency of peace treaties to cover multiple topics, throughout the 17th and much of the 18th centuries there were very few treaties of which the primary topic was diplomacy, and even some treaties that one might qualitatively deem to be primarily diplomacy-related, including some of which that were proactively signed during times of peace rather than in the wake of war, were computationally categorized as peace treaties for their primary or dominant topic, and diplomacy as their secondary topic. This is unsurprising as much of the language used in traditional, post-war peace treaties concerned the reestablishment of basic relations between the combatants. Dual topic peace-diplomacy agreements made up 33.1% of all peace treaty sub-types.

A total of 531 dual peace and diplomacy treaties were signed between 1648 and 1916. Many of these agreements were explicit in their desire to amplify their interactions and actively promote the building of a greater shared sense of community between their subjects, even as far back as the 18th century. One dual topic agreement (35% peace, 20% diplomacy) signed in 1787 between Portugal and Sardinia (Italy) during a time of peace makes this plain as it seeks to improve their relations "by facilitating the means to multiply friendships", through enabling increased "kinship, commerce and mutual correspondence" (50 CTS 223). Another treaty signed in 1796 in the wake of war between France and Genoa explains that it was signed out of a "desiring to tighten more and more the bonds which unite them to dispel the clouds that some unfortunate events had raised between them" (53 CTS 289). And finally, another dual peace (33%) and diplomacy (31%)

agreement, signed in 1783 between Austria and the Ottoman Empire sought "increased sincere friendship and perfect harmony", through "good correspondence and the reciprocal friendship which exist between the two empires", including by promoting trade and the mutual acceptance of passports (49 CTS 1).

Treaties in which diplomacy was the primary topic would begin to emerge as their own distinct treaty type in the second half of the 18th century. Rising from 0% of 17th century treaties, to 4.3% of 18th century agreements, to almost 20% of treaties signed during the 19th century. Collectively, at least 4,856 diplomacy related agreements would be signed globally by 2022. This figure includes both the primary 2,766 diplomatic relations establishment and embassy type agreements and 2,090 diplomatic expansion, consulate-related, and/or international travel and visa related agreements. Many in the latter category were explicitly aimed at facilitating higher amounts of travel and immigration between the parties through mutual passport acceptance or rules for the issuance of various types of visas, and some also included provisions for increasing protections for foreign nationals. Both types were crucial for increasing interactions between states, helping to promote a shared sense of community, and for institutionalizing the practice of diplomatic negotiation and thereby facilitating an increase in the pace of treatymaking across a wide variety of areas of international law.

Following diplomacy, the first area of the actual global infrastructure to become significantly organized was that of international shipping and the regulation of conduct upon the High Seas.
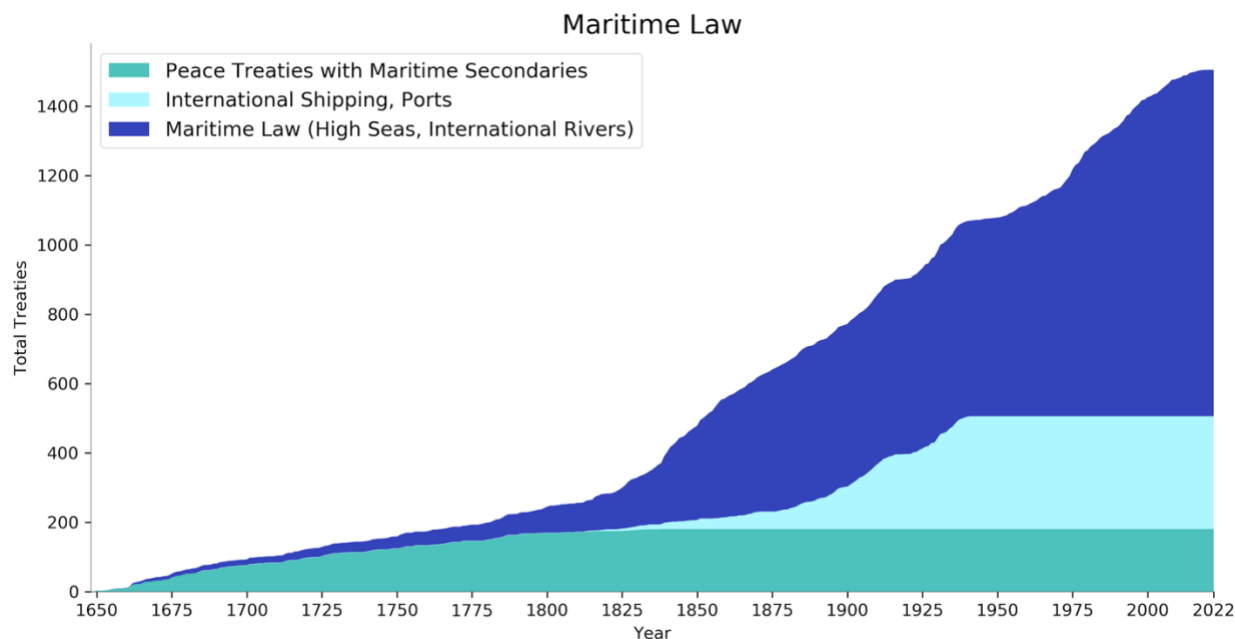
*Figure 4.3: High Seas and International Shipping Treaties, Cumulative, 1648 – 2022*

From the ancient past through most of the 19th century, the High Seas were by far the primary means of transporting goods, messengers, diplomats, soldiers, and information around the globe and 90% of all trade goods are still transported over water today (OECD, 2023). Shipping was the primary and fastest way to travel, transport or communicate across long distances throughout this period and was the first major area of global transportation infrastructure to become significantly regulated.

While 181 peace treaties with maritime law as the secondary issue addressed were detected as far back as 1655 (4 CTS 1), states began to proactively negotiate treaties dedicated to organizing conduct upon the High Seas and internationalized rivers during the 18th century. Rising from just 1.5% of all treaties signed during the 17th century, maritime law comprised 7.4% of all treaties signed during the 18th.

Excluding maritime treaties concerning international territorial water boundaries and fishing rights (which are not included in Figure 4.3 or the overarching community building and

global connection infrastructure category), a total of at least 1,324 treaties designed to facilitate ease of travel and trade over the oceans, seas, and some major international rivers would be signed by 2022. One of the most important of these treaties was the 1856 Paris Declaration Respecting Maritime Law, which outlawed the practice of state-sponsored piracy or "privateering" on the High Seas and would be critical in building confidence that trade vessels would arrive safely at their destination and not become a victim of Great Power conflict (Hathaway et al., 2018). Collectively, these were critical for amplifying the global exchange of goods and ideas, by allowing merchants, diplomats, and an increasing diversity of people to more easily travel and forge connections around the world.
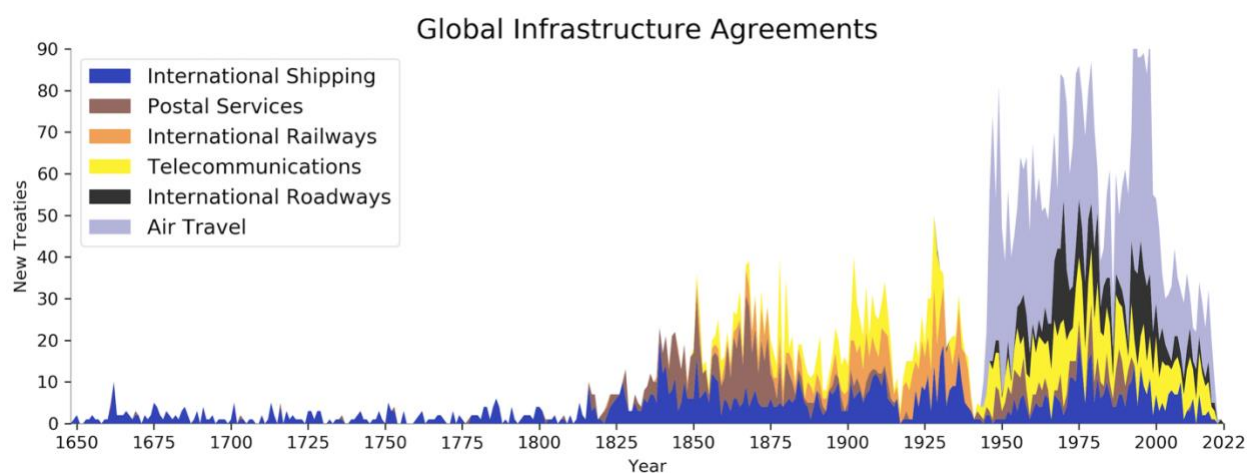


*Figure 4.4: Global Infrastructure Agreements, 1648 – 2022*

Global infrastructure development began to expand dramatically during the middle to late 19th century and beyond, as new locomotive, vehicular, and aerial transport technologies were invented. Following each of these developments, new international treaties to govern how states would leverage them to increase trade and travel between them would follow in remarkably short order. International railways would follow shipping as the next major part of the global transportation infrastructure to be built and regulated. Even before the steam locomotive was made commercially viable, international railway agreements began to emerge. The first one found in the

dataset being signed in 1837 between the King of Hanover and the Duke of Brunswick for the "facilitation of traffic railway from Braunschweig to Harzburg" (87 CTS 201). Since then, at least another 511 international railway agreements would be signed, primarily during the late 19th century and the first half of the 20th century. Railway agreements were too few during the post-1945 era to be detectable as a distinct topic, though some of them were found in the international roadway category. This could be due in large part due to sufficient consensus and standardization concerning rail width and other protocols being already established by that time and the global standards set in Transport by Rail section of Chapter XI of the UN Charter.
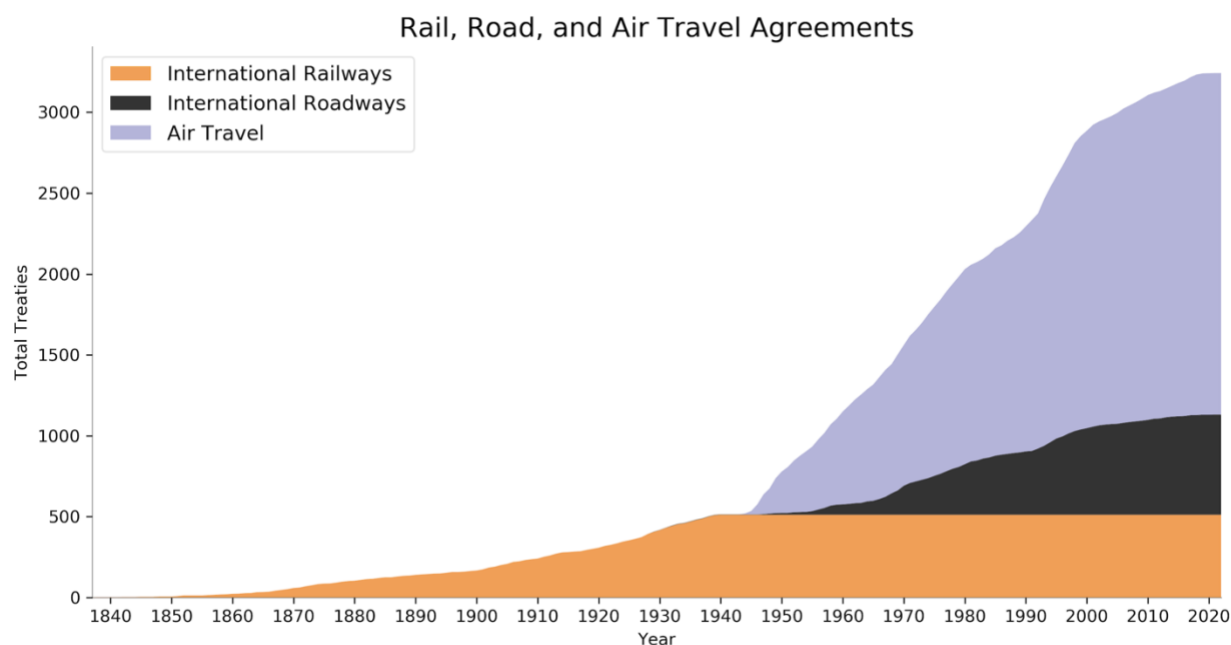


*Figure 4.5: Planes, Trains, and Automobile Related Agreements, 1837 – 2022*

In addition to provisions set for early automotive travel through the Commerce and Navigation clauses of peace or trade agreements, at least 619 international roadway agreements have been negotiated and signed explicitly dedicated to increasing international travel by standardizing traffic rules, registrations, international acceptance of driver's licenses, and safety protocols. The international Road Traffic section of Chapter XI of the UN Charter and the 1968

Vienna Convention on Road Traffic were particularly effectual in setting global standards and helping to amplify automotive traffic between states.

After the Wright brothers first flight in 1903 and the first domestic commercial aircraft flight in 1914, it would only take a few short years for consensus to be reached in order to facilitate greater ease of connecting via air travel (NASM, 2021). Every rule that we rely upon today, from air traffic control and incoming aircraft identification procedures, to flight path and altitude deconfliction, to customs checks and security screenings, all had to be negotiated and standardized before air travel could really take off.

Beginning with the 1919 Paris Convention and the establishment of the International Commission for Air Navigation, 27 states set the first standards for international travel (226 CTS 246). This commission would expand and be converted in 1944 through the Convention on International Civil Aviation which was signed explicitly to help "create and preserve friendship and understanding among the nations and peoples of the world", and not only set the global standards for air travel between states, but would also create the International Civil Aviation Organization (ICAO), now official a UN Specialized Agency, which was dedicated to governing air travel withing the global community on an ongoing basis and has ever since (ICAO, 2023). The 1947 Convention on the Privileges and Immunities of the Specialized Agencies would further create a special status and rules to facilitate ease of air travel by diplomats and state officials, making it significantly easier for them to travel abroad and interact, negotiate, and get to know one another face to face and thus further expand and deepen international ties (Goodman & Jinks, 2013; Holmes, 2018). In total, at least 2,111 airspace navigation and international air travel related agreements have been signed by 2022, helping to connect people from all around the world and enabling the global community to interact at historically unprecedented levels.
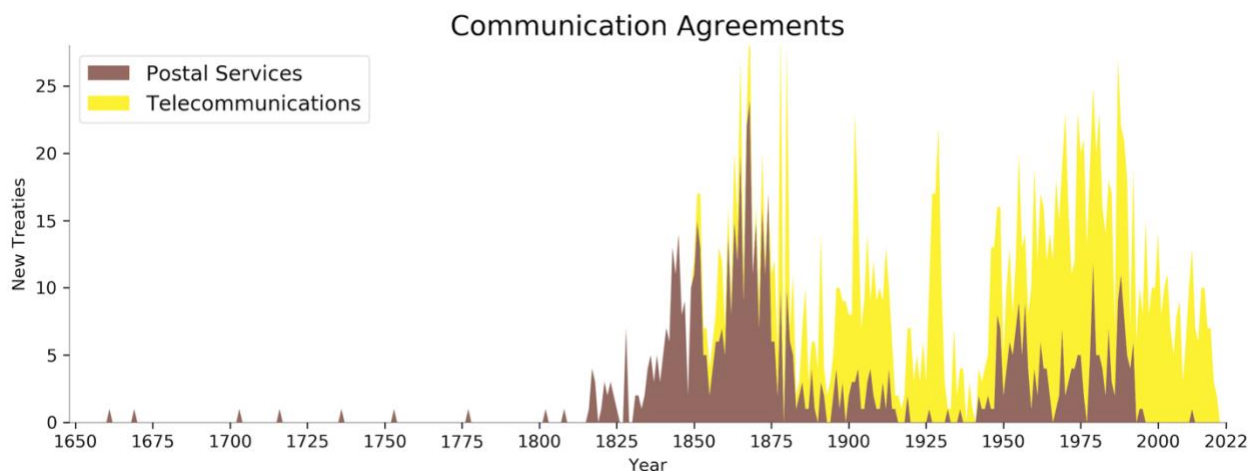
*Figure 4.6: Postal and Telecommunication Agreements, 1648 – 2022*

Moving at the speed of these available international transportation infrastructure systems, the exchange of ideas and maintenance of long-distance relations between state leaders, elites, merchants, scholars, and an increasingly broad swath of the gradually more literate world over time was facilitated to a significant extent through the organization of international postal services. The language used in many postal agreements, such as the one signed between Greece and Italy in 1864, further attest to the intentionality of the international community building process, as it was explicitly "driven by the desire to strengthen the friendship and good neighborliness which unite the two countries and to regulate by means of a new convention the vice of correspondence" (129 CTS 2).

While sending letters was always available for those with means and some peace treaties would include provisions for promoting correspondence, the standardization and expansion of international mail systems began in earnest in the early 19th century. Compared with the seven total agreements dedicated to facilitating postal exchange between states prior to 1800, during the 19th century an additional 493 were negotiated and signed, and eventually a total of at least 758 postal agreements governing the exchange of letters specifically were signed by 2022. Not included in these figures is an additional 655 postal agreements concerning the sending of larger

parcels by mail. These treaties were distinguishable by the algorithm and designated as a separate category through the computational treaty analysis process and are thought to be more closely related to the promotion of commercial community interaction, though the collective global of both types of postal agreements rises to 1,413.

The most important of these types of agreements was the 1874 creation of the General Postal Union, which would eventually become the truly supranational Universal Postal Union (UPU) in 1878 (Hans-Ulrich, 2011). The pronounced effect and eventually global consensus achieved through this agreement could be seen clearly as the number of new treaties in almost every other treaty area rises, often exponentially, over time. However, the rate of new postal agreements would drop precipitously from 5.7 new agreements per year during the preceding 75 years, making up 7.2% of the total treaties signed, to a rate of just 1.5 new postal treaties signed per year during the following 75 years after the establishment of the UPU, making up less than 1% of all agreements signed during that period. This decline is a testament to its success and truly universal appeal as states could simply accede into the UPU system and gain equal access to all direct mail services with all other signatories without the need to sign a direct bilateral agreement with them.

While the establishment of the international postal system was a significant step forward in the global organizing and community building infrastructure and provided a critical means for states to exchange ideas and maintain ties over vast distances, and remains so to a certain extent today, technological breakthroughs in telecommunications would soon rapidly improve the ability of states to communicate in near real time.

The invention of the telegraph in 1843 necessitated new international conventions to standardize and coordinate better diplomatic and commercial lines of communication during this

period, the first of which would appear only seven years later. The earliest treaty dedicated to telecommunications found in my dataset was an agreement signed in 1850 between Belgium and Prussia "to facilitate medium telegraph lines communications and extend to them good relations between their respective states" (104 CTS 115). Since then, there have been at least 924 telecommunications agreements signed which allowed states to connect to one another in both the physical and metaphorical sense as new cables would soon link their capitals and major cities directly to one another. Prior to these agreements, telegraph lines would end unceremoniously at international borders (Glazer, 1962). Their negotiation allowed these lines to soon connect nearly every corner of the globe and radically upgrade the global nervous system from one reliant upon the hand carrying of messages to one that enabled states to make efficient use of the new technology and rapidly increase the ability and speed at which they could communicate to their diplomatic representatives and directly with their foreign counterparts. For example, the regulation and development of this technology reduced communication time between North America and Europe from 10 days at the beginning of the 1850s to just a few minutes by the end of that decade (Marsh, 2019).

The significance of these new technologies in improving interstate relations and ability to connect with one another was clear and can be seen in many telecommunications agreements signed throughout the late 19th and early 20th century. One such treaty signed between Finland and Russia in 1924, stated that the two states "being desirous of establishing and promoting the development of friendly relations" would improve upon their existing agreements to allow "unrestricted transit across its territory for telegrams from and to any other country with which it is in telegraphic communication" (LNTS 745). Napoleon III actively sought to use the telegraph to help unite the countries of Europe and deepen the sense of community within Europe. To these

ends Napoleon invited all the major states to a conference in 1864 to facilitate their interconnection by the expansion of the telegraph wires and set European-wide standards for their use (Glazer, 1962). This consensus would grow and become the International Telegraph Union (ITU) in 1865 (130 CTS 198), which helped to promote and facilitate greater communication between states, and ultimately was so successful it became a model for many future IGOs. The ITU would continue to expand its communications technology regulation portfolio as it later transitioned into the International Telecommunication Union (still ITU) before eventually evolving further into a specialized agency within the UN system.

The ITU took over regulation of telephone lines almost as soon as they were invented in 1876, enabling calls between European capitals in the 1880s, and the first transatlantic telephone call would be possible by 1927 (Glazer, 1962). Churchill and Roosevelt were known to make extensive use of their direct line in the lead up to World War II. The ability to have a direct line of almost real-time and then instant communication to one another during a crisis has almost certainly helped reduce so called "error term" wars over this period (Gartzke, 1999). The invention of the wireless radiotelegraph would even allow ship to ship communication for the first time, a major help in reducing miscommunication at sea (Glazer, 1962). Hotline agreements, beginning with one between the US and Russia in 1963 for the "Establishment of a Direct Communications Link" between them to speed up their ability to talk directly at the highest levels have also been setup elsewhere, including between India and Pakistan, and between North and South Korea (US State Department, 1963).

After the development of the ability to transmit voice and music over radio waves in 1895, the first agreement concerning its use would come by 1906 with the International Radiotelegraph Convention, and responsibility was given to the ITU to oversee its implementation (ITU, 2023).

The ITU assigned radio frequencies to deconflict the radio spectrum, allowing for the "maximum practicable number of radio channels", without which the airwaves would have been a mixture of static and jumbled, indecipherable overlapping signals (Glazer, 1962). A dedicated organization for governing radio use in Europe through the International Broadcasting Union was established in 1925. In addition to community building facilitated by the ability to connect by sending and receiving messages over the radio, or listening to the songs from another country, some treaties, such as the 1936 International Convention concerning the Use of Broadcasting in the Cause of Peace demonstrate the desire to advance the cause of peace through the use of the radio to connect people across national boundaries (LNTS 3419).

Additionally, there are at least 195 treaties entirely dedicated to the exchange of television and films across borders, further expanding the ability of citizens from all over to engage with other cultures, to see the world from other perspectives, which has helped to develop shared international interests, including international sports. Sports such as soccer, and many others to a lesser extent, have become a staple of the global culture and creates shared experiences, social interactions, and a sense of friendly competition between people from all walks of life in a way that transcends national boundaries and can unite people even if they cannot understand a single word of one another's language.
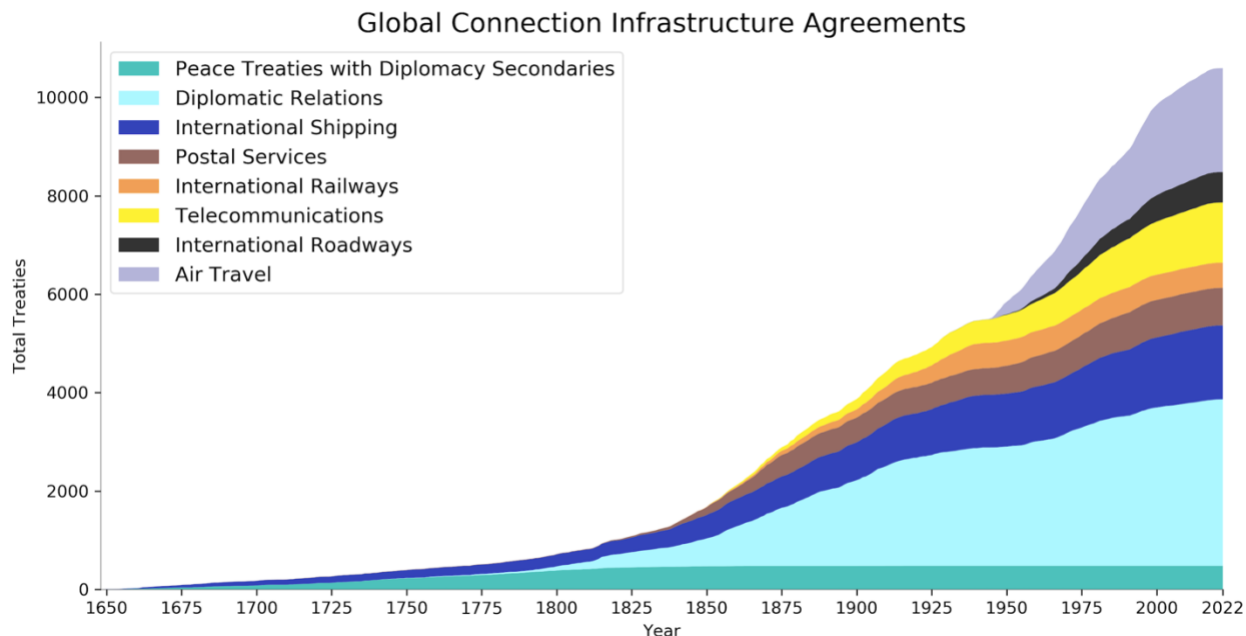
*Figure 4.7: Global Connection Infrastructure Treaties, Cumulative, 1648 – 2022*

Collectively, these global connection infrastructure agreements and their community building amplifying effects really began to add up by the middle to late 19th century. The number of global connection infrastructure agreements initially rose slowly with just 180 negotiated during the 17th century, rising to 737 during the 18th century, before dramatically increasing to just over 4,000 by the end of the 19th century and reaching at least 12,116 by 2022. The creation and regulation of the global connection infrastructure treaties would help set the 20th century up for a major increase in the pace of treatymaking across almost every other domain of international law and international affairs, further increasing the frequency of social interactions between states and helping to create the vastly better-connected modern world and the expanding sense of community between its peoples.

While one might argue that some of the community building effects that I attribute to these global connection infrastructure agreements, especially those concerning transportation and telecommunications, are actually derivative of these technologies themselves, rather than the

international treaties governing their use, it is important to remember that in the hypothetically disconnected world that would exist without these agreements, the deployment, utility, and community building effects of every new technology would be almost entirely restricted to domestic use. Prior to these agreements, the lines of communication that we rely heavily upon today used to end abruptly at international boundaries, and without organizations like the ITU to deconflict radio spectrums, the airwaves would be filled either static or incomprehensible overlapping signals (Glazer, 1962). Without the regulation of radio and of the establishment of incoming aircraft procedures, states would be unable to determine whether planes approaching their airspace were friends or foes. For these reasons, the potential increased socialization and community building effects of almost every new invention requires the negotiation and implementation of international treaties to be realized at the international and global levels.

Further, every single one of these agreements not only helped to amplify the global community building process by providing the rules for predictable interactions across many domains of international affairs and enabling greater amounts of information, goods, finance, and people to cross borders and thus facilitate many additional social interactions to occur (Holsti, 2004), each also involved the standard diplomatic socialization effects through their negotiation. If one takes a likely conservative estimate for how many meetings it takes to negotiate the average treaty as being between 10 and 100 meetings per agreement, the direct negotiation of these agreements alone involved somewhere between 12,000 and 12 million opportunities for diplomatic socialization to occur just in the negotiation of these treaties alone, to say nothing of the many hundreds of thousands to millions of official state to state interactions during their implementation, and the uncountable total of global connections between businesses and citizens from all walks of life that they enabled.

There are now more than 500,000 miles of fiber optic cables linking states, much of which is undersea, which carry 97% of communications between continents and more that 15 million financial transactions alone each day (Filitz, 2019). More than 134,000 commercial flights were tracked on just a single day this year and the US Bureau of Transportation Statistics puts the total number of passengers travelling on international flights in 2019 at more than 240 million (Flightradar24, 2023). All of these connections and global infrastructure ultimately rely upon the international agreements which enable every new transport or telecommunications development to reach their full potential and to enable community building across so many different segments of society, including the commercial community.

## Commercial Community Building Treaties

The negotiation of some 12,116 global connection infrastructure treaties over the last four centuries was critical for increasing social interactions between state actors across a wide variety of domains, and this was true regarding the international business community and the promotion of international trade. Commercial community interactions were further amplified through the negotiation of thousands of treaties concerning the protection of intellectual property rights, general commodities agreements, international banking and financial transfer agreements, customs unions and tariff-related policies, foreign direct investment (FDI) treaties, and agreements to set international standards on everything from weights and measures to shipping container sizes. As neofunctionalists rightly note, economic integration almost always creates significant additional interactions between groups (Sweet & Sandholtz, 2010). And the negotiation of each of these treaties involved the standard socialization and community reinforcing effects, as well as enduring commercial community building amplifying effects by making it easier for states to trade and

thereby to facilitate additional social interactions and connections between merchants, and businesses and the many other peoples involved in conducting international commerce (Dorussen & Ward, 2010).
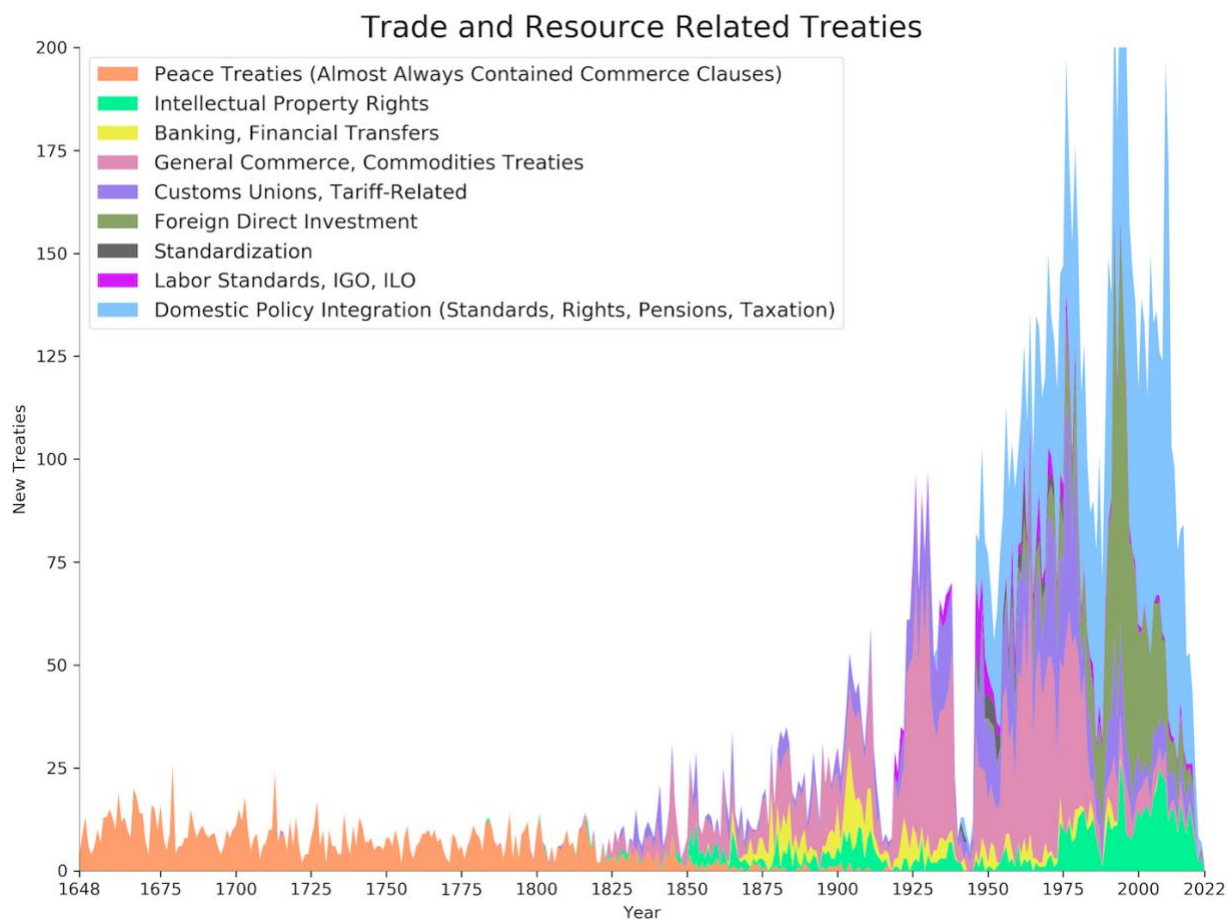


*Figure 4.8: Commercial Community Building Treaties, 1648 – 2022*

Throughout the 17th, 18th, and 19th centuries, peace treaties were the critical spigots that turned on and off the flow of trade and social commercial interactions between states. With commerce encouraged during times of peace, many peace treaties explicitly listing the right to "freedom of commerce", yet trade between belligerents was typically cut off and often made outright illegal during war, as it was considered to be providing a measure of support to the enemy (Lesaffer, 2009, 2012). In contrast to the present global system which uses sanctions and trade

restrictions to help punish aggressor countries, prior to the 20th century, trade was not only allowed to continue to third-party states, but it was also required under the strict duty of neutrality. Maintaining trade with both sides of a conflict was taken so seriously that refusing to do so was widely considered to be an acceptable justification for war (Hathaway and Shapiro, 2017). The shift towards sanctions and away from the strict duties of neutrality would ultimately be an important step towards moving the international system away from reliance upon the institution of war to enforce compliance and resolve disputes. However, the ability to continue trade with both sides of a war prior to 1920 for members of the League of Nations (LoN) and non-members until 1945, was likely an important source of additional commercial community interactions and socialization, as war was such a frequent occurrence with some combination of the Great Powers at war with one another nearly eight out of every ten years between 1500 and 1815 (Levy, 1983).

Figure 4.8 depicts how treaties which were predominantly negotiated to facilitate greater levels of international trade as a separate issue and not part of a larger peace agreement, would not emerge in a significant way until the 19th century. With just 29 total dedicated commercial community amplifying treaties signed globally by 1800, as compared with the more than 700 global connection infrastructure agreements negotiated over the same period, commerce related agreements would soon flourish in tandem with or just behind the rapid progress made in establishing the regulations for global infrastructure during this century. Treaties focused explicitly on specific commodities, and which helped regulate and facilitate trade beyond the minimalist way that typical commerce clauses in peace treaties did in essentially allowing it to occur, began to emerge and proliferate with at least 1,321 signed by the end of the 19th century, before doubling during the first half of the 20th century with 2,588 new treaties signed, with more than 8,000 additional commercial agreements signed between 1950 and 2022.

## Trade and Resource Related Treaties
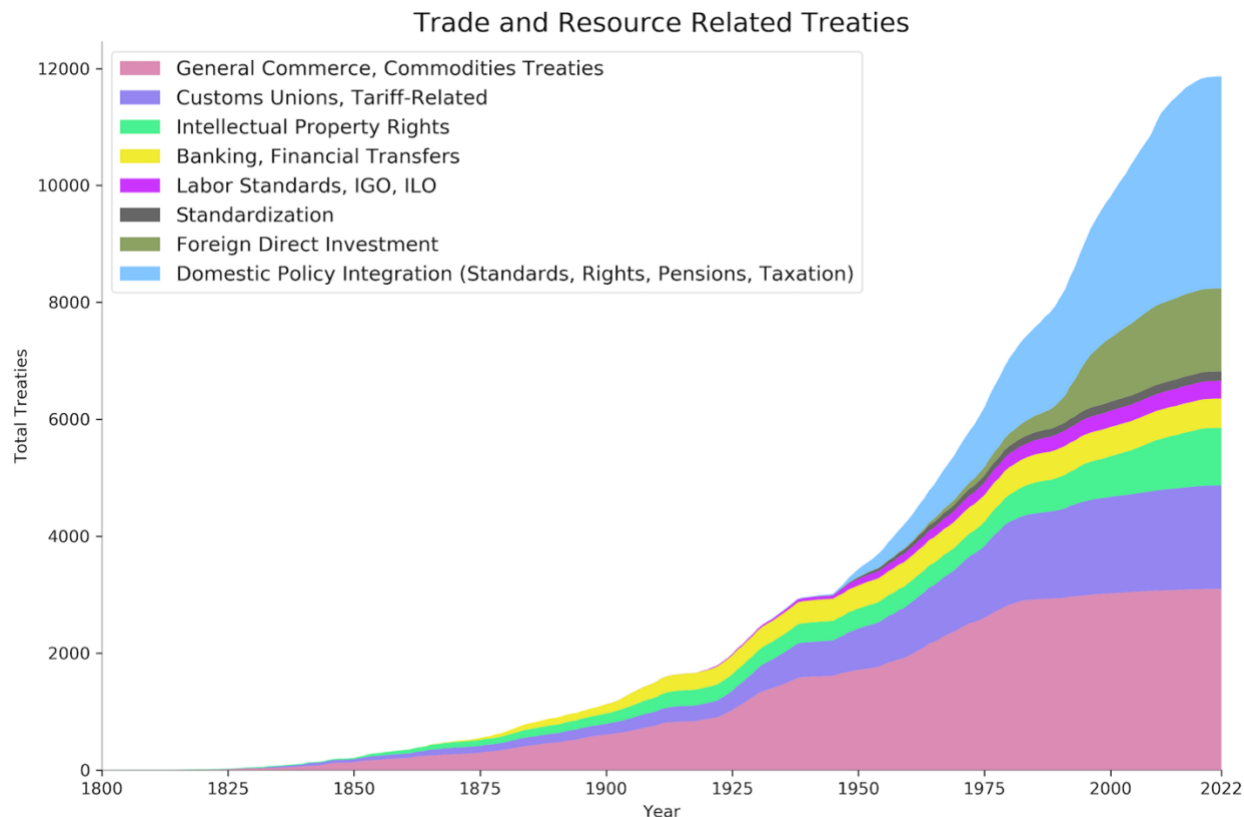


*Figure 4.9: Commercial Community Building Treaties, Cumulative, 1800 – 2022*

The cumulative effects of the negotiation and signing of at least 12,219 commercial community interaction amplifying agreement are of such a massive scale that they are difficult to fully calculate or appreciate. This includes 3,099 general commodities agreements, over 1,771 treaties aimed at reducing or at least clarifying tariffs on imported and exported goods, 989 concerning the protection of intellectual property rights, 499 regulating the international banking and financial transfer system, more than 3,624 domestic commercial policy coordination agreements, 1,421 FDI treaties, and at least 161 agreements setting critically important international and eventually global standards for everything from time zones to shipping container sizes. While the pacific effects of reaching consensus on trade and resource related issues and a more detailed discussion of each type will be discussed in greater detail in Chapter 5, the social effects on community building, especially during the later parts of the 20th century are significant.

The increased trade levels that these agreements helped facilitate would lead to an incalculable increase in ongoing socialization within the international commercial community (Buzan, 1993; Dorussen & Ward, 2010), in addition to the standard diplomatic socialization effects through their negotiation (Aronson et al., 2012; Goodman & Jinks, 2013) and thus amplified the global community building process in multiple important ways.

Despite only including 161 treaties, this final listed category includes some especially critical standardization agreements including the creation of a nearly universal system of international weights, measurements, and other statistical and common standards, such as the 1875 Treaty of the Meter, which created the International Bureau of Weights and Measures and helped spread the metric system across the globe. These agreements not only helped to reduce transaction costs and promote interactions regarding international commerce, but also helped to create and expand a shared language for communicating and interacting in an increasingly universal language of science, engineering, and technological advancement that transcends nationality and provides the basis for a large number of ongoing cooperation and exchange agreements (E. S. Rosenberg, 2014).

### Ongoing International Cooperation and Exchange Agreements

Beyond the infrastructure and commercial types of international community building amplifiers, some treaties facilitate cultural exchange programs or otherwise involve long-term cooperation with regard to a transnational environmental, scientific, technical, or other joint projects. In addition to the standard socialization and community reinforcing effects, these agreements are likely to have an outsized, ongoing effect in promoting community building and mutual understanding over time.

## Ongoing Cooperation and Exchange Agreements
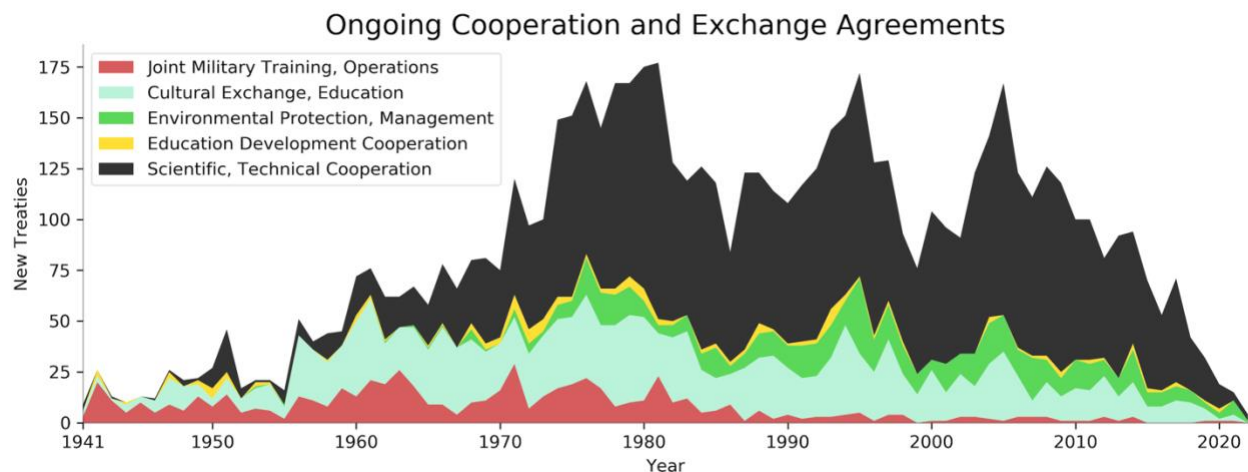


*Figure 4.10: Ongoing Cooperation and Exchange Agreements, 1941 – 2022*

All five sub-topics within this category are relatively new, as these programs only emerged as a distinct, detectable topic in 1941. Many of these treaties reflect a level of cooperation and shared sense of community far beyond what manifested within the fossil record of international law prior to that time. The only earlier exceptions found were four agreements establishing cultural exchange programs, the first of which found in the dataset was in 1904. In total, at least 1,668 cultural and similarly educational exchange-related agreements have been signed, resulting in countless numbers of citizen-to-citizen interactions and experiences which have helped those involved to expand their conception of humanity and their connection to others from different parts of the world. There have been at least an additional 148 agreements involving the development and promotion of higher levels of education via the building of schools and related projects as well.

At least 620 agreements facilitating joint military training and officer exchange programs have been signed. I can personally vouch for the potential familiarization and socialization effects of these programs. While serving in the US army I trained with Afghan, Egyptian, Colombian, Republic of Korea (ROK), and Philippine soldiers and officers. The most successful and lasting impressions of shared sense of community and loyalty I was left with was certainly with South

Koreans, as I had four ROK soldiers embedded in my mechanized infantry platoon, one of whom was the gunner and translator in my Bradley Fighting Vehicle. I doubt individuals can spend so much time living, working, and stuck in the close quarters of a turret together, training just a few miles south of a perceived mutual threat, and not end up forging a bond which transcends national boundaries. This is not to say however that these types of military programs are necessarily positive factors for peace overall however, only that they will involve additional socialization effects between the states involved beyond the standard effects of negotiation.
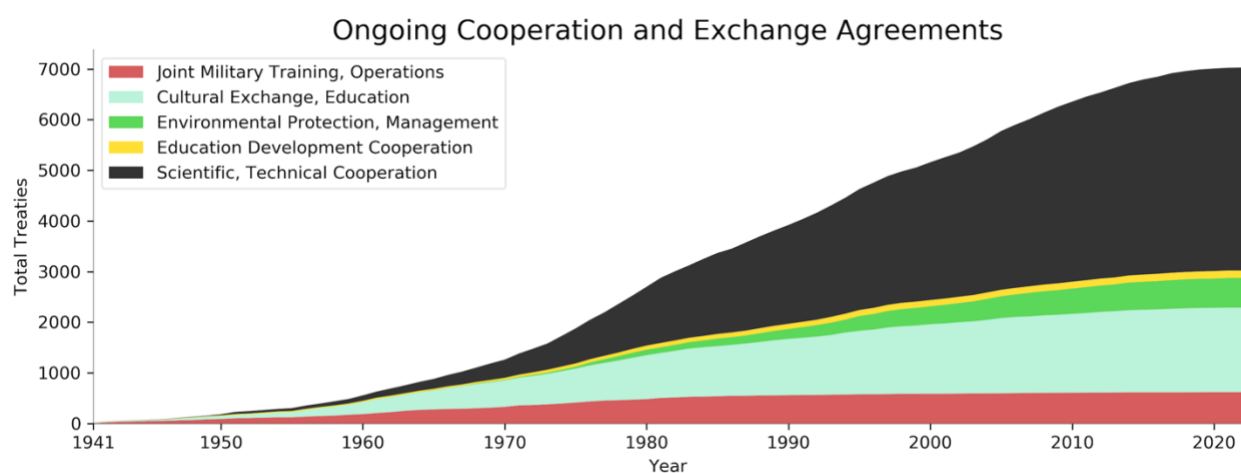


*Figure 4.11: Ongoing Cooperation and Exchange Agreements, Cumulative, 1941 – 2022*

Collectively at least 7,029 ongoing cooperation and exchange type agreements have been signed over the last 80 years. The bulk of the treaties in this category were the 4,005 treaties establishing joint cooperative scientific, or technical projects and other similar types of jointly implemented initiatives between states, as well as an additional 588 transboundary or international environmental agreements signed involving joint restoration or other ongoing ventures. Some of these agreements involve the transfer, development, or training on new technologies. Others involve the co-construction of hydro-electric dams or the institutions for joint management of a transboundary watershed. Others are designed to enable the study of various transnational environmental or scientific issues that neither state could do on their own. All the joint initiatives

in these categories involve increased familiarization and understanding through many years of working together and a high potential creating or expanding transnational sense of identity. These types of agreements are especially important for creating new connections and helping to form or expand epistemic communities in a variety of specialized vocations that are unified by their common mastery of their profession and/or the pursuit of knowledge and discovery in a way that transcends national boundaries and helps forge lasting bonds between states across a wide variety of fields (Cross, 2013a; Rosenberg, 2014).

### Supranational Community Reinforcing Agreements

The final category of community building amplifier agreements concerns those which reinforce the idea of a global, regional, or otherwise supranational community governing itself and solving collective problems directly through an organization that operates at a level above the nation-state. Supranational community reinforcing agreements include any that are carried out by or through supranational organizations of some kind, broadly defined. While many of these organizations are not wholly independent or fully supranational in the way that the ECJ might be, the premise of this treaty categorization is to capture agreements which both amplify the community building process through increasing numbers of ongoing social interactions beyond their standard negotiation effects, and those that contribute towards the normalization of the decision-making within a broader supranational community, rather than either through unilateral means, such as war, or bilateral or otherwise traditional horizontal level of international affairs.
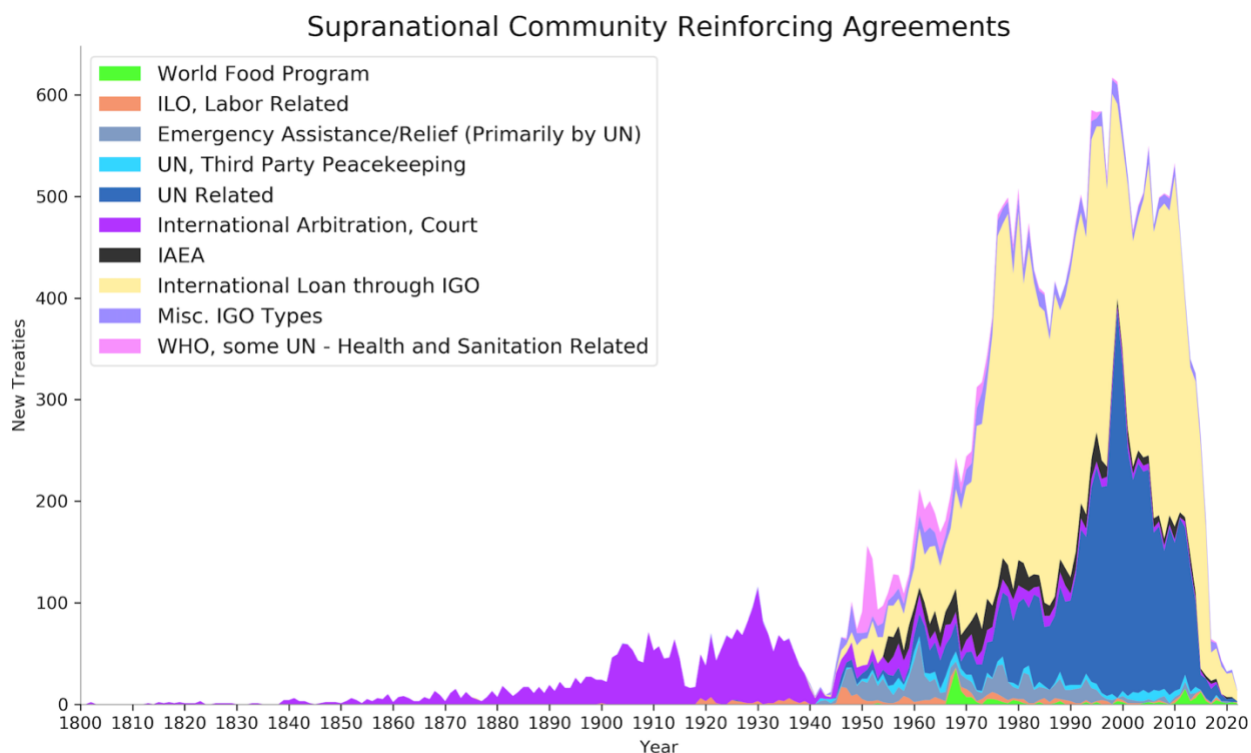
In this way, supranational community reinforcing agreements are some of the most critical amplifiers for the global community building process because their negotiation process involves significant standard socialization and community reinforcing effects as well as the enduring and

ongoing socializing effects by providing the venues and impetus for some of the highest numbers, on average, of recurring and ongoing social interactions and connections between state officials, they help to create collective buy-in to the idea and desirability of supranational governance in general, even if its present manifestations remain far from ideal (Holsti, 2004; Mclaughlin & Hensel, 2007; Morgan, 2013).

By providing the institutional structure necessary to channel interstate interactions, supranational organizations help states to understand the interdependent nature of their communal relations and to become more invested in the institutional governance system (Hakimi, 2020). Supranational organizations are essential reinforcing mechanisms for international community building as they increase the numbers of interactions between states and allow for some collective sense of shared group identity, however "thin" at first, to emerge and "thicken" as they become more familiar with and understand one another better over time (Holsti, 2004; Mclaughlin & Hensel, 2007; Wendt, 2003). Their permanent structures and international facilities establish the international governance bureaucracy that lowers social transaction costs, as well as functional ones, by making communication, negotiation, recurrent socialization, and cross-domain bargaining easier to conduct (Haftel, 2012; Katznelson, 1997). The many other processes, including member-state consultations, reporting requirements, regular conferences, and the annual or often much more frequent meetings held within these types of supranational organizations, especially the UN and EU, all contribute to the cooperative, community building effects of institutionalized socialization (Morgan, 2013).

The more formal and enduring structure there is within an IGO, the greater the expectation of its longevity becomes, increasing the strength of the consensus and community building social effects within it (Bearce & Bondanella, 2007). The greater the sense that a community and the

institutions that sustain it will endure over the foreseeable future the more likely it becomes that states will be willing to accept short-run tradeoffs in exchange for longer-term benefits (Morgan, 2013). Supranational organizational titles such as the Permanent Court of Arbitration and the Permanent Court of International Justice stressed their permanent nature of these institutions in their titles, and this is something UN delegations such as "Permanent Mission of Denmark to the UN" or the "Permanent Mission of Costa Rica to the UN" emphasize as well.



*Figure 4.12: Supranational Community Reinforcing Agreements, 1800 – 2022*

Figure 4.12 depicts how the slow but steady growth in supranational community reinforcing agreements began in earnest in the 19th century. However, there were at least 12 supranational arrangements detected throughout the 17th and 18th centuries, including a few cooperative Leagues, as well as at least 78 "defensive and offensive" alliances negotiated during this time that may have helped to set the stage for greater supranationalism in the 19th century and beyond. For example, while the Quadruple Alliance of Austria, Great Britain, the Dutch Republic,

and France, formed via the Treaty of Utrecht in 1713, and the 1725 League of Hanover formed between Great Britain, Prussia, and France, may have been more about stopping hegemonic ambitions of Spain than any true sense of allegiance to one another, their effect may have still been to build some shared sense of community between them while helping to normalize the idea that the ambitions of any one state should be checked by the will of the greater international community which maintains a general interest in peace and stability by dictating that succession issues would be jointly settled by the major powers (Randle, 1987). This idea was not given more substantial form until the Concert of Europe was established in 1815. The Concert held at least 25 high-level meetings and social community building and reinforcing opportunities from 1830 and 1884 between the five major European powers and was critical in helping to institutionalize the idea of requiring supranational community approval for territorial boundaries within Europe to be changed (Holsti, 1991; Holsti, 2004).

Supranational treaties would rise from less than 1% of all agreements at the start of the 19th century, to more than 20% of all new agreements by the end. These institutions not only grew more plentiful over this period, but also increased their membership and the scale of the cooperation they facilitated (Oneal & Russett, 1999). However, as Figures 4.12 and 4.13 depict, the vast majority of supranational community reinforcing treaties would be established during the 20th century.
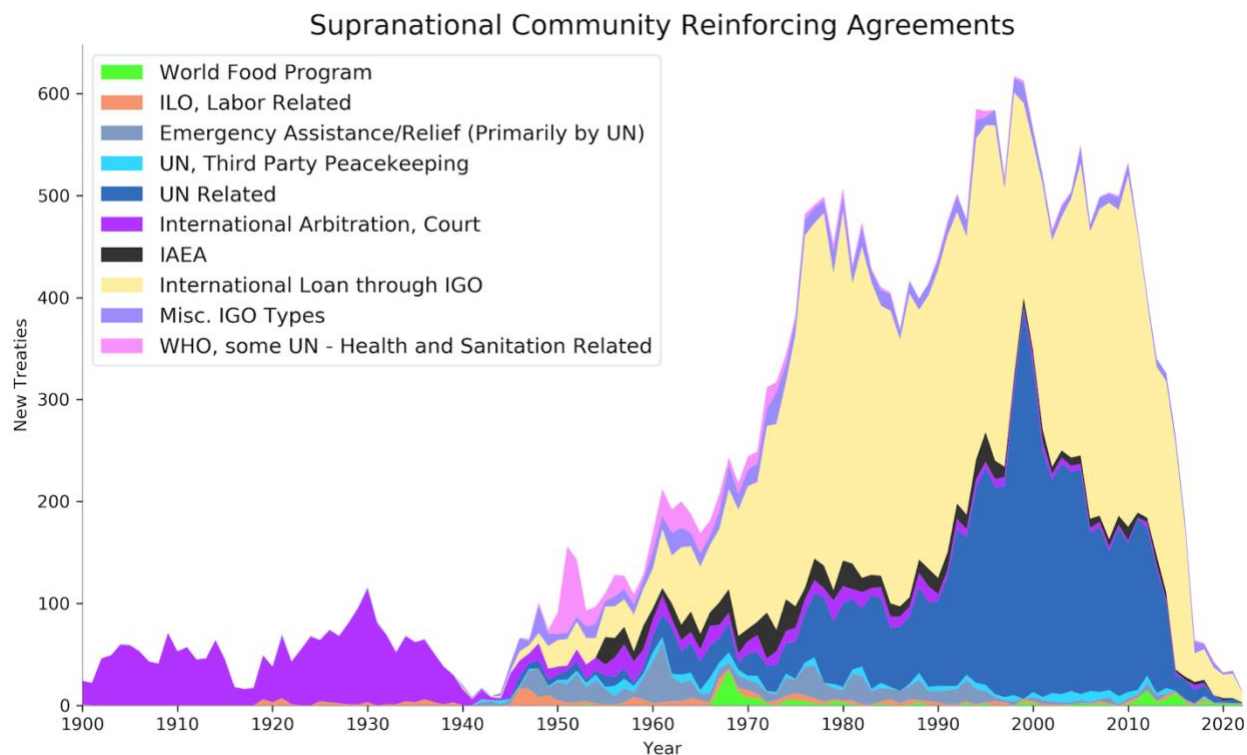
*Figure 4.13: Supranational Community Reinforcing Agreements, 1900 – 2022*

Following the expansion of international arbitration, at least 304 agreements concerning regulation and organization of international labor have been signed, primarily involving the ILO, which was created in 1919 to promote "peace and harmony of the world" through improving labor conditions and promoting social justice (ILO, 2023).

The establishment of the League of Nations in 1920 was the first truly global and general supranational governance IGO of its kind, yet it was not until 1945 when the creation and use of supranational organizations really began to expand rapidly, with the UN Charter likely being the single most significant treaty negotiated in history. While a more detailed discussion of the UN's critical role in organizing peace will be discussed in Chapter 6, the establishment of the UN system's importance with regard to international community building, which began to shift towards genuinely global community building at this point, cannot be overstated. Beyond the

charter, a total of 6,266 directly UN-related agreements, covering aspects of nearly every area of

global governance and international relations have been signed.



*Figure 4.14: "International Firewall"*

Source: Chicago Sun-Times, October 8th, 1960. JFK Archives

The very notion that the UN, rather than the US, should protect not only the readers of the

Chicago Sun-Times, but all of humanity from war, depicted in Figure 4.14, exemplifies this

expanding sense of shared identity and sense of community around the globe and the UN's critical

role in expanding and reinforcing that sense. The UN would ultimately contribute more than any other international organization to the global community building process and shifting "nation-states" to "member-states" (Bickerton, 2012), though the process still clearly has a long way to go.

In addition to the expanding global organizations, regional IGOs were also being simultaneously established, further normalizing the idea of supranational regional governance. The region to develop its supranational sense of community the furthest and which began to organize itself more explicitly towards these ends was Europe. A total of 318 agreements directly attributable to the EU or its predecessor organizations have been signed, and its post-war success can be traced back at least to the 1951 signing of the Treaty of Paris which created the European Coal and Steel Community (ECSC).

Almost every state in the world would soon form or join a regional IGO, many of which would also gradually expand their membership and deepen their levels of integration over time in a similar manner as the EU. The spread of the idea of supranationalism can be clearly seen in how supranational regional organizations of various degrees of integration would soon cover almost every corner of the globe.

Across Latin America, states would negotiate and establish the Organization of American States (OAS) in 1948, the Andean Pact in 1969 which would become the Andean Community in 1996, the Caribbean Community (CARICOM) in 1973, Mercosur in 1991, and the Community of Latin American and Caribbean States (CELAC) in 2011. In the Middle East and North Africa, the Arab League was formed in 1945 and would grow to eventually include 22 states, followed by the smaller but more active Gulf Cooperation Council (GCC) in 1981. Sub-Saharan Africa would establish the Economic Community of West African States (ECOWAS) in 1975, the Economic Community of Central African States in (ECCAS) in 1983, the Southern African Development

Community (SADC) in 1992, and the Intergovernmental Authority on Development (IGAD) in 1996. Covering all of Africa is the Organization of African Unity created in 1963, which would become the African Union (AU) in 2002. Stretching from Africa across the Atlantic to help unite and connect them with South Americans, is the South Atlantic Peace and Cooperation Zone (ZPCAS), which was created in 1986. Regional IGOs would also extend across much of Asia, as the Association of Southeast Asia was established in 1961 and would eventually expand and become the Association of Southeast Asian Nations (ASEAN) in 1967, the 1989 Asia-Pacific Economic Cooperation, the 2002 Asia Cooperative Dialogue, the Commonwealth of Independent States (CIS) in 1991, among others. Most of these organizations maintain permanent offices within the headquarters of the United Nations, and all have standing invitations to participate as Observers and maintain permanent seats within the General Assembly (UN, 2023).

Collectively, there were at least 10,786 IGO-related agreements signed by 2022, however the majority of supranational community reinforcing agreements, and indeed the most common type of new agreement signed in general since the 1970s, came in the form of at least 13,639 loans distributed by or through a supranational institution. While these agreements are only expected to include the standard effects of diplomatic socialization, rather than significant ongoing effects in the way that many of the other supranational community reinforcing agreements do, these loans and the institutions that provide them have been critical in promoting the idea of supranationalism in general and in shifting state expectations about where they can and should secure financial capital. Between 1648 and 1945, more than 99% of all international loan agreements were secured exclusively on a state-to-state basis, however this dropped dramatically from that point onwards with just 18.2% of loan agreements between 1946 and 2022 coming directly from other states,

with an increasing percentage of the remaining 81.8% of loan agreements being executed through supranational institutions during this era.

In my dataset, I found 192 different IGOs that were the primary signatories to treaties, including 44 regional IGOs and 20 different UN organs and affiliated institutions. This reflects an important shift in the international system and a stark departure from historical precedent as, in addition to being organized directly into the UN system, international IGOs, courts, banks, and other supranational organizations are increasingly interacting directly with one another on a supranational institution to supranational institution basis as well. International law was once almost exclusively the domain of states. However, within the global community, non-state and supra-state actors are increasingly recognized as both legitimate independent actors and creators of international law. While once a privilege strictly limited to states, IGOs are increasingly direct signatories to treaties and some agreements in the dataset were directly between two supranational organizations without any state signatories whatsoever. For example, one such treaty coordinating a "Multidimensional Integrated Stabilization Mission" in Mali, was signed in 2014 between the UN and the ICC themselves (UNTS 1374A). There are no state actors that are direct signatories to the agreement whatsoever. Mercosur and the EU have partnered on tariffs and trade, ASEAN partners directly with MERCOSUR, CELAC, the GCC and others (ASEAN, 2023). The accepted supranational character of IGOs is also increasingly evident in their ability to not only sign international agreements, but even to participate as parties, rather than venues, in dispute settlement procedures, including through International Tribunal for the Law of the Sea (ITLOS) and the World Trade Organization (WTO).

These examples illustrate how the very idea of international law, once the exclusive domain of states, has increasingly expanded into a vehicle for direct global community action.

Supranational entities increasingly cement and institutionalize their role and legitimacy as providers of global governance, while reinforcing and increasingly embedding the underlying notion of the necessity and desirability of supranational governance in general into the global psyche as well as its legal system and governance architecture.

## Cumulative Community Building Effects

The negotiation, signing, and implementation of nearly eighty thousand agreements of all kinds over the last four centuries, especially those which amplify community building effects by facilitating or systematically increasing the amount of ongoing social interactions between states across a wide variety of domains, has had several important cumulative effects with regard to the long-term global community building and organizational process.



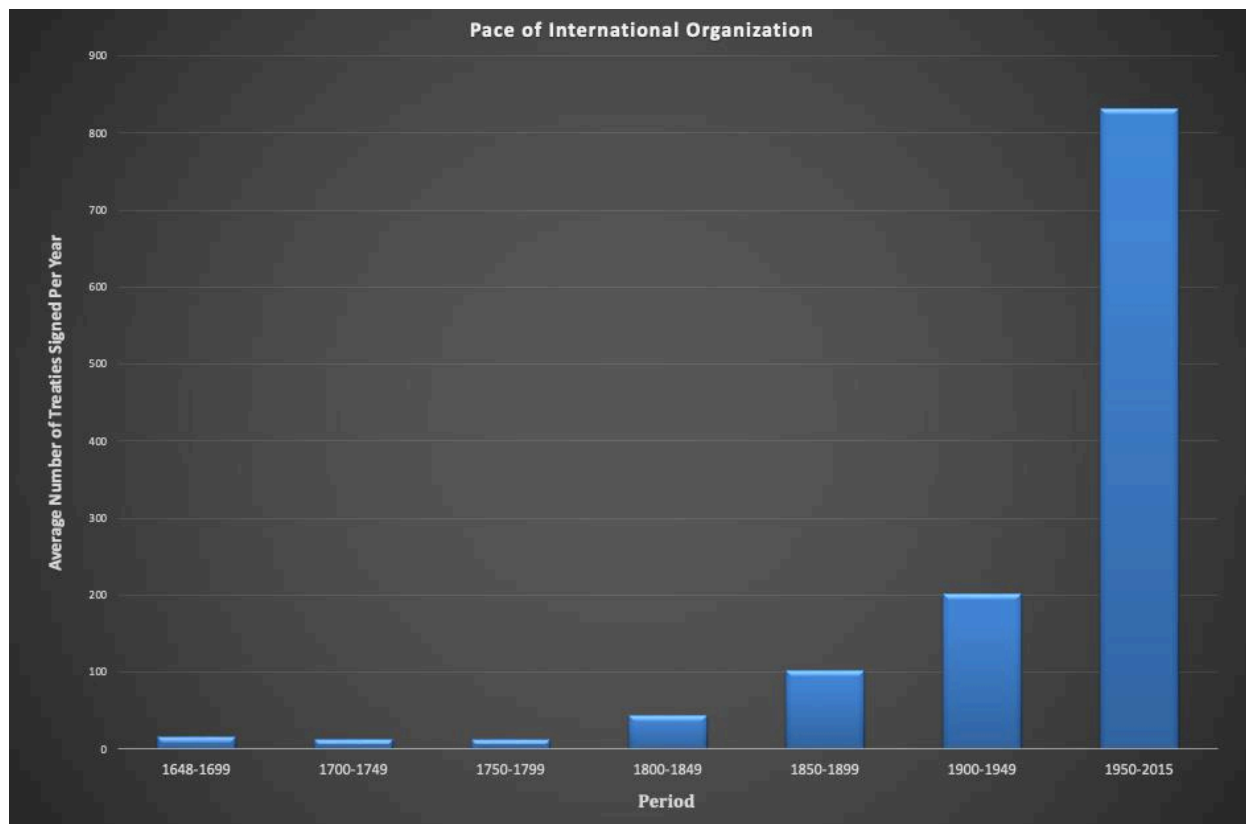Treaties by Community Building Effects

*Figure 4.15: Treaties by Community Building Effects, Cumulative, 1648 – 2022*

In large part as the result of the diplomatic socialization and enduring results from the signing of just under 16,000 treaties with the standard diplomatic socialization effects, more than 12,000 global connection infrastructure agreements, over 12,000 commercial community interaction amplifying agreements, 7,000 ongoing cooperation and exchange program related agreements, and nearly 27,000 supranational community reinforcing agreements, there has been an initially gradual but increasingly dramatic rise in the pace of international treatymaking, in the expanding recognition within and membership of the international community, and, in conjunction with the consensus and institutions of peace built along the way, an incredible decline in the frequency of interstate warfare over time.

**The Rising Pace of International Organization**

The cumulative effects of treatymaking and the international community building process can be seen especially clearly in the rising pace of international organization, as measured by the average number of new treaties sign per year. Figure 4.16 illustrates just how slow and gradual the pace of international organization was throughout most of our history, and how that pace began to quicken rapidly during the 19th century and beyond.

*Figure 4.16: The Pace of International Organization, 1648 – 2015*

While the pace of community building and global organizing was particularly slow at first, with just 19.7 treaties per year through the 17th and 18th centuries, that rate would more than double each half century after that, with 44.6 per year in the first half of the 19th century, 103 per year in the second half, 205.1 in the first half of the 20th century, and 815.4 in the second half, with 894.4 in the first 15 years of the 21st century, peaking at 910.4 during the most recent years with expected complete or nearly complete deposit information.

*Figure 4.17: The Pace of International Treatymaking Per State, 1648 – 2015*

The pattern holds when dividing the number of new treaties signed each year by the number of known sovereign states in the international system. Rising from just .3 or fewer than one per state every three years during the 17th and 18th centuries, to one per state per every two years during the first half of then 19th, to 1.5 per state each year during the second half of the 19th century, 3.1 per state each year during the first half of the 20th century, and 5.3 per state per year since 1950.

Not only was the pace of treatymaking and its direct socializing effects from negotiations particularly slow during the 17th and 18th centuries, the additional international socialization and community building amplification effects were similarly slow to manifest at first. Even as late as the early to mid-19th century, there were only an average of three international conferences held annually (Holsti, 2004).
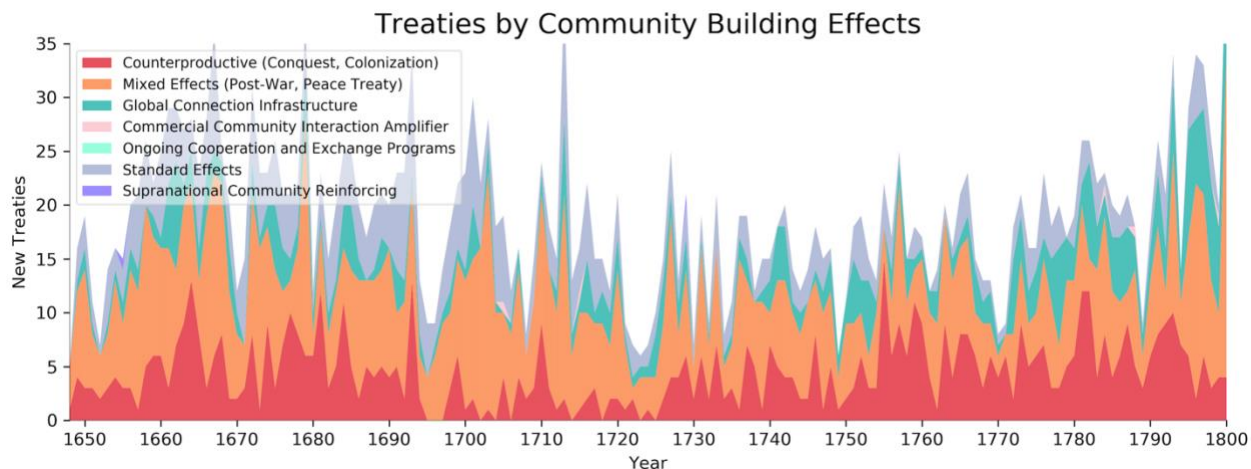
*Figure 4.18: Treaties by Community Building Effects, 1648 – 1800*

The slow rate of international treatymaking during the 17th and 18th centuries may be due in part to the especially vast incongruence in state expectations and highly anarchic nature of the international system during this time, as well as how two-thirds of all treaties signed between 1648 and 1800 were either signed during or only at the conclusion of war. 24% of treaties signed during this period involved conquest and colonization and were almost certainly counterproductive from a community building standpoint. Another 43% were peace treaties of the post-war sub-type, meaning that while their negotiation would have involved many social interactions and promoted mutual recognition and greater understanding between the parties, the war that preceded each was almost certainly counterproductive and thus the potential community building effects of these types of agreements, and the state behavior they represent, would have been mixed overall with some positive and some negative aspects. In any event, the remaining 33% of the treaties negotiated during this period would have all positively shaped relations and promoted a greater sense of community between the signatories.

*Figure 4.19: Treaties by Community Building Effects, Cumulative, 1648 – 1800*

While the pace of international organization was low, with just over a dozen new treaties signed each year on average, the cumulative effects would continue to add up in a linear fashion over this period with at least 2,886 agreements signed by the year 1800. Of those, 419 were community building amplifiers, primarily with regard to either the establishment of diplomatic relations, or the regulation of maritime law and international shipping, and thus contributed to the development of the global connection infrastructure which, alongside the mixed effects of the 1,230 post-war peace agreements and 541 treaties peacefully concluded across a variety of other topics, would lay the groundwork for the major international shift that would take place in the following century.
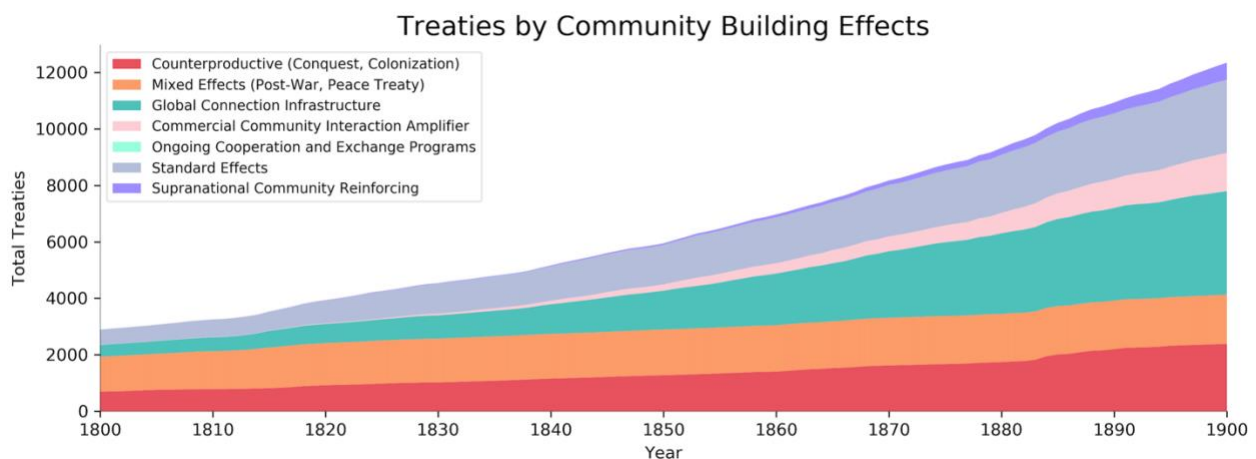
*Figure 4.20: Treaties by Community Building Effects, 1800 – 1900*

The pace of international organization began the early stages of exponential growth in the 19th century, as an increasing percent of all treaties negotiated would contribute to the amplification of the global community process. This shift was especially pronounced within Europe following the establishment of the Concert of Europe at the conclusion of the Napoleonic Wars in 1815. In the first half of the 19th century alone, more than three times as many treaties were signed each year on average than at any point during the previous century and a half.

In the second half of the 19th century, this rate of global organizing would more than double again and break the 100 new treaties per year average milestone. The diplomatic socialization and other community building amplifying effects really began to accumulate as by one count there were at least 3,000 international gatherings between 1871 and 1914 (Cross, 2007), a rate which was roughly 20 times higher than estimates for the beginning of the century (Holsti, 2004).



*Figure 4.21: Treaties by Community Building Effects, Cumulative, 1800 – 1900*

This growth was certainly enhanced by the development of the vast global connection infrastructure agreements and commercial community interaction amplification treaties, and even a few supranational community reinforcing agreements negotiated during this period, as these would rise collectively to 55% of all new treaties negotiated this century, a remarkable change

from the 14% of treaties they represented during the previous two centuries. The ratio of counterproductive and mixed effects, post-war treaties to more positively effectual ones became inverted, as rather than the two out of every three treaties having been negotiated only after war, during the 19th century three out of every four new agreements were concluded peacefully, meaning that the positive community building effects, on average, of the more than 9,000 agreements signed during this period were much higher than during the preceding era.

Global infrastructure agreements rose to 34%, commercial interaction promoting treaties jumped from less than 1% to 14%, and supranational agreements went from less than 1% to 6% overall though rising steadily over time and representing close to 20% of all new agreements signed during its final years. These trends away from unilateral conquest and towards greater connection, community building, and supranationalism would only continue to build over the course of the 20th and 21st centuries.



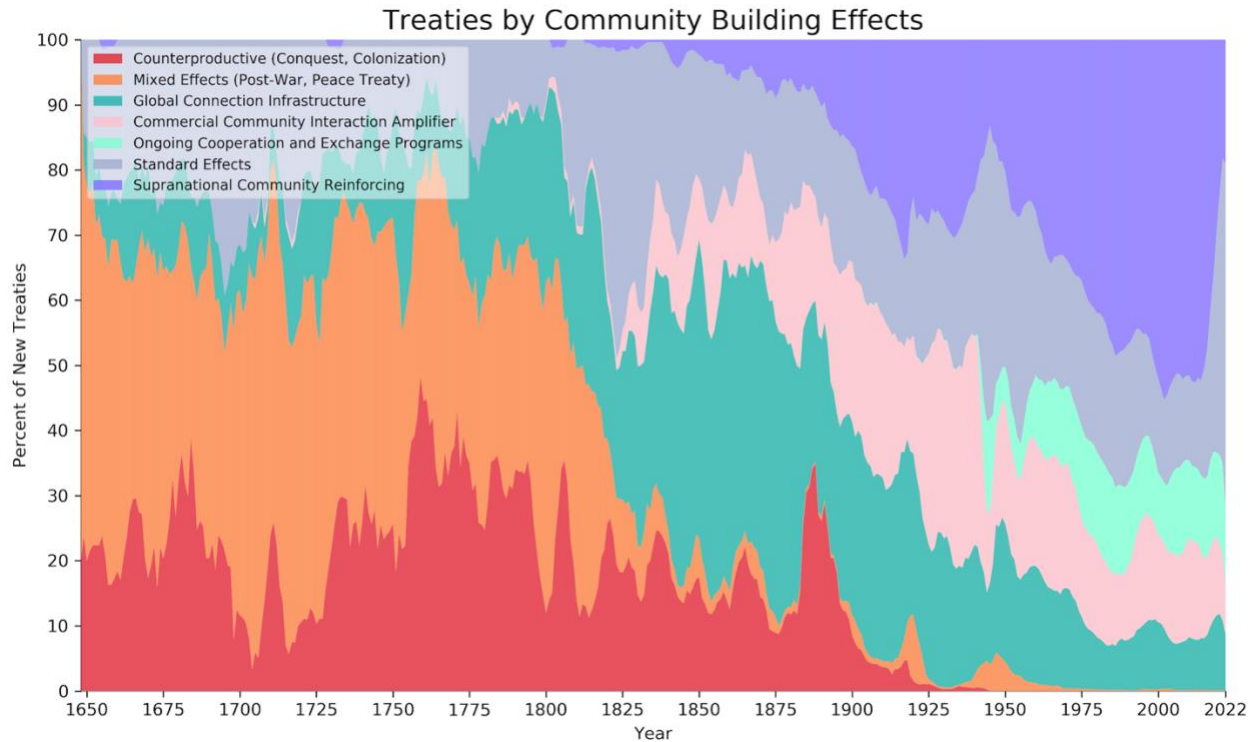Treaties by Community Building Effects
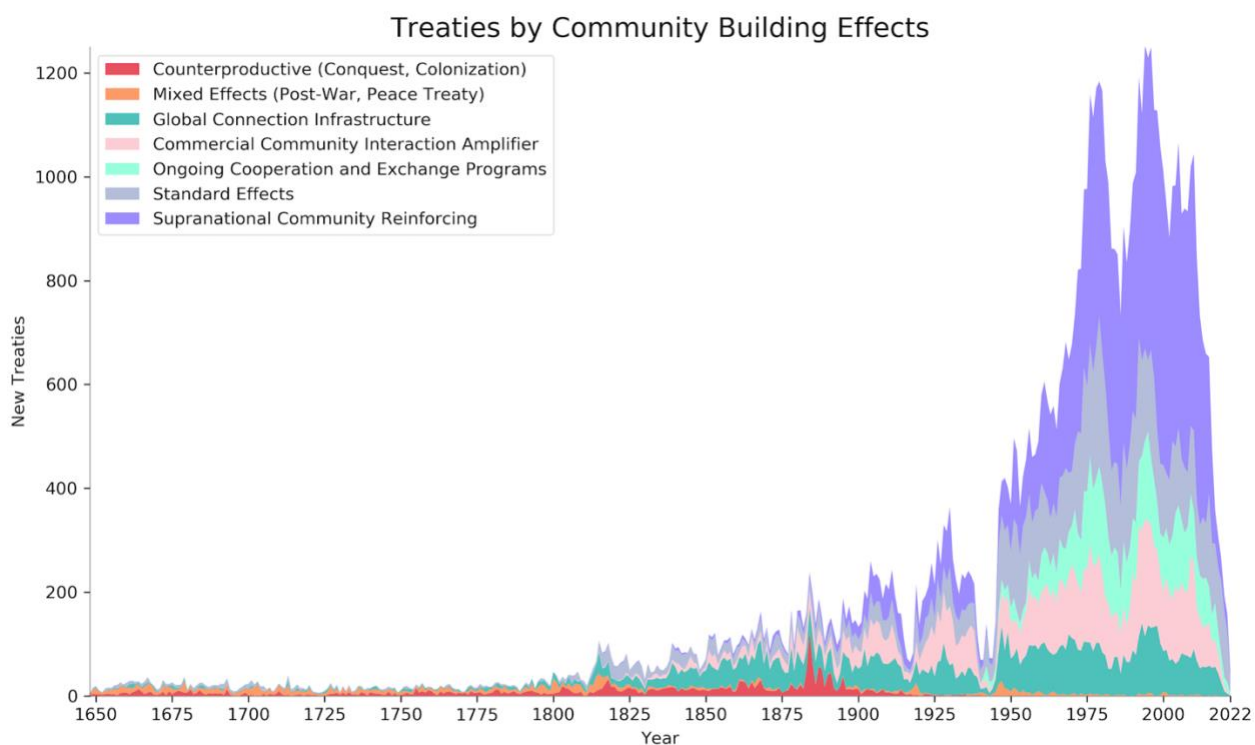
*Figure 4.22: Treaties by Community Building Effects, 1648 – 2022*

The pace of international organization and community building would continue to double again, with more than 200 treaties signed annually during the first half of the 20th century as new transportation and telecommunications technologies and the international agreements which allowed them to proliferate, would lead to dramatic increases in the number of social interactions taking place each year and a truly exponential growth in the pace of international organization in an increasingly globalized international community.

The rate of organization would quadruple during the half century that followed the creation of the United Nations in 1945, with more than 800 treaties signed annually and increasing gradually over this period. The cumulative community building effects, especially with regard to the holding of annual or semiannual CoPs to implement agreements and cooperate further on related issues, are critical for providing the repeated interactions through increasingly complex global governance projects and organizations that are needed to sustain and deepen the global sense of community within a group which is, almost by definition, one of the most diverse (Hakimi, 2020).

The ability for the international community to make so much progress in such a historically short period is even more remarkable when considering how this progress was made despite the two massive setbacks to the global organizing process that came in the forms of World War I and II, which reduced the average rate of treatymaking to just 46% and 38% of its pre-war levels during the preceding decades, respectively. The dampening effect of these major wars can clearly be seen in pronounced dips in Figure 4.22, and is discussed in greater detail in Chapter 6.

*Figure 4.23: Percent of Treaties by Community Building Effects, 1648 – 2022*

The ability to prevail despite these setbacks is likely due in large part to how significantly different the international system and its community were in the 20th century compared to the past, especially the 17th and 18th centuries. Treaties which reflected counterproductive or mixed effect state behavior dropped from 67% to just 0.8%, while treaties with potential socialization and community building amplification effects rose from 14% to more than 79% of all new agreements signed. While the percent of treaties facilitating the building of global connection infrastructure fell over time, this trend indicates how successful they were and the step-wise interaction promotion effects can be seen in how the expansion of commercial agreements, which rose from less than 1% to 16%; supranational agreements, which rose from less than 1% to 40%, peaking at more than 50% of all new treaties signed during the first two decades of the 21st century. Eventually even the establishment of ongoing cooperative and exchange agreements which did not exist on a meaningful scale in the past yet comprised 10% of all treaties signed during this period, all of

which, as Figure 4.23 depicts, tended to follow the establishment of the diplomatic and material interconnection infrastructure which help facilitate their negotiation and build the familiarity and understanding necessary for increasingly ambitious cooperation to be achieved (Bearce & Bondanella, 2007; Holsti, 2004; Katznelson, 1997; Mclaughlin & Hensel, 2007).

The multiplicative cumulative amplifying social interaction effects can be seen especially clearly when comparing the rate of growth in treatymaking from the 17th and 18th century average of 19 new treaties to more than 900 agreements signed annually in the 21st century, a dramatic increase of 68 times more per annum. And with more than 3,000 formal diplomatic meetings and conferences held annually today, a rate which is roughly three orders of magnitude greater (1000x) than the number held each year during the early to mid-19th century (Holsti, 2004).

The overall standard amount of socialization involved in the negotiation of each treaty is likely to have increased as well. According to one study on trade agreements, having a king as a signatory can cut the treaty negotiation time in half (Freund & McDaniel, 2016). Given the inverse ratio of kings and other sovereigns who can govern and make agreements in a relatively unilateral way today compared to in the past when almost all sovereigns were variations of monarchs in some fashion or another with significantly fewer checks and balances on their foreign policy decisions, the amount of socialization via interactions to complete each treaty negotiation is likely to have increased, on average, on just this factor alone. When you consider the growing complexity and the many new issues to address that did not exist in the past, this effect is likely compounded further. This is likely to have become even more pronounced as the size of the international community grew over time as well, further increasing the socializing effects which increase with regard to the size of the community (Goodman & Jinks, 2013). So not only is treatymaking happening at a pace that is more than 68 times higher than it was in the past, the amount of

socialization per treaty concluded is also likely to have grown over time, as an increasing number of diplomats and other state officials would be involved in increasingly complex multilateral negotiations on behalf of an ever-increasing percentage of the world's states and peoples.

## Expanding Recognition and International Community Membership

In addition to the rising pace of international organization, the degree of mutual recognition and the size of the increasingly international and ultimately global community has risen in a similarly gradual, iterative, and then more rapid fashion over the last four centuries.

While some sense of international community and organization existed as far back as 4,500 years ago, when the sovereigns of kingdoms separated by vast distances still maintained some diplomacy, communication, and trade and thought of themselves as a "brotherhood of kings" (Podany, 2010), evidence of the socialization leading to expanding communities can be seen even further back to a time when the world was comprised almost exclusively of hunter-gatherer groups. For example, groups with higher frequencies of prior interactions were more likely than groups with less social interactions to be willing to band together in order to resist third-party mutual threats with whom they have had little or no interactions with (Gamble, 1982).

Shared sense of community begins with the recognition of common humanity, and continues to deepen as social interactions increase familiarity, understanding, empathy, and the sense of group identity and feeling of sharing a common fate (Buzan, 1993; Goodman & Jinks, 2013; Holmes, 2018). Throughout the last four centuries, including today, the degree to which states have felt a shared sense of community has been unevenly distributed (Buzan, 1993) and this distribution in in large part a product of the amount of ties states have to one another and the larger international community (Goodman & Jinks, 2013). While not exclusively, these ties and

increasing mutual recognition have been made in large part over the last four centuries through the international treatymaking process, as each new treaty signed is an explicit and formal recognition of the equal sovereignty between the signatories, and expands, even if just slightly, their mutual recognition and shared sense of community. Each treaty concluded is in some sense admission of them being a separate and roughly equal entity that you likely will need to interact with them in some sense in perpetuity. As (Wight, 1977) notes "It would be impossible to have a society of sovereign states unless each state, while claiming sovereignty for itself, recognised that every other state had the right to claim and enjoy its own sovereignty as well". Every treaty negotiated promotes cooperation and makes war just slightly more difficult to justify in the future, as the negotiation process has helped states understand and empathize with one another a little more (Holmes, 2018), and living up to the terms of the agreement demonstrates that credible commitments can be reached with their supposed "enemy" and that peaceful cooperation is possible (Hensel, 2001). The implementation of agreements and the regular ongoing meetings they facilitate along with the creation of permanent IGOs, courts, and many other supranational venues that they give rise to helps to solidify and deepen their shared sense of community and social recognition, as well as allows for greater levels of trust and stronger reputations of trustworthiness to develop which allow for the creation of even more ambitious agreements in the future (Bearce & Bondanella, 2007; Holsti, 2004; Katznelson, 1997; Mclaughlin & Hensel, 2007).

This recognition and community building process was particularly slow at first and would take centuries to build, especially between states that began particularly far apart geographically, culturally, developmentally, or a combination thereof.

In the most extreme, original form of complete non-recognition of another state's right to exist independently as a sovereign entity whatsoever, contiguous territory and its inhabitants were

often conquered and eventually, with a wide degree of variance, politically incorporated into the expanding organizational system of the aggressor state which typically justified their actions as being "necessary for state survival" as they sought to expand their own power base to counter potential rivals (Tilly, 1992), without any significant recognition that the groups conquered might possess an intrinsic shared humanity and right to exist independently of them. Non-contiguous territories and their populations were often conquered as well, typically by major powers, though were much less likely to be eventually politically incorporate in any meaningful sense and typically remained colonies and the subjects of the most horrific, brutal resource extraction, slavery, and forced labor practices in history.

The idea and norm of basic sovereign equality under international law, rather than hierarchy, and the mutual recognition it implies did not suddenly appear, even in Europe it developed slowly over the course of the 17th and 18th centuries, and would take far longer to take hold elsewhere (Holsti, 2004). The Treaties of Westphalia began to legally codify the sovereign state and the idea of non-interference between states within the European community. It was the beginning of European collective constitution and implied that all 194 polities involved in the negotiations, including many small but sovereign duchies and free cities, should not be destroyed by others (Luard, 1986). This community defined itself in part by its willingness to fight outsiders, including the Ottoman Empire (Neumann & Welsh, 1991). The sense of community had to be repeatedly reiterated and reaffirmed over time, through treaties like the 1725 League of Hanover and the 1713 Treaty of Utrecht, at which the French delegation were given instructions to secure the "security requirements and frontiers, as well as the freedom of commerce", but not just on behalf of the French, but for "all parties to the conflict" and to ensure that "these two issues will not again trouble the European peace" (Legrelle, 1900, pg. 71, as quoted in Holsti, 1991).

Other examples of the community building in progress could be seen in 1813 when the UK formally committed to relinquishing some territories in order to help establish greater peace and balance of power in Europe in the Memorandum on Maritime Peace, and explicitly mentioned "the welfare of the Continent" and "the peace of the Continent" as being the goals of British foreign policy, though they were admittedly already overseeing a vast empire in need of time and consolidation rather than expansion and thus freezing the territorial status quo was certainly in in their interest. Still, the document explicitly mentions the willingness to cede territory and that Britain was prepared "to throw her acquisitions into the scale of general interest" "being desirous of providing for her own security by a common arrangement, rather than by an exclusive accumulation of strength and resources" (Orakhelashvili, 2020). These intentions would become institutionalized through the Concert of Europe.

While community and mutual recognition was building in Europe, this was happening to a much less significant extent between European states and those beyond its borders. For most of the 17th, 18th, and 19th centuries, there were two sets of rules, one for European states interacting within their own community with the goal of peaceful coexistence, and almost no rules for those outside Europe with the goal of "promoting civilization" by any means necessary, including brutal conquest and colonization (Keene, 2002). Europeans often argued that these outside groups needed to be civilized for their own good and that it was the duty of Europeans to bring God to them and save them from themselves (Anghie, 2006). Non-European lands were considered "Terra nullius" Latin for "empty lands" and thus able to be "discovered" by Europeans (Miller & Stitz, 2021). According to this "doctrine of discovery" indigenous peoples were not recognized as people and thus their land was viewed within the legal system as being entirely uninhabited and thus as soon as Europeans arrived and built a fortification, those already living there "automatically lost their

full property rights" and were only allowed to trade with the colonizing force and continue to live on their land, unless they sold it to Europeans, in which event they could no longer live on them (Miller & Stitz, 2021).

Only groups "civilised" according to European standards were thought to be legal entities in the international community, which included some Asian states but no African ones (Mugambwa, 1987). This complete lack of recognition would persist and even be further codified through the 1884 Berlin Conference, which was not concerned with the consent of Africans whatsoever, and essentially continued to treat the continent and the Aboriginals of other territories as having the same legal personality as uninhabited, unclaimed land that could be annexed through occupation (Mugambwa, 1987). Even as late as 1928, Judge Huber would explicitly rule from the PCA in the Islands of Palmas case that the "native Princes and Chiefs of people" in the disputed territory in question were "not recognised as members of the community of nations" (Mugambwa, 1987). Figure 4.24 reflects the brutal reality for states and the much more brutal reality for their colonies.
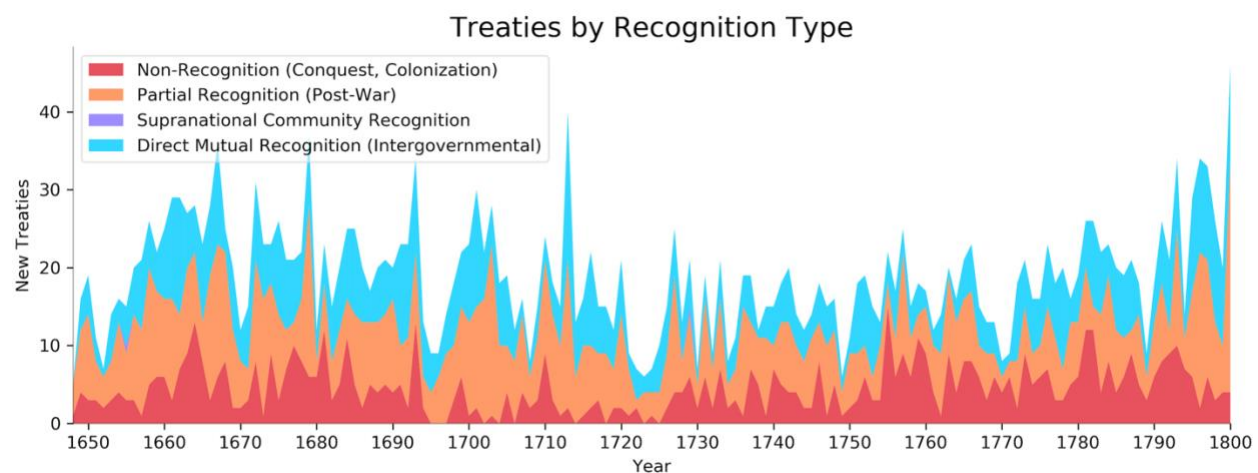


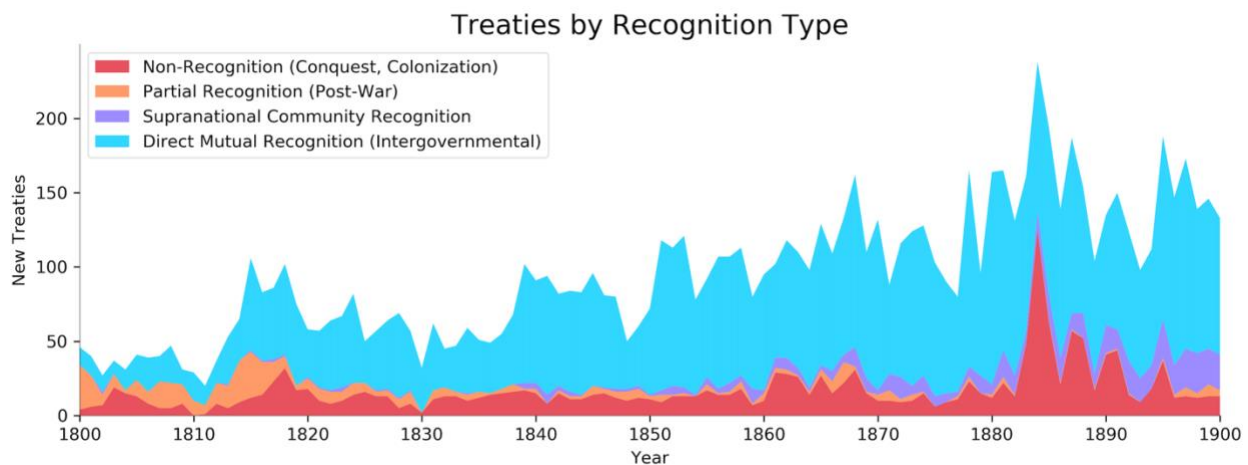*Figure 4.24: Treaties by Implied Recognition Type, 1648 – 1800*

Figure 4.24 again highlights just how violent and uncooperative the 17th and 18th centuries were, with two out of every three treaties being signed during or just after war, and at least 696

instances of unilateral conquest and colonization. These treaties typically represent a catastrophic event or campaign, such as was described in Chapter 3 regarding The Last Treaty of Lahore or similar attempts to legalize the forced surrender of sovereignty and subjugation in perpetuity, all while justifying the plundering of cultural artifacts and natural resources as payment for expenses incurred carrying in out the war against them in the first place. The forcing of an eleven-year-old boy, Maharajah Duleep Sing, to sign that document under threat of force is emblematic of how the boundaries of the international community and symmetric recognition still had so much further to progress before a genuine sense of shared identity and global community could emerge.

Much of this was carried out in practice by quasi-private enterprises such as so-called "the Honourable English East India Company" and these companies would often force local leaders to sign treaties which they could not read or understand. This practice could be seen at least as late as 1892 in the signature section of a treaty made on behalf of France and "Karamoxno Sakfamoxno Forana, The chief of Satama Brauma Sounkane" who "made a cross not knowing (how to) sign" (Parry, 1969). The contempt and utter disregard these companies had for the peoples they were colonizing was evident in the treaties themselves which would occasionally not even bother to learn the names of the leaders signing and instead just list them as "various Sumatra rulers" or other such vague descriptions.

However, as the number of global connection agreements and standard treaties of all types began to accumulate between states over time, mutual recognition within the expanding international system would begin to build and the tide would begin to turn during the middle to late 18th century and this trend would continue throughout the 19th century as treatymaking continued to advance at an increasingly fast pace and the international community would grow to include larger and larger segments of the world.

The European system of international law and peacemaking was just one of many systems in the world until it became dominant in the 19th century, either through force of persuasion or just plain force (Lesaffer, 2012). Though its spread began much earlier, including through the 1689 Treaty of Nerchinsk, which was the first treaty between China and another state "phrased on strictly equal terms" rather than in the manner of hierarchal relations used in the regional international system between Chinese states (Mancall, 1971, p. 142). In either event, to the extent that the sense of community was extended beyond the West and expanding intra-regionally elsewhere, the reach of the international system expanded along with it and thus allowed an increasingly larger segment of the world to interact within the same shared international legal framework.



*Figure 4.25: Treaties by Implied Recognition Type, 1800 – 1900*

Over the course of this century, the world underwent a historically unprecedented level of increased organization. It was during the 19th century that a truly global, rather than international, community began to emerge (Gong, 1984). Global public opinion could be seen in the first significant way because of the expanding global connection infrastructure which simultaneously

allowed the spread of ideas to connect it while also enabling global epidemics to jointly threaten it (Hans-Ulrich, 2011).

Expansion of the European conception of international law began in the Middle and Far East, and was promulgated through both peaceful and mercantile agreements, as well as through the imposition of colonialism and imperialism (Hans-Ulrich, 2011). The Ottoman empire was the first non-Christian state formally accepted into the Eurocentric international community (Mugambwa, 1987). This recognition would occur gradually through the negotiation of a variety of treaties, including a peace treaty signed in 1829 (80 CTS 83), a treaty of alliance in 1833 (84 CTS 1), and the Convention for the Pacification of the Levant in 1840 (90 CTS 285), and some others before being allowed to participate in Concert of Europe after the 1856 Peace of Paris, a sign that the empire had secured full recognition (Hans-Ulrich, 2011; Lesaffer, 2012).

The 1856 Paris Declaration respecting Maritime Law was also a significant development regarding the idea of expanding community membership, not because of the subject of the treaty, but because this was the first major "open multilateral" treaty that would allow states who were not a party to the original negotiations to join at any time (115 CTS 1). The relevant section of the treaty reads that "states which have not been called to participate in the Paris congress…" are invited to "access it convinced that the maxims they have just proclaimed do not we could be greeted with gratitude by the whole world" (115 CTS 1). This small sentence began a major shift towards expanding multilateralism and making international law much more inclusive than it had previously been. Prior to this agreement, almost all agreements, whether bilateral or multilateral, were considered "closed" at the time of signing and if another state wanted to expand those rules to their relations with the signatories as well, they would typically have to negotiate and sign a

whole new agreement, rather than simply acceding to the existing agreement, as is a common occurrence today.

Some East Asian states were considered "civilized" by European standards and therefore were more readily accepted into the expanding international community (Mugambwa, 1987), however this did not protect them from becoming the subjects of Western conquest and so-called gunboat diplomacy, which was the practice of negotiating commerce and navigation agreements with the often-explicit threat of war looming over the negotiations. After the First Opium War, in which the British sought to force China to accept imports of opium and to open trade relations more generally, they signed the Treaty of Nanking in 1842 (93 CTS 465), and shortly after the US signed their first agreement with China, the Treaty of Wangxia, in 1844, followed by China's first treaty with another East Asian state in 1871 with the Sino-Japan Treaty of Amity (Hans-Ulrich, 2011; US State Department, 2023)

Following a forced opening to the global system by the US which used similar tactics of gunboat diplomacy, brought about through threats of force by US Commodore Perry, Japan would sign the Ryuku-US Treaty in 1854, marking the first international treaty under modern international law to which Japan was a party (Hans-Ulrich, 2011). Japan would go on to become the most vociferous adopter of the expanding international legal system and community norms, becoming heavily socialized to its worst aspects of imperialism and the legitimization of the use of force which it would soon inflict upon the Koreans and Chinese (Hathaway& Shapiro, 2017).

During the first Hague Peace Conference held in 1899, most of the delegates genuinely sought to provide for the common good of the entire international community (Hans-Ulrich, 2011). However, it would be the Second Hague Peace Conference held in 1907, attended by 232 delegates from 44 states, including 19 from Latin America, and 4 from Asia, that would become the first

"global" conference with representatives hailing from across four continents (Tourinho, 2021). The Martens Clause of the 1899 and 1907 Hague Conventions on the Laws and Customs of War, invoked public conscience to recognize the fundamental and commonly shared rights that should be guaranteed to all humanity (Meron, 2000)

The Inter-Parliamentary Union was formed in 1889 and represented a significant expansion of community building as it linked together the parliaments of 24 countries by 1913 (E. S. Rosenberg, 2014). Nine countries hailing from four continents, including Belgium, Cuba, Czechoslovakia, France, Italy, Japan, Poland, the UK, and the US, would help write the ILO constitution in 1919, which sought to promote "peace and harmony of the world" through improving labor condition and promoting social justice (ILO, 2023).

The establishment of the League of Nations in 1919 was a massive step forward in global community building not only because it was the most ambitious yet and most inclusive in scope in world history, with 44 of the world's 57 sovereign states at the time joining, but it also had a variety of community promoting programs and policies, such as those which promoted cultural exchange and helped resettle refugees. The League was also the first IGO to endorse the notion of universal human rights in the 1924 Declaration on the Rights of the Child.
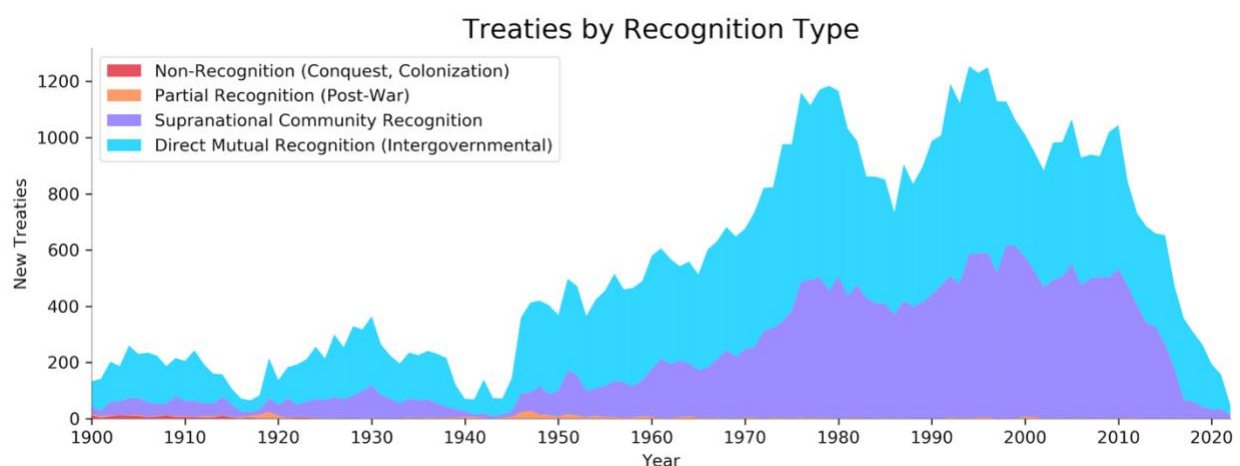
*Figure 4.26: Treaties by Implied Recognition Type, 1900 – 2022*

The development and regulation of the global connection infrastructure in the late 19th and early 20th century was not only instrumental in bringing the most powerful states together, but increasingly helped to unite smaller powers and allow anti-colonial forces to connect and reinforce one another internationally (Ballantyne & Burton, 2012). The effects on global recognition could be clearly seen as new conquest and colonization treaties and other counterproductive actions became increasingly rare during this period as colonization became increasingly less justifiable (Holsti, 1991), and wars that were once commonly fought over colonial territories ceased almost entirely in 1920 (Luard, 1986). Treaties reflecting the practice declined to just 0.2% of all new agreements signed during the 20th century.

The UN was critical in further delegitimizing colonialization and would play a critical role in both global community building and promoting mutual recognition not only between its Member-States, but also with regard to their colonies (Claude, 1966; Tourinho, 2021). The UN was fundamentally different in this regard from the League of Nations as it sought to recognize the sovereign equality of all peoples (Keene, 2002), and the 1948 Universal Declaration of Human Rights was also critical in this regard (Meron, 2000). Collective legitimization would emerge as one of UN's major political functions (Claude, 1966) and this has almost entirely resolved the complete non-recognition issue on the global scale. It is difficult to overstate the significance of this change as not a single sovereign Member-State of the United Nations has gone out of existence since its creation in 1945, despite Russia's recent failed attempt to break that trend.

As Finnemore (2003) notes "During the late nineteenth and twentieth centuries, the conception of who deserved protection increased". One of the most remarkable transformations and manifestations of global humanization is that states are no longer able to use claims of

sovereignty to justify any domestic abuse, opening the possibility to regulate and improve the domestic conditions of other states through international law (Simmons, 2009). In some cases, the strength of the global sense of community is beginning to outmatch the grip of fierce attachment to national sovereignty as the very idea of Responsibility to Protect and to prevent genocide or to intervene in any capacity that might violate national sovereignty gives further credit to just how far this community building process has advanced.

The establishment of the UN was also an especially significant point in the global community building process because it was the first broad spectrum global governance organization that was designed to operate on a truly universal scale, with many specialized agencies to work on a variety of important international issues (Focarelli, 2020). In stark contrast to the exclusive and punitive nature of the Treaty of Versailles, Japan was actively reintegrated in the post-war period through agreements such as the 1951 San Francisco Peace Treaty, which helped to settle many of the leftover issues, disputed territories, and compensation due for Japan's action in WWII, 48 states were signatories to this agreement, making it nearly universal at that time. The eventual universal membership of the UN and an increasing number of other multilateral institutions and treaties was the culmination of centuries of progress in expanding the international community.

The average number of parties to a multilateral treaty at signing (not including states that joined later) has gone from an average of four states, during the 17th and 18th centuries, to six states during the 19th century, to around 11 states during the first half of the 20th century, to just under 25 states per multilateral treaty in the second half of the 20th century[4]. If we look at just open

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[4] These figures come from using an automated search algorithm I created using a list of all states known to be sovereign during the year the treaty was signed, compiled primarily from Butcher & Griffiths (2020), Correlates of War Project (2017), and Gleditsch & Ward (1999) as well as the UNTS and CTS indexes.

multilateral treaties from 1945-2013 (the only period with full data on open vs. closed multilateral treaty type distinctions) the average initial number of state signatories per treaty throughout this period jumps to 33.9.

The percentage of sovereign states around the world[5] to sign each multilateral treaty stayed at around 3% throughout the 17th, 18th, and 19th centuries, but climbed to more than 15% of the global community per multilateral treaty during the first half of the 20th century and then to just over 17% during the second half. This latter statistic hides the fact that due to decolonization, the number of sovereign states more than doubled from 81 to 191 between 1950 and 2000. If we excluded closed multilateral agreements from this and look at just open multilateral treaties only from 1945-2013, this figure climbs to an average of just under 25% of the states in the immediately world signing every new multilateral agreement that they were allowed to be a part of.

Initial signatory figures are likely a vast undercount of the true number of signatories that sign on at any point after the treaty is originally signed, as many states continue to join these treaties later on. For example, the 1928 Kellogg-Briand Pact had 15 state signatories at first and would grow to 63 eventually (Hathaway & Shapiro, 2019) and the 1944 Convention on International Civil Aviation began with 21 signatories but then rose over time to a nearly universal 193 (ICAO, 2023).

Other clear examples of the expanding international community can be seen in the how during first GATT round in 1947 there were 23 states involved, 38 states involved in the 1950 GATT round, 62 in the 1964 round, 102 in 1973 and then 153 in 2001 (Moser & Rose, 2012).

UNGA Res. 1962 (XVIII) regarded outer space as a global common, followed by the 1967 Outer Space Treaty, under Article 1 which established space as "the province of all mankind", a

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[5] The total number of sovereign states used as the denominator was created by combining the datasets created by Butcher and Griffiths (2020), the Correlates of War Project (2017), and Gleditsch and Ward (1999).

sentiment that was reaffirmed in the 1979 Moon Treaty which stated under Article 11 "the moon and its natural resources are the common heritage of mankind", Antarctica, the Ozone, and the High Seas, many of which were established over the wishes of the major powers (Garcia, 2021; ITLOS, 2023). The 1988 founding of the Intergovernmental Panel on Climate Change (IPCC) began a process of climate talks which have had 28 CoPs so far and while may not be on track currently to achieve the Paris Climate Accord Goals set out in 2015, there is growing consensus and urgency around the need to act collectively, rather than in a piecemeal fashion, further cementing the idea of global community and global action over national ones. This trend towards supranationalism can be seen clearly in the rising percent of supranational community recognition treaties over time in Figure 4.27, as just under half of all new treaties signed over the last four decades involve a supranational institution of one kind or another.
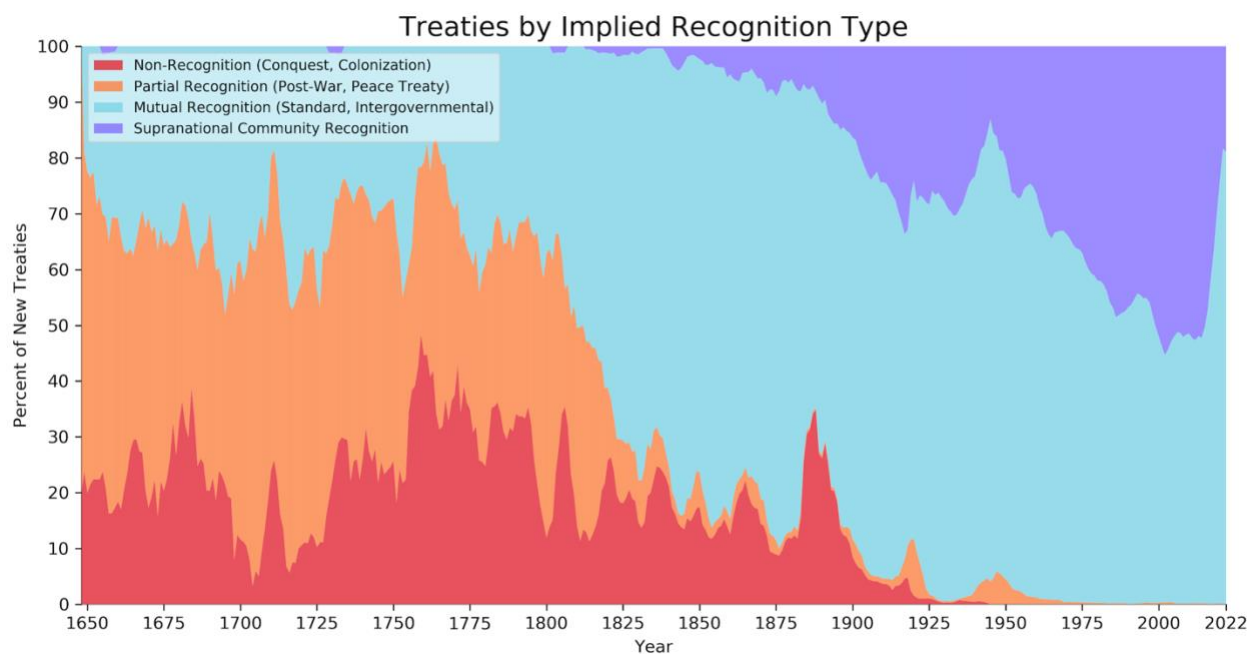


*Figure 4.27: Percent of Treaties by Implied Recognition Type, 1648 – 2022[6]*

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[6] Note that the apparent shift away from supranational integration between 2015 and 2022 is most likely a reflection of the lagging treaty deposit and publication procedure of the UNTS and should not be interpreted as a meaningful change. Only around half of the total expected treaties signed during the last seven years have been published so far

The rise of supranational recognition is ultimately a reflection of the much longer trend involving expanding recognition and mutual understanding within the international community. As the depth of the shared sense of community and mutual recognition rises, the easier it becomes to cooperate and the harder it becomes for even the most callous leader to justify going to war against another member (Michelle, 2003; Opotow et al., 1995; Wendt, 2003; Williams, 1997). Both community and peace are reliant upon "vast numbers of transactions and interchanges" (Schroeder, 2013) and the social interactions inherent to the negotiation and implementation of tens of thousands of international treaties signed over the last four centuries have exponentially increased them.

A high-water mark was reached during the mid to late 18th century with a deadly peak of 84% of all treaties signed during the half decade from 1760 to 1764 reflecting one of the two types of post-war agreements. From that point onwards, the global tide of violence began to recede in a unprecedently directional and sustained manner, and the number of treaties which imply mutual recognition of one another's equal rights to exist as a sovereign state begins to climb relative to those that reflect only an implied partial or complete non-recognition between the parties. This beginning of the modern paradigmatic shift in expanding mutual recognition and a critical turning point in the long-term decline in warfare can be seen in the orange peak in 1764 Figure 4.27 above.

As far as I am aware, nothing of particular note happened in 1764. Most historians, political scientists, and other scholars studying long-term trends in warfare, look to one of the major post-war, international order shaping treaties of later eras as the start point of the decline in warfare, such as those which established the Concert of Europe in 1815 (Allan, 2018; Gat, 2006, 2013), or the outlawry of war in the 1928 Kellogg-Briand Pact (Hathaway& Shapiro, 2017), or the signing

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and the increased bureaucracy and strained budgets that characterize many supranational organizations may make them particularly slow to deposit agreements.

of the UN Charter in 1945. However, it is more likely that the decline began far earlier and there is no single action or treaty, even those concluded with the support of most powerful states in the world such as these, that can have the incredible effects often attributed to them. For better or worse, it takes a great deal of time and effort to change global institutions (Spruyt, 2013). Rather, major changes come as the result of multitudes of minor acts and the incredible progress and transformational shifts that have occurred throughout the last four centuries are the product of countless social interactions, delicate diplomacy, difficult negotiations, the resolving of contentious issues and reaching of consensus across a multitude of critical areas of international affairs, and the building and institutionalization of peaceful alternatives to war that help to channel conflict through supranational organizations into a productive rather than destructive force. While the international system may have evolved primarily out of the European system (Schroeder, 2013), it was constantly shaped by and through the multitudes of other international and domestic orders it encountered and the innumerable acts of resistance, contestation, and adaptation of it that took place (Tourinho, 2021), especially with regard to the thousands of lesser known treaties that were negotiated prior to and in between the major post-war agreements.

**Conclusion**

While no single treaty can create and sustain a global sense of community on its own, the negotiation, signing, and implementation of nearly eighty thousand agreements of all kinds over the last four centuries, especially those which amplify community building effects by facilitating or systematically increasing the amount of ongoing social interactions between states across a wide variety of domains, have helped to forge bonds that transcend national boundaries, and increasingly affirmed the supranational level as the most appropriate one for addressing

transnational issues, while collectively helping to build and expand the global community, mutual recognition, and shared sense of identity over time.

Collectively, in large part as a result of the negotiation and implementation of more than 12,000 global connection infrastructure agreements, 12,000 commercial community building agreements, 7,000 ongoing cooperation and exchange type agreements, 27,000 supranational community reinforcing agreements and over 16,000 standard socialization effects treaties, states have gone from thinking of one another as "the beasts of some other nation" (50 CTS 23), in an anarchic and brutal world that signed just 19 new treaties per year, two out of every three of which only reflected non-recognition or partial recognition of one another, to a world in which states increasing recognize that they share a "common heritage of mankind" (Garcia, 2021; ITLOS, 2023), and connect almost constantly in innumerable ways with one another while signing close to 900 new treaties every single year based on direct mutual recognition within a vast array of increasingly organized and supranational community reinforcing institutions.

Ultimately, this global community building process was just the first of three critical, mutually constitutive and reinforcing aspects of organizing peace. The international community also needs a strong foundational consensus around the general rules which govern their relations and which provide the stability, order, and predictability necessary to maintain and deepen their ties over time (Charney, 1993).

# Chapter 5: Treatymaking is Consensus Building

"The alternative to organization by conquest is organization by consent."

-The Commission to Study the Organization of Peace, 1940

## Overview and Significance

In tandem with community building, treatymaking is fundamentally a global consensus building process. Over the last four centuries, states have increasingly looked to international treaties as a way of structurally improving their relations by permanently resolving contentious issues and expanding their shared consensus about how they should regard and interact with one another in the future (Ghervas, 2021; Holsti, 1991; Kohen, 2011; Lesaffer, 2009, 2012). There are more than 200 million words of agreement that have been negotiated, debated, challenged, refuted, clarified, and distilled into legally and mutually understandable text before becoming formally enshrined in one of the 79,287 international treaties signed during this period. The global organizing process in this regard is fundamentally a long-term project in negotiating consensus, explicitly and mutually agreed upon, about how the most pressing issues should be handled amongst the disparate parts of an expanding functional whole.

Global consensus building has occurred simultaneously with global community building and this is critical as the two processes are mutually supporting and reinforcing. Both the lack of a shared sense of community identity and a lack of common understanding, can curtail cooperation and limit the realm of possibility for international governance (Hooghe et al., 2019; Marks, 2012). Reaching and sustaining mutual consensus is more easily facilitated through a greater sense of communal identity, mutual recognition, and respect (Aronson et al., 2012; Cross, 2007; Goodman & Jinks, 2013; March & Olsen, 1989) and the international community needs consensus around

the general rules which govern their relations to provide the stability, order, and predictability necessary to function and sustain itself over time (Charney, 1993). Building consensus is key for both promoting cooperation and reinforcing the shared sense of community between states in this way, as well as establishing improved means and mutual understanding for interacting with one another in a way that does not create or exacerbate contentious issues, which can inflame tensions, generate hostility, and create a rivalrous relationship that can stall or reverse community building efforts and may even lead to war (Holsti, 1981; Mansbach & Vasquez, 1981; Vasquez, 1983; Vasquez & Mansbach, 1984).

Treatymaking contributes to organizing peace in this way by forging and securing consensus between the signatories, as each treaty successfully negotiated represents a small degree of expanded mutual understanding and explicit agreement about how the world should be and how its component parts should interact, and helps better organize the structure of their relations with regard to their current and future interactions concerning the specific issue(s) addressed or resolved by the treaty. The more treaties states sign to establish and reinforce regimes across a wide variety of issue-areas that help to clarify the rules and procedures, lower transaction costs, and regularize expected behavior within them, the more the degree of consensus between them expands, increasing the stability in their relationship as incongruent expectations between states begin to converge and friction between them is reduced (Charney, 1993; Krasner, 1982; Morrow, 2012; Osiander, 2011; Young, 1980). Significant and sustained cooperation requires that non-conforming actions of states be brought into relative harmony with one another in this way (Keohane, 1984).

Every stage in the treatymaking process helps to build and reinforce consensus and understanding between the parties. During the pre-negotiation phase of treatymaking before any

formal diplomatic negotiations begin, ideas are consolidated and some of the most significant progress in forging consensus and bringing disparate worldviews closer together is made (Garcia & Das, 2011). The many meetings and long days and years spent negotiating each agreement force the parties to socialize and become more familiar with one another, and as that mutual recognition and understanding grows, shared consensus becomes easier to find (Aronson et al., 2012; Cross, 2007; Gheciu, 2005; Goodman & Jinks, 2013). The formal signing and implementation of the agreement further serves to anchor and protect the progress made, allowing it to endure and be built upon iteratively over time by enshrining it formally in such a way that will long outlive its negotiators (Abbott & Snidal, 2000; Kohen, 2011; Raustiala & Slaughter, 2012). The ongoing socialization that occurs during treaty implementation, especially those which involve recurring conferences or other meetings, helps to expand consensus between the signatories (Goodman & Jinks, 2013) as well as to pressure non-signatories to join or at least abide by the treaty once a consensus amongst a critical mass of states has been reached (Krisch, 2014).

Some treaties can have consensus building effects even beyond the signatories as, within the increasingly connected and socialized global community, states and non-state actors are constantly learning from one another about ongoing and prior successful negotiations and may seek to emulate them with regard to a similar issue they face (Cross, 2013a; Gleditsch, 2019; Keck & Sikkink, 1999). Once multilateral treaties, and the consensus on an issue they represent, gain the support of a majority of the world's states, they can have effects beyond the signatories by setting and reinforcing global norms against which even non-signatories will have to justify their behavior and non-compliance (Charney, 1993; Krisch, 2014; Simmons, 2009).

The vast lack of consensus between states under the much more anarchic conditions of the past has meant that there has historically been an almost infinite number of issues which could

generate some degree of friction between states. As states build consensus between themselves over time through the negotiation of increasing numbers of treaties, especially if they address the most contentious such as borders and resource access, they leave fewer issues which might otherwise sour relations or rise to sufficient war-salience to justify fighting over in the first place. This consensus building process helps turn the "traditional structure of randomness" into a more coherent and predictable international system (Kamo, 1979). As the degree of consensus expands in this way, it is not so much that the "consequences of anarchy" change as the system is organized (Buzan, 1993), but rather the residual amount or "degree of anarchy" or "political distance" between them diminishes (Kamo, 1979). The cumulative structural effects of increasing numbers of treaties signed between states over time effectively means that the total amount of anarchy in the international system, along with all of its negative, potentially war-salient externalities, has been declining for at least the last 374 years.

If every issue between states is a manifestation of the "incongruent structure" (Rummel, 1979) or "conflict of expectations" (Luard, 1986. p.129) between the worldviews of their leaders, then every treaty is in some sense a bridge between worlds. Having an expanding body of international law to draw upon gives states an increasingly common and comprehensive language and framework through which to communicate and interact (Chayes & Chayes, 1995). Cumulatively, this creates expanding areas of common consensus between the signatories and collectively structures and stabilizes their relationship in general, promoting cooperation and the peaceful resolution of disputes in the future. The enduring nature of treaties helps to hold this consensus together and when future debates on issues previously addressed emerge, the treaties already in place help to anchor those conversations (Hooghe et al., 2019) and provides a shared starting point. This expanding shared consensus can increase stability in relations as vastly

different expectations and viewpoints regarding how the world works and how its component parts should interact converge over time, and this stability allows for states to develop a reputation of reliability and potentially even for trust to build as fear and hostility diminish over time. By clarifying and formalizing areas of mutual consensus through the treatymaking process, and establishing, when necessary, supranational organizations to address ongoing issues and manage the everyday facilitations of it, this collectively helps form a more stable foundation for ongoing relations, structurally reduces sources of friction over time, and, in conjunction with the community building effects of treatymaking, makes cooperation on any number of issues more likely to be achieved.

Signing treaties ultimately helps resolve contentious issues as they represent "the intention of the parties interested in an issue to accept the terms… to acquire so much and no more" (Randle, 1987, p. 22). For a contentious issue to be resolved, it is not necessary that every last detail has been negotiated to the extent that the states in question are 100% completely in agreement on every aspect of how to interact and govern that issue. All that really matters with regard to war is that a minimally viable consensus between the parties has been reached, that it has been formally, explicitly, and mutually agreed to, and that whatever the negotiated agreement is, regardless of how much of a compromise it may be from the ideal outcomes sought by the signatories, that it is a preferable outcome structure to war. The threshold for a war-salient issue being considered resolved is ultimately only that it is no longer war-salient, not that it is no longer an issue at all. States will continue to have issues forever, that is the essential nature of international politics, however as long as states Best Alternative to Negotiated Agreement (BATNA) is anything short of war, then that counts as a win. As one former career US diplomat, William Burns (2019, p. 95)

noted "that's ultimately what diplomacy is all about, not perfect solutions, but outcomes that cost far less than war and leave everyone better off than they would otherwise have been".

As Hathaway and Shapiro (2019, p. 423) note "Those who shape the laws are the hydraulic engineers of the political world." Being functionally derivative of significant desires of states to address specific international issues of importance to them, however they define it, treaties fundamentally represent an attempt to "engineer" an outcome that would have otherwise been suboptimal (Simmons, 1998), the least optimal of all outcomes, of course, being war.

Reaching genuine international and ultimately global consensus on some of the important issues is seldom the work of a few short years, but more often the result of decades, or even centuries of diplomacy and iterative progress over time. Global consensus is rarely established or changed from a single treaty, but typically through a collection of agreements that each reflect a similar understanding and congruent expectation of how states should behave with regard to a specific issue or collection of related issues.

While every treaty negotiated helps to build consensus between states, the most pacific progress is made in this regard when formal agreements are struck to help address the most contentious and especially "war-salient" issues, or those which are the most animating, recurrent, or persistent and which, if left unresolved, are the most likely to generate friction, hostility, conflict, and potentially even war. War-salient issues can provide opportunities for egotistical or opportunistic leaders who might seek to gain politically from war or to use it as a means of distracting citizens from domestic failures, to help create a "rally around the flag effect", to promote in-group cohesion by providing a commonly shared enemy, to help keep domestic in-fighting at bay, or as a way of shoring up support or to divert attention from any number of

domestic failures by the regime in power (Butcher, 2021; Levy & Thompson, 2011; Mitchell & Thyne, 2010; Tir, 2010).

Peace treaties were especially important for expanding consensus and increasingly circumscribing the permissible social and legal justifications for war over time as each was carefully crafted with the intention of establishing a permanent consensus concerning the specific issues over which the war was fought. States understood that they were explicitly giving up their legal right to go to war in the future if there was a dispute regarding any of the specific issues directly addressed by the treaty place (Ghervas, 2021; Holsti, 1991; Lesaffer, 2012). Additionally, given how critical and contentious the issues concerning disputed territory and the ability to trade for, or otherwise access, perceived critical resources are for states, and how they have been some of the most common causes of war throughout history (Garcia, 2018; Gat, 2006; Gibler, 2017; Hathaway et al., 2018; Hensel, 2001; Hensel et al., 2008; Hensel & Goermans, 2021; Holsti, 1991; Keegan, 1993; Koubi et al., 2014; Luard, 1986; Mitchell & Thyne, 2010; Owsiak, 2012; Owsiak & Vasquez, 2021; Randle, 1987; Vasquez, 2009; Vasquez & Henehan, 2001), treaties which help to build mutual consensus in these areas are especially important and have some of the largest potential impacts upon improving relations and building peace and promoting cooperation between the signatories (Owsiak, 2012; Owsiak et al., 2021; Owsiak & Vasquez, 2021).

The cumulative effects of treatymaking over time, especially with regard to treaties that help address these critical areas and the most contentious issues, not only help to promote mutual recognition, community building, and expanded consensus across a wide variety of issues and making cooperation easier to achieve (Holmes, 2018; Hooghe et al., 2019; Marks, 2012; Ostrom, 1990) and war harder to justify in general (Michelle, 2003; Opotow et al., 1995; Wendt, 2003; Williams, 1997). Given the broad, if not uniform, preference for peace (Fearon, 1995; Michelle,

2003; Opotow et al., 1995; UNESCO, 1989), the necessity for even the most callous leaders to have some significant unresolved contentious or war-salient issue to justify the risks and costs of war to both domestic and international audiences (Hathaway et al., 2018; Hathaway & Shapiro, 2017; Kornprobst, 2014; Luard, 1986; Mansbach & Vasquez, 1981; Rapp, 2022), and the enduring nature of treaties (Ghervas, 2021; Holsti, 1991; Kohen, 2011; Lesaffer, 2012), through great diplomatic effort the range of remaining socially and legally permissible justifications for war has shrunk dramatically the last four centuries as well (Holsti, 1991; Luard, 1986; Randle, 1987; Spruyt, 2013), making it increasingly difficult for even the most callous, egotistical, or opportunistic leader to lead a state to war (Mitchell & Thyne, 2010).

## Treatymaking Process Effects on Consensus Building

Every stage of the treatymaking process contributes to the building, securing, and expanding of international consensus. From the pre-negotiation efforts to formal negotiations, treaty signing ceremonies, and finally through their implementation, consensus is forged across a great many different areas of international affairs through the patient work and compromises of diplomats and state leaders.

Much of the social community building effects of treatymaking outlined in Chapter 4 have also helped to promote consensus building between states in a similar fashion, as the socialization that occurs during the many long days and years of negotiations helps to promote consensus, as socio-psychological factors and the cognitive costs of non-conformity work within these groups to nudge them towards consensus (Aronson et al., 2012; Goodman & Jinks, 2013). The shared sense of community built helps diplomats and leaders overcome short term costs and collective action problems to achieve consensus about contentious transnational issues and the provision of

public goods beyond what theories of strict strategic calculus would predict (Cross, 2007; Hooghe et al., 2019; Lewis, 2005; Ostrom, 1990).

During the pre-negotiation phase of treatymaking before any formal diplomatic negotiations begin, ideas are consolidated and some of the most significant progress in forging consensus and bringing disparate worldviews closer together is made (Garcia & Das, 2011). The length and frequency of social interactions that occur during pre-negotiation phase is so significant that even discussions over the "shape of the table" that they will negotiate around can last months or years (Saunders, 1984). Issues are often debated in a variety of forum and international conferences well in advance of formal intergovernmental negotiations and international law often results out of norms, reports, and other proceedings created there (Charney, 1993). So called "soft law", or non-legally binding resolutions, such as those from the UNGA or other multilateral forums, can be normatively important instruments and often tactically and intentionally designed to begin a process that will ratchet up over time and eventually bring states into a higher degree of congruence (Chayes & Chayes, 1993). Soft law helps frames the debate and bring expectations together in a way that ultimately helps make formal treaty negotiations possible (Raustiala & Slaughter, 2012), and can help to build consensus on an issue and reinforce solidarity within a larger international community, even if efforts to create a binding agreement are blocked by a major power or otherwise remain out of reach at present (Iakovidis, 2013).

The pre-negotiation phase is typically longer and takes more effort than the formal negotiations over the specifics of a treaty because states need to first define the problem they are trying to solve, get expectations to converge enough so that all parties can "see the shape of a possible settlement that they could live with", and believe that it is actually possible to negotiate in good faith with the other parties (Saunders, 1984). In this way, soft law and pre-negotiations

have even been said to have a larger net effect on guiding international relations and promoting expectation congruence than the formal outcomes as this is when the range of potential differences between parties is at its greatest point (Toope, 2001).

Informal rules governing international interrelations are improved and clarified through the formal treatymaking process (Charney, 1993). Formal treaty negotiations are challenging because they are both "the process of combining different positions into a single unanimous joint decision" and the "process of making a decision when there are no rules about how decisions are made" (J. McDonald, 1984). The difficult negotiation process forces leaders' viewpoints out of the safe confines of their own minds and courtly echo chambers into the diplomatic arena where they must be wrestled, debated, clarified, expounded upon, challenged, refuted, and made legally and explicitly mutually understood in black and white before they are finally forged into lasting, collective agreements about how the issue or collection of issues are to be resolved. Daylight and open debate improve the quality of our organizational structures in this way because it allows us to see the cracks and divisions between us more clearly. The more open the international public debate process is, and the more multilateral and welcome all states are to join in the process, the more legitimacy and consensus to comply the ultimate agreement will have, even potentially beyond the signatories (Charney, 1993; Garcia, 2015). By more explicitly clarifying disparate viewpoints in this way, we can more readily address the fissures and are much better able to forge some consensus in situations where no mutual understanding may have existed at all or where differing interpretations of shared expectations around specific issues may have led to conflict.

Yet it is not in spite of these difficulties, but rather because of the complicated negotiation process and the time, effort, and resources spent during negotiations that the resulting agreement becomes infused with legitimacy and shared, explicit, and mutually understood meaning (Chayes

& Chayes, 1993). Evidence of the importance of the process itself can be seen as, for example, whenever new peace treaties were being negotiated, the diplomats involved came not only with the texts of the relevant earlier agreements, but also with "a mass of relevant papers which documented the genesis of these treaties" to clarify and give more significance to the intent behind each clause and compromise the earlier treaties contained (Lesaffer, 2009, p. 48).

The collective buy-in, socialization, and consensus created throughout the treatymaking process creates an "ex ante" strategy of promoting compliance proactively by ensuring that the signatories will support and view the ultimate outcome treaty document as legitimate (Raustiala & Slaughter, 2012). This effect is so strong that some states work towards getting into compliance even before the final treaty is signed or enters into force (Simmons, 2009). Law that is the result of open international public debate and an open multilateral process that all states are welcome to join has significant legitimacy and this creates pressure to comply (Charney, 1993).

There is power in the act of explicitly *committing* to a treaty, as its voluntary nature creates an expectation both among the other parties, and by state-signatories, of some change in behavior (Koremenos et al., 2003). The public and explicit nature of committing to a treaty sets the expectation of compliance under the customary law principle of *pacta sunt servanda*, meaning "agreements must be kept" (Charney, 1993). The act of commitment in signing a treaty gives legitimacy to pacific forces seeking to uphold it (Simmons, 2009). The act of commitment sets processes in motion that shape and constrain the future actions of states, typically for the better (Simmons, 2009), but always in such a way as to advance mutual understanding and represents a small degree of organizational improvement in the relations of the states.

The signing of treaties helps to anchor community and consensus building progress, helping to hold the shared ideas and sense of shared identity in place against the inevitable

countervailing and reactionary forces that appear in the form of nationalist or isolationist domestic coalitions, opportunistic leaders, and other misfortunes. When future debates on issues previously addressed emerge, the treaties already in place help to anchor those conversations (Hooghe et al., 2019). Institutionalizing ideas by enshrining them into treaties helps them to serve as the "glue" for holding consensus between states together over long periods of time (Goldstein & Keohane, 1993).

Consensus continues to build long after the treaty has been signed and can expand as agreements are implemented over time. This is especially true regarding open multilateral treaties and those that hold recurring conferences or other regularly annual or biannual meetings, such as the UNFCCC. These events allow further consensus to be built around the relevant issue through the ongoing socialization that occurs and helps to pressure non-signatories to join the treaty as the more interactions there are, the stronger the internal and external cognitive and social pressures to conform to these norms becomes (Goodman & Jinks, 2013). The socialization and functional utility that can emerge through the debates, consultations, and the creation and issuance of reports and other documents about the state of world issues and recommendations for action, all help to build consensus, reinforce community, and strengthen the case for new and more ambitious agreements (Charney, 1993).

## Consensus Building Amplifiers

Most of the same types of treaties that are helpful in amplifying the global community building process further, as outlined in Chapter 4, are similarly beneficial with regard to the global consensus building process as well, as the same social interactions tend to contribute to both the creation of mutual recognition and shared understanding and group identity, as socio-

psychological factors and the cognitive costs of non-conformity work within these groups to nudge them towards consensus (Aronson et al., 2012; Goodman & Jinks, 2013). Thus, treaties which have an outsized effect in facilitating a significant increase in social interactions between states, including through enhancing ease of travel, trade, communication, joint cooperative ventures, or exchange programs are similarly helpful in amplifying consensus building as well. Agreements which create, enhance, or help to institutionalize the use of IGOs are similarly effective in amplifying consensus building between states not only by serving as the physical sites and impetus for a significant amount of recurring social interactions between state officials to occur, but also by their sometimes explicit nature and purpose of serving as a venue for facilitating productive discussion, debate, and the reaching of agreements within the scope of their charters (Haftel, 2012; Holsti, 2004; Katznelson, 1997; Mclaughlin & Hensel, 2007). Further, agreements carried out by or through supranational organizations of any kind, broadly defined, help to normalize the idea, and institutionalize the practice, of striving to establish consensus and to govern issues directly at the supranational or ultimately the global level (Holsti, 2004; Mclaughlin & Hensel, 2007; Morgan, 2013).

## Critical Areas of Consensus

While every treaty negotiated helps to build consensus, the most pacific progress is made in this regard when formal agreements are struck to help address the most contentious and potentially war-salient issues, as these types of issues, if left unresolved, are the most likely to generate conflict or to be used as a justification for war. Of these issues, a variety of the most salient have been resolved over time through the negotiation of peace treaties, territorial boundary agreements, and treaties concerning states' abilities to trade for, or otherwise assess, the critical

resources they need to survive and compete. Given the how the subjects of these agreements are some the most contentious and the most likely to lead to war (Garcia, 2018; Gat, 2006; Gibler, 2017; Hathaway et al., 2018; Hensel, 2001; Hensel et al., 2008; Hensel & Goermans, 2021; Holsti, 1991; Keegan, 1993; Koubi et al., 2014; Luard, 1986; Mitchell & Thyne, 2010; Owsiak, 2012; Owsiak & Vasquez, 2021; Randle, 1987; Vasquez, 2009; Vasquez & Henehan, 2001), the consensus reached through their negotiation has had an outsized and especially pronounced effect on promoting peace.

## The Role of Peace Treaties

While every treaty represents the resolution of some transnational issue and some expansion of consensus between the signatories, peace treaties are the clearest example of the piecemeal organizing of relations over time and of progressively resolving the most war-salient of issues, which has increasingly narrowed the range of socially and legally permissible justifications for war over time justifications (Holsti, 1991; Luard, 1986; Randle, 1987; Spruyt, 2013). These treaties have helped to establish consensus over freedom of religion, how to settle dynastic disputes over hereditary succession, creating systems of balance of power and eventually some imposing limits on the legality of conquest. Despite the signing of a "peace" treaty sounding like an unqualified positive action that might indicate a cooperative agreement between amicable states, only 20.4% of them meet this description while the other 79.6% were only negotiated and signed in the wake of devastating wars.

While the need to justify and rationalize the explanations for going to war is universal to a certain extent, Europeans perfected the art and legalized the practice in the form of a strictly observed protocol for issuing war manifestos prior to declaring war (Hathaway and Shapiro, 2017;

Hathaway et al., 2018). Even Hugo Grotius, infamous for providing one of the foundational legal arguments used to justify war under almost any circumstance, added the stipulations that for wars of conquest to be legal, and thus any territory or other resources captured to be internationally recognized, that wars needed to be formally declared and that the reasons for the war must be "just" and explicitly pronounced (Hathaway & Shapiro, 2019).

Even as far back as the 1648 Treaty of Westphalia, European states were expected to publicly and formally cite the specific grievance(s) or "lawful Cognizance of the Cause" that they had with another state prior to going to war and to publish these grievances in a "war manifesto", which would thereby formally change their relationship status from one of peace to a state of war (Hathaway et al., 2018; Lesaffer, 2009). These declarations of war were an expected and important part of the international legal system which was important for third-parties to stay out of it (Irajpanah & Schultz, 2021). The significance was reaffirmed even as late as 1907 Hague Convention, stating that states "must not commence without previous and explicit warning, in the form either of a declaration of war, giving reasons, or of an ultimatum with conditional declaration of war" (Irajpanah & Schultz, 2021).

After waging the war, peace treaties were the formal, legal termination of the state of war back to a state of peace between the parties involved and the formal resolution of the original war-salient issue(s) (Ghervas, 2021). And it is worth noting that these wars, or "deadly deliberations" as one king described them in a 1661 peace treaty (6 CTS 253) were clearly unable to ultimately resolve the issue(s) which led to it on their own as demonstrated by the existence of the peace treaty itself and the necessity of the actual deliberations through which it was reached.

In any event, international peace treaties were not designed with the goal of creating a general, perpetual state of peace between the parties that would prevent all possible future

conflicts, but rather they were crafted with the explicit intention of permanently and finally solving the specific issue(s) that was used to justify the war in the first place (Ghervas, 2021; Lesaffer, 2012). Peace treaties were meant to be 'perpetual' with regard to the issue(s) in question and when state leaders signed them, they understood that they were explicitly giving up their state's legal right to justify going to war, in perpetuity, over any future dispute concerning the specific issues addressed by the treaty and which gave rise to the war in the first place (Holsti, 1991, Lesaffer, 2009).

The overall peace process, especially the multilateral ones, could involve multiple peace agreements which collectively would strive to resolve the major contentious issues in dispute (Kapshuk, 2021). Larger wars involving multiple states on each side would often be concluded with several different peace agreements ultimately signed between the relevant parties, each tailored towards resolving the specific issues relevant to their grievances, borders, debts, etc. Through gradually expanding international consensus by progressively resolving issues, the range of potential remaining socially and legally permissible justifications for war would continue to shrink over time.

Two of clearest examples of peace treaties helping to resolve issues and narrowing the range of potential justifications for war, can be seen regarding wars fought over religion and those fought over disputed dynastic inheritance rights concerning succession to the throne within Europe.

Between 1559 and 1648, nearly half of all European wars, including the 30-Years War, were fought over religion (Luard, 1986). Building on the 1555 Augsburg formulation for religious peace, the Peace Treaties of Westphalia signed in 1648 established a pan-European consensus amongst the delegates from 55 states, duchies, and free cities from across Europe regarding the

private right to worship, including the right to educate ones children freely, that burial rights would not be infringed upon, and that civil discrimination would not be allowed on the basis of religion (Holsti, 2006). The emerging consensus on freedom of religion was reinforced in many lesser known peace treaties from the 17th century as well, including one signed in 1673 between Cologne, Munster, and the Netherlands which explicitly outlined the "freedom [to] exercise of religion", specifically sought to ensure that "Catholics can no longer be excluded from public charges", and stated, in the frank language that was commonly used during this period even in formal peace treaties, that "for love of peace" "let us not growl.. with regard to the religion" (13 CTS 55). And the growling over religion did gradually cease, as Luard (1986, p. 100) notes "Of the 38 international wars that were fought in the following age [1648-1789], there is not a single one in which religion was the primary issue." Though this religious consensus remained limited to Christianity until much later, and religion would continue to fuel wars against the Ottoman Empire until they were eventually admitted to the Concert of Europe in 1856 (Holsti, 1991).

After consensus on religious freedom was reached, disputes over conflicting succession claims to rule the hereditary monarchies was the next critical issue over which significant consensus was reached in Europe. Until the early 19th century, dynastic inheritance claims were a major contentious issue in Europe, as marriages were often used to make complicated alliances, to help secure territories or to improve claims to a throne or multiple thrones (Kocs, 2019). Disputed inheritance rights in hereditary monarchies was the explicit primary justification for war in 12.7% of the war manifestos issued when declaring war in Europe (42 wars) and a secondary or supporting justification in 28% (93 wars) between the 16th and 20th centuries (Hathaway et al., 2018). The death of a royal, and the potential ensuing conflict over succession, remained the

second most common cause of war throughout the 17th and 18th centuries as these so-called "death watch" wars (Holsti, 1991).

The 1713 Treaty of Utrecht and 1714 Treaty of Rastadt signed at the end of the War of Spanish Succession, helped resolve the issue of succession in Spain, and further dictated that succession issues would be jointly settled by the major powers (Randle, 1987). The Treaty of Utrecht also removed the threat of a unified France and Spain, making it clear that their thrones could never be united, regardless of marriages or inheritance claims (Lesaffer, 2012). Smaller bilateral agreements were also reached, such as the Hereditary Agreement between the Palatinate and France in 1687 (18 CTS 157). The 1745 Peace of Dresden and 1748 Peace of Aix-la-Chapelle were impartial attempts to resolve the dynastic dispute in Austria and ended the eight-year war of Austrian Succession fought over it, though the lack of sufficient consensus on this issue would lead to another seven-year war shortly after which ended in the 1763 Peace of Hubertusburg (Randle, 1987). While dynastic succession related treaties were not present in sufficient number to register as a stand-alone treaty topic in the computational results, 94 treaties at least mentioned succession in the 17th century, 279 by the end of the 18th century, 757 by the end of the 19th century.

The percentage of wars fought over disputed succession claims would decline significantly over this period as new peace treaties would continue to help settle claims and set precedence for how future disputes would be handled, increasingly through collective means by the major powers. Wars fought over dynastic succession claims went from one war fought over this issue every other year between 1648 and 1714, to one in every five years in the period 1715-1814, and then one in every 10 years between 1815 and 1918, and none fought over the issue after that (Holsti, 1991).

Beyond religion and succession, many of these treaties addressed balance of power issues, as fear of hegemonic dominance were also common causes of war during this period (Kocs, 2019).

The 1725 League of Hanover was another alliance intended to help establish a more even balance of power in Europe. Wars over balance of power issues were some of the most common during this period until the Concert of Europe was setup in 1815 and was significantly less of an issue afterwards (Hathaway et al., 2018).
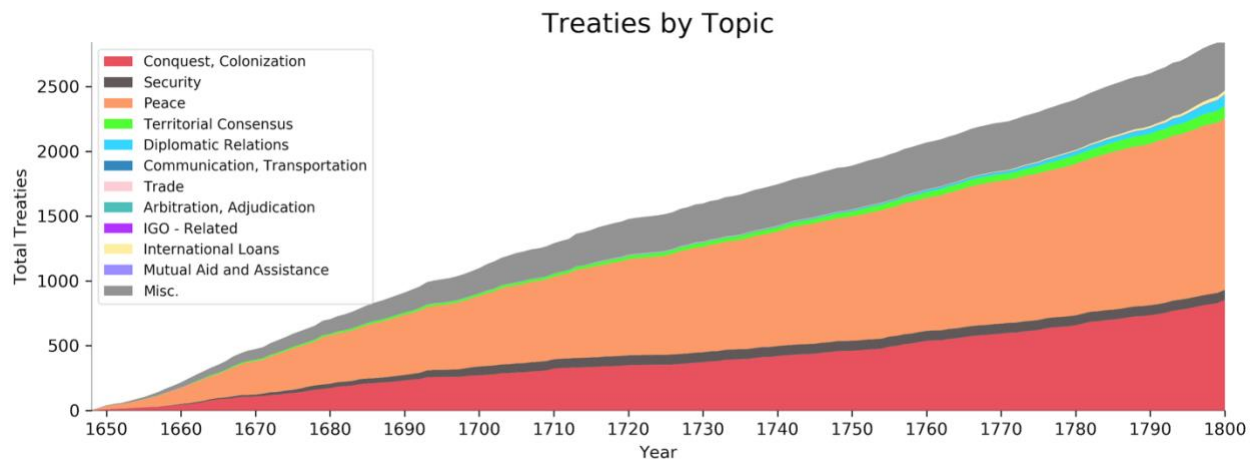


*Figure 5.1: Treaties by Topic, Cumulative, 1648 – 1800*

Consensus was built to a significant extent throughout the 17th and 18th centuries in this iterative, often war-fueled manner, as just under half of the 2,840 treaties signed during this period were peace treaties, each of which would contribute to an ever-expanding mutual consensus about the justifiability of war in a declining subset of specific circumstances. Out of the 1076 treaties new treaties signed between 1648 and 1700, 50% of were peace treaties, 25% concerned the legalization of new conquests, and 6% were alliances and other security-related agreements, 1.5% were related to prisoners of war, 1.5% were about consensus upon the High Seas, and 18% involved the resolution of miscellaneous issues across other areas. Thus, the vast majority of the negotiated consensus came through peace treaties during the 17th century.

This trend would hold largely true for the 18th century as well, though an increasing percentage of the total negotiated consensus would come from other types of treaties as out of the 1764 treaties signed, 44% were peace treaties, 4% were primarily about establishing diplomatic

relations or otherwise facilitating diplomacy, 3% concerned conduct on the High Seas, 1% clarified territorial boundaries, and 1% were related to the issuance or repayment of international loans, and 12% involved the resolution of miscellaneous issues across other areas.

Only looking at the primary topics of these peace treaties, as displayed in Figure 5.1, does not do justice to their true versatility as a consensus building mechanism. Just as war manifestos would often list multiple issues to justify their necessity to resort to war (Hathaway et al., 2018), peace treaties would often strive to resolve multiple issues at once and this made them particularly difficult to model and interpret computationally. For example, one peace treaty signed in 1783 between the Austrian and the Ottoman empires sought to create "perfect harmony" between them through "repair of any damage" to their relations, by facilitating easier correspondence, trade, navigation, travel, and mutual acceptance of one another's passport documents (49 CTS 1). And all of this was discussed in the same short treaty of just 919 words, of which the vast majority were actually concerned with fighting pirates and were focused on jointly working towards "future safety against any company of corsairs… barbarians…" or "brigands" and "to inflict a rigorous exemplary and in accordance with the laws to the corsairs who dare will commit such crimes" (49 CTS 1). While the dominant topic may have always been "peace" in these agreements, in order to better understand the multi-topic nature of many peace treaties, as well as to better understand the nature of other specific underlying issues they addressed, it is helpful to look at the secondary topics contained within them. Figure 5.2 depicts the secondary topics of each peace treaty signed between 1648 and 1944.

## Secondary Topics of Peace Treaties
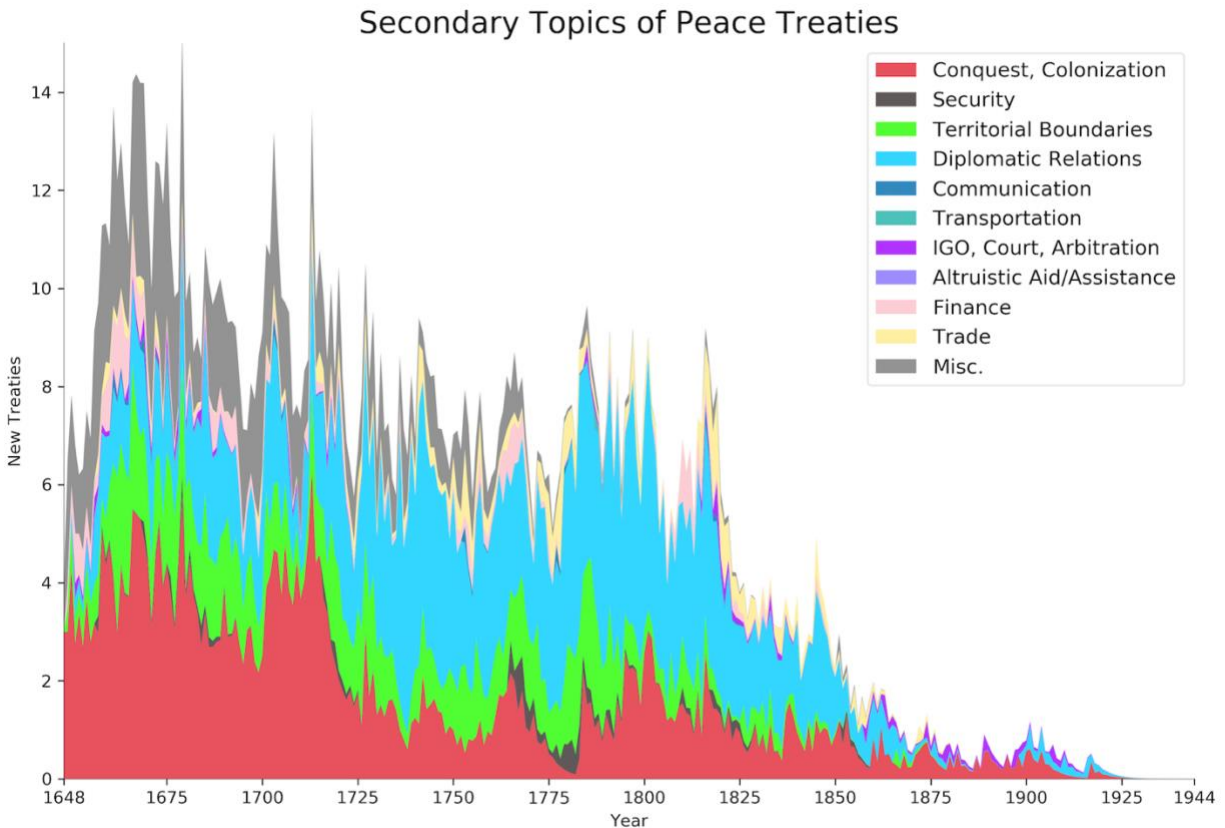


*Figure 5.2: Secondary Topics of Peace Treaties, 1648 – 1944, Rolling 3-Year Period*

The most common secondary topic overall found within 33% of all peace treaties concerned establishing, or more often restoring, diplomatic relations between the signatories which were often cut off at the beginning of the war. 28% of the secondary topics were related to conquest and colonization. Peace treaties would also often conclude prisoner swaps and settle any and outstanding debt or reparation payments, the latter of which was the found to be the secondary topic in 4% of cases (Ghervas, 2021).

14% of all secondary topics of peace treaties concerned territorial boundaries, though almost all post-war peace treaties would address them, as at least a tertiary topic as the settling and establishment of mutual consensus about the new territorial status quo between the parties was almost a required and certainly standard component to these types of negotiations (Holsti, 1991;

Lesaffer, 2012). Territorial and resource issues, such as Russian access to the Baltic Sea, were resolved through treaties like the 1721 Peace Treaty of Nystad, which ended the Great Northern War fought over that issue, and the 1763 Treaty of Paris, which ended the Seven Years War, also known as the French and Indian War, between the French and British and settled some important trade and colonial governance issues concerning the American colonies.

Not all peace treaties are concluded at end of wars, just over 20% were proactive and at least rhetorically aimed at establishing consensus across a variety of areas so as to prevent wars from being fought over those issues. Trade, travel, and international arbitration were the most common secondary topics in these genuinely peaceful peace agreements. Many of these lesser-known and peacefully concluded treaties helped to settle important issues and add to the growing international consensus. One such self-titled "preserved perpetual peace treaty" seeking to secure "peace and perpetual friendship" between Spain and Algiers established some baseline parameters for trade and navigation, as well as stipulating the Algerians will not aid "the beasts of some other nation" at war with the Spanish (50 CTS 23).

Each new peace treaty was in some ways an attempt to restart relations with a clean slate, and while states preserved the right to go to war under this international legal system for other grievances, the language of almost all of these types of treaties implied they hoped to have a general and lasting peace between the signatories. Peace treaties often contained preambles with aspirational statements about goals for restoring peace and common desires to exist peacefully, as well as sometimes mentioning other outstanding contentious issues that they desired to resolve in the future but were unable to reach agreement on at that particular juncture (Lesaffer, 2012). These preambles outlined new sets of general principles and values upon which the reestablished relations between the states would be rebuilt (Holsti, 1991). The combination of this renewed

commitment to peace, resolved issues, and novel or updated procedures for how they would interact, trade, and raise disputes with one another, meant that each new peace treaty signed had the potential to reset relations between the signatories, ideally allowing them to move forward with not only a clean slate, but within an increasingly organized and mutually constructed relational structure.

This commitment was plain from the language used, as one peace treaty from 1751 between Great Britain and Tunis "that all former grievances and losses and of other pretenses between both parties shall be void … and from henceforward there shall be a firm peace for ever" (39 CTS 345). In addition to the aforementioned issues addressed, the Treaty of Utrecht also gave amnesty for all "torts, damages, injuries, offences" committed during the war (Lesaffer, 2012). The French delegation to those negotiations were given instructions to secure the "security requirements and frontiers, as well as the freedom of commerce" and not just for the French, but for "all parties to the conflict" and to ensure that these "issues will not again trouble the European peace" (Legrelle, 1900, pg. 71, quoted in (Holsti, 1991). Another peace treaty signed in 1796 between France and Genoa sought to "dispel the clouds that some unfortunate events had raised between them to repair grievances and prevent to their recurrence" (53 CTS 289).

The practice of negotiating peace treaties at the conclusion of wars has increased and proliferated over the last four centuries. By one count, less than half of wars in the 16th century ending with a negotiated peace agreement, however by the beginning of the 20th century that figure rose to nearly 90% (Wright, 1942). Over this period, the system of highly legalized war and peace expanded from a largely European practice to a shared organizational framework utilized throughout the Americas, Asia, and eventually most of the world (Kayaoglu, 2010). Though the

general practice of ending wars with some fashion of similar agreement was far older and more universal (Fazal, 2013).
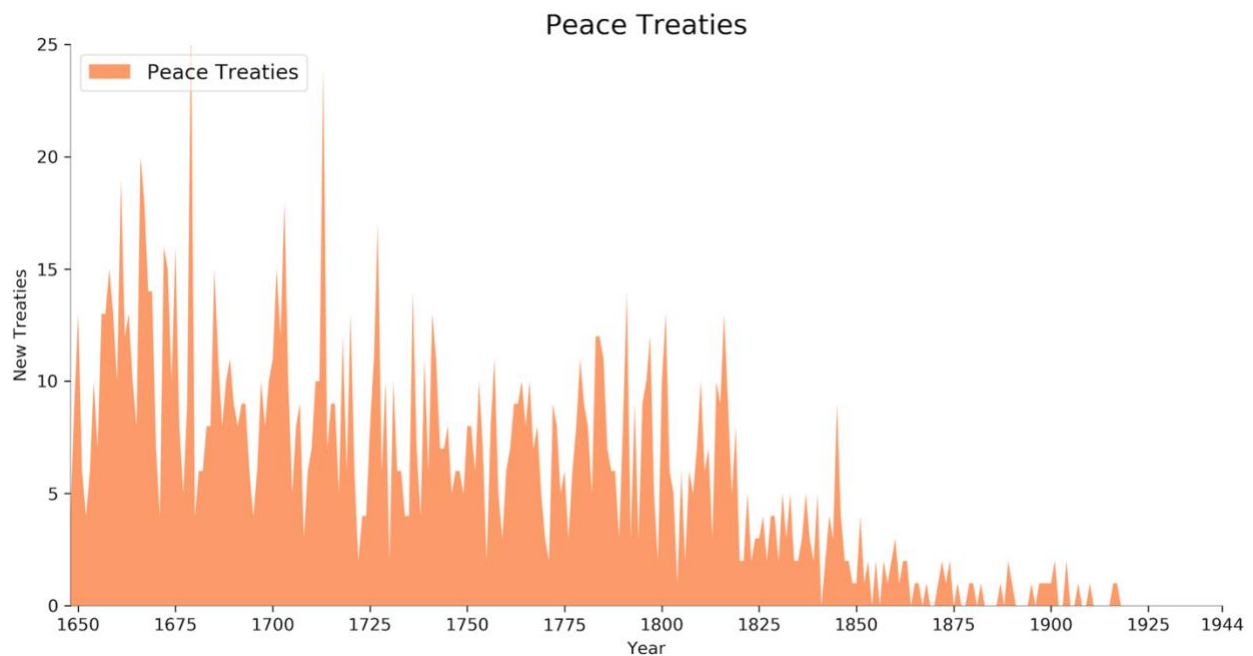


*Figure 5.3: Peace Treaties, 1648 – 1944*

While the practice of negotiating peace treaties at the conclusion of wars may have increased in a relative with up to 90% of wars ending with a negotiated peace agreement by the beginning of the 20th (Wright, 1942), as Figure 5.3 clearly demonstrates, their absolute frequency would decline over time. This is of critical importance for two reasons. First, if the percentage of all wars that concluded with a peace treaty has increased over time, while their overall frequency waned, then we can infer a dramatic decline in warfare over time from this chart alone. Second, this decline in peace treaty usage despite the growing acceptance of the practice among an increasing number of states in the world is in keeping with the idea of how expanding and securing international consensus through peace and other types of treaties collectively over time can reduce the range of remaining potential justifications for war and thus the number of potential opportunities for even the most callous leaders to lead their state to war. If wars are fought over

specific issues, and peace treaties formally designed to resolve those issues permanently between the disputants, then one would expect to see cumulative pacific progress over time, such as displayed in Figure 5.3 and Figure 6.1 in Chapter 6, especially with the concomitant process of increasing overall organization via all other types of treaties.

While states no longer formally declare war through manifestos and have mostly stopped the practice of ending them formally with a peace treaty since 1950 (Fazal, 2013), they have continued to reach consensus across an expanding array of issues through increasingly peaceful and cooperative means. Of these, some of the most critical include territorial consensus.

**Building Territorial Consensus**

The most critical area of consensus for any pair of states to reach is the settling of the territorial boundaries that lay between them (Gibler, 2007; Kocs, 2019; Vasquez, 2009). This can include consensus regarding not only the land, but seas, rivers, airspace, as well as establishing clear rules for interacting within and governing the vast oceans and other global commons.

Every unsettled border is an opportunity for conflict and perhaps the most obvious example of the primary issues that must be resolved in order for states to become effectively organized into a larger and more coherent international system. The organization of fixed, permanent borders between most states has been especially beneficial with regard to ending interstate wars as disputed territory has been, and remains, the most common cause of war throughout history (Gibler, 2017; Hensel, 2001; Hensel & Goermans, 2021; Holsti, 1991; Luard, 1986; Mitchell & Thyne, 2010; Owsiak, 2012; Owsiak & Vasquez, 2021; Randle, 1987; Vasquez, 2009; Vasquez & Henehan, 2001).

Disputed territorial border issues are also some of the easiest to exploit for politically expedient or diversionary war, as they are somewhat intrinsically salient and can have a high emotional appeal (Tir, 2010). They can become extremely politicized even if not important strategically or for any other reason (Senese & Vasquez, 2008). Wars over territory also last longer than other wars over other issues, and land is often fought over out of symbolic value or because it is thought of as an extension of a state's reputation (Toft, 2014). For these reasons, territorial issues are some of the most likely to create a sense of rivalry between states, and undermine community building efforts (D. Dreyer, 2010). Territorial disputes tend to lead to the making of alliances, recurring disputes, arms races, and the buildup of troops generally, all of which can inadvertently lead to war through the winding conflict spiral pathway (Senese & Vasquez, 2005; Toft, 2014).

Once states settle their borders, the overall chance of war between them drops significantly (Gibler, 2007; Kocs, 2019; Vasquez, 2009) and has long-lasting effects (Owsiak, 2012). If there is a new legally binding border treaty established between states with a history of violent conflict, the likelihood of subsequent conflict between them is cut in half (K. A. Schultz, 2014). When administrative border lines were imprecise, vague, or otherwise unclear, drafting a treaty to delineate the border more precisely can help eliminate misunderstandings that could have led to conflict (Carter & Goemans, 2011). Not all border treaties are created equally. 39% of border agreements only partially resolve the issue and 12% are followed up by a secondary or replacement treaty. However, about half of them (48.7%) succeed in permanently ending the dispute (Schultz, 2014). Even partial negotiated territorial resolutions are much more likely to eventually settle the issue than resorting to war is (Hensel, 2001) as territorial issues are only "successfully" settled by

force 10% of the time, as opposed to 75% of the time when using binding third-party arbitration (Hensel, 2012).

Resolving just this one issue has the potential to completely transform the relations of states. When states sign an agreement that clearly and fully delineates their mutually agreed upon borders, this can radically change the trajectory of their relations from one of significant friction and conflict, to one that is much more cooperative (Owsiak, 2012). Settling borders can be enough to lead to the end of a rivalry on its own, not only reducing the likelihood of war, but allowing the possibility of a more positive, cooperative peace and reconciliation to begin (Mitchell & Vasquez, 2021). 87% of states that successfully transitioned from rivalrous relations to that of at least a negative peace were only able to do so after fully resolving their disputed borders, and 90% of dyads that transitioned to positive peace only did so after fully resolving their territorial boundaries (Owsiak, 2012; Owsiak et al., 2021). States with established territorial borders are more likely to experience long periods of peace, even if other salient issues arise between them (Senese & Vasquez, 2008). When new issues, including military buildups, arise between states with settled borders, they are much less likely to lead to armed conflict relative to other pairs of states facing the same issue, but which have unresolved border issues (Vasquez, 2009). Once mutual consensus about states' borders is settled, bilateral trade flows expand significantly between them (K. A. Schultz, 2014; Simmons, 2005), further helping to increase interactions, socialization, and community building between them (Dorussen & Ward, 2010). The pacific effect of settled borders applies regardless of regime type (Owsiak, 2012) and the organization of consensus on this issue is so universally important that it even applies to armed groups within states, including urban gangs (Brantingham et al., 2012).

As Poast (2021) puts it, "War may not be on the rocks, but it is frequently over rocks", and it would take centuries of effort and international law to establish broad consensus about ownership of those rocks and the spaces in between. The first true territorial subject of significant consensus to be organized on a more permanent basis and on a wide, multilateral scale were the High Seas.
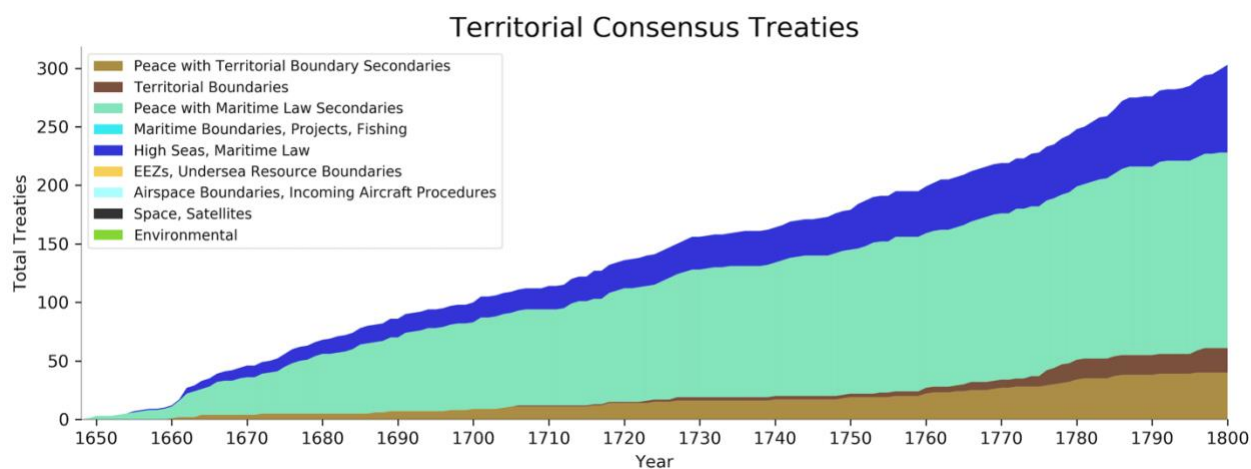


*Figure 5.4: Territorial Consensus Building Treaties, Cumulative, 1648 – 1800*

Despite calling our planet Earth, the vast majority of the surface of the "pale blue dot" we live on, as Carl Sagan once described it, is covered in water. Similar to how consensus was built with regard to religious freedom, dynastic succession, balance of power, and a variety of other issues primarily though peace treaties during the 17th and 18th centuries, territorial consensus began to slowly be achieved in a comparable fashion with 181 peace treaties addressing conduct upon the High Seas or other maritime topics as their secondary topic. While only 16 treaties were signed between 1648 and 1700 that primarily concerned maritime law codification, this was still the fourth most common type of agreement signed during the 17th century. The total would rise to 71, as 55 new agreements reflecting expanding consensus about how to interact upon or otherwise govern conduct upon the High Seas were signed in the 18th century, doubling the percentage of all new treaties on the subject from the prior century, with 3% of the total.
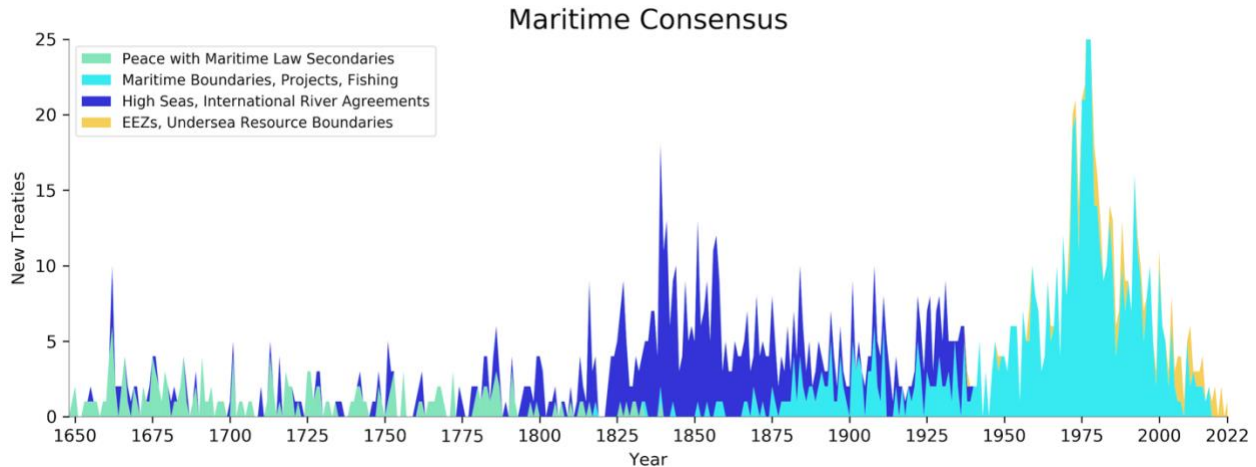
*Figure 5.5: Maritime Consensus Building Treaties, 1648 – 2022*

Broader consensus in this area would be achieved during the 19th century, as 396 treaties primarily dedicated to maritime conduct primarily, but not exclusively, upon the High Seas were signed reaching its zenith in terms of percentage of all new treaties signed at 4.2%. This shift from expanding consensus primarily through peace treaties to directly and proactively negotiating agreements concerning maritime issues can be seen in Figure 5.5, as the ratio of peace treaties with maritime secondaries compared with treaties in which maritime law was the primary topic began to invert during the early part of the 19th century. While most earlier treaties in this category were related to the High Seas, an increasing percentage of these agreements would concern the internationalization and regulation of rivers which flowed through multiple states, or which comprised a boundary between them. Prominent agreements include the Convention relative to the Navigation of the Rhine of signed in 1831, which is still in force today almost 200 years later, despite a brief occupation by the German Reich (Hans-Ulrich, 2011). The Treaty of London signed in 1839 internationalized the Scheldt River in a similar way, followed by the 1856 Paris Peace Treaty which opened the lower Danube River for international use, followed by the 1865 Act for the Navigation of the Danube, which made the entire river available for international use (Hans-Ulrich, 2011).

This was critical, as wars have also been frequently fought over disputed riparian or maritime boundaries. Disputed maritime claims are a common cause of militarized conflict (Hensel et al., 2008). Saltwater maritime borders also are typically joint boundary and resource issues, as they provide basic sources of food and, more recently, potential sites containing oil, natural gas, or other critical resources (Hensel & Goermans, 2021).

Fresh water issues are similarly, if not more, contentious, and there are around 300 river basins around the world that are shared by two or more states (Vinogradov et al., 2003). Fresh water boundaries, such as rivers and lakes, are especially salient because they are both a boundary issue and a basic survival resource for states as important sources of drinking water, irrigation for crops, and, more recently, a potential renewable source of hydroelectric energy (Hensel & Goermans, 2021). The absence of a formal negotiated treaty on how to share freshwater boundary resources significantly increases the likelihood of conflict (Vinogradov et al., 2003).

Reaching consensus and negotiating treaties to jointly govern and share riparian and transboundary waters has the power to transform contentious issues from potential sources of conflict into areas of significant cooperation and trust-building between states (Vinogradov et al., 2003). When states reach and sign formal agreements about how to govern shared rivers between them, this not only makes conflict less likely, but also increases the likelihood of future cooperation between the states (Tir & Stinnett, 2011).

Consensus in these areas would continue to build over time, especially into the 20th century. Water boundary and regulation agreements, including both freshwater and sea boundaries, often the fishing rights within them, began to emerge in the 19th century with 62 agreements reached, and then expanding quickly to add another 115 in the first half of the 20th century, and then 528 since then, totaling at least 705 treaties on the subject by 2022.

The most critical treaty with regard to establishing global maritime consensus of all was almost certainly the United Nations Convention on the Law of the Sea (UNCLOS), which has been profoundly successful in reducing the potential war-salience of disputed maritime boundaries with its clear formulas for establishing Exclusive Economic Zones (EEZs), which grants exclusive rights to all natural resources such as fish or natural gas reserves, but allows other states to navigate through peacefully. The dire necessity of this agreement was made in a speech delivered to the UNGA in 1967 by Ambassador Pardo of Malta, who said "an effective international regime over the seabed and the ocean floor beyond a clearly defined national jurisdiction" is "the only alternative by which we can hope to avoid the escalating tension that will be inevitable if the present situation is allowed to continue" (ITLOS, 2023). Indeed UNCLOS has significantly reduced the number of disputed maritime claims and has helped fishing stocks to rise by ameliorating some tragedy of the commons type problems (Nemeth et al., 2014). 65 agreements primarily related to the creation of EEZs and/or the regulation of undersea resources have been signed, rising from just 2 prior to 1950, adding 37 more by the end of the 20th century, and another 26 so far in the 21st century. The prior establishment of EEZs, whether through UNCLOS or established bilaterally, both reduce the chances of militarized conflict, and makes successful negotiations between states over disputed maritime issues in general much more likely to be successfully resolved in the future (Nemeth et al., 2014). One only needs to briefly scan a map of overlapping EEZ claims in the South China Sea to see that this issue is not fully resolved globally, however the vast majority of claims between the vast majority of states have been successfully resolved through UNCLOS, to which 168 states have signed on, and the scores of similar, smaller agreements. UNCLOS has been so successful in establishing truly global consensus that it has effects beyond the signatories, and shapes all negotiations of maritime disputes, as "States

generally judge each other's conduct by reference to the provisions of the Convention, even if a State is not a party to it" (Koers, 1989).

Establishing territorial consensus on land would prove a much more difficult task and remains one of the areas of international law most underregulated and in the direst need of organizing. Yet, while disputed territories may remain a major contentious issue today, these remaining flashpoints are limited and countable and this is a dramatic shift from our not so distant past when nearly all borders were considered to be impermeant and legally contestable through use of force if a state could make claim a just cause for declaring war (Hathaway & Shapiro, 2017). The idea of "border fixity" itself, or the idea that states can and should have permanently established borders, would take centuries to establish and would contribute significantly towards the decline in warfare (Atzili, 2013).

The organization of territorial consensus and mutual understanding regarding the exact delineation of state boundaries was essential for organizing the international system. Just a few centuries ago, many states did not even rule over continuous or contiguous sovereign territories, but rather existed in a patchwork of overlapping and conflicting understandings of where state boundaries were and how they should be defined. Across the Middle East and East Asia, states existed in varying degrees of hierarchical and tributary relations, while Europeans existed in a "crazy quilt of jurisdictions nominally overseen by the Pope and the Holy Roman Emperor" (Pinker, 2011). Depictions of political authority as being homogenous, territorial, and neatly linearly bounded upon maps predated their actual existence as such. European monarchs often had discontinuous and overlapping claims to communities within parts of territory that were otherwise fully circumscribed within the claimed lands of another state, and the ambiguities with regard to

who ultimately had the power to tax and otherwise govern these complicated and disputed territories was the cause of much consternation and war (Branch, 2011).

The 1648 Treaties of Westphalia would go a long way towards establishing consensus around the principle of territorial sovereignty and helped to resolve large swathes of territorial issues within Europe, yet it would still take until the late 18th century and many more treaties before even the European sovereigns would finally rule over continuous territories that were much more comparable to the modern conception of states (Branch, 2011).
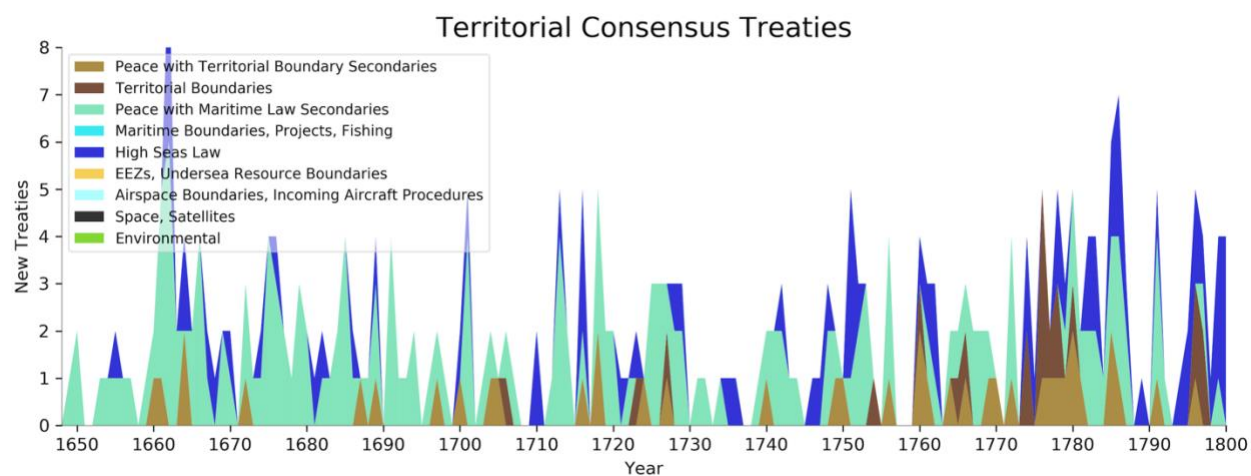


*Figure 5.6: Territorial Consensus Building Treaties, 1648 – 1800*

As consensus over the creation of continuous sovereign states was being built throughout this period, very few were dedicated treaties towards establishing a permanent and fixed border between them. Only 21 treaties, comprising less than 1% of all agreements, negotiated during the 17th and 18th centuries were primarily about territorial boundaries. Notable border treaties include the 1689 Treaty of Nerchinsk which established a clear boundary between Russia and China lasting almost 200 years before being updated in the 1858 Treaty of Aigun, which established much of the modern border between them (Mancall, 1971). More than twice as many peace treaties with territorial boundaries as the secondary topic were signed, again reflecting the trend of how the exact parameters of territorial consensus, like so many other issues, were primarily established

through peace treaties signed at the conclusion of wars during this period (Holsti, 1991; Lesaffer, 2012). Territorial boundaries were adjusted and set in every major peace treaty and most of the many minor peace treaties previously listed, and at least 48 of them contained enough significant language discussing the setting of territorial boundaries as to comprise their secondary topic.

Yet despite most peace treaties containing delineations of land-based territorial boundaries, or as one multilateral peace agreement between signed in 1778 put it, a "dividing line happily concluded" (46 CTS 479), these would remain in a state of impermanence not only throughout the 17th and 18th centuries, but much of the 19th and early 20th centuries as well, as the international system still allowed, and in some sense encouraged, state expansion and empire building by legally recognizing new territories seized by conquest (Hathaway & Shapiro, 2017).

This would slowly start to change in 1815, after the Congress of Vienna began to significantly erode the idea of absolute inviolability of state sovereignty and to undermine the right of conquest, not by making it illegal, but by adding further restrictions to it by requiring the consent of the major powers to make it legal and recognized, essentially making conquest in Europe "subject to community approval" (Holsti, 2004; Kocs, 2019). The Concert of Europe system was remarkably effective in this regard as by one metric, territorial issues were the cause of 36% of all wars in the century before its establishment, and dropped to just 13% after the system adopted the community-based, supranational consensus requirement to make changes to the territorial status quo (Holsti, 1991). However, the boundaries of this growing territorial consensus and its pacific effects were limited to the extent of the international community, which did not even include all of Europe at that time, and was far less recognized elsewhere. Europeans met in Berlin in 1884 to further clarify how they might carve up Africa without causing conflict between themselves at home, extending a similar territorial consensus logic to that which applied in Europe after the

Concert of Europe to their colonies as well (Holsti, 2004). The extreme lack of recognition between Europeans and much of the Global South, coupled with growing stability, balance of power, and territorial consensus on their continent, would prove a disastrous and deadly combination for much of the rest of the world. With less to worry about at home, European states were more able to focus on expanding their empires abroad, often imposing their conception of international law and deeply disingenuous notions about territorial sovereignty through force and colonization (Branch, 2011).
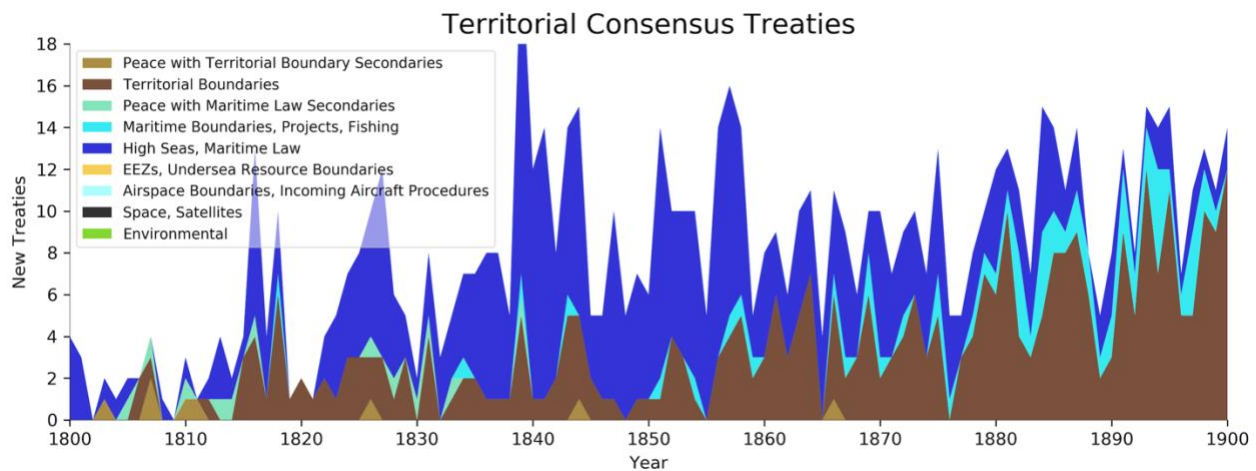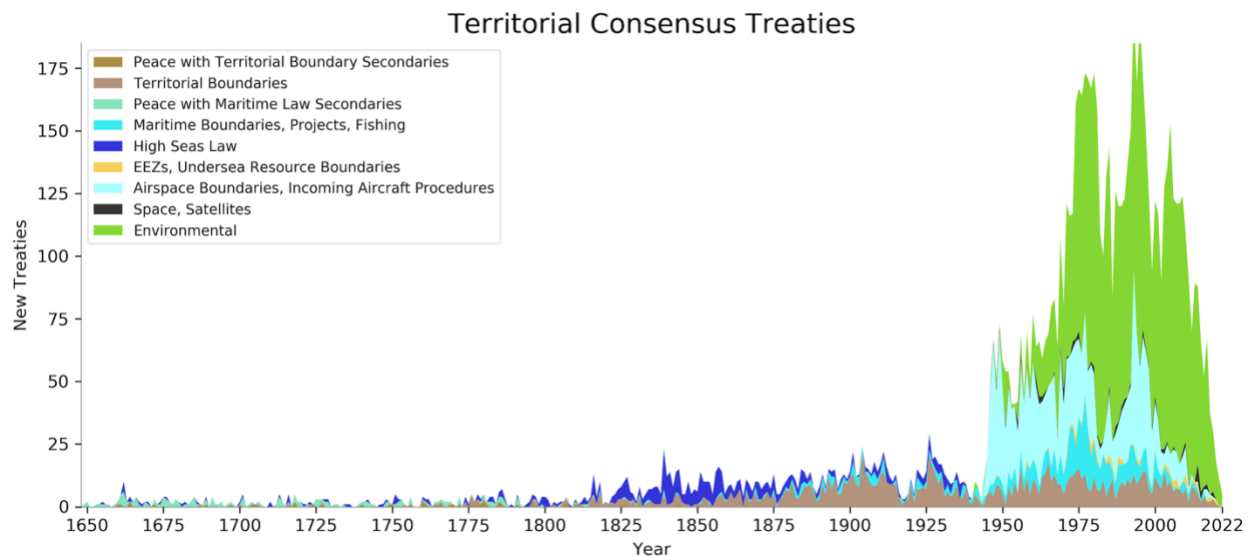


*Figure 5.7: Territorial Consensus Building Treaties, 1800 – 1900*

The percent of all new territorial boundary treaties signed during the 19th century would triple from the previous two centuries' rate of less than 1% to 3.3%. 313 treaties in total, representing expanding consensus over at least that many borders, would be peacefully negotiated over this period. Each of these agreements were voluntarily and proactively concluded and explicitly and primarily concerned with establishing a permanent border between the signatories, rather than as a secondary aspect of a larger post-war peace agreement.

In parts of the world that remained outside the grasp of the colonial powers, and between newly liberated former-colonies, territorial consensus continued to expand. The Persian and

Ottoman empires began organizing the lands between them at least as far back as the 1639 Treaty of Zuhab, however disputed regions continued to lead to conflict until the second Treaty of Erzurum was signed in 1847 (Masters, 1991). This treaty was one of the first in the region that reflected an adoption of the European notion of a territorial border as being a precisely demarcated line of jurisdiction on a map, rather than about the allegiance of those who lived generally on the margins of the empires (Lesaffer, 2023).
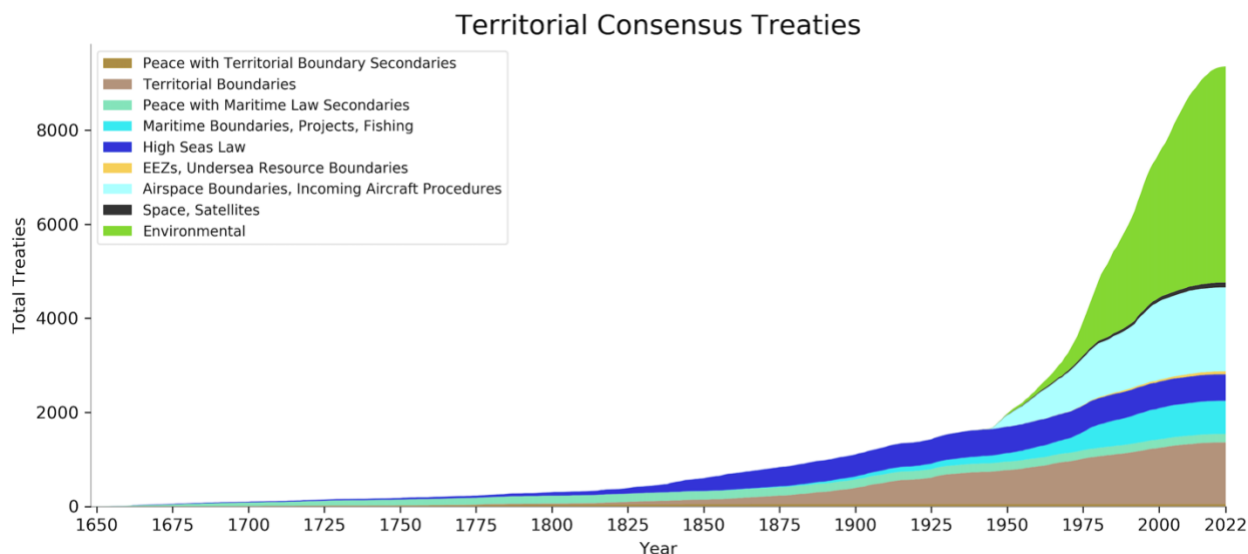


*Figure 5.8: Territorial Consensus Building Treaties, 1648– 2022*

The 20th century would see the most significant consensus gained concerning the territorial boundaries between states. Mirroring the overall trends and rising global pace of international organization, the pace of territory and boundary related treatymaking would climb rapidly with just under a thousand new border treaties signed between 1900 and 2022, more than three times as many than in the three preceding centuries combined.

The first region of the world to firmly commit to the idea of establishing fixed and permanent territorial boundary consensus, outpacing even Europe in this regard, was Central and South America (Klein & Koutroulis, 2018). Establishing consensus around this critical area was a

major reason why they were the first major region of the world to end interstate war almost entirely beginning with a long peace from 1883 to 1932, and then experiencing no interstate wars since 1942 (Kacowicz, 1995; Spruyt, 2013).



*Figure 5.9: Territorial Consensus Building Treaties, Cumulative, 1648– 2022*

As the number of territorial consensus treaties continued to rise, increasingly ambitious attempts to establish permanent territorial consensus on the global scale would be tried. Following Latin America's commitment to border fixity and the peaceful resolution of disputed areas, the global adoption of this idea would begin to manifest in a series of major agreements, the eventual success of which likely was due in large part to the multitudes of similar but smaller scale agreements. By the time the LoN Covenant was signed in 1919, which aspired to preserve and respect the "territorial integrity… of all Members of the League" (LNTS 34), at least 522 territorial border agreements had already been previously signed around the world. By the time the Kellogg-Briand Pact, which attempted to freeze the territorial status quo permanently across the globe, was signed nine short years later, 90 new additional border agreements had already been signed in the meantime. Another 81 would be signed in the decade before the next world war began, disrupting

ongoing border negotiations (Lesaffer, 2023). However, at its conclusion, the signing of the UN

Charter brought firm support, most notably in Article 2(4) which states that "All Members shall

refrain… from the threat or use of force against the territorial integrity… of any state". This Charter

and the other 1,313 land border agreements significantly contributed to the anti-conquest norm

and the delegitimization of war as a foreign policy tool (Hathaway & Shapiro, 2017; Holsti, 2004).
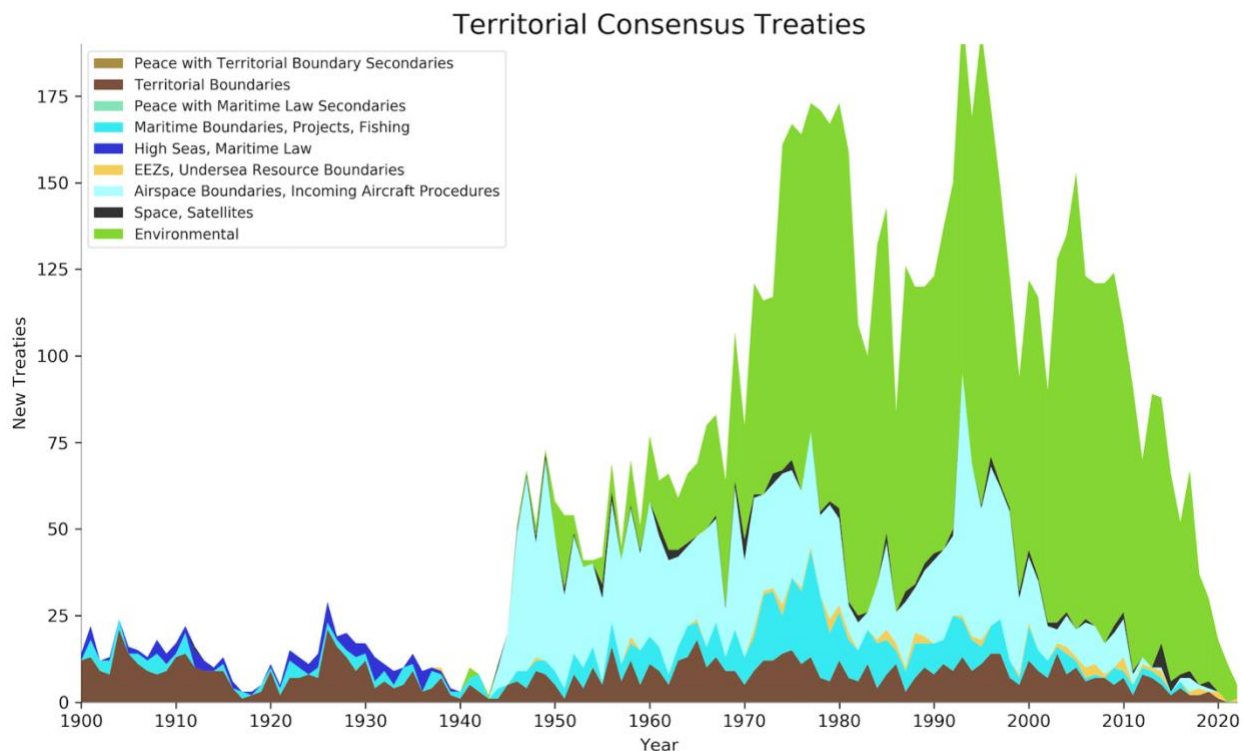


*Figure 5.10: Territorial Consensus Building Treaties, 1900 – 2022*

In large part due to the cumulative community building effects of negotiating tens of

thousands of treaties over time, the nations of the world have increasingly recognized our shared

humanity, mutual interdependence, and need to act in a united and supranational, ideally global,

way to protect our natural environment and natural resources which "are the common heritage of

mankind" (Garcia, 2021; ITLOS, 2023). An at least 588 environmental agreements have been

signed regulating shared resources from transboundary watersheds to air quality, pollution, as well

as other international and global commons.

Fueled by the growing strength of the international community, amplified through the increasing numbers and scope of supranational institutions through which the shared sense of community was reinforced and better able to channel and exert its will, consensus was able to be reached concerning the protection and regulation of several other global commons, many of which over the objections of the major powers. The success of these efforts has varied widely, yet, in addition to the High Seas, conflicts have been avoided through negotiation of consensus surrounding the territories beyond the grasp and claim of any single state, from Antarctica to the Artic Circle, and even into outer space.

From pole to pole, territorial consensus and regulation would continue to expand in tandem with the global community building process. The 1996 Ottawa Declaration, negotiated between the eight countries surrounding the Artic circle, established the Artic Council to attempt to collectively address mutual concerns and establish mutual consensus with regard to sovereignty and resource extraction rights within that region. At the other pole, seven states made overlapping claims to parts of Antarctica, which was entirely unregulated until the 1959 Antarctic Treaty designated it as a space for peaceful and scientific purposes only, followed by four additional agreements including the Madrid Protocol of 1991, which established its status as a global common and "natural reserve devoted to peace and science" more firmly and banned mining (Garcia, 2021).

1,785 airspace regulation agreements have been signed, helping to reduce friction by clarifying everything from entry procedures to flight path deconfliction to clarifying the applicability of state sovereignty and international law itself to space above state boundaries. Beginning with the 1919 Paris Convention on the Regulation of Aerial Navigation and the establishment of the International Commission for Air Navigation, 27 states "recognizing the progress of aerial navigation" and "appreciating the necessity of an early agreement upon certain

principles and rules calculated to prevent controversy desiring to encourage the peaceful intercourse of nations" sought "the establishment of regulations of universal application" (226 CTS 246) within this new domain. Between that agreement, the 1944 Convention on International Civil Aviation, and the many signed in between, global consensus was achieved and explicitly affirmed with regard to state's claim to sovereignty over the airspace within the vertical boundaries of its territorial boundaries on the ground, and that this area was not to be considered "free" and open in the way that the High Seas were commonly regarded (ICAO, 2023).

The domain of airspace law ends vertically where the air itself ends and outer space begins. As of 2022, at least 104 treaties relating to the governance of outer space were found in the dataset, including many agreements concerning the regulation and joint use of satellites and the deconfliction of low-earth orbit patterns. Just two years after Sputnik's launch, the Administrative Radio Conference met in Geneva to ensure international law would apply in space and to set the first rules for its governance while expanding the ITU's scope to include regulation of telecoms in space as well (Glazer, 1962). Other important agreements include the 1967 Outer Space Treaty, the 1968 Rescue Agreement, and the 1979 Moon Treaty (Garcia, 2021). Compared to terrestrial territory, space remains a largely unregulated domain and the increasing privatization, the US Space Force establishment and talk of weaponization, and the rising number of space-faring states around the world only increase the need for greater consensus to be established along this final frontier.

## Building Consensus over Resources and Trade

Returning to Earth, wars have also been often fought over its resources. The most intrinsically salient resource issues that have led to wars are those over the fundamental basics, such as water and food sources (Garcia, 2018; Gat, 2006; Gibler, 2017; Hensel, 2001; Holsti, 1991;

Johnson, 2013; Keegan, 1993; Lovisek, 2013; Luard, 1986; Randle, 1987). Beyond the basic necessities, wars have also been fought over access to a variety of resources perceived to be critical to the state including silk, oil, gold, proven undersea gas reserves, and even nutmeg, as was at issue in the "Spice Wars" of the 17th century (Braumoeller, 2008; Koubi et al., 2014). Refusing to trade these resources or taxing them in an unequal or perceived excessive manner, refusing to trade in general, and disrupting states ability to conduct trade and transport their goods safely, have all either directly led to wars or were the cause of much conflict and animosity between states (Hathaway et al., 2018; Hathaway& Shapiro, 2017; Hensel, 2001; Holsti, 1991; Luard, 1986; Randle, 1987).

Much of the territorial consensus achieved through the signing of more than 2,000 land and maritime boundary agreements, over 500 environmental treaties, and just under 1,000 other agreements concerning the High Seas and other topics concerning international maritime law, also concerned issues related to the resources contained within these areas. In addition to agricultural and pastoral concerns, this is especially true with regard to transboundary watersheds, riparian borders, EEZs, and the often especially difficult to reach consensus surrounding the fishing grounds, freshwater sources, and undersea minerals and other resources contained therein. Increasing water scarcity has been associated with significantly increased risks of armed conflict between states sharing a river boundary (Tir & Stinnett, 2011), and as many as 25% of the disputes between democracies which have tested the limits of democratic peace theory have been over fishing rights, including the 1975 "Cod War" dispute between the UK and Iceland (Mitchell & Prins, 1999).

Conflicts were also once commonly the result of state-sponsored piracy or "privateering" on the High Seas, a practice in which privately owned ships could be deputized and empowered to

seize enemy ships, regardless of what type of cargo they carried, in order to cut off commerce and supplies to the enemy and force them to deploy warships to guard commercial vessels and thereby diverting them from the war effort (Hathaway et al., 2018). The 1856 Paris Declaration Respecting Maritime Law was able to outlaw the vast majority of this behavior through establishing consensus on commercial shipping rights during war, and this agreement was particularly effective in establishing a broader consensus and effect because it was signed by many of the major powers at that time, notably Great Britain and France, who were, by the virtue of their commercial naval power, also some of the most egregious practitioners (Hathaway et al., 2018).

Restricting access to overland trade routes, maritime ports, key channels and riverways have all have been considered just causes of war in the past (Hathaway et al., 2018; Hathaway& Shapiro, 2017; Hensel, 2001; Randle, 1987). Whether the trade disruptions were on the high seas or closer to shore, such as the 1956 Suez Canal conflict, restrictions of any kind imposed on trade were once common causes of war (Luard, 1986; Richardson, 1960). Threats to freedom of navigation had led to several wars, including the War of 1812 as Britain attempted to block US freedom of Navigation and trade with France. Protection of trade interests, including the disruption of key international waterways and other trade routes, was listed as at least partial justification for war in 21% of the war manifestos (70 instances) analyzed by Hathaway et al., (2018) and the primary justification in 4.2% (14) of them.
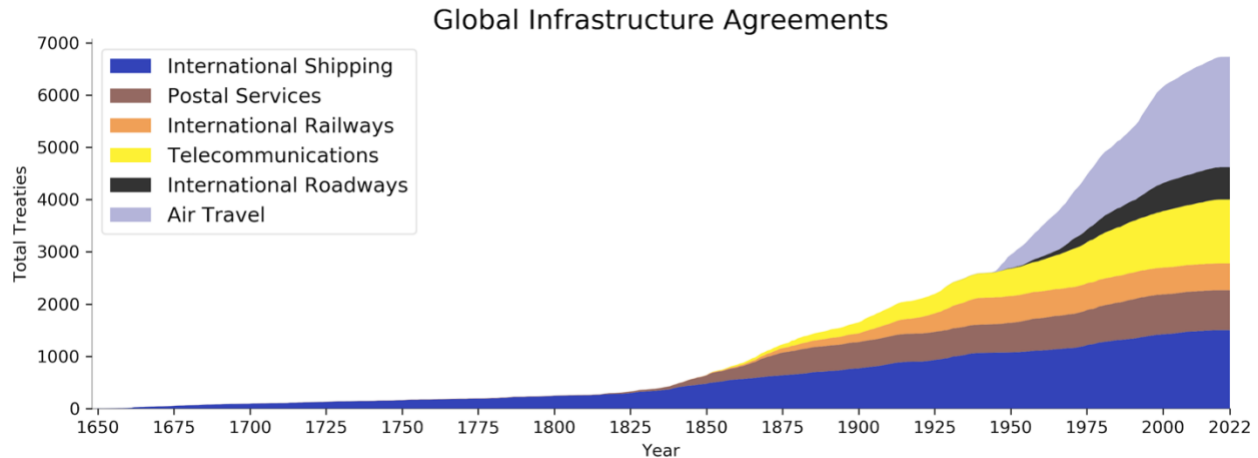
*Figure 5.11: Global Infrastructure Agreements, 1648 – 2022*

The potential war-salience of trade route restriction issues have been almost entirely resolved through the negotiation of the thousands of global infrastructure agreements outlined in Chapter 4. However, while almost all of the critical friction points in the international system where these issues have been most commonly felt historically have been smoothed out, especially over the last two centuries, some important progress remains to be made as Prime Minister Abiy Ahmed of land-locked Ethiopia has recently indicated that the costs imposed on them to access ports in Djibouti and Eritrea are unsustainably high, and has threatened to use force to gain direct port access if better terms cannot be agreed to (Finighan, 2023).
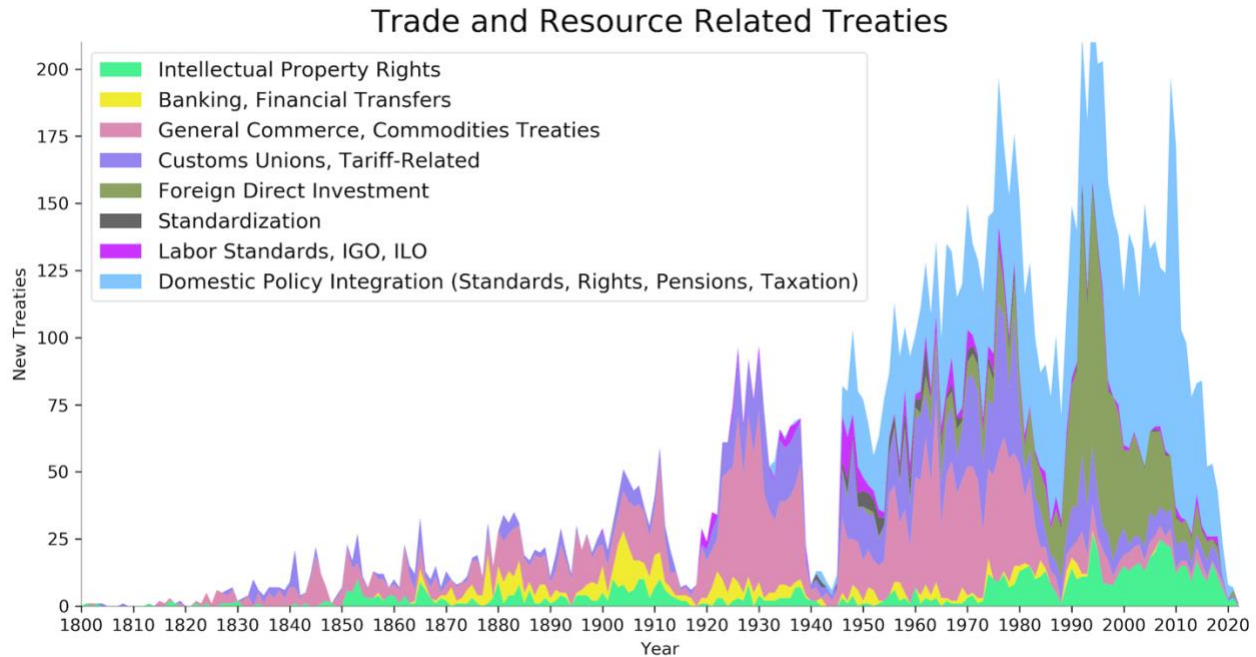
*Figure 5.12: Trade and Resource Consensus Building Treaties, 1800 – 2022*

Like so many other areas of international law, international trade was largely negotiated as a secondary part of larger peace agreements during the 17th and 18th centuries, with only 4 treaties in which trade or tariffs were the dominant topic. Treaties signed explicitly to lower commercial transaction costs and facilitate higher levels of trade began to rise significantly throughout the 19th century and beyond. Organizing consensus in these areas was especially instrumental in reducing commercial transaction costs and facilitating the naval trade boom during the late 19th and early 20th century (Topik & Wells, 2012), during which time world trade levels would double (Drezner, 2019). This increase in trade tends to spur further organization as it "automatically creates pressure" on state leaders to better regulate and remove uncertainty from commercial interactions (Buzan, 1993), evidence of this growing pressure, along with the stabilizing effects of the UN system and the increasingly regulated and more established global infrastructure, can be seen in the signing of more than 8,000 commercial related agreements between 1950 and 2022.

The specific terms of these trade agreements, especially concerning their imposition of tariffs, has always been a source of conflict between states. This was particularly true if one state, especially a rival, was found to be getting preferential treatment, or a lower tariff level applied to their trade goods, than another state. In the particularly anarchic and rivalrous periods during the 17th and early 18th centuries, Great Britain would openly seek to undercut the revenue streams of other major rivals, by including a clause in many of their peace and trade agreements with third-parties that would automatically lower their own tariffs to undercut any new agreements signed with other states, most notably France, to ensure that it would always be in the other state's economic interest to trade with the British rather than the French (30 CTS 1, 39 CTS 345).

But beginning at least as far back a treaty signed between Great Britain and Spain in 1713, states began to guarantee to each other that they would receive the equal trading rights and lowest tariff rates as the "most favored nation" (28 CTS 429), thus helping to remove some friction between states. 3,769 separate treaties containing that clause would eventually be signed over the next three centuries and this consensus would eventually form the basis of the General Agreement on Tariffs and Trade (GATT), which, out of the nearly eighty thousand treaties in my database, the was the longest of them all, containing more than 300,000 words. The GATT's successor institution, the World Trade Organization (WTO), monitors and reports on the compliance of states with the commitments they have made to each other. This reassures other member countries and domestic publics about the behavior of their political leaders, making cooperation more likely and sustainable (Milner, 2005).
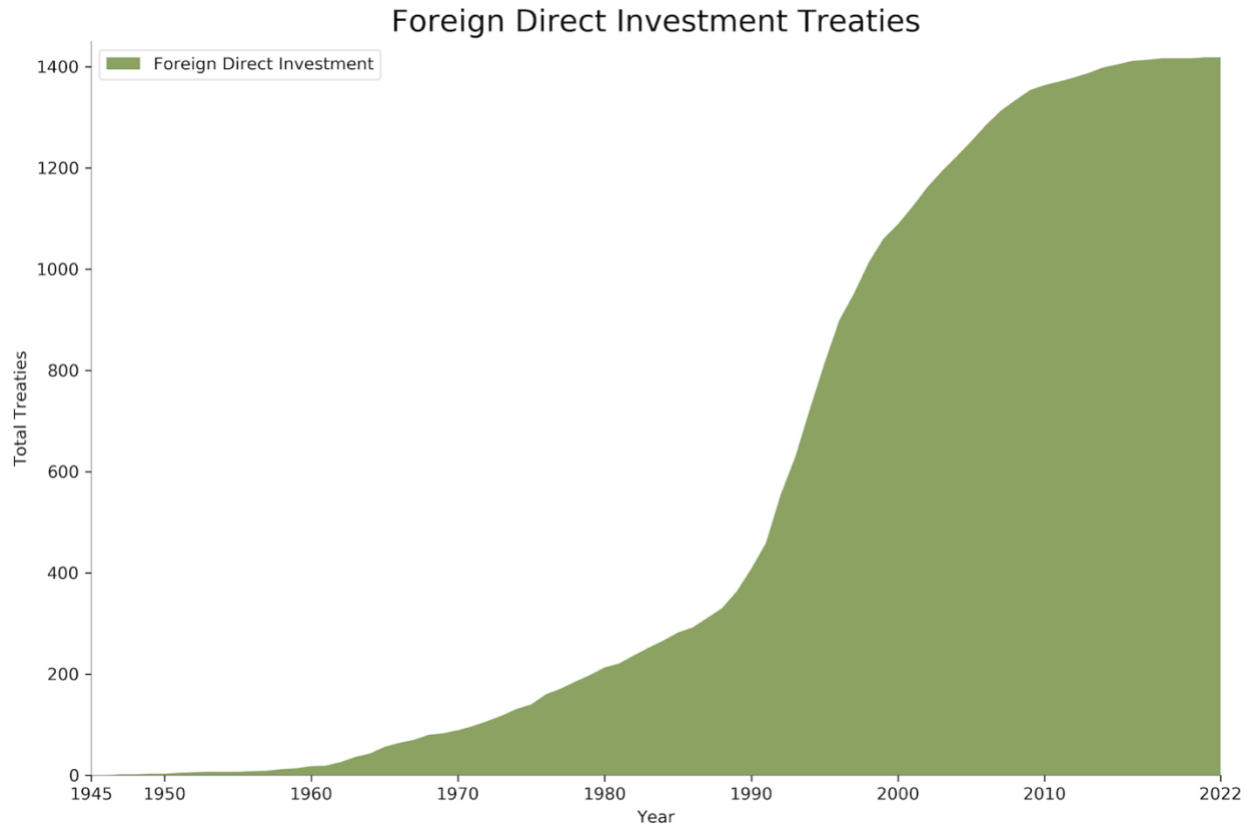
*Figure 5.13: Foreign Direct Investment Treaties, 1945 – 2022*

The many investment treaties which allow foreign direct investment (FDI) between states have removed a major cause of war by allowing states to essentially gain many of the benefits and access to resources that without having to resort to wars of conquest (Brooks, 1999; Sangha, 2011). Increasing foreign direct investment has been shown to reduce conflict and promote cooperation between states (Polachek et al., 2007). This practice has grown steadily throughout the latter 20th century with around 400 signed by the early 1990s, before more than tripling after the end of the Cold War to at least 1,421 by 2022. Of particular importance to this rapid growth was the 1985 the Multilateral Investment Guarantee Agency which was established to provide insurance on foreign direct investments from expropriations, civil unrest, or even war (Focarelli, 2020).
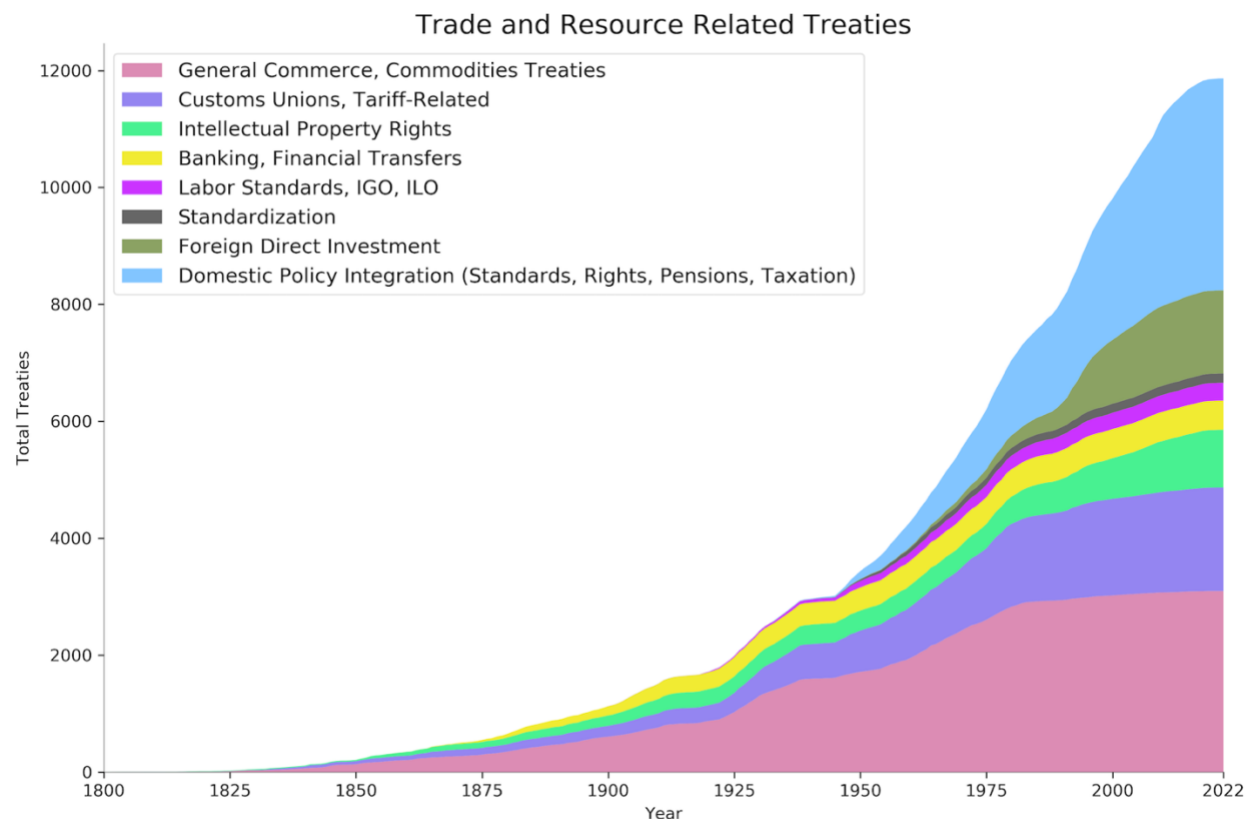
*Figure 5.14: Trade and Resource Related Agreements, Cumulative, 1800 – 2022*

The cumulative effects of the negotiation and signing of at least 12,116 of these types of trade and resource related treaties over time, including 3,099 general commodities agreements, 1,771 treaties aimed at reducing or at least clarifying tariffs on imported and exported goods, the negotiation of at least 989 treaties intellectual property rights protection agreements, including through institutions like the Berne Bureau for the Protection of Industrial Property established in 1883, would help address issues concerning intellectual and industrial property and artistic rights (Hans-Ulrich, 2011), as well as 499 regulating the international banking and financial transfer system, 3,624 domestic commercial policy coordination agreements, 1,421 FDI treaties, and at least 161 agreements setting critically important international, and eventually global, standards for everything from time zones to shipping container sizes, have dramatically lower commercial transaction costs, promoted the development of a significant transnational business community,

and reduced a great deal of friction from the relations of states, making it that much easier for them to cooperate and coexist peacefully.

The organizing of improved and broadly reliable trade relations and access to natural resources has removed many formerly war-salient friction points in the international system, as states can now generally acquire whatever resources are deemed particularly vital for their interests and thus cannot justify war on that account. The expanding consensus and enhanced reliability of the international regulatory environment has increasingly allowed for multinational corporations to essentially decouple themselves from the nation-state and become no longer dependent on that one state's strength or territorial expansion to increase their profits or global reach (Brooks, 1999). Now they simply have access to markets all over the world and use global supply chains to reduce costs, which may further reduce potential economic incentives for war. This could be why even indirect trade links and networks through third-party countries have been associated with a mild pacific effect (Dorussen & Ward, 2010).

Over the last two centuries, this increasing international and ultimately global consensus has not only increasingly reduced the specific justifiability of a wide variety of resource and trade related issues, by codifying other means of accessing them, but it has also fundamentally shifted the economic calculus in favor of peace as well. Throughout much of history the ability of states to conquer and to have their conquests legally recognized by other states, made war a potentially profitable business, with trade routes and prime agricultural lands being prized most of all (Kaysen, 1990; Sangha, 2011). Yet, the potential gains from conquest have waned significantly over time while the available peaceful means of trading, investing directly in foreign states, and potentially mutual economic benefits of peaceful exchange and cooperation have waxed. By one metric, 18% of all wars were fought over resources between 1648 and 1814, but only 7% of all wars in the two

centuries afterwards (Holsti, 1991). Wars resulting from commerce and navigation conflicts also declined from 14% to just 4% of all deadly friction points during this period (Holsti, 1991). Wars fought over commercial causes were frequent between 1789 and 1920, but not afterwards (Luard, 1986).

While trade and resources issues and interests remain an important and sometimes contentious issue between states, they are almost never considered to be justifiable grounds for war any longer (Mitchell & Prins, 1999). Trade restrictions that once commonly led to wars (Richardson, 1960) are now almost an entirely resolved issue in terms of its war-salience. As a result of this expanding commercial consensus, as well as the growing mutual recognition and at least some shared sense of community between an increasingly larger (if still relatively small) segment of their populations, the so called "trade wars" between the US and China are likely to remain just that, and are almost certainly not going to spill over into an actual war on the account of tariffs, or any other trade or resource related issue alone, as global consensus has shifted these are no longer social or legally permissible justifications within the increasingly organized international system.

## Cumulative Consensus Building Effects

While peace treaties and those concerning territorial and resource issues are especially critical types of agreements, every new treaty signed matters, regardless of topic, and helps to expand the overall level of mutual understanding and agreement between states. Treatymaking has helped forge international, and ultimately global, consensus across many different subject areas, and each new treaty helps to bridge potentially disparate worldviews of leaders, helping to reduce friction and promote cooperation by bringing states closer together and with a permanent

connection between them. Collectively, the development of an ever-expanding body of international law gives states an increasingly comprehensive and mutually understood language and framework to communicate and interact (Chayes & Chayes, 1995). The greater the degree of consensus, the more stability there will be in the relationship, as reaching new agreements helps to positively organize and collectively improve the structure of their relations, by setting expectations and coordinating behavior, thereby helping to make states behavior more predictable (Charney, 1993; Chayes & Chayes, 1993; Morrow, 2012). As consensus building continues through treatymaking over time, the cumulative and enduring effects of this process create an increasingly solid and organized foundation to states' relations, as they gradually become more coherent parts of a larger whole.

Formal legalization is critical for long-term international commitments and cooperation (Abbott & Snidal, 2000; Raustiala & Slaughter, 2012). The enduring nature of treaties helps to hold this consensus together and allows them to be built upon iteratively and expanded upon over time (Ghervas, 2021; Kohen, 2011; Lesaffer, 2009, 2012). Every treaty signed provides a permanent snapshot of consensus on an issue, preserving the ideas and progress made by diplomats and peacemakers in a text which can be referred back to. This helps to frame future engagement and anchor progress made by preserving a shared starting point that makes further cooperation easier to achieve (Hooghe et al., 2019). This enduring nature of formally signed agreements allows them to last beyond the immediate crises and to withstand the shifting political winds of the moment and continue to have an effect even after all of the original leaders and diplomats involved in negotiating are gone and allows the next generation to continue the work of organizing peace from a better starting point that increases their chances of cooperation as that much more consensus has been established and mutual expectations have converged that much further.

Reaching genuine global consensus on some important issues is seldom the work of a few short years, but more often the result of decades, or even centuries of diplomacy and iterative progress over time. Global consensus is rarely established or changed from a single treaty, but rather a collection of agreements that reflect and reinforce a similar understanding of how states should behave with regard to a specific issue or collection of related issues. It took Russia 71 years to conclude the Treaty of Nerchinsk with China, just to establish their border and regulate trade (Mancall, 1971). The process to negotiate UNCLOS began in 1949, when the International Law Commission identified the lack of consensus regarding rules and rights for territorial and High Seas as a critical area of international law in need of codification, and yet it would take until 1982 before it would be opened for signature (ITLOS, 2023).

Even on the smallest possible level, organizational progress can make future resolution more likely because at least there are fewer inconsequential details to fight over. The more states become familiar with and better understand one another, the more diplomatic protocol issues are settled, and the more standardized negotiations become, the easier it is to move on to the more pressing issues, and the less likely it is that minor perceived slights or infractions will derail negotiations. For example, during the Nerchinsk negotiations, Russian diplomatic missions were thrice expelled by China for not bringing tribute to the emperor (1619), not adhering to court protocols (1657), and refusing to kneel (1689) (Mancall, 1971).

Having some areas of common agreement established previously makes it easier for states to cooperate on other issues, as standardized negotiating procedures, the ability to invoke aspects of earlier treaties, reputations for good-faith diplomacy, and personal connections established during previous negotiations can make it easier to reach additional agreements in the future.

Diplomats would often use those older peace treaties as a starting point for negotiating the next peace treaty and even copying clauses directly from them (Lesaffer, 2012).

Even partial resolutions still represent organizational progress and can help expand consensus while reducing expectation incongruence, even if just slightly, and thus increasing the range of possible improved organizational outcomes for the next negotiation. As expectation incongruence is reduced, states' mutually shared conception of the world increases along with the range of possible improved organizational outcomes for the next negotiation. Prior successful negotiations also help develop some confidence in the process, both between states and amongst domestic factions with them, potentially increasing the willingness of states to commit to negotiating a resolution to the full dispute (Gent & Shannon, 2011). For example, we know that the smaller the percentage of the target state that is contested by a neighboring state, the more likely it is that a resolution can be reached to satisfy the challenging state's claim (Schultz & Goemans, 2019). Another study on territorial claims in the Western Hemisphere found that even partially successful agreements can reduce the likelihood of war (Hensel, 2001).

Most treaties do not radically alter existing consensus in a dramatic way but rather slowly adjust and improve the organization of relations by more explicitly clarifying and codifying how interactions should occur with regard to a certain issue (Koremenos et al., 2003). The gradual change is in part due to the difficulty that radical ideas and new norms face in diffusing and gaining acceptance if they do not align with the larger international system (Spruyt, 2013). Yet over the last four centuries, consensus across so many important areas of international relations has been built, expanded, and reinforced through this gradual, iterative, and yet progressive manner with immense cumulative effects over time.

While the pace of international consensus building was relatively slow during the 17th and 18th century, from the 19th century onwards, the total amount of global consensus built annually, as measured by the number of new treaties signed, would more than double every fifty years. This trend would become even more pronounced after 1945, as only 20,863 treaties were concluded between 1648 and 1944, but at least 58,424 have been written since then, meaning that more than 74% of all international treaties concluded over the last four centuries were written in just the last 20% of that period. In other words, it took the world 289 years to negotiate and conclude the first 20,000 treaties, but only 40 years to sign the next 20,000 agreements and has been signing just under 10,000 new agreements every 10 years since the late 1970s.
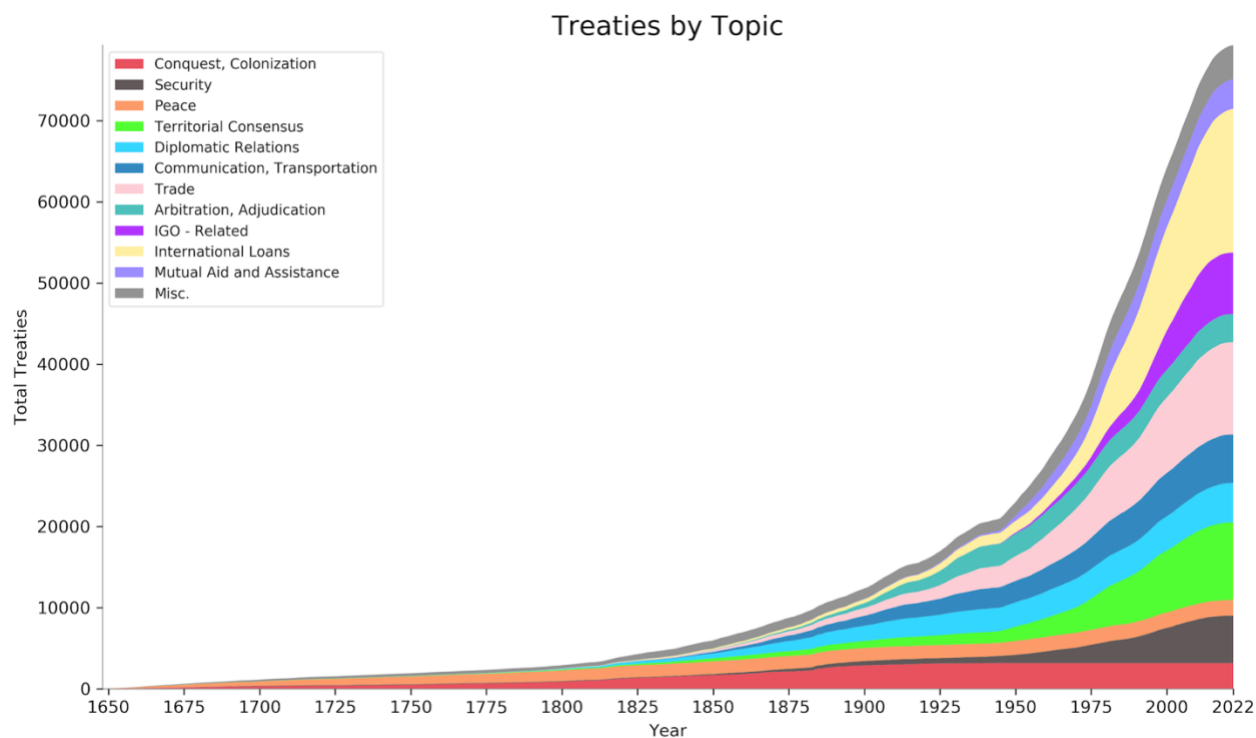


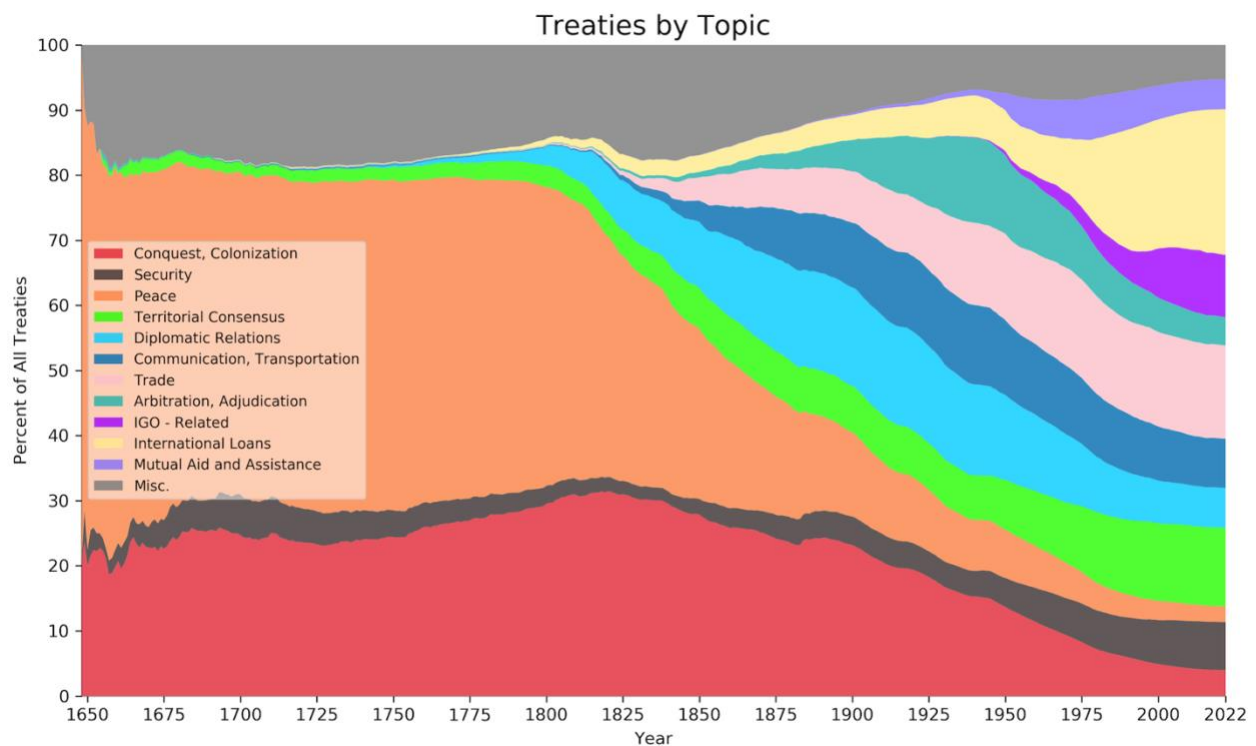*Figure 5.15: Treaties by Topic, Cumulative, 1648 – 2022*

The more that treaties create and reinforce regimes across a wide variety of issue-areas and helps explicitly clarify the rules and procedures that regularize expected behavior within them, the more incongruent expectations between states begin to converge and friction between them is

reduced (Haggard & Simmons, 1987; Keohane, 1984; Keohane & Nye, 1987; Krasner, 1982; Young, 1980). This is critical for reinforcing community building efforts and promoting cooperation and better relations in general as consensus building helps to improve the means and mutual understanding for interacting with one another in a way that does not exacerbate existing contentious issues or create new ones, in addition to resolving some over time. This is critical not only for reducing the potential available justifications for war, but also because these types of issues are the most likely to inflame tensions, generate hostility, and create a rivalrous relationship that may not only stall or reverse community building efforts, but generate fear, militarization, and support for hard-liners and military actions (Holsti, 1981; Mansbach & Vasquez, 1981; Vasquez, 1983; Vasquez & Mansbach, 1984).

In addition to lowering tensions and improving the character of relations between states, consensus building also reduces the likelihood of states misperceiving neutral actions as hostile. Such a miscalculation can lead to an "error term" war, and formally clarifying mutual expectations helps reduce uncertainty and potential ambiguity when interpreting state behavior, thus reducing the chance of an unfortunate accident escalating into war that neither side actually sought (Gartzke, 1999; Mansbach & Vasquez, 1981; Vasquez, 2009). Treaties that establish new rules and procedures that "eliminate randomness from interaction" (Mansbach & Vasquez, 1981. P. 282) may be particularly effective in reducing the likelihood of accidental escalation or misperception leading to war. Formal, mutually established rules are key for setting expectations and reducing uncertainty and ambiguity by more explicitly outlining what types of behavior are acceptable and what are not (Hooghe et al., 2019).

After many rounds of successful negotiation, a positive-feedback mechanism can set in as the co-development of increasingly shared consensus and expectation brings increased stability

and gives an increasingly solid and reliable organizational structure to their relations (Osiander, 1994). The increase in shared consensus between states, formally enshrined in treaty form, and coupled with fewer potential outstanding war-salient issues, helps stabilize relations. This can allow a period of negative peace to begin, and the longer that negative peace holds, the less likely it is that the states will go to war ever again (Gleditsch, 2019). Negative peace can set the stage for a more stable and positive peace to be reached (Goertz et al., 2016) and this can provide the critical window of opportunity for states to resolve their most war-salient issues, especially to fully resolve their territorial border issues.



*Figure 5.16: Cumulative Percentage of Treaties by Topic, 1648 – 2022*

Cumulative progress is possible because once the difficult negotiation process is over and consensus on an issue reached, the enduring nature of treaties helps issues stay settled. This is especially true concerning peace treaties, as signatories understood that they were explicitly giving up their state's legal right to justify going to war, in perpetuity, over any future dispute concerning

the specific issues addressed by the treaty (Ghervas, 2021; Holsti, 1991; Lesaffer, 2009, 2012). By narrowing the range of socially and legally acceptable justifications for war in this way over time, it becomes harder for even the most uncaring, egotistical, sociopathic, or opportunistic leader to lead a state to war. Using cumulative treaty percentages by topic, Figure 5.16 highlights the once vital but diminishing role of peace treaties over time as issues were progressively resolved and states able to increasingly shift their attention towards negotiating consensus across an expanding array of new topics.

While peace treaties and agreements reached over territorial boundaries, resources, and trade have been particularly important with regard to building international, and ultimately global, consensus in these critical areas and in resolving some of the most contentious issues in international politics over time, every treaty signed matters and helps to promote cooperation by bringing the expectations and mutual understanding of states that much closer together. Within the increasingly connected and socialized world, some agreements can even help to build a broader consensus within the international system.

### Consensus Building Effects Beyond Signatories

While each treaty negotiated represents an increased degree of consensus between the signatories, and in the aggregate collectively contributes to increasing the global amount of mutual agreement and understanding in this way, the consensus building effects of some treaties can have pronounced effects within the international community that extend even beyond the signatories.

Within the increasingly connected and socialized global community, actors of all types - from engaged individuals and transnational advocacy networks, to business and epistemic communities, to state leaders and their representatives - are constantly learning from one another

about ongoing and prior successful negotiations and may seek to emulate them with regard to a similar issue they face or may be inspired to apply a novel strategy, framework, or compliance incentive to an entirely different issue-area or problem (Cross, 2013a; Gleditsch, 2019; Keck & Sikkink, 1999).

Evidence of foreign policy diffusion can be seen clearly in how the term and legal status of "most favored nation", indicating that the state in question was receiving the best commercial trading terms, freedom of navigation rights, and lowest tariff levels, was used at least as far back as 1659. While the principle may have been used in some places since the 11th century, an early version of the modern "most favored nation" clause could be seen in the Peace of the Pyrenees signed between France and Spain in 1659 (5 CTS 325), and then in the 1667 Treaty of Madrid between Spain and England (Hans-Ulrich, 2011). However, the first treaty in the dataset that was detected as using the modern understanding of the most favored nation clause explicitly was an agreement signed between Great Britain and Spain in 1713 (28 CTS 429), which reads:

> "their said majesties sallied not be bound to payment greater duties… to their imports or exports than shall be exacted and paid by the subjects of the most favored nation and if it shall happen in time to come that any diminutions of duties or of other advantages shall be granted by either side to any foreign nation the subjects of each crown shall reciprocally and fully enjoy the same" as well as "the same favor in all things as well in the courts of justice as in all those things which relate to trade or of any other right whatsoever as the most favored nation uses and enjoys"
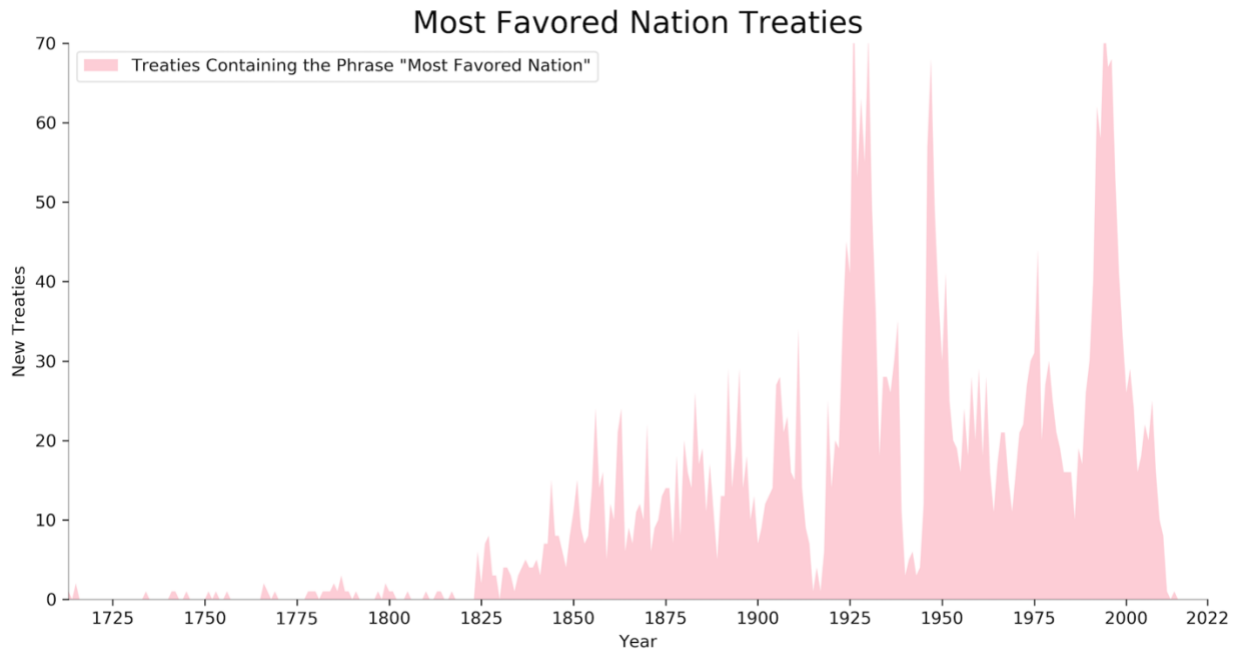
*Figure 5.17: Most Favored Nation Treaties, 1713 – 2022*

This exact terminology, and the mutual understanding embodied in this clause, could then

be seen proliferating throughout the international legal system. Spain and Portugal would sign a

similar agreement in 1715 (29 CTS 201), and Spain and Great Britain would reaffirm this clause

in a peace treaty also signed in 1715 (29 CTS 369). This clause can then be found in an agreement

between Great Britain and Russia in signed in 1734 (34 CTS 211). This clause would then appear

in a 1741 treaty between Tripoli and the Two Sicilies (36 CTS 203) and then one between Denmark

and Norway in 1742 (36 CTS 377), despite none of these four states being linked directly with any

states party to an earlier agreement with that clause detected. Growing from the potential seed dyad

of Spain and Great Britain in 1713, through them to two additional states by 1734, eight states by

1742, and so forth until the most favored nation clause was found in treaties signed all over the

world, including at least 3,769 separate treaties by 2022. The fully developed modern conception

of the most favored nation treatment can be seen emerging in the Madrid Convention signed in

1880 (165 CTS 4) (Hans-Ulrich, 2011). This principle would eventually become enshrined in the

GATT with at least 28% of the world's sovereign states at signing in 1947 which then grew from 21 to 128 signatories comprising just over 65% of the world's signatories by the time it was replaced with the enhanced WTO agreement in 1995 (WTO, 2023). Currently, this agreement has 164 signatories, solidifying its global, if not quite universal, consensus status with 84% of states signing on (WTO, 2023).

Once large multilateral treaties, such as the GATT or UNCLOS, and the consensus they embody, reach a tipping point and gain the support of a significant percentage of the world's states, they can have effects beyond the signatories by setting global expectations and norms against which even states who have not consented to be bound by the treaty will increasingly have to justify their behavior and non-compliance (Charney, 1993; Krisch, 2014; Simmons, 2009). As this type of "nonconsensual lawmaking" is on the rise and the strict, positive necessity of "consent is in decay", consensus reached between broad coalitions of states, even those reached over the objections of the major powers, are increasingly able to set truly global standards and expectations within the global community, rather than the international, and thus essentially make global policy though social and legal effects on every state around the world (Krisch, 2014). In this way, international law can even have effects within states, not only between them, by helping to shape global conceptions of what types of behavior are acceptable by any government, even a non-signatory, towards its own citizens and thus have global potential effects beyond the signatories (Simmons, 2009). As Garcia (2015) recounts of her conversation on this topic with an activist in Geneva "They may not join the treaty, but the treaty will join them". Evidence of this can be seen especially clearly with regard to how UNCLOS shapes *all* negotiations of maritime disputes, as "States generally judge each other's conduct by reference to the provisions of the Convention, even if a State is not a party to it" (Koers, 1989).

Even consensus reached and expressed through soft law type venues, such as through UNGA, can be effective in both creating agreement between members and exerting pressure beyond those currently supporting its resolutions. As US Assistant Secretary of State Harlan Cleveland wrote in a confidential memo to Ambassador Adlai Stevenson in reference to the opinion of the global community, that "the consensus of its members, as expressed through the General Assembly and the Councils, represents a moral force that cannot be lightly ignored" (JFK Archives, NSF, Dated June 26th, 1962).

## Conclusion

Over the last four centuries states around the world have negotiated and signed almost 80 thousand international treaties containing more than 200 million mutually agreed upon words that reflect an expanding international and, in some cases, truly global consensus across and increasing vast array of subject areas. The community and consensus building effects from the negotiation and implementation of tens of thousands of treaties have organized peace by bringing mutually constructed order to the international system, changing it from a highly disorganized and unregulated landscape to one that has a "tightly woven fabric of international agreements, organizations, and institutions" (Chayes and Chayes, 1995, p. 26).

The negotiation of at least 1,603 peace treaties, 12,219 trade and resource related agreements, 1,313 land border agreements, 705 maritime boundary treaties, 65 EEZ agreements, 999 other agreements concerning the High Seas, international rivers, and related topics of maritime law, in addition to almost 2,500 agreements regulating environmental issues, airspace, outer space, and other global commons, have not only resolved many of the most contentious and potentially war-salient issues between states, increasingly narrowing the range of socially and legally

justifications for war over time, they have also transformed some of the most violent areas of international affairs that were once "zones of war" into increasingly organized "zones of peace" (Schroeder, 2013) in which states' expectations of one another have converged dramatically and their interactions become so well-regulated and predictable that these former sources of conflict are now often sources of ongoing cooperation and trust-building between states (Vinogradov et al., 2003).

Contemporary territorial disputes and dangerous flashpoints exist, yet they are countable. This is a major distinction from the past as the number of remaining potential hotspots for conflict in the world have shrunk from an innumerable amount, when nearly every single border was considered to be impermanent and contestable through force, to an increasingly small fraction of the world's borders. Nearly three full continents worth of states have almost entirely and permanently settled their borders, with some moving towards federal supranationalism and giving up on the idea of internal borders altogether.

The High Seas were transformed through the reaching of consensus from a treacherous and anarchic place ruled by might, piracy, and uncertainty, where trade goods were often seized enroute by pirates, or the state-sponsored variety of "privateers" operating with the quasi-legal backing of the Great Powers, to a global common recognized as the "common heritage of mankind". Safe maritime conduct and travel over which is almost universally guaranteed and the vast majority of even its territorial seas have been neatly drawn into clearly established EEZs, though some critical disputed areas do persist, most notably in the South China Sea.

While trade and resources issues and interests of course remain an important and sometimes contentious issue between states, they are almost never considered to be justifiable grounds for war any longer (Mitchell & Prins, 1999). Nor are they even rational grounds for war

as, just as community-building helped to change the social calculus of war by expanding mutual recognition in favor of peace over time, consensus building has also helped to change the economic calculus of war in favor of peaceful exchange and trade, rather than conquest, subjugation, and extraction of resources by force.

The process of weaving the tapestry of agreements that have helped resolve these and many other contentious issues and points of friction while building consensus within the international system has been a long and difficult one, and it has been enabled and reinforced in large part by the socialization and community building effects of diplomacy and treatymaking. However, peace requires rules for settling future disagreements as well (Vasquez, 2009) and war is less likely when the international system is more consciously organized to include clearly established dispute resolution procedures (Vayrynen, 1983; Wallensteen, 1984). Because of this, both of these critical aspects to organizing peace would ultimately require, and help to facilitate the creation and institutionalization of, peaceful alternative dispute resolution mechanisms and the supranational organizations needed to build a lasting positive global peace.

# Chapter 6: Treatymaking is Peacebuilding

"The Commission to Study the Organization of Peace reasserts in the face of war and the menace

of international anarchy an unshaken faith in the practicability of the organization of peace"

-Shotwell et al., 1940

## Overview and Significance

The third and final way that treatymaking promotes peace is that each time states peacefully resolve a dispute and publicly sign a treaty, they create precedence for cooperating peacefully in the future and help to institutionalize and normalize diplomatic dispute resolution and cooperation, rather than war and rivalry (Denemark & Hoffmann, 2008). Treatymaking is peacebuilding in this way as, in tandem with the community and consensus building effects, it helps to address some of the core issues and potential justifications for war, while building up the institutional capacities necessary to resolve conflicts and more effectively manage peace between the groups in question in the future (Atack, 2005; Boutros-Ghali, 1992; Galtung, 1976).

While peacebuilding is a term most often used in reference to post-civil war settings, the concept is readily applicable to the international community and interstate wars, as in our increasingly interconnected and interdependent world, peacebuilding must be a global process to truly work (Francis, 2017). Rather than "War is the continuation of politics with other means", as Clausewitz (1832) famously suggested, I would update the aphorism to "war is the *failure* of politics with *existing* means". Building peace necessitates developing the political institutions for global governance that are needed to manage "Clausewitz in reverse", as in the continuation of conflict through non-military means, rather than the other way around (Atack, 2005; Ramsbotham, 2000). As opposed to attempts to pacify other states and create situations of tense, negative peace

through strength of arms, true peacebuilding involves commitments to relationships and processes, not endpoints, and requires embracing the inevitability of conflict without the inevitability of war by channeling it into peaceful institutions and inclusive decision-making processes, where it can be transformed into a constructive force for spurring action and creating positive change and positive peace (Francis, 2017).

As states have progressively built consensus and community through treatymaking over time, they have been increasingly able to cooperatively govern their affairs and reach agreements to resolve a greater percentage of their disputes peacefully with one another, rather than only after the conclusion of war. With higher and higher percentages of peacefully settled disputes in the international system, the normative environment began to shift and deprive war of its "political oxygen" (Vayrynen, 2006).

As Adler (1998) explains, "peace is, first and foremost, itself a *practice*" and through the repeated practice and enactment of peaceful diplomacy and negotiation, rather than reliance upon the institution of war, this practice helps to shift state officials understanding of what the social appropriate response to contentious and potentially war-salient issues should be (Adler & Pouliot, 2011; Bourdieu, 1977; Neumann, 2002). Assessing patterns of practice and enactment is critical in shaping states' understanding of what behaviors are appropriate and acceptable in the international community (Adler & Pouliot, 2011; Bourdieu, 1977; Neumann, 2002). Collectively this has meant that the legitimacy of war itself, and its perceived remedial utility or necessity as the ultimate institution for resolving disputes, has been increasingly undermined as the institutionalization of peaceful alternatives has expanded over time.

While every treaty peacefully concluded contributes to the institutionalization of peace, agreements that are either reached through or otherwise explicitly endorse peaceful dispute

resolution through diplomacy, mediation, arbitration, adjudication within permanent international courts, or the use of voting procedures within supranational organizations are especially helpful in amplifying the peacebuilding process by positively reinforcing and legitimizing these institutions (Adler & Pouliot, 2011; Keohane, 1988; Neumann, 2002; Randle, 1987). Treaties that either create, support, or otherwise facilitate greater use, legitimacy, and availability of these peaceful dispute resolution mechanisms, the more they become embedded into the international system and regarded as the appropriate and expected options to resolve disputes and the more difficult it becomes to justify going to war for any reason as evidence of successful alternatives become more abundant and reinforced within the international community over time (Goldstein & Keohane, 1993; Mansbach & Vasquez, 1981; Spruyt, 2013; Vasquez, 2009; Vayrynen, 1983; Wallensteen, 1984).

The availability and institutionalization of peaceful dispute resolution mechanisms are critically important because states, when faced with a contentious issue, will seek to take action towards its resolution using whichever tools they think are the most likely achieve their goal (Hensel et al., 2008; Hensel & Goermans, 2021) within the set of options that are available and perceived to be effective to them and which they consider to be socially appropriate responses with regard to the specific issue in question (Hensel et al., 2008; Hensel & Goermans, 2021; Lees, 2021; Luard, 1986; Vasquez, 2009).

The ultimate choice of dispute resolution mechanism has important effects on the structure of the international system, and in reinforcing the appropriateness and expectation of using that means in the future (Denemark & Hoffmann, 2008; Randle, 1987). When the international system does not have clearly established dispute resolution mechanisms and rules supporting their use, states are more likely to resort to unilateral use of force (Vasquez, 2009). The lack of sufficiently

institutionalized alternatives in the past has meant that states were once much quicker to declare war when they perceived themselves to be at an impasse with another state over a potentially war-salient issue (Holsti, 1991). However, when there are clear rules and expectations for how disputes are to be resolved through established institutions, war becomes much more difficult to justify (Vayrynen, 1983; Wallensteen, 1984). For this reason, every decision to utilize a peaceful dispute resolution mechanism has important effects on the structure of the international system, and in reinforcing the appropriateness and expectation of using that means in the future, relative to war (Denemark & Hoffmann, 2008; Randle, 1987).

In large part as the result of the community and consensus building effects of treatymaking over time, the more treaties states have signed together in the past, the more ambitious the levels of international cooperation and integration they will be able to achieve in the future (Copelovitch & Putnam, 2014). Rather than the negative conflict spirals that plague more anarchic systems, systems that are highly institutionalized can create positive compliance spirals (Raustiala & Slaughter, 2012) as the highly organized cooperation processes mutually reinforce one another (Ikenberry, 1998). Supranational institutions which involve significant amounts of pooled sovereignty, and which contain enforceable dispute resolution mechanisms, are the most effective in promoting peace (Hansen et al., 2008; Hensel et al., 2008). Diplomats and peacemakers have become increasingly ambitious in the scale and scope of supranational organizations and peaceful dispute resolution mechanisms over time, with "each one more radical than the last… to avoid a further war" (Hinsley, 1982, p. 4).

**The Institution of War**

Only a few generations ago, "War was not a violation of the law; it was the law." (A. Hathaway et al., 2018, p. 1219). Throughout most of history war was considered "a generally accepted instrument of statesmanship, deplored by only a few" (Wright, 1942). War itself was the primary institution that the international community relied upon to resolve disputes (Bull, 1977). Every time war was openly declared, waged, and saw its conquests legally recognized by the international community, its acceptability and appropriateness were reconfirmed and legitimized (Hathaway& Shapiro, 2017; Spruyt, 2013).

Wars were fought often over actions or inaction of one state which violate existing formal or customary agreements and in situations in which there was no established alternative means to enforce compliance or to be made whole financially, such as breaking the terms of a treaty, violating neutrality, harming diplomats or foreign nationals, illegally seizing of the assets of one state by another, or failure to repay an outstanding debt (Gibler, 2017; Hathaway et al., 2018; Holsti, 1991; Luard, 1986). Absent effective alternative enforcement mechanisms to punish or remedy these types of violations, states often felt justified, if not compelled, to declare war and to permanently seize territory as compensation, and this remedial conception of war was succinctly stated by Hugo Grotius in 1625 as "When judicial settlement ends, war begins" (Hathaway & Shapiro, 2017).

This understanding of war being a remedial foreign policy tool was so widely accepted that even the French dictionary from 1694 defined war as "a quarrel between two states, pursued with armed force" (Ghervas, 2021). As Polybius (200 B.C.E., (Reprinted translation by Schuckburgh, 1962)) put it "it is not the object of war to annihilate those who have given provocation, but to cause them to mend their ways". Sorel (1912) underscores this conception of war as a method of resolving disputes with his definition of war as a "political act by means of which States, unable

to adjust a dispute regarding their obligations, rights or interests, resort to armed force to decide which is the stronger and may therefore impose its will on the other". Perhaps most well-known is, again, Clausewitz's (1832) infamous assertion that "War is the continuation of politics with other means".

Prior to 1945, even treaty violations were considered a legitimate justification for war by any of the other signatories. This meant that states were not only reliant on war but were actually expected to go to war to enforce treaty compliance (Hathaway& Shapiro, 2017). Hathaway et al. (2018) found that violations of treaty obligations were the primary justification for war in 12% of war manifestos and was at least part of the rationalization in 51% of all war manifestos issued between 1500 and 1945. In the 3rd and 4th Federalist Papers, Jay makes this point clear, noting that "The just causes of war, for the most part, arise… from violation of treaties" (Hamilton et al., 1787).

In the modern world, this may seem a little absurd, but it is more accurately anachronistic. Under the much more anarchic conditions of the past and without established alternative dispute resolution mechanisms to turn to, states would often go to war in an attempt to "resolve" the issue as soon as they perceived their goals were not compatible with those of another state (Holsti, 2006). This was especially true within Europe, where war was nearly universally considered to be an acceptable, natural method of resolving differences between states in Europe throughout almost its entire history (Howard, 2002). Prior to 1648, and war was thought to be a natural and unchangeable fact of life, and during the 17th century the first option for states when a state perceived its goals as being incompatible to achieve through diplomacy with another, was to declare war (Holsti, 1991; Howard, 2002).

While the occurrence of war was a nearly universal phenomena, Europeans crafted and permeated an international legal system which was fundamentally reliant upon it to serve as the ultimate arbiter of "justice" (Hathaway & Shapiro, 2017). War was the expected and permissible means of settling disputes across many domains, and was one of the most fully developed areas of early modern international law (Holsti, 2004). According to Grotius, the remedial conception of war is fundamentally derivative of individual rights, claiming that all individuals have right to self-defense, aka the right of "private war", unless they are part of a state which has forces and courts that could protect them and settle interpersonal disputes (Hathaway& Shapiro, 2017). By implied virtue of their citizenship, an individual's right to war is then amalgamated to the state if it does provide security. And thus because, as realists are quick to lament, there is no world government or sufficiently empowered court with the authority settle their disputes peacefully and enforce the ruling, that meant to Grotius that states maintained the legal right to go to war to resolve disputes.

Eagleton (1948) summarized the remedial conception of war perfectly: "war performs functions which are essential in any human society. It has been used to settle disputes, to uphold rights, to remedy wrongs…" though "One may say, without exaggeration, that no more stupid, brutal, wasteful or unfair method could ever have been imagined for such purposes, but this does not alter the situation".

It is worth noting that these wars, or "deadly deliberations" as one king described them in a 1661 peace treaty (6 CTS 253), were clearly unable to fully resolve the issue(s) which led to it on their own as demonstrated by the existence of the peace treaty itself and the necessity of the actual deliberations through which it was reached. However, as a result of the how "undisputed" this practice of the "acquisition of territory following the use of force, generally by means of a treaty with the ceding State" was (Hans-Ulrich, 2011), through the computational treaty analysis

of both primary and secondary topics of each treaty as outlined in Table 3.2 in Chapter 3, we can recreate a better picture of just how widespread the institution of war was and how dramatically more violent the world was just a few centuries ago.
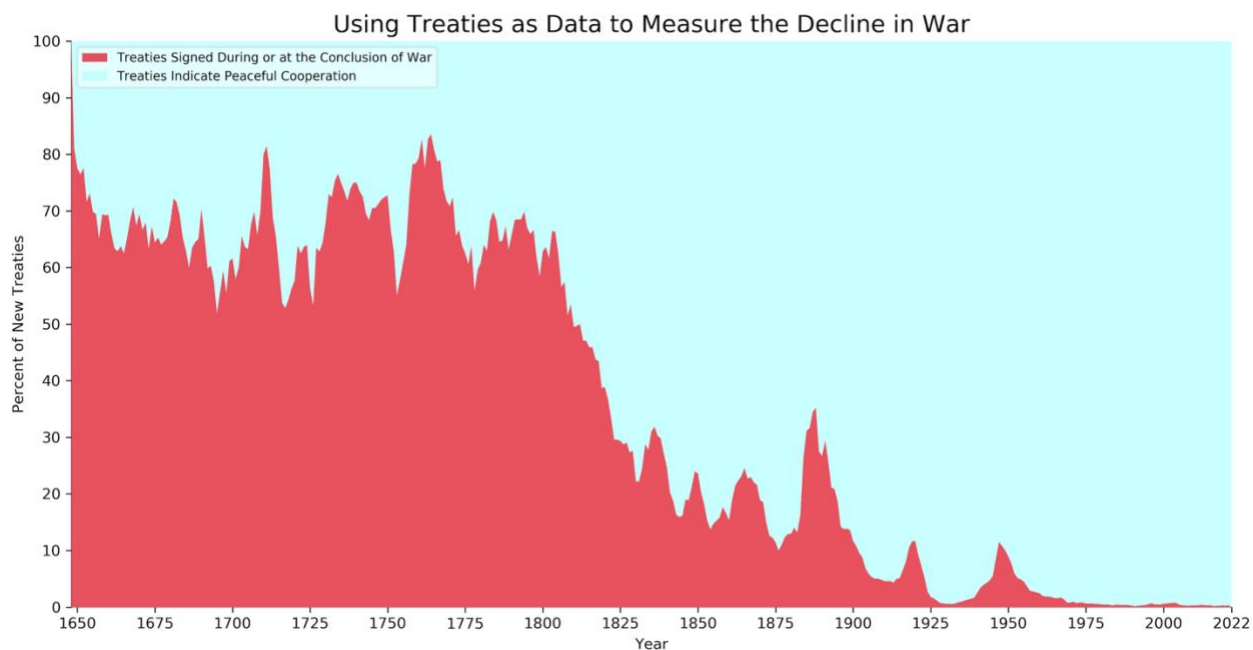


*Figure 6.1: International Treaties as a War Metric, 1648 – 2022*

During the 17th and 18th centuries, 67% of all treaties signed were either concluded during war or at its conclusion, with just 33% of agreements being peacefully reached. After reaching a peak of 84% of all treaties signed during the half decade from 1760 to 1764 reflecting one the post-war agreement types, this ratio would invert during the first half of the 19th century with 67% of treaties being peacefully concluded and only 33% indicating agreements signed during times of war. This trend would continue with just 21% of agreements in the second half of the 19th century signed during or in the wake of warfare, to just 5% of agreements signed during the first half of the 20th century, before finally falling to just 0.8% of all treaties signed since 1950.
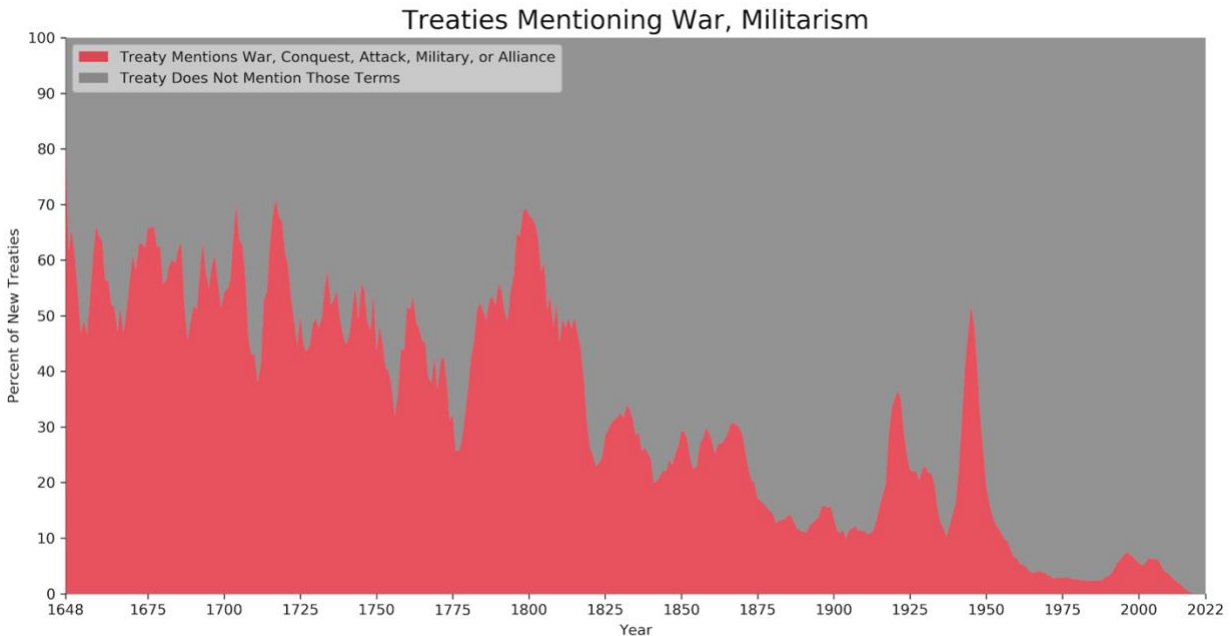
*Figure 6.2: Treaties Mentioning War, Militarism, 1648 – 2022*

While Figure 6.1 is a more empirically valid and accurate metric regarding the relative frequency and institutionalization of warfare in the international system, Figure 6.2 charts the percentage of treaties containing any of the terms "war", "conquest", "attack", "military", or "alliance" and helps to further highlight the waning prevalence of war as reflection of the dominant concerns of states over the same period. Both graphs demonstrate significant declines in in the prevalence of warfare over time.

The sustained prevalence of warfare even as late as the early 20th century alludes to just how anarchic and disorganized the international system was and how few options state leaders had when seeking redress for a treaty violation, overdue loan payment, or any number of other actual or perceived injustices. This is remarkable given how committing violence goes against the nature of most people (Michelle, 2003; Opotow et al., 1995; UNESCO, 1989) and the high potential costs and inherently risky nature of war mean that it is almost always used only as a last resort and an action that states will only pursue when they do not perceive there is any other credible means of

resolving the dispute they face (Brewer, 1973; Diehl, 1992; Fearon, 1995; Hensel, 2001; Hensel et al., 2008; Holsti, 1991; Mansbach & Vasquez, 1981; Randle, 1987). As Luard (1986, p. 181) puts it "However much a country desires territory, or power, or victory for its own religion or ideology, these will only bring about war if it determines that it can secure those objectives by no other means".

The use of military force is significantly less successful in resolving the actual underlying contentious issues in question than peaceful resolution management techniques (Hensel & Mitchell, 2017). For example, territorial issues are only successfully settled by force 10% of the time, as opposed to 75% by binding third-party arbitration (Hensel, 2012). One of the reasons for this is that use of force often creates as many new potentially war-salient issues as it purportedly resolves, in the form of generating fear, injustice, desire for revenge, bruised egos, etc. As Vasquez (2009) notes "All wars begin with issues, but not all issues are resolved by war". In fact, very few can be truly said to be resolved by it and those that do come at a terrible cost.

## The Dampening Effects of War

One of the major costs of reliance on the institution of war is how it undermines community and peacebuilding progress and can have significant dampening effects on international organization. The use of force delays the prospects for peace, especially when casualties are high, and lowers the likelihood of states being able to successfully resolve their dispute through non-violent means for at least the next five years (Hensel, 2001). Wars also have a significant dampening effect on trade levels, not only bilaterally between the states involved, but with third-parties as well (Hegre et al., 2010). Larger wars can have even greater, potentially global effects

as WWI, reduced international export levels by 25% worldwide and it would take ten years to return to pre-war levels (Junquito & Federico, 2016).

Another significant but difficult to capture effect of wars, especially major ones, is that they markedly dampen the pace of international organization throughout their duration. Major wars can halt organizational progress and ongoing negotiations across a wide variety of areas. For example, the Persian and Ottoman empires were about 75% of the way through peacefully demarcating and resolving their long-disputed border areas before WWI upended their progress (Lesaffer, 2023). When major battlefield military and strategic decisions are being made, very few heads of state are seeking to rewrite the complex standards of trade, basic port procedures, etc. In Figure 6.3 you can clearly see the dramatic dampening effect that both World Wars had on international cooperation as measured by the number of new treaties negotiated each year.
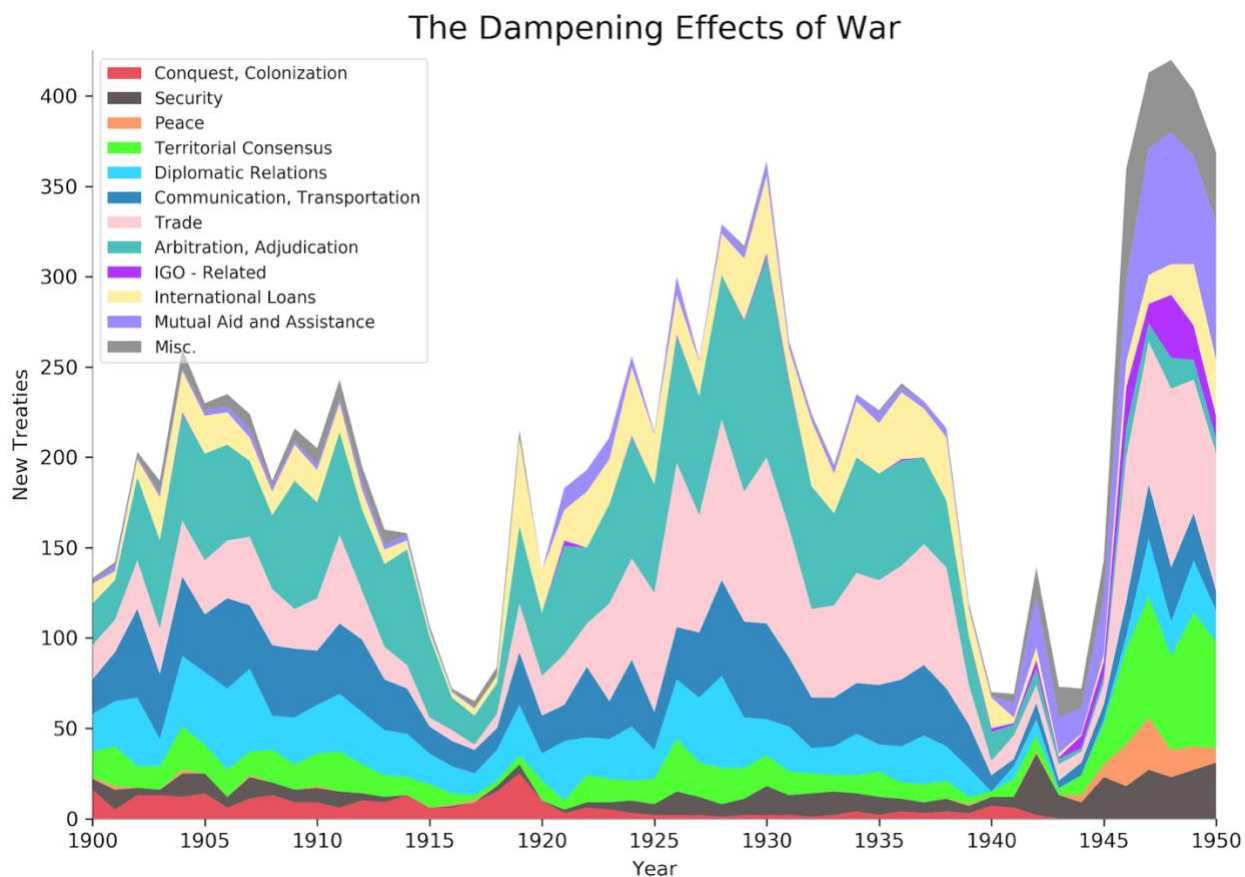
*Figure 6.3: The Dampening Effects of War*

The dampening effect of these major wars can clearly be seen in pronounced dips in Figure 6.3. The pace of treatymaking plummeted after the outbreak of World War I, averaging just 46% of the previous decade's pace throughout it, and not recovering its pre-war levels until after the war's end in 1919. The pace of international organization would then soon rise to new heights before World War II began and the rate of treatymaking plummeted to just 38% of pre-war levels throughout its duration. Every area of international lawmaking would feel the effects, though the signing of trade related agreements would see the greatest dampening effects.

Given how frequent wars occurred during the 17th and 18th centuries, with at least one pair of Great Powers being at war roughly 80% of the time until 1815, as well as an average of at least two different wars going on between European states of any size during that period (Brecke, 2001; Levy, 1983, 1994), the dampening effects of war may have also played a role in suppressing the pace of international organization during that period as well and may help explain why the rate treatymaking did not increase in an appreciable way over period.

While war may slow the pace of organization, it never stops it entirely and appears to only be temporarily interrupted not halted in general by war. These results confirm earlier work by Denemark and Hoffmann (2008) that rather than being primarily crisis-driven, treatymaking is only temporarily interrupted and slowed by major wars.

Wars can dampen the pace of international organization, but they do not tear up everything that has been previously settled. Organizational progress is rarely abandoned unless it is unjust and treaties in force before wars, remain so during and afterwards, unless excitedly denounced or formally withdrawn from during the course of the war (Kohen, 2011). Even when much of the

physical resource transportation and global connection infrastructure of the world is damaged or destroyed, the international agreements that underpin them survives.

Wars are almost always negative for all states involved, and their typical conclusion through peace treaties give all the parties a chance to reflect on how to prevent that sub-optimal outcome from recurring and an opportunity to try something new (Holsti, 1991). The larger and more devastating the war, the more likely the survivors are to see potential value in furthering international organization (Braumoeller, 2019) and to create increasingly ambitious multilateral institutions that might prevent further major wars from happening (Hinsley, 1982). In spite of the increasing destructiveness and the unprecedented scale of the shock and setbacks that major wars have had on the international system, and the major dampening effects they had on the pace of global organization, rather than breaking the international system irrevocably, the international community has not only persisted, but often emerges more committed to peace than ever. Like the Japanese art of Kintsugi, in which broken pottery is repaired using a golden lacquer that draws attention to and accentuates the damage done to it, rather than attempting to hide it, the horrors of war have sharpened the resolve of diplomats and peacemakers of all kinds to more concretely and ambitiously bind themselves together and build new institutions in such a way as to make tearing themselves apart on such a scale increasingly difficult in the future (Wendt, 2003).

Evidence of this resolve to change the international system can be seen at least as far back as the Treaties of Westphalia which followed the 30-Years War, the establishment of the Concert of Europe after the conclusion of the Napoleonic Wars, the League of Nations after the WWI, and finally the UN after WWII. After witnessing the devastating effects of the Napoleonic wars, Austrian Ambassador Metternich described the scale of loss as being so great that "In many peasant families, there were no male youths left" and during the Congress of Vienna, he would

vow on humanitarian grounds that the political structure of Europe should change such that this type of war will be prevented and occur "never again" (Siemann, 2019). One of the principle architects of the UN Charter, US President Roosevelt (1945), would write on the very day that he passed away, just a few months before the final agreement would ultimately be reached, that "The work, my friends, is peace, more than an end of this war – an end to the beginning of all wars. Yes, an end, forever, to this impractical, unrealistic settlement of differences between governments by the mass killing of peoples".

Despite the importance of these "international order building" moments that often follow major wars, and which are often shaped primarily by the major powers on the victorious side, the bulk of the global pacific progress in undermining the perceived acceptability and remedial utility of warfare has been made through the increasing institutionalization of non-violent alternative processes and dispute resolution mechanisms via the increasingly peaceful negotiation and implementation of thousands of other lesser-known treaties at every point in between (Allan, 2018; Tourinho, 2021).

### Treatymaking Process Effects on Institutionalizing Peace

While much, or perhaps most, of the community and consensus building aspects of treatymaking take place during the difficult and time-consuming negotiation process leading up to the signing of an agreement, it is the decision to pursue the diplomatic negotiation process itself that is of particular significance with regard to global peacebuilding. While the details and effectiveness of the final treaty text are, of course, important, as long as the agreement is genuinely a product of mutually and peacefully negotiated consensus, rather than one imposed or the result of militarized coercion, then it will contribute to the institutionalization of peaceful dispute

resolution and cooperation, rather than continuing to perpetuate the institution of war (Denemark & Hoffmann, 2008). This commitment to a peaceful process, regardless of the specific negotiation, arbitration or other dispute resolution process states ultimately agree to use, is critical, as for states to achieve positive peace they must be totally committed to the deliberative and nonviolent processes of conflict resolution (Francis, 2017).

Treatymaking institutionalizes peace because each time states peacefully resolve a dispute and publicly sign a treaty, they create precedence for cooperating peacefully in the future and help to institutionalize and normalize the of use of that dispute resolution mechanism's appropriateness relative to war (Randle, 1987). Assessing patterns of practice and enactment is critical in shaping states' understanding of what behaviors are appropriate and acceptable in the international community (Adler & Pouliot, 2011; Bourdieu, 1977; Neumann, 2002). Major multilateral agreements and the conferences that gave rise to them were particularly important with regard to altering the social context of international politics by socializing many diplomats from all over the expanding international community to the idea that direct diplomatic negotiations, between as many states as the issues applied to, was the appropriate method for resolving disputes within the international system (Denemark & Hoffmann, 2008). The repeated enactment of a practice helps to ensure it becomes embedded into the fabric of the international system as the default script for states to follow (Spruyt, 2013). Peace can be built in this way and intentionally cultivated through a repeatedly demonstrated commitment to uphold the rules-based international system without resorting to violence (Schroeder, 2013).

The strength of the rules-based international order is supported not only by states following specific rules, especially the peaceful resolution of disputes, but fundamentally also because states have a vested interest in maintaining a rules-based international legal order in general (Charney,

1993). This collective interest is served in the long run by continuing to support the international system, despite short-term advantages found in invading smaller countries or attempting to seize territory for political or economic gain. The ability to interact with the rest of the world on a relatively peaceful basis, and to have some say in how it should be governed, that states gain from generally upholding the rules-based order in both word and deed may have a stronger role in explaining compliance with international law than any specific tangible benefits (Chayes & Chayes, 1995).

States are much more likely to resort to war when they do not believe it is possible to compromise or to negotiate in good faith with the other side (Schroeder, 2013). In addition to how the community and consensus building effects of treatymaking cumulatively help improve the ability of states to cooperate over time, prior successful peaceful negotiations, regardless of topic, can help states develop confidence in the potential effectiveness and credibility of the diplomatic process amongst a variety of domestic factions (Gent & Shannon, 2011). As a result of the socializing effects of diplomatic negotiation and through demonstrating that credible commitments can be reached with their supposed "enemy", state leaders' perception about the prospects for successful future negotiations and peaceful issue resolutions tends to improve the more treaties that are signed between states (Hensel, 2001). By shifting the normative environment over time in this way, the legitimacy of war based on necessity argument wanes and becomes increasingly suspect as evidence of successful alternatives to violence continues to mount within the international community (Vayrynen, 2006).

State officials have increasingly learned that it is through peaceful engagement, diplomacy, and negotiation that the most difficult issues between them, or the transnational problems which affect them jointly, can be resolved and a lasting peace achieved. As the institutions of peaceful

diplomacy and supranational dispute resolution become more successful in resolving more pressing and salient issues between states, the more legitimacy they gain (Keohane, 1988). The more legitimate a particular dispute resolution mechanism is seen as being, the more likely it is to be used and regarded as the appropriate action to take (Mansbach & Vasquez, 1981). The more successful instances of peacefully settled disputes begin to accumulate in the international system, the more the normative environment shifts in favor of peace (Vayrynen, 2006).
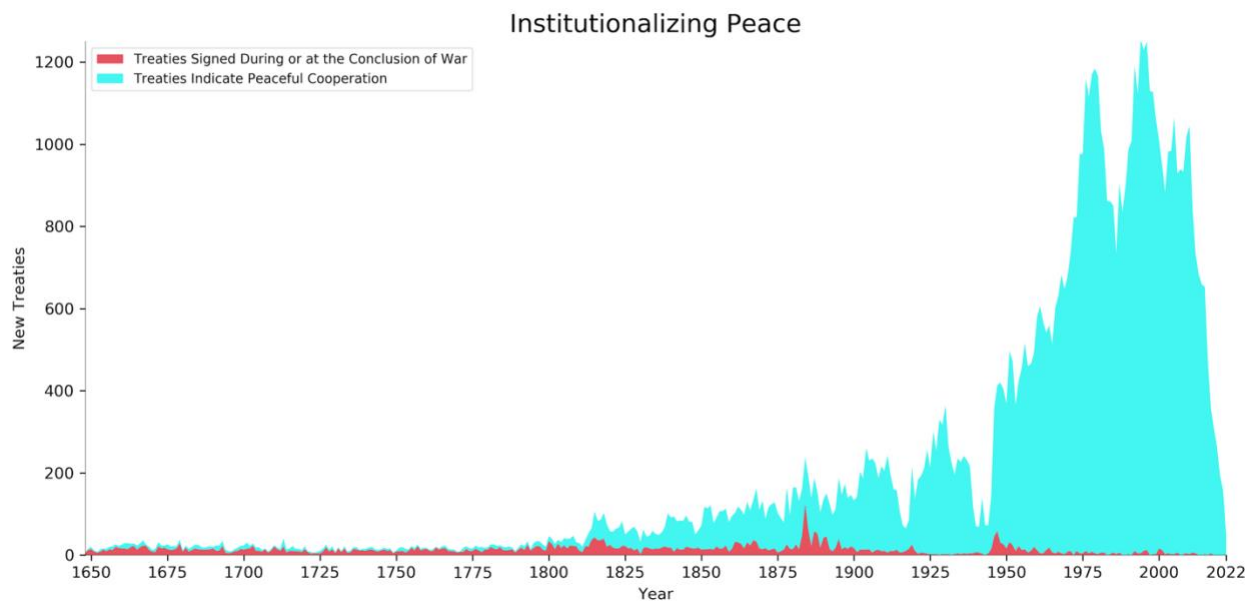


*Figure 6.4: Institutionalizing Peace, 1648 – 2022*

And accumulate they have, as the social justifiability and perceived remedial utility of war has been buried beneath a mountain of peacefully negotiated agreements over time. Despite post-war agreements making up the lion's share of all treaties signed during the 17th and 18th centuries, the relative frequency of new treaties negotiated peacefully would begin to rise during the waning years of this period before eventually reaching parity in 1810 and overtaking them soon after. The gap between new peacefully reached agreements and those signed during or at the conclusion of wars would continue to grow over the next two centuries, eventually shifting from a ratio of every 2 out of 3 treaties signed during war between 1648 and 1800, to just 1 out of every 236 in the 21st

century. Collectively some 5,043 treaties indicating an ongoing war or signaling its conclusion would be signed, comprising 6.3% of the overall total from 1648 to 2022, while at least 74,244 treaties, comprising 93.6% of the total, were peacefully concluded over this period, helping to institutionalize the practice of peace, and undermining the perceived legitimacy and remedial necessity of war over time.

This process was amplified by building up the institutions of not only diplomacy, but a range of progressively ambitious institutions over the last four centuries. The more the question becomes not whether to pursue a negotiated solution through one of the increasing alternative dispute resolution mechanisms or to seek to "resolve" the dispute through force, but rather through which one, the more peace there will be in the international system.

## Peacebuilding Institutions

While every treaty peacefully concluded helps to shape the normative international environment, treaties that either create, support, or otherwise help to facilitate greater use of non-violent dispute resolution mechanisms are particularly helpful in institutionalizing global peacebuilding efforts. Agreements that are either reached through or otherwise explicitly endorse peaceful dispute resolution through diplomacy, mediation, arbitration, adjudication within permanent international courts, or the use of voting procedures within supranational organizations are especially helpful in reinforcing and legitimizing these institutions (Holsti, 2004; Keohane, 1988; Mclaughlin & Hensel, 2007; Morgan, 2013). The more institutionalized the expectations and rules for resolving disputes become in this way, the more likely they are to be followed (Holsti, 2004; Mansbach & Vasquez, 1981). The more these alternative dispute resolution mechanisms are used, the more they become embedded into the international system and regarded as the

appropriate and expected action to take, deviations from which become more difficult to justify (Goldstein & Keohane, 1993; Mansbach & Vasquez, 1981; Spruyt, 2013).

While conflict and disagreement between states is inevitable, violence is not. However, for interdependent states to cooperate successfully they require organized alternative mechanisms for resolving conflict (Kamo, 1979). Structured engagement through the various conflict resolution mechanisms further reinforces the sense of community between members as each time states interact through that mechanism it reinforces its appropriateness and helps to normalize the practice of operating as an international community through supranational institutions, rather than through unilateral means (Hakimi, 2020). The greater the availability and legitimacy of peaceful dispute resolution mechanisms within the international system, the more difficult it becomes for nations to be led to war for any reason, as evidence of possible peaceful alternatives to violence become more abundant, expected, and reinforced within the international community (Denemark & Hoffmann, 2008; Randle, 1987; Vayrynen, 2006).
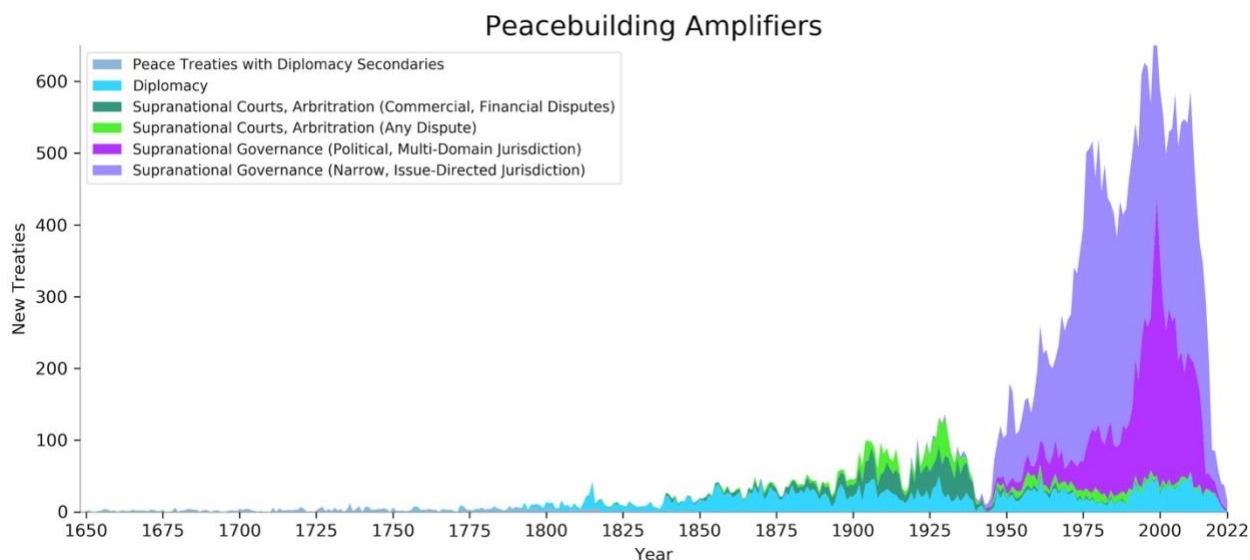
*Figure 6.5: Peacebuilding Institutions, 1648 – 2022*

Over the last four centuries, states have established, enhanced, and increasingly relied upon these nonviolent dispute resolution mechanisms over time. The first of which was the formalization of facilitation of easier direct diplomacy between states.

## Institutionalizing Diplomacy

Diplomacy, broadly defined as the "maintenance of peaceable relations between tribes and nations" is a universal practice as ancient as war (Diggelmann, 2012). Diplomacy can include all policy-oriented negotiations and dialogues and interactions between states that do not include the use or threat of force (Watson, 1982). Expanding and institutionalizing the diplomatic corps contributes to international peace on both the micro-level, by promoting cooperation and a transnational sense of community between individual diplomats (Cross, 2007) and the macro-level, as through building up the rules, logistics, and standard protocols which facilitate easier communication and contact between governments directly, making it that much easier for them to pursue negotiated settlements to an issue, either informally or formally. The practice of international mediation efforts through informal third-party intermediary diplomacy or "good offices" has also helped to resolve some disputes between states as the practice has become more institutionalized over time (Brownlie, 2009).

Expanding diplomacy and consensus in general through international law provides a significant shared language through which the intentions of states can be more clearly expressed and understood, especially relative to the ambiguity other ways states sometimes try to "send a message", such as through militarization, violence, or other forms of "costly signaling" (Chayes & Chayes, 1995). However, the modern institution of diplomacy, with its strict and formal

protocols, special travel and extraterritorial privileges given to foreign dignitaries, prominent embassies, and consulates all over the world, and the ability for almost every state to get into near instant communication with almost every other state to resolve disputes and cooperate on important issues, took hundreds of years of dedicated efforts and negotiations to bring about.

Prior to 1648, diplomats were little more than "accessories to war" (Cross, 2007), and the practice of diplomacy as a more standard and formalized tool of foreign policy would not begin to emerge until the Treaties of Westphalia gave more concrete form and shared understanding to what exactly a state was and was not (Iakovidis, 2013). The lack of order was apparent in the how reaching consensus on diplomatic protocols for everything from what order the coaches of the representatives would arrive in, to what would be worn, to how many servants each representative would be allowed to bring, and a wide variety of other similar formalities would take a significant portion of the seven years spent planning the Treaties of Westphalia (Holsti, 1991). Afterwards, European states began to open embassies and to negotiate treaties to prevent wars, not just to negotiate their beginning and endings (Cross, 2007). And this would mark the beginning of a major shift towards both the practice and theoretical approach towards diplomacy, which could be seen as well in how there were at least 114 new published works on diplomacy by the end of the 17th century, at a time when printing costs were still so high (Keens-Soper, 1973).

At the same time, states began to take steps towards establishing better organized processes for committing themselves to peaceful dispute resolution in the form of mediation as the signatories were expected to wait for a period of three years after perceiving themselves to have a "lawful Cognizance of the Cause" to go to war and to submit to mediation efforts to resolve the issue in question in the meantime (Hathaway et al., 2018). While this waiting period was rarely observed at the time, the idea of utilizing third-parties to help resolve disputes and sometimes to

guarantee the terms of the agreement would slowly begin to gain traction throughout the 18<sup>th</sup> century. Though direct evidence of mediation preventing wars is difficult to find, mediation would prove especially helpful in the negotiation of peace treaties to terminate existing wars during this period (Holsti, 1991).
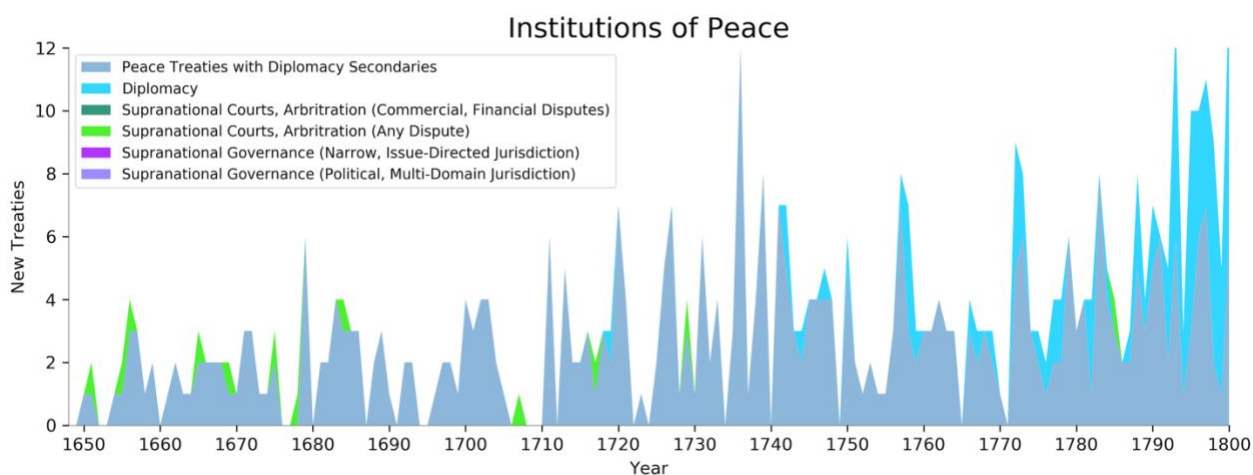


*Figure 6.6: Peacebuilding Institutions, 1648 – 1800*

The rules and expectations regarding diplomacy were predominantly customary yet became more formalized and governed as a sub-topic within peace treaties throughout most of 17<sup>th</sup> and 18<sup>th</sup> centuries, with 384 such dual peace and diplomacy type agreements signed by 1800, and 33.1% of all peace treaties concerning the (re)establishment of diplomatic relations as the secondary most prominent topic discussed. Yet, even as late as the 1780s, diplomacy was not a major bureaucratic institution within governments, as France had the largest Foreign Ministry in the world at that time and it only had 70 full-time employees. The total amount of embassies and ambassadors did not begin to significantly expand until the 19<sup>th</sup> century (Holsti, 2004).

Formalizing the institution of diplomacy was critical to its success and helped to reduce friction between states and potentially even wars, as during this period as "the way negotiations" were carried out was "almost as important as what is negotiated" (Roosen, 1980). Coach size, entrance order to meetings, seating arrangements, the number of attendants allowed, were all once

contentious issues that not only undermined negotiations, but even led to bloodshed (Holsti, 2004). King Louis XIV cut off diplomatic relations, cancelled passports, threatened war, and mobilized his forces, all simply because the Spanish ambassador had tried to cut the French ambassador in line during a procession to the Court of Saint James, and war was only narrowly avoided after a formal apology was made (Holsti, 2004). Russian Emperor Peter "the Great" sought war over perceived excessive prices charged to him during a state visit in 1700, and Russian Alexander I almost derailed the entire Congress of Vienna talks over a perceived insufficiently "deferential tone" from Austrian Foreign Minister Metternich (Holsti, 2004). Maltreatment of foreign nationals, and especially diplomats and their staff, was also a war-salient issue and was used as at least a partial justification for war in 16% of war manifestos as there was no other way to seek retribution for the harm done to diplomatic personnel or embassies and consulates (A. Hathaway et al., 2018).
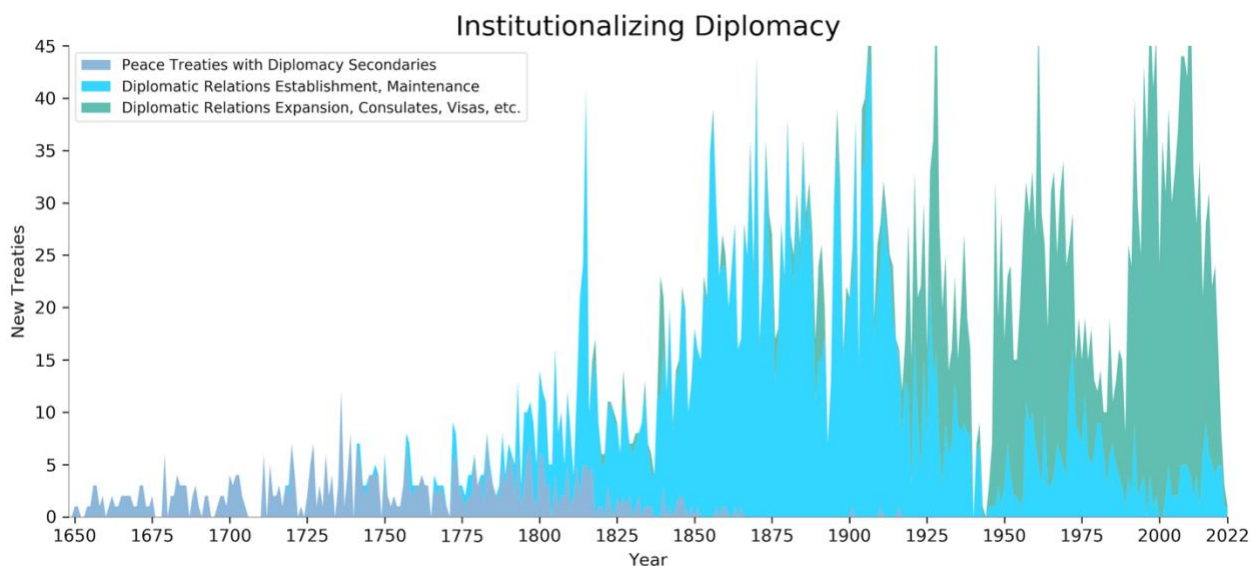


*Figure 6.7: Institutionalizing Diplomacy, 1648 – 2022*

It would take 170 years of muddling through ambiguous and sometimes incompatible expectations before consensus around diplomatic protocols would be reached and formally

adopted within Europe. Treaties primarily dedicated to facilitating easier and more standardized diplomatic communication as well as the privileged extraterritorial status and logistics of maintaining international embassies, consulates, and their staffs began to be signed during the middle to late 18th century, becoming the third most frequently signed treaty type overall to this point and the most frequent of the treaty types not concluded during or following war, comprising 4.3% of all treaties during the 18th century. However, it would be during the 19th century when these types of agreements really flourished, as they comprised almost 20% of treaties signed during this period.

The most critical of these regarding the formalization and standardization of the institution of diplomacy during this period were the annex to the 1815 Congress of Vienna and its supplement through the 1818 Protocol of Aix-la-Chapelle in which a variety of occasionally incongruous norms governing diplomatic order precedence, diplomatic immunity, and the extraterritorial status of embassies were clarified and made explicit and uniform in treaty form (Hans-Ulrich, 2011; Holsti, 2004).

The institutionalization of modern diplomacy would continue to progress and accumulate slowly over time. The global total amount of embassies and ambassadors did not begin to expand significantly until the 19th century (Holsti, 2004). By this time, conceptions of the social status of states had begun to include the size of their diplomatic staff and almost every European state had a dedicated state department type bureaucracy dedicated to managing diplomacy and foreign affairs (Cross, 2007). However, the institutionalization of modern diplomacy was strictly limited to the boundaries of the expanding mutual recognition within the international community. As even with states deemed to be officially "civilized" according to Europeans, as late as 1876 diplomatic relations between China, Japan, and Burma, for example, were not nearly as established

and institutionalized in the way that European state relations were (Thompson, 1910). Diplomatic relations with indigenous groups and states throughout the global south, from New Zealand, to most of Africa, and some of the Americas were not only not institutionalized, they were non-existent as much of these territories were still officially considered as "Terra nullius" or "empty lands" and thus able to be "discovered" by Europeans as late as 1884 (Miller & Stitz, 2021) and were "not recognised as members of the community of nations" in official international court proceedings as late as 1928 (Mugambwa, 1987).
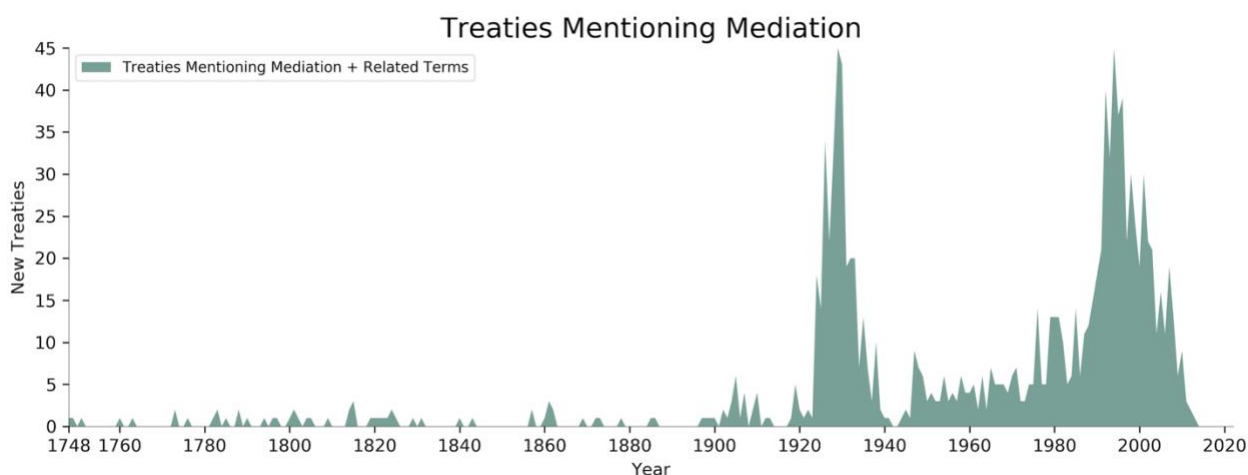


*Figure 6.8: Treaties Discussing Mediation, 1748 – 2022*

While not represented sufficiently in the dataset to be recognizable as a distinct category of agreement, more than 1,000 treaties contained mediation related terms (mediation, mediate, mediating, conciliation, etc.). Figure 6.8 starts in 1748 in order for more of the detail to be seen, as only two agreements found between 1648 and 1748 that mentioned mediation. Mediation by the Great Britain and Russia was instrumental in the negotiation and implementation of the second Treaty of Erzurum signed in 1847 between the Persian and the Ottoman empires, which established a boundary commission with British, Russian, Ottoman, and Persian representatives and sought to more precisely, and with mutual acknowledgment witnessed by external powers, delimit the entire

disputed border which was a major recurring source of conflict between them, though their work was interrupted by the first World War  (Lesaffer, 2023). Two major spikes in treaties discussing mediation can be seen in Figure 6.8. The first occurred during the interwar period, as diplomats worked furiously to avert another world war, including through multilateral agreements promoting mediation, such as the Inter-American Treaty on Good Offices and Mediation, adopted by the Inter-American Conference for the Maintenance of Peace in 1936 (LNTS 4353). The second came after the end of the Cold-War, when progress on so many contentious issues that had seemed intractable before suddenly seemed possible. Even as recently as 2018, the institution of mediation continues to play an important role in international politics, as evidenced by the adoption of the U.N. Convention on International Settlement Agreements Resulting from Mediation, signed by 46 UN Member-States, including both the US and China, which aims to improve mediation efforts and reduce enforcement uncertainty in commercial disputes through mediated binding agreements between the parties (Ungku, 2019).
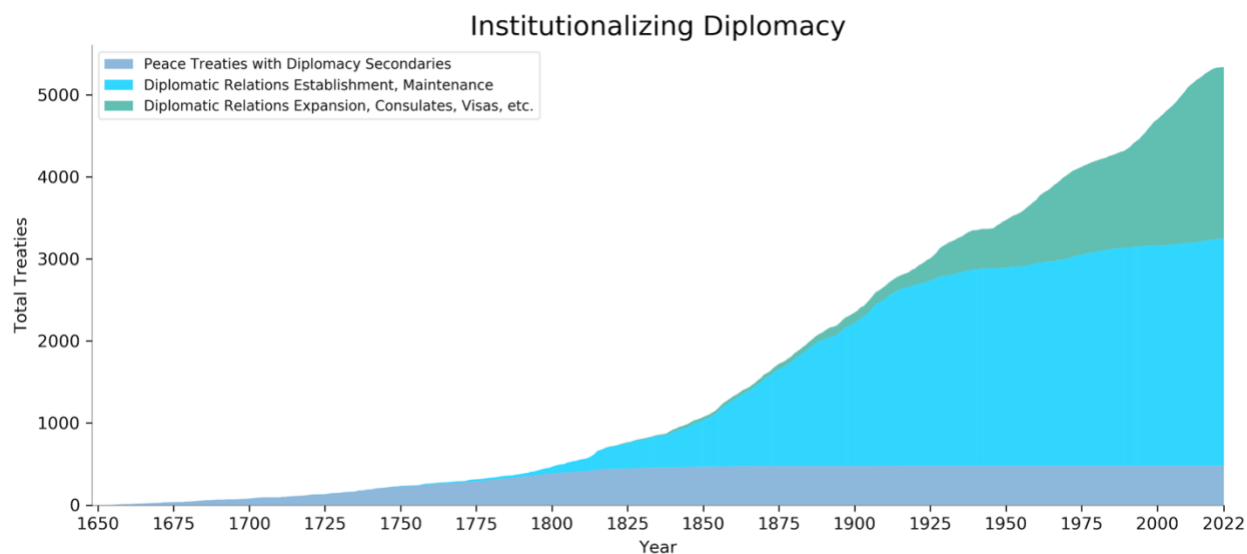


*Figure 6.9: Diplomacy-Related Treaties, Cumulative, 1648 – 2022*

During the 20th century, more than 3,000 diplomacy-related agreements would be signed, bringing the cumulative total to 4,856 diplomacy related agreements and 531 dual peace and diplomacy agreements signed globally by 2022. Notable among them was the 1961 Vienna Convention and some additional related agreements would further codify diplomatic protocols across increasing numbers of consulates and representation within the expanding array of international organizations (Holsti, 2004). The institutionalization of diplomacy in this way over time would facilitate easier communication and frictionless interactions between governments directly making it that much easier to pursue formally or informally negotiated settlements when issues arise.

As recently as 1950, most states only maintained permanent ambassadors and staff in less than a third of the other states (Held et al., 1999). However, over the course of this century, the institutional bureaucracy within states and the number of diplomacy related agreements between them would expand. Today, the US State Department has some 13,000 foreign service officers and 56,000 staff employed and deployed around the world, almost 1,000 times as many as the world's largest Foreign Ministry in the late 18th century (US State Department, 2023).

## Institutionalizing Arbitration and Adjudication

While non-binding techniques, such as informal diplomacy, direct negotiation, and third-party mediation can be effective dispute resolution mechanisms, especially in cases when states lack the sense of community or otherwise remain unprepared for committing to more advanced means of resolving disputes, the creation and gradual turn towards binding arbitration and adjudication was when even more tangible and pronounced effects of the global peacebuilding process became evident. Binding dispute resolution mechanisms are more successful in resolving

the underlying issues (Mitchell & Hensel, 2007), and claimant states are more likely to comply with agreements reached if the techniques employed are binding on the parties (Gent & Shannon, 2010; Hansen et al., 2008).

Arbitration comes with greater flexibility and the ability of states to tailor the number of judges, the judge selection, the procedural rules, and the ability to keep the proceedings confidential, if states' desired. According to a survey conducted in 2015, 65% of relevant officials sought arbitration to resolve their disputes because of its binding nature as the "most valuable characteristic" with the lack of efficiency, speed, and high costs were noted as the least desirable characteristics (Drahozal, 2020). This attests to the value of institutionalizing the practice and reducing transaction costs for utilizing it.

Whereas arbitration tribunals are often established on a post-hoc basis in order to resolve a dispute that has already occurred, and offer more flexibility for the disputants, courts are created to handle future disputes and are intrinsically more institutionalized as they typically have issues such as the number of judges, the scope of their jurisdiction, and the rules for the proceedings already formally established and in place. Courts are generally more independent than arbitral tribunals and viewed as being less biased than third-parties, and they provide political cover for leaders domestically (Gent & Shannon, 2010). States that have access to adjudication via a mutually agreed upon established court system are better able to peacefully reach new agreements across any number of disputes in the future (Powell & Mitchell, 2007). Courts may be expensive, even prohibitively so for some smaller states with an average price tag of over $4 million (Schultz & Ortine, 2020), but they are far less dangerous and much more predictable than relying on the Grotian "might makes right" principle to determine the justness of claims.

The role that arbitration and adjudication fill with regard to peacefully resolving disputes between states and the language used to describe their intent, rules, and applicability within agreements are so similar that they were not statistically differentiable when modeling the treaty data. Rather, the only two categories that were distinguishable were related to the character of the contentious issue and relevant type of compensation or redress that either mechanism could award to the prevailing party. This distinction came down to whether the issue in question was related to a commercial dispute, financial obligation, or other tortious injury of some kind in which the claimant state could be satisfied through financial compensation. While strictly state to state originally, this form of commercial dispute arbitration would eventually become available to individuals, corporations, and even supranational organizations during the later parts of the 20th century.

Following the institutionalization of diplomacy and mediation, arbitration would be the next alternative dispute resolution mechanism to be significantly utilized and expanded throughout the international system. Examples of successful arbitration resolving disputes can be seen dating at least as far back as a 1667 agreement signed between Mayence and the Palatinate, arbitrated by France and Sweden (9 CTS 453). Though just 21 arbitral awards or other instances of primarily arbitration related agreements were detected between 1648 and 1800, and this figure is likely an undercount as some were labeled as peace treaties by the algorithm. This error is understandable given that the outcome was often quite similar regardless of if the agreement was reached at the conclusion of a bloody war with a peace treaty or through the difficult but ultimately bloodless negotiation and arbitration process. 34 treaties were found that at least mentioned arbitration or related terms during this period as well. One of the most critical agreements which helped institutionalize the modern arbitration practice was the Jay Treaty of 1794 (Brownlie, 2009). This

treaty would mark an early turning point in the international system with regard to states seeking arbitration as an alternative institution to war (Hans-Ulrich, 2011), a trend which would become more pronounced during the 19th century.
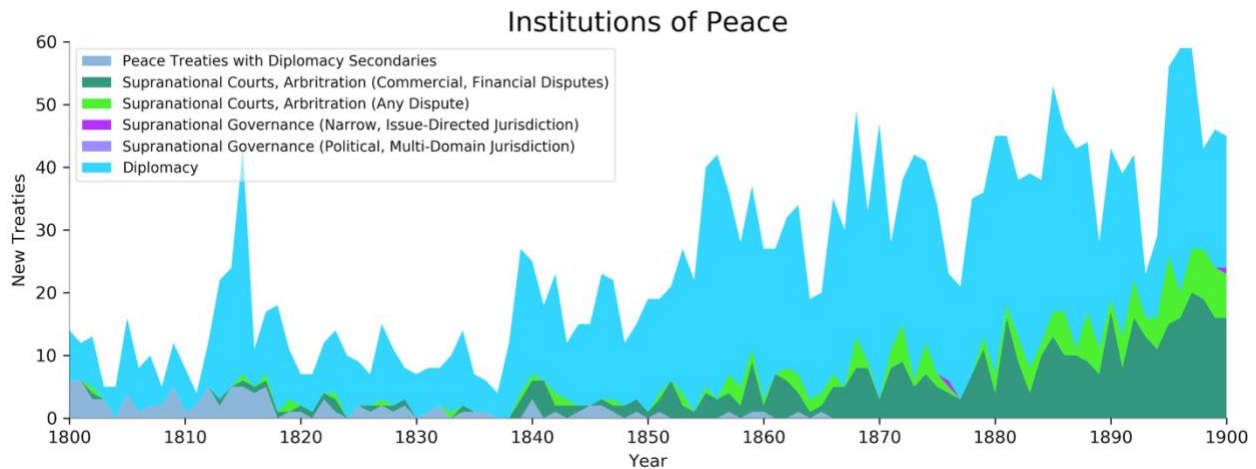


*Figure 6.10: Peacebuilding Institutions, 1648 – 2022*

While direct diplomacy was still the dominant form of alternative dispute resolution mechanism to be institutionalized throughout most of the 19th century, as it is in some way a prerequisite condition and typically the means through which arbitration could be sought, following the remarkable success of the Jay Treaty, treaties in which the primary topic was either a resulting award from commercial or general interstate arbitration, or a commitment to use those procedures in the future, would begin to proliferate widely and contribute substantially towards peace by providing an increasingly credible alternative to war over this period (Schroeder, 2013). The total number of detectable arbitration agreements would rise to 63 during the half of the 19th century, a 200% increase over the preceding 150 year period, before shooting upwards a further 844% from that point, with at least 595 of these types of treaties signed by the end of the century.

70% of these early arbitration agreements concerned commercial or financial issues. This ratio reflects the trend towards alternative dispute resolution mechanisms first beginning to replace

the institution of war by providing an increasingly credible, formalized, and eventually expected means of resolving this subset of monetary disputes, which would eventually expand to include colonial disputes, rather than replacing the broader use of war in the general sense (Hans-Ulrich, 2011). This is also emblematic of the larger overarching trend in the global organizing process with regard to how consensus building and pacific progress has tended to advance in an iterative manner, with clustered success around the specific international arenas, typically beginning first with those issues which were the most divisible and more tangible (e.g. financial) which are easier to resolve relative to more intangible and less divisible issues (Mansbach & Vasquez, 1981; Randle, 1987). These trends also support the position that states are often more willing to pool authority when the scope of the institution is more narrowly defined (Hooghe & Marks, 2015).

While each of these agreements helped to institutionalize the practice within the international system, the most successful and influential treaties of the 19th century would emerge during the last three decades. The Washington Convention of 1871 agreed to by the US and UK setup an arbitration tribunal to address claims by the US that the UK was violating neutrality by supporting the South in the Civil War (Veeder, 2020). In the Alabama Treaty of 1872 that resulted from this process, the UK was ordered to pay significant financial compensation to the US for intervening on behalf of the Confederate States of America (Brownlie, 2009). The pacific shift this settlement represents sits in stark contrast to how disputes regarding taxation, representation, and limited self-governance between the then British colonies in America were handled during the lead up to the revolutionary war in 1776. Few American colonists could have imagined that in just over a century they would be able to successfully resolve issues through a legal process rather than a military one. This agreement further helped to reduce the risk of another war breaking out between the US and UK by committing both parties to seek arbitration rather than war to settle to settle

future disputes as well, even those relating to "honour", a notably difficult contentious and often war-salient issue to address directly (Hans-Ulrich, 2011).

It is worth noting that British intervention during the civil war was self-restrained to a limited rather than more significant extent, despite their much stronger ties with the Southern states, due to their staunch opposition to slavery. This commitment was not merely rhetorical but manifestly evident not only with regard to their inability to fully commit to supporting the South, but also within many international treaties aimed at preventing the slave trade throughout this period, and which may have been one of the earlier indications of growing mutual recognition within the expanding international community.

Further evidence of the success of the 1871 Washington Convention and subsequent arbitration can be seen in the dramatic growth in arbitration related agreements that followed. 71% of all the arbitration agreements negotiated during this century were signed during the final three decades, including the Behring Sea arbitration 1893, and the British Guiana arbitration in 1897. The number of successful arbitrations or commitments to use the process in the future rose from an average of 4.3 per year during the three decades prior the Alabama arbitration, and more than tripling to 14.5 agreements of this type signed every year during the three decades that followed. This gradual but increasingly faster paced expansion of the use and acceptance of this practice can be seen in the more than 400 treaties of this type signed between 1871 and 1899, which would help to institutionalize and embed this alternative dispute resolution mechanism into the international system and would set the stage for the next major pacific breakthroughs and advancements that would result from the first Hague Peace Conference and an increasing number of subsequent and more ambitious agreements signed within the expanding international community throughout the early 20th century.

Several critical multilateral agreements resulted from the first Hague Peace Conference held in 1899, several of which would place humanitarian restrictions on the institution of war. The most critical with regard to the global peacebuilding process was the International Convention for the Pacific Settlement of International Disputes which established the Permanent Court of Arbitration (PCA) and helped to institutionalize the practice of arbitration and firmly establish it as the next step that states seeking to resolve disputes were expected to turn to if direct diplomacy proved ineffective and before they could justifiably resort to war (Hans-Ulrich, 2011). Article 16 describes arbitration as being the "most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle". While not a true court in its own right, the PCA gave permanent institutional support to the hitherto primarily ad-hoc and difficult practice of finding acceptably neutral and qualified arbitrators to serve in the tribunal by retaining a retinue of potential judges which disputing states could mutually draw upon to arbitrate between them, and were especially effective in resolving disputes regarding treaty compliance and violation issues (Brownlie, 2009), a feat made possible as a result of the expanding body of international law and the cumulative effects of the consensus building that resulted from the negotiation of more than 11,500 agreements by this time beyond the nearly 600 earlier arbitral awards and related agreements that the judges were able to reference as well. At least 20 arbitration cases would be facilitated by the PCA by 1931, 33 by 1999, at which point its popularity began to really surge with 180 disputes referred to it since by 2016, and its membership has grown to include 122 states as of 2020 (Veeder, 2020).

In addition to permanently institutionalizing and positively affirming the general principle and expectation of the use of arbitration by states before resorting to war, this conference helped to socialize and spread the practice of arbitration and non-violent dispute resolution more generally

to 26 states hailing from across four continents from China to Mexico (Hans-Ulrich, 2011). Up until this point the vast majority of arbitration cases came from Western states, while the PCA was established as the first at least aspirationally global institution for conflict resolution. This increasingly global institution would be spread even further during the second Hague Peace Conference held in 1907, which involved 44 states, including 19 from Latin America, and 4 from Asia (Tourinho, 2021). Despite the strong desire of some states, including the US, during both conventions to push for making arbitration an obligatory requirement for signatories, rather than an expectation of use that ultimately remained contingent upon the consent of the parties, opposition by a small minority of states, including Germany, prevented use of the PCA from being obligatory under international law (Veeder, 2020). However, in addition to the PCA, the ability of states to alternatively utilize commissions of inquiry, as a more formalized version of mediation was established during the 1899 and 1907 Hague Conventions and was intended to allow for some cooling off period to hopefully prevent rash actions while a fact-finding mission was carried out to improve the mutual understanding of the facts on the ground between the parties and within the international community in order to better facilitate the resolution of the issue in question (Brownlie, 2009).

Another important development from the second Hague Peace Conference was the Drago-Porter Convention. Argentine Foreign Minister Luis Drago, led a coalition of smaller states in creating and signing this agreement, which helped to expand and reinforce the growing consensus that the use of force should no longer be a permissible tool for debt collection, and that only through peaceful arbitration could states justly pursue their claims and seek compensation, though conquest was still permitted if the indebted state refused to accept terms of arbitration (Kohen &

Hébié, 2018). This agreement and the establishment of the PCA would both help to further undermine the institution of war, especially in the case of economic issues (Tourinho, 2021).

The success of both these conferences in terms of spreading and further embedding arbitration within the international system as an increasingly expected and available alternative to war, can be seen in both the relative and absolute spike in arbitration related agreements which rose from 6.1% of all agreements signed during the 19th century to 21.1% during the first half of the 20th century. Most arbitration treaties signed during this period dictated that all legal disputes other than those of "vital interest", would be referred to the PCA (Hans-Ulrich, 2011). This exception was often left vague, such as in the Franco-Danish treaty signed in 1911 which obligated those states to settle their disputes through arbitration, in all cases except those which "affect the vital interests, independence or honour of either of the contracting parties nor the interests of third Powers".



Interstate Arbitration and Adjudication Treaties
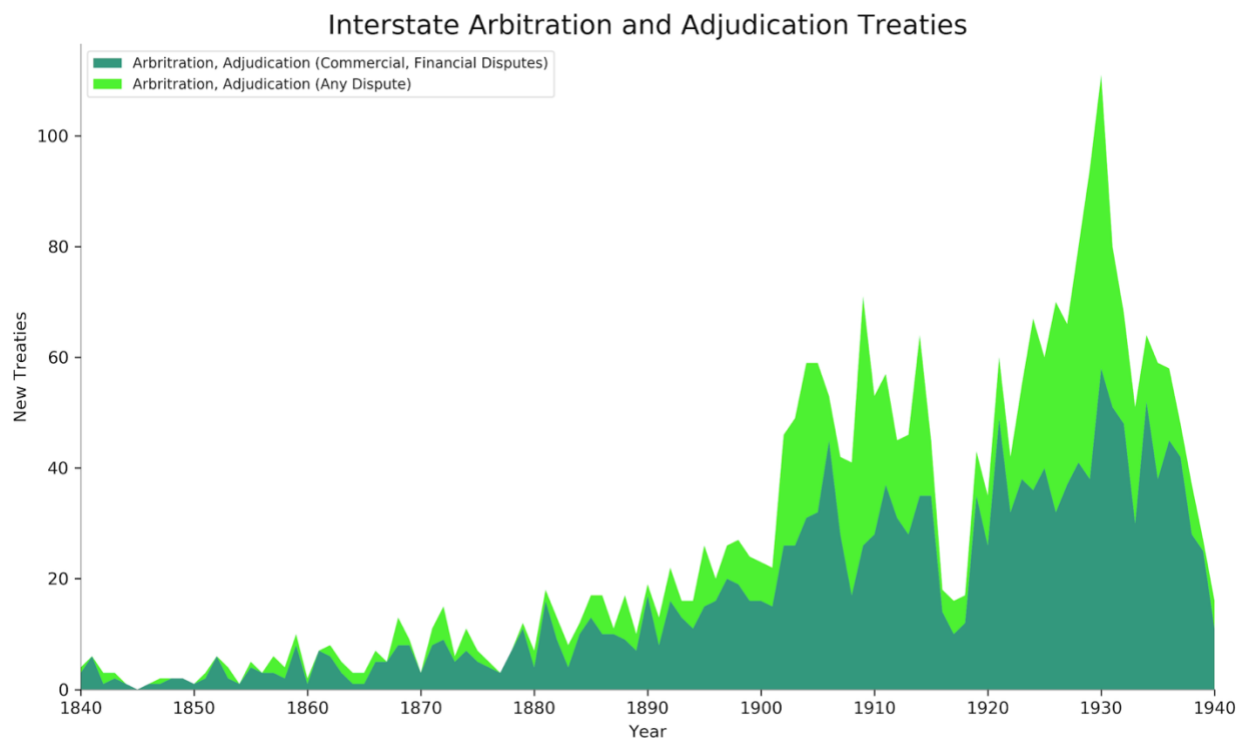
*Figure 6.11: Institutionalizing Arbitration and Adjudication, 1840 – 1940*

At least 353 similar agreements were signed during the eight short years between the two conferences alone, with another 355 signed between 1907 and the start of the first World War in 1914. While ultimately unsuccessful in preventing WWI, the flurry of diplomatic international activity during this period attests to how the global tide was beginning to shift away from reliance upon war, especially with regard to commercial disputes, non-payment of debts, tortious injuries, and any other matters that could be resolved financially (Hans-Ulrich, 2011).

Immediately after the end of WWI, the flurry of organizing and institutionalizing alternatives to war began anew with a solemn but even stronger commitment to preventing another major war by further committing to the peaceful resolution of disputes, with an astonishing average of 61.6 new agreements signed each year between 1919 and 1939, and this category would now include adjudication as well.

The availability of adjudication as a means of resolving interstate disputes began in earnest during the interwar period after Article 14 of the League of Nations Covenant established the Permanent Court of International Justice (PCIJ), which came into being in 1925 to "hear and determine any dispute of an international character which the parties thereto submit to it" (LNTS 34). The PCIJ would be used in 29 disputes that arose during the short period of its operation before WWII, and its rulings were accepted by the claimant states in more than 90% of cases (Mitchell & Hensel, 2007).

While the algorithm I used was not able to distinguish between the arbitration and adjudication related agreements statistically given how similar their terminology and subject matter was, up until 1919 arbitration was still the only legally binding option for states to pursue. All of the more than 1,300 agreements in this category signed by this time were almost exclusively

concerned with arbitration. However, from this point onwards, an increasing percentage would begin to concern the establishment, accession to, or were otherwise committing states to the used of international courts as well.

The Americas became especially well organized during this period and emerged as the first region to not only settle the vast majority of its territorial boundaries, but also was the first to rule out the use of force with regard to changing them while strongly committed to and helping to institutionalize alternative mechanisms to resolve their disputes. This included the passage of the Resolution of the First Pan-American Conference on the Right of Conquest in 1890, which outlawed territorial conquest within the region and obligated states not to recognize any territorial changes made through the use of force (Klein & Koutroulis, 2018). In addition to the Drago-Porter Convention, other key regional agreements included the 1929 signing of the General Treaty of Interamerican Arbitration and Protocol of Progressive Arbitration (LNTS 2988), followed by the Inter-American Treaty on Good Offices and Mediation (LNTS 4353) and the Treaty on the Prevention of Controversies (LNTS 4352), both of which were adopted during the Inter-American Conference for the Maintenance of Peace in 1936.

After witnessing some of the worst fighting during WWI, European states strove similarly to prevent another conflict of that magnitude. Switzerland, known for its neutrality, actively sought to resolve its disputes amicably and to establish firm protocols with neighboring states to resolve other disputes. In 1926, they signed the Treaty of Conciliation and Judicial Settlement with Spain (LNTS 1403), followed by a similar agreement with Italy in 1933 known as the Convention Regarding the Recognition and Enforcement of Judicial Decisions (LNTS 3276), and another treaty of the same exact name and similar content with Sweden in 1936 (LNTS 3923). Other European states were similarly actively helping to promote peaceful resolution of disputes, most

often bilaterally, such as in the 1927 agreement signed between Belgium and Spain which committed them to use either arbitration, conciliation or the PCIJ for settling "any disputes which may arise between the two countries" (LNTS 1820). Many other similar bilateral commitments were signed, such as the Convention regarding the Recognition and Enforcement of Judicial Decisions also signed in 1927 between Spain and Czechoslovakia (LNTS 2793) and the Treaty of Conciliation, Arbitration and Judicial Settlement signed in 1935 between Denmark and Yugoslavia (LNTS 4245). There were some closed multilateral agreements of this type signed as well, such as the Convention between Denmark, Finland, Iceland, Norway and Sweden regarding the Recognition and Enforcement of Judgements signed in 1932 (LNTS 3209) and some open multilateral agreements, including the Convention on the Execution of Foreign Arbitral Awards signed in 1927 (LNTS 2096), and the General Act of Arbitration (Pacific Settlement of International Disputes) signed in 1928 (LNTS 2123). While most of these agreements were between neighboring or regionally clustered states, these sorts of commitments would also be made between states that could project power across vast distances as well, including the Convention concerning the Recognition and Enforcement of Judicial Decision, signed in 1927 between the US and Austria (LNTS 1998),

## Interstate Arbitration and Adjudication Treaties
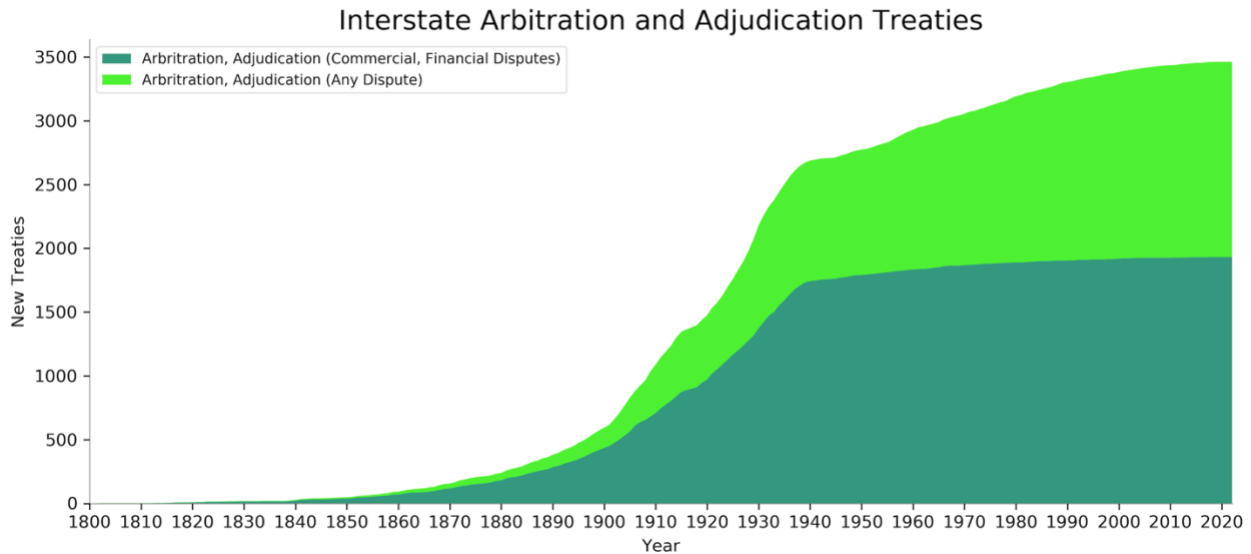


*Figure 6.12: Institutionalizing Arbitration and Adjudication, Cumulative, 1800 – 2022*

Collectively, these treaties began to add up by 1939 with at least 2,695 arbitration and adjudication related agreements signed globally up to this point, and reaching a total of 3,485 by 2022. This flurry of commitments towards peaceful dispute resolution made during this interwar period would dwarf earlier levels, more than doubling the amount of all similar agreements signed during the preceding 171 years during this short 21-year period. Echoing the earlier trend, about 64% of the of these would be targeted towards commercial disputes (1732), while the remaining 36% (963) were of the more general and broadly defined interstate dispute variety that included commitments or mechanisms to peacefully resolve almost all disputes, though typically still maintaining the "vital interest" carve out. Despite this massive and increasingly global commitment towards peace, this system would ultimately prove unable to stop the second World War from breaking out. While impossible to prove the counterfactual, the world was clearly trending strongly towards the institutionalization of peace long before 1945 and may have eventually decided to establish the United Nations or similar organizations with or without the major shock of WWII.
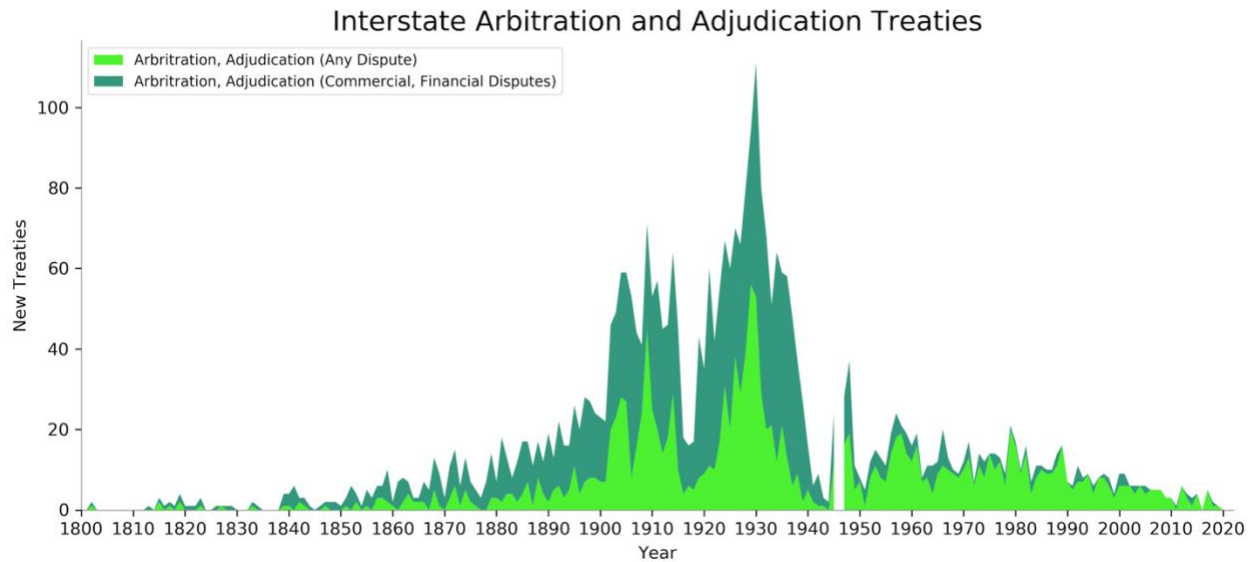
*Figure 6.13: Arbitration and Adjudication Related Agreements, 1800 – 2022*

In any event, after the establishment of the UN the number of new treaties signed relating to arbitration or adjudication would slow down considerably, as seen in Figure 6.13. This was likely in part due to the increasing ability of states to resolve disputes through the UN and other supranational organizations over this period, but it was also due to how embedded and accepted the practice of arbitration and use of international courts was becoming, as reflected in Figure 6.14. Treaties of all many different primary topics would increasingly reference one of these alternative dispute resolution mechanisms or contain provisions for their use.

**Treaties Referencing Mediation, Arbitration, Adjudication**
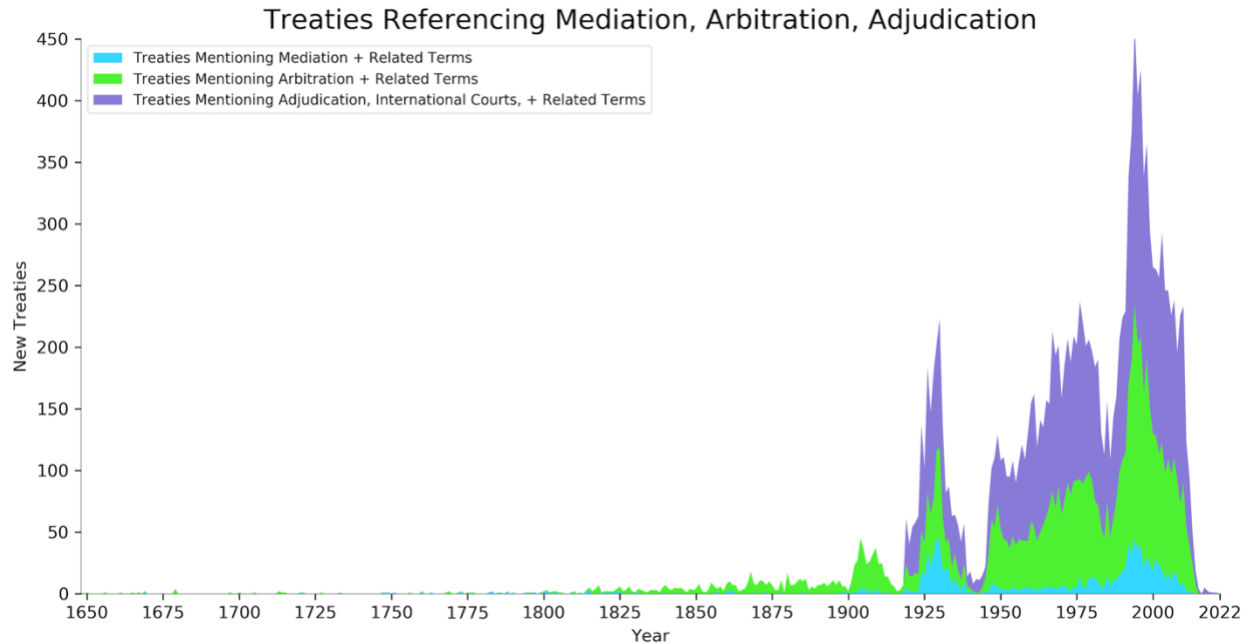


*Figure 6.14: Treaties Referencing Mediation, Arbitration, or Adjudication, 1648 – 2022*

By comparing Figure 6.13 to Figure 6.14, it appears that rather than trailing off after 1945, these techniques were so institutionalized that they would be mentioned as clauses in an increasingly wide variety of other treaty types. For example, out of 102 environmental multilateral treaties studied by Boockmann and Thurner (2006), 26 of them included provisions for binding arbitration if disputes emerged over the agreement, and another 20 had similar, though non-binding commitment clauses. Collectively, at least 1,183 treaties discussed mediation or related terms, 6,519 referenced arbitration or related terms, and 8,512 discussed adjudication or related terms.

Depending on the definition used, there were at least 17 to 40 international courts established over the course of the 20th century (Keohane et al., 2000), each of which would help to resolve an increasing number of interstate disputes over time, and just as with arbitration, these would come in two primary variations in terms of either dealing with commercial or financial related issues and issuing compensation in monetary terms, but also critically an increasing number of global courts were available to decide the more difficult non-monetary disputes, such as

disputed territory or unequal trade restrictions, including the International Court of Justice (ICJ), the World Trade Organization's (WTO) Dispute Settlement Body (DSB), and UNCLOS's International Tribunal for the Law of the Sea (ITLOS).

The ICJ was established in 1946 to succeed the PCIJ. The ICJ has a moderate level of independence from the states, as its judges are not selected by the states involved, as is typical with arbitration tribunals (Keohane et al., 2000). ICJ rulings were accepted by both parties of the dispute in 93% of cases (Mitchell & Hensel, 2007). It has heard at least 124 cases and issued at least 26 advisory opinions, and while its rulings are binding, only 66 states accept its jurisdiction and use as compulsory (Brownlie, 2009). The ICJ has been especially effective regarding border disputes, resource issues, and diplomatic immunity cases, as well as through its rulings and advisory opinions in developing and clarifying international law further (ICJ, 2023). Of critical potential pacific value and importance is the ICJ's specifically designed process and mechanism for resolving disputed territorial concerns, though it remains under-utilized and under-institutionalized (Brownlie, 2009). ITLOS has been particularly effective in promoting the peaceful resolution of maritime disputes (Nemeth et al., 2014).

Policy related trade disputes were handled primarily through the GATT until it was upgraded into the WTO in 1995, which now includes some 84% of the worlds states as Members (WTO, 2023). WTO DSB judge panels are moderately independent, with third-party judges not picked directly by the states (Keohane et al., 2000). The DSB has becoming increasingly instrumental in resolving trade restriction related disputes, including when China cut off rare earth mineral sales to Japan in 2010 but was forced to reverse that policy by 2015 after Japan brought the case to the WTO DSB (Stratfor, 2019).

## Institutions of Peace
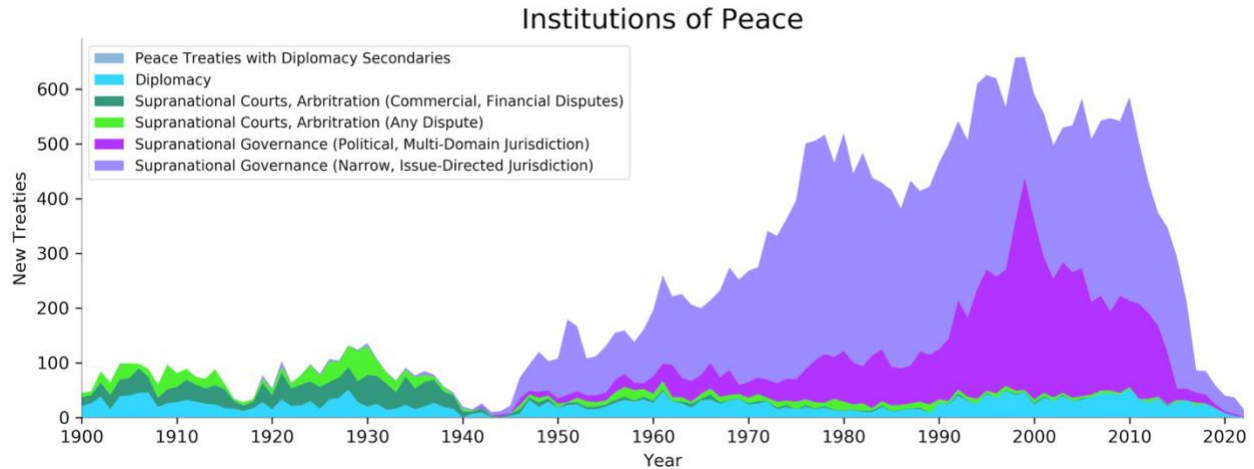


*Figure 6.15: Peacebuilding Institutions, 1900 – 2022*

The growing institutionalization of arbitration and adjudication throughout the first half of the 20th century was unprecedented, and reflected a major change in their availability, credibility, and expectation of use over time. Though international courts have been somewhat less effective and often held back by the lack of widespread consent to accede to their obligatory jurisdiction. The decision to accept the jurisdiction of courts often requires a higher degree of political unity and shared sense of community that is more readily found on the regional level. Regional courts have in some cases been more trusted and more effective than global ones, including the Andean Court of Justice which has helped resolve more than 90 disputes since 1989 (Tallberg & McCall Smith, 2014). The most successful and fully supranational in its jurisdiction and high level of independence is the ECJ (Keohane et al., 2000). The establishment and significant impact of this fully supranational court is emblematic of the broader trend towards increasing direct supranational organization and the progressively ambitious nature of the scope and degree of pooled sovereignty within supranational institutions. This trend was brought about and normalized in large part through the negotiation of more than 2,000 arbitration and adjudication related agreements between 1900 and 1939, which would help to solidify the expectation of their use, and

which had especially pronounced effects with regard to the settling of tortious injury claims and failure to repay outstanding debts.

Prior to the significant institutionalization of commercial and financial dispute arbitration techniques and the establishment of the PCA, wars of conquest were the expected response, and the primary means of exacting recompence or seeking justice for tortious injuries, which were cited in more than 45% of all war manifestos up to this point (Hathaway et al., 2018). War was also commonly used as a restorative punishment against a debtor state, which typically included seizing and plundering territory as compensation for unpaid debts (Hathaway et al., 2018). Immanuel Kant (1795) noted that in order for perpetual peace to be achieved "debts shall not be contracted with a view to the external friction of states". Debts were indeed a major friction point, though loaning in general was much less common than it is today given the fear that states might be destroyed by other powers and thus never able to repay debts. The institutionalization of arbitration as an alternative means to resolve economic disputes, would almost entirely undermine the justifiability of commercial claims for war (Mitchell & Prins, 1999), which commonly led to war before 1920, but not afterwards (Luard, 1986).
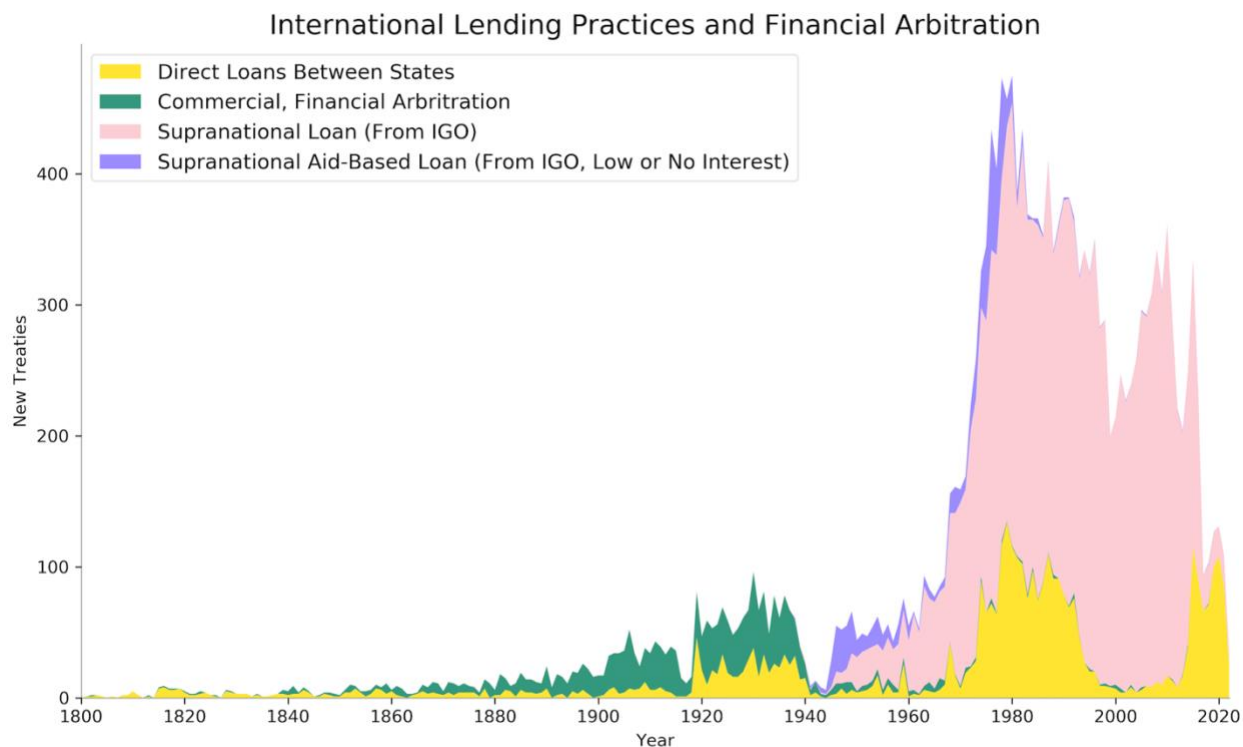
*Figure 6.16: International Loans by Type, 1800 – 2022*

Between 1648 and 1800, only 24 loan-related agreements were detected, and they were sporadically distributed over this period. At least 294 were issued during the 19th century but the practice would really begin to grow in tandem with the expansion of commercial arbitration agreements during the early 20th century. Figure 6.16 depicts this how rate of new loans issued each year would rise by over 200% during the interwar period as alternative means of seeking compensation through arbitration, rather than through conquest, became increasingly institutionalized.

Figure 6.16 also illustrates how the practice of international lending almost entirely switched from peer-to-peer direct loans, to states primarily securing loans through the World Bank, IMF, and similar supranational financial institutions. Between 1648 and 1945, more than 99% of all international loan agreements were secured exclusively on a state-to-state basis, however this dropped dramatically from that point onwards with just 18.2% of loan agreements between 1946

and 2022 coming directly from other states, with an increasing percentage of the remaining 81.8% of loan agreements being executed through supranational institutions during this era. This transition to supranational lending further helped to remove this previously war-salient issue and frequent cause of war from the international system.

While loans and debts remain important issues in international affairs today, they are never war-salient. And rather than states discussing the possibility of conquest and plunder for financial restitution, there is serious discussion about the need for debt cancellation to further development and environmental goals, another clear manifestation of the expanding mutual recognition and understanding the need to act collectively at the supranational level to resolve global issues and reach global goals. The trend towards governance through supranational organizations was brought about and normalized in large part through the negotiation of more than 2,000 arbitration and adjudication related agreements between 1900 and 1939, which would help set the stage for the establishment and institutionalization of a much wider variety of permanent supranational organizations throughout the 20th century.

## Institutionalizing Supranational Organization and Governance

The creation and enhancement of IGOs is the most direct means of global peacebuilding as they provide the necessary institutions of supranational governance to replace the institution of war and obviate its perceived remedial utility by serving as arenas for states, to engage with one another politically (Keohane & Nye, 1987) and in a more sustained and consistent manner. IGOs are more than facilitators of cooperation, they are visible and enduring demonstrations of it (Morgan, 2013). They are the most concrete manifestations of the social and legal architecture of the international system and provide critical venues for facilitating direct interstate negotiations or

conflict resolution (Haftel, 2012). Supranational organizations provide the regularized and controlled settings to facilitate the "everyday level of international politics", which helps to build peace and solve problems collectively through means other than war (Schroeder, 2013).

In addition to the community and consensus building amplification effects that IGOs have by providing the permanent structures which serve as the physical sites and recurring impetus for a significant amount of socialization between state officials (Bearce & Bondanella, 2007; Haftel, 2012), IGOs often include a range of internal dispute resolution mechanisms that reduce the chance of war between member-states (Oneal & Russett, 1999; Berbaum et al., 2003; Hasenclever & Weiffen, 2006). The more IGOs there are in the international system in general, and the more they are used by states, especially the major powers, the less likely it is that states will experience high levels of international friction, animosity, militarization, and war (Vasquez, 2009). The more shared IGO memberships any pair of states have, the less likely it is that they will have significant militarized conflicts (Oneal & Russett, 1999; Berbaum et al., 2003; Hasenclever & Weiffen, 2006). The more involved these IGOs are in foreign policy crises, the more likely it is that states will pursue its resolution through negotiation, mediation, adjudication, or arbitration, rather than through war (Butler, 2018).

Regional IGOs have been especially important in institutionalizing peace as MERCOSUR, NAFTA, ASEAN, CARICOM, CIS, and others all have interstate dispute settlement mechanisms (Tallberg & McCall Smith, 2014). The Andean Community has helped resolve some 133 disputes between 1989 and 2008 (Tallberg & Smith, 2014). The Economic Community of West African States (ECOWAS) successfully prevented a potential conflict in Gambia by pressuring the former president Yahya Jammeh, who had been in power for 23 years, to peacefully yield to the democratically elected Adama Barrow, though it is having a more difficult time navigating how to

reverse the more recent coup in Niger. Regional IGOs also help smaller powers to leverage this power, not only to solve problems between themselves, but to collectively engage with the world and to be taken more seriously by the major powers when they act as a group (Tourinho, 2021).

IGOs are often viewed as more credibly neutral external actors than third-party states and they can help to promote support for the rules-based international order generally beyond the strict confines of their charters, as compliance with international law is higher between their members in all areas (Mitchell & Hensel, 2007). Being founded on the express consent of the member-states to the founding international treaties or charters, all subsequent actions taken within and by IGOs have a certain intrinsic input-based validity to them and they can create and shape international law directly as well as to resolve many minor issues between states without need for additional formal treaties to be signed (Morgan, 2013). Claimant states are more likely to comply with agreements reached to end contentious issues if they are struck with the assistance of international institutions (Mitchell & Hensel, 2007) and the outcomes are generally viewed as being less biased than those reached through third-party mediation (Gent & Shannon, 2010). Mediation and arbitration that is facilitated through an IGO is significantly more likely to succeed than similar efforts through a neutral third-party state (Mitchell & Hensel, 2007).

IGOs not only help to resolve disputes between members through these mechanisms, but perhaps most critically with regard to the long-term global peacebuilding process, they help to make interstate bargaining a much more routine occurrence and thereby undermine and replace conquest and coercive use of force with contractual agreement and rules-based international interactions (Hooghe et al., 2019). By creating supranational arenas in which states can engage with one another politically in a meaningful way, IGOs help to normalize the idea and institutionalize of the practice of solving communal problems directly at the supranational and

eventually the global level (Keohane & Nye, 1987). IGOs also create release valves for domestic and international pressure points in the global system by allowing leaders to air grievances in a reliable and recurring format, which can help resolve disputes even if only as a means of blowing off steam for domestic audiences, providing a means of reducing tensions that may have been stoked by a previous leader or by the opposition party (Morgan, 2013).

Once properly channeled through peaceful institutions and inclusive decision-making processes, conflict can be a constructive force for action and for positive change (Francis, 2017). The many ongoing social interactions that result from conflict resolution and transnational issue governance help to solidify the identity and sense of community between the states, which is especially important for promoting cooperation between groups as diverse as the international community is (Hakimi, 2020). The growing number of interactions within the multiple channels offered by IGOs can further reduce functional incentives for violence and increase the incentives for cooperation as there are more chances and venues for payback, issue linkage, and other opportunities for states to punish aggressors (Boehmer et al., 2004; Haftel, 2012; Keohane & Nye, 1987; Mclaughlin & Hensel, 2007). Institutions can also mitigate commitment problems for collective action and enhance reputation building incentives by extending the "shadow of the future" and reducing incentives to defect by extending the perceived interaction timeline through repeated interactions across multiple institutional venues (Kreps & Wilson, 1982; Martin, 1992; Koremenos et al., 2001, 2003; Boehmer et al., 2004; McLaughlin & Hensel, 2007).

The utilization of IGOs by any state, but especially by the major powers who are both the most significant with regard to setting precedent and the most capable of pursuing their foreign policy aims through other unilateral and more coercive means, is essential for legitimizing them as the appropriate means to resolve disputes and for upholding support for the international rules-

based order generally (Morgan, 2013; Vasquez, 2009). Agreements which create, enhance, or are carried out by IGOs or through supranational organizations of any kind, broadly defined, are particularly effective in amplifying the global peacebuilding process because this institutionalization through the repeated use of these organizations is critical to help to normalize the idea and institutionalize the practice of striving to establish consensus and to govern issues directly at the supranational or ultimately the global level.
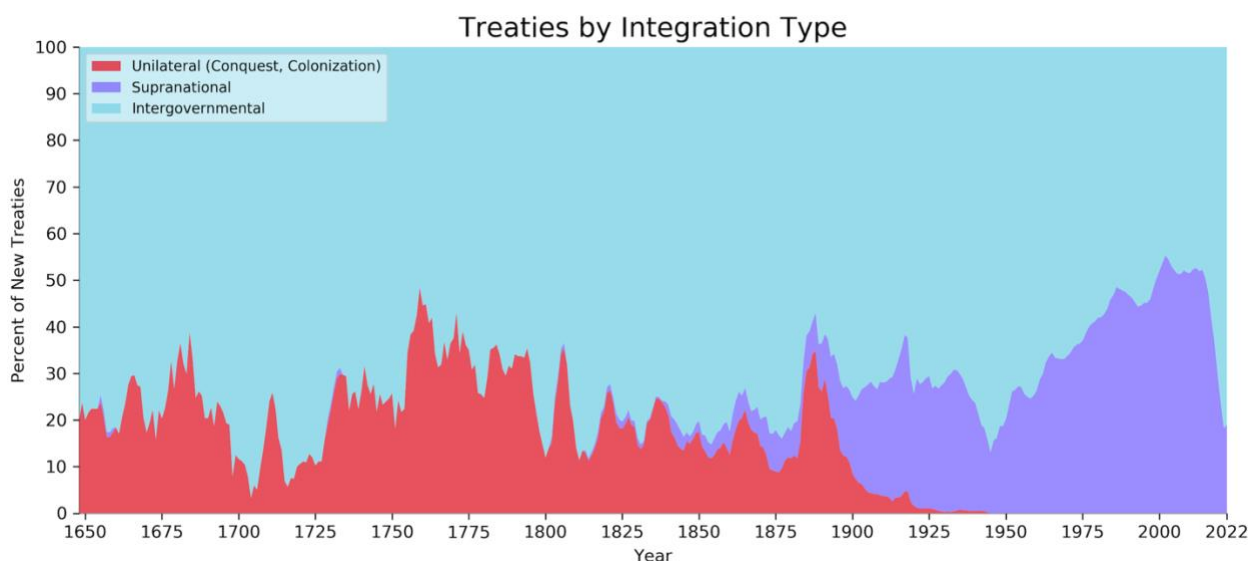


*Figure 6.17: Percent of Treaties by Integration Type, 1648 – 2022*

A clear preference within the global community to establish supranational organizations to govern ongoing global governance issues emerged in the late 19th century (Hans-Ulrich, 2011). Supranational agreements rose from less than 1% of all agreements at the start of the 19th century, to more than 20% of all new agreements by its end. This trend towards international and ultimately global governance through supranational means rather than unilateral or direct peer-to-peer negotiations would only grow into the 20th century with nearly 30% of all new agreements being supranational even before the UN was established and 41% of all treaties in the second half of the

20th century. Nearly 50% of all new agreements signed so far in the 21st century were either facilitated by, carried out through, or otherwise involved one or more supranational organizations.

Supranational organization of such depth and effectiveness is not truly a new phenomenon, but rather the latest iteration of an organizing and community building process that has been underway at smaller scales for millennia. Examples of effective supranational organization in inter-polity relations pre-date modern states, including the five Haudenosaunee (aka Iroquois) tribes in upstate New York who were at war for hundreds of years until they formed a confederacy, with jurisdiction over the use of force and a set of governing guidelines for all the tribes to follow (Snow, 1994). The confederation resolved conflicts through unanimous decision in two separate council bodies, included a collective defense agreement similar to NATO's Article 5, and had an information sharing system with messengers who would run to each of the chiefs if the council was not in session (Bedford & Workman, 1997; Snow, 1994). After the creation of the Iroquois confederacy, all violence between the tribes ceased (Snow, 1994).

The growth of a wider variety of institutions in terms of both quantity, scale, and breadth has been steady since the mid to late 19th century (Oneal & Russett, 1999). While some of the early IGO examples were algorithmically categorized with the regard to their subject, rather than as a separate treaty type due to how infrequent and comparatively less formally institutionalized they were relative to modern IGOs, the vast majority of these were designed to address ongoing cooperation and management of a particular issue, rather than to promote general supranational governance or conflict management in the way that the Concert of Europe had. For example, the Danube Commission was negotiated and established as separate, supranational entity to govern that river's navigation in 1865, the Central Commission for the Navigation of the Rhine was also made a supranational actor with its own legal personality to govern the Rhine, and similar

agreements were reached with regard to the St. Lawrence River (Hans-Ulrich, 2011). The UPU was upgraded from its original agreement to a truly supranational organization in 1878 (152 CTS 206). The vast majority of direct supranational organization and governance treaties would be signed during the 20th century.
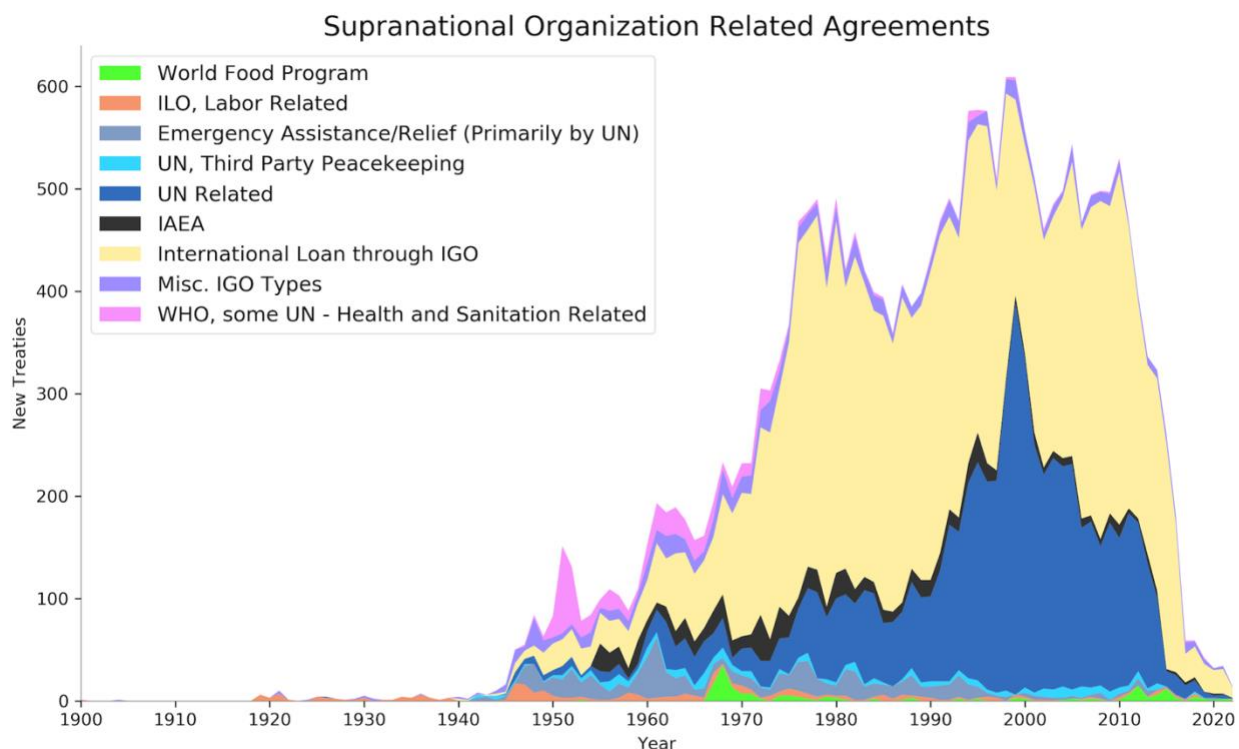


*Figure 6.18: Institutionalizing Supranational Governance, 1900 – 2022*

States are typically more willing to pool authority when the scope of the IGO is more narrowly defined (Hooghe & Marks, 2015), and this may explain why the vast majority of both 19th and 20th century IGOs were setup to facilitate cooperation and governance with regard to a specific issue area. Beyond some of the critical early IGOs already discussed, such as the ITU and UPU, the Inter-Parliamentary Union was formed in 1889 in an attempt to jointly improve their methods of international arbitration. Issue-area specific IGOs have been setup, typically with a more narrowly defined mandate, and institutionalized to regulate everything from olive oil to nuclear weapons, including through 304 ILO related agreements, 611 regarding health and

sanitation through the UN or WHO, 643 misc. IGO related treaties, and 894 agreements involving the IAEA. Each of these IGO related agreements represents a slight shift and expansion of governance at the supranational level, and further normalizes and regularizes interstate bargaining (Hooghe et al., 2019).
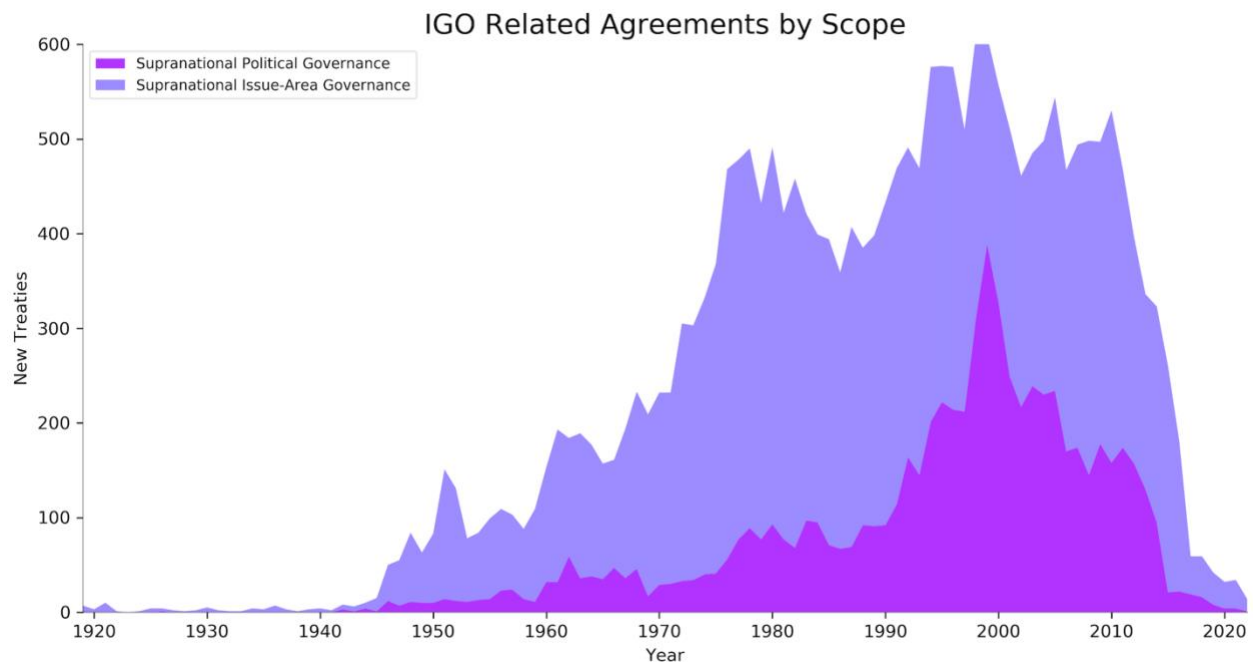


*Figure 6.19: IGO Related Agreements by Scope, 1919 – 2022*

Supranational political governance agreements typically have an expanded jurisdiction and more formalized decision making and voting procedures that are a step closer to how domestic law is created in many states around the world. The most advanced supranational political governance organizations can reduce interstate violence in a similar way to how democratic states reduce the likelihood of intergroup violence or civil war (Stockemer, 2010). Public support for violence tends to increase along with perceived political grievance but decreases as political systems become more effective in addressing those grievances (Dyrstad & Hillesund, 2020). This is why the more robust the internal dispute resolution mechanisms are, and the more inclusive the decision-making process is, the more likely it is that domestic governments will be able to resolve contentious issues

and political grievances peacefully (Ash, 2016; Bartusevičius & Skaaning, 2018; Dyrstad & Hillesund, 2020; Kacowicz, 1995; Ross, 1993; Stockemer, 2010). Similarly, the greater the level of institutionalization of an international organization has, the more effective it is at resolving conflicts between member-states, especially when it contains explicit dispute resolution mechanisms and some means to coerce their use or enforce the outcome (Hansen et al., 2008). Leaders can also more easily make the tough compromises necessary to resolve some of the most contentious issues, such as disputed borders, and deflect some of the potential negative fallout towards the supranational institution instead (Gent & Shannon, 2010).

Once channeled through peaceful institutions and inclusive decision-making processes, conflict can be a constructive force for action and for positive change (Francis, 2017). When groups are meaningfully included in a political union, they are significantly less motivated to use violence and to find alternatives to it within the political structure (Gleditsch, 2019). Joint political association membership can transform relations between former enemies by providing an alternative arena through which they can engage one another in a far more constructive manner (Mouffe, 2005). Evidence of the necessity of this for achieving a positive and lasting peace can be seen in how 87% of paired states that transitioned from negative to positive peace had first established, and were jointly members of, the same regional economic institution (Owsiak et al., 2021). The longer groups have been a part of the same governance structure, the lower the chance of war between them becomes (Richardson, 1960).

European supranational political integration has been the most expansive and effective effort at the regional level, as "ever closer union" is not merely a slogan, but the entire point from a post-war perspective. A total of 318 agreements directly attributable to the EU or its predecessor organizations have been signed . This increasing degree of international organization has

transformed Europe from a place which started and suffered both World Wars, to one in which war is now an unthinkable outcome between EU members and where some of the highest levels of peacefulness, prosperity, and cosmopolitanism in the world (Birchfield et al., 2017).

At the global level, there have only been two major attempts to directly organize peace and replace the institution of war with an alternative at this scale. The first came in the form of the 1919 League of Nations Covenant. 29 states met intending to negotiate the beginning of the end of all wars, not just WWI (Hathaway et al., 2018). This global ambition could be seen in Article 11 of the Covenant, which declared that "Any war or threat of war", regardless of where it occurred in the world or if it directly involved its Members or not, would be "declared a matter of concern to the whole League" and that any Member could bring any issue to the League's Council which "threatens to disturb international peace or the good understanding between nations upon which peace depends" (LNTS 34).

Bolstered by the previous negotiation of more than 1,400 earlier agreements that setup, resulted from, or committed the signatories to resolving their disputes peacefully through arbitration, the League would seek to replace the institution of war by extending, further institutionalizing, and attempting to make the use of alternative dispute resolution mechanisms mandatory on the global scale. Article's 12, 13, and 15 of the Covenant committed its Members to using one of the increasing number of available alternative dispute resolution mechanisms, which now included not only arbitration tribunals, but the PCIJ adjudication process, or a fact-finding enquiry by the League Council designed to help clarify the facts on the ground while allowing a cooling off period to help tensions dissipate (LNTS 34). War was still permitted however, but only after waiting at least three months for attempts to be made to find an accommodation through one of these mechanisms, and only if the state that was accused of the sufficiently just infraction

refused to either participate or comply with their results (Klein & Koutroulis, 2018). The League ultimately had 46 cases brought before it for mediation and peaceful resolution, and they were able to resolve 76% (35) of them peacefully, which is a significant achievement given how much of a change this was from the past and how the LoN did not enjoy the support of all the major powers (Wright, 1942).

With 44 of the world's 70 sovereign states eventually joining the League, it was by far the most expansive attempt at direct supranational governance in history up to that point. Its establishment would mark the beginning of the creation of a truly global bureaucracy with more than over seven hundred staff members from all over the world by the early 1930s, working on a variety of important global issues, including the resettlement of refugees and the promotion cultural exchange programs (Rosenberg, 2014). Its LoN Health Organization (LNHO) setup in 1923, promoted health and sanitation efforts internationally and was an important precursor to the WHO, and its work, especially on epidemics following the 1918 flu pandemic, would reduce death rates from several sanitary and other diseases (Weindling, 1995).

Article 16 was perhaps the strongest departure from past precedent as it declared that if one League member violated the rules under Article 12, 13, or 15, that "it shall ipso facto be deemed to have committed an act of war against all other Members of the League" and thereby face the collective strength of all other members, which must "immediately to subject it to the severance of all trade or financial relations" (LNTS 34). Up until this point, economic sanctions by neutrals on belligerents had not only been considered illegal, but a widely accepted justification for war (Klein & Koutroulis, 2018). This turn towards sanctions was a major shift away from the strict duty of neutrality, as failure to continue trade with both parties to a war by third-parties was considered to be a form of provision of assistance to the enemy (Hathaway et al., 2018). Economic

sanctions could also be applied against non-Members, if they declared war upon a member and had refused to utilize or comply with the alternative dispute resolution mechanisms set out in the earlier articles first (LNTS 34).

The major efforts made through the League of Nations system to undermine and replace the institution of war with an array of alternative actions would soon be reinforced by the 1928 Kellogg-Briand Pact, which formally outlawed wars of conquest, making them illegal "as an instrument of national policy", and would be the most direct and explicit challenge to the legitimacy of wars of aggression under any circumstances (Hathaway & Shapiro, 2017). The pact attempted to freeze the territorial status quo permanently where it stood in 1928, by agreeing that all previous conquest would be legally recognized and that any new territorial conquests going forward would be illegal and would not be recognized by signatories to the treaty (Klein & Koutroulis, 2018). Elements of the "Stimson Doctrine" would even be taken up by non-League states, such as the US, in committing to not recognize any new territories gained from conquest, thus disincentivizing potential aggressor states through both stigmatization and preventing any financial benefits to be gained from newly conquered territories (Hathaway & Shapiro, 2019).

Evidence of growing delegitimization of war and the increasing commitment to use of peaceful alternative means could be seen in how the pact grew to include some 63 signatories out of 70 of the world's states by 1934 (Klein & Koutroulis, 2018), as well as in the signing of more than 1,300 bilateral or other smaller scale awards from, or commitments to resolve disputes through, arbitration or adjudication signed between 1919 and 1939. The world's resolve would soon be tested following Japan's invasion of Chinese Manchuria in 1931 and Italy's invasion of Abyssinia (Ethiopia) in 1934, all four of these states were League Members, and neither conquest would be legally recognized by the League, or even the US, though the failure of the League to

prevent the invasion of two of its members, and its inability to forcefully rebuke the occupiers, would significantly undermine its legitimacy (Holsti, 2006; Wright, 1942)

The League of Nations would ultimately be successful in helping to better organize states globally and starting to build the supranational political institutions and bureaucracy needed to govern transnational issues on such a wide scale, as well as in further institutionalizing peaceful alternatives to war, and in resolving a variety of issues through its enquiry, arbitration, and PCIJ mechanisms. However, its inability to stop external major powers like Germany or even those which were Covenant signatories and League Members, such as Japan and Italy, from conquering other League Members would eventually undermine it (Kocs, 2019). Part of this was the result of its requirement of needing consensus among all of its eventually 44 Members to act, meaning that individual states, including the aggressors themselves, could vote down motions to take more substantive or even military actions that were somewhat nebulously authorized under Article 16. Confederations of this sort are often prone to grid-lock, and this point was made during the League's negotiation by the French and the majority of smaller powers who insisted that the League would not be able to function if it required total consensus to act, and further that it should have its own army capable of deterring unilateral military actions, and that the deployment of which and the decision-making procedures of the League generally should be based upon some sort of majoritarian voting system so that the opposition of the few could not undermine the peace of the many (Holsti, 1991).

While a far cry from the level of global institutionalization, funding, and collective sense of community needed to govern the many interconnected problems of the world, the establishment of the League was the critical seed of directly organizing peace on the global level that would soon grow into the United Nations.

**Uniting the Nations**

"If we had no United Nations, it would be necessary to invent one – and it would not differ very greatly from what we have now" said US Ambassador to the UN Adlai Stevenson when describing the importance of the UN in a confidential memo dated March 7th, 1962 (JFK Archives, NSF). While the groundwork had been laid for its establishment by the prior negotiation and signing of more than 2,800 diplomacy related agreements, 2,700 arbitration or adjudication related agreements, at least 112 treaties establishing or involving earlier IGOs, over 1,200 peace treaties, and more than 10,000 peacefully concluded agreements that helped to build community and expand consensus across a wide variety of other subjects, the UN Charter was the single most important treaty ever to be signed with regard to building the institutional capacity needed for peacebuilding and political governance at the global level.

As described in Chapter 3, the algorithms I used to attempt to maintain coherent topic modeling across treaties signed before 1945 and those signed afterwards, indicated that a statistically meaningful change within the collective body of international law occurred following the establishment of the UN. The way that states interacted, the level of respect they gave one another, and the rules they used to encourage compliance had fundamentally changed. This shift was manifestly observable within the treaty fossil record and detectable in the language used, in various new clauses and enforcement mechanisms included, as well as in the expanded scope of agreements and the more than doubling of statistically distinguishable types of treaties in the post-1945 era.

The signing of the UN Charter was profoundly different from all previous organizations in that it provided the international community an explicit, formalized, and voluntarily adopted set

of rules, obligations, institutions, and decision-making procedures that essentially formed a constitution for the world (Atack, 2005). International relations had fundamentally shifted from a patchwork of overlapping peer-to-peer contractual relations and often incongruous expectations, to one in which all interstate relations would now operate within a universally shared overarching institutional framework and legal architecture for the first time. This created a solid foundation for community, consensus, and peacebuilding between all states, even those which had never previously interacted directly.

With universal consensus around a baseline of rules to govern nearly every area of international interactions, including communication, diplomacy, travel, trade, border fixity, and much more, as well as the establishment of global political governance structures including the United Nations General Assembly (UNGA), Security Council (UNSC), Economic and Social Council (ECOSOC), the Trusteeship Council, Secretariat, and ICJ, as well as expanding array of subsidiary bodies. These include the UN Development Program (UNDP), the UN Environment Program (UNEP), UN Children's Fund (UNICEF), and World Food Program, as well as the integration of many existing specialized agencies, including the ITU, UPU, ICAO, ILO, and newer ones such as the WHO, IMF, and World Bank. Building the UN system was the "the world's toughest, most complex, most delicate, most advanced task of institution-building in the world" (Stevenson, 1962. JFK Archives). Collectively, these UN organs and related or affiliated organizations have formed the proto-state bureaucracy and supranational political governance institutions that have organized peace to a historically unprecedented level. While the UN "is not a world government" and to some extent remains "only effective to the extent its Member's permit it to be effective" it is increasingly able to "exercise a potent persuasive force" and "now has the

capacity to act" in a way that no other organization including the League of Nations has been able to on the global level (Stevenson, 1962. JFK Archives).

The UN organs and decision-making procedures are a step closer to what might be considered a truly supranational government in that it claims a monopoly on the legitimate use of force and establishes a legal hierarchy under Article 103 that UN Charter obligations supersede all other potentially conflicting obligations by states under other treaties (Butcher & Griffiths, 2017; Wendt, 2003). It also has several governance processes built in that can lead to the creation of new laws. The most direct and powerful of which is the ability of the UNSC, under Article 25 of the Charter, to impose binding resolutions and obligations on all UN Member-States, as well as through the UNGA resolutions adoption process, which despite being non-binding, can lead to binding conventions by opening them up to the individual signing of them by its Members (Iakovidis, 2013). Further, in part thanks to the increasing normalization of supranational governance over time, individual UN organs and affiliated institutions are signing treaties with states and other international organizations directly. I found instances of this occurring through 20 different UN-related organizations in my dataset.
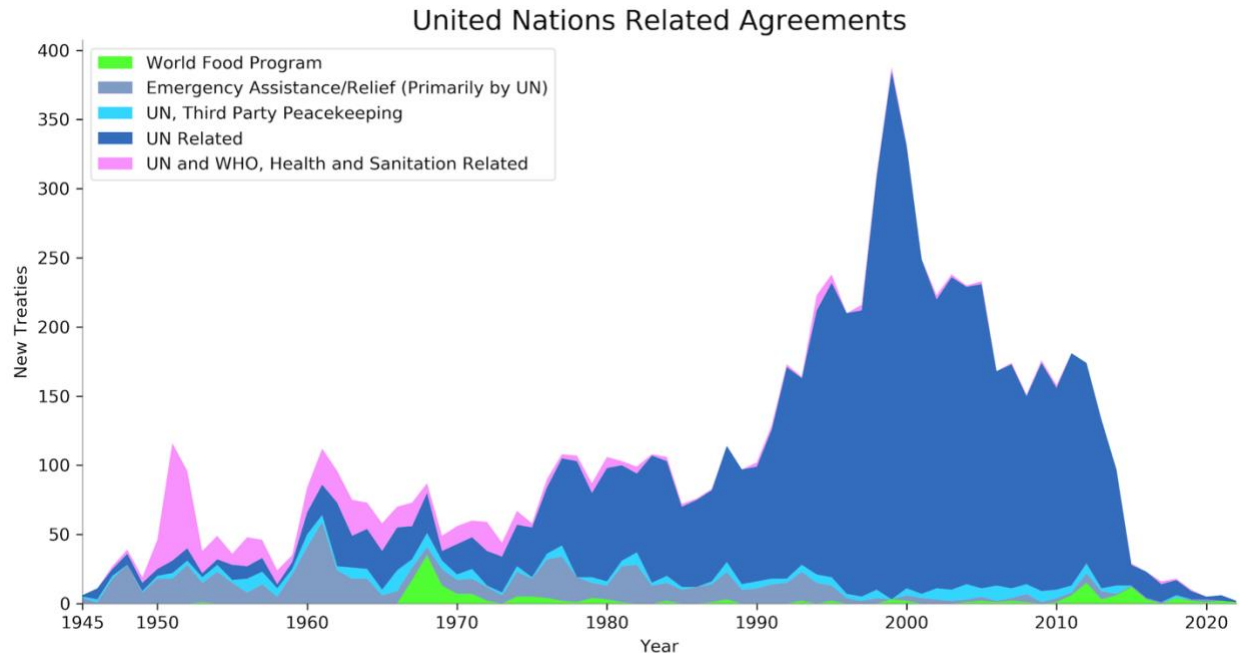
*Figure 6.20: United Nations Related Treaties, 1945 – 2022*

While the UN Charter itself has only been amended five times during the last 78 years, the UN system it gave rise to serves as a vehicle for expansive and dynamic global governance across an increasingly wide spectrum of international affairs. Beyond the Charter, at least 6,268 additional directly UN-related agreements have been signed since 1945, as well as at least 895 emergency aid or relief agreements and 611 health and sanitation agreements, most of which involve or are in some way coordinated through the UN, 185 treaties involving the World Food Program, and at least 352 peacekeeping and emergency mission-related agreements.

Peace and international security were forever changed in 1945, and it had nothing to do with the development of atomic weapons. No, the real bombshell was the dramatic shift in legal permissibility and justifiability of the use of force to settle disputes, which was now only legal according to the UN Charter under three possible conditions. The permissible uses of force include self-defense in response to an armed attack (Article 51), operations carried out with the express consent and invitation of a Member-State, and those which are formally and explicitly authorized

by the UNSC in response to a "threat to the peace, breach of the peace, or act of aggression" (Article 39). This latter condition comes with the caveat that force can only be used if alternative actions short of force "would be inadequate or have proved to be inadequate" at which point the UNSC may "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security" (Article 42). These legally permissible justifications were further clarified by the ICJ in 1986 Nicaragua case that ruled that war cannot be justified in response to "mere frontier incidents" in which the "scale and effects" are minimal, or in response to "assistance to rebels in the form of the provision of weapons or logistical or other support".

The institution of war was thoroughly and explicitly outlawed, and alternatives were institutionalized throughout the Charter. Article 2(4) states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and Article 2 also dictates that "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered". Article 33 also known as the Peacemaking Mandate, states that "The parties to any dispute… shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice". In this way, the UN "Provides Neutral Machinery which would otherwise not be available as instrument of diplomacy" and "Its mechanisms for peaceful settlement and change stand readily available for use if members desire or can be persuaded to use them" (Stevenson, 1962. JFK Archives).

For example, according to a report to Congress from the White House in 1963, "impending conflict was averted in West New Guinea… by the patient work of a United Nations mediator" as the increasingly militarized dispute between the Netherlands and Indonesia was successfully

resolved via the 1962 New York Agreement and the United Nations Temporary Executive Authority, which allowed for the peaceful transition of control from the Netherlands to Indonesia (UN files, Box 311, JFK Archives).
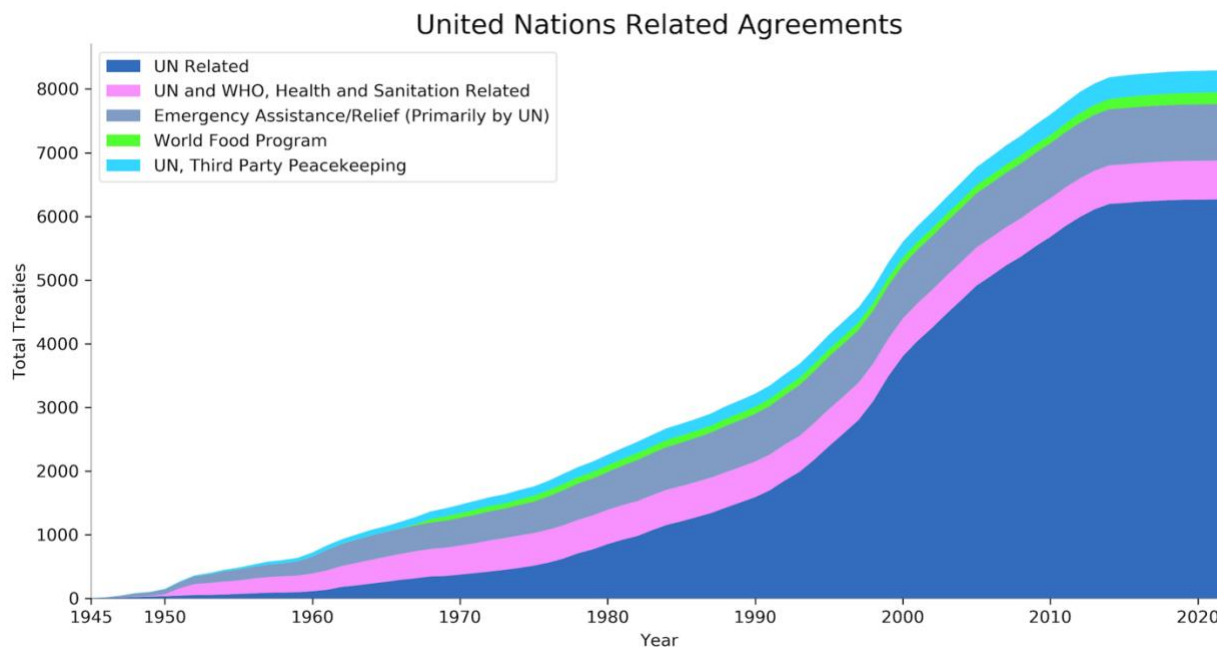


*Figure 6.21: United Nations Related Treaties, Cumulative, 1945 – 2022*

The impact of the UN, the thousands of treaties that helped set the stage for its establishment, and the thousands of UN-related agreements signed afterwards on organizing peace at the global level is difficult to overstate. There has been a dramatic decline in the frequency of interstate wars around the world since 1945 (Braumoeller, 2019; Gaddis, 1987; Goldstein, 2012; Mearsheimer, 2013; Mueller, 1991; Pinker, 2011), including not a single war within the Americas or Western Europe, as well as there being no direct war between the worlds 44 most economically powerful states at any point since 1945 (Brecke, 2001; Gaddis, 1987; Holsti, 2006; Pinker, 2011).

Even more remarkable is how not a single sovereign Member-State of the United Nations has gone out of existence since it has been established, despite Russia's recent failed attempt to break that trend. This is dramatically different from the past experience of states, especially smaller

ones, that is difficult to fully appreciate without historical context. By way of comparison, and though some federalized peacefully, most of the roughly 500 independent European states in the early 17th century were conquered and wiped out with more than 95% of them gone over the next three centuries (Richardson, 1960; Wright, 1942). While non-Western data is harder to come by, we know that similarly violent conquest and genocide or politicide processes took place all around the world. Two other data points that we do have tell us that an estimated 33% of all sovereign polities in Papua New Guinea have been wiped out each century (Soltis et al., 1995), and that during the Warring States period in China, at least 52 states were wiped out in the centuries just prior to 481 B.C.E., and another 163 were conquered or otherwise violently subsumed by 221 B.C.E., collectively a loss of more 97% of the 222 sovereign independent states down to just 7 in what is now modern-day China in under five centuries (Smith & Fairbank, 1992; Zhang, 2014).

While the veto powers given to the P5 UNSC Member-States, ultimately hamstring the UN's ability to organize peace more effectively, especially with regard to the inability to legally hold the P5 to account when invading non-P5 UN Member-States, the establishment of the UNSC was dramatically effective with regard to organizing at least a stalemate and negative peace between the Great Powers, as there has not been a single direct Great Power war since 1945 (Gaddis, 1987; Levy, 1981, 1983; Mueller, 1991).

Some scholars have rightly pointed out that it is not as if the major powers of the world have become especially close or more peaceful generally with one another, but rather that they have shifted their global competition from directly fighting each other in total wars to indirectly contesting spaces through proxy war conflicts (Fazal & Poast, 2019). According to an internal briefing delivered by the US's UN Ambassador Stevenson in 1962 it was the policy of the US to "to Enmesh USSR in Tangle of International Machinery to make Use of Force Constantly More

Difficult", and that through the increasing use and development of its institutions and peacekeeping forces that through the UN the US could "continue to build a web of international structures in which the Soviet Union participates, so constructed as to increasingly raise the political costs for using force in international relations and to substitute institutional means for the settlement of disputes" (JFK Archives, NSF, Dated June 26th, 1962).



"This Sure Beats Cleaning Up After a War"

*Figure 6.22: "This Sure Beats Cleaning Up After a War"*

Source: D.C. Post + Times Herald, July 25th, 1955. JFK Archives

While tense competition and rivalry remains between Great Power dyads such as the US-China, US-Russia etc., the UNSC and the UN system more broadly has been remarkably successful in creating a "long Great Power peace", stopping direct wars between them for almost 80 years (Levy & Thompson, 2011), and relegating their conflict to economic competition, gray-zone conflict, and indirect proxy warfare, relative to the historical norm of open and near constant Great Power warfare (Gaddis, 1987; Levy, 1981, 1983; Mueller, 1991).

## Cumulative Peacebuilding Effects

The cumulative effects of the peaceful negotiation of 74,244 treaties, and the increasing institutionalization of alternative dispute resolution mechanisms, including through the use and explicit commitment to the future use of formal and informal diplomacy, mediation, conciliation, arbitration, adjudication, and supranational organizations have largely, though not entirely, undermined the potential justifiability and perceived remedial utility of war over the last four centuries (Denemark & Hoffmann, 2008; Randle, 1987; Vayrynen, 2006). The more agreements signed between states, especially those which firmly commit, demonstrate the credibility of, or otherwise improve the institutional capacity of the signatories to utilize these alternative dispute mechanisms, the more likely it is that they will be willing to trust and commit to the peaceful process of negotiation and compromise (Gent & Shannon, 2010; Schroeder, 2013).
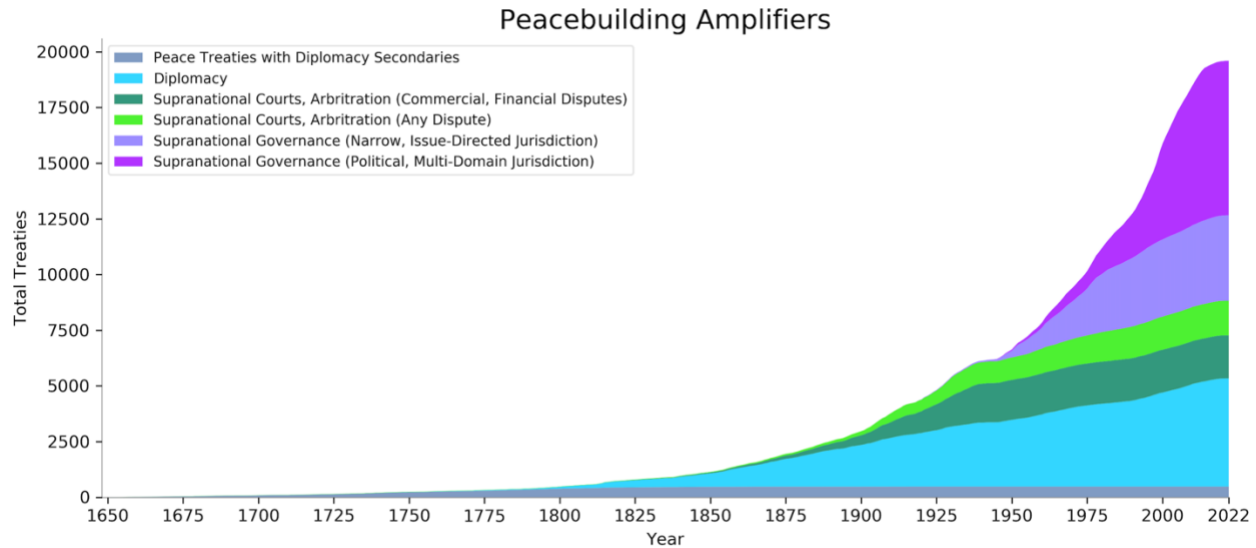
*Figure 6.23: Peacebuilding Institutions, Cumulative, 1648 – 2022*

Collectively, as the structure of international relations has become increasingly organized in this way through the negotiation and implementation of almost 20,000 peacebuilding institution-related agreements, this has created a positive compliance spiral and feedback loops (Raustiala & Slaughter, 2012) as the highly organized cooperation processes mutually reinforce one another over time (Ikenberry, 1998). This has empowered diplomats to try increasingly ambitious efforts to organize the international system and institutionalize cooperation rather than conflict.

## Rising Ambition and Supranationalism

Supranational institutions which involve significant amounts of pooled sovereignty, and contain enforceable dispute resolution mechanisms, are the most effective in promoting peace (Hansen et al., 2008; Hensel et al., 2008). The more states are willing to pool authority in a federal sense in terms of using majoritarian voting procedures for collective decision-making processes, rather than relying on the consensus mechanisms of confederations that are prone to gridlock and lowest common denominator outcomes, the more successful at resolving contentious issues and

preventing conflict the organization will be. The deeper integration achieved by more ambitious regimes and institutions yields more significant gains from cooperation, however this is also when significant domestic constraints become more likely as the perception of sacrificed sovereignty rises and empowers reactionary forces (Raustiala & Slaughter, 2012).

Before states are willing to establish such advanced supranational organizations, it is often necessary to build a stronger overall degree of consensus about how states should conduct their relations and a greater overarching shared sense of community first. This is likely a large part of the reason why the more treaties states have signed together in the past, the more ambitious the levels of international cooperation and integration they will be able to achieve in the future (Copelovitch & Putnam, 2014). It would take centuries of progressively ambitious international organization via treatymaking in order to build the imperfect yet dramatically more peaceful world we have come to take for granted today.
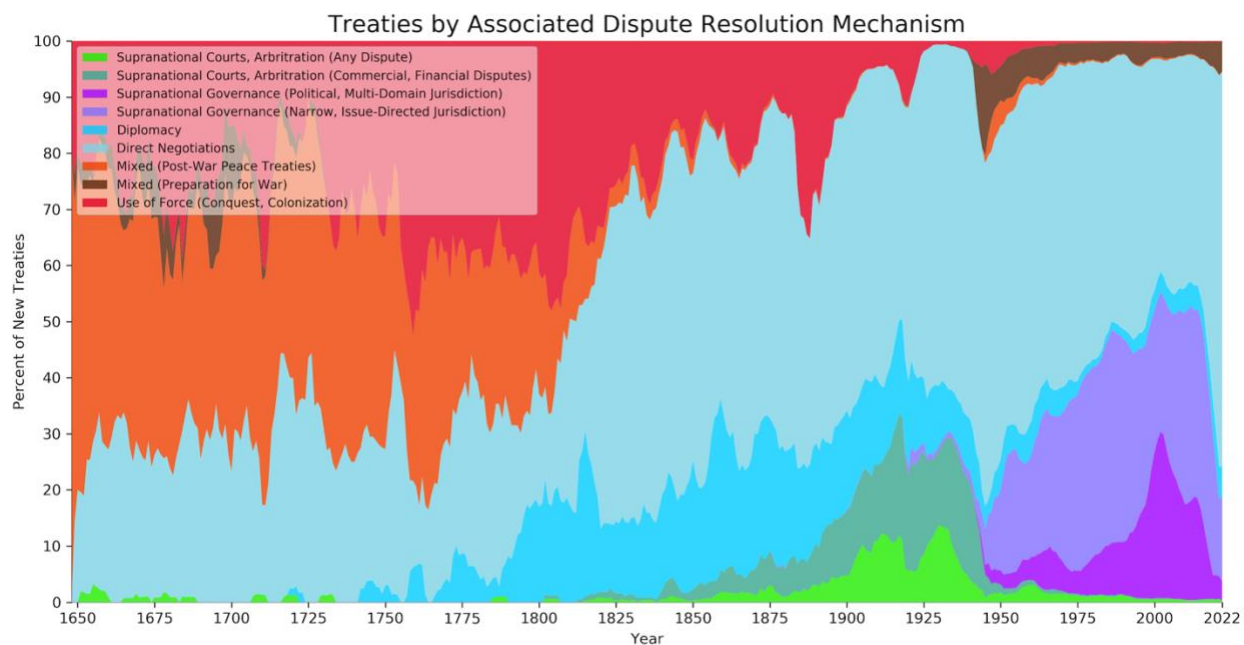
*Figure 6.24: Percent of Treaties by Dispute Resolution Mechanisms, 1648 – 2022*

Figure 6.24 helps demonstrate how diplomats and peacemakers have become increasingly ambitious in the scale and scope of supranational organizations and peaceful dispute resolution mechanisms over time, with "each one more radical than the last… to avoid a further war" (Hinsley, 1982, p. 4). Supported in large part as the result of the community and consensus building effects of treatymaking over time, the more treaties states have signed together in the past, the more ambitious the levels of international cooperation and integration they will be able to achieve in the future (Copelovitch & Putnam, 2014), and thus the more likely it is that they will be able to resolve their disputes peacefully (Hansen et al., 2008; Hensel et al., 2008).

In Figure 6.24, the institutionalization of diplomacy can be seen beginning in earnest during the last few decades of the 18th century before becoming much more firmly established during the 19th century. The institutionalization of arbitration and adjudication would begin roughly a century later and follow a similar trajectory, rising steadily throughout the later decades of the 19th century before expanding dramatically during the first half of the 20th century. Finally issue-specific IGO related agreements, and more general supranational political governance organizations would follow. Ultimately, these peacebuilding institutions have collectively, though not entirely, undermined the potential justifiability and perceived remedial utility of war by providing legal alternative to war and helping to institutionalize the practice of peaceful dispute resolution through increasingly ambitious means.

## Conclusion

When Clausewitz wrote in 1832 that "War is the continuation of politics with other means", this was an understandable and largely true sentiment at the time as there had only been just over

4,600 total treaties signed globally, and 56% of which were signed in the wake of wars. With the benefit of another nearly two centuries of organizational progress, including the signing of more than 70,000 additional and increasingly ambitious treaties since then, rather than every 1 out of 2 treaties being signed during or at the conclusion of wars, today its just 1 out of every 236 that meet that description. Thus, it might be time to update the Clauswitzian aphorism to "war is a *failure* of politics by *existing* means".

Further, in the same way that Clausewitz (1832, p. 81) describes the varying levels of force needed to resolve issues through war as being derivative of "The political object – the original issue for the war – will thus determine both the military objective to be reached and the amount of effort it requires", building peace necessitates developing increasingly ambitious supranational political institutions to channel conflict into peaceful dispute resolution mechanisms and institutions with inclusive decision-making processes. This not only can help reduce conflict and war, but transform it into a constructive force for spurring positive change and action.

Humanity has been increasingly successful in building peace in this way over time, as the institution of war has largely, though clearly not wholly, been replaced over the last four centuries through the creation and repeated institutionalization of these increasingly ambitious and effective peaceful dispute resolution mechanism. Ultimately, it was in large part through the iterative treaty-based "modifications of the world's political structure" over time that the "the organization of peace is advanced" (Wright, 1955).

# Chapter 7: Conclusion

"World peace cannot be safeguarded without the making of creative efforts

proportionate to the dangers which threaten it."

- Robert Schuman, May 9th, 1950

## Summary

Ultimately, this project demonstrates how the expanding body of international law and the cumulative effects of negotiating and implementing tens of thousands of international agreements over the last four centuries has progressively organized the international system and relegated most global competition to trade wars and gray-zone conflicts, rather than the historical norm of open war. The socializing negotiation process effects and enduring results from the creation of this vast collection of agreements have progressively improved the organizational structure of the international system over time by expanding our shared sense of community and recognition of common humanity, enhancing our mutual understanding of one another and reaching consensus across a wide spectrum of critical areas, while institutionalizing peaceful and increasingly supranational dispute resolution processes over war.
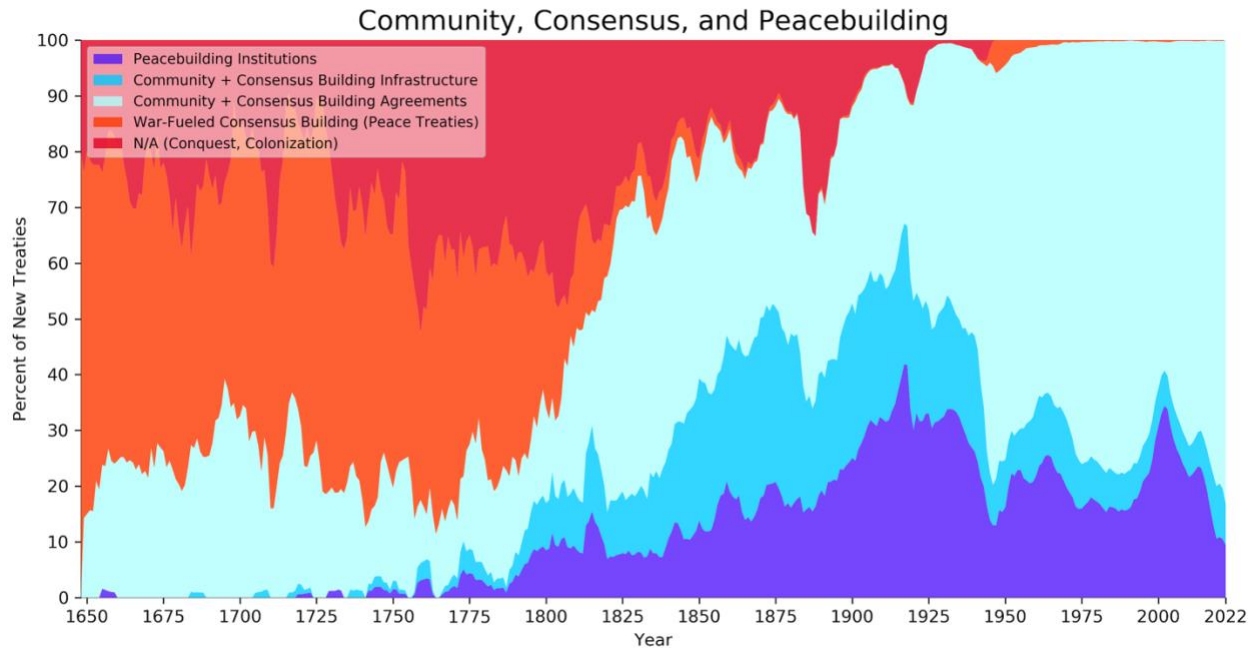
*Figure 7.1: Community, Consensus, and Peacebuilding, 1648 – 2022*

Collectively, these trifold treatymaking effects have increasingly promoted cooperation over armed conflict as slowly and then suddenly, humanity transitioned from a highly anarchic world of conquest and colonization, with an average of just 19.7 new treaties signed globally each year and 67% of which would only be signed after war was concluded, to one that is much more cooperative, better organized, and that signs an average of 910.4 new treaties every year, half of which now involve a supranational organization, and nearly all of which are peacefully concluded.

By bringing to light much of the largely hidden and exceedingly complex structure of the international system and allowing us to see the fossil record of international relations more clearly and with the advantage of a longer-term perspective, I hope the visualization of this information will help to reframe perspective concerning modern friction points in the international system, such as Taiwan's sovereign status, how to regulate AI - enhanced weapons systems, or how to reform the United Nations from seemingly intractable and unsolvable issues to just another area of international agreement that has yet to be reached and the next step in our long history of

negotiating seemingly impossible agreements. This project ultimately seeks to help us step back from our narrow focus on today's problems and notice how vastly better organized our global architecture is today from the violent world of our past.

The negotiation and implementation of tens of thousands of treaties over the last four centuries has transformed the world from one of many disparate and hostile communities, into a truly global community that increasingly strives to resolve issues at the supranational level. While no single treaty can create and sustain a global sense of community on its own, the negotiation, signing, and implementation of nearly eighty thousand agreements of all kinds over the last four centuries, especially those which amplify community building effects by facilitating or systematically increasing the amount of ongoing social interactions between states across a wide variety of domains, have helped to forge bonds that transcend national boundaries, and increasingly affirmed the supranational level as the most appropriate one for addressing transnational issues, while collectively helping to build and expand the global community, mutual recognition, and shared sense of identity over time.

The signing of 79,287 international treaties containing more than 200 million mutually agreed upon words that reflect an expanding international and in some cases truly global consensus across and increasing vast array of subject areas. The community and consensus building effects from the negotiation and implementation of tens of thousands of treaties have organized peace by bringing mutually constructed order to the international system and collectively resolved a wide variety of contentious and previously war-salient issues, helping to narrow the range of socially and legally permissible justifications for war over time.

Consensus forged through the negotiation of 1,603 peace treaties, 2,094 maritime agreements, 1,313 territorial boundary delineations, 588 environmental agreements, and 12,219

trade related treaties have transformed some of the least regulated and most violent areas of international affairs, from anarchic sources of conflict and arenas of war, into well-regulated sources of cooperation and zones of peace.

Contemporary territorial disputes and dangerous flashpoints exist, yet they are countable, which is a major distinction from the past as the number of remaining potential hotspots for conflict in the world have shrunk an innumerable amount when nearly every single border was considered to be impermanent and contestable through force, to an increasingly tiny percentage the of the worlds borders with states comprising almost three full continents having settled the boundaries, with some moving towards federal supranationalism and giving up on the idea of internal borders altogether.

The High Seas were transformed through the reaching of consensus from a treacherous and anarchic place ruled by might, piracy, and uncertainty, where trade goods were often seized enroute by actual pirates or the state-sponsored variety of "privateers" operating with the quasi-legal backing of the Great Powers, to a global common recognized as the "common heritage of mankind" over which safe conduct is almost universally guaranteed and the vast majority of even its territorial seas have been neatly drawn into clearly established EEZs, though some critical disputed flashpoints do persist, most notably in the South China Sea.

While trade and resources issues and interests of course remain an important and sometimes contentious issue between states, they are almost never considered to be justifiable grounds for war any longer. Nor are they even rational grounds for war as, just as community-building helped to changed the social calculus of war by expanding mutual recognition in favor of peace over time, consensus building has also helped to change the economic calculus of war in

favor of peaceful exchange and trade, rather than conquest, subjugation, and extraction of resources by force.

Tortious injuries and unpaid debts were no longer considered acceptable justification for war by the late 19th and early 20th century, as the result of the institutionalization of arbitration and alternative dispute resolution mechanisms generally that would begin to more directly replace the institution of war by providing an increasingly credible, formalized, and eventually expected means of resolving these types of disputes. The establishment of the World Bank, IMF, and other financial institutions helped to further eliminate debt-related wars as 80% of all new loans were now issued through these multilateral institutions rather than directly from other states. While loans and debts remain important issues in international affairs today, they are never war-salient. And rather than states discussing the possibility of conquest and plunder for financial restitution, there is increasing talk about the need for debt cancellation to further development and environmental goals, another clear manifestation of the expanding mutual recognition and collective understanding of the need to act collectively at the supranational level to resolve global issues and reach global goals.

Over the last four centuries, war has shifted from being the law to being explicitly outlawed, though enforcement, especially of the major powers, still leaves much to be desired. Conquest went from being seen as a positive social indicator amongst monarchs, to a crime which has led even the ICC to issue an arrest warrant for Putin (Leff et al., 2023). Collectively, the institutionalization of arbitration along with the expanding consensus and sense of community that came through the negotiation and implementation of thousands of other treaties helped dramatically lower the rate of warfare between states during this period, as in stark contrast to the preceding era, most wars that could have started during the 19th century were now avoided

(Schroeder, 2013). This trend was furthered in large part through the building and institutionalization of alternative dispute resolution mechanisms, including through over 4,000 diplomacy related treaties, 3,000 arbitration and adjudication related agreements, and 10,000 IGO-related agreements.

Fueled and supported by the consensus and community building effects from the negotiation and implementation of tens of thousands of treaties, this change reflects a major shift in the international system as states have increasingly turned away from a Grotian system of "might makes right", which was reliant upon the institution of war to resolve disputes, to one built on an increasingly solid foundation of mutual recognition, international law, and the peaceful resolution of disputes through diplomatic negotiation and supranational institutions.

While some of the most major advancements have historically come in the wake of major wars, this is by no means necessary, and indeed much of the achievement often ascribed to them and the bulk of the global pacific progress in undermining the perceived acceptability and remedial utility of warfare has been made through the increasing institutionalization of non-violent alternative processes and dispute resolution mechanisms via the increasingly peaceful negotiation and implementation of thousands of other lesser-known and smaller scale treaties that have consistently and collectively shaped and improved the organizational structure of the international system over time.

Peace has been especially well organized in Europe. Despite fighting an average of two wars every year from 1400 to 1945, there has not been a single war in Western Europe since 1945 and only three in Europe as a whole since then (Brecke, 2001; Pinker, 2011). War had been a nearly ubiquitous fact of life in Europe for millennia, a fact notable in the aptly named Hundred Years' War, and the Thirty Years' War. Yet today the EU effectively organizes peace between

500 million people from 27 Member-states, who speak at least 23 officially recognized languages and hold EU passports, and has been so institutionalized that it now operates in a truly supranational sense and by some estimates is where half of all new laws affecting Europeans are created (Green, 2010) and enjoys the highest levels of positive peace on Earth (Owsiak et al., 2021). Organizing peace in Europe was a slow and iterative process, and involved a great deal of trial and error, as they built community, consensus, and tried to find a workable organizational structure that could resolve their disputes and help them manage transnational issues (Ghervas, 2021). European pacification is not in any way due to some "sui generis" nature or quality that cannot be reproduced elsewhere, it is simply the region furthest along in the organizing peace process.

**Future Research**

In the next phase of this project, I plan to continue improving my state signatory detection program with the goal of being able to break down the global trends highlighted in this dissertation to the dyadic, or state-to-state, level of analysis. This would enable policymakers and scholars to know how many treaties, and which types, exist between any two countries, within any region, or globally, at any given point from 1648 until today. Over the next few years, I intend to build a web-based, interactive data visualization tool to make key parts of this new dataset accessible to the public, including through representing treaties as color-coded threads connecting state capitals as an overlay on a map of the world. Site visitors would be able to choose by treaty topic to see, for example, how many environmental treaties exist today, and which countries are signatories. Alternatively, visitors could select a pair, or group, of states and watch a time-lapse visualization of the types of treaties signed by them over time, to assess, for example, how US-China relations

have evolved, or how these major powers compare with regard to signing treaties with third-parties in terms of quantity, topics, and specific partner states or regions over time. If you would like to contribute to this project or represent an institution that would like to support or host it, please feel free to reach out at JustinKHaner.com/contact.

Future studies could also use additional computational text analysis techniques, including blended unsupervised and supervised approaches which rely on a combination of statistically determined topic clusters with key-word anchored topics, to allow for a potentially more nuanced look into specific types of agreements or particular clauses which might suggest higher levels of pooled sovereignty, such as the presence and/or rules for voting or other decision-making procedures.

## Conclusion

In conclusion, this project strongly advocates for a collective shift in how we view national and international security and argues that states can make themselves more secure not by building up their military, but by negotiating directly with and increasing their social connections to their supposed "enemies", investing the time and resources necessary to find and expand mutual consensus between them, especially with regard to settling disputed territorial borders, and by committing to an open-ended peaceful process through one of the many alternative dispute resolution mechanisms and openly rejecting the validity of any potential outcomes through conquest or use of force. The path to truly permanent and lasting peace is through enhanced mutual understanding and social familiarity, through hard-reached compromises and partial wins, through the gradual resolution of contentious issues and a firm commitment to long-term engagement and diplomacy. This project argues that what our history and the fossil record of international relations

teaches us above all else is that peace is ultimately built by resolving issues of mutual concern and building the community and consensus promoting infrastructure and peacebuilding institutions to resolve disputes nonviolently. This can fundamentally reshape the nature of relations between states over time from one of conflict and antagonism, to one of cooperation and peaceful coexistence.

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