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A. Introduction

1 The origins of international treaties, to our knowledge, can be traced back to the ancient Near East (History of International Law, Ancient Times to 1648). Exploring these origins may be a humbling enterprise by reason of the enormous geographical and temporal dimensions and the colourful diversity of entities and peoples concerned. The treaties they made have fortuitously been discovered in a relatively high number indicating a widespread use of such instruments as early as the Bronze and Iron Age. More than sixty treaty texts are currently available, and many others are indirectly attested by various sources (figures may differ). However, the geographical and chronological distribution of the material is detrimentally uneven (Altman [2010] 17).

2 The relevant texts have been preserved in a fragmentary condition. Lacunae of varying sizes, along with linguistic obstacles, tend to hinder the reconstruction of their exact nature, purpose, and contents. Hence it is frequently disputed whether a text represents an original treaty, an archived copy, a preliminary draft, an attached protocol, a royal grant, or a loyalty oath. Even if one is identified as a treaty, its adequate transliteration, transcription, translation, and classification may prove difficult. The study of early treaties, therefore, requires recourse to a range of secondary sources: royal inscriptions, diplomatic correspondence, and historical, literary and religious texts.

3 The legal analysis of ancient Near Eastern treaties is bound to heavily rely on the findings of other disciplines, such as history, archaeology, ethnography, linguistics and religious studies, though these findings are more often than not tentative. Legal scholars also have to meet the challenges of their own discipline arising from conflicting notions about the emergence and evolution of international law, and the inevitable use of modern concepts and terminology to describe phenomena of the distant past (History of International Law, Basic Questions and Principles). The inherent difficulties notwithstanding, the study of early treaties is likely to extend our intellectual horizon, and place present treaty practices in a broader perspective.

B. Designations

4 Peoples of the ancient Near East did not have a single technical term for 'treaty'. They employed numerous expressions, mostly metonymic or synecdochic representations, to denote 'treaty' both as a concept and as an object. The expressions changed with the region and period, but usually epitomized the essential constituents of contemporary agreements: the treaty bond/stipulations and the oath by the gods. Treaties could be designated in Akkadian, for example, as '*ṭuppi lipit napištim*' (tablet of the touching of the throat), '*ṭuppi nīš ilim/ṭuppu ša nīš ilāni*' (tablet of [the oath by] the life of the god[s]) or '*ṣimdatum*' (ordinance, regulation, ~treaty) in the first half of the second millennium BCE, '*rikiltu*' (bond, ~treaty), '*riksu/rikistu/rikiltu u māmītu*' (bond and oath), '*ṭuppi riksi/ṭuppu (ša) rikilti*' (tablet of the bond) or '*ṭuppu ša rikilti u ša māmīti*' (tablet of the bond and the oath) in the second half of the second millennium BCE, and '*adê*' (treaty, pact, loyalty oath), '*adê (u) māmītu/tāmītu*' (~sworn agreement) or '*ṭuppi adê*' (tablet of the treaty) in the first half of the first millennium BCE. Expressions used in other languages in the same context include '$^{c}dn/^{c}dy$' (treaty, pact) in Aramaic, 'nt-^{c}' (arrangement, ordinance, prescription) in Egyptian, '$b^{e}rît$' (covenant) and '$^{ɔ}ālāh$' (oath, curse) in Hebrew, '*išḫiul-*' (bond) and '*lingai-*' (oath) in Hittite, and '*mṣmt*' (treaty, agreement) in Ugaritic. It should be added that the meaning and scope of some of these terms are debated.

C. Parties

1. General Observations

5 Ancient Near Eastern treaties were, as a general rule, concluded between rulers rather than entities (Treaty-Making Power). The rights and obligations of rulers and their respective States

(Sovereignty; State) were not clearly distinguished. The absence of distinction also characterized, at least in certain regions, the perception of external and internal obligations to the sovereign. For example, the Hittites used the term '*išḫiul-*' to denote both treaties and formal written instructions issued to domestic officials (Beckman [2006] 283; Zaccagnini 54–55). These features may lead to the classification of early treaties as simple 'contractual agreements' (International Law). Exceptionally, a few treaties may have been concluded between entities, such as the treaty of Ebla and A-bar-QA^{ki}/Abarsal/Aššur (?) (ca 24th–23rd centuries BCE) and the treaty of Šadlaš and Nērebtum (19th century BCE).

2. Typology

6 The conventional typology of ancient Near Eastern treaties is based on the political status of contracting parties and involves two major categories: parity and non-parity treaties. The latter are better known as 'vassal treaties', 'suzerainty treaties' or 'subordination treaties'.

(a) Parity Treaties

7 Parity treaties governed the relations of contracting parties of an equal status. The scope of potential parties constantly changed with the development of political organization and the transformation of the international environment. The most prominent actors were undoubtedly the monarchs of the early great powers (Hegemony; Superpowers and Great Powers)—an exclusive group of States comprising, for various intervals, the kingdoms of Assyria, Babylonia, Egypt, Ḫatti (Hittite Empire) and Mitanni. These rulers had the privilege to assume the title of 'great king' (*šarru rabû*) and to address one another as 'brother' (*aḫu*). Unwarranted assumption of great kingship or usurpation of the throne could result in strong disapproval. (Hittite documents, fragmentary correspondence and a non-parity treaty had also ranked the king of Aḫḫiyawa [~Mycenaean world?] among the great kings, possibly out of temporary political considerations. The reference in the treaty concerned was subsequently erased.) Evidence suggests that some lesser parties may have had limited capacity or permission to conclude treaties with equals of their own.

8 More than a dozen parity treaties have been discovered, including the treaty of Šadlaš and Nērebtum (19th century BCE), the treaty of Zimrī-Līm of Mari and Ḫammurabi of Babylon (18th century BCE), the treaty of Idrimi of Alalaḫ and Pilliya of Kizzuwatna (15th century BCE), the treaty of Niqmepa of Alalaḫ and Ir-^{d}IM of Tunip (15th century BCE), the treaty of Ramses II of Egypt and Ḫattušili III of Ḫatti (13th century BCE), and most likely the treaty of Šamši-Adad V of Assyria and Marduk-zakir-šumi I of Babylon (9th century BCE). The earliest known agreements, the treaty of Eanatum of Lagaš and Enakale of Umma (Stele of the Vultures, ca 25th century BCE) and the treaty of Enmetena/Entemena of Lagaš and Lugalkiğinedudu of Uruk (ca 25–24th centuries BCE), both indirectly attested by royal inscriptions, also seem to have been parity treaties.

(b) Non-Parity Treaties

9 Non-parity treaties governed the relations of contracting parties not of an equal status (Treaties, Unequal) and were mostly drawn up by suzerains for inferior rulers or, occasionally, for politically and socially unorganized peoples. These instruments offered a convenient means for great powers to subjugate territories, to establish buffer zones (Spheres of Influence), and to pacify neighbouring populations. Non-parity treaties were, therefore, particularly favoured by Hittite and Assyrian rulers. Domestic treaties/allegiance pacts imposed on local elites or subjects are often discussed under this category.

10 The majority of available treaties are non-parity treaties, including the treaty of Abba-AN of Yamḫad/Ḫalap (Aleppo) and Yarīm-Līm of Alalaḫ (18th century BCE), the treaty of Šuppiluliuma I of Ḫatti and Šattiwaza of Mitanni (14th century BCE), the treaty of Ḫattušili III of Ḫatti and Bentešina of Amurru (13th century BCE), the treaty of Aššur-nerari V of Assyria and Mati^{ɔ}-ilu of Arpad (8th century BCE), and the treaty of Esarḫaddon of Assyria and Ba^{c}al of Tyre (7th century BCE). Notable

also is the so-called 'Zakutu treaty' (7th century BCE), a Neo-Assyrian allegiance pact, as it was imposed by a queen (grand)mother rather than a reigning monarch. Treaties drawn up for unorganized peoples can be illustrated with the treaties of Arnuwanda I of Ḫatti and the Kaška people (14th century BCE) and Aššurbanipal of Assyria and the Qedar tribe (7th century BCE).

11 The classification of several well-known agreements is debated. For example, consensus is yet to be reached whether the treaty of Ebla and A-bar-QA^{ki}/Abarsal/Aššur (?) (ca 24th–23rd centuries BCE), the treaty of Narām-Sîn of Akkad and a ruler of Elam (ca 23rd century BCE) or the treaty of Bar-Gaʾyah of KTK and Matiʿel of Arpad (Sefire Stelae, 8th century BCE) should be regarded as parity or non-parity treaties.

(c) Divine Participation

12 The gods were believed to have the capacity to propose and conclude treaties. They could enter into treaty relations with other deities and earthly rulers, peoples and individuals alike. Treaties allegedly made by the gods include an obscure Egyptian–Hittite treaty, the precursor of the treaty of Ramses II of Egypt and Ḫattušili III of Ḫatti (13th century BCE), recurrently portrayed as a treaty of the Sun-God of Egypt and the Storm-God of Ḫatti. The gods of KTK and the gods of Arpad were also presented as contracting parties in the treaty of Bar-Gaʾyah of KTK and Matiʿel of Arpad (8th century BCE). Treaties of gods and men include the treaty of Ninĝirsu and Urukagina/Uruinimgina of Lagaš, and, according to one possible reading of the Marduk Prophecy, the treaty of Marduk and Nebuchadnezzar I of Babylon. The Biblical Covenants of the Old Testament could certainly be brought to mind here, as well. Treaties involving deities are not considered a separate category in the conventional typology of ancient Near Eastern treaties.

3. Number of Parties

13 The international relations of the ancient Near East were marked by a dichotomy of unilateralism and bilateralism (Unilateralism/Multilateralism; see also Promise; Unilateral Acts of States in International Law). Early manifestations of these principles are not always easy to distinguish by modern standards (Kovács 173). (The non-legal literature tends to use 'unilateral' and 'bilateral' with a slightly different meaning.) Treaties were characteristically concluded in the general framework of bilateralism. When a multitude of distinct parties were intended to be bound by similar stipulations, one feasible solution was to draw up the required number of bilateral documents. The so-called 'vassal treaties of Esarḫaddon' (7th century BCE), though widely denied to have been treaties proper, may give evidence to such practice.

D. Form

1. Writing

14 There was a natural inclination in the ancient Near East to conclude treaties in written form. The setting down of provisions is often regarded to have been indispensable or mandatory, but treaty relations may also have been established, at least by some lesser parties, orally. The written form had numerous advantages. It endowed the treaty with the power of the written word, facilitated its drafting and conclusion, attested its existence and contents, and permitted its deposit (Depositary) and periodic readings. Treaties were traditionally inscribed on tablets. The material of the tablet arguably reflected the importance of the agreement (Korošec 17). Materials used include silver, bronze, iron, stone, and clay. Treaties have also been discovered on stone stelae and building walls—these formats probably served the purposes of publication (Treaties, Registration and Publication) or propaganda. Much attention was paid to the preservation of tablets; royal chancelleries routinely made copies of the originals and retained the drafts for archival. Damaged, stolen, or lost tablets were replaced as indicated by the treaty of Muwattalli II of Ḫatti and Talmi-

Šarrumma of Aleppo (13th century BCE) and the Old Testament (Exodus 32:19, 34:1–4). The deliberate effacing or altering of tablets was strictly forbidden and considered a transgression.

2. Formulation

15 Treaties were formulated with admirable thoroughness and complexity to preclude alternative or conflicting interpretations (Interpretation in International Law). The provisions typically followed the casuistic style and were introduced by the conjunction 'if' (*šumma*)—a characteristic feature of both treaties and law codes. Less frequently, apodictic provisions/commands, originally thought to have been a peculiarity of Israelite law, can also be found in the available material. Treaties were mostly composed in first, second or third person singular, or occasionally in first, second or third person plural, or a combination thereof, depending on their region, period, and nature. The texts often exhibited paternalistic, emotive, epistolary, or anecdotal motifs. The impersonal and objective tone, therefore, though manifestly used, had not yet become a standard stylistic trait.

16 This holds true, *mutatis mutandis*, to reciprocity, as well. The prevalence of non-parity treaties entailed that substantive reciprocity was lacking from a large number of agreements. This was explicitly affirmed, for example, by the treaty of Muwattalli II of Ḫatti and Alakšandu of Wiluša (13th century BCE). In spite of a few mutual commitments scattered throughout the mass of non-parity treaties, reciprocity may be held to have been an intrinsic property of parity treaties, which was achieved in the spirit of *do/dabis*. But even in parity treaties, it was taken rather flexibly. Reciprocity did not demand that the parties assume perfectly identical rights and obligations, or formulate the provisions in their respective versions in complete uniformity. There existed a degree of tolerance for discrepancies as shown by the treaty of Ramses II of Egypt and Ḫattušili III of Ḫatti (13th century BCE).

17 The same treaty reveals that the *pacta tertiis nec nocent nec prosunt* principle (Treaties, Third-Party Effect), or rather its primeval equivalent, may also have had its limitations. Many translations of the text suggest that one of the provisions may have bound a third party, a vassal of the Hittite great king, Bentešina of Amurru. If this rendering is correct, it may have been possible for suzerains to assume obligations on behalf of their subordinates without involving them as parties.

3. Structure

18 Treaties were composed of easily separable structural units. The presence and arrangement of elements changed with their region, period, and nature. Old Babylonian treaties of the first half of the second millennium BCE mostly contained an adjuration formula/a list of divine witnesses, a stipulatory section and a curses section (Eidem 749). Parity treaties of the second half of the second millennium BCE, as a minimum, contained a preamble, a stipulatory section and a curses section. These could be supplemented by a reference to previous relations, a declaration of parties' intentions, a list of divine witnesses and a blessing formula (Altman [2012] 123–26). Hittite non-parity treaties of the same period normally contained a preamble, a historical prologue, a stipulatory section, a tablet clause, a list of divine witnesses, and a curses and blessings section (Korošec 12–14). The historical prologue presented a complex (eg political, legal, moral) justification of subordination; the tablet clause provided for the deposit and periodic readings of the treaty. Neo-Assyrian treaties of the first half of the first millennium BCE, on the other hand, contained a preamble, an adjuration formula and/or a list of divine witnesses, an optional historical introduction, a stipulatory section, a curses section and a colophon (Parpola 1056; see also Parpola and Watanabe xxxv–xliii). The colophon had already formed part of many older documents and stated the purpose and/or date of conclusion of the agreement. The sealing of tablets was common, but the relevant practice remains to be clarified.

19 The formulation and structure of treaties have attracted much scholarly attention and facilitated the identification of different 'treaty traditions' in the ancient Near East. The implications of

perceived similarities in form between Hittite non-parity treaties and the Biblical Covenants, particularly the Mosaic/Sinaitic Covenant (Exodus 19–24), have prompted a lengthy and heated scientific debate (Mendenhall).

4. Language

20 Treaties have been discovered in several languages, including Akkadian, Aramaic, Eblaite, Egyptian, Elamite, Hittite, and Ugaritic. The major part of treaties is available in Akkadian—the language of diplomacy in the second millennium BCE. Some of the texts may have been translations prepared for the purposes of archival, publication, or propaganda. Only a few treaties reached us in more than one language, such as the treaty of Ramses II of Egypt and Ḫattušili III of Ḫatti (13th century BCE). This treaty had been concluded in Akkadian; the Egyptian text, which preserves the Hittite version, is a translation. The treaty was noticeably abused in the process of translation. The Egyptian scribes attached further structural units to the original agreement, manipulated the text to emphasize the grandeur of the pharaoh, and made structural, factual and grammatical errors.

E. Contents

21 The contents of ancient Near Eastern treaties reflect the major concerns of contracting parties in their relations as equals or unequals (Treaties, Object and Purpose). The provisions, as has been mentioned, were formulated with admirable thoroughness and complexity. Parity treaties, for example, provided for the establishment of peace and friendship (Peace Treaties; Treaties of Friendship, Commerce and Navigation), the delimitation of boundaries (Cession; Territory, Acquisition), the renunciation of aggression, the establishment of defensive military alliances against external and internal enemies (Self-Defence), the guarantee of orderly succession to the throne, the seizure and extradition of fugitives or fugitive populations (see also Aliens; Migration; Refugees; Repatriation), the treatment of extradited fugitives, the reporting of conspiracies, the seizure and extradition of conspirators, the prosecution and punishment of selected crimes, the conditions of mercantile activities (Commercial Treaties), the conditions of use of agricultural fields, and the appropriate treatment of envoys (Diplomacy; Immunity, Diplomatic).

22 Non-parity treaties, for example, provided for the protection of the suzerain and his family, descendants and land, the protection of the inferior party and his descendants, the loyalty, honesty, and obedience of the inferior party, the payment of tribute and regular visits, the delimitation of boundaries, the provision of offensive and defensive military assistance against external and internal enemies, the prohibition of hostile or treacherous acts against the suzerain or his troops, the guarantee of orderly succession to the throne, the protection of the designated successor and his family and descendants, the seizure and extradition of civilian captives, fugitives or fugitive populations, the confidentiality of information received from the suzerain, the reporting of detrimental or improper matters and actions, the reporting of conspiracies or revolts, the seizure and extradition or elimination of conspirators or revolters, the seizure or elimination of usurpers, the conditions of mercantile activities, the establishment of friendship and the settlement of disputes between subordinates (Arbitration; see also Peaceful Settlement of International Disputes), and the appropriate treatment of envoys, royal deputies, and garrisons. Non-parity treaties sometimes posed rather curious demands of the inferior party, such as the abandonment of lecherous habits, the rearrangement of marital conditions, or the elimination of a disloyal previous ruler.

23 The literature repeatedly turns to the contents of treaties, often combined with closely related criteria (eg the nature of parties), to systematize the available material. Several classifications have been proposed. Hittite non-parity treaties have been divided, based upon their historical prologues, into constitutive treaties, including grant treaties and subjugation treaties, follow-up treaties,

including grant reaffirmation treaties and subjugation follow-up treaties, and modificative treaties (Altman [2004] 54–65). The same material has also been divided into ordinary vassal treaties, treaties concluded with non-monarchical or unorganized peoples, treaties concluded with inferior rulers belonging to the royal family, and 'protectorate' (*kuriwana-/kuirwana-*) treaties (Beckman [2006] 283–88). Neo-Assyrian treaties have been divided into mutual assistance and non-aggression pacts (friendship and peace treaties), alliance pacts, vassal treaties, and allegiance pacts (Parpola 1054–56; see also Parpola and Watanabe xvi–xxii, xxiv). These efforts notwithstanding, the majority of documents escape easy classification.

24 In spite of differences in the details, specific matters (eg the extradition of fugitives) recurrently came up in early treaties, which may have signalled the absence of established custom (Customary International Law) in these fields. It should be added that contemporary sources tended to refer to treaties by their dominant themes, such as 'peace' (*salāmu/šulmu*), 'friendship' (*ṭābūtu/ṭūbtu*), 'brotherhood' (*aḫḫūtu*) or 'service/vassalage' (*ardūtu/wardūtu*).

F. Conclusion and Operation

1. Procedures

25 The essential constituents of ancient Near Eastern treaties were the treaty bond/stipulations and the oath by the gods. Knowledge is scarce about the conclusion of treaties in the second half of the third millennium BCE, apart from that it included the taking of an oath, the pronouncement of curses, and the performance of a ceremony or ritual (Cooper [2003] 245–46). More information has come to light on the first half of the second millennium BCE, when different procedures seem to have been used. The simpler procedure, followed by some lesser parties, involved the personal meeting of rulers (Summit Meetings), the discussion of the terms, the formulation of the demands, the ritualistic slaughter of an animal, the taking of an oath by the gods, and a festive ending (drinking ceremony, exchange of gifts). This procedure was characteristically oral, and as such, it is mostly attested by indirect sources (~'standard procedure', Eidem 747–48, 750). (Inferior parties were likewise supposed to personally attend the conclusion of non-parity treaties [Altman [2012] 70].)

26 Highly prominent or remote parties, who hardly ever met in person and made contacts through envoys, rather concluded treaties in writing and followed a more formalized procedure. Treaty relations were thus established by parallel unilateral documents. Each document was drawn up by one party for the other, spelled out the commitments of the other party, and was sent to him for acceptance. First the parties exchanged a 'small tablet' (*ṭuppum ṣeḫrum, ṭuppi lipit napištim*), which may have been a proposal or a preliminary draft. The recipient expressed his consent by ritually touching his throat. (The 'touching of the throat' may also have been used in the conclusion of non-parity treaties [Munn-Rankin 90].) Then the parties exchanged a 'large tablet' (*ṭuppum rabûm, ṭuppi nīš ilim*), which contained the full text of the treaty, and took an oath by the gods (~'long-distance procedure', Eidem 748–50). The exact function of the two tablets remains to be clarified. This procedure had obvious shortcomings as indicated by a letter of Abum-ekin and Lâ^{ɔ}ûm to Zimrī-Līm of Mari (18th century BCE). The simultaneous existence of further methods has been submitted in the literature (Altman [2012] 69, 73).

27 The second half of the second millennium BCE brought about a significant shift in the preferred method of treaty-making. The procedure followed in the conclusion of parity treaties was that the parties, having agreed on the terms through envoys, prepared their respective versions, which spelled out the commitments of both parties, took an oath by the gods over it, and sent it on a tablet to the other party (Altman [2012] 130–31). In an alternative reconstruction of the process, the parties may have taken the oath over the version they received from the other party, not over that of their own (Beckman [2003] 761). The procedure was simpler in the case of non-parity treaties.

These treaties were drawn up by the suzerain, presented to the inferior party, and accepted by taking an oath. Neo-Assyrian (non-parity) treaties of the first half of the first millennium BCE were apparently concluded in a similar manner with the oath having been taken at a ceremonial banquet (Parpola 1059).

28 The originals of treaty tablets were traditionally deposited in the temples of the gods. Royal chancelleries, as has been mentioned, routinely made copies of the originals and retained the drafts for archival. The publication and dissemination of treaties were accomplished by various means, such as the periodic readings of the tablets, the notification of domestic dignitaries and subjects, and the carving of the texts on stone stelae or building walls.

2. Oath

29 The promissory oath sworn by the gods was an essential constituent of ancient Near Eastern treaties. This solemn pledge had numerous effects: it expressed the consent of parties to be bound by the treaty, endowed the treaty with inviolability, rendered the curses and blessings operable, and brought about the entry into force of the treaty (Treaties, Conclusion and Entry into Force). Notable is the entry into force clause in the treaty of Idrimi of Alalaḫ and Pilliya of Kizzuwatna (15th century BCE). In parity treaties both parties took an oath. In non-parity treaties the inferior party definitely took an oath, but it is debated whether or when the suzerain had to act likewise. Evidence suggests that in many cases he also took an oath. The taking of an oath by the gods was, at any rate, vital for the conclusion of treaties; at this early stage of development only religious means could produce the required effects. The degree of personal devoutness could, of course, greatly influence the practical effectiveness of these religious means.

30 The gods of the oath were represented by their statues or symbols. The list of divine witnesses covered, if necessary, the gods and goddesses of both parties to prevent problems arising from religious differences and to strengthen the authority of the treaty. This assembly could be extremely populous; the Hittites regularly invoked a ‘thousand gods’ as witnesses, though only the most revered members of the pantheon were explicitly named. The anthropomorphic gods were frequently supplemented by deified geological formations, natural phenomena and celestial bodies, such as the heaven, the earth, the mountains, the great sea, the rivers, the springs, the clouds, the winds, the day, the night, the planets and the stars. Human witnesses could be employed, as well.

31 The taking of the oath was an event of utmost importance. It was administered in or accompanied by an elaborate ceremony or ritual, which usually featured elements of sympathetic/imitative magic. The slaughter of animals (eg donkey, calf, lamb) and the use of selected materials (eg blood, oil, wax) were recurrent motifs to symbolize the newly established treaty relations and/or the consequences of non-compliance (Compliance; see also Pacta Sunt Servanda). The treaty of Aššur-nerari V of Assyria and Matiʾ-ilu of Arpad (8th century BCE) and the treaty of Bar-Gaʾyah of KTK and Matiʿel of Arpad (8th century BCE) offer particularly vivid descriptions of related rituals. The exchange of gifts was also habitual on these occasions. The event was arranged at appropriate premises and auspicious dates. When the other party did not attend personally, as commonly occurred with parity treaties, his envoys observed and could actively participate in the taking of the oath. The Old Testament suggests that the fraudulent conduct of the other party may not have been invoked as a ground of invalidity of the oath (Joshua 9) (Nullity in International Law; Treaties, Validity).

3. Guarantees

(a) Curses

32 Treaty compliance was primarily secured by curses. The conditional maledictions provided negative incentives for the fulfilment of treaty obligations by deterring contracting parties from non-

compliant behaviour. The curses were thought to be implemented by the gods, directly or indirectly, as a punishment of the breach of treaties. Hence the gods simultaneously functioned as witnesses and guarantors of contemporary agreements. The envisaged consequences of transgressions reflect the deepest fears of parties, and include demise, destruction, eradication, mutilation, misfortune, illness, exhaustion, pain, suffering, defeat, captivity, banishment, downfall, turmoil, infertility, poverty, pestilence, anthropophagy, famine, flood, drought, desolation, locust invasion, divine rejection, spiritual torments, and unrest in the afterlife. These human, natural and supernatural calamities could equally fall on the non-compliant rulers and their families, descendants, possessions, subjects, and lands. In order to discourage recourse to rituals to revoke or undo the oath or to remove the effect of maledictions, a few treaties pronounced 'indissoluble' curses. The number and complexity of curses displayed large variations. The Assyrians acquired remarkable expertise in the invention and formulation of horrifying maledictions.

(b) Blessings

33 Blessings provided positive incentives for the fulfilment of treaty obligations by promising the benevolence of gods in the fields of life most cherished by contracting parties. The conditional rewards include divine protection, longevity, health, prosperity, and orderly succession to the throne. These rewards could benefit the compliant rulers and their families, descendants, possessions, subjects, and lands alike. The prevalence of blessings changed with the region and period; certain peoples favoured, others neglected them. Blessings were conspicuously abundant in Hittite treaties.

(c) Miscellaneous

34 Treaty compliance could be promoted, particularly in the cases of more important agreements, by additional methods. These methods included the arrangement of dynastic marriages, the exchange of hostages, and the regular exchange of envoys and precious gifts. The treaty of Ramses II of Egypt and Ḫattušili III of Ḫatti (13th century BCE), to name but one, has also become famous for the bonds of marriage forged to reinforce it.

4. Renewal, Amendment, and Termination

35 The renewal, amendment, and termination of ancient Near Eastern treaties only permit a few tentative observations. Treaty relations were established with various durations in mind. Many treaties were intended to remain in effect for eternity, but even these may have had to be renewed in the wake of specific events. The necessity of amending treaties likewise arose from time to time (Treaties, Amendment and Revision). The amendment was carried out technically by replacing the original agreement with a new (amended) treaty or by preparing a protocol or edict. The termination of a treaty may have resulted from a breach of the treaty, the decease or destruction of either party, if succession did not occur, or the overthrow of either party (Altman [2012] 121–23) (Treaties, Termination). For example, the treaty of Tudḫaliya I/II of Ḫatti and Šunaššura of Kizzuwatna (ca 15–14th centuries BCE) explicitly declared the termination of a previous agreement after recalling a breach by one of the parties.

G. Breach

36 The breach of treaties seems as timeless as treaties themselves. The treaty of Eanatum of Lagaš and Enakale of Umma (ca 25th century BCE), one of the earliest known agreements, had already been contravened shortly after its conclusion. Infringements of this kind were not uncommon in the ancient Near East, as contracting parties seldom hesitated to set aside prior commitments in favour of more immediate concerns. The breach of treaties nevertheless had great significance. The matter came up in several sources, often conveying a moral message or serving the purposes of politics or propaganda. These sources include literary and religious texts, such as

the Legend of Etana (the fable of the Eagle and the Serpent), the Second Plague Prayer of Muršili II of Ḫatti, the Tukulti-Ninurta Epic and the Old Testament (2 Samuel 21:1–14).

37 For the conclusion of treaties involved the taking of an oath by the gods, the breach of a treaty was perceived to simultaneously injure the other party and the gods of the oath, and to disrupt both the human and divine orders. Lacking appropriate mechanisms for the settlement of such disputes, the injured party was, as a general rule, expected to issue a formal appeal to the gods, present the circumstances of the transgression, demonstrate his obedience, and request the punishment of the offender. The injured party was also entitled to declare himself discharged of his obligations—probably regardless of the gravity of the transgression (Altman [2012] 122). However, the fulfilment of his request was not considered automatic or guaranteed; it required the persuasion and favourable decision of the gods. The deities were evidently believed to be able to proceed even without human initiative, solely on their own accord.

38 Divine punishment inflicted on the offender could be direct or indirect. The gods could allegedly cause extreme calamities by themselves or employ the injured party as an instrument of their wrath. Literary and other sources often portrayed the offender as a despicable character who belatedly realized his guilt and fearfully awaited the punishment. Provided that the retribution spared his life, he could only redeem himself after prolonged suffering, sincere repentance and ample restitution. The punishment, as has been mentioned, could also fall on his family, descendants, possessions, subjects and land. This primeval notion of collective guilt occasionally associated the decline or collapse of entire empires with the breach of treaties. Understandably, contracting parties were keen to dispel the suspicion of such conduct as indicated by a letter of Ramses II of Egypt to Kupanta-Kurunta of Mira-Kuwaliya (13th century BCE).

H. Assessment

39 Knowledge of the origins of international treaties has the potential to change our perception and facilitate a better understanding of these instruments. Early treaties bequeathed to us by peoples of the ancient Near East may, at first glance, appear to have little in common with the highly advanced agreements that currently shape the life of the international community. However, a more thorough examination proves that not to be the case. Evidence suggests that a number of elements of our law of treaties can be traced back to the ancient Near East. Distant predecessors of modern practices, principles, and institutions may easily be discovered at various points in the conclusion and operation of early treaties. These treaties also invite us to search for similarities and disparities in other regions and periods, particularly among the more recent but equally fascinating relics of the Mediterranean, South Asia, and the Far East.

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