



International Agreement and its Implementation in Ancient Times

Lindita Liçaj¹, Eriola Cakrani²

Abstract

The international agreement has been considered one of the main unifiers of international law. Its role is related to the regulation of interstate relations from antiquity to the present day. The main purpose of this paper is to present international agreements in a chronological dimension, focusing on their meaning, connection, entry into force, and the manner of their implementation by the contracting parties in antiquity. To achieve this goal, the focus is placed on determining the nature of the first interstate agreements and the procedure for their signing, entry into force, and implementation. International agreements, as a means of cooperation between states, have regulated interstate obligations from ancient times to the present day. A brief historical picture illustrates international agreements concluded between the first state formations.

Keywords: International agreement, state, forms of agreement, implementation of law

Introduction

In the introduction to the publication entitled "The law of nations", the author Brierly (1963) underlines that 'international law is neither a myth nor a panacea, but an institution, which, among other things, we use to build a better international order'. International law has experienced different developments in different periods of time, as is the case with every branch of law. The object of this law is the regulation of relations between the subjects of international law themselves. In the 20th century, as a result of the numerous changes that arose from the new relations built between states after World War I and, even more so, after World War II, the subjects of international law expanded. The birth of new organizations in the international arena meant that the subjects of this law were not only states, but also various international organizations or institutions. This law regulates the relations created between states, between states and international organizations, as well as between the various organizations themselves. States experienced development in economic, political life, science, culture, etc., and as a result, their relations needed a new regulation. On the other hand, the individual in the 20th century enjoys greater protection guaranteed by the state and international organizations. This is a subject that has recently been included in the field of international law. A considerable number of organizations that aimed to guarantee, promote, and respect human rights were created, forcing states to respect the catalog of human rights, making the latter the most active subjects in international law. The time of birth of international law is not the same for

¹ Dr. Lindita Liçaj, University "Aleksandër Moisiu", Durrës, Department of Law, Albania
email: lindit.licaj@gmail.com

² Dr. Eriola Cakrani, University "Ismael Qemali", Vlorë, Department of Law, email:
eriol.hoxha@yahoo.com

different scholars. Brierly's accepted theory, according to which law originated in antiquity, is presented in his work (*The Law of Nations*) (Brierly, 1963). Grotius, on the other hand, argues that with the birth of civilized states, the concept of sovereignty also arises and, in this sense, one can speak of the theory of national law, which was later followed by international law (Grotius, 1625). For some, international relations arose together with states and with them the norms of international law. This thesis has been accepted in their works by various authors such as Puto (2008, p. 5). There are other authors like Singer (1918, p. 1) who have opposed the birth of international law at the moment of the birth of states.

The jurists of the first group have defended the thesis of the creation of international law since antiquity. The jurists who oppose this accept its birth and development in the Middle Ages. The opinion of the second group of jurists has encountered discussions and objections, but although controversial, it was rejected by international law scholars long ago. To address the dilemma of the existence or nonexistence of international law in antiquity, scholars have argued for the existence of law and its power, as well as the interstate relations created between state formations. The study of international law in antiquity or in other periods of time faces a difficulty due to historical data that are not uniform, because different historians treat them from different perspectives, as well as in different years, encountering a mismatch of relations created in the same period between states.

Various authors, such as Yoram (1986, p. 19), have thought that even at the time of the creation of international law, it remained in the conditions of a primitive way of law. Those scholars of international law have stated that the states created in the ancient period did not have the opportunity to respect the law that regulated their interstate relations. Since international law was defined as a law between sovereign and equal states, based on the common consent of these countries, it was created as a result of the birth of modern Christian civilization and can be said to have existed for about four hundred years. (Oppenheim, 1948, p. 157). Based on this, they admitted that states in antiquity did not recognize the notion of sovereignty and the notion of grouping or uniting states for common purposes and the creation of organizations; these authors admit that international law in the ancient period was non-existent.

But we acknowledge that even in the embryonic stage, there were rules of conduct in states that, if not implemented, would be punished for non-fulfillment of obligations in the current sense of sanctions. Although it did not have the same form, we find traces of it in the first established states.

We are supporters of the authors of the first group. In its primitive phase, international law had its own development, showing the established links between the first states created at that time, sources that indicate its existence, as well as the actors of the connection of interstate relations. There is the idea that even in ancient times, there may have been respect for a rule of law in international relations (Bederman, 2004, p. 11). The norm in that period was in its primitive phase; it was considered a formal norm (Vinogradoff, 1920, p. 364) guided by customary norms (Maine, 1986, p. 25). The implementation of the norms was limited, and non-implementation was followed by sanctions. The law, through its three elements, creation, implementation, and sanction,

does not coincide with the elements accepted today. This is because it was created according to the primitive phase and was implemented in the same way. So, the international law of states did not have the essential characteristics of the law accepted today, but it was created and formed the initial system of international law (Vinogradoff, 1920). Then it was defined as the set of legal norms that regulated the relations between states with each other (Puto, 2008, p. 5). By dividing it into historical periods, we can distinguish changes in the development of international law. International law itself has not had the same development because it was attributed to the relations of the time between the states that it regulated. We can see that international law has had a historical development from antiquity to modern times, and is developing even more today. International law consisted of the totality of rules created and applied by civilized states, known as the norms of international law. The principles that guided relations between states were different from those that guide relations created today. States did not have reciprocal obligations and rights, but their relations were built on blood ties and on the moral norms from which the respective obligations arose.

The science of international law did not arise at the same time as international law, but at a later time. The science of international law itself, that is, not the system of international law as a separate branch of legal science, arose in the Middle Ages, expanding even further in the modern period. (Puto, 2008, p. 36) In ancient times, scholars, writers, jurists, and philosophers often addressed in their writings and works arguments and opinions regarding relations between states, norms of international law, understanding of law, philosophy of law, rules of war and peace, etc. We can mention here: Socrates, Plato, Aristotle, Cicero, Ulpian, Papinian, etc., who have contributed to the explanation, definition, and recognition of law in general and its branches in particular according to their field of study. The first jurist who gave the meaning of international law in ancient times was the Roman jurist Ulpian. He defined *jus gentium*. According to him, *jus gentium* consists of the occupation, construction, and reinforcement of countries, wars, captivity, slavery, peace treaties, truces, the duty not to insult the envoys of other states, as well as the prohibition of marriages with foreigners. In this way, the law of nations (*jus gentium*) is so called because it is used by all nations. (Ulpian, as cited in Gaius & Ulpian, 2005, p. 5)

In the Middle Ages, other authors addressed international law and its development. The scholar Arben Puto creates a categorization of studies into three groups, mentioning: theologians explaining issues of relations between Christian states, canonists addressing issues of church organization and church-state relations, and Romanists who elaborated on problems of Roman law.

In the 16th and 17th centuries, the science of international law was born, a new science for the time. Various authors in that period studied specific branches of international law. Among the authors who contributed with their works, we mention (Vitoria, 1917), (Gentili, 1933), (Grotius, 1625), (Pufendorf, 1729), (Barbeyrac, 1729), etc. Not only these, but also many other authors with their works contributed to the creation of schools of study of the science of international law. Groc, one of those authors, made the first appearance in the

form of a complete and coherent system of international law. In his theory of law, he defined international law as the totality of legal norms that regulate relations between sovereign states. The definition brought by Grotius is more appropriate, because it avoids confusion with the subjects of Roman law, such as *jus gentium*, and shows precisely its character as a system of binding rules between states in their mutual relations (Lawrence, 1885, p. 16).

The new era brought major changes in the relations between the subjects of international law. The system of international law was developed and supplemented by a series of international law institutes that were born and developed at that time. From the French Revolution (1789) to the end of the First World War (1918), many states were involved in the events that occurred in history, thus creating diverse cooperation between them. Along with the development of international law, the science of international law has also developed over time. The two main currents of researchers were naturalists and positivists, who did not have the same opinion, not forgetting the nihilist and nationalist currents. The jurists of that period, among whom we can mention Kant, Hegel, Luder, Kaufman, Mancini, Kent, Hall, Bonfis, Ancillot, gave important definitions of international law and its science.

The modern period can be said to have opened a great door for the development of international law. The developments of international law are related to the birth of international law institutes, the division and creation of new branches of law, the creation of new subjects recognized by international law, as well as the diversity of relationships created between the subjects of law themselves.

International law, like any other branch of law, is codified based on sources accepted by it. International law is created and developed from primary and most important sources and secondary sources. The primary sources of international law are: international custom and international treaty, while among the secondary sources accepted today are: the jurisprudence of international courts, and general principles of law. (Charter of the United Nations & Statute of the International Court of Justice, 1987, p. 102), doctrines, etc., which have created a general system of rules of international law. The International Court of Justice defines, among other things, in Article 38, 1. The Court, whose mission is to resolve in accordance with international law the disputes brought before it, applies: a. international conventions, whether general or special, establishing rules expressly recognized by the States in dispute; b. International custom as evidence of a general practice accepted as law; general principles of law accepted by civilized nations; c. except for the provision of Article 59, judicial decisions and the teachings of the most qualified publicists of different nations, as an auxiliary means for the determination of the rules of law.

The sources of international law have had different developments. Sometimes the international treaty has had a greater influence in relation to custom, and in other cases, custom has prevailed over agreement. However, the agreement as a source of law is one of the characteristics that indicate the emergence of relations between states and, respectively, of the international agreement as one of the sources of international law.

International law for the purpose of study by researchers has been divided into historical periods such as: Antiquity (5th century BC to 5th

century AD); Middle Ages (from the 6th century to the 15th century); Absolutism (from the 16th century to the 18th century); Modern Times (1789-1914); 20th-21st centuries. Based on this division, we will highlight the existence of international agreements concluded between states and the manner of their implementation.

This brief introduction to the development of international law and its division into historical periods, to show its development and the definition of the sources of international law, is presented as a beginning to explain later the historical development of international agreements and the way they are implemented. We emphasize that the object of our study does not have any scientific questions to address international law because the scientific research questions focus only on the international agreement. The focus lies on the international agreement as a source of the internal law of states and the way it is implemented in their legal system.

To study whether the first interstate agreements existed, we must answer the question of whether states could establish international relations in the sense of international law accepted today.

This paper will clearly demonstrate the existence of interstate agreements since ancient times. Those interstate agreements would be created on the basis of the embryonic system of international law and would then be developed by referring to the developments of the Middle Ages, absolutism, the new era, the modern era, and up to the developments of the 21st century.

The characteristics of international agreements as a source of law in antiquity

Interstate agreements created in ancient times had their own characteristics for the time when they were created. Although in the initial phase they best regulated the relations between the states that connected them. Jurists have accepted that interstate agreements, as an expression of the will to cooperate between two or more states, have been created since ancient times. Historical sources have shown that these agreements have been evidenced since before the birth of Christ.

Interstate agreements have been established since the first civilizations known as the Sumerian city-states that emerged in the great empires of Egypt, Babylonia, Assyria, and the Hittites (1400-1150 BC), in the nations of Israel, Bor, and the Syrians (966-700 BC), in the Greek city-states (500-338) and their relations with the Mediterranean during the period of Roman connections with Carthage, Macedonia, Ptolemaic Egypt, and the Seleucid Empire (358-168 BC).

Some of the early agreements, but not the first in antiquity, which did not have the true character of international agreements accepted today by public international law, arose between the first state formations in Ancient Rome and Ancient Athens (Oppenheim, 1998, p. 29). In ancient times, every civilization had an authentic system for developing interstate relations.

The relations established between states were related to the implementation of certain rules in times of war and peace, determining the status of foreigners, captives, slaves, the actions of merchants in the exchange of goods, etc. These first agreements, concluded between kings, defined the role and duties of persons authorized by the king to conduct negotiations with

representatives of other countries who would establish an interstate relationship.

Not all states could conclude agreements. This was due to the unfavorable geographical position of the state and the inability to communicate freely. Generally, they functioned between two or three states (Wheaton, 1836, p. 17). The inclusion of a small number of states in an agreement was also related to the fact that the purpose of cooperation referred to the few common interests as a result of the level of development of the states. The first agreements created between states were called treaties. Although the treaty was accepted as the name for the international agreement at that time, it does not have the same legal meaning as any of the current definitions, such as convention, protocol, declaration, etc. This is because international law itself has not managed to define the agreement since ancient times. Singer defined treaties as agreements between independent nations, the implementation of their provisions being carried out depending on the interests of the governments that are parties to them (Singer, 1918, p. 64).

International agreements, being the source of international law, have defined some rules of conduct that have formed the norms of international law. Groci emphasizes that the system of norms of international law helps in the function of treaties of alliance and peace, which were perhaps the first types of treaties concluded (Parry, 2014, p. 308). Groc, known as the father of international law, defines the treaty as a tool that decides the end of the war and determines the obligations for the losing and victorious states (Parry, 2014, p. 317). Historical data show that states entered into agreements with each other when they were civilized and sought to regulate relations between nations. These interstate agreements clearly show that states created relations outside their own state, just like the relations that were created within the individuals of the state itself. Such relationships were finalized with agreements that were mandatory to be respected and implemented, just like in contractual relationships between individuals.

The first agreements created in ancient times had a very simple procedure, in line with the state's development at the time. First, the parties who would conclude the agreement would hold meetings and conduct oral negotiations. After the conversation, they signed it and then swore that they would respect the agreement and would not violate it. The last moment was the formal way of the agreement, which was realized through writing on pieces of leather or stone tablets. Once the agreement was written, it was placed in public places where it was exhibited to inform the entire population of the country. Early treaties written on stone or marble tablets generally presented the determination of the boundaries of cities or the rules of newly created cities (Smith, 1918).

The oldest peace treaty in the world is the treaty signed between Ramses and Hattusili, which is preserved in the Temple of Amun in Karnak. That treaty was concluded between the Egyptian Pharaoh Ramses II and King Hattusili III in 1259 BC. That treaty aimed to establish and maintain peaceful relations between the parties. In Egypt, it is found engraved on the walls of temples with hieroglyphs, while in the Hittite capital of Hattusha (present-day Turkey), it is preserved on baked clay tablets (Singer, 1918, p. 4).

Israel also represents a special interest in the further development of international relations, because of the universal spirit of the ideals and aspirations of the Israelites when they called for the unification of all peoples in peace. The Israeli diaspora has been the bearer of this message throughout the centuries (Singer, 1918, p. 4).

Another important treaty is the treaty relating to the Latin Confederation. The treaty stipulated that peace should prevail between the Romans and the Latins as long as heaven and earth remained theirs. The treaty contained several provisions for the protection of mutual rights in the event of war with a third party, a distribution of prisoners of war, a forum for the adjudication of private disputes, and rules for the assignment of commands of the armies of the contracting powers in a war with a third power.

The reasons for concluding international agreements corresponded to internal state development, and thus, the object on which international agreements were concluded was narrow in scope. The objects on which international agreements were concluded are: the establishment of ties, regulation, and cooperation between states with each other in various aspects of state development.

Form of agreements

The structure and form of interstate agreements have been the focus of study of many legal scholars. International agreements in the Middle East have been studied by taking as sources various religious writings (biblical writings), as well as in the archives of states in the sector of relations between their neighbors. In the writings of treaties in antiquity, an essential unity is observed in the model used of the oriental treaty (McCarthy, 1963, p. 80). The order of the rules to be applied in ancient treaties, as well as the presentation of the constituent parts of the treaties, could vary. The only thing that did not change was the fundamental unity of conception that characterized the interstate agreement concluded by the states that developed in the Sumerian, Egyptian, Hittite, Assyrian, and Israelite cultures.

Ancient Middle Eastern treaties had a defined form. The form was the same in all civilizations of that time. The basic elements of agreements concluded in antiquity were the same everywhere and included within them provisions of oath, provisions of determination of obligations, and provisions of sanction, which were decided by divine witnesses summoned in case of violation of the agreement against the violator, divine guardianship carried out the curse by influencing the fate of the violator (McCarthy, 1963, p. 80). The essential elements of the form of the agreement stipulated what the parties were to do, the prayers of the gods, and the formula of curse for the violators of the agreement.

Agreements concluded between states, armies, and governments in the historical period before the Birth of Christ are presented in the form of:

- a. treaties to end wars or conflicts between states, or to achieve peace by marking the end of a war;
- b. conclude the definition of the borders of the states or armies participating in the war.

In the first group of treaties, among others, we mention: The Treaty "End of the War between the Roman Republic and the Latin League" in 493 BC; The Treaty "End of the Persian War" in 450 BC; The Treaty "End of the First Peloponnesian War between Athens and Sparta" in 455 BC, etc.

In the second group, among others, we can mention: The treaty "Determination of the boundaries of Greek and Persian territory" in 387 BC, which defined the river Ebro as a dividing border line between the Roman Republic and Carthage.

In the treaties of Assyria and Hittites, a variety of substantive provisions are seen. Most treaties, especially vassalage agreements, provided for the state to remain under vassalage. As an example, we can mention the treaty concluded between the Hittites and the Amurru in 1250 BC, to impose a mutual trade embargo against the Assyrians. The binding provisions gave the vassal states freedom to regulate their own internal affairs through the success achieved.

The treaty that provides the greatest detail on the subject of succession disputes is the Assyrian decree of Esarhaddon in 679 BC, securing the recognition of his son, Assurbanipal, as heir to the throne for a summary of the extensive obligations undertaken by Esarhaddon's vassals to ensure Assurbanipal's success. One such clause, found in the vassal treaty between Mutadatalis of Hatti and Alexander, was: "He who is your enemy is also the enemy of the Sun. He who is the enemy of the Sun must also be your enemy." This was simply a literary restatement of the expression: "He who is your enemy is my enemy; He who is my enemy is your enemy" (McCarthy, 1963, pp. 33-34).

The most important object for which agreements were concluded was to ensure joint actions to maintain the balance of power. Although in this period a science of international law had not been created, we can say that states had begun to establish their ties or hostilities and presented them in the form of treaties that established an equal position between states and in the form of unequal agreements in cases of surrender in time of war. The international relations of that time are characterized by wars that were waged precisely by slave-owning states among themselves to establish their political hegemony over other countries. Within the framework of relations between states in each geographical area, some special rules were also created that served as the basis for relations between them.

International rules underwent a significant development in antiquity, especially in Greece and Rome. A factor that favored the development of international relations and rules in Greece was the large number of city-states. In the relations between the Greek polises, certain norms were respected. We find the existence of elements of international law in historical sources, such as Homer's "Iliad", etc. City-states created joint missions with each other of a secular character. The members of these missions were elected by the people, and they were given certificates by which they had the right to conduct negotiations. The certificates had the form of wax tablets folded in half, "diplomas" (Puto, 2008, p. 22). In addition to the rules of treatment in Ancient Greece, some rules provided for the protection of foreigners. In the practice of relations between themselves, the Ancient Greek polises also recognized interstate organizations with the relevant bodies. These were either unions of

a political-religious character or unions of a political-military character. (They were called amphiction and symachus). With the further growth of diplomatic ties between the Hellenic states, special bodies were also created for the development of foreign relations. The embryonic institutes of international law, which were created in Ancient Greece, gained wide distribution and were applied by the Hellenic states not only in their relations among themselves, but also with other states of that time (Singer, 1918, p. 7).

Ancient Rome differs from Greece, both from the point of view of its origin and from the point of view of the policy it pursued towards its neighbours. The policy of the Roman Senate towards other peoples was mainly characterised by hegemonism and intolerance. Treaties defined as foedus were under the competence of the recuperators (leaders). If we compare it with today's method, we see that the right to sign agreements was held by the Senate and then by the people. The Romans never denied the binding character of the implementation of the agreement, taking care that the agreement offered security between states (Singer, 1918, p. 7). The first elements of international law in ancient Rome arose from the early stage of the creation of the Roman state. Already at this stage, there was a special body, a collegium of religious figures, which had the task of taking care of Rome's relations with neighbouring communities. (Singer, 1918, p. 7) In the imperial period, the representatives of Rome were appointed by the emperors and had to answer to them. Representatives of foreign states enjoyed personal immunity, regardless of the distinction made between friendly and enemy states of Rome. Among other institutions of international law, one can also mention that of the protection of foreigners. When the Roman state extended its rule beyond the borders of Italy, its international ties expanded even further due to the extension of power to other territories.

As a result, a whole system of norms was created that regulated the relations between Rome and other states, as well as between Romans and foreigners. This system of norms was called jus gentium. It included both civil law norms (protection of property, compensation for damage, etc.) and international law norms (the position of representatives, compensation for damage caused in war, etc.). Jus gentium exerted a strong influence on the development of international law in Western Europe (Puto, 2008, p. 40).

Roman law also included some norms that regulated the legal position of the state in relation to other countries (Mandro, 2005, p. 3). A society of states (international society) exists when a group of states, aware of certain interests and common values, forms a society in the sense that it thinks of itself as bound by a common set of rules in its relations with each other and to be in the functioning of common institutions (Bull, 1977, p. 13).

The Illyrian state played an important role in major events in ancient times in the Mediterranean basin.(Buda, 1972, p. 7). This shows that the Illyrian state was able to conclude agreements with neighboring states to cooperate or achieve a common peace. The Illyrian state followed the same practice of concluding and implementing international agreements as other states of that time. In 393 BC, as a result of the invasion of Macedonia and the departure of King Amyntas, the Illyrian state forced the signing of a peace treaty (Group of Authors, 2005, p. 15). It was a treaty imposed as a result of the

invasion of Macedonia by the Illyrians. This shows that the Illyrian state did not act for the purpose of plunder, but to gain a position in the region and gain territories. The peace that was achieved had as an obligation for Macedonia towards the Illyrian state the payment of a heavy tribute.

Another treaty that shows not only the existence of the Illyrian state, but also its role in the international politics of the time was the treaty imposed by Rome on Teuta, the queen of the Illyrians. The treaty defined the limitation of the state's sovereignty by forcing Teuta to pay a certain tribute and by limiting her navigation to only two ships as far as Lezha. (Ulpiani, nd, as cited in Grup autorësh, 2002, p. 17). However, this treaty, although imposed and concluded by the Illyrian state, was not implemented. Teuta did not fulfill the obligations arising from the treaty, but also committed other actions that clearly indicated the non-implementation of the treaty.

The existence of states and the identification of conscious value systems of states are essential to describing development in the period of antiquity. The authors have also accepted the fact of the existence of ancient countries and the reality of international relations in antiquity. (Roberto, 1982, p. 214). The interstate relations of the ancient Greek city-states are documented, especially in the period from 500 to 330 BC (Adcock & Mosley, 1975, p. 128) and in the relations established between the Roman Republic, Carthage, Egypt, Macedonia, etc. (Phillipson, 1911, para. 106).

Conclusion and entry into force of agreements

Ancient agreements were concluded between equal sovereign state formations, as well as between non-sovereign states. In the first case, we can say that we categorize them as international agreements aimed at interaction and cooperation in the modern sense. The opposite happens if the states are not equal sovereigns, where the agreement that was signed was categorized as a vassalage agreement, where the stronger state had the weaker state under its control (Bederman, 2001, p. 138).

The agreements of that time were characterized by a strong contractual climate, which was followed by solemnity for its signing by the signatory parties and by promises made to respect the agreement and oaths. It is noted that the agreements in antiquity had best defined the persons responsible for their connection, their alliances, and the materialization on paper of their obligations in epistolary form (Journal of Egyptian Archaeology, 1920, p. 200).

Treaties concluded by states were valid for the time and showed the development of states cooperating with each other. Ceremonial traditions of oaths were related to the implementation of agreements, as well as the initiation of the expected consequences by the parties concluding the agreements. Religious faith was inseparable from law, and as a result, agreements were guided by the religious rites and ceremonies of the time. This shows that the people of that time believed in cooperation between people by implementing the obligations imposed mutually (Bederman, 2001, p. 139).

In the third millennium BC, examples are few. Historians, around 2500 BC, cite the example of the agreement concluded between Eannatum of Lagash and the city-state of Umma, where the object of the agreement was to define their borders after the achievement of peace. The treaty was concluded by performing the ceremony of oath to the seven Gods, which guaranteed the

respect of the agreement. The men of Umma had sworn before their gods that they would abide by the terms of the peace treaty, and if they did not abide by the agreement, then the gods would destroy them. (Thompson, 1964, p. 9) Another ancient agreement is the treaty of vassalage between Sargon and another prince, as well as the treaty of alliance between Naram-Sin, the fourth king of the Akkadian dynasty, and the ruler of Elam.

An editor and translator of that text notes that: "The names of the great gods of Elam and Akkad are invoked, the conquered are made vassals and swear their allegiance, they curse the enemies of Naram-Sin who have now become their enemies and bless his friends who are now their friends..." The oath is repeated several times, with different curses and blessings at the end of each paragraph (Scheil, 1912).

Ancient agreements provided for reciprocal obligations for the signatory parties. The jurist Korošec has argued that the equal treaty had two symmetrical moments: the first moment, in which both parties define and accept reciprocal or quasi-reciprocal obligations, and the second moment, in which the parties ratify their obligations by swearing to respect them (Korošec, 1931).

In the 200 years between 1800 and 600 BC, four great empires flourished in the Fertile Crescent, all of which were considered equal sovereigns. During that period, treaties were made, such as the purpose of creating alliances between states, which served to fight the common enemy. Peace treaties provided for the obligation to release prisoners of war, as well as the possibility of their return to their homeland. The method of concluding the agreement was preceded by negotiations conducted by the envoys until everyone reached the same thoughts and conclusions. In Babylon, the process of negotiation and ratification is documented. The envoys or mediators did not have the right to change the principles, but only to continue the process of ratification of the treaty. In the Mari archives, there is a document of the life of the gods (Dossin, 1950, doc. xxxvii 24) where the oaths in the ratification ceremony are preserved.

More data is available from international agreements between the Hittites and Assyrians. Most of the well-documented Hittite vassalage agreements exist in twenty documents from the period 1500 to 1300 BC. From Assyrian treaties for a short period (850 to 700 BC), there are four examples that reflect the power of the Empire of the New Assyrian (Orlin, 1970, p. 114). The reason that copies of ancient treaties are found is related to the fact that the treaty was a public document and, as such, had to be compiled and distributed in several copies, with the first copies being written on tablets or stone tablets. The agreements were placed in public places. It was mandatory for the parties to the agreements to have their own copy, as well as to publish it. The copy was deposited in the temples of the gods who served as guarantors for the agreements, and publicly read the text of the agreement at least two or three times a year (Karavites, 1992, pp. 188–189). Treaties between 1500 and 500 BC were drawn up in the Middle East in Akkadian, Hittite, and Aramaic. In addition to defining the obligations of the parties, the agreement would also describe the history of the relations between the states that concluded the agreement.

The Greek city-states had concluded a large number of treaties, numbering around 100, documented by inscriptions on walls and stones, as well as by early letters. The Greeks had several types of treaties that distinguished them from one another each from the moment of signing the treaty, whether the treaty was concluded before or after the cessation of hostilities. These agreements were named as peace treaties, declarations of neutrality, or as armistices, ending internal unrest, Phillipson, 1920/1969, para. 22).

After the war ended, the states that participated in the war and those that were not part of it would sign an agreement that would bring about a general peace. An example of such an agreement is the Peace of Nicias of 421 BC, through which a phase of the Peloponnesian War between Athens and Sparta ended, establishing a truce between the parties. Thucydides writes that the truce ensured free access to the Delphic oracle and the protection of its treasures. In that agreement, provisions stipulated the protection and non-impediment of messengers and envoys, establishing peace on the maritime line, and ending all kinds of conflict (Thucydides, 1920/1969, p. 411; para. iv 118).

In the peace agreement of Nicias, which temporarily stopped hostilities with ancient Athens as for the temples separated from the Greeks, whoever wishes will offer sacrifices and have access to them, and will consult their oracles and send deputies to them according to their ancestral customs from land and sea without fear. The sacred area and temple of Apollo at Delphi and the Delphians will be governed by their own laws, will be subject to their obligations, and will have jurisdiction in their courts and over their territory according to their ancestral customs.

Sparta forced its allies through agreements not to attack or create conflict with Athens. Athens also signed an agreement with Sparta for a truce between them. This shows that the city-states of that time established relations with each other, having common interests in achieving peace.

Another form of interstate agreement was the treaty of friendship called *philia*. The first treaty of this type was concluded around 550-525 BC between the Greek colonies of Sybaris in Southern Italy and its neighbors. This friendship agreement provided for the obligation for the participating parties to co-operate with their allies they joined in loyal friendship and without deceit forever. The guarantors of the agreement reached were Zeus, Apollo, the other gods, and the city of Poseidonia (Dunbabin, 1979).

In Ancient Greece, treaties called military alliances were also signed, which aimed to help the parties in case they were attacked by other states, and military alliances in which states pledged to support and help each other in fighting against another state.

The process of negotiating, concluding, and implementing agreements in the Greek city-states was carried out after continuous negotiations and open talks between intermediaries. The envoys held talks and consultations with the rulers of their cities. Discussions in public places were conducted by the representative assemblies of the cities, which would ultimately determine the final instructions for the diplomats by writing them in letters (epistolary) and publishing them. Mosley argues that, looking at the treaties as a whole in the way they were compiled, the Greek treaties were simple, in general terms, and

did not detail specific points "(Mosley, 1973, p. 70). Therefore, some Greek treaties were very different from the negotiations that were carried out to draw up the provisions and terms of international agreements.

The process of negotiating, concluding, and implementing an agreement followed several stages in the Roman Republic. A peace treaty would initiate the procedure at the beginning of the battlefield, where the army commander would accept the enemy's request for a truce. The request from the enemy would be forwarded to the Senate, which, after approving it, would pass it to the plebiscite by the Committee of Tribes (*comitia tribute*). The Senate usually appointed ten commissioners, who, with the field commander, would negotiate the treaty with the former enemy. After this approval, an oath would be taken by the parties to the treaty, and this would now change the relations between other states and Rome. The rite of ratification would be accompanied by festive events and sacrifices. It was held in Rome in the presence of representatives of Rome and representatives sent by the foreign state (Mosley, 1973, p. 70).

An agreement would be considered concluded after receiving the consent of the political assembly of the city-state. The agreement at that time went through two stages of signing. The first stage coincided with the signing by the responsible person of the state, and in the second stage, it was ratified through the act of ratification by the political body of the state, which would be followed by the oath to implement the treaty.

After the agreement was ratified by the competent body, it would be distributed in several copies to the signatory parties and would be made public to other cities. They were written on marble tablets or bronze tablets, indicating their content. In case a new state wanted to be part of the agreement, then it would be written on the tablet. It was the practice that the agreements would be deposited in religious centers such as Delphi and the Isthmus. The implementation of the agreements was associated with the performance of some accompanying actions, such as the performance of some games or festive events to show the joy of reaching the treaty.

Also important for the implementation of treaties was the oath that was taken with the aim of ensuring the implementation of the treaty and non-violation by the party. (Livy, 1922/1967, para. 37) "What we have ratified with our oaths, what we have consecrated as inviolable for eternal memory, from the records engraved on stone, they want to abolish and charge us with false testimony. Romans, for you we have high respect; And if it is such, you will also fear; But we respect and fear the immortal gods more."

The duration of treaties between states was determined by the type of agreement concluded, and they provided for the term of the treaty to be temporary or permanent. Between 550 and 400 BC, the almost universal practice of the Greek city-states was to conclude treaties for a limited time, no more than a century. The possibility of changing a provision of the treaty existed, but this only happened with the consent of both parties who signed the treaty. (Thucydides, 1919/1980, pp. 35–39) .Some agreements actually provided a mechanism for modification: if, as in the words of the last article of the Peace of Nicias, "whatever is on either side forgotten or shall be thought by

the honest changes of the decrees it shall be lawful (Athens and Sparta) to do so, as may be thought expedient jointly by both parties."

Much more problematic were unilateral attempts to abrogate or modify obligations under a treaty. Such attempts implicated the most delicate concerns of the rule of law in ancient Greek international relations. A party that unilaterally sought to alter the terms of an agreement or to reject the subsequent obligation could rightly be charged with treaty breach and perjury for breach of the oath of ratification. To deal with these diplomatic crises, Greek city-states seem to have resorted to elaborate interpretations of treaties or to the rules of Hellenic custom regarding specific situations (Bederman, 2001, p. 180). One such situation, considered by the Greeks to be relatively harmless and less threatening to the sanctity of treaties, was when the conclusion of a later treaty, directly or indirectly, called into question the continued validity of a previous agreement. Of course, if both agreements were concluded by the same groups of cities, this was simply a situation of treaty modification and not of forced termination.

Conclusions

The signing, ratification, and implementation of interstate agreements in ancient times had some characteristics of their own for the time when they were created. The principle of reciprocity was applied in every agreement as long as the signatory parties had mutual benefits and the states that signed the agreement were sovereign and equal. However, the moment of implementation was always questioned and presented as a moment of distrust. Taking hostages was a practice to ensure the implementation of the treaty. We encounter this practice in all states, even in the countries of the Middle East, among the Greeks, and even among the Romans, who were held to strong feelings of loyalty (*bona fides*). The treaties of that time had a real nature of obligation, where the parties were obliged to implement them. Types of treaties, such as those of peace and alliance, indicated a cooperation and interaction between states created in antiquity. This evidence shows the existence of international law at that time in the context of groupings of states or cooperative relations through the placement of international agreements in public places, as well as the compilation in several copies. Through the written form, the legal force of the established binding rules and norms was also evidenced. Interstate agreements in antiquity were characterized by a strong feature of universality. This feature is evidenced by a single and recognized practice for concluding agreements, which was related to the fact of the expressed will of all states, where there was internal unity in the drafting and implementation of the agreement. The unified form of the agreement was a type of signed contract followed by several oaths for its implementation.

The historical analysis of international agreements shows that this legal act has an extraordinary conceptual continuity and stability, from the first forms of state organization to the modern system of international law. International agreements in antiquity, although concluded in a political and religious context quite different from that of today, display structural and procedural elements that clearly precede the contemporary institute of treaties.

First, it is proven that the international agreement emerged as the main means for regulating interstate relations, especially in territorial issues, borders and the resolution of conflicts. This confirms the existence of an early form of legal obligation in international relations, which precedes the modern notions of international obligation, responsibility and trustworthiness.

Second, the procedures of binding, the solemnity of signing and the role of religious authority as guarantor for the implementation of agreements constitute a primitive but functional normative structure, which testifies to the existence of an accepted international order. This structure, although conditioned by ancient beliefs and systems of power, represents the embryo of modern treaty procedures—negotiation, signature, entry into force, and implementation.

Third, it is noted that essential to ancient agreements was the provision of political and legal stability between the parties, which remains the basic function of international agreements even today. This functional continuity shows that despite the evolution of state structures and the international system, the need for binding legal instruments has been constant.

At the end the study of ancient agreements highlights that the institution of treaties is not a product of modernity alone, but has deep roots in the history of civilizations. This makes it necessary to treat it not only as a contemporary legal category, but as a historical phenomenon with a lasting impact on the shaping of the international order. Understanding this historical development is essential to explain the nature and role that international agreements continue to have in the dynamics of international relations.

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