

THE HIERARCHY OF PEACEMAKING AGREEMENTS

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By Prof. Z. S. Andrew Demirdjian, Los Angeles, 8 August 2021

*"Peace is the only battle
worth waging".*

Albert Camus

In response to the timely discussion topic "An Urgent Appeal" and circulated to the Keghart.org readers by Dr. Dikran Abrahamian on August 1, 2021, I wrote a brief essay in which I argued that Armenia could make a counter demand to Turkey's and Azerbaijan's demand to establish the Nakhitchevan to Azerbaijan corridor through Armenia's Syunik province by asking in return for a corridor from Gyumri to Hofa in the Black Sea area as a way to inform the international community and enlist its support.

My brief essay was published in Keghart.org on August 2, 2021. A reader commented that Armenia had a ceasefire agreement with Azerbaijan and therefore could not initiate a new demand at the negotiating table.

I realized that there was some lack of understanding about peace agreements since most of the time peace terms have been used interchangeably. I shall discuss briefly the hierarchy of peacemaking agreements in terms of their formality and binding power.

No matter how long two countries fight each other, sooner or later they reach a point when they have to sign an agreement to end hostilities. War is a disruption in the lap of nature. When a storm begins, it has to end and calm is restored. Likewise, two warring countries have a number of choices of peacemaking agreements to stop the storm of war and return to normalcy.

Thus far we have ceasefire, humanitarian ceasefire, and ceasefire of hostilities, truce, armistice, and treaty in circulation. Subtle nuances in the terminology of peacemaking agreements may create misunderstanding, though. So, let us introduce each one in the hierarchy in terms of their formality and binding power.

Peacemaking agreements differ in formality, binding power, and sequence. A normal sequence would be ceasefire, truce, armistice, and treaty.

Ceasefire, humanitarian ceasefire, and ceasefire of hostility are interchangeably used and basically mean the same peacemaking agreements. A ceasefire is often temporary, provisional break in fighting agreed by both sides to achieve a non-combat objectives such as removal of casualties or safe passage of humanitarian aid, and can be very informal, just a handshake between officers on opposing sides. It can be open-ended or may have a defined end, at which time hostilities are expected but not required to continue. On the rungs of the hierarchy ladder of peacemaking agreements, a ceasefire is the least formal and the least binding of the four types of agreements.

For example, the so-called ceasefire of 1994 between Armenia and Azerbaijan has been violated

many times. Reportedly, Azerbaijani forces have violated the agreement 190 times, while Armenia has supposedly violated 75 times. In fact, Azerbaijan launched heavy attacks on Armenia and Artsakh in 2014, 2016, and 2020 and the aggressor was not held responsible for violating the ceasefire.

Neither Armenia nor Artsakh had any reason to violate the ceasefire since they had liberated what they considered their legitimate historical territories. So, it goes against logic to think that Armenia and Artsakh would have violated the so-called ceasefire of 1994.

It should be recalled that the 1994 session of hostilities was a truce rather than a mere ceasefire since the protocol of 1994 about the so-called ceasefire between Azerbaijan and Armenia contains rather extensive terms and conditions for both Armenia and Azerbaijan to observe. The Organization for Security and Co-operation in Europe (OSCE) /the Minsk Group mediating the end of the fighting often refers to this document.

A Truce is a more formal ceasefire with the objective to pause hostilities to allow time for the pursuit of a non-lethal resolution of the conflict. The opposing sides would stop all theatres of operation. It has some degree of formality to it as being a document listing time of cessation, duration, conditions of forces, who keeps what in terms of gains in land and war equipment, what may constitute violations of the truce, etc.

For example, the Nov. 9 peace agreement in 2020 between Armenia and Azerbaijan may be considered as another truce since it has a higher degree of formality and it was brokered by a third party, which would ideally make sure both sides adhere to their agreements. In terms of binding power, truce is higher than a ceasefire, but does not have the legal muscle for its enforcement.

Consequently, Armenia can ask to change the conditions of the Nov. 9 agreement, such as to have a corridor to the Black Sea in return for the Nakhitchevan to Azerbaijan corridor through Armenia's Syunik province. One of the reasons of a truce is to give time to the warring sides to negotiate further on terms and conditions toward a permanent peace.

An Armistice is a formal, negotiated document. It is usually prepared by politicians and officers of the war. Its main purpose is to document a formal and permanent cessation of hostilities. The main difference between a truce and an armistice is that there may be an expectation that the truce could be broken by a rogue side or deliberate non-compliance, while an armistice is expected to be respected. Thus, it has a higher formality and a higher biding power than the preceding two types of agreements.

For example, the Armistice of Nov. 11, 1918, ended WWI between Germany and the Allied Powers. After lengthy negotiations among the belligerents, the agreement included political, financial clauses, and military terms. The military terms made the resumption of hostilities virtually impossible for Germany by precluding it from forming an armed force. The general rules regarding an armistice were formulated at The Hague Peace conference of 1907 and are contained in The Hague Land War

It is worth noting that an armistice does not restore normal diplomatic relations nor does it end the war. Like in truce, it simply stops the fighting to come up with ideas to agree on peace terms. Therefore, an armistice is the first step for a peace process; however, it does not make or create peace by itself. For example, the Koreas, North and South, despite the armistice signed in 1953, are still formally at war. For all practical purposes, no peace treaty yet can be acceptable since both sides claim the whole of Korea just like Azerbaijan and Armenia have been unwilling to compromise for peace.

Hostilities can be resumed when serious violations are committed by a signatory. An armistice could serve as the final agreement if both warring sides are satisfied with its terms and conditions. However, it does not deal with causes, blame or reparations, or punishment. These would normally be covered in a treaty.

A Treaty is an agreement between two or more states or sovereigns. It encompasses all that there is in an armistice agreement plus blame, restitution, reparations, punishment, etc. It is the highest in terms of formality and binding power. Historically, treaties have been regarded as binding, but violators were held accountable only in the court of public opinion. However, violators were never asked or forced for restitution or reparation. Supposedly, in modern times, only treaties are upheld by international law.

As indicated, truce and armistice are agreements with varying degrees of formalities designed for general cessation of hostilities, while a ceasefire may only involve a local pause in hostilities without having a formal agreement in place. For example, WWI ended with an armistice that was later superseded by a peace treaty, namely the Treaty of Versailles. The Korean War has an armistice in place; however the war has not technically ended as there has been no peace treaty signed by both sides. During WWI, however, there were a number of ceasefires where soldiers on both sides were able to collect and treat their wounded. However, the war did not end with those ceasefires.

Are treaties cast in stone? Let us take an example. At the end of WWI, the victors signed the Treaty of Sevres in 1920 (in Paris). Armenia, Greece, Assyrians, the Kurds, and others were given part of the Ottoman Turkey as their homelands. The Treaty of Sevres had the highest formality and binding power on the hierarchy of peacemaking agreements, but wait -- here comes Mustafa Kemal (Ataturk), galloping with his army of irregulars and rejects to obey the dismemberment or apportioning of Turkey as specified in the formal document (as a the vanquished side!).

The Allies give in. Instead of enforcing the treaty pre-paid by them painstakingly, the allied politicians held many more lengthy meetings to come up with the Treaty of Lausanne in 1923 to appease much-admired (by the United States, UK, and Russia) who had criminally gotten rid of the rest of the 5.2 million Christians from Turkey.

Incidentally, when Kemal visited the United States, he received a hero's welcome mainly by

Ashkenazi Jewish Zionists. UK not only admired Kemal, many Jewish wealthy families bankrolled his campaign against the indigenous people of Turkey. Russia went out of its way to finance and provide weapons to Kemal to finish his campaign of expelling from Turkey its indigenous various ethnic groups such as the Armenians, the Greeks, the Assyrians. Kurds, the so-called Mountain Turks of the Dersim region including a lot of hidden Armenians, were also put to the sword when they rebelled against the unjust rule of Kemal.

Historians decided not to differentiate between types of peace agreement. Instead, they called all agreements as treaty--whether they were formal or not. In the past, there was no such thing as binding agreement. If one side broke the agreement, chances were conflict would resume.

In sum, none of the peacemaking agreements are cast in stone. Every conceivable type of agreement on the hierarchy of peacekeeping agreements between two or more parties is subject to breaching and their consequences would differ.

There might be three major kinds of consequences when an agreement is breached:

1. Nothing would happen as though the agreement had not been in place or violated
2. Hostilities might be resumed against the violator of the peace agreement
3. International law might be invoked to punish the violator of the agreement. Laws are worthless when they cannot enforce compliance.

Let me reiterate, lest we forget that all peace agreements are subject to renegotiation. As it has been mentioned earlier, a signed treaty like the Treaty of Sevres was not enforced by the Allied Powers when the provisional government of Turkey led by Kemal refused to comply with its terms and conditions. Instead, the Allied Powers obliged an enemy country by putting aside their first treaty based on humanitarian considerations and worked hard to produce another treaty (The Treaty of Lausanne) in line with the wishes of Turkey, a former enemy which had lost the war. In so doing, Armenians, Greeks, Assyrians were left out in the cold, if not in the lurch.

Before Armenia or Artsakh go on violating an agreement, it should be militarily prepared to face retaliation from the other side. However, mere asking for or negotiating a corridor to the Black Sea, would not constitute a breach of the agreement. The action would serve as a propaganda technique to show to the international community that Armenia is willing to grant a corridor to Turkey/Azerbaijan/Russia coalition, but that it would only be fair that they give Armenia a chance to change its status of being a landlocked country to connect to the rest of the world by the sea. Let us not forget, the international community is more emotional than logical in most instances. The world turns on logic, but humans only see it through their subjective lenses.

Lastly, the Nov. 9 truce gives Armenia and Artsakh a window of opportunity of five years to prepare them to negotiate a peace settlement out of strength to save the rest of Artsakh from the hungry jaws of Turkey and Azerbaijan. Resumption of hostilities may be on the horizon. Peacemaking

agreements will not give us any guarantee of keeping what we have.

So, astute diplomacy is fine, but not enough. In the Second Artsakh War, Armenian soldiers were not cowards or lacked bravery: they were miserably short on modern weapons to counter the extremely high tech warfare strategies of the allied forces of Turkey, Azerbaijan including thousands of paid or sympatric supporters. There is no two ways about it: the only way to protect what you have is to prepare for war.

Every year on September 21 the world should be reminded, especially our leaders and the cruel dictators of our adversaries, that peace should be sought at every opportunity rather than war --not only for the sake of humans, but also for the other creatures and the environment in which we all must live side by side.

There are no comments yet.