

The 1954 Geneva Agreements and the Legal Construction of “Temporary Division”: Military Armistice, Sovereignty, and Postcolonial Statehood in Vietnam

Pham Van Thinh

Thu Dau Mot University
Hồ Chí Minh, Viet Nam

Abstract

This article approaches the 1954 Geneva Agreements as a military armistice from a postcolonial perspective. Based on an analysis of the Agreement’s text, the study demonstrates that mechanisms such as the provisional military demarcation line, the demilitarized zone, and military restrictions were constructed consistently with the armistice logic of international law, to end violence and manage the post-conflict transitional period. However, efforts at legal neutralization and non-coercive supervisory mechanisms have revealed significant limitations in the absence of political guarantees and institutional legitimacy within the polarized Cold War context. The paper argues that the 1954 Geneva Agreements constituted a power-based compromise, in which international law functioned both as an instrument of temporary stabilization and as a means of conditioning the space for self-determination of newly independent actors. The prolongation of the “temporary” status did not stem from the content of the legal text, but from the gap between legal design and conditions of implementation. The study contributes to re-centering the debate on Geneva 1954 and offers implications for the design of international conflict governance mechanisms.

Keywords: international conflict governance, Geneva Agreements, military armistice, postcolonial international law.

1. Introduction

The 1954 Geneva Agreements are commonly regarded as a historic turning point that brought an end to the Indochina War and inaugurated a new phase in modern Vietnamese political history. In many prevailing interpretations, however, the Agreements are often reduced to a direct cause of Vietnam’s “division”, while receiving limited attention as a distinctive legal-political institution of the early postcolonial period. In fact, the core document of the Geneva Conference was not a peace treaty, but a ceasefire agreement, designed to terminate armed violence and to organize the regroupment of military forces within an international context strongly shaped by the Cold War order (Bowen, 2015; Geneva Conference, 1954).

From the perspective of international law, the Geneva Agreements vividly reflect the complex relationship between sovereignty, self-determination, and the legacy of imperialism, in which modern legal principles were articulated and operationalized within politically asymmetrical spaces (Anghie, 2005; Berman, 2012; Koskenniemi, 2009). The establishment of a provisional military demarcation line, a demilitarized zone, and international supervisory mechanisms demonstrates an effort to construct a legally grounded framework for conflict governance, while simultaneously revealing serious limitations in terms of binding force and institutional legitimacy (Dellmuth et al., 2019; Fitzmaurice & Merkouris, 2020; McNair, 1986).

In Vietnamese scholarship, numerous studies have examined the processes of negotiation, signature, and post-agreement enforcement of the Geneva Agreements, as well as the difficulties that emerged during the first year of implementation (Bai, 2019; Ministry of Foreign Affairs, 2000a; Sang, 2024). These works suggest that the transformation from “temporary” arrangements to a prolonged division did not arise directly from the legal text itself, but rather from the international political environment and the institutional constraints inherent in the supervisory mechanisms that were established (Bùi, 2005; Hà, 2020; Ministry of Foreign Affairs, 2000b; Sơn, 2024; Vui, 2023). However, while most existing studies have focused on the diplomatic, military, or political dimensions of the Geneva settlement, the role of the agreement in shaping conflict legacies, questions of justice, and post-war social structures has not yet been sufficiently examined from an interdisciplinary perspective.

On this basis, the present paper approaches the 1954 Geneva Agreements as a postcolonial legal compromise, analyzing the structure of the armistice, the mechanisms of implementation, and the legitimacy of the relevant institutions. In doing so, it seeks to contribute to a rethinking of the role of law and politics in international conflict governance in Southeast Asia, in line with interdisciplinary approaches to politics, culture, and society in a global context.

2. Theoretical Framework

This paper is grounded in three interrelated theoretical strands to analyze the 1954 Geneva Agreements as a legal-political institution of the early postcolonial period. First, public international law on treaties and armistice arrangements provides an analytical framework for distinguishing between *ceasefire/armistice* and *peace treaty*, as well as for understanding the “dynamic life” of treaties from formation to implementation and termination (Fitzmaurice & Merkouris, 2020; McNair, 1986). This framework makes it possible to conceptualize the provisional military demarcation line and the demilitarized zone as technical mechanisms designed to terminate violence, rather than as expressions of sovereign borders.

Second, a postcolonial critical approach to international law is employed to situate the 1954 Geneva Agreements within the relationship between sovereignty, self-determination, and the imperial legacy, in which modern legal norms operate under conditions of asymmetric power (Anghie, 2005; Berman, 2012; Koskenniemi, 2009).

This perspective helps explain why legal arrangements may be explicitly “temporary” in textual terms, yet readily reshaped by global power structures in practice.

Third, the paper draws on theories of legitimacy and international governance, emphasizing the role of institutional design, sources of legitimacy (procedural versus performance-based), and the limits of coercion in securing compliance (Dellmuth et al., 2019; Dellmuth et al., 2022). Combined with the distinction between *negative peace* and *positive peace* (Galtung, 1969), this framework allows the Geneva Agreements to be assessed as a mechanism that successfully terminated immediate violence but failed to establish a durable foundation for sustainable peace (AlDajani & Leiner, 2024).

3. Research Methods

Methodologically, the study employed legal textual analysis (close reading) of the Final Declaration of the Geneva Conference and related provisions of the Agreements, with particular attention to the terminology and linguistic structures that express “temporariness”, supervisory mechanisms, and the scope of legal obligations of the participating parties (Geneva Conference, 1954). The analysis is conducted through a close reading of the legal text. Focus is placed on the use of legal terminology, the recurrence of key concepts, and the internal relationships among provisions to identify the regulatory logic and legal objectives embedded in the document. At the same time, relevant provisions are examined comparatively to clarify the distinction between temporary military arrangements and elements that could generate longer-term political consequences. In parallel, institutional design analysis is applied to evaluate the authority, procedural rules, and enforcement limitations of the supervisory mechanisms established under the Agreements, thereby assessing the extent to which the institutional framework was capable of sustaining the armistice arrangement in practice.

The paper further undertakes a historical-political comparison, drawing on diplomatic studies and empirical accounts of implementation during the first year following signature, to illuminate the gap between legal design and the conditions of enforcement (Bai, 2019; Bowen, 2015; Sang, 2024; Vietnam Lawyers’ Association, 1956). This interdisciplinary approach ensures continuity with the Introduction and aligns with broader political analysis situated within its social and historical context.

4. Findings

The Geneva Agreements as a Military Armistice

The analysis demonstrates that the 1954 Geneva Agreements, when examined in terms of their legal structure and policy objectives, constituted a military armistice (armistice/ceasefire) rather than a comprehensive peace treaty. The core document of the Conference focused on terminating armed violence, organizing the regroupment of forces, and preventing the resumption of hostilities during a transitional period, rather than on conclusively resolving issues of sovereignty and national unification (Geneva Conference, 1954; McNair, 1986). This design aligns with established international legal practice regarding armistice arrangements, in which military-

technical measures are prioritized to create a political “pause”, without entailing the establishment of a new sovereign order (Fitzmaurice & Merkouris, 2020).

First, the immediate objective of the Agreements was to end hostilities throughout Indochina. Provisions on simultaneous ceasefire, time-bound troop withdrawals, and guarantees for the safe movement of forces clearly reflect the core function of an armistice: the cessation of violence prior to the negotiation of a more durable political settlement (Geneva Conference, 1954). In the context of the Điện Biên Phủ victory and France’s strategic exhaustion, Geneva functioned as a legal mechanism for terminating the war, enabling the parties to disengage from combat without the need for a zero-sum peace treaty that would formally codify victory or defeat (Bowen, 2015; Fall, 1985).

Second, the establishment of a provisional military demarcation line and a demilitarized zone served as technical instruments for short-term post-conflict management. A close reading of the legal language reveals the consistent use of the terms “provisional” and “military”, underscoring that these arrangements were not intended to constitute national borders (Institute of Military History, 2024; Lợi, 2014). Such phrasing aligns with treaty law principles, according to which boundaries arising from an armistice do not generate permanent sovereign consequences in the absence of subsequent political-legal confirmation (McNair, 1986). Indeed, historical and diplomatic studies indicate that all participating parties understood the demarcation line as a contingent measure designed to facilitate regroupment and reduce hostilities, rather than to establish two separate states (Hiếu, 2004; Vui, 2023).

Third, military restriction clauses—including prohibitions on troop reinforcements, limits on the introduction of weapons, bans on the establishment of military bases, and commitments not to enter military alliances—further reinforced the armistice character of the Agreements. These provisions aimed at the temporary neutralization of the conflict space, ensuring that the ceasefire would not be undermined by rearmament or external intervention (Evans & Newnham, 1998; Geneva Conference, 1954). Consistent with the logic of armistice arrangements, however, such restrictions relied primarily on political compliance rather than legal coercion, rendering their effectiveness vulnerable to shifts in the international environment (Fitzmaurice & Merkouris, 2020).

Fourth, the international supervisory and control mechanisms were designed to secure compliance with the armistice rather than to govern a long-term peace order. The Joint Commission and the International Control Commission were empowered to monitor, investigate, and make recommendations, but lacked enforcement authority. As a result, the effectiveness of the armistice depended closely on institutional legitimacy and the acceptance of the parties concerned (Dellmuth et al., 2019; Dellmuth et al., 2022). This configuration reflects a broader pattern among Cold War armistice agreements, in which international supervision tended to prioritize “conflict management” over “conflict resolution”.

Fifth, implementation during the first year after signing further corroborates the nature of the Agreements as an armistice arrangement. Vietnamese studies have document numerous disputes, violations, and interpretive disagreements that emerged during implementation, revealing a substantial gap between legal design and the prevailing political-military environment (Bai, 2019; Sang, 2024; Vietnam Lawyers' Association, 1956). These difficulties do not negate the ceasefire objective of the Agreements, but they underscore the structural limitations of an armistice settlement in the absence of a more binding peace framework.

Finally, situated within the postcolonial and Cold War context, the 1954 Geneva Agreements reflect a power-based compromise, in which international law functioned primarily as an instrument of temporary stabilization rather than as a means of comprehensive sovereign reconstitution (Anghie, 2005; Berman, 2012; Koskenniemi, 2009). Understanding Geneva as a military armistice is therefore not only consistent with legal analysis but also illuminates why the "temporariness" embedded in the text was readily prolonged in practice. This finding provides the foundation for the subsequent subsections, which examine legal neutralization and the institutional limits of the international supervisory mechanisms established after 1954.

Legal Neutralization and the Limits of Binding Force

Building on the preceding findings regarding the military armistice nature of the Geneva Agreements, this section demonstrates that legal neutralization functioned as a supplementary pillar intended to sustain the ceasefire. At the same time, it constituted a structural weakness of the 1954 settlement due to the absence of effective binding and enforcement mechanisms. Put differently, whereas the previous section established Geneva as an *armistice*, this section elucidates how neutrality was expected to be juridified to "hold" the ceasefire—and why that expectation proved difficult to sustain within the Cold War environment.

First, provisions prohibiting troop reinforcements, restricting the introduction of weapons, banning the establishment of military bases, and committing the parties not to enter military alliances reflect an effort to construct a temporarily neutralized conflict space. These measures are well established in the law and practice of armistice arrangements, aimed at preventing "reverse escalation" after a ceasefire—namely, preventing parties from exploiting the military lull to rearm or expand external involvement (Evans & Newnham, 1998; Geneva Conference, 1954). From the standpoint of treaty doctrine, such restrictions align with the logic of a transitional agreement: they do not establish a new sovereign order but rather freeze military capabilities to facilitate a subsequent political process (Fitzmaurice & Merkouris, 2020; McNair, 1986).

However, neutrality at Geneva was conditional and deeply dependent on the prevailing power context. Unlike cases of neutrality guaranteed by multilateral treaties with robust enforcement and guarantor mechanisms, the neutralization of Indochina in 1954 unfolded in an environment where major powers played decisive roles without sharing equivalent levels of commitment. Diplomatic studies indicate

that the Geneva Conference emerged from a fragile compromise among diverging strategic interests, rendering neutrality a solution that was “sufficient” to end hostilities, rather than a long-term commitment underwritten by collective guarantees (Bowen, 2015; Herring, 2001).

From a postcolonial perspective, legal neutralization also reflects the conditionalization of sovereignty for newly independent actors. Norms prohibiting alliances and foreign military bases—while ostensibly protective of sovereignty—operated within an asymmetrical power structure that constrained the strategic choices of local actors (Anghie, 2005; Koskenniemi, 2009). As Berman (2012) observed, international law in postcolonial contexts often simultaneously confers the language of sovereignty and imposes constraints that undermine substantive self-determination. Geneva 1954 exemplifies this paradox: neutrality was juridified but not matched by commensurate political guarantees.

The limits of binding force are further evident in the institutional design of supervision. Supervisory bodies were tasked with monitoring and reporting compliance with military restrictions, yet were not endowed with enforcement authority to address violations. Consequently, the effectiveness of neutralization depended primarily on legitimacy and the acceptance of the parties concerned (Dellmuth et al., 2019; Dellmuth et al., 2022). When confidence in the neutrality and fairness of supervisory mechanisms eroded, legal constraints became susceptible to flexible interpretation or practical neutralization.

Implementation during 1954–1955 underscores the fragility of legal neutralization. Domestic sources document extensive disputes over compliance with military restrictions and divergent interpretations of the scope of obligations, revealing a pronounced gap between legal design and the prevailing political–military dynamics (Bai, 2019; Sang, 2024; Vietnam Lawyers’ Association, 1956). These disputes were not merely technical; they reflected deeper conflicts over legitimacy and authority in interpreting and enforcing neutrality (Bùi, 2005; Huỳnh, 2013).

In peace studies, legal neutralization at Geneva contributed to negative peace—the cessation of direct violence—but was insufficient to advance toward positive peace, defined as a stable and broadly accepted political order (AlDajani & Leiner, 2024; Galtung, 1969). In the absence of enforcement guarantees and strategic consensus, legal neutralization could only prolong an armistice, rather than transform it into a durable foundation for peace.

In sum, the analysis shows that legal neutralization constituted a logical extension of the armistice structure established at Geneva: it sought to preserve the ceasefire by restricting military activity and external involvement. However, reliance on political goodwill, institutional legitimacy, and an unfavorable power context rendered neutrality-based constraints fragile in practice. This assessment points directly to the need for closer examination of the design of supervisory institutions and the

enforcement gap as the key reasons why the legally constructed “temporary” status at Geneva proved difficult to sustain.

Institutional Design of Supervision and the Enforcement Gap

Building directly on the preceding analysis of legal neutralization, this section demonstrates that the institutional design of supervision under the 1954 Geneva Agreements—while necessary to sustain the armistice and neutrality-based constraints—contained a structural enforcement gap. This gap rendered military restrictions and neutrality commitments difficult to preserve as political-strategic conditions shifted, thereby explaining why the juridified “temporariness” of Geneva proved unsustainable in practice.

First, the Geneva Agreements established two layers of supervision: the Joint Commission, composed of the belligerent parties, and the International Control Commission. This design reflects standard armistice practice in international law, whereby supervision is entrusted to technical bodies tasked with monitoring compliance, investigating violations, and issuing recommendations (Geneva Conference, 1954; McNair, 1986). Structurally, however, these commissions were not endowed with enforcement powers, nor were they equipped with mechanisms to impose binding sanctions, making the effectiveness of supervision largely dependent on cooperation and goodwill among the parties (Fitzmaurice & Merkouris, 2020).

Second, the limited authority of supervisory institutions directly undermined the framework of legal neutralization. While neutrality clauses imposed stringent requirements on military restraint and external involvement, supervisory mechanisms were confined to recording, reporting, and recommending, and thus could not ensure compliance in cases of systematic violations. Theoretically, this reveals a mismatch between the ambition of legal constraints and the institutional capacity to enforce them (Dellmuth et al., 2019).

Third, institutional legitimacy emerged as a decisive yet fragile factor. Research on global governance emphasizes that international institutions are effective only when perceived as neutral, fair, and credible by relevant actors (Dellmuth et al., 2022). In the Geneva context, Cold War polarization and competing interests eroded consensus around supervisory findings. As confidence in neutrality or perceived political motives behind supervision declined, legitimacy weakened and compliance deteriorated, transforming binding legal provisions into “soft norms” subject to flexible interpretation.

Fourth, implementation during 1954–1955 vividly illustrates this enforcement gap. Domestic sources document substantial disagreements over the interpretation of obligations, the scope of supervision, and the legal weight of recommendations, reflecting tensions between institutional design and prevailing political-military dynamics (Bai, 2019; Sang, 2024; Vietnam Lawyers’ Association, 1956). These disputes not only weakened legal neutralization but also raised fundamental questions about

the capacity of supervisory institutions to sustain an armistice in the absence of higher-level political guarantees.

Fifth, from a postcolonial perspective, the enforcement gap reflects broader limits of international law operating within asymmetrical power structures. As Anghie (2005) and Koskeniemi (2009) argued, international legal institutions are framed in universalist language, yet their effectiveness depends on global power configurations. At Geneva, newly independent actors were subject to stringent constraints, while the capacity of supervisory institutions to ensure compliance was curtailed by great-power polarization. This produced a paradox: law was deployed to stabilize conflict temporarily, yet lacked the power to protect that stability (Berman, 2012).

Sixth, within a peace studies framework, Geneva's supervisory design was adequate for maintaining negative peace—the prevention of renewed direct violence—but insufficient to transform conflict toward positive peace, characterized by durable political settlement, dispute resolution, and long-term trust-building (AlDajani & Leiner, 2024; Galtung, 1969). The enforcement gap thus represents not merely a technical shortcoming, but a structural limitation of a conflict governance model centered on armistice and non-coercive supervision.

In sum, the six findings above indicate that the supervisory institutional design of the 1954 Geneva Agreements—though logical and necessary for preserving the armistice and legal neutralization—generated an enforcement gap due to limited authority, fragile legitimacy, and an adverse power context. This gap closely aligns with the preceding analyses, explaining why neutrality-based constraints proved difficult to sustain and why Geneva's "temporariness" was readily prolonged in practice. These findings lay the groundwork for the Discussion section, which synthesizes the results and draws broader theoretical and policy implications for international conflict governance in postcolonial contexts.

5. Discussion

From "Temporary" to "Prolonged": The Problem Lies Beyond the Text

The analyses presented in the findings section reveal a consistent conclusion: the prolongation of the divided condition after 1954 did not originate from the legal content of the Geneva Agreements, but rather from the conditions of implementation and the surrounding power structures. Under international legal standards governing armistice arrangements, the Agreements clearly established the "temporary" nature of the military demarcation line, the demilitarized zone, and the accompanying military restrictions, in line with the objectives of terminating violence and creating space for a subsequent political process (Fitzmaurice & Merkouris, 2020; Geneva Conference, 1954; McNair, 1986). Consequently, interpreting Geneva as a document "designed to institutionalize long-term division" is legally unconvincing.

The core problem lies in the erosion of the conditions necessary to preserve temporariness. As demonstrated above, legal neutralization and non-coercive supervisory mechanisms could function effectively only where a minimum level of

political consensus and sufficient institutional legitimacy existed. In the Cold War context, these conditions were rapidly undermined by polarized interests and uneven levels of commitment among key actors (Bowen, 2015; Herring, 2001). Once the supporting political environment weakened, legal constraints, however carefully drafted, became fragile in practice.

This perspective aligns with critical approaches in postcolonial international law, which emphasize that the effectiveness of legal norms is contingent upon the power structures within which they operate (Anghie, 2005; Berman, 2012; Koskeniemi, 2009). Geneva 1954 exemplifies a familiar paradox: international law can provide temporary stabilization, yet lacks the capacity to safeguard that stability in the absence of commensurate political guarantees. Implementation records from the first year after signing indicate that many disputes and violations arose not from textual ambiguity, but from conflicting interpretations shaped by interests and power positions (Bai, 2019; Sang, 2024; Vietnam Lawyers' Association, 1956).

Within a peace studies framework, the 1954 Geneva settlement achieved negative peace—the cessation of direct violence—but failed to translate this into positive peace, understood as a durable political order supported by dispute-resolution mechanisms and long-term trust-building (AlDajani & Leiner, 2024; Galtung, 1969). Thus, the prolongation of what was designed as “temporary” stemmed not from a lack of legal norms, but from the gap between legal design and the political-institutional conditions of enforcement. This conclusion allows for a re-centering of the debate: rather than attributing responsibility to the Geneva text itself, attention should be directed toward the conditions of enforcement and legitimacy—factors that ultimately determine the fate of armistice arrangements within a polarized international order.

Geneva 1954 as a Postcolonial Compromise

Approaching the 1954 Geneva Agreements as a postcolonial compromise enables a deeper explanation of why legal arrangements explicitly designed as “temporary” were rapidly reshaped in practice. From this perspective, Geneva was not merely the outcome of the military balance in Indochina, but also a product of global power structures in which postcolonial actors were compelled to negotiate sovereignty within legally and politically asymmetrical spaces (Anghie, 2005; Koskeniemi, 2009).

Within postcolonial theories of international law, transitional legal settlements are often characterized by a duality: they simultaneously confer the legal language of sovereignty and peace while imposing constraints that limit the substantive self-determination of newly independent actors (Berman, 2012). Geneva 1954 clearly embodied this paradox. On the one hand, the Agreements affirmed core principles of independence, sovereignty, and territorial integrity. On the other, legal neutralization, military restrictions, and non-coercive supervisory mechanisms placed Vietnam's political trajectory within a transitional governance framework profoundly shaped by great-power strategic calculations (Bowen, 2015; Geneva Conference, 1954).

The “compromise” nature of Geneva becomes even more apparent when considering the asymmetrical roles of participating actors. Diplomatic studies indicate that the Geneva Conference functioned as a convergence point for competing global interests, where the objective of stabilizing the Cold War order often took precedence over crafting a comprehensive political settlement for Indochina (Herring, 2001). In this context, postcolonial actors were compelled to accept legal arrangements that were “sufficient” to terminate war yet lacked robust guarantees for long-term implementation—a recurrent feature of postcolonial compromises (Anghie, 2005).

Domestic sources and scholarship further suggest that Geneva 1954 was received as a conditional diplomatic victory: it created essential space for peace while simultaneously generating significant challenges in safeguarding the political-legal achievements of independence (Bai, 2019; Ngọc et al., 2015; Sang, 2024). The immediate need to “struggle for the implementation of the Agreements” after signing reflects the reality that legal authority conferred by text does not automatically translate into political power within a polarized postcolonial context (Vietnam Lawyers’ Association, 1956).

Viewed through the lens of institutional legitimacy, Geneva 1954 also reveals the limits of postcolonial settlements when legitimacy is unevenly consolidated across international and domestic levels. Where supervisory institutions lack coercive capacity and consistent political backing, the legitimacy of compromise agreements is easily eroded, enabling competing interpretations and selective practices (Dellmuth et al., 2019; Dellmuth et al., 2022). This helps explain why a settlement designed for temporary stabilization became the starting point for protracted tensions.

In sum, conceptualizing Geneva 1954 as a postcolonial compromise does not diminish its historical or legal significance; rather, it clarifies its structural limitations. Within a stratified international order, postcolonial settlements often achieve temporary peace through law but lack the power guarantees necessary to transform that peace into a durable political order. This insight paves the way for the subsequent discussion of implications for international conflict governance and institutional design in postcolonial contexts.

Implications for International Conflict Governance

Drawing on the preceding findings and discussions, the 1954 Geneva case offers important implications for international conflict governance, particularly in postcolonial societies and within a polarized international order. First, the study demonstrates that armistice arrangements and legal neutralization can be effective tools for terminating immediate violence, but they cannot substitute for a peace framework with a strong binding force. The prioritization of short-term stability—characteristic of many Cold War settlements—tends to produce negative peace, in which direct violence ceases while underlying political and structural conflicts persist and remain prone to re-escalation (AlDajani & Leiner, 2024; Galtung, 1969).

Second, Geneva 1954 underscores the importance of institutional design aligned with enforcement capacity. Non-coercive supervisory mechanisms, while acceptable in initial phases, require reinforcement through multilateral political guarantees and clear mechanisms for addressing violations if temporariness is to be preserved as intended. Research on legitimacy indicates that the effectiveness of international institutions depends not only on procedural design but also on the acceptance and commitment of powerful actors (Dellmuth et al., 2019; Dellmuth et al., 2022). Effective conflict governance therefore requires alignment between the ambition of legal constraints and the institutional capacity to ensure compliance.

Third, from a postcolonial perspective, Geneva 1954 cautions against the conditionalization of sovereignty in transitional settlements. When legal norms operate within asymmetrical power contexts, they may stabilize situations temporarily while simultaneously constraining the self-determination of newly independent actors (Anghie, 2005; Berman, 2012; Koskeniemi, 2009). The implication is that conflict governance mechanisms should place greater emphasis on inclusivity and local ownership, rather than relying predominantly on great-power sponsorship.

Finally, the Geneva case illustrates that international conflict governance cannot stop at legal design alone, but must be embedded within a clear political roadmap and long-term trust-building mechanisms. Detaching armistice arrangements from political and social guarantees allowed “temporariness” to be prolonged beyond its intended scope. The broader lesson is that post-conflict settlements are sustainable only when legal, institutional, and political dimensions are designed in an integrated manner—particularly in postcolonial contexts where international law functions simultaneously as an instrument of stabilization and as a contested arena of power.

6. Conclusion

This paper has approached the 1954 Geneva Agreements as a legal-political institution of military armistice, rather than as a peace treaty or a document designed to institutionalize long-term division. Based on an analysis of the legal texts, institutional design, and implementation practices, the study demonstrated that the “temporary” nature of the military demarcation line, the demilitarized zone, and associated military restrictions was clearly established in legal terms and aligned with international law standards governing armistice arrangements (Fitzmaurice & Merkouris, 2020; Geneva Conference, 1954; McNair, 1986). Accordingly, the prolongation of the divided condition cannot be reduced to the content of the legal text itself, but must be explained by conditions of implementation and the surrounding power context.

The findings and the discussions point to four principal conclusions. First, legal neutralization was expected to preserve the armistice, yet its effectiveness depended on political consensus and the level of commitment among key actors—conditions that rapidly eroded within the polarized Cold War order (Bowen, 2015; Herring, 2001). Second, the non-coercive design of supervisory institutions generated an enforcement gap, weakening the binding force of military restrictions and causing compliance to

rely more on legitimacy than on sanctions (Dellmuth et al., 2019; Dellmuth et al., 2022). Third, from a postcolonial perspective, Geneva 1954 constituted a power-based compromise, in which international law simultaneously conferred the language of sovereignty and conditioned the space for self-determination within asymmetrical structures of power (Anghie, 2005; Berman, 2012; Koskeniemi, 2009). Fourth, the Geneva case suggests that contemporary armistice arrangements can only remain sustainable when legal mechanisms, supervisory institutions, and political guarantees are designed in a coherent and mutually reinforcing manner.

The contribution of this paper lies in re-centering the debate: rather than treating Geneva as the “legal origin of division”, it shows that the core limitation resided in the mismatch between legal ambition and enforcement capacity. This approach offers a more accurate understanding of armistice settlements in postcolonial contexts and clarifies why they often achieve negative peace but struggle to evolve into positive peace in the absence of robust political and institutional guarantees (AlDajani & Leiner, 2024; Galtung, 1969).

Finally, reinterpreting the 1954 Geneva Agreements through the analytical lens of conflict, justice, and social order not only deepens understanding of modern Vietnamese history but also carries broader implications for contemporary peace studies. Placed alongside other Cold War armistice regimes – most notably the 1953 Korean Armistice – the Geneva case illustrates how legally “temporary” settlements could stabilize violence while simultaneously enabling prolonged geopolitical divisions. It therefore underscores that sustainable peace cannot be achieved merely through the cessation of hostilities but requires a long-term process in which justice, reconciliation, and social consensus play central roles.

7. References

- AlDajani, L. M., & Leiner, M. (Eds.). (2024). *Reconciliation, conflict transformation, and peace studies*. Springer. <https://doi.org/10.1007/978-3-031-47839-0>
- Anghie, A. (2005). *Imperialism, sovereignty and the making of international law*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511614262>
- Bai, L. T. (Ed.). (2019). *300 ngày đấu tranh, thi hành Hiệp định Giơnevơ (22.7.1954–22.7.1955)* [300 days of struggle in implementing the Geneva Agreement (22 July 1954–22 July 1955)]. People's Army Publishing House.
- Berman, N. (2012). *Passion and ambivalence: Colonialism, nationalism, and international law*. Brill.
- Bùi, N. D. (2005). *Vietnamese diplomacy, 1945–2000*. Thế Giới Publishers.
- Bowen, R. R. (2015). *The 1954 Geneva Conference on Vietnam and Korea*. Association for Diplomatic Studies and Training.
- Dellmuth, L. M., Scholte, J. A., & Tallberg, J. (2019). Institutional sources of legitimacy for international organisations: Beyond procedure versus performance. *Review of International Studies*, 45(04), 1–20. <https://doi.org/10.1017/S026021051900007X>
- Dellmuth, L. M., Scholte, J. A., Tallberg, J., & Verhaegen, S. (2022). *Citizens, elites, and the legitimacy of global governance*. Palgrave Macmillan. <https://library.oapen.org/handle/20.500.12657/59282>
- Evans, G., & Newnham, J. (1998). *The Penguin dictionary of international relations*. Penguin Books.
- Fall, B. (1985). *The two Vietnams: A political and military analysis*. Routledge. <https://doi.org/10.4324/9780429315473>
- Fitzmaurice, M., & Merkouris, P. (Eds.). (2020). *Treaties in motion: The evolution of treaties from formation to termination*. Cambridge University Press. <https://doi.org/10.1017/9781108863407>

- Galtung, J. (1969). Violence, peace, and peace research. *Journal of Peace Research*, 6(3), 167–191. <https://www.jstor.org/stable/422690>
- Geneva Conference. (1954, July 21). *Final Declaration of the Geneva Conference on the problem of restoring peace in Indo-China*. United Nations Peacemaker. <https://peacemaker.un.org/en/node/9753>
- Hà, N. M. (2020). Trao đổi, bàn luận một số vấn đề Hội nghị Giơ-ne-vơ (7-1954) về đình chỉ chiến tranh lập lại hòa bình ở Đông Dương [Reflections and discussions on selected issues of the Geneva Conference (July 1954) on the cessation of hostilities and the restoration of peace in Indochina]. *Journal of Vietnam Communist Party's History*, (9).
- Herring, G. C. (2001). *America's longest war: The United States and Vietnam, 1950–1975 with poster* (4th ed.). McGraw-Hill.
- Hiếu, V. Q. (2004). Hiệp định Giơ-ne-vơ năm 1954 về Đông Dương: Những bàn luận tại các hội thảo quốc tế sau 50 năm [The 1954 Geneva Agreement on Indochina: Debates at international conferences fifty years later]. *Communist Review*, (14), 74–79.
- Huỳnh, N. K. (2013). *La Diplomatie Vietnamiennne: L'art de négocier = Ngoại giao Việt Nam phương thức và nghệ thuật đàm phán* [Vietnamese diplomacy: Methods and the art of negotiation]. Thế Giới Publishers.
- Institute of Military History. (2024). *Lịch sử kháng chiến chống thực dân Pháp (1945–1954), tập VI: Cuộc tiến công chiến lược Đông Xuân 1953 - 1954, kháng chiến kết thúc thắng lợi* [History of the resistance war against French Colonialism (1945–1954), volume VI: The strategic winter–spring offensive of 1953–1954 and the victorious conclusion of the resistance]. National Political Publishing House.
- Koskenniemi, M. (2009). *The gentle civilizer of nations: The rise and fall of international law 1870–1960*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511494222>
- Lợi, L. V. (2014). *Hội nghị quân sự Trung Giã và Hiệp định Giơ-ne-vơ 1954 về Việt Nam* [The Trung Gia Military Conference and the 1954 Geneva Agreement on Vietnam]. National Political Publishing House.
- McNair, A. D. (1986). *The law of treaties*. Oxford University Press.
- Ministry of Foreign Affairs. (2000a). *Vietnamese diplomacy, 1945–1975*. National Political Publishing House.
- Ministry of Foreign Affairs. (2000b). *Vietnamese diplomacy in the Ho Chi Minh Era*. National Political Publishing House.
- Ngọc, D. M., Nguyễn, H., Lưu, L. V., & Huân, V. Đ. (Eds.). (2015). *Hiệp định Giơ-ne-vơ: 50 năm nhìn lại* [The Geneva Agreement: A fifty-year retrospective]. National Political Publishing House.
- Sang, L. V. (2024). Quá trình Đảng lãnh đạo đàm phán, ký kết và đấu tranh đòi thi hành Hiệp định Genève [The process by which the party led the negotiations, signing, and struggle to enforce the Geneva Agreement]. *Journal of Vietnam Communist Party's History*, 7. <https://tapchilichsudang.vn/qua-trinh-dang-lanh-dao-dam-phan-ky-ket-va-dau-tranh-doi-thi-hanh-hiep-dinh-geneve.html>
- Son, B. T. (2024). Hiệp định Giơ-ne-vơ năm 1954: Mốc son lịch sử của nền ngoại giao Việt Nam [The 1954 Geneva Agreement: A historic milestone of Vietnamese diplomacy]. *Communist Review*. https://www.tapchiconsan.org.vn/web/guest/tin-tieu-diem/-/asset_publisher/s5L7xhQiJeKe/content/hiep-dinh-gio-ne-vo-nam-1954-moc-son-lich-su-cua-nen-ngoai-giao-viet-nam#
- Vietnam Lawyers' Association (1956). *Tình hình thi hành Hiệp định Giơ-ne-vơ và cuộc hội đàm Luân Đôn* [The situation of the implementation of the Geneva Agreement and the London talks]. Vietnam Lawyers' Association.
- Vui, T. T. (2023). Hội nghị Genève và việc ký kết Hiệp định đình chỉ chiến sự ở Việt Nam, năm 1954 [The Geneva Conference and the signing of the agreement on the cessation of hostilities in Vietnam in 1954]. *Journal of Vietnam Communist Party's History*, 7. <https://tapchilichsudang.vn/hoi-nghi-geneve-va-viec-ky-ket-hiep-dinh-dinh-chi-chien-su-o-viet-nam-nam-1954.html>