Order, Options, and Costs:
Understanding the Practical Utility of Interstate Peace Agreements

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Abstract

Peace agreements are well-studied in academia, but all the historical examples of failed peace deals and the absence of a real-world enforcement mechanism can make it challenging for practitioners to see their true utility. Conversely, academics may miss opportunities for informing real world practices in meaningful ways. Thus, a bridge between scholars and peacemakers is necessary to foster a common understanding of peace agreements, their limitations, and the benefits that they can provide to global peace and security. This article translates key findings from academic research into practical takeaways which highlight the utility of peace agreements for scholars and practitioners alike. It describes the mechanics of how peace agreements operate, and explains how, if negotiated and designed well enough, they can provide order where there was previously chaos; can offer options for decision makers when security incidents occur or tensions rise; and can modify the costs associated with the decision to use military force or engage in escalatory behavior. The implementation of peace agreements may not stop violations from occurring or deadly incidents from happening, but it can eliminate sources of conflict, can introduce cause for restraint, and can give decision-makers a crucial moment of pause before acting or reacting. This article uses the example of the Korean Armistice to illustrate these points, particularly in an analysis of the 2010 shelling of Yeonpyeong-do. Ultimately, this article concludes that practitioners should always understand the shortcomings of peace agreements but should never undervalue their utility.

*The views expressed in this paper are the author's alone and do not necessarily represent those of the U.S. Government or United Nations Command.

In principle, peace agreements are meant to end hostilities and set the conditions for maintenance of peace between parties engaged in militarized conflict. Presumably, if states followed those agreements to the letter of the terms, there would be no risk of renewed hostilities for two reasons. First, peace agreements are negotiated. This means that the parties to conflict had an opportunity to prioritize their objectives, and each had a hand in crafting the deal. The second reason is that peace agreements are, in essence, contracts. They specify the negotiated terms and conditions for trade-offs meant to satisfy the interests of all parties to the deal.

Of course, the real world demonstrates that peace agreements alone cannot guarantee a durable cessation of hostilities. In practice, there are inherent problems associated with the nature of those agreements—the most critical shortcoming of which being that there is no higher authority to enforce their terms.[1] Implementation is incumbent upon the former parties to conflict, and unless they submit themselves to third party oversight, they are the only ones responsible for rewarding good behavior or punishing bad behavior. Another shortcoming is that there are always other factors at play: ever-changing military capabilities, domestic political affairs, and external relationships are just a few that drive decision-making within governments. Finally, unless there are mechanisms to evolve the terms of the agreement, they can become obsolete quickly. Given all this, it is easy to wonder: if there are so many problems with peace agreements, what is their utility?

In years of dealing with politicians and practitioners, this author has encountered no shortage of critics arguing the futility of peace agreements. Some focus on the many shortcomings and flaws of peace deals. Others assert that a peace agreement is simply a tool for an adversary to buy much needed time for recapitalizing its force before executing another attack. Some claim that peace agreements represent appeasement of bad actors that reinforce illicit behavior. Some of these private sentiments are echoed in public think-pieces and statements. [2] Many presenting these sorts of positions might conclude that peace agreements are worth little more than the paper upon which they are written.

Conversely, others have granted too much credence to peace agreements and what they may mean. Some are less concerned with the content of the agreement than the singular act of achieving that symbolic peace deal. They argue that the mere signing of a peace agreement can eliminate distrust and foster positive relations.[3] Others may not be quite so idealistic, but still may privilege quick-wins over the harder-to-negotiate provisions necessary for underwriting a durable peace. The problem here is that having too much faith in the power of peace deals may be just as damaging as having too little.

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[1] Kenneth Waltz, *Man, the State, and War: A Theoretical Analysis* (Columbia University Press, 1959).
[2] See for example, Max Boot, "This 'peace deal' with the Taliban is not really a peace deal," *Washington Post* (February 29, 2020).
[3] See for example, Song Young Gil, "An Opportunity to End the Korean War: We Can't Let This Slip Away," *The Diplomat*, September 4, 2020.

The key then is understanding the function and utility of peace agreements, but while there has been a great deal of scholarship on these agreements and the management of conflict, this author has yet to come across an article that distills all those substantive findings into something that is immediately useful to practitioners. Practitioners do not have the time or access to academic research to digest all the findings that scholarship has to offer. Further, academic research on interstate peace agreements has not yet gotten into the level of detail necessary to answer key questions that real-world peacemakers need answered to guide them in their negotiation and implementation of agreements.

What is necessary now is a bridge between academia and practitioners— something that can provide a practical understanding of all that scholars have revealed about peacemaking. Conversely, there should be a guide for future studies on the sorts of issues that focus on the mechanics of negotiation and implementation that occupies the focus of real-world peacemakers. This article aims to serve as that bridge, and to accomplish this objective, this study answers two questions. First, what is the practical utility of peace agreements? Second, how do peacemakers maximize the benefits from negotiation and implementation of those agreements? In other words, when negotiating peace deals, what should peacemakers seek to include to ensure the most durable peace; and when implementing them, what utility can those agreements provide?

The answers to those questions are significant for both academics and practitioners. For academics, it offers perspective into the features of peace agreements that are most critical for consideration in the actual negotiation and implementation of peace deals. This can open the door to new, practitioner-focused research that may yield invaluable findings. For practitioners, it is important for two reasons: first, it provides insight into how to design durable peace agreements; and second, it offers lessons for how to maximize the utility of peace agreements already in place. In short, the significance of this study is its potential for guiding academics in future studies and in advising practitioners in real world negotiation and implementation of peace agreements. Any step that gets us closer to successful, enduring resolution of conflict is valuable, and this study aims to yield a useful set of conclusions.

The article proceeds as follows. It first offers a thorough grounding on the mechanics of interstate peace agreements; after all, it is difficult to define the utility of peace agreements without having a firm grasp on what those agreements are and how they operate. The article then offers key takeaways from a survey of literature related to conflict, peace negotiations, and the implementation of peace agreements. This sets the foundation for an analysis of the utility and function of peace agreements, which the article then evidences using an empirical case study. The Korean Armistice Agreement offers a compelling example owing to the fact that the agreement, although intended to be superseded within three months by a diplomatic peace treaty, has actually remained in place for well over 60 years.

There are some limitations to this study. First, it only makes claims for *interstate* conflict. The distinction between *interstate* and *intrastate* warfare is important here for several reasons. Intrastate peace requires the additional considerations of internal governance and social justice issues.[4] Things like elections, power-sharing, and postwar tribunals introduce additional challenges to the peace process that do not typically exist in settling interstate conflict. This also highlights differences in the sources of conflict that predominate interstate and intrastate warfare. The socio-cultural conflict so typical in intrastate warfare differs from the geopolitical conflict among states in the international system. While lessons learned from intrastate conflict can help in our understanding of interstate peacemaking, one must recognize that the mechanics of the two differ in practice.

The other major limitation to this study is that it only examines peace and conflict under the United Nations system. Although its conclusions could feasibly apply in retrospective examinations of pre-1945 peace settlements, it makes no claims of universal applicability. Since the objective for this article is to provide utility to modern-day practitioners, it necessarily prioritizes the examination of peace under the current international system.

The Mechanics of Interstate Peace Agreements

There are several international instruments that fall under the category of "peace agreements" but vary in legal status and formality.[5] There are *peace treaties*, which are meant to be the most comprehensive under international law. A well-designed and enduring example of this is the 1994 Israel-Jordan Peace Treaty, which covers everything from territory and boundaries to water security and incorporation of Jordanian interests on decision-making vis-à-vis Jerusalem.[6]

There are also *interim agreements* which offer some specific provisions for immediate implementation along with follow-on steps for negotiating resolution of the conflict. One form of interim agreement is an *armistice* meant as a preliminary step to ending a war and maintaining a cessation of hostilities until the parties to conflict settle upon a diplomatically negotiated peace treaty.[7] Israel again offers the best example for armistices that served as the basis for a future peace treaty, with the Egypt-Israel Armistice of 1949 and Egypt-Israel Peace Treaty of 1979.

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[4] See, for example "Madhav Joshi, Erik Melander, and Jason Michael Quinn, "Sequencing the Peace: How the Order of Peace Agreement Implementation Can Reduce the Destabilizing Effects of Post-accord Elections," *Journal of Conflict Resolution* 61, No. 1 (2017): 4-28.

[5] For more in depth discussion, see Christine Bell's work, especially "Peace Agreements: Their Nature and Legal Status," *The American Journal of International Law* 100, No. 2 (April 2006): 373-412.

[6] The text of "Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan" is available at peacemaker.un.org, the UN's online tool for mediators and other practitioners.

[7] Howard S. Levine, "The Nature and Scope of the Armistice Agreement," *The American Journal of International Law* 50, No. 4 (October 1956): 880-906.

Similar to an armistice agreement are *cease-fire* or *truce agreements*: a form of interim agreement whose principal objective is a pause in fighting. They differ from an armistice in that an armistice is meant to be a formal end of hostilities, whereas a cease-fire or truce is a hiatus contingent upon follow-on action. The conflict between Eritrea and Ethiopia offers a useful example, as the two countries concluded a cease-fire agreement in June 2000 and a diplomatic peace treaty six months later in December.[8]

There are also less comprehensive peace agreements. Those include what I term *bounded agreements*: an international agreement focused on a specific issue such as a territorial dispute.[9] These may settle some motivations for conflict, but not others. Agreements between China and India over territorial disputes on their more than 4000 kilometer long border. In the decades that followed the two countries' 1962 war in the border areas, the Chinese and Indian governments have concluded four agreements focused specifically on maintaining a cessation of hostilities in border areas.[10]

Another example includes the *framework agreement*, which establishes pledges and expectations for proceeding with negotiation and/or implementation of peace arrangements but leaves critical features of armistices or peace treaties (such as rule-sets) open-ended.[11] In 2005, Belize and Guatemala concluded a framework agreement that laid out the scope, protocols, and measures for proceeding with negotiations related to a permanent peace. The agreement included the importance caveat that it did not "constitute a total or partial waiver of their rights or claims."[12]

Then there are *declarations*, *joint statements*, or *joint communiques* which tend to be focused more on intentions between the two parties rather than formal, codified trade-offs.[13] While those may be recognized by the international community, they do not

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[8] See "Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea" and "Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia" via peacemaker.un.org.

[9] See for example, the "Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control in the India-China Border Areas" (1993).

[10] See "Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control in the India-China Border Areas" (1993), "Agreement between India and China on Confidence-Building Measures in the Military Field along the Line of Actual Control in the India-China Border Areas" (1996), "Protocol between India and China on Modalities for the Implementation of Confidence-Building Measures in the Military Field Along the Line of actual Control in the India-China Border Areas" (2005), "Agreement on the Establishment of a Working Mechanism for Consultation and Coordination on India-China Border Affairs" (2012), and "Border Defence Cooperation Agreement between India and China" (2013, accessible via peacemaker.un.org.

[11] Uri Avnnery, "Negotiating for a Framework Agreement: 'The Opposite of Peace Treaty'," *The Washington Report on Middle East Affairs* 29, No. 8 (November 2010): 11-12;

[12] "Agreement on a Framework for Negotiations and Confidence Building Measures between Belize and Guatemala," accessible via peacemaker.un.org.

[13] There have been a number of these between the Democratic People's Republic of Korea and the Republic of Korea, including the "North-South Joint Communique" (1972), the "South-North Joint Declaration" (2000), the "Declaration on the Advancement of South-North Korean Relations, Peace and Prosperity" (2007), the "Panmunjom Declaration" (2018), and the "Pyongyang Declaration" (2018). Each had components related to the maintenance of peaceful conditions between the two countries.

have the international legal implications of a formal agreement.[14] In that way, they tend to serve as statements of intent, rather than formal treaties.

The type of peace agreement is important because it changes what can be expected in terms of its scope and utility. The more formality, greater level of detail, and broader the content, the more it can offer to peacemakers during implementation. If the agreement calls for follow-on action, then implementers have additional tasks they must complete to actualize the goals of the original deal. When negotiating peace agreements, peacemakers must always consider the benefits and limitations of each of the various formats. Those considerations aside, the three common threads across all of these forms of peace agreement are (1) they are meant to bring about and/or maintain a cessation of hostilities, (2) they are negotiated, and (3) they are contracts (albeit with no higher enforcement authority).

Given the nature and features of interstate agreements, there are only five ways the language of the deal can shape the ensuing peace. First is *definition of actors* responsible for implementation of the agreement. This is not necessarily isolated to the signatories to that agreement. The agreement may specifically name third party actors who can mediate deliberations, inspect and report, administer aspects of implementation, and/or provide peacekeeping forces. Second are *declarations*. This is where the parties to the agreement stipulate policy positions, interests (whether unilateral, mutual, or negotiated), and intent. Third are *pledges*. Unlike a statement of policy, a pledge is a promise of action or non-action related to another party to the agreement. A common pledge in a peace agreement is a "non-aggression" clause. Fourth is *rule-setting*. Peace agreements may establish boundaries, specify a code-of-conduct for military forces, establish specific mechanisms for managing the implementation of terms of peace, and may codify the mode and manner of third party involvement. Fifth is *prescribed action*. This is different from rule-setting, which calls for adherence; instead, this is a call for action from the parties in specific areas. For example, peace agreements may prescribe when and how mechanisms between the parties should be employed. They may also offer guidance for the execution of third party oversight. Often, prescriptions include timetables for implementation, frequency of follow-on meetings between the parties, and thresholds or triggers for certain follow-on actions. This is especially important for interim agreements, where prescribed action is necessary to move the parties closer to a comprehensive peace agreement.

One contractual element that is noticeably absent from peace agreements is that of *penalties*. While standard business contracts may detail the sorts of penalties that come from reneging on the terms, the absence of an enforcement authority eliminates the power of explicit consequences for violation. Absent this, the prevailing notion is that the baseline penalty for reneging on the deal is resumed hostilities, though as

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[14] It is possible for joint declarations to take on the status of an international agreement, but that takes follow-on actions in the United Nations or its subordinate organizations.

literature and practice identify, there are other costs associated with violating the agreement.

The negotiation over the five elements of peace agreements is continuous. While many may assume that it is complete once a deal is signed, the negotiation process occurs across the six phases shown in the figure below:

Figure 1: The Six Phases of the Intergovernmental Negotiation Cycle
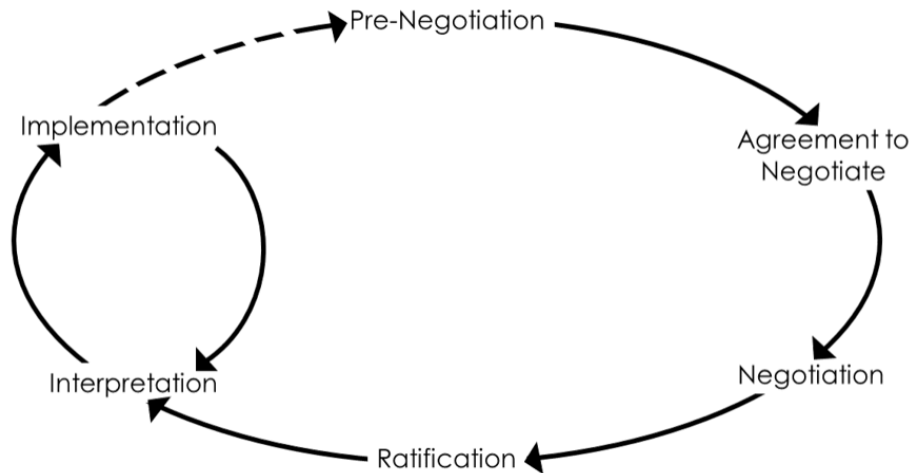
Pre-negotiation is the phase where parties to conflict determine two things: (1) whether it is better to continue the state of war (or at least a state in which there is an absence of peace)[15]; and (2) whether an acceptable agreement is possible through negotiation. These may be done formally, in secret,[16] or via track two channels.[17] Once the conflicting parties feel confident a negotiation may be useful, they move to the next phase.

"*Agreement to negotiate*" is the phase in which the two parties settle on the terms of the negotiation. Much of this is focused on protocol: where to conduct the negotiations, who should be included, and what the agenda items should be for the negotiation. Importantly, this is a phase in which parties may demand preconditions, some of which will inform the final outcomes of the deal. For warring parties, a common precondition is a cease-fire.

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[15] For example, Japan and Russia have not signed a formal peace treaty since World War II but have established normal diplomatic relations. In their case, the endogenous aims of warfare are already resolved, but exogenous aims--principally the "Northern Territories" sovereignty issue--remain unresolved.

[16] See, for example, i. Aytaç Kadıoğlu, "The Oslo Talks: Revealing the Turkish Government's Secret Negotiations with the PKK," *Studies in Conflict & Terrorism* 42, No. 10 (2019): 915-933; and Anthony Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," *Negotiation Journal* (April 2006): 119-144.

[17] An example of formal pre-negotiations was in 1946, when Israel and Egypt engaged via the United Nations prior to accepting mediation and conducting negotiation in 1948. A prominent case of secret pre-negotiations was the back-door discussions that took place between the British government and the Irish Republican Army. For track two negotiations, the Oslo Accords represents a useful case study.

The next phase is *negotiation*, where the two parties take steps to hammer out a deal at the table. That deal, known as the *ad referendum* ("for referral") agreement then goes to decision-makers for formal acceptance in the ratification phase. However, as soon as a deal is struck at the table, peacemakers face two problems. The first is that external conditions such as they were at the negotiating table have already started to change before the ink is dry on the agreements. The second issue is that almost immediately, peace agreements run into problems in the *ratification* phase. Sometimes ratification simply requires representative signatories who have enough executive authority to implement it. Other times, it may require a legislative decision or even a public referendum. In the latter cases, the agreement gets laundered through domestic political processes, sometimes yielding outcomes that will affect the long-term implementation of the agreement or halt the peace process in its tracks.

Assuming the agreement is ratified, the signatories may elect to submit the agreement to the UN, either for record-keeping or for further validation via UN General Assembly or Security Council decision. This is not a mandatory step, but if seeking active third-party support and/or validation, this is a useful tool for peacemakers.

Once those steps are complete, the parties to the agreement enter a sub-cycle of *interpretation* and *implementation*. Each side has the opportunity to review the terms of the agreement, establish their own unilateral interpretations, decide how much of the deal they wish to implement, and prioritize their implementation agendas. They then commence implementation, balancing between the specific requirements from the deal, the demands of the other side, and their own individual agendas.

Over time, the cycle of interpretation and implementation continues, with each side continuously reassessing what the appropriate policy should be vis-à-vis the former adversary. They will be locked in this cycle, and if they wish to break from it, they essentially only have three options: (1) renegotiation of the peace deal; (2) reneging on the deal without restarting war; or (3) resumption of war. Different decision-makers will weigh each of those options based on myriad factors, including but not limited to the likelihood of success, their respective constraints and restraints, their available resources, and the associated risks (i.e. the potential costs). It is incumbent upon the party that wishes to keep the peace to build into the agreement options other than the use of military force or increase potential costs (or both) that discourage the resumption of hostilities.

Alternatively, the peace process may yield conditions that reinforce implementation. Decision-makers may not seek to undermine the interpretation/implementation cycle but to enhance it. In doing so, peacemakers look to renegotiate the terms of a peace agreement in ways that improve upon the imperfections that inevitably exist. They may also seek to accomplish what I refer to as the act of "layering peace"; i.e. introducing new institutions, instruments, and activities that foster peaceful engagement. These may start out as joint observation and military confidence-building measures, but could burgeon into special economic relationships, additional

implementing arrangements for the peace deal, and humanitarian and diplomatic ties, among others.

Key takeaways from literature

Given the nature and purpose of peace agreements, there is a wealth of scholarship on peace agreements, conflict resolution, and other issues related to the maintenance of peace. This study examined everything from the bargaining that happens before the outbreak of conflict through the negotiation, implementation, and, in some cases, the termination of peace agreements. From this wealth of literature, it pulls eight academic takeaways that are most relevant to a practitioner's understanding of the utility of peace agreements. Those are included below.

1) *There are endogenous and exogenous aims of war that influence peace bargaining and the decision to use military force.*[18]
Exogenous aims are those that may contribute to conflict but are not necessarily central to the prosecution of warfare. *Endogenous* objectives are those that are specific to the war or a militarized interstate dispute. Endogenous objectives usually include things like acquisition of specific territory, expulsion of enemy forces from sovereign land, and elimination of certain of the adversary's military capabilities, among others. Put a simpler way, the difference between the exogenous and endogenous objectives are those things that might get two states into a fight compared to the goals they have once they are in the fight.[19]

This distinction is important for understanding peace agreements. A peace agreement that fails to satisfy the endogenous objectives of war almost guarantees a resumption of hostilities in the near-term. Meanwhile, a peace agreement that fails to satisfy exogenous objectives contributing to war leaves it vulnerable in the long-term. Thus, peace agreements should seek to satisfy *all* endogenous issues and *as many* exogenous friction points as possible.

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[18] See Suzanne Werner, "Negotiating the Terms of Settlement: War Aims and Bargaining Leverage," *Journal of Conflict Resolution* 42, No. 3 (June 1998): 321-343; Branislav L. Slantchev, "How Initiators End Their Wars: The Duration of Warfare and the Terms of Peace," *American Journal of Political Science* 48, No. 4 (October 2004): 813-829; Douglas M. Stinnett and Paul F. Diehl, "The Path(s) to Rivalry: Behavioral and Structural Explanations of Rivalry Development," *The Journal of Politics* 63, No. 3 (August 2001): 717-740; Michael Tiernay, "Which comes first? Unpacking the relationship between peace agreements and peacekeeping missions," *Conflict Management and Peace Science* 32, No. 2 (2015): 135-152.

[19] The war between Turkey and Greece in Cyprus is illustrative: once Turkey had achieved its aims in terms of land acquisition in Cyprus, it was ready to accept a cessation of hostilities. There were still socio-political issues, but those were external to what could be obtained principally through the use of military force.

2) *There are rationalist and non-rationalist sources of conflict, any combination of which can affect the durability of peace.*[20]
Rationalist sources include *bargaining indivisibilities*, *information problems*, *commitment problems*, and *two-level problems*.[21] *Bargaining indivisibilities* occur when an object that is contested between two or more states cannot be divided or where there is no compromise solution, at least when taken in isolation.[22] The best example of this is sovereignty, such as with disputed islands.[23] *Information problems* occur when a state misinterprets another's actions or has an unclear or inaccurate assessment of the threat (i.e. the capabilities and intent) of another--all of which may lead to miscalculation that drives the decision to use military force.[24] *Commitment problems* are when a state either may be unable to follow-through on implementing an agreement and/or may have incentive for reneging on it.[25] Often, commitment problems occur when the balance of military power between states changes from the original point of peace settlement or when bargaining occurs over sources of power such as strategic terrain or nuclear weapons.[26] *Two-level problems* include sources of conflict where negotiators and decision-makers are unable to reconcile the demands of the domestic political environment with the requirements necessary to achieve or maintain peace arrangements.[27] For example, a policy actor within a government may veto a key

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[20] Charles H. Anderton, "The bargaining theory of war and peace," *The Economics of Peace and Security Journal* 12, No. 2 (2017): 10-15.

[21] Robert Powell, "War as a Commitment Problem," *International Organization* (60), Winter 2006, 169-203; James D. Fearon, "Rationalist explanations for war," *International Organization*, Summer 1995 (49:3), pp. 379-414; Toby J. Rider and Andrew P. Owsiak, "Border settlement, commitment problems, and the causes of contiguous rivalry," *Journal of Peace Research*, (52:4), (July 2015), pg. 508-521; Virginia Fortna, Scraps of Paper? Agreements and the Durability of Peace,"
International Organization (57:2), (Spring 2003): 337-372.

[22] Powell (2006).

[23] This is why island groups such as the Spratley Islands in the South China Sea and the Senkaku Islands in the East China Sea are considered flashpoints in their respective regions: even if all claims were supposedly legitimate, there is no straightforward way to negotiate resolution when all parties are claiming sovereignty over the islands and the waters surrounding them.

[24] Fearon (1995), Fortna (2003), Powell (2006).

[25] Carmen Bevia and Luis C. Corchon, "Peace agreements without commitment," *Games and Economic Behavior* 68 (2010): 469-487; Bahar Leventoglu and Branislav L. Slantchev, "The Armed Peace: A Punctuated Equilibrium Theory of War," *American Journal of Political Science* 51, No. 4 (October 2007): 755-771; Toby J. Rider and Andrew P. Oswiak, "Border settlement, commitment problems, and the causes of contiguous rivalry," *Journal of Peace Research* 52, No. 4 (2015): 508-521.

[26] See for example Erik Gartzke and Dong-Joon Jo, "Bargaining, Nuclear Proliferation, and Interstate Disputes," *The Journal of Conflict Resolution* 52, No. 2 (April 2009): 209-233.

[27] Scott Wolford,"The Turnover Trap: New Leaders, Reputation, and International Conflict," *American Journal of Political Science* 51, No. 4 (October 2007): 772-788; Thorin M. Wright and Paul F. Diehl, "Unpacking Territorial Disputes: Domestic Political Influences and War," *Journal of Conflict Resolution* 60, No. 4 (2016): 645-669; Peter Buisseret and Dan Bernhardt, "Re-election and Renegotiation: International Agreements in the Shadow of the Polls," *American Political Science Review* 112, No. 4 (2018): 1016-1035; Tamir Sheafer and Shira Dvir-Gvirsman, "The spoiler effect: Framing attitudes and expectations toward peace," *Journal of Peace Research* 47, No. 2 (2010): 205-215; Neophytos Loizides, "Negotiated settlements and peace referendums," *European Journal of Political Research* 53 (2014): 234-249.

inclusion within a peace deal that prevents warring parties from concluding or implementing the agreement.[28]

Non-rationalist sources of interstate conflict stem from decisions that may contravene national interests but lead to violence anyway. A broad example of this is something that satisfies the interests of a specific decision-maker or policy audience even at the potential expense of broader interests, such as ethnic or historical enmity-driven violence.[29] Other non-rationalist sources may be problems within a state's unilateral decision-making process. When a country's government process itself renders decisions that are self-defeating or contrary to the state's overall interests, it can lead to conflict. Those processes may be in the mechanics of decision-making or the non-rationalist issues (e.g. path dependence and loss aversion) underpinning policy-making.

All these sources of conflict are important considerations for peace agreements. Peace agreements must include provisions that eliminate or minimize as many potential sources of conflict as possible.

3) *Even in the absence of an enforcement authority, there are reputation costs when reneging on agreements.[30]*
In the interstate system, there may not be an enforcement mechanism, but there are *reputation costs*. This means that states which unilaterally abrogate or violate agreements tend to hurt their own chances for pursuing and forming agreements with other members of the international community in the future. It may also affect a decision-maker's standing among domestic audiences. Certainly, reputation costs are not the hard-hitting repercussions for violation of peace agreements that some would prefer, but they do modify the costs associated with reneging and can have substantial cumulative effects. Those effects can impact prospects across all areas of cooperation, including economic, diplomatic, military, and information.

This has three important implications for peace agreements. First, peace agreements must be well-designed so that violations are explicit and not vulnerable to multiple interpretations. If others can easily question the credibility of whether something was a violation, it undermines the potential reputation costs. Second, peacemakers should rely on international precedent in designing peace agreements to support their acceptance among the international community. Third, they should be submitted to the UN to formalize them as international instruments.

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[28] Elizabeth A. Stanley, "Ending the Korean War: The Role of Domestic Coalition Shifts in Overcoming Obstacles to Peace," *International Security* 34, No. 1 (Summer 2009): 42-82.

[29] Stephen B. Long, "Time Present and Time Past: Rivalry and the Duration of Interstate Wars," *International Interactions* 29, No. 3 (2003): 215-236; Nadim Khoury, "National narratives and the Oslo peace process: How peacebuilding paradigms address conflicts over history," *Nations and Nationalism* 22, No. 3 (2016): 465-483.

[30] Tony Addison, "Credibility and Reputation in Peacemaking," *Journal of Peace Research* 39, No. 4 (July 2002): 487-501; Michaela Mattes and Greg Vonnahme, "Contracting for Peace: Do Nonaggression Pacts Reduce Conflict?" *The Journal of Politics* 72, No. 4, (October 2010): 925–938.

4) *Crisis management presents a major risk for the durability of peace because of the associated costs and benefits for domestic political leaders.*[31]
For obvious reasons, a crisis presents risk for peace, but there are not-so-obvious reasons associated with how they influence domestic decision-making. For political-level decision makers, there are real and perceived benefits from escalating use of force during an emerging crisis which overshadow the risks associated with those actions. Those potential benefits include demonstration of resolve to third parties and coercion of the adversary in crisis.[32] The operative notion here is that the stronger one appears in crisis, the more effective the deterrence towards competitors and reassurance towards allies. This does not mean that it works in pacifying the immediate adversary, as escalation tends to beget further escalation in a crisis.

At the same time, there are real and perceived costs for domestic leaders when displaying weakness during a crisis which incentivize escalatory responses. There are *audience costs* associated when a state leader talks tough but then is seen as 'backing down'.[33] This can affect individual-level rational decision-making, sometimes creating conditions where leaders take escalatory actions in response to an emerging crisis. Audience costs may drive decisions that are beneficial in terms of personal political interests, but are detrimental to de-escalation efforts. Importantly, leaders have an opportunity to mitigate audience costs by exercising 'off-ramps' which they can cast as "backing up" rather than "backing down," thereby opening opportunities for de-escalation.[34]

This means that peace agreements which offer options other than use of force could present workarounds for leaders seeking to avoid audience costs. Examples include mechanisms for dialogue or a third party investigation into the incident. Given the incentives for demonstrating 'strength' in deterring competitors and reassuring allies, peace agreements may also work around that by increasing third party involvement and support for maintaining and enforcing the peace; that introduces different incentives and interests for parties engaged in an emerging crisis.

[31] Russell J. Leng, "Reciprocating Influence Strategies in Interstate Crisis Bargaining," *The Journal of Conflict Resolution* 37, No. 1 (March 1993): 3-41; Slecuk Ozyurt, "Audience costs and reputation in crisis bargaining," *Games and Economic Behavior* 88 (2014): 250-259; William G. Nomikos and Nicholas Sambanis, "What is the mechanism underlying audience costs? Incompetence, belligerence, and inconsistency," *Journal of Peace Resear*ch 56, No. 4 (2019): 575-588.
[32] Alexandra Guisinger and Alastair Smith, "Honest Threats: The Interaction of Reputation and Political Institutions in International Crises," *Journal of Conflict Resolution* 46, No. 2 (April 2002): 175-200; Michael Schartz and Konstantin Sonin, "A Theory of Brinkmanship, Conflicts, and Commitment," *Journal of Law, Economics & Organization* 24, No. 1 (2008): 163-183; J. Tyson Chatagnier, "Teaching the Enemy: The Empirical Implications of Bargaining under Observation," *Journal of Conflict Resolution* 58, No. 6 (2014): 1033-1058; Todd S. Sechser, "Reputations and Signaling in Coercive Bargaining," *Journal of Conflict Resolution* 62, No. 2 (2018): 318-345.
[33] Jack S. Levy, Michael K. McKoy, Paul Poast, and Geoffrey P.R. Wallace, "Backing Out or Backing In? Commitment and Consistency in Audience Costs Theory," *American Journal of Political Science* 59, No. 4 (October 2015): 988-1001;
[34] Erik Lin-Greenberg, "Backing up, not backing down: Mitigating audience costs through policy substitution," *Journal of Peace Research* 56, No. 4 (2019): 559-574.

5) *There are important distinctions between the negative peace and the positive peace.*[35]

Although the preponderance of academic studies has focused on peace as the absence of conflict (i.e. the "negative peace"), an increasing amount of research examines a peace that exists when there is an integration of human society (the "positive peace").[36] Practically speaking, a positive peace exists when institutions, relationships, and sentiments render the use of military force in resolving disputes either untenable or unfathomable to decision-makers. An example is illustrative here in distinguishing between the two: In the present day world, imagine a situation where a U.S. military aircraft is shot down, presumably by accident. What might happen if it were the Japanese who shot down the aircraft? Now consider what might happen if the North Koreans were the ones who shot it down. More than six decades have elapsed since the United States was engaged in open warfare with either of those countries, but which scenario is more likely to see a resumption of hostilities between the parties involved? Within the answer to that question resides the fundamental differences between a negative peace and a positive peace.

Peace agreements may focus on achieving one or both types of peace. Peace deals such as an armistice center on maintaining a negative peace, meaning they establish conditions for ensuring an enduring cessation of hostilities, whereas comprehensive peace treaties tend to include at least some provisions that would support a positive peace. Importantly, literature suggests that one cannot foster positive peace without adequate conditions for a negative peace; after all, the enmity and enduring rivalry[37] that violence generates would preclude such progress.[38] Conversely, one cannot guarantee a durable peace without working towards the positive peace, either through

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[35] Paul F. Diehl, "Exploring Peace: Looking Beyond War and Negative Peace," *International Studies Quarterly* 60 (2016): 1-10; SungYong Lee, Roger MacGinty, and Madhav Joshi, "Social Peace vs. Security Peace," *Global Governance* 22 (2016): 491-512; Brandon C. Prins and Ursula E. Daxecker, "Committed to Peace: Liberal Institutions and the Termination of Rivalry," *British Journal of Political Science* 38 (2007): 17-43; Patricia M. Shields, "Limits of Negative Peace, Faces of Positive Peace," *Parameters* 47, No. 3 (Autumn 2017): 5-12; Zdenek Kris and Petr Cermak, "Bosnia and Herzegovina between Negative and Positive Peace: View from the Local Level," *Romanian Journal of Political Science* 14, No. 2 (Winter 2014): 4-36; Roger MacGinty, "No war, no peace: Why so many peace processes fail to deliver peace," *International Politics* 47, No. 2 (2010): 145-162.

[36] John Gatlung employed this definition of "positive peace" in his inaugural editorial of the *Journal of Peace Research* in 1964 (Volume 1, No. 1); for examples of research on fostering a postive peace, see Yoram Z. Haftel, "Designing for Peace: Regional Integration Arrangements, Institutional Variation, and Militarized Interstate Disputes," *International Organization* 61, No. 1 (Winter 2007): 217-237; and Havard Hegre, John R. O'Neal, and Bruce Russett, "Trade does promote peace: New simultaneous estimates of the reciprocal effects," *Journal of Peace Research* 47(6) (2010): 763–774.

[37] A rivalry in international relations scholarship is defined as any interstate relationship that has experienced six or more militarized disputes within a twenty year period.

[38] Herbert C. Kelman, "Building trust among enemies: The central challenge for international conflict resolution," *International Journal of Intercultural Relations* 29 (2005): 639-650;

provisions in an original peace agreement or through subsequent agreements, lest there always be an immediate risk of renewed hostilities.[39]

6) *It is impossible to guarantee peace through a single signing ceremony; rather, peace is a process*.[40]

The preponderance of literature concedes that it is impossible to guarantee peace through a single negotiation.[41] Sometimes that happens because peace agreements are not comprehensive. It may be the case that circumstances change dramatically enough to warrant follow-on peace negotiations. Sometimes it is because the peace agreement is not well-designed; after all, there is no single diplomatic formula for achieving durable agreements.[42] Sometimes this happens because peace agreements are only focused on the conditions supporting a negative peace and not a positive peace. Whatever the case, the measure of a peace agreement is its ability to support practitioners in preventing an escalation back to war.

　　Given this, peacemakers must keep a few things in mind. Peace agreements must be able to weather change. There must be mechanisms for evolving the terms of the agreement to support implementation over time. Additionally, peacemakers must recognize that there is no such thing as a perfect and permanent peace treaty. Every party to a peace deal should expect there to be violations. The measure of a durable peace treaty is not the absence of violations, but its ability to afford peacemakers the tools necessary to prevent a resumption of hostilities and to facilitate movement of the relationship beyond the brink of open warfare.[43]

7) *Third parties are critical in the peace process.[44]*

The preponderance of literature argues that third parties are a benefit to the peace process. Third parties can facilitate the flow of information between opposing sides, can mediate settlements of disputes during both the negotiation and implementation phases, and can provide reports to the international community on the adherence to established rules for peace implementation, among other things. They also modify the

[39] Gary Goertz, Bradford Jones, and Paul F. Diehl, "Maintenance Processes in International Rivalries," *The Journal of Conflict Resolution* 49, No. 5 (October 2005): 742-769.

[40] Michaela Mattes, "'Chipping Away at Issues': Piecemeal Dispute Resolution and Territorial Conflict," *Journal of Conflict Resolution* 62, No. 1 (2018): 94-118.

[41] The allied occupation of Japan lasted seven years before a formal peace treaty was promulgated.

[42] Martin Wahlisch, "Normative Limits of Peace Negotiations: Questions, Guidance and Prospects," *Global Policy* 7, No. 2 (May 2016): 261-266; Jorge Mestre-Jorda, "Are there formulas for successful diplomatic agreements," *European View* 15 (2016): 335-345.

[43] Cindy Wittke, "The Minsk Agreements—more than 'scraps of paper'?" *East European Politics* 35, No. 3 (2019): 264-290;

[44] Kelman (2005); Virginia Page Fortna, "Interstate Peacekeeping: Causal Mechanisms and Empirical Effects," *World Politics* 56, No. 4 (July 2004): 481-519; Brian Efird, Peter Galbraith, Jacek Kugler, and Mark Abdollahian, "Negotiating Peace in Kosovo," *International Interactions* 26, No. 2 (2000): 153-178; Herbert C. Kelman, "Building trust among enemies: The central challenge for international conflict resolution," *International Journal of Intercultural Relations* 29 (2005): 639-650.

costs associated with escalation of violence because their involvement elevates reputation costs and increases the risk of third party intervention in any ensuing conflict.[45]

In sum, peace agreements that willfully invite third parties in implementation have proven more durable. Peacemakers should always seek to involve third parties at least in "observe and report" roles to foster a more successful peace process. If possible, having third parties directly involved can ensure that a return to open warfare is a less viable option in the event that a crisis occurs.

8) *There are certain components that correlate to a durable peace agreement.*[46] Some studies have sought to isolate the specific features of peace agreements that correlate to durability of peace. Those are captured in the following table.

Table 2: Features of Durable Interstate Peace Agreements[47]

1) They are crafted by the parties to conflict.

2) They have provisions for third-party mediation and renegotiation during the implementation phase.

3) They are balanced.

4) They channel the struggle for power into nonviolent mechanisms and processes.

5) They call for the withdrawal of troops.

6) They call for the establishment of demilitarized zones.

7) They contain an explicit or well-understood third-party guarantee of peace.

8) They call for peacekeeping missions to be established.

9) They call for ongoing dispute resolution in the form of joint commissions between the parties.

10) They are specific.

11) They are formal.

12) They settle the political issues.

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[45] Some studies even highlight that biased third parties can support peace because they lend credibility to the notion that they will intervene militarily if the other party reneges on the peace deal; see for example Katja Favretto, "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias," *American Political Science Review* 103, No. 2 (May 2009): 248-263.

[46] See Evan Hoffman and Jacob Bercovitch, "Examining Structural Components of Peace Agreements and their Durability," *Conflict Resolution Quarterly* 28, No. 4 (Summer 2011): 399-426; Virginia Page Fortna, "Scraps of Paper? Agreements and the Durability of Peace," *International Organization* 57 (Spring 2003): 337-372.

[47] Modified from Hoffman and Bercovitch (2011). This table removes one item specific to intrastate peace agreements vice interstate agreements.

Given the preceding seven takeaways, the reasons why the features from Table 2 correlate to durable peace are clear. The role of third parties, the need to solve endogenous and exogenous aims, the ability to evolve the agreement—those all align with what the preponderance of peace-related literature offers. What is needed now is application of these theoretical takeaways to practical operation.

Utility of Peace Agreements
So, what do these takeaways from literature mean for practitioners; in other words, how can we distill eight takeaways into something meaningful? In short, the utility of peace agreements is derived from their ability to yield order from chaos, to provide options other than use of military force to decision-makers, and to modify the costs associated with the use of force. These are explained further below.

Order
The "order" aspect of peace agreements works in several ways. First, if negotiated well enough, peace agreements resolve all endogenous aims of conflict; i.e. they resolve all of the interests that are isolated to combat operations. Meanwhile, they may resolve some of the exogenous aims of competition and conflict, especially when peace agreements come in the form of treaties rather than armistices or cease-fire agreements.[48] The challenge comes when a peace agreement does not address all of the exogenous aims that could once again drive competition into the realm of crisis and conflict.

Fortunately, peace agreements could establish conditions which minimize situations where militarized response is a potential outcome. They do this through the second way, which is that peace agreements establish a ruleset, or a de facto rulebook, for the two sides. The existence of a ruleset minimizes or eliminates many sources of conflict. For example, peace agreements can address information problems by mandating routine exchange-of-data on military capabilities. It also provides a baseline from which to understand patterns of behavior. The other side does not have to adhere to all the terms of the agreement for this to work in practice. If a party breaks a rule and does it consistently, that still offers a baseline. Thus, a peace agreement is not useless if the parties fail to adhere to all the terms of the agreement; rather, the ability to determine variance from routine behavior occurs under the terms of peace still provides critical information that may make all the difference in a potential crisis.

Information problems may also be eliminated by the existence of hotlines or regular meeting fora. It is easier to avoid miscalculation when officials from opposing sides have a means of communication, whether it is routine or exceptional. Further, "threat" is the combination of capability and intent, and it is simpler to divine intent when one has expectations for behavior from the other side or can actually discuss problems in real-time.

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[48] For example, the peace treaty between Israel and Jordan includes provisions on water security and Jordanian participation in decision-making vis-à-vis Jerusalem.

Rulesets are also critical when it comes to third party responses to postwar security incidents. During crisis, the "he said, she said" accusations can make it difficult to determine which party is right and which is wrong. The presence of a ruleset offers an objective rubric for third parties in assessing a situation; after all, from a third party perspective, it is far easier to formulate positions when there is one party in clear violation of established and recognized agreements.

Peace agreements may also contribute to order by minimizing situations where militarized response is a potential outcome. For example, they could impose rules that restrict the types of armament that can be deployed or carried in certain areas where tensions are more likely.[49] They may also call for the establishment of buffer zones or demilitarized zones to separate military forces. By decreasing the number of scenarios where a security incident may occur, they can decrease the likelihood of crisis.

Options
Peace agreements have great utility in providing options for decision-makers, especially in managing commitment problems, two-level problems, and crisis bargaining. There are five ways they do that. First, peace agreements often mandate the establishment of mechanisms for dialogue. These may include joint commissions, hotlines, or other fora, but the key functions tend to be the same: to negotiate implementation, to resolve disputes, to manage crises, and to evolve the terms of the agreement, if necessary. These are important for negotiating changes to terms during steady-state conditions in the "interpretation" and "implementation" phases of an agreement's life cycle, and they are critical during a crisis to provide off-ramps to escalation.

Second, peace agreements may include provisions for investigations and reporting. This means that when an incident occurs, a demonstration of strength and resolve from the respondent does not have to be immediate. The respondent will have the option to dispatch an investigative team--oftentimes composed of third party officials--to provide a report on the incident. That report can be used to garner support from the international community, which can improve deterrence and impose reputation costs upon the violator of the agreement.

Third, peace agreements introduce advocates for options aimed at de-escalation. For decision-makers, it is one thing to have an option available, and another to have an organization or commission with influence actively encouraging a certain course of action. When a peace agreement establishes commissions or bodies for implementation or oversight, those entities will generally take steps to present decision-makers with options for de-escalation and negotiation rather than confrontation and conflict. In

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[49] For example, agreements between India and China on disputed border territory includes provisions on the type of armament that can be carried. While this has not prevented deadly incidents from occurring, the damage inflicted by fists, stones, and clubs is markedly different than what would have been possible if rifles and handguns were carried.

especially heated situations, having these advocates can ensure that at least one voice is proposing courses of action that facilitate patience and peace.

Fourth, peace agreements may offer parties to the agreement the formal option to reach out to a third party that has a direct, vested interest. This option may not otherwise be available if not for the peace agreement, especially in a situation involving smaller states that do not garner as much attention in the global arena. However, peace agreements that include third party oversight or are internationally recognized enable parties to a peace agreement to seek mediation, interdiction, or other support.

Finally, all of the things listed above buy time for decision-making on any action that may involve the use of military force. Slowing down decision cycles, allowing emotions to settle, and providing opportunities for things to develop helps eliminate the impetus for immediate retaliation in the face of security incidents. Time can make all the difference in escalating conflict.

Costs

Importantly, peace agreements modify the costs associated with use of military force in several ways. One, they can reduce audience costs. Normally, leaders could be seen as weak if they take inadequate action or back down after employing escalatory rhetoric. The introduction of additional options that are vested in a peace agreement insulates leaders from some of the criticisms that they might otherwise have to weather. For example, the option of immediately deploying an investigative team in response to a security incident gives a decision-maker the ability to buy additional time before having to commit to a militarized response. Further, if the investigation produces a report that finds the initiator of the incident in violation, it can open up an additional menu of options that includes things like calling for international sanctions and coalition building in response.

Two, peace agreements impose reputation costs. Reneging on the deal or failing to adhere to its terms can affect the violator's prospective engagements with other states, meaning other countries will think twice about concluding agreements or committing resources to a partnership with a state that has commitment problems. The former South Korean senior member to the Military Armistice Commission on the Korean Peninsula illustrated this point well: "North Korea has long been trying to neutralize the Armistice Agreement, simply brushing off any recommendations from the UNCMAC [United Nations Command Military Armistice Commission] and the Neutral Nations Supervisory Commission. For instance, the North deploys personal weapons as well as crew-served weapons inside the DMZ, while the south cannot bring in any high-tech weapons. This whole dynamic seems unfair, but we have to acknowledge that we get more international support and trust than the North in return for playing by the rules."[50]

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[50] Chun In Bum, "The exchange of gunfire between South and North Korea in the DMZ and the UNC's Armistice violation," *Asia Today* (June 2, 2020).

Three, peace agreements also increase the costs through deterrence. These agreements often increase the likelihood of the international community siding with the victim versus the aggressor. This is especially true if there are third party personnel directly involved in managing conflict: the calculus changes when escalation could result in third party loss-of-life. In other words, an aggressor may be willing to kill soldiers from a former sworn enemy, but is more likely to avoid harming foreign truce observers or peacekeepers. Violations of the peace agreement also provides justification for imposition of international sanctions, coalition-building, and collective security, thereby increasing deterrent effects.

Case study: *The Korean Armistice Agreement and the shelling of Yeonpyeong-do[51] (2010)*

Testing any peace agreement to demonstrate its utility is challenging. The difficulty stems from the fundamental truth that countries are loath to advertise the reasons why they opted not to use military force in a conflict. Based on this, any conclusions that may be drawn about the role of peace agreements in minimizing violence border on tautological. However, since no-one is arguing the perfect utility of peace agreements, it comes down to whether those agreements executed their functions as described in this article: did they provide a semblance of order in what would otherwise be a chaotic situation; did they present options to decision makers other than the use of military force; and did they modify the costs (real or perceived) of the use of military force?

The Korean Armistice Agreement offers a compelling case study to test these concepts of utility. The Armistice Agreement was signed on 27 July 1953 and formally ended the hostilities between the belligerents on the Korean Peninsula. It called for the parties to resolve the conflict formally via a diplomatic peace agreement within three months of the cessation of combat operations. Almost seventy years later, many observers question the value of the decades-old agreement, especially since there have been numerous violations and because the Democratic People's Republic of Korea has said on multiple occasions that it is no longer beholden to it.[52] However, examination of a relatively recent incident, the 2010 North Korean bombardment of the South Korean island of Yeonpyeong, presents a useful snapshot in examining how the Armistice has retained its utility in de-escalating conflict despite its age.

First, a little more background on the Korean Armistice Agreement is necessary. Korean War hostilities formally ended on 27 July 1953 with the signing of the Armistice. The signatories on one side were Kim Il Sung and Peng Teh-huai, the supreme leader of the Korean People's Army and the commander of the Chinese Peoples Volunteers,

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[51] Also referred to as "Yeonpyeong Island," this article uses the naming convention used in the Armistice.
[52] Despite the rhetoric, the DPRK has demonstrated routine adherence to the terms of Armistice and employed its mechanisms. Further, the UN position remains that since the UN General Assembly adopted the Armistice via Resolution 711, no side can unilaterally abrogate the agreement; Peter J. Spielmann, "UN says Korean War armistice still in force," *Associated Press* (March 12, 2013).

respectively. On the other was the Commander-in-Chief of United Nations Command, GEN Mark Clark.[53] While not a signatory to the Armistice, the Republic of Korea is a party to the agreement in its enforcement and in adherence to its terms. Responsible for management of the implementation of the Armistice today is the multinational United Nations Command Military Armistice Commission on one side and the Korean People's Army Panmunjeom Mission on the other, with Swedish and Swiss officers providing third-party oversight as the Neutral Nations Supervisory Commission.

The text of the Armistice Agreement has remained unchanged since the original signing, but it has evolved through subsequent negotiations on interpretation and implementation in the more-than 1200 formal meetings between armistice-related officials. Those changes include modification of rulesets in the DMZ and Han River Estuary, creation of new communication mechanisms[54], and the establishment of Transportation Corridors to facilitate cross-boundary transit, to name a few.[55] To facilitate implementation and re-negotiation of these terms, the parties to the agreement maintain a site for dialogue at the Joint Security Area in Panmunjeom. There, the United Nations Command and Korean People's Army maintain year-round presence and a direct hotline where they conduct twice-daily communications checks and exchange routine message traffic.

The area of specific concern in the Yeonpyeong incident happens to be the least well-defined under the terms of Armistice: the Yellow Sea (West Sea). At the time of the Armistice Agreement's signing, the issue of maritime administration was not a priority for either side, so the parties did not negotiate clear maritime boundaries. Instead, the negotiators identified five islands that would remain under the control of United Nations Command: Baengnyeong-do, Daecheong-do, Socheong-do, U-do, and Yeonpyeong-do. Because the Armistice Agreement did not establish a formal maritime boundary, the United Nations Command established a "Northern Limit Line" in August 1953 designed to keep all UNC and Republic of Korea vessels from traversing too close to DPRK territory.[56] The "NLL" has served as a de facto maritime boundary since, but the DPRK complicated the issue in 1999 when it formally published its own maritime border claim, as indicated in the figure below:

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[53] The Republic of Korea did not have a signatory to the agreement for both practical and political reasons. Practically, the ROK military fell under the operational control of United Nations Command, and the UNC Commander signed on behalf of all nations fighting against the north under the United Nations flag. Politically, President Syngman Rhee and many others in the ROK were opposed to the Armistice, wishing instead to continue the fight until they could reunify the Peninsula under ROK governance. The opposition would have made a ROK signatory on the Armistice politically impossible, even if it were practically doable. While political friction points still exist vis-a-vis ROK's relationship to the Armistice, they are still, in practice, a party to the terms of Armistice.

[54] For example, the two sides established the "General Officer Talks" forum in 1998 to provide an alternative to the formal Military Armistice Commission meetings.

[55] The revisions to the terms of Armistice are known between the parties as "Subsequent Agreements."

[56] Terrence Roehrig, "North Korea and the Northern Limit Line," *North Korean Review* 5, No. 1 (Spring 2009): 8-22.

Figure 2: Graphical representation of the Northern Limit Line and DPRK Maritime Border Claim

While the DPRK by and large continues to respect the NLL as the de facto maritime boundary, the border dispute allows the DPRK government a large enough seam for disorder in the Yellow Sea--something the North Koreans exploited in the sinking of the ROKNS Chamsuri 357 in 2002, the sinking of the ROKNS Cheonan in March 2010, and the incident that is the subject of this examination.

In November 2010, the North Korean military bombarded the South Korean island of Yeonpyeong-do, killing two ROK Marines and two civilians while injuring several others. At the time, the reason for why DPRK would take such dangerous action was unknown, but most analysts and observers now agree that those provocations were aimed at building the credentials of Kim Jong Un, the relatively unknown youngest son of Kim Jong Il.[57] The ROK military was postured to retaliate in what former Secretary of Defense Robert Gates described as "disproportionately aggressive, involving both aircraft and artillery."[58] In the end, however, the response was one of restraint, de-escalation, and a return to armistice conditions. The subsection below details the events.

Timeline of Events
By November 2010, circumstances were already tense on the Korean Peninsula. In March, the DPRK had sunk the ROKNS Cheonan, killing 46 sailors, although North

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[57] Anna Fifield, *The Great Successor: The Divinely Perfect Destiny of Brilliant Comrade Kim Jong Un* (New York: Public Affairs, 2019).
[58] Agence France-Presse, "GATES: America Prevented a 'Very Dangerous Crisis' in Korea in 2010," *Business Insider*, January 14, 2014.

Korea denied any involvement in the incident. This nevertheless put the military in a heightened state of readiness in case there were follow-on provocations. This included the execution of numerous unilateral and bilateral exercises by the ROK military. One such unilateral exercise was *Hoguk*, or "Defend the Nation," which focuses on specific measures for deterrence and defense. By November, the ROK military had executed five *Hoguk* exercises in 2010 and was getting ready to conduct its sixth on the northwest island of Yeonpyeong-do.

The first indication that something was amiss came on 21 November. A couple days earlier, members of the United Nations Command Military Armistice Commission (UNCMAC) had sent an informal message to their Korean People's Army (KPA) counterparts requesting crossing of the Military Demarcation Line to the north side of the Joint Security Area to conduct routine maintenance on buildings that straddle both sides of the boundary line. At 0915 on 21 November, the KPA replied that they do not agree with UNCMAC's proposal to cross into the north for maintenance while conducting military exercises that oppose the DPRK. Traditionally, if the KPA objected to maintenance, they simply would not issue any response at all, and it was odd because the exercise was unilateral and did not involve United Nations Command officials. However slight, it represented a deviation from baseline behavior.

On 23 November, the day came for ROK forces to initiate their live-fire training on Yeonpyeong-do. At 0820, the KPA delivered an ultimatum via a military-to-military inter-Korean hotline.[59] They claimed that the ROK was about to commit a military provocation by firing artillery aimed at DPRK territorial waters in the vicinity of Yeongpyeong-do. The KPA issued a grave warning that there would be repercussions if the exercise went forward, stating that if the ROK side ignored the warning they would be fully responsible for any consequences. The warning, although seemingly alarming, was not unlike many that the DPRK had issued through its various state-run media outlets, and the ROK military commenced the exercise anyway.

At 1000, the ROK military started its artillery training, which went on for several hours before DPRK escalation began. Then, at 1433, the ROK military observed artillery being fired from KPA unit locations on the DPRK island of Kaemori. By 1434, those shells began landing on Yeonpyeong-do. In response, the ROK military began firing back with their own artillery from Yeonpyeong-do at 1447. This prompted a brief pause in KPA action until about 1511, when the KPA started firing once again at the island until 1529. The ROK military's return fire resumed at 1525, and they combined that action with a 1548 message via the inter-Korean hotline calling for an immediate ceasefire. At 1642, the ROK military fired its last shot in reprisal.

In response to the Armistice violations, UNCMAC representatives immediately engaged in the event. By 1800 that night, the UNCMAC Secretary convened a meeting

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[59] The two Koreas established military-to-military hotlines at Transportation Corridors West and East in 2003 and 2004, respectively. The DPRK has periodically refused contact via these hotlines, with the most recent cessation of communications beginning on 9 June 2020.

with Liaison Officers from the multinational representatives of United Nations Command to provide an update to members of the international community on the incident on Yeonpyeong-do. At 1915, UNCMAC delivered a proposal to the KPA to arrange a meeting of United Nations Command and KPA General Officer representatives to negotiate resolution of the incident. This message clearly indicated the Armistice violation and the fact that Yeonpyeong-do was placed under the administrative authority of the UNC Commander under the terms of Armistice. The following week, UNCMAC dispatched a Special Investigation Team to look into the incident and to produce a report of findings. This report would later be submitted to the UN Security Council via U.S. Ambassador to the UN Susan Rice.

Although the exchange-of-fire in the West Sea was over, there were other potential inciting events that followed. On 25 November, the U.S. military commenced an exercise in the Sea of Japan (East Sea). UNCMAC passed a message to the KPA clearly indicating the purpose of the exercise, noting that it was defensive in nature, meant to deter further provocations, and would be conducted only in international waters. On 28 November, a ROK soldier deployed to the DMZ accidentally discharged his weapon in the vicinity of the Military Demarcation Line. Soon after, UNCMAC personnel reportedly heard 155mm artillery shells landing on the northern half of the DMZ nearby where the negligent discharge occurred. Less than fifteen minutes after the artillery fire sounded, UNCMAC passed another message to the KPA stating that the discharge from earlier was accidental and that the intent of the message was to eliminate any misunderstanding between the two sides.

Following the investigation and reporting to the UN Security Council, the ROK government wanted to demonstrate resolve. Opting against the use of military force in response, the government instead elected to execute the same exercise on Yeonpyeong-do, only this time with a twist. This time, U.S. forces were directly involved in the exercise along with UNCMAC and Neutral Nations Supervisory Commission observers; meaning this time, if the KPA shelled the island, they risked striking multinational Armistice enforcers. Prior to the exercise taking place, UNCMAC passed a message to the KPA clearly indicating that the exercise was defensive and deterrent in nature, and that there would be UNCMAC and NNSC observers present. The morning of the first day of the exercise, the KPA once again issued an ultimatum to the ROK military via their military-to-military hotline but took no further action afterwards. Upon conclusion of the exercise, UNCMAC notified the KPA that the training was done, and with it, the Yeonpyeong-do incident came to a close.

Order from chaos
So, how did the peace agreement afford a semblance of order despite the chaos inherent to the incident? To start, the Armistice offered clear rulesets. This was especially important because the agreement cemented indisputable definition of territorial control of the islands. Certainly, the unresolved issue of maritime boundaries provided a seam

that North Korea exploited, but when the KPA shelled Yeonpyeong-do, there was no question that they were striking ROK sovereign territory in clear-cut violation of the terms of Armistice. This immediately eliminated any chance of obfuscation or excuses, whether by the DPRK or other members of the international community.[60]

The rulesets also applied in the ROK military's response to the North Korean attacks. According to both the UNCMAC and NNSC reports, the return fire was measured and appropriate, and ROK forces did not conduct a counterattack.[61] This measured response, according to the former Blue House[62] Press Secretary, was not President Lee Myung-bak's original intent. As the secretary noted in his memoirs, President Lee "ordered counterattacks involving all possible measures" on a North Korean military compound in Kaemori; however, ROK military officials challenged that order by citing the Armistice rules of engagement that mandate a counterattack should be proportional with weapons of the same type and amount.[63] Non-military Cabinet members were eager for a more proactive counterattack, but none materialized.

The second way the Armistice provided order was through information exchange. While the DPRK's warning on the morning of 23 November failed to prevent the South from carrying out the exercise, the clear conveyance of intentions was critical because it bounded expectations from the KPA assault. The ROK government and United Nations Command had a message from the KPA explaining that the reprisal was tied to the military exercise and that the incident was not intended to be a precursor to an all-out invasion or formal resumption of hostilities. That piece of information yielded critical insight that could inform decision-making on appropriate responses.

The information exchange was also important in clarifying allied responses to the North's attack. When the U.S. military conducted naval exercises in the Sea of Japan, UNCMAC passed a message to the KPA to explain the nature and purpose of the activity as a means to eliminate miscalculation. When there was a negligent discharge, UNCMAC was quick to clear up the confusion and eliminate potential escalation. When the ROK intended to conduct another live-fire exercise, UNCMAC was clear of the nature and purpose of the exercise, as well as the fact that there would be third party observation and U.S. military participation. Although it is difficult to measure just how important each of these information exchanges were in preventing further escalation of the incident, they demonstrated clear contributions to the elimination of information problems on both sides.

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[60] This is not to say that there was not debate among the P-5 members of the UN Security Council; however, the debate centered on whether a coordinated statement assigning blame to North Korea would work to pacify the situation or invite further escalation; Neil MacFarquhar, "At Security Council, a Stalemate Over Blame," *New York Times* (19 December 2010).

[61] United Nations Security Council, S/2010/648 (19 December 2010).

[62] The *Cheong wa Dae*, or "Blue House," is the equivalent of the U.S. White House, and is used in South Korea to refer to the President, the Cabinet, and his immediate staff.

[63] "Ex-President Lee ordered all-out retaliation after North's Yeonpyeong bombardment in 2010," Yonhap News Agency (15 December 2013), accessed 9 June 2019, available from https://en.yna.co.kr/view/AEN20151213000900315.

Options other than use of military force

The Armistice provided options other than the use of military force that decision-makers readily employed in response to the shelling of Yeonpyeong-do. The first was the provision of mechanisms for dialogue. Within hours of the cessation of the exchange-of-fire, UNCMAC was inviting the KPA for General Officer-level discussions to negotiate a resolution of the incident. While the KPA rebuffed the invitation, it still served as a signal to the North side that the parties to the Armistice were willing to privilege dialogue over continued military confrontation, if possible.

The Armistice also afforded decision-makers the option to conduct an UNCMAC-led investigation, which they did. The investigation lasted several days, a period in which neither side looked to escalate military action, lest they invited greater international scrutiny. This slowed down decision-making processes and gave government leaders additional tools for response, since the investigation produced two reports for dissemination: the UNCMAC special investigation findings and the Neutral Nations Supervisory Commission's report of observation.

Decision-makers then had the option of engaging the international community on the outcomes of those investigations. The U.S. government introduced the UNCMAC special investigation report to the UN Security Council and the ROK Ministry of Foreign Affairs later disseminated its findings further.[64]

Modification of costs

In the response to the Yeonpyeong-do bombardment, the Armistice Agreement afforded decision-makers the ability to modify costs associated with the use of military force. By identifying the DPRK's clear violation of the terms of Armistice and reporting it to the UN Security Council, the ROK and its allies were able to amplify potential reputation costs for continued belligerence in the incident. In this case, even the DPRK's long-standing Russian partner condemned the attack and called for restraint.[65]

The reporting to the international community and the involvement of multinational forces immediately following the exchange-of-fire also increased deterrence by punishment. While the DPRK has demonstrated a willingness to attack and kill ROK citizens, it has avoided direct use of force against foreign personnel.[66] This modified the costs associated with choosing to take follow-on military action. As is always the challenge with deterrence, adversaries will never explain why they were deterred, but it is notable that before the follow-up live-fire exercise on Yeonpyeong-do

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[64] Ministry of Foreign Affairs of the Republic of Korea, "UN Command's Special Report on North Korea's Artillery Provocation on Yeonpyeong Island Circulated" (3 March 2011).

[65] "Russia Again Condemns NK for Artillery Attack," *KBS World* (14 December 2010).

[66] The last KPA military action against United Nations Command personnel came in 1976 during the infamous ax murder incident in Panmunjom in which KPA personnel killed two U.S. military officers who were attempted to cut down a tree in the Joint Security Area.

that included multinational participants and observers, the DPRK issued a second ultimatum that went unfulfilled.

The options that the Armistice offered also enabled the ROK government to navigate damage to public opinion that may have been associated with perceived "weak responses." Following a military incident involving loss of life--especially civilian lives--emotions among the public can run high, and many may paradoxically call for a strong response despite an overall desire to avoid a return to open hostilities. This was demonstrated in the ROK at the time, where 80.3% of respondents in a poll just days after the shelling of Yeonpyeong-do believed there should have been a stronger military response despite 65.2% saying that the ROK needs to avoid war at all costs.[67] Under these circumstances, the fear of audience costs could have driven an irrational pursuit of "strong" countermeasures, but in this case, the ROK government did not escalate to meet the perceived demands of the public. There were some political costs--the Minister of National Defense resigned to take the blame for the measured rather than disproportionate response--but it did not cause a prolonged decline in President Lee's approval ratings. After a temporary dip from the incident, the ROK president's approval ratings were back in the fortieth percentile within six months.

Conclusion

No one should have any illusions about the power of a peace agreement. An interstate peace agreement is not some magical contract or single-dose cure-all that can guarantee anything. It does not supplant great power politics and will not compel parties dead set on belligerence to choose another path. There is probably no better illustration of that than when Adolf Hitler famously described the Munich Agreement as nothing more than a "scrap of paper" when marching on Poland.

But one should not be quick to dismiss peace agreements either. A peace agreement provides at least a momentary break in fighting, and, if negotiated and designed well enough, can yield order from chaos; can offer options for decision-makers when crises occur or tensions escalate; and can modify the costs associated with the use of military force. This may not stop violations from occurring or deadly incidents from happening, but it does introduce cause for restraint and can give players a critical moment of pause before acting or reacting.

This paper sought to bridge the gap between academia and practitioners, clarifying that the three fundamental elements of peace agreements' utility were their ability to establish order, to provide additional options to decision-makers, and to modify the costs associated with choosing or avoiding the use of military force. Examination of the Korean Armistice Agreement and the shelling of Yeonpyeong-do demonstrated these elements in action, cementing the importance of designing and negotiating peace agreements that keep order, options, and costs in mind.

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[67] "The Asan Institute Opinion Poll in the Wake of the Attack on the Yeonpyeong Island," *Asan Institute* (28 November 2010).

This article serves as a bridge between academics and practitioners, and highlights more scholarly work that is necessary to complete our understanding of peacemaking and assist peacemakers in their respective missions throughout the world. When negotiating peace agreements, how might practitioners best distinguish between endogenous and exogenous objectives? If there are deficiencies in existing peace agreements, what are the best methods of concluding new agreements? What are the most effective options that peace agreements can afford to decision-makers in de-escalating conflict? How might existing peace agreements be leveraged in fostering a positive peace?

These are certainly some challenging questions to answer, but all are important for peacemakers working tirelessly around the world to prevent hostilities. Just like peace agreements, our understanding of peace is imperfect, but like peace itself, it is a meaningful process.

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