EUROPEAN PERSPECTIVES ON WORLD ORDER

by

Frans A.M. Alting von Geusau

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'There is not enough darkness in all the world to put out the light of one small candle'.

(anonymous)

To Annemieke, my wife
and to Carolijn, Alexander, Michiel,
Marie-Pauline, Jeroen,
Christiaan, our children;
who endured and inspired the
writing of this book.
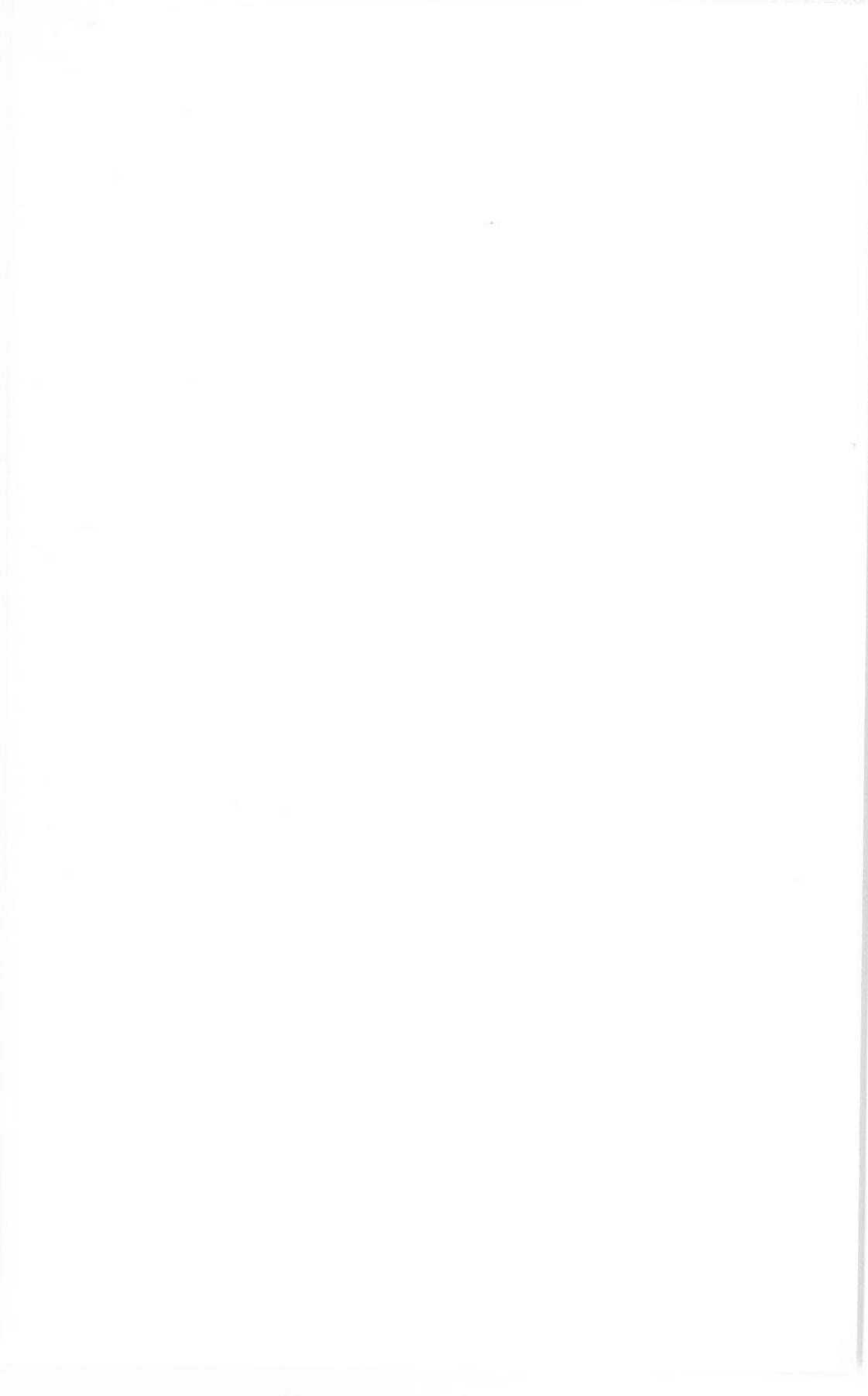
PREFACE

Thirty years ago representatives of fifty nations came together in San Francisco to agree upon the Charter of the United Nations Organization. They committed their governments and their peoples to save succeeding generations from the scourge of war, which twice in their lifetime had brought untold sorrow to mankind. Thirty years is a short time in human history. Thirty years on the "space-ship earth" may well be insignificant in the evolutions and revolutions of the universe. Still, we cannot escape the tragic reality of a world in which representatives of those fifty and many more nation-states have not found the path to a workable peace, and adequate world order. I have come to believe that this failure to do so points to a basic fault in the system of international relations. I have also come to believe that a reflection on our own past and present attitudes now is as necessary as a scholarly effort to develop our methods and means to explain the process of international relations and predict its future courses.

This book originated from my interest in making a modest contribution to a broader reflection on perspectives to international cooperation and world order. The two world wars, which brought so much sorrow to mankind this century, originated in Europe, the same Europe from which the world had been dominated for several centuries. Born and brought up in Europe, I have had the possibility to devote attention, as a scholar, to the United Nations, to East-West relations in Europe and to the process of West European unification in a changing world. I cannot escape the conviction that we, as Europeans, bear a major responsibility for the state of the world in 1975. Several considerations thus converged to the idea of writing a book, discussing European perspectives on world order. The idea took shape in 1971-1972, the year when I had the privilege of being a guest of the Massachusetts Institute of Technology and the Center for International Affairs at Harvard University, as a visiting professor and scholar. In this stimulating environment, the plan was discussed with several friends and col-

leagues. Personal circumstances did not enable me to write until the summer of 1973. The kind invitation of the Rockefeller Foundation to spend the month of July 1973 as a resident scholar at the villa Serbelloni, Bellagio, turned out to be decisive. Personified in its director and Mrs. William C. Olson, the villa and its hospitality offered the long hoped for tranquillity and inspiration. Four chapters were written and the idea became a manuscript that could only be completed afterwards. I am profoundly grateful to Mrs. and Mr. Olson and to the Rockefeller Foundation.

The remaining chapters were completed in the relatively short periods thereafter when teaching and other duties did not prevent me from writing. From September to December 1973 I served as member of the Netherlands' Delegation to the twenty-eighth session of the UN General Assembly. Chapters 8 to 10 no doubt also reflect my experiences as a diplomat and my profound concern regarding the absence of European perspectives on a viable world organization.

Chapter 4 is a revised version of Chapter 1 in: Frans A. M. Alting von Geusau (ed.), *The External Relations of the European Community*. Perspectives, policies and responses. Saxon House and Lexington Books, 1974.

A book, written with the ambition to compare and describe world order perspectives of twenty-seven European states, is bound to be incomplete if it is the intention to observe reasonable limits of size preferred by the publisher. The comparison is global rather than specific for most issues selected. The limits of size induced me especially to abandon my original plan to devote three full chapters to international economic and technological cooperation and another three chapters to human rights and cultural exchanges. The main findings are now summarized in Chapter 7. The subjects referred to have been dealt with in other publications of the John F. Kennedy Institute. Cultural Exchanges and cooperation with developing countries, moreover, will be the subjects of forthcoming publications of the Institute.
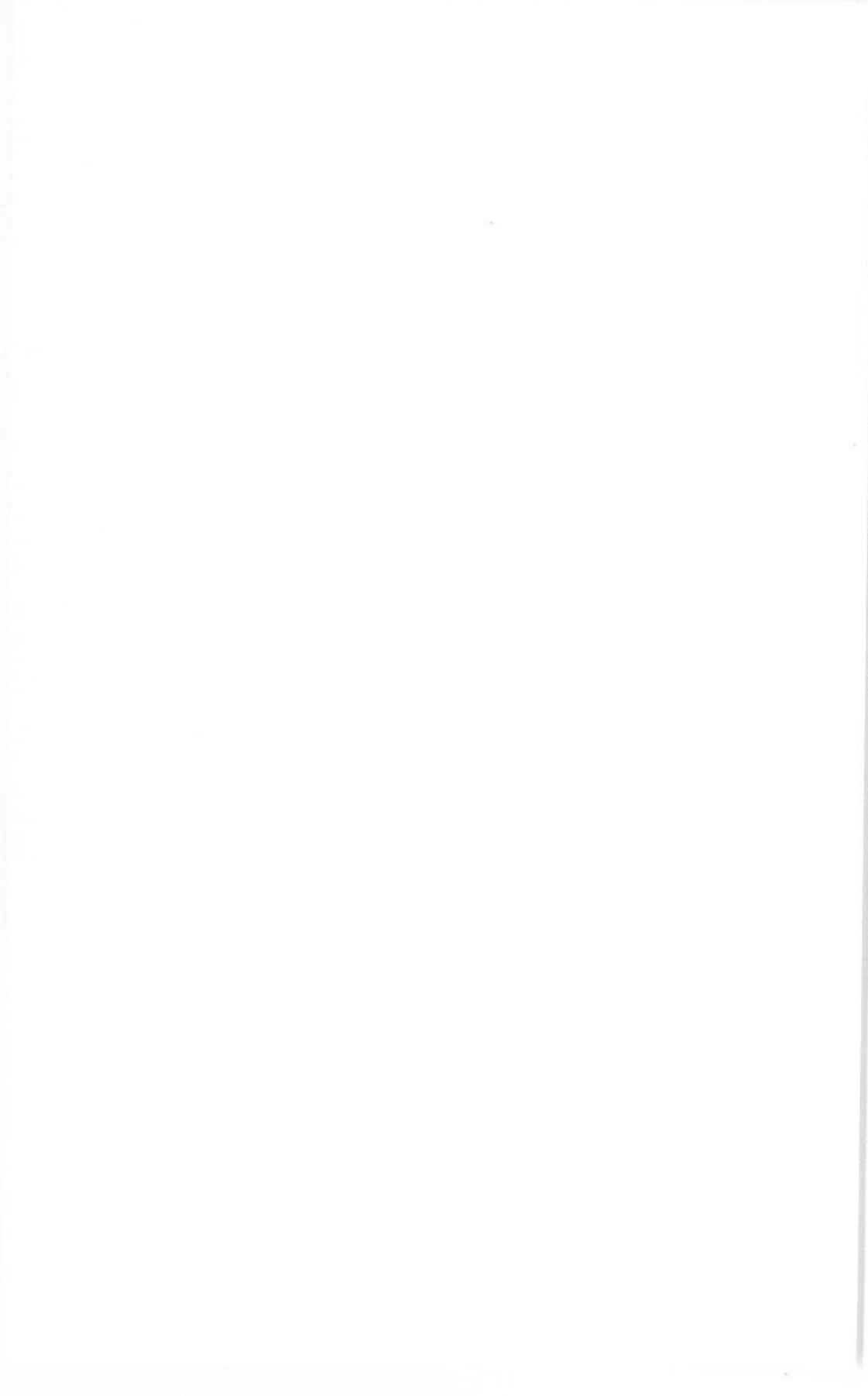
I am grateful to Sijthoff Publishers for their willingness to publish this book. I am much indebted to Mr. A. van Helfteren, designer at Tilburg University, who carefully made the maps included in this volume.

The typists at Tilburg University, Miss Annelies Vugs at the Institute, but especially Miss M. C. Hinkenkemper, secretary of the Institute, as always, have done the essential work necessary for completing the manuscript. My gratitude to them is more than words can express.

Throughout the period of writing I have had the privilege of stimulating discussions with many colleagues. A book in which an effort is made to reflect critically on such a theme, however, can only be written in seclusion. It is a lonely exercise in thinking and for the results I alone am responsible.

March 1975   *Frans A. M. Alting von Geusau*

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GLOSSARY

AJIL	*American Journal of International Law*
CCD	Conference of the Committee on Disarmament
CMEA	Council for Mutual Economic Assistance
CPSU	Communist Party of the Soviet Union
CSCE	Conference on Security and Co-operation in Europe
EC	European Communities
ECE	Economic Commission for Europe (UN)
EEC	European Economic Community
ECOSOC	Economic and Social Council (UN)
ENDC	Eighteen Nations Disarmament Committee
EPC	European Political Co-operation
GA (OR)	UN General Assembly (Official Records)
GDR	German Democratic Republic
GFR	German Federal Republic
GNP	Gross National Product
IAEA	International Atomic Energy Agency
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IISS	International Institute for Strategic Studies
ILC	International Law Commission
MBFR	Mutual and Balanced Force Reductions
MLF	Multilateral Force
NATO	North Atlantic Treaty Organization
NILR	*Netherlands International Law Review*
NPT	Non-Proliferation Treaty
OECD	Organization for Economic Co-operation and Development
OEEC	Organization for European Economic Co-operation
ONUC	UN Operation in Congo
OPEC	Oil Producing and Exporting Countries
PLO	Palestine Liberation Organization
PMC	Permanent Mandates Commission of the League of Nations (Official Records)

Recueil des cours	Collection of courses, Hague Academy of International law
RGDIP	*Revue générale du droit international public*
SALT	Strategic Arms Limitation Talks
SC	Security Council (UN)
SIPRI	Swedish International Peace Research Institute
UNCIO	United Nations Conference on International Organization (1945)
UNDOF	UN Disengagement Observation Force (Syria-Israel, 1974)
UNEF I	UN Emergency Force (Egypt-Israel, 1956-1967)
UNEF II	UN Emergency Force (Egypt-Israel, 1973-)
UNESCO	UN Educational, Scientific and Cultural Organization
UNFICYP	UN Force in Cyprus
UNRWA	UN Relief and Works Agency for Palestine
UN (O)	United Nations Organization
UNSCOP	UN Special Committee on Palestine
UNTS	*UN Treaty Series*
UNTSO	UN Truce Supervision Organization
US (A)	United States of America
USSR	Union of Socialist Soviet Republics
WEO	West European and Other States Group
WPO	Warsaw Pact Organization
YBWA	*Yearbook of World Affairs*

PROLOGUE

"It seems to me that Europe
may be destined to find an un-
sensational, but profoundly
vital mission in the critical as-
sessment of power".
(Guardini, *Europe. Reality
and Mission.*)
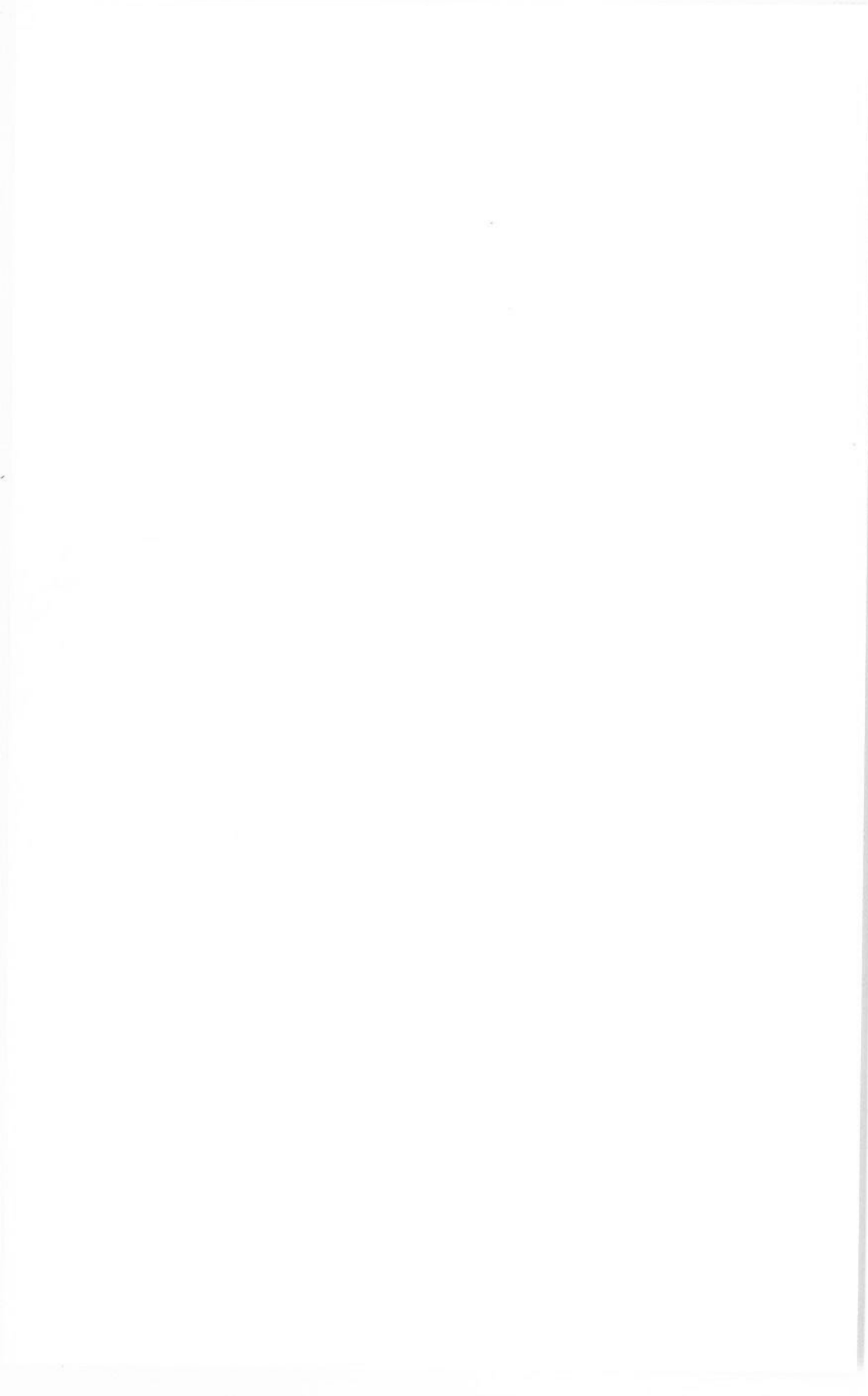
For a comparatively short period in history, members of the European civilization—the Western modern *kulturkreis*—have dominated international relations in the world. Although this period appears to have come to an end in 1945, the characteristics of the international system created during the era of Western domination still determine the way in which scholars and statesmen conceive the present and the future of world order. To a historian, who would adopt a panoramic view of history and look beyond this era of two and a half centuries and into the larger field of comparing major world civilizations, this historic myopia should at least incite him to reflection and wondering. Why is it that so many scholars and statesmen outside Europe still conceive of the future of world order in terms of the competitive Western system of this recent past? And why is it that so many European scholars and statesmen almost automatically assume that their contribution to future world order lies *in their own regional effort* to build a unified West-European community or a socialist East-European new order?

Why is it that a non-European power—the United States of America—became the prime mover of a new world order in the twentieth century—to be organized through the League of Nations in 1919 and the United Nations Organization since 1945; an order that was to rely so much on the principles of the competitive European system of the past? Why is it that another non-European power—the Union of Soviet Socialist Republics (USSR)—went along with this effort in 1945 to promote world order on the basis of another European conception; the one of class struggle and the revolution of the proletariat? And why is it that Europeans themselves have been lukewarm at best to either effort to build world order upon conceptions anchored in their recent past? Of course Eastern European states since 1945 have joined the "socialist community", but it occurred by force of arms rather than by declaration of will. All Europeans also joined the post-war United Na-

tions, but did so more in a desire to unite the Nations against Germany than in the conviction on new prospects for world order. And when the nations shifted their attention from the problems of European division to the challenges of decolonization, world poverty development and disarmament, the 'third world' countries rather than the Europeans turned to the United Nations to seek international cooperation.

The Dialectics of History

Recent history, so it appears, faces us with a number of remarkable contradictions.

European history over the last five centuries has shown a pattern of increasing conflict in which the waging of war—interrupted by short periods of peace—has been the normal state of international relations. War was not the continuation of diplomacy with other means in this period, as we all like to repeat since von Clausewitz coined the dictum. The fundamental condition was the reverse. War determined the relations between sovereigns, and peace was the time in which the conflicts were continued by (other) diplomatic means or preparations were made for the next war: *si vis pacem para bellum*. The remarkable fact that European civilization neither broke down sooner nor became dominated by a "universal state" to restore order and lasting peace was primarily due to the outlet several competing sovereigns found in colonizing and dominating countries outside European civilization.

The unprecedented development of science and technology in Europe during this period had the threefold impact of: (1) facilitating domination over other civilizations with limited means; (2) exacerbating and aggravating the destructiveness of intra-european wars; and (3) inciting leaders in other civilizations to eventually fall for rather than resist the Promethean temptation to steal the fire from heaven and to use it for imitating the policies of conflict.

The equally unprecedented expansion of Western control, institutions and ideas over other civilizations in the colonial era created a Western monopoly of power in the world. At the same time colonial expansion upheld the inherently unstable system of relations among the European powers. It gave the unstable European "balance of power" system, especially during the nineteenth century, the appearance of a stable framework for world order. Still today many scholars and statesmen accept the concept of a balance of power between sovereign states (and particularly the great powers among them) as the cornerstone for constructing world or-

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der. The European system of international relations in the last three centuries, based as it was on such a balance of power, was a highly competitive system of relations. After a series of evermore devastating wars it finally collapsed in 1945. The alignment of political forces after 1945 is fundamentally different from the one pertaining in the 250 years before according to Toynbee. Two of these differences should be underlined here. First, the *Leitmotiv* of power-politics "has no longer been a competition *among* Western or partly Westernized *parochial states* for European or world domination, but a competition *between the distinctive societies* represented by the Soviet Union, the United States, China and Japan". Second, newly emerged nation-states in South-East Asia, Africa and the heartland of the Islamic world "have also begun to assert their claim to an independent political *and cultural* status".[1] To this list, we could add the Israeli nation-state built by the survivors of the diaspora Jewish civilization.

The end of the Western monopoly of power in the world followed from the internal collapse of the European competitive system of international relations.

Many of the conceptions and rules of this system continue, however, to be accepted for the emerging new system of international relations. Among them the larger part of modern international law consists primarily of principles and rules to regulate the competition among Western "parochial states", but continues to be received as part of the new global international law.

In a historical perspective we therefore appear to be faced with a number of striking contradictions.

First of all, in the fundamentally different alignment of political forces after 1945—the competition between distinctive societies— most of the rules, developed during the period of European domination, continue to be accepted as valid for future world order.

Secondly, the end of Western domination, while not leading to an end in the process of Westernization, has induced the Europeans to withdraw to policies of regional cooperation.

Thirdly, the "changed character" of postwar international relations has hardly induced scholars and statesmen to look beyond the short and exceptional period of Europe-dominated international relations (1683-1945).

European Perspectives?

Due to their historical experience Europeans would have enough experience with mutual wars and violence and empty sovereignties

to be able to make their contribution to a new system of world order.

In this book I would try to explore the policies conducted and the approaches developed by Europeans towards creating world order.

Why dealing with European perspectives? Postwar history of international relations and the resulting academic interest in the field have been dominated—perhaps unduly—by the two superpowers, their role, their "contributions" to world order, international peace, and efforts toward regional integration movements in the shadow and protective umbrella of their might. While the two superpowers were calling the tunes, deciding nuclear strategy and keeping the balance, competing for new clients in the third world and moving from intervention to confrontation, the lesser states in Europe were left with the task to unify according to an American federal recipe in the West, or to unite according to Moscow's instructions on socialist internationalism in the East. In between a small area of still lesser states was kept "neutral" by common agreement, disinterest or local popular courage.

This postwar era in the history of international relations, so it appears, has now come to an end. New centers of political and economic power are emerging outside Europe, the USSR and the United States. In the West the enlarged European Community after a short period of economic confrontation finds itself thrown back into an uneasy relationship with the US, due to its dependence from those new outside centers. The West-European governments continue, however, to seek an independent role in the world.

In the East no such development is apparent as yet. With no intention of loosening its grip on the smaller socialist states, Moscow is likely to continue to determine their foreign policies and domestic political development.

Eastern European states therefore manifest themselves only in a muted fashion. Changes in leadership followed by intersocialist tensions, the search for national identities and historic traditions, efforts to increase contacts with Western Europe, and covert interest in more European security against the USSR points to no more than indications of a developing new approach.

European states have no doubt been unable so far to develop their alternative for world order or even for a new European order to replace the superpower balance and its resulting division.

In scholarly writings, European perspectives on world order is a

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neglected field of inquiry.

As a consequence postwar literature shows a significant gap in dealing with policies and approaches to world order problems. On the one hand there is a substantial body of literature dealing with the United States and the Soviet Union in their policies towards world order and international organization.

On the other hand, an equally substantial body of literature deals with the efforts towards sub-regional unification among European states. The gap has been partially filled by the unfinished but outstanding series of volumes on national policies towards the United Nations published under the auspices of the Carnegie Endowment for International Peace and a few highly interesting monographs on individual countries.[2]

It appears to be worthwhile to go beyond the habitual tendency to restrict the notion of Europe to the members of the present West-European community. The notion of Europe refers to a distinct civilization, bordered by he Atlantic Ocean on the West, the Mediterranean on the South, the Soviet Union on the East and the Arctic Ocean to the North. This area of European civilization is distinct by its common cultural heritage and its historical experience, although its boundaries to the East and South-east have been subject to frequent changes.[3] These frequent changes are partly responsible for the unresolved dispute among historians, where to draw the boundary between Europe and other civilizations in space, especially with respect to the inclusion or exclusion of part of Russia. In the broader context of the history of civilizations and for the purpose of this study, I have opted for the opinion to consider Russia and the Soviet Union as the "universal or imperial state" of a different civilization. In the dimension of time European or Western civilization succeeds the Hellenic one and especially the West Roman Empire as one of its universal states. Notwithstanding its common heritage, Europe since the Second World War has been sharply divided both in political and economic respect. Politically, Europe is divided into countries allied with the United States of America, countries subject to Soviet hegemony and non-aligned or neutral countries. Economically, Europe is divided in market-economy states and state-trading countries.

Apart from these divisions Europe shows a great variety of political régimes, running from the "left-wing" extremity of a one-party totalitarian state through various forms of democratic rule to the "right-wing" extremity of a one party fascist state.

The area of European civilization also shows a wide variety for each of the present states in terms of their emergence as a separate

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Map 1. The Carolingian and Byzantine Empires and the Califate about 814

Boundaries of Europe and Byzantium
Political boundary of the Califate

ATLANTIC OCEAN

NORTH SEA

BALTIC SEA

CASPIAN SEA

BLACK SEA

MEDITERRANEAN SEA

FINNISH PEOPLES

ESTHONIA

SLAVIC PEOPLE

KHAZARS

SCANDINAVIA

Northmen

Swedes

Scots
Picts
Britons
Wales
Anglo Saxon Kingdom
York
London
Canterbury
Boulogne
Rochester

Saxons
Utrecht
AUSTRASIA
Soissons
NEUSTRIA
Poitiers
AQUITAINE
CAROLINGIAN EMPIRE
Paris
Pavia
CORSICA
SARDONIA
o Rome
SICILY

KINGDOM OF ASTURIAS
Lisbon
Toledo
OMMIAD EMIRATE OF CORDOVA
Seville
Granada
Barcelona

CALIFATE OF THE ABBASID ARABIA

Croats
ADRIATIC SEA
SLOVIC PEOPLES
THRACE
Constantinople
BYZANTINE EMPIRE
CRETE
PHRYGIA
CYPRUS
Alexandria

MESOPOTAMIA
o Bagdad

political entity in international relations.

Table 1 lists the twenty-seven states included in our study and provides basic information on geography, population and political development.[4] The total area of Europe is less than one-fifth of the area covered by the Soviet Union and about 53 per cent of the area covered by the United States. France and Spain cover more than 10 per cent of the surface of Europe. Five countries cover less than 1 per cent and two less than 0.1 per cent of Europe. Europe's total estimated population in 1973, however, is greater than the population of the two superpowers combined. Only nine out of twenty-seven European states achieved independent political existence before the United States, whereas only three states enjoyed uninterrupted independence since 1776. Their political systems have been subject to frequent and often violent changes. Major changes occurred in no less than eighteen states since the second world war. Only seven states have experienced political stability through peaceful change since the middle nineteenth century. Europe, thus, may be old as a civilization. It is still comparatively young in political terms. For the majority of Europeans the nation-state has had a shorter period of existence than the United States.

For the purpose of exploring their policies towards world order in the post-1945 world, European states can be studied as a distinct group. They all belong to the class of middle or small powers in international relations as they all lack—or lost—the capacity to extend their influence or dominion over other states in the present world system.

Conditions of World Order

Notwithstanding the division of Europe and the various distinctions between the states included in this exploration, European perspectives on world order can be singled out as a separate field of study.

It is a much more difficult task to determine the meaning of *the notion of world order* at this point of the analysis. Let me first indicate how I would not like to define a concept of world order.

In our present era of "competition between distinctive societies" world order can no longer be reduced to the ideal of eternal peace between sovereign, parochial states. For the same reason world order is not only a problem of better international organization. Blue-prints on, e.g., a strengthened United Nations—like the Clark and Sohn book on "World Peace Through World Law"—are

useful tools for examining world order issues; a stronger United Nations, however, is not necessarily conducive to world order. World order, though, is not synonymous with a certain degree of order in interstate relations. However important it shall be to discuss issues related to order in interstate relations, these relations only represent one level of analysis in a comprehensive concept of world order. More order in interstate relations may be conducive to more international peace and security but the predominance of the sovereign state in the social organization of the world may be seen as the most important obstacle to world order. World order then can be conceived of as a condition under which "men (divided in so many ways) are able not merely to avoid destruction, but to live together relatively well in one planet".[5] Or to paraphrase article 28 of the Universal Declaration of Human Rights, world order is the condition in which everyone enjoys the benefit of a social, economic and international order in which the rights and freedoms set forth in the Universal Declaration can be fully realized. In a world composed of a rich variety of circumstances, peoples, religions and civilizations, no single group, elite, ideology or organization can claim the right to have the key to such condition of world order. Any attempt to achieve a new order by world revolution along Marxist lines, through the establishment of a universal church or by a Soviet-American condominium, will divert the world from a condition in which men can live together relatively well on one planet.

So much at least men ought to have learned from the past period of history in which the western world exercised the monopoly of power in international relations.

Plan of the Book

As this book is concerned with European perspectives on world order its conditions as indicated above will be the guide in my exploration. The analysis itself will be more modest in character, with no other pretention than an effort to clarify European thinking and European policies with respect to some issues bearing upon the conditions of world order. The first part of the book offers some reflections on the historical perspectives in which European policies and approaches might be placed. The historic perspective shows two clearly distinct dimensions: the time-dimension in the history of European civilization and the space-dimension in the history of contact between European and other civilizations. With respect to both, I am more interested in a panoramic view

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of history and basic trends than in the actual histories of relations, forerunners, wars and events. (Chaps. 1-2). Although the era of a Western monopoly of power definitely ended in 1945, the period running from 1914 to 1945 may be seen as the transitional period from the former to the present era. This tragic period (Chap. 3) saw a breakdown of the spirit of restraint in war and diplomacy from which the postwar world has not as yet recovered.

Part Two is concerned with post-war efforts towards interstate cooperation. In the context of the new bipolar world of Moscow and Washington, three distinct and divided perspectives on world order began to emerge in Europe: the West European perspective (Chap. 4); the socialist perspective of the Soviet system (Chap. 5); and the perspectives of the non-aligned countries (Chap. 6). Divided as European perspectives have become, no common perspectives appear to have developed inside each of the three groups distinguished. As I shall argue (Chap . 7) European perspectives in 1975 are more fragmented than ever along national lines.

European perspectives on international peace have never moved far beyond their national units. Part Three is concerned with the evolution of those national perspectives on three crucial world order issues: world organization for the maintenance of international peace (Chap. 8); the management of conflicts (Chap. 9); and the restraining of warfare (Chap. 10).

In each of these three chapters I have selected a limited set of issues for closer examination. Chapter 8 focuses on four constitutional issues of the United Nations. Chapter 9 discusses European conceptions on conflict management and analyses European policies towards the Middle-East conflict from 1915 to 1973. Chapter 10 deals with the various approaches to restrain warfare and the efforts towards restraining the use of nuclear weapons, reducing conventional forces and protecting human rights in armed conflicts.

Perspectives on World Order: the Theoretical Problem

One of the major problems we are bound to face in our analysis of European perspectives on world order resides in the underdeveloped state of the "science" on international relations and world society. Approaches, pre-theories and theories in the field developed through a process of mutual competition and rejection, rather than through an effort towards a cumulative build-up of understanding.

Until the beginning of this century international relations had

been primarily the domain of international law and diplomatic history. The legal approach was intrinsically normative, the historian's contribution primarily descriptive in nature. In their search for an international legal order international lawyers split into two schools. One school restricted itself to the description, analysis and interpretation of state-practice and existing international law. The other focused on guidelines for a new legal order, without being able to solve "the conflict between the idea of the unfettered sovereign state, on the one hand, and a regulating system of law, on the other".[6]

The major setback of the historians' approach to diplomatic history was their overemphasis on detailed facts and the recording of wars, diplomatic manoeuvring and the relations between dynasties and sovereigns, coupled with an underemphasis on the forces shaping societies. Diplomatic history also focused too exclusively on the phenomenon of the nation-state as its unit of analysis, while neglecting basic trends and long-term views, in their effort to fit earlier history into the recently emerging European structure of a world made up of nation-states. The "emotional and intellectual substitution" of nations for Mankind has "thrown history out of perspective"[7] to an extent that one should not be surprised to see the disrespect with which history is treated in modern theories on world society and international relations.

With the establishment of the League of Nations a new school emerged which approached the problem of world order as an exercise in institution-building and organizing interstate relations. It continued, however, to rely heavily on both international law and diplomatic history as sources for understanding. As a consequence it could not dissociate itself from the historians' assumption that the nation-state had been and would continue to be the fundamental unit in world society. Nor could it resist the lawyers' temptation to see political history as a continuous march towards ever larger units of the same type. International politics were primitive politics written large,[8] and all that would be needed—as in primitive societies—was to provide international relations with a strong organization to transform anarchy into world-government. An international organization to maintain peace and collective security was the first step on the road from anarchy to world order. The theory of functionalism also belongs to some extent to this school.[9] To most functionalists, as Inis Claude, for example, wrote in his brilliant book on international organization,[10] "functional performance" was deemed to be more important than "institutional resemblance" with previous forms of political organiza-

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tion. The building of international institutions, however, was the crucial element in any effort to reach world order by way of expanding interstate cooperation.

The modern science of political processes and international relations—originating primarily in the political science departments at United States universities—constituted a deliberate effort to break away from the legal, historical and institutional approaches to world order. Its more important representatives have chosen to reject the normative approach of the lawyers, to neglect history as a dimension of understanding and to challenge the validity of the institutionalist hypotheses. [11] The choice stems first of all from their scientific orientation. When the modern science of political processes and international relations began to liberate itself from the traditional legal and historical approaches they turned to natural sciences as sources for theory-building. In the natural sciences progress over the last centuries has primarily been made by scientific revolutions in which old beliefs were discarded as a consequence of new findings. [12] For the astronomer knowledge of pre-Copernican theories on the movement of planets may be funny, it is no longer vital for mastering astronomy. In a comparable spirit modern political science—born moreover in an era of radical historical changes—has also discarded many of the "old beliefs" of the lawyers and the historians in the name of their "new" findings.

The choice also stems from the objects of research defined for the new theories. The study of processes of communication and decision-making focuses, e.g., on public opinion, elites, actors, conditions and environment. History may provide historiscal cases of comparable processes; it is neither actor nor environment in the actual process being examined. The new findings on transaction-rates and incremental decision-making, so it is implied, have discarded the old beliefs in the "forces of history". The history of human relations, political institutions and societies, however, cannot be written as a history of the sciences. Human history does not know progress in the sense in which the steam-engine replaced horse-power. Its revolutions cannot be compared to the Copernican discovery in astronomy or the reaching of critical size of a nuclear reactor.

Historical processes cannot be understood by isolating them—as physical processes—from the trends of history. Nor can its outcome be predicted by treating it as the operation of cause and effect. "The initiative that is taken by one or another of the live parties to an encounter is not a cause; it is a challenge. Its consequence is not an effect; it is a response. Challenge-and-response

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resembles cause-and-effect only in standing for a sequence of events. The character of the sequence is not the same. Unlike the effect of a cause, *the response to a challenge* is not predetermined, is not necessarily uniform in all cases, and *is* therefore *intrinsically unpredictable*". [13] The same intrinsic unpredictability applies to the way a "political actor"—the analytical label for a person or group of persons—responds to "impersonal" challenges like economic interdependence, technological development or common interests. The "expansive logic" of economic integration or the "technological imperatives" for international cooperation, are formulae erroneously borrowed from the study of inanimate nature to explain the sequence of events in human history. The outcome-predictions formulated by its theorists have invariably been wrong, irrespective of whether they concerned high or low politics. [14] Human intuition rather than modern theory has helped some of them not to be too far off the mark.

Finally, modern theories on international relations suffer from another bias inherited from their orientation to the natural sciences. Their efforts to predict immediate outcomes through the analysis of single processes derive from a desire to offer useful solutions for practical problems. In such an intellectual climate, the applicability of theories to contemporary processes is thought to be more relevant than the impractical contemplation of history. [15] Apart from the problem of underdevelopment, fragmentation and contestation in general theories on international relations and world society, a study dealing with European perspectives on world order is faced with the more specific European problem of separate and diverging theories on sub-regional unification and its expected impact on world order. The deep political division of postwar Europe into an Eastern and a Western bloc has given rise to sharply diverging theories on subregional unification and its importance for attaining world order.

In Western Europe (and the United States) a new body of theories emerged from the analysis of the integration process in the European communities.The evolution of theories with respect to the communities no doubt interacted with the evolution of general theories indicated above. At this point it should be emphasized, however, that West European perspectives on world order have been largely determined by the same basic assumptions of federalist, neo-functionalist and communication theories alike. They generally concur in assuming that their concept of European unity somehow stands model for world order, and that the process of sub-regional unification therefore is *no less* than a direct contribu-

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tion to that end.

In Eastern Europe (and the Soviet Union) Marxist-Leninist ideology prescribes that the post-war relationship between the states belonging to the socialist international community is essentially new in character. According to the same ideology it can be scientifically predicted that the new rules of socialist internationalism will be the foundation upon which a new world order shall be built. During the transitional period—the time capitalist and neutral states are still in existence—the principles of peaceful coexistence determine East-European perspectives on world order. In Chapters 4 and 5 a further analysis will be made of these more specific East- and West-European perspectives on world order.

A Possible Concept for Inquiry

In the preceding section I have already indicated the major theoretical problems facing this study. Two conclusions may emerge from them. The first one is that any attempt to adopt "my own theoretical framework" for exploring European perspectives on world order is bound to fail given the underdeveloped state of theory in our field. A conscious effort will therefore be made to draw on the achievements and shortcomings of all relevant approaches—within the limits, of course, of the capacity of a single human mind to understand and synthetize. Given the recent development of theory a major effort will be made to counterbalance the observed neglect for the legal, historical and institutional approaches to world order.

The second conclusion is already indicated in the discussion on page 14. European perspectives on world order are human reflections on the history and circumstances of man. Politics and approaches are responses to challenges, i.e., choices in perceived situations. As such they have been and continue to be *intrinsically unpredictable.* Human and political responses to a challenge are particular choices—out of several possible choices made by live persons. A reflection on choices made and others which have been rejected or neglected may help in enlightening and understanding better the prospects for European contributions to world order. This exploration of European perspectives on world order will therefore be inspired by a reflection on the broader context of history in its time—and its space dimension. Its fundamental concept of inquiry will be *the concept of challenge-and-response* as developed by Toynbee, with a view to synthetize and reflect, rather than to contest and predict.

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Such effort may be challenged as less rewarding than a detailed research of processes and factors; it is likely to be less misleading than a partial view.

NOTES

1. Toynbee, *A Study of History*, abridged and illustrated edition, Oxford/ Thames and Hudson Ltd., 1972, p. 400, emphasis added.

2. *National Studies on International Organizations*, published under the Carnegie Endowment for International Peace. As far as Europe is concerned, monographs have been published on Belgium (1958), Britain (1957), Denmark (1956), Greece (1957), Italy (1959), Switzerland (1956) and Sweden (1956).

Morawiecki "Institutional and Political Conditions of Participation of Social-
   ist States in International Organizations: A Polish View", *International
   Organization*, Vol. XXII, 1968, pp. 494-507.

Wood, *France in the World Community*. Decolonization, Peacekeeping and
   the United Nations, Leyden, 1973. Publications of the John F. Kennedy
   Institute, Center for International Studies, Nr. 8.

3. Changes between European states and Russia (USSR) and the Ottoman Empire (Turkey). Compare maps 1, 2, 3, 7 and 8.

4. Table 1 shows the states included in our exploration and some basic data on each of them.

5. Hoffman (ed.), *Conditions of World Order*, Boston 1968, p. 2, emphasis added.

6. Coplin "International Law and Assumptions About the State System", in Rosenau (ed.), *International Politics and Foreign Policy*. A reader in research and theory. New York and London, 1969, revised edition, p. 146.

7. Toynbee, *op cit.*, p. 36.

8. See, e.g. Roger D. Masters, "World Politics as a Primitive Political System", in Rosenau (ed.), *op. cit.*, pp. 104-118.

9. Mitranyi, *A Working Peace System*, Chicago, 1966.

10. *Swords Into Plowshares*. The Problems and Progress of International Organization, New York 1971, fourth edition.

11. Rosenau's reader (*op. cit.*) offers a useful overview of current theories and approaches in international relations. See also William C. Olson's short but incisive contribution on "The Growth of A Discipline", Brian Porter (ed.), *The Aberystwyth Papers. International Politics. 1919-1969*, London 1972, pp. 3-29.

12. Compare Kuhn, *The Structure of Scientific Revolutions*, Chicago, 1970.

13. Toynbee, *op. cit.*, p. 97, emphasis added. In the literature on international relations and european integration I am not aware of any theory in which challenge-and-response is adopted as the basic hypothesis, and unpredictability is accepted as an unavoidable fact of life. Andrew Scott wrote an article on "Challenge and Response: A Tool for the Analysis of International Affairs" (The *Review of Politics*, Vol. 18, April 1956, No. 2), but failed to understand the crucial distinction between response and effect made by Toynbee.

14. E.g., Haas in *The Uniting of Europe*; Deutsch in "Integration and Arms Control in the European Political Environment" (*Am. Pol. Sc. Review 1960*); Etzioni in *Political Unification*; and also this author in *European Organizations and Foreign Relations of States* (1962) and in *Beyond the European Community* (1969).

15. This remark was made in a more general way by Ortega Y Gasset in the second session of his course: "Que Es Filosofia?" given at the University of Madrid in 1929.
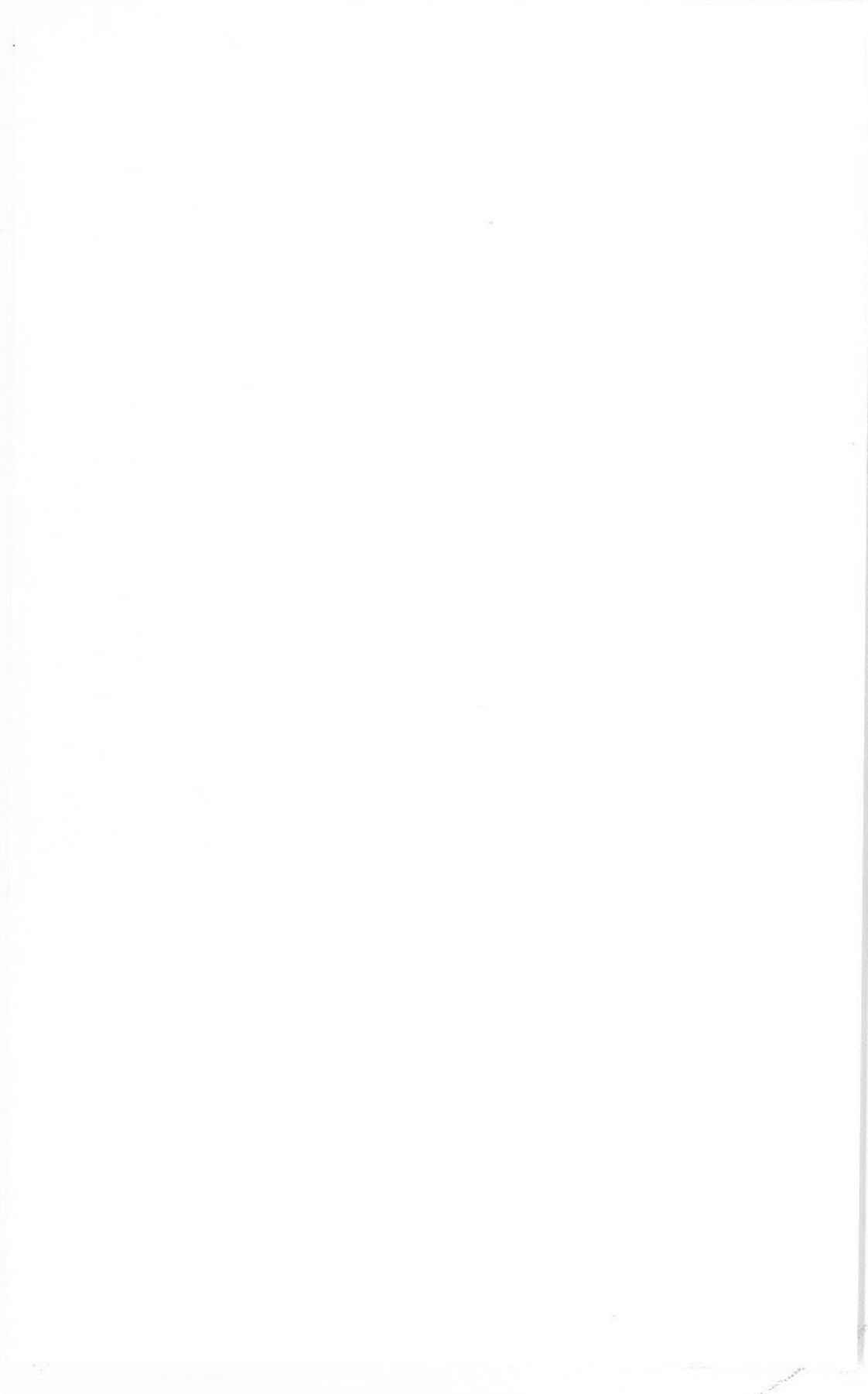
Part one

HISTORICAL PERSPECTIVES

"The West can galvalize and
disrupt, but it cannot stabilize
or unite".
(Toynbee, *A Study of History*).

Chapter 1
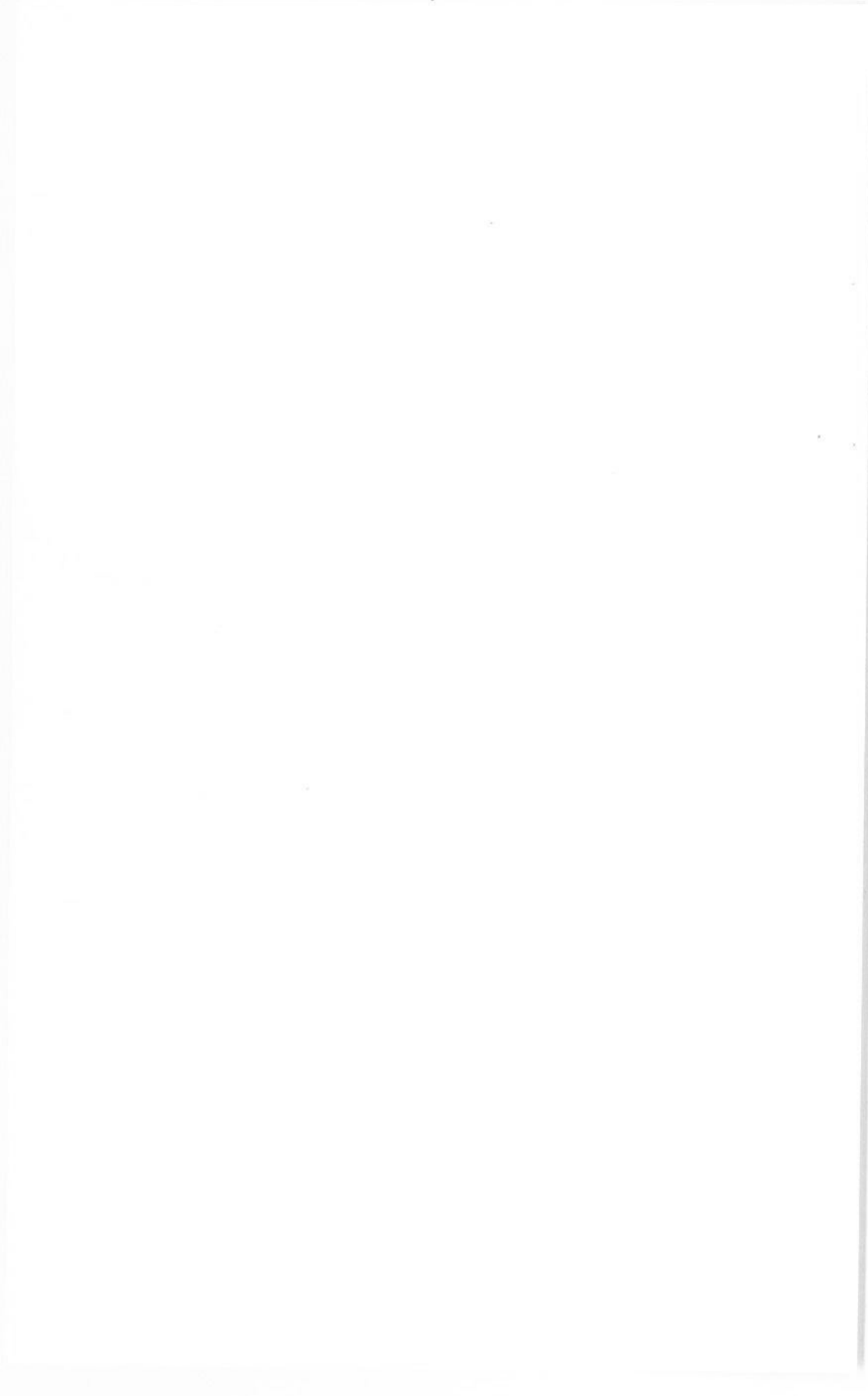
THE TIME DIMENSION IN EUROPEAN HISTORY

Many contemporary writers on international law and relations have a tendency to limit their exploration of the past to an examination of relations and institutions evolved in the "modern times" of European history.

These modern times are considered to begin in the period between 1492—the discovery of America—and 1648—the Peace of Westphalia ending the Thirty Years War. They have come to an end in the period between 1914 and 1945, when Europe ceased to be the centre of the world and a new era of competition between different societies was substituted for the western monopoly of power. Europe's modern times are generally treated as the formative era in international law. Some seeds of modern international law may have been sown in the European Middle Ages, but: "The medieval climate of the western world was not favorable to the development of international law. This is obvious with respect to the Dark Ages, which following the collapse of the Roman Empire, knew little of law at all. . . . In the course of the centuries the Church developed a comprehensive legal system, the canon law. . . . Canon law was not "national" or "international"; it was "supranational" and even universal, exacting obedience all over the Christian world".[1]

The discovery of America and the Reformation in Europe were the major signposts of the new era. "The growth of international law in the new era must be attributed, in the first place, to the rise of national states, especially of Spain, England and France".[2]

This "modern international law" clearly reflects the history of European relations in the era of more than four and a half centuries.[3]

In its origins it reflects the attempts of the earliest European kingdoms to achieve independence from Papal and Imperial overlordship and mastery over feudal lords in their own and expanding territory. In its evolution international law reflects the round after round of wars fought between the European sovereigns "to pre-

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vent any one of them from dominating the rest". As it stood at the end of this modern era, international law was the legal expression of the dominant consciousness in European states to be universes in themselves.[4] This consciousness may have originated in the resistance against Papal and Imperial control and feudal anarchy. The accumulation of power soon became an end in itself and "the primary object of European states in modern times".[5] International law developed primarily through peace treaties after major wars, thus codifying the "balance of forces" wrought by victory and defeat on the battle field. Sometimes the occasion of a "peace conference" was used also to formulate new rules on diplomatic intercourse, commerce and navigation within the framework of the new balance of forces. Some of these rules survived the next round of war, but their impact on the evolution of interstate relations remained negligible compared to the outcome of each war.

"The causes of war are the same as the causes of competition among individuals: acquisitiveness, pugnacity and pride; the desire for food, land, materials, fuels, mastery.

The state has our instincts without our restraints. The individual submits to restraints laid upon him by morals and laws, and agrees to replace combat with conference, because the state guarantees him basic protection in his life, property and legal rights. The state itself acknowledges no substantial restraints, either because it is strong enough to defy any interference with its will or because there is no superstate to offer it basic protection, and no international law or moral code wielding effective force.

In the individual, pride gives added vigor in the competition of life; in the state, nationalism gives added force in diplomacy and war. When the states of Europe freed themselves from Papal overlordship and protection, each state encouraged nationalism as a supplement to its army and navy. If it foresaw conflict with any particular country it fomented in its people, hatred of that country, and formulated catchwords to bring that hatred to a lethal point; meanwhile it stressed its love of peace".[6]

"In the present inadequacy of international law and sentiment" —Durant continues—"a nation must be ready at any moment to defend itself; and when its essential interests are involved it must be allowed to use any means it considers necessary to its survival. The Ten Commandments must be silent when self-preservation is at stake".[7]

This concept of the nation and of international law reflects first of all the lost balance between nations and European society in

the development of modern international law during its formative period. It reflects, furthermore, the insufficiently stressed historical fact that the "public law of Europe" in modern times has been little more than a continuously changing body of rules of conduct formulated for the *relations between an extremely limited number of European great* powers.

A comparison of major peace conferences during the modern era[8] shows that no more than five great powers—which had been capable of assuring their own survival in the war—had any decisive influence in shaping the peace treaties. The "modern era" as a consequence came to an end when those great powers ceased to be able to assure their survival without external assistance; and when the price of millions and millions of *human* casualties had shown the fallacy of a system based on the survival and self-preservation of a few nation-states.

Nevertheless—as Friedmann stated—"to the majority of the writers and exponents of international law, contemporary changes appear as extensions and modifications rather than as basic challenges to the structure of international law and relations"[9] developed in modern European history.

In the next chapter we shall have to deal with the question to what extent postwar developments challenge that part of international law that developed in the relations between European powers and countries belonging to other civilizations. It appears hardly conceivable to ignore the basic challenges of postwar changes to a system of rules that reflected the era of colonialism and western monopoly of power.

At this point of our analysis we should deal with the question why the majority of writers conceive of contemporary changes as extensions and modifications *only* to the structure of international law and relations as it developed in the modern times of European history.

Their conception appears to be based on two interrelated assumptions. The first one is that international law, as it developed in its formative era, could be seen as a system of rules truly applicable in relations between all the nationstates of Europe. The second one is that the postwar world is marked by the exceptional success in other civilizations of the European concept of the nation-state.

The first assumption, as we have seen already, cannot be upheld in the perspective of European history. The public law of Europe in modern times reflected primarily a system of relations between a small group of states and empires capable of assuring their own

survival. The extent to which international law reflected this situation can be deduced, for example from the acceptance—also by a majority of writers—of the rule that a treaty becomes and remains binding upon a state in spite of the fact that that state was acting under coercion in concluding the treaty. [10] Only the small group of European great powers were capable of forcing a treaty upon their contracting party if the latter was the defeated enemy during a peace settlement, or a small or weaker power during "a period of peace". The first assumption therefore, upon which the majority of writers have based their conception, can be challenged as unfounded. Their second assumption can be dismissed as irrelevant for two reasons. First of all, the successful expansion of the European concept of the nation-state has produced an unprecedented number of new political units which are even less capable of assuring their own survival, than were the small European states during the formative era of international law.

Secondly, these new nations have emerged in the postwar era marked by conflict between different societies in which the great powers no longer belong to the same *Kulturkreis*.

They have, henceforward, lost the capability to force new rules of international law upon the majority of small states in the world.

The new postwar system of international relations, as a consequence, is based on two fundamental contradictions unknown in the formative era of European international law. On the one side it is made up of a large number of small states which, while being unable to assure their own survival, can no longer be forced to accept certain rules of international law. On the other side it is made up of an even smaller group of great powers—the USA, the USSR and maybe China—which have acquired the unprecedented capability to destroy the globe while at the same time being unable to set the rules of global international law.

A fundamental reorientation of our thinking on international law and European perspectives on world order therefore appears necessary.

In view of the importance of the evolution of European civilization and its institutions for a better understanding of the present structure of international law and relations, an exploration along the time-dimension of European history might help us in re-orienting European perspectives on world order. As the general tide in modern European times [11] had been flowing in one direction—the aspirations of nation-states to be universes in themselves; the apparent turning of the tide towards a new consciousness of being part of a larger universe, suggests the need for a general conception

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that is *anti-thetical* to the one dominating the formative era of international law. Tides, however, have turned before in European history as much as in the history of other civilizations. It might therefore be useful to extend our exploration on the time-dimension of European history to the era before the turning of the tide around 1500, to see what lessons medieval history [12] could teach us, and to escape the domination of "modern times" over our twentieth-century mind. In so doing, we should also be aware of the discontinuities and fluctuations within broader periods of history. Although we may ultimately conclude that the general tide has been flowing in one direction since 1500, intellectual history during the period at least reflects a variety of opposing currents we should not altogether neglect.

A Contemporaneous Approach to the Time-Dimension in European History

History can never be recorded in an objective way, nor will any historian ever be able to master all the facts. Historical knowledge proceeds by a selection of facts and human responses to challenges. The selection itself is based on contemporaneous human experiences and interests. In view of the arguments forwarded so far I am bound to select on the basis of a felt need towards a fundamental reorientation of our thinking.

Which are the guiding principles of such reorientation?

1. As the postwar tide appears to have turned away from the nation-state as a universe in itself, our contemporary knowledge might benefit from historical efforts to unite separate political units or "parochial" states in a larger universe. Since the collapse of the West-Roman empire in the fifth century, several efforts have been made to unite European nations in one universal or imperial state. None of these efforts, since the disruption of the Carolingian Empire from 843-888, have been successful. All efforts to unite Europe by *physical force* were resisted succesfully until Napoleon. Thereafter, they were resisted successfully with the assistance of Russia (against Napoleon), the United States (in the First World War), or both (against Hitler). The modern nation-state embodies the intoxication [13] of this successful resistance against unity by force of arms. Rather than employ the lessons of successful resistance for the benefit of unification by consensus, the intoxication of victory has led European great powers to maintain anarchy—the balance of power—with ultimately disastrous consequences.

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2. In the perspective of European history, it appears that only a spiritual effort, beyond and above politics, [14] would be able to generate a process towards unity without the use of physical force. In European history such effort has been made by the Catholic Church during the Middle Ages. It failed disastrously, but the existence of a *respublica christiana* for almost two centuries is certainly worth exploring.

3. Finally, the exploration in the time-dimension of European history is guided by the conclusion, formulated above, that the foundation of the modern system of international law (i.e., the law developed in modern European history) has been undermined by the post-war turn of the tide in history. This conclusion specifically applies to the five propositions Friedman mentions for that system. [15]

(a) International law can no longer be formulated by a small club of powerful nations, but small nations as well as non-governmental participants in international relations have to concur and take part.

(b) Any effort to develop international law and world order can no longer escape concern with the internal political and social systems of states, as was the case in the formative era of international law.

(c) International relations no longer are the exclusive preserve of a legally and politically omnipotent sovereign state as was postulated against other social groups in the formative period of international law.

(d) International law and efforts towards world order can no longer restrict themselves to the formalisation, codification or progressive development of acceptable rules of conduct in international diplomacy.

Nor can international diplomacy confine itself to "the adjustment of territorial sovereignties, the legal status of the high seas, the diplomatic and jurisdictional immunities of states, heads of government and diplomatic representatives, the principles of recognition of states and governments; the protection of subjects of one sovereign in the territory of another; and the regulation of war and neutrality". (p. 5).

Postwar international law has been concerned increasingly with a broad range of issues as welfare, economic development, the impact of science and technology, cultural exchanges, social justice, human rights, etc.

(e) The above necessity for international law-*making*, together with the impossibility of leaving this activity to a small group of powerful nations or to the traditional treaty-making procedure, requires the development of principles and rules of international

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law of *a higher order*. Such international law of a higher order—one could call it world-constitutional law—deals with the organization of relations between participants in international relations and its fundamental guiding principles and rules.

It is in the framework of these guiding principles that we might now further explore the time-dimension in European history. With no intention of writing a history of European law and institutions, I would offer some reflections on how European policy-makers chose to respond to a number of selected challenges at major turning points in history.

The Intoxication of Successful Resistance

The successful resistance by European sovereigns against the creation of a universal or imperial state by physical force is generally considered to be the main historical contribution of this continent to world order. Many scholars and statesmen are still inclined to underwrite the proclamation in the Peace of Utrecht of 1713 that "the peace and tranquillity of Christendom may be restored by a just balance of power, which is the best and most solid foundation of mutual friendship and of lasting accord". [16] There is an equally strong tendency to consider a balance of power the proper foundation—intellectually as well as politically—for peace and tranquillity in the present international system. The idolization of the balance of power as the foundation of European order marked the climate of intellectual thinking in the eighteenth century. Voltaire, e.g., wrote: "Already for a long time one could regard Christian Europe (except Russia) as a sort of great republic divided into several states, some monarchical, others of mixed character; the former aristocratic, the latter popular, but all in harmony with each other, all having the same substratum of religion, although divided into various sects; all possessing the same principles of public and political law, unknown in other parts of the world". [17] The balance of power was the solid foundation for a well-developed system of international law and a series of comprehensive (peace) treaty settlements. After the revolutionary wars the great powers at the Congress of Vienna again returned to the balance of power as the foundation for the arrangements they finalized in 1815. The frequent wars in the modern era of European history are seen as efforts by some to upset and the others to restore the balance, rather than as consequences of the system itself.

In a broader perspective of European history—i.e., a perspective

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extending back to the period before the birth of the modern era—this idolization of the balance of power represents the intoxication of successful resistance by the emerging European kingdoms against imperial, and especially papal, efforts for supremacy. During the centuries preceding the Reformation, the successive Popes had increasingly relied upon physical force to impose the Church's spiritual leadership upon the secular kings and princes. "Since the Reformation a Church which had once been the institutional expression of Western Christendom's unity has been only one among a number of rival Western christian sects whose rancorous mutual hostility has torn the Western world in pieces, has brought Christianity into discredit there, and has thus opened the way for the supplanting of Christianity by nationalism, a post-Christian resuscitation of the pre-Christian worship of collective human power". [18] This worship of collective human power was the way in which European sovereigns translated their successful victory—won with physical violence—against the claims of the Papacy. The originally unifying concept of a *respublica christiana* had degenerated into the dogma of supremacy of spiritual authority of the Papacy to be upheld by force of arms; successful resistance against the dogma degenerated into the modern dogma of territorial sovereignty to be upheld also by force of arms. The dogma of supremacy of spiritual authority destroyed the spiritual community of men who were united in a common belief, whatever their divisions were in terms of political power exercised over them. The dogma of territorial sovereignty converted "temporal" political divisions into a religious worship for "eternal" dynastic or national interests. The balance of power became the rule for power politics between great powers in which the use of physical violence became constrained only by the balance between military capabilities. The Peace of Westphalia in 1648 marked the ultimate transformation to the new system. During the Thirty Years War, "religious issues, so prominent in the early years, declined, and power politics, never absent, finally predominated". [19] It was the last European war in which religious motivation played a role and in which religion might have acted as a force of constraint upon the use of physical violence. Richelieu "furthered the notion that the interest of the state formed the basis for political and military actions. This attitude was strengthened when Catholics as well as Protestants ignored the Pope's solemn protest against the clauses of the peace treaties which were injurious to the Catholic church. The claim of a supranational religious authority to interfere in affairs of state was rejected".

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Map 2. Europe in 1648

Boundaries of Europe
Border in Europe of the Ottoman Empire

Map 3. Europe in 1815

Boundaries of Europe

Borders in Europe of Russia and
the Ottoman Empire

ATLANTIC OCEAN

NORWAY

SWEDEN

FINLAND

RUSSIA

NORTH
SEA

DENMARK

Christiania

Stockholm

Copenhagen

Gdansk

Warsaw

POLAND

Krakow

Caspian Sea

CASPIAN SEA

SCOTLAND
Edinburgh

IRELAND
Dublin

UNITED KINGDOM

ENGLAND

WALES

London

UNITED NETH.

Amsterdam

Bremen

Hamburg

Cologne

GERMAN

Berlin

CONFEDERATION

Prague

Vienna

AUSTRO - HUNGARIAN

Buda

Pest

EMPIRE

BLACK SEA

Crimea

Constantinople

Thrace

OTTOMAN EMPIRE

FRANCE

Paris

Berne

SWITZERLAND

Turin

SARDINIA

Milan

LOMBARDY

VENETIA

Florence

Rome

Naples

Wallachia

Bulgaria

Serbia

Bosnia

MONTENEGRO

Macedonia

PORTUGAL

Lisbon

SPAIN

Madrid

MOROCCO

ALGIERS

TUNIS

MEDITERRANEAN SEA

SARDINIA

CORSICA

TRIPOLI

CRETE

CYPRUS

CYRENAICA

EGYPT

ARABIA

The Thirty Years War "brought into being a new awareness of the danger involved in the domination of Europe by any one power, a danger which could be met only by concerted diplomatic action, or if necessary by war". [20]

Reduced to power politics, i.e., to politics to try for domination or to resist such effort, the development of the public law of Europe indeed restricted itself largely to reflecting the shifting power relations. These relations, indeed, shifted continuously. The Thirty Years War codified the impotence of the German Emperor and probably prevented the establishment of Habsburg hegemony, but prepared the way for Louis XIV's attempts towards domination. His failure was followed by the emergence of Prussia as a new great power. Russia entered the scene as a leading power in European affairs, and Sweden lost its previous position as a leading power. In this highly volatile situation the bid for European hegemony by revolutionary France under Napoleon underlined the extreme weakness of a "balance of power" system for "lasting accord" between shifting dynastic interests. It proved once more that real danger of domination could be met only by war. Concerted "diplomatic action" would be effective only in situations of minor danger.

When Napoleon finally lost, the European great powers and Russia turned out to be as intoxicated by their victory as had been the case with the sovereigns in the late Middle Ages and at the end of the Thirty Years War. They rejected the higher secular concept —made disreputable no doubt by Napoleon—of the solidarity, brotherhood and equality of men, to turn again to the balance of (physical and military) power as the foundation of the system. The Congress of Vienna, in essence, did what the Peace of Westphalia had done in 1648.

It rearranged the map of Europe in such a way that the newly achieved balance of conflicting powers could be maintained. The effort towards restoration and balance, however, could not contain the nineteenth-century forces of revolution, nationalism and self-determination. The nineteenth century—erroneously described as an era of stability—was a period of continuous conflict and change. The Concert of European Great Powers, conceived as an instrument for regular consultation, ceased to function as early as 1822 and it finally broke down completely as a result of the Crimean War in the early fifties. Major changes in the relations between the great powers prepared the way for the Austrian-Prussian war in 1866, the Franco-German war in 1870 and finally the First World War in 1914.

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Let us briefly consider how the policies based on a balance of (military) power between the Great Powers met ultimate and disastrous defeat in 1914.

The origins of the ultimate defeat can be traced to the conduct of the peace-talks from 1804 onwards and the settlement itself, arrived at in 1815. The real Congress of Vienna consisted of the deliberations between the great powers: Britain, Austria, Prussia, Russia and (later) France. The plenipotentiaries of all other European states "merely acted as a picturesque and expensive background to the real Congress of Vienna". [21] The final outcome was the result of their attempts to reach compromises among themselves and with France. As the war went on during the process of peace-making, each of the allied powers tried to use the continuously shifting balance to strenghten its position. Britain worked for a European balance in order to maintain its supremacy on the sea. Russia attempted to achieve a maritime balance—proposing *inter alia,* to associate the United States with the peace-negotiations —in order to establish its supremacy on the European continent. Austria sought to gain a leading position in European diplomacy, whereas Prussia worked for hegemony in Germany. [22] France successfully employed these rivalries to gain a prominent position in the negotiations. The final settlement at best was a temporary armistice, reflecting the existing balance rather than a new beginning for "lasting tranquillity" based on a new body of European public law. As a consequence the on-going shifts in the balance of power after the settlement were—almost by necessity—responsible for the circumstance that none of the more important agreements survived for very long. First of all, the agreement for regular consultation among the great powers to examine measures "for the prosperity of the peoples and for the maintenance of the peace in Europe" [23] did not survive the year 1822. The agreement itself had been a diluted version of the earlier British proposal to have the allied powers jointly *guarantee* the peace settlement. The engagement to consult each other replaced the failed attempt to provide for a system of collective security.

The territorial arrangements of the peace settlement were considered to be the basis for the future balance of power in Europe. Among them, especially the creation of a greater kingdom of the Netherlands, the institution of the German confederation, the territorial division in Germany and Italy and the free city of Cracow were aimed at creating a situation in which neither France, Prussia nor Russia could try for a hegemonial position. None of these arrangements lasted very long. The greater kingdom of the Nether-

lands ceased to exist in 1830. Cracow was annexed by Austria in 1846. Italy was unified under the kingdom of Piedmont in 1860. Prussia's policy to unify Germany under its hegemony and to exclude Austria from German affairs began as early as the twenties and resulted in the German *Reich* in 1870. Only the Swiss confederation survived and its permanent neutrality was guaranteed in 1848.

Until 1878 (the Berlin Congress) *ad hoc* conferences or congresses among the great powers still served to deal with territorial changes achieved by physical violence. Thereafter—and in fact since 1870—the shaky balance of power degenerated into a system of opposing alliances. [24]

The intoxication of military victory had induced the great powers to found the peace on the very principle—the use of physical violence—they had rejected when used by a rival against their own interests. In the process they had largely ignored the new forces of nationalism, democracy and technical progress which had already undermined the foundation of a balance between great powers for maintaining a state of relative absence of war.

When finally the shot at Serajewo was fired in July 1914, they almost enthusiastically stumbled into the great war hoping to "redress the balance" in a few weeks or to gain supremacy through quick military victory.

The Price of Successful Resistance: Victimization of the Spiritual Effort Towards World Order

In the second of our guiding principles a spiritual effort, beyond and above politics, has been put forward as a necessary contribution to generate a process towards unity without the use of physical force. It is not uncommon in contemporary analyses to attribute the success of Western concepts in postwar international relations to the existence of principles of order going beyond the mere interplay of physical power.

In her brilliant analysis on "Politics and Culture in International History", [25] Adda Bozeman concludes that "the entire East was impregnated with the notion that sovereigns should have absolute power. Immunized against any conflict between power and law or other contradictory references as had been faced continuously in the West, the East was in no way stimulated to produce images such as the balance of power, theories of international law, or systems of international politics in which all states were regarded as sovereign, independent, and equal". Diplomacy in the East, she

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goes on: "was not encumbered with ideals of peace, unity, or the common good. In Persia, India, Byzantium, the Arab domain, and Russia it was conceived as a quasi-military activity. In this context negotiation was a strategic device, designed to lead to victory rather than to compromise or mutual understanding. That is to say, it was dissimilar to the type of negotitation that the Western Europeans had cultivated in the nineteenth century". It is these differences, according to Bozeman, which made clear that the western nations had no inhibitions: "in projecting a system that had proved its worth in their own complex realm on to a scene of world affairs that patently lacked principles of order".

Her conclusion does not find much support in my previous reflection on the intoxication of successful resistance against papal and imperial supremacy. European international relations in the modern era reflected the post-Christian resuscitation of the pre-Christian worship of collective human power. The image of the balance of power since 1648 did not reflect ideals of peace, unity or the common good, but *their rejection* ever since the Papacy had abused its unifying spiritual force to impose unity by physical force. Moreover, the system which western nations had cultivated in the modern era can hardly be said to have proved its worth in the light of its ultimate collapse in the 1914-1945 period.

The successful expansion of the western system of diplomacy can be attributed to two other factors. First of all, the Western nations were able—by their technological superiority—to impose their system on countries belonging to other civilizations in the era of Western monopoly of power. Secondly, the "Eastern" states and empires—Russia since Peter the Great, Turkey in the nineteenth century, Japan since the 1890s, and China, India, Iran and the Arab world since the Second World War—successfully resisted Western domination by relying upon Western experiences in technological progress, nationalism and power politics.

In our search for principles of order going beyond the mere interplay of physical power, European history, however, does offer two interesting leads worth exploring. The first one guides us back to the European Middle Ages in which the particular circumstance of a separation between temporal imperial and spiritual ecclesiastical power generated a search for unifying principles of order.

The second one points to the concern with ideals on peace, unity and the common good *inside* the nation-states, which emerged during the modern era of power politics in international relations.

Throughout the Middle Ages, Western political thought was

dominated by the dualism between the organization of temporal political power exercised by the Emperor, the kings and the feudal lords, and the realization of the spiritual force of christianity, promoted by a variety of religious institutions under the leadership of the Holy See. The strength of the Christian conviction acted as a limitation on the powers of both the Emperor and the Papacy. "Their respective jurisdictions were, therefore, subject always to the twofold limitation that the individual's primary allegiance was due to the maker of all men and things, and that each human being was possessed of inalienable individual rights by virtue of Christ's sacrifice". [26] As long as the superiority of spiritual authority could be reconciled with liberty in political organization, the dualism between spiritual and temporal power was a force of unity in the *respublica christiana*.

"The Papal *respublica christiana* was based on a combination of ecclesiastical centralism and uniformity with political diversity and devolution; and, since the superiority of the spiritual over the temporal power was a cardinal point of constitutional doctrine, this combination made the note of unity predominant, without depriving the adolescent Western society of those elements of liberty and elasticity which are indispensable conditions for growth". [27] It enabled the Papacy "to exert itself forcefully as Western Europe's supreme legislative, executive and judicial organ, and the canon law provided an all-European system of norms, *which bound each monarch both personally and in his relations with other monarchs, just as it bound all Christians both personally and in their relations with each other*". [28]

It was the spiritual conviction that each individual christian— whether monarch or subject—was the chief subject of the law's concern, which inspired canon law and also the wide variety of legal growths, in Europe. The essence of the aim of the creative spirits in the Church "was to substitute a reign of spiritual authority for the reign of physical force, and in their struggle against violence the spiritual sword was the weapon with which their supreme victories were won". [29] It has been the ultimate tragedy of the Papacy that its effort to substitute the reign of spiritual authority for the reign of physical force degenerated into its effort to impose its political power over the emperors and kings of Europe. It did so by relying on the very use of physical violence it ought to have rejected had it remained truthful to its own claim of spiritual authority. At the end of the thirteenth century: "the wheel had gone full circle, and the attempt to free the members of the Church from secular control ended in a more subtle secularisa-

tion of its very heart—the Papacy itself". [30] Not only did the Papacy place "itself at the mercy of the parochial secular states", [31] it placed the individual christians at the mercy of the secular sovereigns, who henceforward began to claim exclusive jurisdiction over their citizens. The latter consequence, no doubt, is the more tragic one.

The existence of an all-European system of norms began to disappear when the parochial secular states liberated themselves from Papal supremacy and turned to the divisive principle of the territoriality of law developed by the feudal institutions to replace the more unifying principle of the personality of law. In the process of rejecting the spiritual force of Christendom, together with the political power of the Holy See, they also rejected the all-European system of norms which had equally bound the monarch personally, and in his relations with other monarchs, as it had bound individual Christians in their relations with each other. Thus liberated from such a system of norms, modern international law was divorced from all-European law. In its development in modern times, international law came to reflect the power relations between secular states and ceased to be inspired by the spiritual conviction that each individual was to be the chief subject of the law's concern. The individual disappeared as a subject of international law, at least until the post-1945 efforts towards international protection of human rights.

Even more tragic, probably, is that the emerging modern nation-state has been able to convert the individual's primary allegiance to the maker of all men and things into an almost exclusive loyalty to his own nation. It has reduced concern with the ideals of peace, unity and the common good, to the internal affairs of the modern state, while leaving international relations to the interplay of power between sovereigns and statesmen. Some nation-states in Western Europe no doubt have been able to translate these concerns into a legal system characterized by a workable democracy and concern for the individuals and his human rights. Other nation-states have fatally failed or refused to be concerned with these ideals and have subjected their citizens to totalitarian, dictatorial, or repressive rule. Powerful nation-states have attempted to export their ideals or ideologies by physical violence, unrestrained by the existence of an all-European system of norms.

Invariably, the individual, who ought to be the chief subject of the law's concern, has been the primary victim of power politics between nations or repression by their regime having unrestrained and exclusive jurisdiction over him. The absence of an all-European

system of law and norms—or a world system today—continues to face states with the unsoluble predicament in the latter between great power intervention in states violating human rights or acquiescence in such a situation for the sake of international peace.

European history may reveal that only a spiritual effort without resort to physical force could help postwar attempts to substitute a political world order for international anarchy. The lessons we may draw from history are of a negative character, however, and do not warrant a conclusion that Western nations could project their system on to the scene of post-war world affairs.

The Inadequacy of Modern International Law

Modern international law, as we have observed already in the preceding pages, reflected in its evolution the intoxication of successful resistance against papal and imperial supremacy as well as the effort of the emerging states to overcome the anarchy of the feudal system. A relative state of internal order in these states was achieved at the expense of a relative unity in the medieval world. The Catholic legal system of shared values, administered by a supranational structure of ecclesiastic tribunals, [32] which might have been a model for the law of nations was abandoned as the political powers of the Papacy declined. The law of nature, which also restrained the sovereigns in their dealings with each other, was replaced by the theory of the state of nature, by which sovereigns had no other criterium than self-interest and *raison d'État* to guide their mutual relations. The divorce of international law and relations from internal law and social requirements also removed the constraints upon war that might have been exercised by the interests of the population. "A monarch's hunger for land, which he shared with other landowners, did not depend on the consent of his country before it could be gratified. Everyone knows—wrote Honoré Bonet at the end of the fourteenth century—that in the matter of deciding on war, of declaring it, or of undertaking it, poor men are not concerned at all". [33] Notwithstanding the constitutional provisions with respect to the declaration of war in the constitutions of modern and contemporary democracies, the influence of parliament or public opinion has remained negligible until the present day. [34] War determined the evolution of international relations in Europe. The outcome of wars, embodied in peace treaties, determined the development of international law.

If we look beyond that part of the "law" which merely reflects shifting power relations—e.g., the territorial rearrangements of

peace treaties—we cannot but be struck by the utmost inadequacy and poverty of legal development in the formative era of international law.

Even the Congress of Vienna in 1815 and the nineteenth century made few contributions towards a workable system of international law. Their contributions have been of a two-fold character.

First, a number of attempts have been made to attenuate the human consequences of international anarchy and to introduce methods for the settlement of minor disputes. Among them we could list the Vienna declaration and subsequent conventions to suppress the slave trade, several conventions to protect religious minorities and conventions aimed at humanizing warfare (the Red-Cross conventions and the conventions adopted at the Hague Peace Conferences of 1899 and 1907). With respect to the settlement of minor disputes, the two Hague Peace Conferences adopted conventions on arbitration and conciliation.

Secondly, nineteenth-century developments have been marked by the attempts to adapt international relations to the consequences of industrialization especially with respect to the requirements of modern transport and communication. Among them we could list the declaration and subsequent conventions with respect to the free navigation on international rivers and the creation—in the second half of the century—of a number of administrative unions: the Universal Postal Union, the Universal Telegraphic Union and a variety of conventions on railway traffic, radio telegraphy, public health and others.

During the nineteenth century these developments have had little impact on general international relations. It is only after the creation of the League of Nations that these efforts began to shape European perspectives on world order.

In the time-dimension of European history the formative era of international law is offering few perspectives on world order in our contemporary world. The system of relations it reflects broke down in the 1914-1945 period. Some of the techniques and institutions developed in this era have proved their worth for the postwar system. Conceptually, however, the "public law of Europe" represents the antithesis of the legal system the present world would require to promote world order. It developed as the antithesis to the medieval conception of a *respublica christiana*.

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NOTES

1. Nussbaum, *A Concise History of the Law of Nations*, New York 1945, p. 17 (revised edition).

2. Nussbaum, *op. cit.*, p. 61.

3. For the relations and the consequent development of "international law" between Europe and other countries, see Chap. 2, *infra*.

4. Toynbee, *op. cit.*, p. 38.

5. *The New Cambridge Modern History*, Vol. !V, *The Decline of Spain and the Thirty Years War, 1609-59*, Cambridge, 1970. From the "Introduction" by J.P. Cooper, p. 4.

6. Wil and Ariel Durant, *The Lessons of History*, New York, 1968 (tenth printing), p. 81/82, emphasis added.

7. *Op. cit.*, p. 83.

8. Peace of Westphalia (1648), Peace of Utrecht (1713), Congress of Vienna (1815), Conference of Versailles (1919).

9. Friedmann, *The Changing Structure of International Law*, London, 1964, p. 3.

10. See McNair, *The Law of Treaties* (2nd ed.), Oxford, 1961, pp. 206-210. The rule is rejected explicitly in the new Vienna Convention on the Law of Treaties, Art. 51 and 52.

11. The period beginning between 1492-1648.

12. The restriction to the history of European or Western civilization is an arbitrary choice. It appears to be justified in the context of this book, in which I have chosen for european perspective on world order.

13. This term is borrowed from Toynbee, *op. cit.*

14. Jaspers, *Die Atombombe und die Zukunft des Menschen*, München 1958, uses the term "Ueberpolitisch".

15. Friedmann, *op. cit.*, pp. 4 ff. In paraphrasing his propositions I have joined his fourth and fifth ones; and added point *(e)*.

16. As quoted in Nussbaum, *op. cit.*, p. 118.

17. From "The Age of Louis XIV", as quoted by Bozeman, *Politics and Culture in International History*, Princeton, 1960, p. 238/39.

18. Toynbee, *op. cit.*, p. 210.

19. *New Cambridge Modern History*, Vol. IV, *op. cit.*, p. 307 (Chap. XI by E. A. Beller).

20. *Op. cit.*, p. 358.

21. Webster, *The Congress of Vienna 1814-1815*, London, 1963, p. 74.

22. Pirenne, *La Sainte Alliance*. Organisation européenne de la paix mondiale, Neuchâtel, 1946.

23. Article 6 of the Treaty of Paris of 20 November 1815 between Russia, Austria, Prussia and Great Britain. France was admitted to the club in 1818.

24. From the abundant literature on the period 1870-1914, see especially Taylor, *The Struggle for Mastery in Europe, 1848-1918*, Oxford, 1957.

25. *Op. cit.*, p. 496/497.

26. Bozeman, *op. cit.*, p. 250.

27. Toynbee, *op. cit.*, p. 199.

28. Bozeman, *op. cit.*, p. 263, emphasis added.

29. Toynbee, *op. cit.*, p. 201.

30. *The Cambridge Medieval History*, Cambridge, 1957, Vol. V, *Contest of Empire and Papacy*, Chap. IX, p. 321 (by A. J. Passant).

31. Toynbee, *op. cit.*, p. 202.

32. See further, Bozeman, *op. cit.*, pp. 261 ff. and Pollock and Maitland, *The History of English Law*, Cambridge, 1923, Vol. I, p. 114.

33. *The New Cambridge Modern History*, Vol. I, *The Renaissance 1493-1520*, Cambridge, 1967, p. 261, edited by G. R. Potter. (Chap. IX by J. R. Hale).

34. Compare my *European Organizations and Foreign Relations of States*, Leyden, 1964 (second printing), Chap. V.

Chapter 2

THE SPACE-DIMENSION IN EUROPEAN HISTORY:
CONTACTS BETWEEN EUROPE AND OTHER
CIVILIZATIONS

"Throughout a period of more than two-and-a-half centuries (from
the last and abortive assault on Vienna by the Ottoman Empire in
1683 to the end of the Second World War 1945), the Western
Powers had virtually no others to reckon with outside their own
circle, and, on the material plane, the destiny of all Mankind out-
side that circle was therefore determined by the course of the
mutual relations between those Western Powers. Since 1945, how-
ever, this Western monopoly of power in the world has come to an
end . . . non-Western powers began once again to play major parts
in the arena of power politics, not in a Western framework, but on
their own terms; and this reversion to normality has reintroduced
a cultural conflict into a political arena which, for some 250 years
past, had been reserved for the domestic political quarrels between
Powers that were all alike native or naturalized members of the
single Western modern *Kulturkreis*".[1]

The tendency among international lawyers to limit their explo-
ration of the past to the formative era of international law in
European history has been challenged in the previous chapter on
the basis of the time-dimension in European history itself. In the
space-dimension of contact between Europe and other civilizations
in the world—the subject of our present exploration—such ten-
dency appears as an even more striking aberration in historical
analysis. The opening quotation (from Toynbee's *Study of His-
tory*) rightly points to the exceptional character of the short peri-
od in history (1683-1945) in which the course of relations be-
tween Western "parochial states" has dominated international rela-
tions. In the present perspective of the space-dimension of history,
moreover, one historical fact already underlined in the previous
chapter stands out even more clearly. The "public law of Europe"
—as I wrote—in modern times reflected the continuously changing
relations among an extremely limited group of European great
powers. In the perspective of contact between civilizations, *the
limitation to a small number of European actors has been even
more striking.*

The group of European powers which engaged in policies of discovery, expansion and colonialism was restricted to Portugal, Spain, the United Provinces of the Netherlands, England, France and—only in the late nineteenth century—Germany and Belgium.[2] At the beginning of the era of the Western monopoly of power in 1683, the influence of Portugal and Spain had already declined markedly. The influence of the United Provinces declined throughout the eighteenth century. As a consequence, the "destiny of Mankind" was determined primarily by the mutual relations between France and England until 1880. Thereafter, Germany joined in the "scramble for Africa"; whereas Germany, Russia, Japan and the United States joined France and Britain in the struggle for influence in China. The great powers were willing to grant Leopold II of Belgium his Congolese possession, but the latter never acquired any role of significance in the partition of Africa. The period of the Western monopoly of power, therefore, was marked primarily by an Anglo-French contest for mastery in their efforts to reduce the colonial power of Portugal, Spain and later the United Provinces.

The extent of their contest became clearly visible in the middle of the eighteenth century. With the decline of Muslim rule in India, the intervention in Indian affairs after 1748 acquired new dimensions, opposing the English to the French efforts in building an empire in India. A similar contest developed in the Caribbean and North America before and during the Seven Years War (1756-1763).

"Whilst the struggle of Prussia for existence was the main theme of the war in Europe", the other part was: "the worldwide struggle between Great Britain and France, which had commenced in the New World in 1754, though war between them was not officially declared until May 1756".[3]

It is this period of the Western monopoly of power, based upon the technical superiority of a few Western states, which has marked the Westernization of the world. The competition between these "rival local Western states" has been "one of the major driving forces behind the West's expansion, and political divisiveness has been one of the salient features that the process of Westernization has imposed on the political landscape of the globe".[4] In a later part of his *Study of History*, Toynbee concludes from this era of Western domination that "the West can galvanize and disrupt, but it cannot stabilize or unite".[5]

The reception in other world civilizations of the Western conception of the nation-state has been the most salient feature of the

process of Westernization. The emerging European kingdoms won their sovereignty by successfully resisting papal and imperial supremacy in the European Middle Ages. The new states of the civilizations outside Europe have successfully liberated themselves from Western domination, in our century, by employing the European conception of the nation-state against the West. This extraordinary success of "Westernization" may explain why many writers and exponents of international law see contemporary changes as extensions and modifications, rather than basic challenges, to the structure of international law and relations developed in modern European history. In so doing they fail to distinguish between at least two variants of the Western conception of the nation-state, of which only the first one could be termed as conducive to world order.

In its first variant, the conception reflected successful resistance against papal and imperial overlordship. In our days it has reflected successful resistance against Western colonial domination.

In its second variant, however, the conception has reflected—and increasingly so during the era of the Western monopoly of power—the rising desire of *a few great European powers for economic growth and territorial expansion.* To the extent "Westernization" in our days is reflecting the first variant, the principle of "sovereign equality" may be termed a cornerstone of contemporary international law for the sake of protecting the weak against the mighty. To the extent, however, that Westernization reflects the second variant, the conception of the nation-state is clearly disruptive. As we saw in our previous chapter, and shall further see in the present one, the "public law of Europe" primarily reflected the second variant. It should therefore be seen as the antithesis of, rather than the forerunner for, a legal system the world would need to achieve world order.

The arguments for this conclusion can be found in the law itself, but only if we try to consider the law in the context of the evolving contacts between Europe and other civilizations over a longer period than the one covered in the opening quotation of this chapter.

Contacts between Europe and Other Civilizations: From Holy War to Western Superiority

The contacts between Europe and other civilizations have been determined by a variety of circumstances and perceptions shaped

by cultural roots, geography, religion, European political disunity and technological superiority. For the purpose of this book I shall only deal with direct contacts between Europe and other civilizations.[6]

Europe's first contact with another contemporary civilization presented itself in the form of an *external threat*, followed by prolonged warfare (for almost ten centuries) and ultimate European victory.

"The migration of the Teutonic tribes and the expansion of the Saracens form the basis of the history of the Middle Ages".[7] The migrations sealed the collapse of the Roman Empire and laid the foundation for the development of the West. The expansion of the Saracens—following the birth of the Islam—began as a movement to undo Hellenic and Roman domination and culminated in an enduring threat to the emerging Europe. It brought the Moors into the Iberian peninsula in 711 and as far north as Tours or Poitiers where they were defeated by Charles Martel in 732.[8] Arab rule maintained a continuous foothold—though in gradually shrinking territory—on the Iberian peninsula until the Moorish kingdom of Granada was finally eliminated in 1492. After the victories over the Saracens in Spain, Sardinia and Sicily in the ninth and tenth centuries, the center of attention in the military struggle between Christendom and Islam shifted to the East where the Byzantine Empire was engaged in continuous fighting with the Saracens. During the eleventh century the center of political power in Islam shifted to the Seljuk Turks and, later in the thirteenth century, to the Ottoman Turks.[9] The expansion of the Ottoman Empire into south-eastern and central Europe began when Turkish bands crossed the Dardanelles in 1353. This expansion was marked by the conquest of Constantinople and the fall of the Byzantine Empire in 1453,[10] and reached its outer-limits when the Sultan laid siege to Vienna in 1529. From 1529 up to the second siege of Vienna in 1683 the continuous Ottoman campaigns against Austria had been indecisive, although the Sultan captured Cyprus (1571) and Crete (1669) from Venice. With the defeat of the Turkish forces at Vienna in 1683 the tide finally and definitely turned. The Ottoman Empire had ceased to be a threat to Europe.

The continuous fighting between Christendom and Islam for almost ten centuries has profoundly influenced European attitudes in their contacts with other civilizations.

After the Moorish expansion in the West during the eighth century and the successful counter-attacks in the ninth and tenth

centuries, the launching of the first crusade to the Holy Land by Pope Urban II in 1095 can be seen as the second stage in the military conflict between Christendom and Islam.

The papal call to arms against the Muslims as the enemies of God was a call to Holy War: "Those who lose their lives in such an enterprise will gain Paradise and the remission of their sins". [11] It may also have been motivated by the hope of the Papacy to realise "their far-reaching vision of an universal church" [12] going beyond the boundaries of Europe. The papal appeal to rescue the Christians of the East had been inspired also by an attempt to undo the schism of 1054 and restore the East to Roman obedience by force. East and West had diverging aims in the enterprise, but it was not until 1204 that the fourth crusade turned against the East by capturing Constantinople and establishing their "Latin Empire". Constantinople was reconquered in 1261, but the East Roman empire ceased to be an effective barrier against the rising power of the Turks. When the Byzantine emperor tried to revive the union with Rome in 1439 and 1452—under the Turkish threat—he was met with a condemnation by the patriarch of Constantinople (1443) and a refusal by the population (1453). At the same time, Pope Urban II and his successors—as far as the seventeenth century—also considered the crusades as a useful instrument to assert papal supremacy over temporal rulers in Europe. The first crusade was an appeal to the Christian kings: "to turn their weapons against the enemies of God, in place of warring with one another as they do". [13]

Throughout the twelfth century the popes considered the crusades as a paramount instrument for providing the Papacy with moral support and recognition of their leadership in their struggle with the secular powers. "For the crusades were a living parable of the doctrine of the superiority of the spiritual sword". [14] For the same reason, the crusades never found sufficient support with the European princes to make it into an effective united army.

The crusading spirit brought to life by the medieval church has profoundly influenced the European approaches to contact with other civilizations and among themselves.

It has, first of all, compromised the very spiritual basis of the church itself in its efforts to spread the non-violent gospel of its Founder by force of arms. The church's practice to bless the arms and the soldiers who carry them "in the just cause", instead of "blessing the meek" who work for peace and suffer prosecution [15] as Christ had taught his disciples, has destroyed the spiritual force of the Church until our present days.

The perversion of the spiritual force of Christendom, also, could not be confined to meeting the threat of the Muslim Turks in "Holy Wars". It soon spread to the intra-european wars between Christians themselves and to the European expansion over the world, which began with the Portuguese and Spanish discoveries in the fifteenth century.

As early as the thirteenth century the crusading spirit began to be used as a weapon in the struggle against the empire; in the expedition of Prince Louis against the English king; and in the papal feud with the Hohenstaufen. Its adverse effects upon the conduct of international relations can be traced to our present time. "The two world wars of the twentieth century, for example, were advertised widely and fought by many people in the Western European cultural realm as crusades against despotism or as 'just wars to end all wars' ". [16] Even in our postwar era the crusading spirit lingers on in the ideological struggle between East and West as exemplified by Soviet conceptions on "just wars of liberation" and Western conceptions on the defence of the "free world". It has finally eliminated the very Church which unleashed the crusading spirit in 1095 as a spiritual force of any significance in the modern world. But also the Church itself has not recovered from its perversion of the spiritual force of christendom, as we can read from its faltering pronouncements on peace, just war, revolution and non-violence. [17] It is probably one of the deepest tragedies in European history that a church—facing the unique[18] challenge of a separation between spiritual and temporal power—has responded with the effort to gain political supremacy rather than unfettered spiritual radiation.

The crusading spirit has also profoundly affected the modern history of contact between Europe and other civilizations in a more direct way. One of its impacts, at least originally, appeared to be more consonant with the teachings of the gospel. As early as the thirteenth century Francis of Assisi, "the most truly religious mind of the West had begun to turn from the propagation of the Kingdom of Heaven by force to the project of converting the heathen by persuasion, from militant Crusades to peaceful Missions". [19]

Although his spirit of peaceful missions has continued to send courageous and self-sacrificing missionaries all over the world until our present days, the efforts to employ peaceful missions for the sake of meeting the Muslim threat and spreading western power (later) have too often compromised them in a lasting way. As early as 1252 King Louis IX sent the Franciscan William of Rubruquis

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to the Great Khan in central Asia to convert the new Mongolian Empire to christianity. In so doing he hoped that the Great Khan would descend upon the rear of the Turks,[20] so as to assist Christendom in its struggle with Islam. The political objectives behind peaceful missionary activities have had an adverse effect especially in the European contacts with the old civilizations of Asia.[21] Missionary activities were not only conceived as culturally disruptive, they were often rejected as being the religious arm of Western political domination. The boxer rebellion in China, for example, was aimed as much against Christian activities as it was against the presence of the great powers. "The main irritant to the mass of people was the presence of foreign missionaries and the activities of Chinese Christian converts".[22] It had not been forgotten that the missionaries had won their right to live and teach in China as a consequence of the latter's defeat in the opium war (1839-1842).

Another impact of the crusading spirit can be observed in the early Portuguese and Spanish activities to explore a sea-way to the East: the beginning of European discovery and expansion.

When Vasco da Gama began his voyage to the East in 1497, sailed around the Cape and reached Calicut, India, in 1499, several motives played a role. Geographical knowledge following Copernicus' discovery in 1473 was one of them, and the interest in the spice trade was another. The most important motive, however, was the attempt to find a sea-way to India around rather than through the Muslim world and to spread missionary activities to lands in the rear of the Ottoman empire. Similar motives had brought the Spaniard Columbus on his voyage, beginning in 1492, to explore a "western" route to the East. When he found new and unexpected land (the islands of the Caribbean), his discovery was met with deception, if not hostility. He was nevertheless allowed to make a second voyage for the purpose of settling a colony on Hispaniola. This decision to explore the lands of the "New World" for the purpose of permanent settlements would have far-reaching consequences for the emerging pattern of contact between Europe and other civilizations. The Portuguese had confined themselves primarily to building fortified ports and trading centers along their route to India to protect and control their trade.[23]

The decision to build permanent settlements in the New World converted the original motive to circumvent the Muslims into a competition for gold, land and slaves; and ultimately for expansion and *imperium*. The original motive of a Muslim threat receded to the background until it disappeared completely with the Turkish

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Map 4.   The expansion of Europe. 1340-1600.   (Routes of the principal explorers)

ASIA

EUROPE

AFRICA

NORTH AMERICA

SOUTH AMERICA

(AUSTRALIA)

Approximate location of the demarcation line
between spanish and portuguese sovereignty.

—·—· according to the treaty of Tordesillas (1494)

········· according to the Papal Bull (1493)

SPAIN and spanish discoveries
—·—· Spanish routes

PORTUGAL and portuguese discoveries
—— Portuguese routes

England and english discoveries
········· English routes

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defeat at Vienna in 1683. In the last rounds of the conflict between the West and the Ottoman Empire, the struggle with "the Infidel" was left primarily to Austria, notwithstanding offers for assistance and papal efforts to use the threat for the benefit of European unity. The spirit of competition had achieved too strong an influence on the minds of European sovereigns.

The crusading spirit, however, remained vigorous also in the subjugation of the New World. The Spanish invaders of Hispaniola, it is said, exacted from the subjugated Indians "tribute and forced labour in return for conversion and protection. Against the wild Indians, they waged relentless war". The Spanish *conquistadores* of Mexico also had "a passionate longing to strike down the heathen and to win souls for Christ". [24] It is true that two influential Dominicans, de Montesinos and de Las Casas, raised their voices against conversion by force and in defense of the rights of the Indians. They did not have any lasting effect upon Spanish governmental circles and the invaders themselves. Dissociated from the motive to fight a "Holy War" against equally motivated Muslims and an equally powerful adversary, the crusading spirit found a new ally in the greed for gold, land and slaves. The "indians"—the name is significant—the settlers found in their path were not equally powerful or equally motivated adversaries, but "natives living in the state of nature". Some eighteenth-century philosophers may have been thrilled by the image of "idyllic societies", the reality of the encounter between Europe and the civilizations of the new world was completely different. The alliance between the crusading spirit and the greed for gold, land and slaves—upon encountering virtually powerless Indian tribes—bred the much more dangerous *secular spirit of Western superiority*.

It was based originally on the "religious nullity" of the heathen, on the "cultural nullity" of the "wild indians" thereafter, and finally on the "political and economic nullity" of the natives. It found its ultimate and most vicious expression when it came to be based on the "under-dog's nullity as a human being" by branding him as an "inferior race". [25]

The secular Western spirit of superiority—born in the era of the West's monopoly of power—has thus bred one of man's most heinous modern ideologies. "Few ideologies—writes Hannah Ahrendt —have won enough prominence to survive the hard competitive struggle of persuasion, and only two have come out on top and essentially defeated all others: the ideology which interprets history as an economic struggle of classes, and the other that interprets history as a natural fight of races". [26]

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This ideology—the origin of which can be traced to Europe's encounter with other civilizations—also found its way into European power politics itself as an ideology to underpin—especially French, English and German—patriotism, and ultimately as an ideology to serve Nazi-Germany in its extermination of the Jews.

Both ideologies have, in the twentieth century, turned against Europe itself.

Contact between Europe and Other Civilizations: From Religious War to Secular Power Politics

Having followed so far the line along which the conception of the Holy War produced the crusading spirit and finally led to the secular spirit of Western superiority, we may now turn to another line of evolution in the contact between Europe and other civilizations, which can be traced back to the religious wars with the Muslims.

Ever since Christianity became the official religion of the Roman Empire the early pacifism and nonresistance to violence displayed by the early Christians was replaced by a theological revival of the Roman doctrine of just war. [27] The doctrine, as it developed in later centuries during the Middle Ages, reflected the Church's double concern for the Holy Wars with the Muslims and the struggle for supremacy with the Empire and the emerging kingdoms in Europe. The fundamental unclarity and ultimate untenability of the doctrine reflected the dilemma of the Church. On the one hand its leader had decided to engage in the use of physical violence—either in appeals for Holy War with the Muslims or in political feuds with the Emperor and European kings. On the other, he maintained his claim to be the vicar of St. Peter and of Christ (since the eleventh century), who had preached non-violence. The doctrine as it came to be formulated by Thomas Aquinas in the thirteenth century [28] dealt with the very relevant question of those days whether it was always a sin to wage war. The question had become of importance also, because the original lines of distinction between "private wars" and "public wars" had "tended to become blurred, since the church was not only the international arbiter of Western Europe's internal and external affairs, but also a separate political power which had to defend its claim to absolute superiority against foes within as well as outside Western Europe". [29] Until the twelfth century, public wars, i.e., wars of the West against foreign enemies, were just wars, and private wars, i.e., wars between separate Christian rulers, were seen

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as unjust wars.

Thomas' answer in the negative and the subsequent doctrine rested on two pillars. [30] A war was just when it had been *properly authorized* and when it had a *just cause*, and the belligerent had the *right intentions* (to promote the good and to avoid the evil). Whereas questions of just or unjust causes and good or evil intentions were considered to belong to the jurisdiction of the Church (as the spiritual power), only the Pope had the final proper authority. So formulated the doctrine had at least three fundamental shortcomings.

First, it did not answer the question whether it was a sin to wage war, but confined itself to exonerating the individual from guilt by delegating his conscience to the proper authority. This *denial of a person's responsibility*—based on the Christian's allegiance to the maker of all men and things—paved the way for the *denial of his rights* in international relations.

Secondly, the doctrine's reliance on a proper authority disregarded the fundamental prerequisite for such authority in case of war or conflict: that is its independent and non-partisan position vis-à-vis the parties in a war. The Church hardly ever could claim such a position during the Middle Ages—neither in the Holy Wars against the Muslims, nor in most intra-european wars. When the Church finally gained some form of "neutrality" in this century it had lost all authority to decisively influence international events.

Thirdly, the doctrine also and fatally disregarded the fact that the use of physical violence itself involved a high amount of evil, producing more and more evil as it went on. The waging of war can never be intrinsically the proper instrument to promote good. At best, a defensive war can be justified for the purpose of avoiding a still greater evil.

The attempts of the Church—ever since the fourth century—to justify the use of physical violence, rather than to resist and restrict it, is another example of the victimization of the spiritual effort towards world order in Europe. In Europe's contact with other civilizations the justification of religious war and crusades prepared the ground for the justification of war against the Indians in the new world, and "non-Christian" peoples around the world. In the new world such justification was easily available as soon as the Holy See had granted territorial sovereignty to Spain and Portugal over the Indian lands by Papal Bull. Elsewhere the justification was found in the necessity to protect traders, missions and missionaries.

When political disunity and power-politics between national

Map 5. The expansion of Europe. 1600 - 1700. (Settlements)

ASIA

EUROPE

AFRICA

NEW HOLLAND
(AUSTRALIA)

NORTH AMERICA

SOUTH
AMERICA

UNITED NETHERLANDS,
dutch colonies and trading posts

ENGLAND, english colonies and trading posts

FRANCE, french colonies and trading posts

PORTUGAL, portuguese colonies and trading posts

SPAIN, spanish colonies

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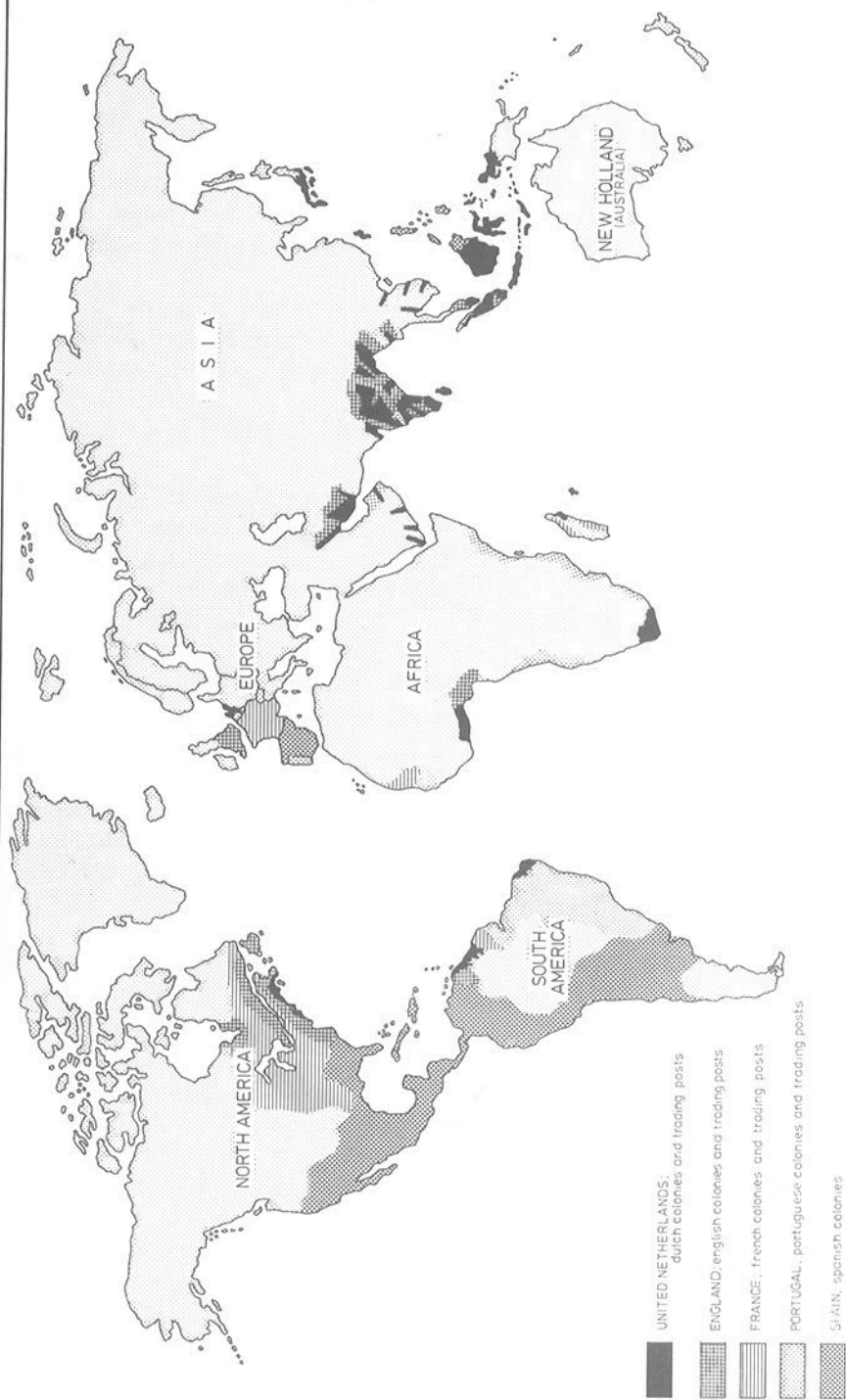
sovereigns won the day over the struggle between Pope and Emperor, the doctrine could easily be transformed into a secular doctrine to justify national policies. As power politics began to be substituted for religious struggles in Europe, political power and no longer any religious consideration began to determine the relations between states in Europe and other civilizations. Three significant examples can be mentioned in this respect.

Russia was admitted to the select group of the "most Christian" sovereigns—the European great powers—when it proved to be a great power in international relations. It won its admission ticket to political Europe when Peter the Great decisively defeated the Swedish king Charles XII at Poltava in 1709.

Japan was granted equality as a great power in international relations after its successful process of Westernization since 1868 had proved its dividends in the wars with China and Russia.

Even more interesting are the relations of Europe with its original foreign enemy, the *Ottoman Empire*. We have already observed that the Ottoman threat had not been conducive to unity among the European sovereigns. The threat, however, did not refrain European sovereigns from seeking relations with the "infidel". As early as the 1530's—shortly after the first siege of Vienna—Francis I of France was developing growing friendship with the Sultan so as to relieve the pressure of the Habsburgs on his own kingdom. The Portuguese originally maintained that no duties were owed to those outside the Christian fold and that the natural relationship with the Muslims was war. In an early stage of their explorations to the East they had already accepted that trade agreements with the Muslim were licit, and by the seventeenth century, regular political relations with the Muslims had become a well-established practice. [31] Treaty relations between Turkey and European powers began to develop more markedly after the former had ceased to be a threat to Europe (1683), but continued to be an interesting participant in European power politics. In 1856, finally, Turkey was admitted to "participate in the advantages of the public law and the concert of Europe" by virtue of the Treaty of Paris (30 March 1856) ending the Crimean war. The "law between christian states" was rechristened as the "law between civilized nations" for the purpose of obtaining Turkish assistance against Russian influence. It sealed—if a seal were still needed—the end of any religious element in the contact between Europe and other civilizations. This secularization of inter-state relations may be an asset for the contemporary world system of "competing societies" in so far as it can contribute to the *spirit* of *tolerance* in a multi-cultural

world. Tolerance, however, is an achievement rather than a gift. And nobody will gain when ideological competition merely takes the place of religious strife, nor when tolerance is only the attitude of convenience among great powers. The foremost problem remains that the secularization of inter-state relations has so far failed to find an adequate answer to man's personal responsibilities and rights which were lost in the medieval doctrine of *bellum iustum*.
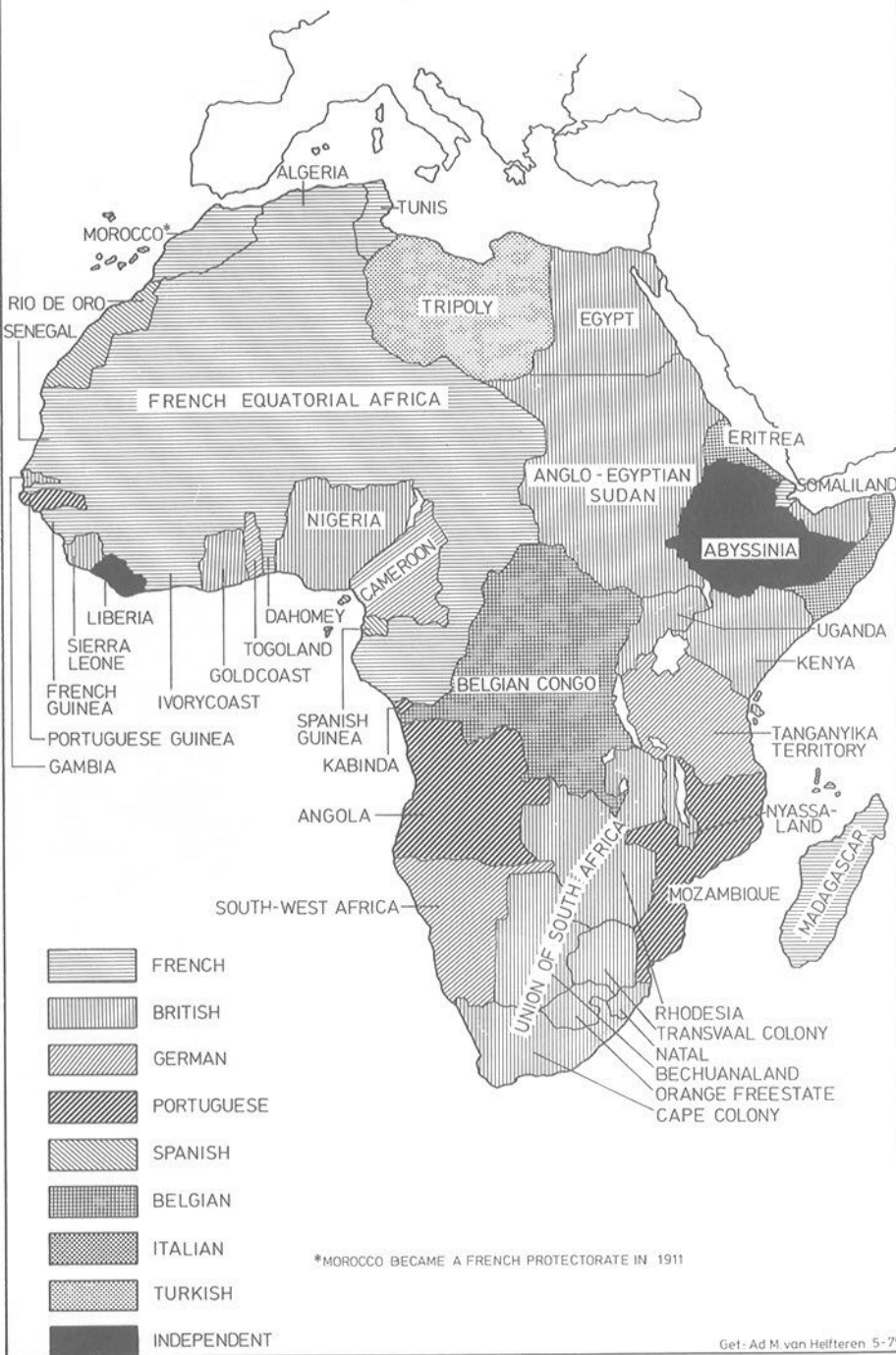
Contact between Europe and other civilizations: the victimization of international law

International law, as it developed in the modern era of European history, primarily reflected the shifting relations between the European great powers. [32] As the relations between European powers and other civilizations during this era were marked by *inequality* and Western domination, a reorientation of our thinking on international law and European perspectives on world order appears even more necessary than in the context of Europe's own history. Such reorientation is already taking place in the field of the law of treaties, especially with respect to the so-called unequal treaties of the colonial era. [33]

Our reflection on the history of contact between Europe and other civilizations suggests, however, that we should probe into the basic principles underlying the law itself to guide such reorientation. In this section I shall confine myself to reviewing three significant examples.

The first one concerns the principle underlying *territorial jurisdiction*. In feudal times and the subsequent era of dynastic conflicts in Europe, territorial jurisdiction was governed by the private law conceptions of property and possession. When the Portuguese and Spanish explorers set out to invade the New World, the territories inhabited by the Indians were seen as *terra nullius* under European law. The Holy See claimed a plenitude of power for itself over the whole earth. As a consequence, Pope Alexander VI in 1493 established by the Bull *Inter Caetera* the demarcation line between the American territories he *donated* to Portugal and Spain. [34] Although Spain and Portugal agreed to a different line of demarcation—in the Treaty of Tordesillas of 1494—they did not challenge the authority to deal with Indian territory as *terra nullius*. The authority and the Spanish claims based thereupon were challenged from the sixteenth century onwards by the Dutch, French and English as part of their attempts to break the Spanish monopoly and to settle in the New World In the seventeenth

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Map 6. THE PARTITION OF AFRICA

ALGERIA

TUNIS

MOROCCO*

TRIPOLY

EGYPT

RIO DE ORO
SENEGAL

FRENCH EQUATORIAL AFRICA

ERITREA

SOMALILAND

ANGLO - EGYPTIAN
SUDAN

ABYSSINIA

NIGERIA

CAMEROON

LIBERIA

DAHOMEY

SIERRA
LEONE

TOGOLAND

GOLDCOAST

FRENCH
GUINEA

IVORYCOAST

SPANISH
GUINEA

PORTUGUESE GUINEA

UGANDA

KENYA

BELGIAN CONGO

TANGANYIKA
TERRITORY

KABINDA

GAMBIA

ANGOLA

NYASSA-
LAND

MADAGASCAR

SOUTH-WEST AFRICA

UNION OF SOUTH AFRICA

MOZAMBIQUE

RHODESIA

TRANSVAAL COLONY

NATAL

BECHUANALAND

ORANGE FREESTATE

CAPE COLONY

FRENCH

BRITISH

GERMAN

PORTUGUESE

SPANISH

BELGIAN

ITALIAN

TURKISH

INDEPENDENT

*MOROCCO BECAME A FRENCH PROTECTORATE IN 1911

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century English policy shifted from raids on Spanish possessions to "peaceful" [35] settlements in places not already occupied. The new policy required a new principle to challenge the Spanish claims. On the occasion of the negotiations for the Treaty of London of 1604, James I of England "declared himself willing to recognize Spanish monopolistic claims to all territory effectively occupied by Spain, but admitted no Spanish rights in unoccupied parts of America". [36] Through the truce of Antwerp of 1609, the principle of effective occupation as a basis for territorial jurisdiction was born. This principle of international law was based on the violation of the rights of the Indians. At the end of the nineteenth century the principle served as a basis for the partition of Africa among the great European powers. Up to our present day the territorial divisions in Africa reflect this partition, in which no attention was paid to the ethnic or cultural situation of the continent. It should be admitted that territorial divisions in Europe equally reflected territorial possession as established by the latest war, while ignoring the rights of the population. This latter fact, however, merely underlines the need for a more fundamental reorientation of thinking on international law than is customary today.

A comparable evolution can be observed with respect to the principle of *freedom of the high seas*. The demarcation line established by the Pope, and revised by Spain and Portugal, also involved a recognition of sovereignty over portions of the oceans. It was against Portuguese claims of sovereignty over the Indian Ocean, that Hugo Grotius proclaimed his thesis of the freedom of the seas in *Mare Librum*. In this case, however, he met with strong resistance also from the English. [37] Although his thesis finally prevailed, the extent to which the freedom of the seas prevailed continued to depend on the actual relationships between the colonial great powers.

As late as 1780 England claimed the right to search foreign ships on the high seas for contraband during the war with the North American union. The claim was effectively resisted by the armed neutrality convention (1780) involving the pledge to uphold and enforce the neutral rights of the contracting powers. [38] The freedom of the sea no doubt has been a suitable principle in the era of overseas expansion by European powers. As the oceans have now become vital arteries of communication and trade, important sources of food and wealth, and areas in need of supervision (e.g., to control pollution and prevent their use for military purposes), a régime for managing these international waterways

should replace the existing régime of freedom.

Our third and last example will deal with the issue of the *individual as the chief subject of the law's concern* in relations between Europe and other civilizations.

The inadequacy of the law in intra-European relations in this respect is only matched by the virtual lawlessness in relations with other civilizations.

As we have seen already, the Spanish and Portuguese settlers in the new world had little or no concern at all for the rights of the Indians. The two Dominicans, de Montesinos and de Las Casas, raised their voices against the treatment of the Indians and they were—more hesitantly—supported by the Spanish Dominican and jurist Francisco Vittoria. De Montesinos' plea for the Indians "produced the Laws of Burgos of 1512, the first European colonial code, which . . . enunciated three clear principles: the Indians were free men, not slaves; they were to be converted to Christianity by peaceful means, not by force; and they were to be made to work". [39] None of these Dominicans, however, recognized any equal rights for the Indians. According to Vittoria, the "pagan princes were duty-bound to admit Christian missionaries". Any resistance against the missionaries or any measure against converted Indians "would constitute a good cause for war". Moreover, under the rights and duties of hospitality, the Spaniards were entitled to travel among the Indians and carry on trade with them, to import goods and to export gold or silver or other wares of which the natives had abundance; contrary regulations by the Indian princes would be invalid as violating natural and divine law. [40] It needs little imagination to see Vittoria's natural and divine law as an example of supreme lawlessness, based on the self-asserted superiority of Christianity and supported by the unequality of power between the Spanish invaders and the native Indians.

During the seventeenth century several authors also defended the rights of Asian kingdoms. Historians such as Couto and Bocarro "made clear their acceptance of Asian Kingdoms into the comity of nations". Hugo Grotius stressed that Asian states "now have, and always have had, their own kings, their own governments, their own laws and their own legal systems" (Mare Librum). And he invoked Thomas Aquinas in arguing that Christians "cannot deprive infidels of their civil power and sovereignty merely on the grounds that they are infidels". [41]

Where Christian teaching apparently had not restricted the Europeans in their disregard for human rights of non-christian people, the secularization of the crusading spirit did not do better.

Harrison therefore concludes that "the new colonial era was ushered in to Coen's dictum: there is nothing in the world that gives one a better right than power and force added to right". [42]

From the denial of the rights of non-christians the step to the exploitation of any powerless non-European proved to be an easy one. The flourishing slave trade in the eighteenth century—in which all European colonial powers engaged—was the most vicious example. "The trade in African labour is very old, but the development of the New World in the seventeenth century had switched it from a northerly into a westward, transatlantic direction, and made slaving a more spectacular, as well as a more massive type of *Raubwirtschaft*". [43] The denial of human rights for religious reasons was replaced by their violation for economic profit. It was only after the loss of its North American colonies and the resulting disinterest in slave-labour that England began its "humanitarian" campaign against slave-trading. The campaign produced the eight power declaration on the abolition of slavery, annexed to the final act of the Congress of Vienna in 1815, and subsequent conventions concluded during the nineteenth century.

In the perspective of relations between Europe and other civilizations, the Westernization of the world and the fundamental lawlessness of the international law system developed during modern times do not appear to contribute to world order. Some instruments and techniques may be useful and some assets—the spirit of tolerance—may be built upon. The lessons which we can draw from the period of Western domination to guide our efforts for order in a multi-cultural world are primarily and overwhelmingly negative.

At the zenith of their power, European nations have consistently proven their inability to exercise self-restraint. At crucial moments in their contact with other civilizations, considerations of religious domination and intolerance and of power, greed and superiority, had prevailed over their Christian conception of man's equality for the maker of all men and things, and the secular spirit of equality and tolerance.

1. Toynbee, *op. cit.*, pp. 398/400.

2. Russia—although outside the area of European civilization—began its policy of colonial expansion on the mainland of Asia as early as the sixteenth century. Today, the Soviet Union is the only remaining colonial power.

3. *The New Cambridge Modern History, op. cit., Vol. VII*, "The Old Régime 1713-63", Chap. XX, p. 465 (by Eric Robson).

4. Toynbee, *op. cit*, p. 316.

5. *Op. cit.*, p. 443.

6. The contacts between Europe and the earlier Hellenic civilization can be called *indirect*, though the latter has decisively influenced the former.

7. *The Cambridge Medieval History, op. cit.*, Vol. II, "Foundation of the Western Empire", Chap. XI, p. 329 (by C. H. Becker).

8. See further *The Cambridge Medieval History, op. cit.*, Chap. XII (Prof. Becker). Becker explains their success by the fact that the rule of the Goths was deeply hated by the native population. "The Jews especially, against whom an unscrupulous war of extermination had been waged by the fanatical orthodox section, welcomed the Arabs and Berbers as their deliverers" (372).

9. The Ottoman rule collapsed in 1402, but Muhammed reunited the empire under Ottoman rule in 1413-1421.

10. Constantinople had been under siege in 1395, 1422 and 1453.

11. *Cambridge Medieval History op. cit.*, Vol. V, Chap. VII, p. 265 (by William P. Stevenson).

12. *Op. cit.*, p. 267/68.

13. *Op. cit.*, p. 265.

14. *Op. cit.*, p. 322.

15. The Sermon on the Mount, Gospel according to St. Matthew, Chap. 5.

16. Bozeman, *op. cit.*, p. 288. See also Merton, *Faith and Violence*. Notre Dame, Indiana, 1968.

17. The encyclical *Pacem in Terris* of Pope John XXIII stands out as an exception. Its basic ideas, however, are poorly reflected in the "teachings" of the Second Vatican Council and ever since. Compare this author's *Denken over Wereldvrede*, Assen, 1972.

18. Unique in comparison with other civilizations.

19. *Cambridge Medieval History, op. cit.*, Vol. V, Chap. IX, p. 325 (by A. J. Passant).

20. *Op. cit.*

21. See, e.g., Panikkar, *Asia and Western Dominance*, London, 1955 (third impression).

22. *New Cambridge Modern History, op. cit.*, Vol. XI, p. 439, Chap. XVI (by C. P. Fitzgerald).

23. The most important ones were: Goa (1510), Malacca (1512) and Ormuz at the entry of the Persian Gulf (1515).

24. *New Cambridge History, op. cit.*, Vol. I, Chap. XV, p. 434 ff. (by J. H. Parry). Also Bozeman, *op. cit.*, p. 289 ff.

25. The words between inverted comma's are borrowed from Toynbee, *op. cit.*, p. 430 ff.

26. *The Origins of Totalitarianism*, New York (new edition), 1966, p. 159.

27. For further reference see Bozeman, *op. cit.*, p. 268 ff. and Nussbaum, *op. cit.*, p. 35 ff. and the sources listed by them.

28. Note the historical context in which Thomas re-formulated the doctrine: it was the age following the four crusades, in which the crusading spirit was still very much alive, but began to be applied in intra-European wars. It was the age also in which St. Francis and others had raised their voices against the use of physical violence as such. See this Chapter, p. 46, *supra*.

29. Bozeman, *op. cit.*, p. 268.

30. See Nussbaum, *op. cit.*, p. 36, 37.

31. *New Cambridge Modern History, op. cit.*, Vol. IV, Chap. XXI, p. 671 (by J. B. Harrison).

32. Chap. 1, *supra*.

33. Compare, e.g., Röling, *International Law in An Expanding World*, Assen, 1964. Such reorientation is not yet apparent in the Soviet Union, as is shown in its border disputes with China.

34. Nussbaum, *op. cit.*, p. 63. See also map 4.

35. "Peaceful" in relation to Spain, not in relations with the Indians.

36. *New Cambridge Modern History, op. cit.*, Vol. III, Chap. XVII, p. 528 (by J. H. Parry).

37. See John Selden's essay of 1653: *Mare clausum sive de dominio Maris*.

38. Under the armed neutrality convention, Denmark-Norway, Sweden, Prussia, the Netherlands, Austria, Portugal and the Kingdom of the two Sicilies pledged to enforce their neutral rights on the sea, not only by convoying their own ships but also by giving aid and protection to the commerce of their fellow signatories against action by a belligerent. See, e.g., J. B. Scott, *The Armed Neutralities of 1780 and 1800*, New York, Oxford, 1918.

39. *New Cambridge Modern History*, Vol. I, Chap. XV, p. 438 (by J. H. Parry).

40. Nussbaum, *op. cit.*, p. 81.

41. *New Cambridge Modern History, op. cit.*, Vol. IV, Chap. XXI, p. 671 (by J. B. Harrison).

42. *Loc. cit.*, Jan Pieterszoon Coen was director of the Dutch East India Company.

43. *New Cambridge Modern History, op. cit.*, Vol. VII, Chap. XXIV, p. 566 (by J. Gallacher).

Chapter 3

FROM "THE WAR TO END ALL WARS"
TO THE PEACE THAT NEVER CAME

On 3 August 1914, the "Great War" had become an inescapable fact. Austria had already invaded Serbia; Germany and Russia were at war since 1 August; Germany had declared war on France; the German violation of Belgian neutrality was imminent; and the British House of Commons overwhelmingly approved the Government's decision to go to war over the violation of Belgium's neutrality. That evening, Sir Edward Grey, Britain's Foreign Secretary made the often-quoted remark: "The lamps are going out all over Europe; we shall not see them lit again in our lifetime".

It signalled not only the end of the nineteenth and the beginning of the twentieth century in European history. It was the beginning of the end of European domination itself in world history.

European world domination had already passed its zenith before the outbreak of the First World War. It eventually collapsed in 1945 when Soviet and American troops met each other at the Elbe as the first step to divide the continent into an American and a Soviet sphere of influence. A new era was born on the ruins of the era of European domination. It had not been the result of a foreign attack or an external challenge to which Europeans had been unable to respond. Europe had been laid waste by the Europeans themselves.

The new era was born in a transitional period of little more than thirty years, marked by two disastrous wars and an interregnum of crises and frustration beyond human imagination and endurance.

So excessive and senseless has been human suffering in this period through death in the trenches, on the battlefields, in concentration camps, in the cities and under totalitarian régimes, that its history should not be written in the fashionable "clean way". That is, the history of international relations as the recording of diplomatic activities before, between and after the wars.

"The bloody frenzy of the years 1914-1918 threw humanity into a state of confusion without any precedent. First the war,

Map 7. Europe in 1914.

Boundaries of Europe
Border in Europe of Russia
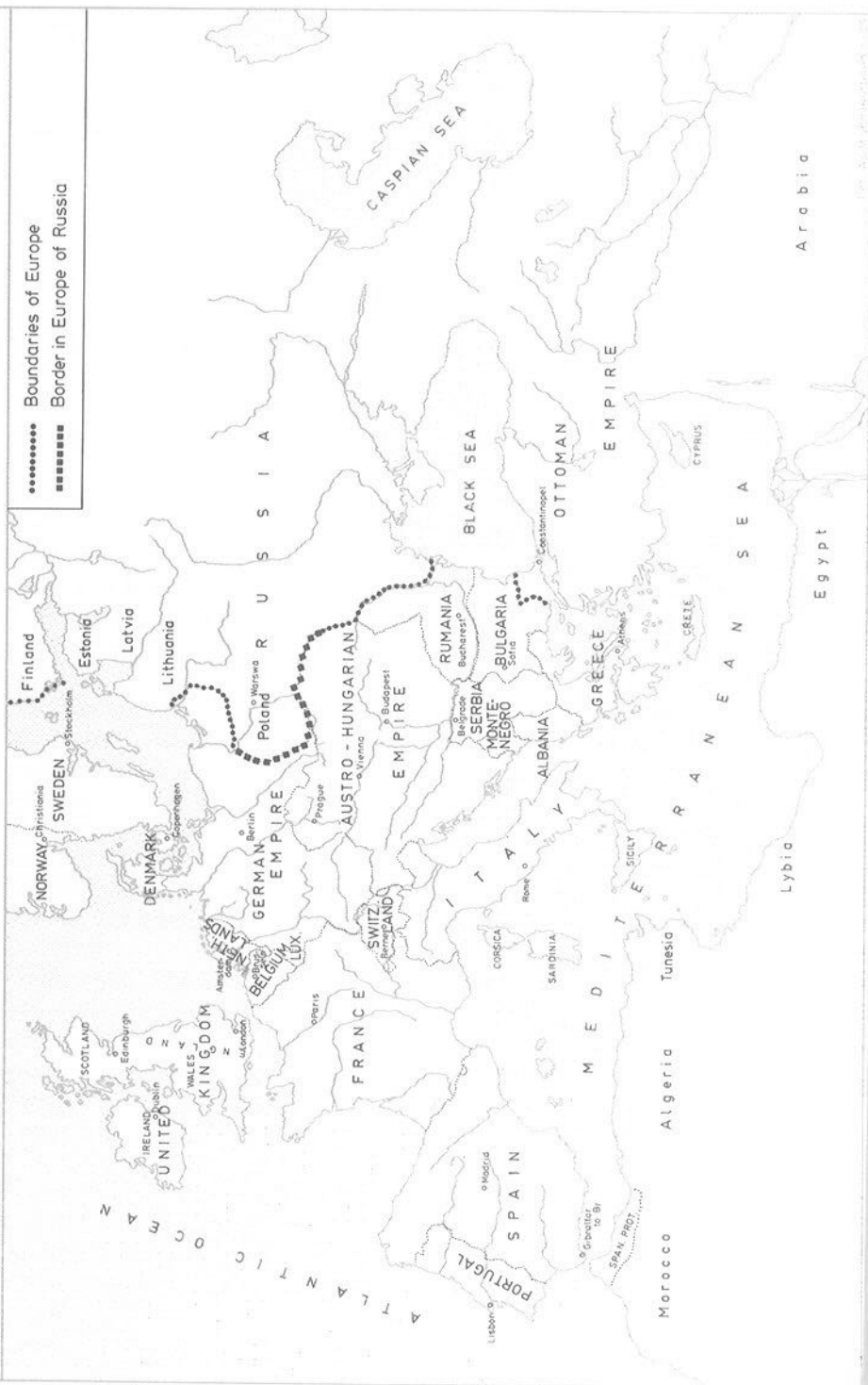
then the inflation that followed it, and finally the great crisis of 1929—which was widely regarded as the harbinger of the collapse of Western civilization—destroyed all sense of cohesion, continuity, certainty and confidence. Age-old moral constraints were swept away in the desperate rage which seized millions of people. Sacrosanct commandments and prohibitions were turned upside down by a false and distorted idealism—the violation of a precept became its fulfilment".[1]

It was in this climate that Hitler came to power in Germany and prepared for the Second World War and the extermination of the Jews. The Second World War consummated the collapse of Europe. After the trenches of the First came the concentration camps, extermination camps and bombed-out cities of the Second World War.

When the Second War ended with the unconditional surrender of Germany in May 1945, the affairs of Europe had been taken over by the United States and the Soviet Union.

The very depth of the crisis and the confusion in those thirty years of European history cannot be grasped in international political terms only. Nor can it be properly understood by merely describing the substitution of Soviet-American power for previous European supremacy in world affairs. An effort to come to grips with the demise of European power, should also reflect on the human tragedy that lies under the political surface. Such reflection should help us in understanding better the fundamentally different context in which European states could operate before 1914 and after 1945.

The Breakdown of Secular Power Politics in Europe

Since the Peace of Westphalia in 1648 and again after the Napoleonic wars, secular power politics between the European great powers had been based on the principle of a balance of power. In a previous chapter I have already traced the origins of the defeat of secular power politics based upon that principle to the conduct of great-power policies during the nineteenth century.

In spite of the deterioration of interstate relations in the prewar decades through the arms race and the succession of international crises, adherence to the cherished principle still guided most statesmen in their decisions to enter the war.

In 1914, the principle no longer reflected a reality of restraint in the limited field of diplomatic relations between sovereigns. More fundamentally, also, nationalism and technology had created

a situation in which diplomacy no longer was the preserved domain of sovereigns and cabinets. War could no longer be restricted to battle between armies in the field, without affecting civilian life. Divorced from reality, the balance of power had become an abstract principle. Unaware as they were of the human consequences of mechanized warfare, they had planned their initial operations with the aloofness of chess players considering their opening moves. This atmosphere of complete unreality with the planners of the war has been aptly described by Barbara Tuchman in her book *The Guns of August*. Many intellectuals, in their fascination with abstract principles, were equally misled at the outbreak of the war.

As Barbara Tuchman writes, "People entered the war with varying sentiments and sets of ideas. Among the belligerents some, pacifists and socialists, opposed the war in their hearts". Others welcomed it. The English poet, Rupert Brooke wrote:

> "Now, God be thanked Who has matched us with His hour,
> And caught our youth, and wakened us from sleeping.
> . . . Honour has come back, as a king, to earth,
> And paid his subjects with a royal wage,
> And Nobleness walks in our ways again,
> And we have come into our heritage".

To Thomas Mann, the German writer, the war was to be "a purification, a liberation, an enormous hope. The victory of Germany will be a victory of soul over numbers. The German soul is opposed to the pacifist ideal of civilization for is not peace an element of civil corruption?". Bergson—the French philosopher—believed that although the ultimate success of the Allies would require "terrible sacrifices", out of them would come, along with "the rejuvenation and enlargement of France, the moral regeneration of Europe. Then, with the advent of a real peace, France and humanity can resume the march forward, only forward, toward truth and justice".[2] Peace and the balance of power had been reduced to abstract principles in 1914. Whereas many Europeans had given pre-eminence to the equally abstract principle of national loyalty or national feeling, the organized lie of a war for the national honor was able to evoke considerable enthusiasm.[3] As late as December 1915, the French poet Guillaume Apollinaire could still write his song of honor over the dead: "in honor of the Honor, the beauty of sacred Duty".[4] Even the socialists, who had opposed the war in their hearts, began in 1914 to give first priority everywhere to their respective national allegiances.[5]

From 1914 to 1918 the balance of power ceased to be an abstract principle. The war ceased to be an abstract game in numbers between kings and generals.

Especially after the Battle of the Marne it became a dreadful, palpable and tragic reality, written in human blood on the surface of the earth itself by the line of trenches.[6] Brought to its dreadful reality, the balance of power turned out to be nothing but death, chaos and suffering. Rather than reciting the staggering number of casualties, one should read the testimonies of those who survived the burning of Louvain, the battle of Verdun or war in the trenches, to begin to understand how the war melted all previous principles, ideas and sentiments down to unrecognizable confusion, ideologies and passions. One should read the stories of the deliberate use of terror against the civilian population of Belgium by German troops to understand why pacifism turned into hatred. And what was the sense of the official war-aims of the European cabinets, when death and destruction were their only visible effects?

> "What passing-bells for these who die as cattle?
> Only the monstrous anger of the guns.
> Only the stuttering rifles' rapid rattle
> Can patter out their hasty orisons.
> No mockeries for them; no prayers nor bells,
> Nor any voice of mourning save the choirs,—
> The shrill, demented choirs of wailing shells;
> And bugles calling for them from sad shires".[7]

Historians, such as René Albrecht-Carrié, writing decades later may of course dedicate their works "to those who died, thinking it not in vain", but the soldier, who fell on a day in October 1918, when all was quiet on the Western front,[8] did die in vain and for no sensible aim, like millions of others. Remarque's book therefore was more appropriately dedicated, like Owen's anthem, to "a generation destroyed by the war—even when they escaped its shells". Moreover, it was not only the destruction of a generation, or the breakdown of the equilibrium of European powers, that were to determine the postwar era. The war uprooted European society as a whole and in all aspects of its life.

Shortly after the war, fought to its conclusion of bitterness and ruin, the English poet Yeats wrote:

"Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity".[9]

The resulting loss of any "sense of cohesion, continuity, certainty and confidence" provided the spiritual context for the failure to build a durable peace in Europe.

In a way the First World War reversed the trend brought about by the Thirty Years' War in the seventeenth century. In an earlier chapter I described the Thirty Years' War as the last European war in which religious motivation played a role and in which religion might have acted as a force of constraint upon the use of physical violence. The excessive and senseless use of physical violence during the First World War removed the last barrier behind which a balance of power based upon a balance of military capabilities could survive: *i.e., the willingness to pursue a limited war and arrive at a negotiated peace.*

"The mounting fury of the war . . . was no mere question of the number of casualties or even of the extension of warfare to civilians, but of a readiness to risk the entire order of European life—anything—to win the war". [10]

The effort to achieve complete victory and unconditional surrender, required a "religious motivation" to uphold popular support. The name of this religion was nationalism or patriotism, "a post-Christian resuscitation of the pre-Christian worship of collective human power", as Toynbee calls it. [11] The new religion did not act as a force of constraint upon the use of physical violence. On the contrary, it engendered implacability, hatred, revenge, and resentment. Even the Christian churches in Europe had lost their capacity to act as a force of constraint upon the rising cult of violence. They also had fallen victim to the new worship of collective human power by blessing the arms in each country rather than the meek in all countries.

As a consequence hatred dictated the continuation of the war to the bitter end; revenge dictated the terms of the peace-settlement and resentment determined the course of events in Germany thereafter.

The removal of constraints to physical violence by the combined impact of technology and nationalism introduced a new type of *total* warfare. "Wartime diplomacy paralleled the conduct

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of the war in its lack of restraint". The treaty of Versailles which followed it "was, in many respects, not a treaty of peace, but a prolongation of the war". Postwar politics became war. They also became the fertile soil for the rise of totalitarian dictatorships. "Nazi totalitarianism, as well as Soviet, was a direct descendant of the war". [12] Soviet totalitarianism may have been the unavoidable consequence of Leninism-Stalinism. It actually developed in the wake of the civil war, Western intervention and the resulting isolation from the European world. Nazi totalitarianism developed in a climate of fear for communism, resentment over the *diktat* of Versailles and economic depression. Mussolini's dictatorship became "typically devoted to "conserving" and protecting Italy from the Communists . . . and eventually he turned to totalitarian methods, though never carrying them very far until encouraged by the Nazi seizure of power". [13] For Hitler and Stalin, international politics was warfare.

The Western democracies, and especially France, continued the war with economic means during the time they might have been strong enough to build a structure for peace. When international politics became outright warfare again in the thirties, they tried in vain to avert total war by a policy of appeasement. Unwilling to exercise restraint in their period of strength, appeasement—which may have originated from the feeling that another senseless, total war should be avoided—actually became an invitation to renewed warfare.

In spite of these consequences of the First World War the statesmen assembled in Versailles, and in Geneva thereafter, continued to haunt the abstract principle of the balance of power, unaware of the fact that the conduct of the war had reduced the principle to a shadow of a bygone era.

Efforts to restore the principle to its presumed prewar preeminence contradicted postwar political reality. Two of the principal actors in the prewar secular power-politics of Europe had disappeared. Austria-Hungary broke up into a number of unstable states. Russia, after the Bolshevik revolution and the Brest-Litovsk peace treaty, withdrew into isolation. The Soviet régime's call for world revolution, however, seen as a new "religious" threat, acquired a continuously destabilizing effect on European societies. External policies of the European governments reflected internal disorder, if not civil warfare. The linkage between internal troubles and external policies became even more apparent when European societies were also exposed to extreme right-wing totalitarian

ideas, following the emergence of fascism and national-socialism. Ideological warfare thus contradicted one of the underlying assumptions of the balance of power principle, namely that the character of a country's internal régime is irrelevant to the political power games between sovereigns.

The excesses of the fighting had also made the war and the peace settlement a "religious" issue in the West. The original war aim to restore the balance had shifted to achieve victory for the democracies; another contradiction to the cherished principle of the balance of power. Whereas such a victory on the Western front could only be achieved with United States involvement, some kind of postwar order or balance might have been built by the restrained exercise of the combined political power of the victorious democracies. In fact neither restraint nor cooperation materialized.

Clemenceau and the French, in particular, showed little sense of restraint towards Germany during the Peace Conference and the years thereafter. His efforts to obtain France's security by reducing Germany to a second-rate power, the "war-guilt" clause in the peace treaty and the exorbitant war-debts imposed upon Germany, engendered resentment, political instability and economic chaos in Germany. On the other hand, Clemenceau was hostile towards the idea of the League of Nations, although the League's underlying concept of collective security—the concept of an *ad hoc* alliance of all members against an aggressor—would have been the only concept upon which he could build the kind of security he sought for his weakened country.

Lloyd George, the British Prime Minister, showed more moderation towards Germany and more enthusiasm for the League of Nations. Out of the four members of the Supreme Council he was the most outspoken advocate of the principle of a European balance of power. British public opinion, however, rejected moderation, whereas Wilson and Clemenceau resisted German membership of the League.

Orlando, the Italian premier finally had few other concerns than being recognized as the representative of a great power and being granted territorial aggrandizement for his country.

The other European countries did not play a significant role in the peace conference.

President Wilson, no doubt, arrived in Versailles with the ideal of making Europe safe for democracy, to establish a new European order based on the principle of national self-determination and to see the new order guaranteed by his League of Nations. American power had decided the outcome of the war and Wilson

was bound to have a decisive influence on the shape of the peace. His ideals eventually induced him to go along with the imposition of harsh peace-terms upon Germany and the German exclusion from the League. When the United States Senate refused to consent to the peace treaty, the postwar European order as embodied in the League of Nations was deprived of its most essential condition for maintaining peace through a system of collective security, i.e., American power. The Conference of Versailles thus left Europe in a situation in which the victorious European states lacked the power to enforce the settlement they had imposed. They lacked the spirit of restraint and reconciliation upon which a working balance of power might have been founded.

Their policies in the years 1920-1939 wavered between vain efforts to maintain the new order by force and unsuccessful efforts to improve it through reconciliation. Especially in France and Germany, the wavering policies reflected the political outlook of varying coalitions and statesmen occupying the posts of chancellor, prime minister or foreign minister.

Force was resorted to in the immediate postwar years by France to extort reparations from Germany (and by Poland and Rumania to establish their boundaries). Reconciliation was attempted in the second half of the twenties, beginning with the successful conclusion of the Locarno treaties in October 1925. It was followed by the admission of Germany to the League of Nations in 1926 and the Briand-Kellogg Pact for the renunciation of war in 1928. The spirit of reconciliation probably found its clearest expression in Briand's proposal for a kind of federal link between European states made in September 1929 to the League's Assembly. These initial steps towards reconciliation were the result primarily of three foreign ministers: Aristide Briand of France, Gustav Stresemann of Germany and Austen Chamberlain of Britain. The modest achievements of the efforts did not survive their authors. Nor were they able to apply their spirit of reconciliation to the problems created by the imposition of reparation payments on Germany. A month after Briand's proposal in the League of Nations, Stresemann died and the economic crisis erupted. The policies of reconciliation foundered on economic nationalism and in the rising tide of national socialism in Germany.

Apart from the zigzagging policies towards Germany, France in particular had resorted also to a policy of building alliances around Germany in an effort to contain its influence. In an attempt to "balance" a possibly reviving Germany, alliances had been concluded with Belgium (1920), Poland (1921) and Czechoslovakia

(1924). The latter alliance provided the linkage between the French system of alliances and the little Entente between Czechoslovakia, Rumania and Yugoslavia.

In Locarno, where the problem of Germany's eastern borders had not been settled, a Franco-Polish and a Franco-Czechoslovak treaty for mutual assistance in case of aggression by Germany had been added. The very weakness of the partners made the system a dangerous illusion at best from the beginning. In the thirties the system disintegrated under the pressure of Hitler's aggressive policies. In 1938 Czechoslovakia was abandoned rather than assisted when Britain and France tried to appease Hitler by agreeing to its amputation. Within a year they had to resign to its final annexation. Rumania was forced to take the side of Germany. Poland received a guarantee from Britain and France, but the guarantee lost every significance after the Molotov-von Ribbentrop pact of August 1939.

The Second World War completed the destruction of the European system of secular power politics. The First World War had become a total war in the mounting fury of the fighting and had thus contributed to the rise of totalitarianism. It had become an ideological war, thus making postwar diplomacy the continuation of warfare with other means. The Second World War was both total and ideological from the outset. None of the parties ever considered a negotiated settlement. Hitler wanted to unify Europe by force and under the domination of the superior Aryan race. Such "unification" not only envisaged German political control over other European states, but subjugation and extermination of "inferior" races. Such a war could not be fought on the battle fields only, it had to be waged against entire populations in the cities and entire racial groups in the concentration camps.

Against a war waged for those ends, the Allies could not but aim at the complete elimination of Hitlerism and the total destruction of Germany. That aim could be achieved only after the entry of the United States and the Soviet Union into the war.

From Superiority to Dependence

The division of Europe into an American and a Soviet sphere of influence after the Second World War was the ultimate consequence of the breakdown of secular power politics in Europe. When the mounting fury of the First World War made European statesmen ready to risk anything to win the war, they also lost their predominant position in world affairs. The readiness to risk

anything created the conditions for the Bolshevik revolution in Russia. It required the participation of the United States to win the war on the Western front. "Wilson and Lenin appeared almost simultaneously as rival prophets of a new postwar order". [14] For both prophets Europe had ceased to be the political center with which they would like to be associated or from which they preferred to be isolated. It had become a region to be fitted into their universal schemes for world order. The kind of world order Wilson and Lenin envisaged was formulated simultaneously by them in January 1918: Wilson's fourteen points were made public on 8 January; Lenin read his twenty-one theses at a party rally in Petrograd on the same day. [15] The simultaneousness was not fortuitous. On 8 November 1917 the new Bolshevik régime had called for an armistice on all fronts. In the absence of a response, the régime made a separate armistice with the central powers and published all secret treaties the Allied and Associated Powers had concluded during the war. At the same time it was hoped that the other powers would participate in peace negotiations begun in Brest-Litovsk. The negotiations were even adjourned until 9 January 1918 to enable such participation. Lenin's theses of 8 January 1918 reflected the failure of that effort and the resulting necessity to explain the acceptance of a separate peace-settlement imposed by the central powers.

The unwillingness of the Western powers strengthened his belief that the war was continued for imperialist designs on both sides. The increasing war-weariness, and sometimes open revolt against the war, strengthened his belief that socialist revolution was imminent all over Europe. [16]

In response to these developments Wilson was urged to announce his war aims. The fourteen points appropriately announced on 8 January amounted to a repudiation of the secret treaties concluded between the Allies and an expression of support to the Russians. In that context, it is highly interesting to see how much Wilson and Lenin concurred in their repudiation of the prewar European system and the rejection of its postwar restoration. As prophets of a new world order, their conceptions were more in conflict with the Europeans than in rivalry with each other. Wilson's first point of open covenants of peace, openly arrived at was in direct support of the Russian publication of secret treaties and their insistence of holding the Brest-Litovsk negotiations in public. Both statesmen wanted to do away with the despicable way in which European governments had disposed of populations by secretly agreeing to territorial changes among themselves. Lenin

stressed publicity as an instrument to arouse the "working class" against their imperialist régimes. Wilson considered democratic opinion as a force working towards peace. Both also favored peoples' right to self-determination. Lenin gave priority to the interests of socialism (as expressed by the working classes) over the right of nations to self-determination (thesis 21). Wilson stressed national self-determination as a principle upon which a just peace should be built, agreed upon by the populations concerned. Wilson explicitly supported the Russians in point 6: "evacuation of all Russian territory and the independent determination by Russia of her own political development and national policy". Lenin explained acceptance of the peace-terms by the necessity to safeguard the revolution in his country and henceforward by the obligation of his revolutionary forces not to support "the agents of Anglo-French imperialism by providing it with auxiliary forces" (thesis 10).

To a substantial degree the differences between Lenin's theses and Wilson's program can be explained by the fundamentally different situation their countries were in at the time. Lenin fought for the survival of a country that had all but collapsed under the war effort and for the consolidation of his revolution, which no government, whether enemy or ally, supported. As a Marxist he expected revolution in Europe. As Russia's revolutionary leader he regarded revolution elsewhere as a necessary condition for the survival of his régime. In March 1919 he created the Third International, the Soviet-directed international organization (Comintern) of communist parties for the purpose of overthrowing capitalist régimes in other countries.

Wilson's country had hardly been affected by the war. From his position of political power, economic strength and geographic safety, he proposed the reduction of national armaments and the establishment of a League of Nations (points 4 and 14).

As rival prophets of a new world order, both rejected the European conception of order based upon a balance of power. Lenin envisaged the substitution of classless societies *in* all countries for a balance of power *between* states as the crucial condition for world order . The Comintern was to be his instrument for waging a relentless struggle between classes with a view to arriving at a classless society without wars. The peace settlement of Brest-Litovsk was to give him breathing space for organizing world revolution. Wilson envisaged the substitution of democracy in all countries for a balance of power between great powers as the crucial condition for world order. Urged by his Secretary of State that US

participation in the war would encourage the democratic elements in Germany and support the new democratic government (Kerensky) in Russia. Wilson asked Congress for a declaration of war, stating (in his war message of 2 April 1917) that the world must be made safe for democracy. The peace conference was to be his instrument for re-organizing Europe on the basis of national self-determination and democratic rule. The League of Nations was to guarantee the new order and to ensure the continuing influence of democratic opinion on the foreign policies of the European governments.

Hostility and suspicion in the West towards the Soviet aims, and intervention in the Russian civil war, led to the exclusion of Russia from the League of Nations and its isolation from European politics.

During the period of Anglo-Franco-German, reconciliations the Soviet Government "made a supreme effort to prevent Germany from entering into the agreements of Locarno and from joining the League", believing that reconciliation "was a gigantic plot against their safety". [17] From 1927 onwards the Soviet Union under Stalin moved towards cooperation in the League's activities. It was not until the establishment of Nazi power in Germany and its withdrawal from the League, however, that the Soviet Government became interested in joining the League. From its admission on 18 September 1934 and until the rapprochement between Hitler and Stalin prior to the outbreak of the Second World War, "Russia continued to be a convinced supporter of the League. Her record—continues Walters—in the Council and the Assembly, and her conduct towards the aggressive powers, were more consistent with the Covenant than those of any other great power". [18]

Or to put it differently, the fading hope for achieving world revolution, the elimination of Trotsky and the rise to absolute power of Stalin, signalled a gradual return to European power politics. In the thirties, Stalin did what Lenin had refused to do in the early post-revolutionary years. He aligned himself with the "imperialist" powers of the West in an effort to counterbalance Hitler's aggressive policies. When the Western powers sought appeasement and abandoned the League Stalin temporarily reversed alliances when concluding the Molotov-von Ribbentrop pact in August 1939.

Throughout the interwar period, the Russian concept of world order influenced indirectly the course of events in Europe.

Fear for communism, as I mentioned already, destabilized Euro-

pean society. It facilitated Mussolini's and Hitler's rise to power and weakened the Western responses to the threat of Nazism. The Soviet Union's entry into the League of Nations did not dispel Western suspicion. Stalin's reign of terror at home and his conduct of diplomacy as a kind of ideological warfare only further destabilized international relations, whatever the temporary moderation Litvinov manifested in the League's institutions. As a consequence, Soviet entry into the League failed to contain Hitler's aggressiveness, whereas the Molotov-von Ribbentrop pact failed to prevent the German invasion of Russia in 1941.

In contrast to Russia, the United States played a major role in shaping a postwar European order. Wilson's very aim of making the world safe for democracy practically made him a partner for revenge of the French Prime Minister. One may challenge the opinion of George Kennan [19] that the United States ought to have helped in restoring some kind of pre-war balance of power aimed primarily at containing Russia. It cannot be denied, however, that the principles for which the war came to be fought and peace was made, helped the emergence of the opinion that Germany was only militaristic and anti-democratic, whereas Britain and France were fighting to save democracy. [20] Under this theory—Kennan writes—"things advanced with a deadly logic and precision to a peace which was indeed 'forced upon the loser, a victor's terms imposed upon the vanquished, accepted in humiliation, under duress'—a peace that indeed leaves a sting, a resentment, a bitter memory, and upon which its own terms came later to rest 'as upon quicksand' ". [21] Neither can it be denied that the same principles promoted the final disappearance of Austria-Hungary, thus leaving Germany "as the only great united state in central Europe".[22] Peace, according to Wilson, had to be based "on a community of power, on an organized common peace, on a League of Nations which would mobilize the conscience and power of mankind against aggression". [23]

The United States thus effectively contributed at Versailles to the break up of the European balance-of-power system. As a consequence it emerged as the single country powerful enough to guarantee peace through the new "community of power".

When the United States was forced to abandon the League by the Senate, Europe was left in a vacuum between the old order that had been shattered and a new order no government was capable or willing to build.

Active participation of the United States in a great number of

League activities during the inter-war period did not fill the vacuum. Even the Briand-Kellogg pact to outlaw war did not alter the situation. The moral force of world opinion upon which it rested was no substitute for the guarantee the new order needed and the United States did not provide. Wilson's League at best offered a training ground for a new order to come after the disappearance of the last vestiges of the pre-war European order.

Reflecting the Past and Foreshadowing the Future: The Ambivalence of International Law

Against the background of the trends discussed so far, international law, as it developed throughout this period, was necessarily ambivalent in character. In the vacuum between the old European order and the new order, yet to be defined, parts of the "public law of Europe" survived, other parts were changed. New principles and rules emerged, foreshadowing a new order, rather than replacing the old. The appearance of the two rival prophets—Lenin and Wilson—of a new world order at the end of the First World War found reflection in legal doctrine between the wars. Their call for a just peace and revolutionary struggle revived doctrinal interest in the fundamentals of international law and the theories of natural law. [24]

The call for a just peace was the almost necessary consequence of a war fought to the bitter end. It precluded the restoration of secular power politics and virtually killed the spirit of tolerance as the only asset of the pre-war system for a post-war order.

The call for a just peace also served as a justification for the war that had been won by the Allied and Associated Powers. It contributed to a revival of the doctrine of the just war which found its way into state-practice immediately after the war.

At the Versailles peace conference the Western powers employed the doctrine to construct a legal basis for demanding the extradition of the German Emperor from the Netherlands and for imposing war debts on Germany. According to Article 227, the Allied and Associated Powers publicly arraigned the former German Emperor "for a supreme offence against international morality and the sanctity of treaties". The tribunal (made up of judges to be appointed by the victors) will be guided in its decision "by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality".

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The German Government was to recognize also in Article 228 "the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violations of the laws and customs of war". The most resented provision, of course, was contained in Article 231. Germany was forced to accept responsibility for causing loss and damage "as a consequence of the war imposed upon them (the Allied and Associated governments and their nationals) by the aggression of Germany and her allies".

After the Second World War the doctrine served as a basis for the Allies to prosecute and punish the Nazi leaders as war criminals.

The emerging doctrine of the just war thus became one of the underlying principles of the new order. It differed substantially, however, from its medieval predecessor.

First of all its application in law was restricted by the codification and development of the laws of war, already begun in the latter half of the nineteenth century. According to these laws no belligerent—whether fighting for a just or an unjust cause—was to be exempted from strict observance of certain rules of war.

Secondly, the doctrine—even more fatally than its medieval predecessor —disregarded the evil produced by physical violence itself in our age of mechanized, total warfare.

Thirdly, the doctrine no longer relied on a (no doubt) questionable proper authority, but on the even more dangerous, sectarian, national ideologies of the belligerents themselves. As a consequence just causes for war came to be claimed by three different "ideologies" in the period from 1914-1945. The Western powers, in both world wars, claimed a just cause to save democracy. Nazi-Germany—born in resentment and humiliation over the Versailles *diktat*—claimed its just cause for aggressive war on the basis of a racist ideology of Aryan superiority. The Soviet Union claimed its just cause for revolutionary wars to liberate the working classes from capitalist, fascist or imperialist domination.

From the three doctrines of a just war, only the Western powers showed any measure of restraint and some reliance on a proper international authority to determine just and unjust causes. The League of Nations was to be their authority to maintain peace and eventually to fight an aggressor. According to Article 16 of the Covenant a Member who had resorted to war in disregard of its covenants under Articles 12, 13 or 15, would *ipso facto* be deemed to have committed an act of war against all other Members.

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The Western, or primarly, Anglo- American concept of an international authority to determine what would be just or unjust could have become the cornerstone of a new order. Efforts have been made to strengthen and develop that authority through the institution of the Permanent Court of International Justice, the (abortive) Geneva protocol (1924) and the General Act of Geneva (1929). In a special field, the institutionalization of international relations also produced the mandate system as a substitute for annexation. The ultimate failure of the League of Nations—the primary hope for a new order—lies in the conflict between the three competing ideologies, of which the democratic one was too weak to prevail, the Nazi one too demonic to accommodate and the Soviet one too totalitarian to participate.

Since 1933 it became increasingly clear that any new order could be established only after the elimination of nazism and its ideology. As a consequence the new postwar order in Europe came to be based on a shaky and uneasy compromise between the successors of the two rival prophets of world order in 1918. In this political context the League of Nations, as the embodiment of Wilson's conception, could not in itself stand model for the post-1945 order. The League, at best, offered a training ground for principles and rules of international law and mechanism for law-making, which might be applied in the postwar order. The test of their relevance was a matter of postwar international development.

The Final Tragedy

The war that came to separate the inter-war years from the present postwar era cannot be regarded as a mere interlude between two systems of world order. Nor can the United Nations Organization be conceived of only as the successor to the League of Nations. As early as 1941 American policy-makers, indeed, started planning for a new organization that would be better able to maintain peace, and in so doing, they based their thinking on the League's experiences. It would be a grave error, however, to see the Second World War as no more than an occasion to create a stronger organization in which the United States would assume leadership and which would not become part of a postwar peace treaty.

The Second World War was the last act in a political drama in which Europe, not excluding Britain, lost its predominant position and became divided and dependent. As such it "has finished the uncompleted task of the first and has had a greatly clarifying effect". [25]

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The First World War had started as a "classical" European war; confusion, ideological warfare and totalitarianism were its legacies.

The Second World War was total and ideological in its origins. Hitler wanted and started war with no lesser an aim than total victory for the superior Aryan race and total submission of smaller states and inferior races to Nazi totalitarian rule. When Poland had been partitioned, Norway defeated, the Low Countries overrun and France invaded, Britain could not but choose between total surrender or total victory. It is our policy, declared Winston Churchill on 13 May 1940: "to wage war, by sea, land, and air, with all our might and with all the strength that God can give us: to wage war against a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crime ... You ask, What is our aim? I can answer one word: Victory—victory at all costs, victory in spite of all terror; victory, however long and hard the road may be; for without victory there is no survival". [26]

Stalin's war aims were no less total or ideological in character. He was "at war" both with Hitlerism and the West. His temporary alliance with Hitler provided an opportunity to annex Eastern Poland, to reconquer the Baltic States and to attack Finland. In the period between the Molotov-von Ribbentrop pact of 1939 and the German invasion of the Soviet Union in June 1941, Anglo-French imperialism were named the basic aggressive forces. The ideology of Hitlerism—declared Molotov in the fall of 1939—"like any other ideological system, can be accepted or rejected—that is a matter of one's political views. But everyone can see that an ideology cannot be destroyed by force ... Thus it is not only senseless, it is *criminal* to wage such a war as a war for 'the destruction of Hitlerism', under the false flag of a struggle for democracy". [27] Hitler's invasion of the Soviet Union and his declaration of war on the United States in 1941, made the Soviet Union a formal ally of the Western democracies. It made them concur in the war aim of total destruction of Hitlerism and unconditional surrender of the German Forces. For both sides the common war aim temporarily disguised mutually incompatible aims for the future, postwar European order. As neither side was capable of re-organizing Europe according to its own precepts, the war terminated without the possibility of concluding a peace treaty, but with the division of the continent. The new United Nations Organization only disguised the fact that the new order was no more than a stalemate between two rival conceptions.

The Second World War destroyed one type of totalitarianism—fascism in Italy and Nazism in Germany. It strengthened the other

one—Stalinism—extending its domain over most of Eastern and Central Europe. As such the war did have a "clarifying effect": it produced a clear division of Europe and more ideological warfare between the two blocs. In the process of their confrontation, a small group of European states managed to disengage from either bloc. The war thus split Europe into three groupings, each with its own rival perspectives on world order.

The magnitude of this "clarifying effect" of the Second World War—the destruction of Hitlerism and the division of Germany and Europe—should not divert our attention from the profoundly disturbing human tragedy that was the Second World War. It is of course true that the demonic character of Hitlerism gave the Second World War and total victory over Nazi—Germany a sense the First World War had never acquired in the minds of the Europeans. As a human tragedy, however, the Second World War deepened the confusion produced by the First. It made sense to fight for total victory in the West as no other road appeared to be open for the liberation from Nazi occupation. It made much less sense in the East, where liberation from Nazi cruelty was followed by Stalinist terror, and where the systematic destruction by German troops of a city like Warsaw had been made possible *because* Stalin ordered his advancing troops to wait on the other side of the Vistula. Whoever wants to affirm the "clarifying effect" of the war in the East should read the account of Babi Yar by a well-known Ukrainian writer who survived the incredible years of slaughter, terror and starvation, and who had been an eye-witness to the murder of hundreds of thousands of Kiev's population in the ravine of Babi Yar. He had looked into the abyss of Hitlerism.
For him nevertheless:

> "The USSR's 'holy' war against Hitler was nothing more than a heart-rending struggle by people who wanted to be imprisoned in their own concentration camp rather than in a foreign one, while still cherishing the hope of extending their own camp to cover the whole world.
>
> There was no difference in principle between the sadism of either side. Hitler's 'German humanism' was more original and more fanatical, but it was citizens of *other* nations and conquered lands who perished in the gas-chambers. Stalin's 'socialist humanism' did not succeed in inventing the ovens, but on the other hand the disaster descended on our own compatriots. It is in such distinctions that the whole differ-

ence lies; it is not easy to say which one was worse. But it was the 'socialist humanism' which came out on top". [28]

For Western man Babi Yar, alongside Auschwitz, Treblinka, Mauthausen and Bergen-Belsen proved that it had made sense to fight a war for total victory and that it would make sense again to fight any totalitarian régime in the future.

The clarity of the Western cause, however, failed to inspire that kind of literature that would probe the deeper confusion created by the war. [29] It was the very few who survived the extermination of the Jews, a few philosophers and historians, who came closest to uncovering the profound human tragedy lying beneath the surface of "sensible" victory. From the first Martin Gray's story of his life probably is the best and most disturbing document. He, who survived by a superhuman effort, the Warsaw ghetto and Treblinka, wrote years later:

> "Here in Treblinka, it wasn't the Jews they were killing, it wasn't a particular race they were exterminating. The butchers wanted to destroy mankind, and they'd decided to begin with those men known as Jews. All men were condemned. Only the butchers and their dogs remained alive. In Treblinka, it was mankind they were wiping out. But to conceal this vast undertaking more effectively, the butchers had tried to cloak mankind under the name Jew". [30]

A world, a civilization in which all this could happen is no longer what it was before. "After Auschwitz the human imagination is not what it was before . . . After Auschwitz and Hiroshima we must face a hitherto unknown element of human existence. We have looked into an abyss which we know to be very close to us. We can only save mankind through a greater charity and a greater responsibility than shown so far by civilised man". [31]

After such a war, Europe could no longer become what it was before. Previous conceptions on world order had lost their validity in the destruction and indiscriminate killing of men—civilians and soldiers—in and beyond the concentration camps. After such a war, peace could no longer be made the way diplomats and politicians had tried before. For some—by design or resignation—order or peace would never be restored again. For others, only a new and unprecedented spiritual effort would save Europe from the choice between peace in slavery or a new and "final" war.

When the war came to an end the new political reality forced the European régimes to accept American leadership or submit to

Soviet terror. Europeans in the East could only cherish vague hopes that Soviet power would decline and Stalinist terror abate. The other Europeans at least regained freedom to rebuild their countries and to set themselves the task of rethinking their conceptions on world order. Shattered by the war and confused by its human tragedy they were nevertheless given the time to devise a new order among themselves based not upon the interests of power, but the rights of man. European history offered few if any examples for such an effort, but it could be made. It was to be made in the dark shadow of a new reality: the reality of two non-European superpowers and the reality of the burnt out ruins of the proud building called European supremacy.

NOTES

1. J. L. Talmon, "European History as the Seedbed of the Holocaust", *The Jerusalem Post*, 20 April 1973.

2. Quotations from Barbara Tuchman, *The Guns of August*, A Dell Book, 1970, pp. 347, 348, 350. Brooke's quotations are from the *Oxford Dictionary of Quotations* 2nd ed., 1966.

3. That this spirit of abstraction should be considered as a factor of war has been convincingly argued by Gabriel Marcel, *Les hommes contre l'humain*, Paris, 1951, pp. 114-121.

4. Guillaume Apollinaire, "Chant de l'Honneur", in André Gide, *Anthologie de la Poésie Francaise*, Paris, 1949.

5. René Albrecht-Carrié, *The Meaning of the First World War*, Prentice Hall, N.J., 1965, p. 43.

6. Duroselle, *L'Idée d'Europe dans l'histoire*, Paris, 1965, p. 261.

7. Wilfred Owen, "Anthem for Doomed Youth", in Louis Untermeyer, *The Albatross Book of Living Verse*, London.

8. The principal character in Erich Maria Remarque's, *Im Westen Nichts Neues*, Berlin, 1929.

9. Quoted from J. B. Priestley, *Literature and Western Man*, New York, 1960, p. 374.

10. Jack J. Roth (ed.). *World War I: A Turning Point in Modern History*, New York, 1968 (Borzoi book). From the conclusions by Jack J. Roth, p. 84.

11. *Op. cit.*, p. 210.

12. Jack J. Roth, *op. cit., loc. cit.*, pp. 88-89, 128.

13. *Op. cit.*, Carl J. Friedrich, *The Rise of Totalitarian Dictatorship*, p. 57/58.

14. Jack. J. Roth, *op. cit.*, *loc. cit.*, p. 95.

15. They were published in *Pravda* on 24 February 1918 together with a twenty-second thesis added on 21 January 1918. Wilson further elaborated his fourteen points in the "four principles" of 11 February and the five particulars of 27 September 1918.

16. The latter belief is expressed throughout the theses. See especially theses: 6. 12, 17, 22.

17. Walters, *A History of the League of Nations*, London-New York-Toronto, 1969, pp. 354-355.

18. *Op. cit.*, p. 585.

19. George F. Kennan, *American Diplomacy, 1900-1950*, (Mentor Book), 1951, pp. 56-73.

20. *Op. cit.*

21. *Op. cit.*, p. 68. The quotations in the passage quoted from Kennan are taken from *President Wilson's Address to the Senate on 22 January 1917* in which the President had argued against total victory exactly to preclude the kind of peace he helped to make later.

22. *Op. cit.*, p. 69.

23. *Op. cit.*, p. 68.

24. Cf. Nussbaum, *op. cit.*, p. 276 ff. Nussbaum contrasts this reviving interest to the general contentment of nineteenth century international jurists "with a rather crude form of positivism".

25. René Albrecht-Carrié, *op. cit.*, p. 167.

26. Winston Churchill, *The Second World War*, Vol. II, *Their Finest Hour*, London, 1949. p. 24.

27. As quoted in Roy A. Medvedev, *Let History Judge. The Origins and Consequences of Stalinism*, New York, 1972, p. 442/443 (as translated by Colleen Taylor and edited by David Joravsky and Georges Haupt).

28. A. Anatoli (Kuznetsov), *Babi Yar. A Documentation in the Form of a Novel*, New, Complete, Uncensored Version (translated by David Floyd), New York, 1970, p. 263.

29. See Priestley, *op. cit.*, pp. 370 ff., who writes that the few who wrote about the First World War at least came closer to literature than the thousand-and-one tales of the Second World War we have had so far.

30. Martin Gray with Max Gallo, *For Those I Loved* (translated from the French by Anthony White), Boston-Toronto, 1972, p. 149. Read also, e.g., Leon Uris, *Mila 18*; Elie Wiesel, *Night*.

31. Ignaz Maybaum, *The Face of God After Auschwitz*, Amsterdam, 1965 (paperback edition), p. 38.

Part two

DIVIDED PERSPECTIVES ON POST-WAR COOPERATION

> "But who will reconcile these scales of values and how? Who will create for mankind a single system of evaluation for evil deeds and good deeds, for what is intolerable and what is tolerable, for how the line is to be drawn between them to-day?"
>
> (Alexander Solzhenitsyn, *One Word of Truth...*)

Chapter 4

WEST EUROPEAN UNIFICATION AND WORLD ORDER

At the time the Second World War drew to a close, Europe was no longer master of its own future. From the European great powers which had survived the First World War, only Britain had barely survived the Second. France had been utterly defeated by Hitler in 1940. Its national restoration could be achieved only after the liberation of its territory by the Allied Anglo-American forces. Europe's fall from world power—from world supremacy to dependence on outside powers—was a fact the British and French leaders especially were unwilling and unable to accept. Churchill, at the time, still dreamed of the British Commonwealth of Nations as one of the pillars of a postwar world order. De Gaulle dreamed of a "liberated France, at which all States would look up in anticipation".[1] Both leaders were unaware that the international system based upon a West European monopoly of power had collapsed and that a new era had been born in which the alignment of political forces had become fundamentally different from the one pertaining in the two-hundred- and-fifty years before.

Their postwar unawareness of the new era unfortunately was not the temporary lack of adaptability by two statesmen or régimes. It would soon turn out to be the main determinant of the West European unification movement as a whole and the region's postwar perspectives on world order.

The advocates of West European unification became victims of the past by being unable to accept the realities of the present.

As a consequence, West European unification continues to present itself as an effort by national politicians and bureaucracies to pool national policies with a view to regaining international political influence lost through two world wars. Historically, this effort resembles the tendency with "dominant minorities" to revive the past, rather than the tendency with "creative minorities" to meet the new external challenges and face the future. This has not invariably been the characteristic of European unification during

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its short postwar history of a quarter of a century. This short historical period has experienced at least one brief spell in which the creative response of *reconciliation* was given to the challenge of disunity and fratricidal war. "The guiding spirit of resistance movements was a politico-moral one—that of reconciliation".[2]

The spirit, however, died all too quickly. It was American pressure, Soviet threat and the new consciousness of power born from initial economic success that gave the appearance of creative progress towards European union, whereas in reality politicians and bureaucracies soon resumed the old policies of division in the disguise of new institutions and circumstances. De Gaulle's contention in 1962 that the postwar period was over has the historical merit of officially burying the guiding spirit which had died years before.

Many observers and Europeans will no doubt object that profound processes of historical change—like European unification—take decades if not centuries to materialize. It took the Americans close to one century—from the declaration of independence to the end of the Civil War—to unite, and the German *Zollverein* of 1833 did not produce a German *Reich* until after the Franco-Prussian war. With these historical examples in mind, so the argument goes, who could expect the European nation-states to achieve a much more difficult process of unification within a quarter of a century? The argument is fallacious in several respects. First of all, the argument confuses an analysis of historical trends with the search for (questionable) historical forerunners. In so doing it fails to see the profound differences in both the spirit and the circumstances which moved the Americans and the Germans to unite. It finally ignores the equally profound difference especially between the results Bismarck achieved and those which the Europeans advocate. The unification of Germany during the nineteenth century is the most significant example of a government—the Prussian one—deliberately using the forces of nationalism and industrialism to build up a great power. The emergence of Germany as a great power in the European system ultimately, and almost unavoidably, caused the breakdown of the system in 1945. Industrialism, nationalism *and* democracy have united the Americans and placed the United States on top of the list of Great Powers, largely because the interests of European politicians during its formation were directed elsewhere. [3]

Map 8. Europe after 1945.

Boundaries of Europe

Extent of the Soviet sphere of domination in Europe
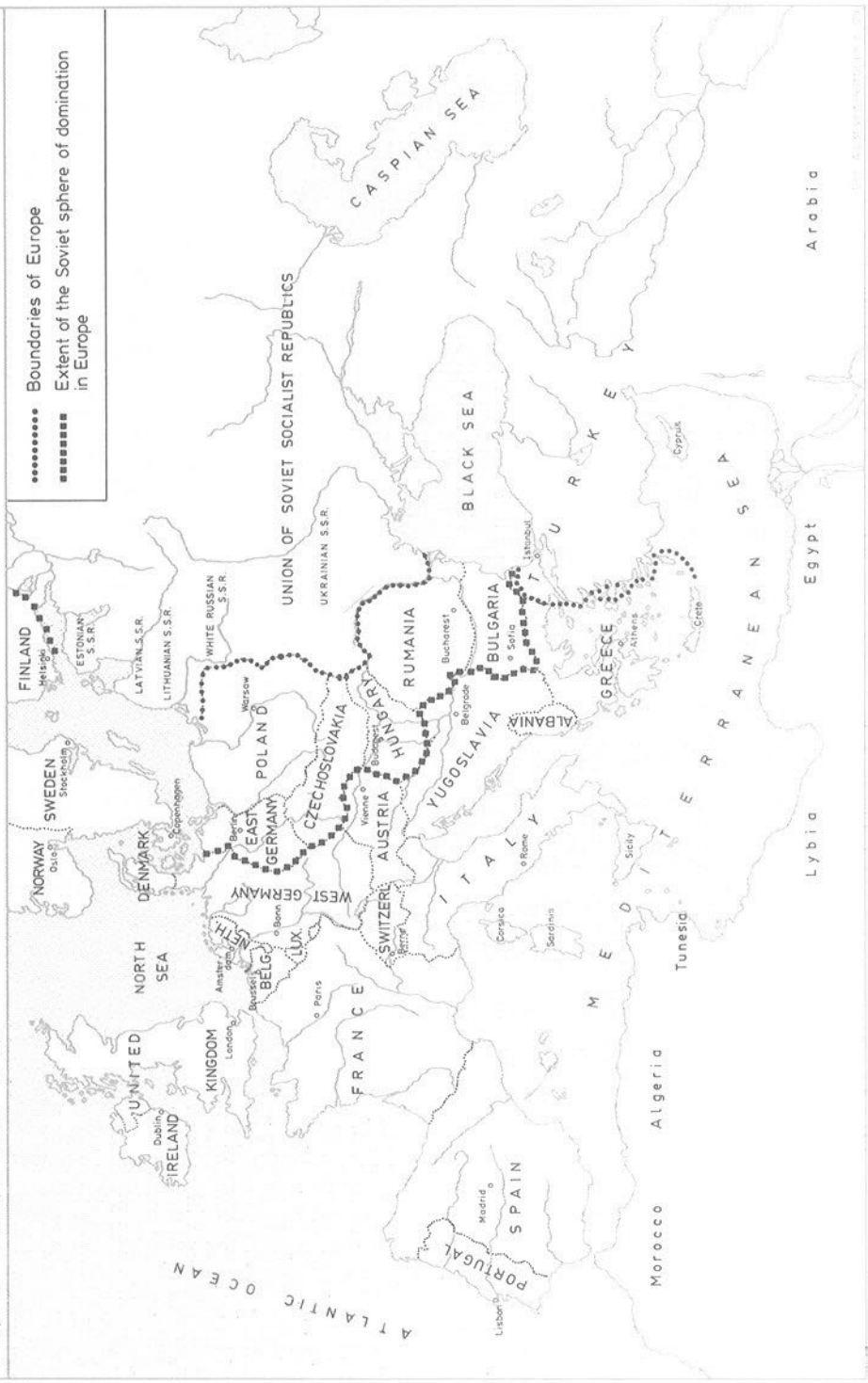
From a historical perspective, therefore, the German and American examples are neither relevant nor revealing. Germany was not unified by a spirit of reconciliation; America did not unite as an area in the center of world politics.

The European unification movement was originally conceived as a response to the twofold challenge of nationalism and industrialism. The force of nationalism had caused the breakdown of the European system at the expense of democracy. The force of industrialism had contributed to the build up of Great Power "universes in itself" at the expense of interdependence and cooperation. In the spirit of the founding fathers of European unification, European democracy and transnational interdependence—supported by the emerging post-industrial societies—were to be the creative responses to the persisting historical challenges of nationalism and industrialism. They were meant to overcome rather than re-institute a Great Power universe in itself.

The attempt to build up a great power on a larger (European) scale finds its inspiration by looking backwards to pre-existing forms, rules and practices. It is an effort to adapt old conceptions to the new condition of post-industrial society and the global—instead of Europe-dominated—international system, rather than a creative response to the modern forces of post-industrialism and internationalism. It therefore has come to represent a resistance to change in the broader historical perspective.

During the historical period in which industrialism and nationalism have been (and still are) the dominant forces in Western society, the spirit of reconciliation marked a brief and unsuccessfull interlude rather than a new departure in the history of West European society. In the time-dimension of history, European unification has become an uncertain adaptation to one aspect of the changing system rather than a dynamic response to the challenges of a changing society. The broader historical perspective in which the present European unification efforts are to be seen cannot be confined to the time-dimension in the history of Western society alone. It also includes the space-dimension of contact and interaction between Western society and other contemporary societies.

The end of the Western monopoly of power in the world was brought about primarily by the wars and the resulting breakdown in the Western state-system itself, not by an external challenge. Serious external challenges to the survival of the West European state-system however, have *followed* the breakdown.

First of all, the survival of the West European political, social *and* cultural system has been challenged by the Soviet Union which has sought to extend its dominion over Europe by employing the, originally Western, Marxist ideology as a social and cultural instrument to serve its power-political ends. In a much more subtle way, the United has challenged the West European economic and cultural system by offering political support against the Soviet Union and advocating American political devices for overcoming West European conflict and disunion in the framework of a new "Atlantic" political system. The newly independent states in Asia and Africa have challenged the economic basis of the Western monopoly of power by employing the, originally Western, force of nationalism to liberate themselves from the shackles of colonialism.

Finally, if the Western monopoly of power did have any basis in its claim to the superiority of Western civilization, the forced exodus of diaspora Jews to what became the state of Israel, destroyed the last moral argument for such a claim. It is of course true that the Western claim to superiority had degenerated into racist superiority long before the twentieth century and that the universal challenge to this claim has come much later. In terms of world history, however, it is the creation of Israel that reminds Europeans that after Auschwitz the world is no longer what it was before.[4]

The European postwar unification movement is to be evaluated not only as a response to the breakdown of the previous system but also as a response to the external challenges I discussed.

In this historical context—the space-dimension—the West European states have responded to the external challenges with attempts toward partial internal reorganization. History is likely to judge them severely for the inadequacy of this internal response to these external challenges.

Already the founding fathers of European union—unaware of Western Europe's lost monopoly of power—persisted in their assumption of a central role for Europe in the new postwar situation. Jean Monnet, e.g., wrote in the fifties that: "a federalized Europe is indispensable to the security and peace of the free world. As long as Europe remains fragmented, she will remain weak and a permanent source of conflicts".[5] Those words were not only written at a time when Europe had left it to the United States to respond to the external Soviet threat. They were also written at a time when conflicts between different *societies in the*

world had already taken the place of conflicts between _parochial European states_. During the sixties, the obsolete assumption with respect to the world impact of an internally reorganized Western Europe on the future of the world was replaced by the conception of a European Europe—challenging the dominant role of the United States—capable of reasserting a central position in world politics. It reduced the European Community to an internally weak grouping of "parochial" states, too divided to meet the American challenge and too inward-looking to ride the forces of East-West reconciliation and North-South cooperation.[6]

Lack of Historical Perspective: Theories on West European Unification

As a crucial postwar phenomenon of Western society, European unification could be analyzed more fruitfully when seen in the time-dimension of the history of Western civilization. As an important phenomenon occurring in one of the (central) societies making up the present international system, it could be analyzed more adequately when seen in the space-dimension of contacts between civilizations.

The main body of theory on European unification (or integration) has generally disregarded these two dimensions of the process. With respect to the time-dimension, history of Western society has been used as a depository for analogous cases or forerunners, rather than as a dimension of understanding. Such is the case, for example, with the _federalist approach_ to European integration. Concerned with institution building, federalist theorists devoted considerable effort "to research on the actual history of such federal entities as the United States, Switzerland and West Germany".[7] Preoccupied with comparing institutions, they have neglected the more important historical differences discussed above. Federalist theorists also—though not exclusively—have looked for inspiration in studying schemes for union produced by European intellectuals in the past. In doing so little attention has been given to the relationship between the existing socio-political situation at a given moment and the prevailing ideas on international relations. In this respect, Duroselle has forcefully argued how deep the gulf is that separates the so-called forerunners—who were all universalists one way or another—from the Europeans after 1945.[8] No doubt it should be admitted to the federalists that historical science offered little or no help in gaining a panoramic view of history. With a few exceptions, historians themselves had

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become more interested in the stories of kings, generals, wars and nation-states than in the forces shaping societies. It should be admitted also to the federalists that they upheld the importance of studying history in an age in which most other theories have neglected history to turn to the natural sciences as sources for building theories as tools for analyzing actual processes. In the time-dimension of the history of Western society federalist theory can at least claim to have pointed to one fundamental dilemma running through Western history since the end of the Middle Ages. In Western society, in which no state has been able to achieve hegemony, political disunity has favored social and cultural progress; its price, however, was continuous and ever more devastating warfare. Ever since the French revolution the mechanism of power balances has been decreasingly able to limit the price of war while upholding political disunity. Nationalism and industrial progress raised the price of wars and sharpened the conflicts arising from political disunity to such an extent that the system broke down in two world wars. It is the merit of federalist theory that it has pointed to the necessity of devising a new mechanism by which political relations could be managed and controlled without giving up social and cultural diversity. It is the tragedy of federalist theory that it soon degenerated into a movement for creating a new super-state, able to play its role in a world system, which in itself had ceased to conform to the characteristics of power-political competition between "parochial states". The Gaullist inspired confederal theories on a "Europe of States" and a world of power politics combine the tragedies of adopting the degenerated part of federalist theory, and rejecting the necessity of devising a new intra-European structure. The postwar intellectual effort on European unification has thus taken a disturbing turn. After having examined irrelevant examples to serve their historically sound effort to solve one fundamental dilemma of Western society, they are now—with de Gaulle's and Kissinger's conceptions in mind—examining the relevant nineteenth century history to draw the wrong lessons from an era that has come to pass and cannot be revived on a world scale.

The major objection one can voice against the two other main theories on European unification, the *Communications* Approach and the *Neo-Functionalist* one, [9] is that their representatives have neglected history altogether—in its time and in its space-dimensions. Such neglect does not imply a passing error, but a deliberate choice.

Time has come to re-appraise our approaches to postwar developments in Western Europe. Such an effort should be inspired by a reflection on the broader historical context of the unification movement, rather than being driven by the exercise to apply "modern" scientific methods to the analysis of the process itself.

In the preceding chapters I have sketched a possible panoramic view of history as a context in which West European perspectives on world order can be studied as a series of responses to a number of historical challenges.

It enables me now to turn to a further reflection on the responses given to these challenges following the breakdown of the Western system in 1945.

Such an enquiry is not an exercise in the mechanics of politics with a view to identifying regularities as tools for prediction. Human and political response to a challenge, I repeat, is not a predictable reaction, it is a particular choice—out of several possible choices—made by live persons. This challenge-response approach may help us in finding a synthesis between three contesting assumptions on the motives behind European unification: (1) the assumption that unification should be seen as a response to an external threat; (2) that it has been primarily a response to previous experiences (the break-down of the system); (3) or that—once begun—it responds primarily to the inner dynamics of functional expansion.

Any attempt to re-appraise postwar European unification attempts in the context of history and the changing international system is bound to add a highly subjective assessment on equally subjective choices made by politicians over the last quarter of a century. One is faced with the unavoidable fact of never being able to understand fully why some particular choice was made. As history proceeds, any observer himself will be influenced by changing perspectives and new insights.

After having approached European unification primarily as part of the Western response to a perceived Soviet threat—an intellectual reaction to the cold war climate—we are now more likely to look for the search of a European identity—the intellectual reaction to the end of the cold war and the emergence of an American-European adversary relationship.

Such a changed intellectual perspective may help us to take a fresh look at some crucial events and important statements made in the postwar years. For the sake of this analysis, it is useful to distinguish the postwar era in five periods:

(1) The period preceding the outbreak of the Cold War, the Truman doctrine and Marshall aid.

(2) The period of bipolar confrontation between the United States and the Soviet Union and the first initiatives towards European unification (1947-1955).

(3) The period of bipolar stalemate in Europe, expanding bipolar competition in the "third world", and the take-off of economic integration among the Six (1955-1962).

(4) The period of bipolar détente, polycentric competition between nation-states and conflict in the European Communities (1962-1969).

(5) The period of multi-level balances of power, marked by mixed competitive-negotiating relationships, and the emergence of the enlarged European Community (1969-1975).

Western Europe Before the Marshall Plan

The West European area that emerged from the Second World War included a wide variety of states in geographic location, internal régimes and in terms of war-experiences. None of the governments which set themselves to the task of restoring life and the economy had any clear idea on the future of Europe. The Governments in exile of Belgium, the Netherlands and Luxemburg had agreed to form a customs union and were determined to give up their prewar policy of neutrality. Denmark and Norway wavered between a policy of Nordic neutrality and Western alliance until 1949. Greece was preoccupied with civil war. France and Britain were too concerned with national reconstruction and too divided over the future of Europe to make their 1940 project for a Franco-British union from a wartime monument into a postwar instrument. Italy and the Western occupation zones in Germany focused all available attention to building some form of democratic government on the ruins of totalitarianism and the lost war.

In their planning for a postwar order the three allied powers—USA, USSR and Britain—had agreed to establish the United Nations as a new universal organization to maintain peace and security. With respect to Europe, their officially proclaimed agreements amounted to no more than a restoration of national states, the rebuilding of national economies and the creation of national democratic institutions. The "Declaration on Liberated Europe" adopted at the Yalta Conference did not go any further. The

Declaration in fact disguised three rival conceptions on the post-war European order. Stalin, as we shall see in Chapter 5, saw the declaration as giving him full power to incorporate Eastern and Central Europe into the Soviet system. Roosevelt considered the future organization of Europe of secondary importance and resisted ideas on a regional alliance system.

The new United Nations Organization was to take care of the affairs of the continent. National economic restoration was to be assisted through the United Nations system. In the immediate postwar years the US Administration promoted the establishment of the United Nations Economic Commission for Europe (ECE) to "initiate and participate in measures for facilitating concerted action for the economic reconstruction of Europe, for raising the level of European economic activity, and for maintaining and strengthening the economic relations of the European countries both among themselves and with other countries of the world". [10] Churchill originally thought of a European confederation of states under British leadership, without the participation of the Soviet Union. After the war his conception shifted, to a three-pillar structure for cooperation between the states of the *Western* world: the United States, the British Commonwealth and a continental West-European confederation. [11] Roosevelt and Churchill clearly disagreed on at least one important aspect of the postwar order. For Churchill the restoration of sovereignty and self-government only applied to European people under Nazi occupation. For Roosevelt it also was to be applied to colonial territories under British, French and Dutch domination.

Stalin and Roosevelt intended to impose or build a new order in which Europe was only a region. Churchill wanted to restore Europe —or what was left of it—to its previous pre-eminence. In this latter desire his conception concurred with that of Charles de Gaulle. As head of a defeated and liberated country, de Gaulle had been excluded from Yalta, and his conception consequently bore the marks of hurt pride and lack of political realism. In his view Europe would only find peace and equilibrium in an association between Slavs, Germans, Gaulois and Latins, an association from Iceland to Istamboul, from Gibraltar to the Urals and free from Russian and American domination. To achieve security he conceived of a classical system of alliances: between France and the USSR; between France and Britain, and Britain and the USSR; and the United Nations, with the United States as a crucial element, as the overall guarantor. [12] Obsolete and devoid of any understanding of the postwar world his conception would nevertheless turn out

to have important nuisance value after de Gaulle returned to power in 1958.

Apart from the outmoded Churchillian and Gaullist perspectives on world order, mention should also be made of the conceptions held and the solutions proposed by the resistance movements in European countries and the several postwar European Union movements. [13]

Unlike Churchill and de Gaulle, who thought in traditional concepts of interstate balances of power, those movements thought in terms of reconciliation, solidarity and a new European order to safeguard fundamental human rights. They concurred, however, with the two "conservative" statesmen in the view that peace in Europe would be the key to world peace and that European union would be a stepping stone to a world-wide league of nations. During the war the resistance movements spoke of a European federation which would forego power political aims. After the war the European movements spoke of a European federation as a balancing force between East and West with a view to bridging the gap between two hostile camps.

Looking back upon those few immediate postwar years, one cannot but be struck by the apparent inability in Western Europe to see the winds of change that had swept Europe into division and dependence. It took the succession of crises in 1947 to make West European governments aware that some amount of unity among themselves could be achieved only under the protection and with the cooperation of the United States.

In 1947 negotiations between the Great Powers over the future of Germany broke down. Most of Eastern Europe, including the Soviet occupation zone in Germany was incorporated into the Soviet system. The communist parties in Western Europe left the postwar government coalitions and went into opposition and subversion. Britain—the only victorious European state—had to abandon most of its traditional tasks as a "great power": the protection of Greece was handed over to the United States; Palestine was handed over to the United Nations; the American Sixth Fleet replaced the British in the Mediterranean; and India left the British Empire. Only the United States was left to save Western Europe from Stalinist domination and economic chaos. The West European postwar conceptions on unity and world order had failed even before they had been tested.

The year 1947 was a turning point in postwar history. In 1947 the United States—responding to what they perceived as Stalin's policy—radically changed their policy with the formulation of the Truman doctrine, the offer of the Marshall plan and its call for West European cooperation.

Equally concerned with a Soviet threat—it was assumed—West European efforts to unite were part of a "free world" reaction to this threat. [14] If some of the more important documents of this period can be taken as a guide, however, West European politicians were not equally as concerned as, e.g., George Kennan and President Truman about the Soviet threat. The new American policy indeed, was based on a recognition of the division of Europe into spheres of influence. [15] Such was not the case for most West European statesmen. In his famous Zürich speech, Churchill advocated unity for another reason: "If Europe is to be saved from infinite misery, and indeed from final doom, there must be an act of faith in the European family and an act of oblivion against all the crimes and follies of the past". He resounded the widespread feeling among contemporary Europeans that a response should be given to the breakdown of the West European system, not to a Soviet threat. He even concluded his speech by saying: "Great Britain, the British Commonwealth of Nations, mighty America, and, I trust, Soviet Russia—for then indeed all would be well—must be friends and sponsors of the new Europe and must champion its right to live and shine". [16]

The theme was repeated by the Federalists at the Hague Congress and all over Europe. European unification, moreover, was not motivated by a recognition of the division of Europe. It was conceived as a response to the challenge of division with a view to overcoming it. The external challenge to Europe after the 1945 breakdown was not a Soviet threat, but the division of Europe between a Soviet and an American sphere of influence. Such was even more the case after 1947, when "the cold war became primarily an American-Soviet affair". [17]

After 1947, however, the West European statesmen chose not to respond to this external challenge any longer, but to accept American leadership as a condition for pursuing their efforts to deal with past experiences among themselves. The Schuman declaration of May 1950 was the landmark of a movement towards West European reconciliation in the context of an acceptance of European division.

In its larger historical perspective, this particular choice of European politicians had far-reaching consequences. First of all they left it to the United States to deal with the modern challenges resulting from the three most apparent forces of postwar history in this period: the force of the changed *Leitmotiv* of power politics (from competition among parochial Western states to conflict between different societies); the force of ideologies; and the force of internationalism.

Secondly, they left it to the United States to deal with the perceived Soviet threat to their external security. The creation of NATO in 1949 and the acceptance of West-German rearmament in 1954 amounted to a resignation in the challenge of European division for the benefit of continuing American protection.

Finally, it was American leadership rather than European creativity which induced European politicians to seek unification primarily along the road of economic integration. The process of economic integration introduced the motive of "inner-dynamics" for further unification. It began to divert attention *from* external challenges to be met, and historical forces to be reckoned with, *to* keeping the market going whatever its direction or purpose might be.

As a consequence, European politicians moved into the second postwar period of their unification efforts without an adequate conception of the changed *Leitmotiv* of power politics, without a global policy to deal with the new force of internationalism and with no more than a vague, traditional economic theory to cope with the force of ideology.

West European Responses in the Period of Bipolar Stalemate and Expanding Competition

The *relance européenne* of 1955—in this context—was a response to the failure of the expected inner-dynamics and no longer to any external challenge. According to the Messina resolution the development of common institutions, the progressive fusion of national economies, the creation of a common market and the progressive harmonisation of their social policies "seems to them indispensable if Europe is to maintain her position in the world, regain her influence and prestige and achieve a continuing increase in the standard of living of her population".[18] The most striking aspect of the *relance européenne* was the euro-centric view of most founders of the two new economic communities. The failure of the European Defence Community was seen primarily as the conse-

quence of nationalistic resistance against the internal reorganization of Europe, and not as a failure to respond to the challenge of Europe's division. The choice for the alternative economic road to intra-European reorganization manifested a further resignation to the fact of European division. Such was the case also for the West German Government; the government most exposed to this challenge. The particular situation in which Germany found itself after the war—the principal instigator and the main victim of the 1945 breakdown—made Adenauer choose a policy of West German-American cooperation and West German-French reconciliation. As a consequence he endorsed the American view that the Soviet threat, rather than Europe's division, was the external challenge to Western Europe. He favored European unity as a necessity to achieve a balance between East and West; that is: a balance in favor of the West, a position of strength from which he could eventually force the Soviet Union to accept German reunification. This policy—marked by his concurrent decisions to re-arm West-Germany and to promote economic integration—amounted to a resignation in the challenge of division, notwithstanding the argument that it was meant to overcome division in the long run.

The choice has also been important for another historical reason. We have seen already that industrialism and nationalism—as the forces which have exercised dominion *de facto* over Western society—had worked together to build up great powers as universes in themselves.

The European choice of the mid-fifties reflects the effort *to divorce* the force of industrialism from the force of nationalism. Or, more exactly, to use the force of industrialism to *overcome* nationalism in Europe. The importance attached to this effort is underlined most clearly, perhaps, by the emphasis given to and expectations raised by the joint development of atomic energy for peaceful purposes. Atomic energy was considered to be the technology of the future, opening up "the prospect of a new industrial revolution out of all proportions to that which has taken place over the last hundred years". [19] The assumption that national European states would lack the means to develop this new technology independently was responsible for the integrative impact expected from Euratom.

The political choice to ride the forces of industrialism with a view to overcoming the forces of nationalism, however, implied also that it was left to the process of economic transition to find the response to the historical challenges that politicians were unable or unwilling to give in the mid-fifties. Some politicians, who em-

braced Monnet's ideas and the theory of functionalism, assumed that economic integration was essentially open-ended and would, as a consequence, contribute to wider European participation and "the harmonious development of world trade" (Art. 110, EEC Treaty). Others, who considered themselves federalists, believed that economic integration would almost necessarily result in the United States of Europe; a new entity that would contribute to a new structue of international relations by having disposed of the force of nationalism. Others, again, saw the use of industrialism *against* the force of nationalism as a transitional strategy only to re-unite them later as the forces working towards a European-scale Great Power as a universe in itself.

It probably was both the brilliance and the tragedy of the founding fathers of the new communities that they achieved a new take-off and the beginning of a forceful process toward economic change, without agreeing on the ends to be served by the process. The enthusiasm over having relaunched the process of European unification, together with the postponement of a discussion on ends, contributed significantly to the accelerating integration process in the years 1958-1962. During this period of accelerating integration, brought about as much by the historic force of economic growth as by the decision to create the EEC, two crucial decisions were taken by the community leadership. The first one was related to the negotiations on a multilateral association between the community and other West European countries. The search for a multilateral European association was in fact abandoned in 1959 by the decision not to approach it any longer as a special question requiring a special solution, but as one facet of the external relations of a community in the process of assuming world responsibility together with the United States and Britain. The second related one was that first priority should be given to making the community irreversible;[20] a process that should precede commercial negotiations with any third country. In the broader historical perspective I have taken as a context for analysis, those two decisions are both revealing and disturbing. The decision to place the conduct of external relations in the perspective of the community's world responsibility opened the gates to the ensuing conflict on ends. The decision to give priority to achieving irreversibility was bound *both* to strain the relations with third countries *and* to convert the conflict on ends into an endless dispute over procedures. Both decisions reflected a somewhat premature assertion of self-confidence; based on initial success towards the establishment of a customs union rather than on the more solid ground

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of successful common policies or restored political power. Both decisions also removed the European politicians even further from an attempt to find a creative response to postwar external challenges and the previous breakdown of the Western system. The continuing and enthusiastic American support for European political unification muted those voices who advocated meeting the economic challenge of the common market, and assured military and political protection for lasting irresponsibility in world politics.

During this period, finally, the last vestiges of the era of Western Europe's monopoly of power disappeared. The Franco-British disaster at Suez in 1956 signalled the end of decisive European influence outside Europe. The contraction of political activities to regional affairs was completed by the painful liquidation of the Belgian and French colonial empires in Africa. This contraction took place in a period in which the United States and the Soviet Union had shifted the emphasis of their societal power conflict from Europe to the third world. With the exception of taking over the French economic ties with some African countries, the new states of the third world *also* had to await the internal developments in the EEC.

The real response which European politicians gave to the external challenges during this period was a plea to wait and see: to Eastern Europe to expect attraction from the successes of integration; to the developing countries to expect benefits from economic growth of a large, new market; and to the United States and the Soviet Union to reckon with a new political power that might arise from the emerging trade-bloc. European society was made to believe that the inner dynamics of economic integration had successfully overcome the effects of the 1945 breakdown. It was in this spirit that the European Economic Community entered on 14 January 1962 the second stage of its transitional period, its "point of no return" according to Commission President Hallstein.

West European Responses in the Period of Bipolar Détente and Polycentric Competition

In 1962, according to President de Gaulle of France, the postwar era had ended. It was one of his immediate reactions to the Cuban missile crisis of October 1962 which brought the US and the Soviet Union to the brink of nuclear war. The retreat from nuclear war inaugurated the period of bipolar détente and the policies of nuclear arms-control. It sharpened the conflict between the Soviet

Union and China, thus destroying the image of a world divided into two adversary ideological camps. The East European countries were carefully embarking upon a policy of "national identification" and increasing contacts with the West under the cover of bipolar détente. President de Gaulle had liquidated the Algerian problem and focused his attention on French foreign policy in Europe.

Already, in 1958, de Gaulle had attempted to restore France to a great power role by his proposal to Eisenhower to form a Franco-British-American directorate in NATO. In 1960 he had proposed to transform the emerging European community into a political union of cooperating, but sovereign states. The first attempt had remained unanswered; the second proposal ended in failure, when the political-union negotiations were discontinued in April 1962. The new American administration had come out—even more forcefully than its predecessors—for a strong and unified Western Europe. It urged the British Government to seek membership of the European Communities. Even before entry had been consummated, President Kennedy initiated new trade-legislation to Congress and proposed a broad Atlantic Partnership to the Europeans.

For the Russian and American leaders the year 1962 also appeared to end a particular period in their postwar relations. The crises over Berlin, the abortive summit conference of 1960 in Paris, the Kennedy-Krushchev meeting in Vienna, the erection of the Berlin wall in August 1961, and the outcome of the Cuba crisis, converted the division of Europe from an object of conflict into a problem of coexistence. The ensuing climate of bipolar détente did not bring to an end the Soviet-American challenge of European division, it merely changed its character. Previous policies of active confrontation began to be transformed into attempts to stabilize the military balance, while retaining the dominant (US) or hegemonial (USSR) position on each side. The Soviet policy may be exemplified by the changing attitude—since 1962 —towards the Common Market and the revival of proposals for a European Security Conference since 1965. At the same time the Soviet Union began to counter potentially disruptive consequences of détente in its own sphere by pressing for more integration in the CMEA and the Warsaw Pact. The latter policy found its most disturbing culmination in the 1968 invasion of Czechoslovakia.

American policy, at least in the strategic area, did not show any inclination to apply the principles upon which it advocated an Atlantic partnership in the economic field. The Nassau agreement

of 1962 with Britain and the proposals for a Multilateral Force (MLF) indicated a policy of "nuclear sharing" under American control, rather than the full acceptance of the consequences of a partnership between equals. It should be noted, of course, that Western Europe had herself abandoned such partnership in the wake of the abortive European Defence Community. At the time President Johnson withdrew support from the MLF (December 1964) in favour of a Soviet-American agreement on nuclear non-proliferation, the retention of Soviet and American predominance had clearly won the day over equal partnership with the West Europeans. Partly as a consequence of Washington's increasing pre-occupation with the Vietnam war, Johnson showed a strong tendency to accept the division of Europe as a fact to be recognized. In a speech on 7 October 1966, he made clear that the unification of Germany, while remaining a vital purpose of American policy "can only be accomplished through a growing reconciliation. There is no short cut . . . we must improve the East-West environment in order to achieve the unification of Germany in the context of a larger, peaceful and prosperous Europe". [21] This deferment *sine die* of German unification amounted to a *de facto* recognition of German and European division. The extent to which the US administration resigned to European division in favour of Soviet-American rapprochement in Europe was manifested even more clearly in the mild and non-committal American reaction to the Soviet invasion of Czechoslovakia.

At this point, however, the Soviet-American collusion to keep Europe divided ends. Whereas the United States has come to accept Eastern Europe as a Soviet dominion, it has allowed its allies to assert their independence and to develop better relations with Eastern Europe. The Soviet Union has done neither. It has not given up its policy of dividing Western Europe and the United States (cf. the efforts to exclude the US and Canada from a European Security Conference). Nor has it allowed its allies to assert their independence in foreign policy. [22]

It is no doubt the merit of President de Gaulle to have taken détente as a chance to overcome European division. He thus became the first European statesman since 1948 who made an attempt to respond to this external challenge, and to raise the issue of the ends to be served by European unification. He did so, however, in a peculiar gaullist and ultimately self-defeating way. De Gaulle's historic vision was peculiar, perennially clouded by personal pique and a disproportionate view of French *grandeur*.

Peculiar also was his style of unilateralism by theater and surprise. As a consequence de Gaulle attacked the symbol—Yalta—rather than the cause—Europe's breakdown and postwar weakness—of European division. It is true, of course, that de Gaulle was excluded from the Yalta conference. The Yalta agreements, however, are not the source of all evils and particularly not of the division of Europe into blocs. [23]

In the same spirit he attacked the symptoms of American leadership, rather than the challenges of Soviet-American dominion. NATO, close cooperation between the US and Britain, and European integration, no doubt were symptoms of American leadership. His anti-NATO attitude resulting in withdrawal from the organization in 1966; the exclusion of Britain from the Common Market; and the assaults on the communities, divided and weakened Western Europe without dealing with the real external challenge. De Gaulle's efforts to replace the ideologically based bipolar balance of power by a more traditional balance between powers were thwarted by his own excessive illusions with respect to the power and influence of France. His policies of confronting the United States and seeking cooperation with the Soviet Union in an attempt to free Europe of antagonistic blocs split the community members even further, without achieving its purpose. On the day of the Soviet invasion in Czechoslovakia he issued an angry statement in which he condemned Moscow for "not having dissociated itself from bloc-politics, imposed upon Europe as a result of the Yalta agreements". Bloc-politics he added "are incompatible with the right to self-determination of peoples and cannot but lead to international tension". [24] Together with the May revolts in France, the Czech invasion signalled the end of De Gaulle's era.

The reactions of the other European governments and the Brussels bureaucracy were understandably marked by a mixture of confusion, imitation, and resistance. Gradually, and in line with a previous decision to give priority to irreversibility, the survival of the communities became the dominant issue.

When de Gaulle provoked the 1963 crisis in the communities' external relations by unilaterally excluding Britain, the development of an adequate external relations policy was abandoned for the sake of survival. De Gaulle's demand for a highly protectionist agricultural policy as a condition for progress in any other field, was conceded instead. When he provoked the 1965 institutional crisis in an effort to have his agricultural cake and eat the institutional provisions, he scored a victory in the Luxemburg compro-

mise of January 1966. He largely achieved by unilateral withdrawal what he failed to get out of his earlier proposal for political union. [25]

The Community did survive the crisis years of the sixties, but the price it paid for it seems rather high in historical perspective.

The choice to focus on survival soon reduced the long overdue discussion on ends to an endless battle on procedures. The persistent disagreement on ends and institutions reduced the policy-making output of the communities to a shaky and perennially unfinished agricultural policy, and a successful completion of tariff cuts in the Kennedy Round negotiations.

The new challenges of East-West détente and the "development decade" evoked frequent debates, but failed to produce common policies by which the community could have responded in the area of its unique potentialities. The Kennedy Round negotiations brought satisfaction over the ability to face the economic power of the United States, but contributed more to mutual irritation than to a new type of relations. The emerging force of technological advance—the latest variant of the force of industrialism—produced heated debates on the "technological gap" between Western Europe and the United States. The collapse of Euratom and the inability to make any progress towards a "technological community" made clear that the forces of industrialism and nationalism had reunited, long before they could even work together for the benefit of Europe. Nationalism indeed made its come-back in Europe in the sixties, but it did so in a different form. Nationalism no longer was the force which opposed the one against the other in Europe, but became the force by which the one began to imitate the other in pursuing détente, advancing technology and irritating the United States.

Separately, the West European states had lost the capability to engage in power politics. Jointly they had missed the unique chance in the sixties of creatively contributing to a beneficial change in the *Leitmotiv* of international politics from power political conflict between parochial states to peaceful competition and coexistence between different societies. The survival of the communities still enabled them, cooperatively, to play a role in the emerging international system.

In 1969 it was President Nixon of the United States who announced that "the postwar period in international relations has ended". [26] The announcement signalled the beginning of a new era in American foreign policy in which the concept of national interest is opposed to the concept of ideology as the basis for a new approach to foreign policy. This new approach, according to Nixon and Kissinger, stems from: "the retreat by the Communist states from the requirements of world revolution, and the recognition by them of the continuing importance of their national interests". It "opens the way for a new international order legitimated by the balance of limited power: that is, for an international order founded upon the balance of national interests". [27] The principle of "international legitimacy" as opposed to the principle of "revolutionary legitimacy" [28] became the new conceptual basis for Nixon's foreign policy. Placed in its broader historical context, Nixon and Kissinger argued that the changed *Leitmotiv* of power politics observed by Toynbee and quoted above, [29] has not been a new historical trend, but a peculiar and short-lived postwar diversion from the trend of history. It is not the rules of the political power game which have changed; only the players are different. China, the Soviet Union, Japan, the European Community and the United States of America, we were told, are the present players. The purpose of their game is "an international order founded upon the balance of national interests".

From a European perspective, American foreign policy since 1969 and the willingness of both the Soviet Union and China to play the new game at least partly, have significantly changed the character of the external challenge to the future of the European Community. The return to power politics in the more traditional sense has further diminished the perceived importance attached to the 1945 breakdown in the European system.

The new character of the external challenge means primarily that the over-all challenge of European division is being replaced by a variety of challenges to West European unification. More particularly, I shall now discuss the challenges of East-West reconciliation and the challenge of American unilateralism.

In the wake of the American policy change with respect to Germany (in 1966), the East-West division is seen no longer as a challenge requiring a response, but as a fact to live with. Chancel-

lor Brandt of the German Federal Republic has been the main architect of this new policy to recognize the consequences of Europe's breakdown. The recognition of the *status quo* in Europe, embodied in the treaties with the Soviet Union and Poland, the basic agreement with the German Democratic Republic, and the four-power agreement on Berlin, resulted from a conscious political choice made by the (1969) West-German leadership. The European Community and Germany's partners were—benevolent—political bystanders who had not only been unable to agree on a foreign policy towards Eastern Europe; they had equally failed to take up the remarkable opportunity of a joint commercial policy for East-West cooperation.

So far, East-West industrial cooperation—the new challenge in East-West economic relations—continues to be conducted bilaterally. Some progress has been made in coordinating the policies of the nine community-member governments in the framework of the European Conference on Security and Cooperation.

It would, however, be erroneous to assume that the return to power politics among "parochial states" has brought to an end the competition between distinctive societies in East-West relations. The (Soviet) external challenge may have lost its character of a politico-military threat requiring a Western military response. Western Europe continues to be faced with several challenges of a competing socialist society: the challenge of a revolutionary ideology and its attraction in West European society; the challenge posed by the attraction of West European society for Eastern Europe; and the resulting challenge of increasing human and cultural East-West contacts in such a way that future conflicts can be managed and political détente preserved. It is in this typically postwar area of contact between societies, where Western Europe has most conspicuously neglected its potential strength as an intermediary between the distinctive Soviet socialist and American capitalist societies. In human, cultural and scientific contact and exchanges, Western Europe is non-existent as a political or even cultural entity. Continuing and persistent cultural nationalism and the consequent inability to respond to the basic postwar external challenges are the price Europe pays for reducing unification to an exercise in power politics of the traditional type.

Faced with the challenge of Nixonian power politics and economic unilateralism, European unification tended to become more power-political oriented and to focus energies in external relations on uniting against the United States. The most beneficial conse-

quence of this new orientation was no doubt, the admission of Great Britain, Ireland and Denmark to the European Communities following the changed French attitude at the time of the 1969 Hague Summit Conference. The expanded community certainly is in a better position to deal with the new American challenge than the original community of the six. The new French attitude toward Britain also reflects the new reality inside the communities themselves: the reality of a return to power-political competition inside the community area. The admission of Britain has been facilitated as much by Heath's unequivocal pro-european turn as by the fact that the German "economic giant" no longer acts as a "political dwarf". Britain's participation has become a political necessity for Europe's external identity and its internal equilibrium. It confronts the newly enlarged community with the three-fold dialectics of unification, influence and power. [30] In the new dialectics of unification, enlargement has converted Brussels from the expected "new central institution" into the lower level for unification. On a higher-level, the governments of the communities regularly meet together to discuss and coordinate the broad lines for economic policies; the crucial decisions being taken during conferences of heads of state or governments.

In the new dialectics of influence the enlarged community is less divided on ends in facing the American challenge, but it also appears less capable of building the necessary political structure in e.g., monetary and trade policy to back up its increased influence in external relations.

In the new dialectics of power the enlarged community wields impressive strength in scientific and technological capabilities, but technology has exaggerated rather than europeanized the consciousness of national sovereignty.

The European Community that is emerging in the changing international system of the seventies is an uncertain partner or adversary at best.

The energy crisis since 1973 has not as yet produced a marked change in West European perspectives on world order. Western Europe's excessive dependence on imported oil has underlined the fallacy of the more power-political orientation of the community and the danger of asserting a European identity against the United States. The inability to deal jointly and adequately with the problems of energy supply, consumption and conservation, serves as a reminder that an external threat does not necessarily promote further unification. As a consequence of the energy-crisis, chances

for an active policy of East-West cooperation have receded further into the background. Relations with the United States have become an uncertain mixture of conflict and cooperation. The 1973 crisis in the Middle East has promoted efforts towards political consultation and cooperation, but the latter—as we shall see in Chapter 9—has been oriented to appeasement and identity rather than conflict management and active mediation.

The Future as History [31]

The process of West European unification in the changing international system has been approached as a series of responses to a variety of historical challenges. European responses reflect human choices based upon subjective perceptions of the historic situation. These responses have been intrinsically unpredictable in the past and will remain unpredictable in the future.

Our reflection on the postwar era in the context of history may help us to see some of the choices Europeans can make in the future. The choices themselves and their outcome cannot be predicted. So much at least becomes manifest after twenty-five years of European unification.

Notwithstanding the variety of responses we have observed, some uncertain trends have emerged. The first one was that European politicians have been decreasingly motivated by the challenge of the previous breakdown of the European system in making their political choices. Historical and human catastrophes—even of the magnitude of the Second World War—quickly loose their impact as history proceeds. Even this trend, however, remains unpredictable. Chancellor Brandt, when he came to power, was apparently motivated by an acute consciousness of the past catastrophe, but he responded by giving priority to East-West reconciliation over West European unification.

Postwar European unification also refutes the argument that unification proceeds in response to an external threat. With may be the exception of Adenauer, the Soviet threat has hardly been relevant for understanding responses given by European statesmen. European unification also did not respond to European division, it proceeded only after the acceptance of such division and American leadership. American leadership has been instrumental in the European choice to seek unification along the road of economic integration. This choice had added the motive of "inner dynamics" to the earlier historical challenges as forces working towards further unification. The inner dynamics have not produced any logic

of expansion as expected, but they have largely replaced the historical challenges which were much more vital to respond to. They have also turned American leadership into a European-American adversary relationship. European politicians, throughout the post-war era, have been extremely sensitive to the problem of Europe's role and influence in world politics, but they have never been able to agree on anything—federal structure, common defense, unified foreign policy—through which they could have effectuated such influence. They have advocated federation as their contribution to a changing structure of international relations, while largely neglecting the forces of internationalism and hardly supporting the growth of the United Nations. As an economic entity with the capacity for unique influence in the world, they have generally endorsed the return to traditional power politics. Such a return to power politics not only goes against the trend of history of which Europe especially could be aware, it is also the kind of game the European Community is most conspicuously unable to play.

The European Community of the future will inspire Europeans as little as European public opinion in the past has shaped the unification movement. Even the attempt to form a European-wide élite as the primary force for further integration has largely failed. The making of a European entity in international affairs has become the business of national politicians and bureaucracies, interpenetrating constantly along bilateral patterns and in the framework of the community bureaucracies and institutions. The "national" politicians and bureaucracies—the primary actors in the emerging European community system—have largely isolated themselves from the more profound human and social forces in today's society. At their best moments, they are no more than the floating currencies of a society emotionally speculating about its role in the world. More often their actions and attitudes are determined by actions of fellow-politicians and bureaucrats and by the perceptions they hold of the other actors in their system of international relations. Their "European language" no longer "represents an awareness of a common cause, but is instead a cover for the defense of national interests". [32]

The future as history indeed remains unpredictable. History can only remind politicians in Europe that the changed *Leitmotiv* of power and internationalism are lasting, rather than passing forces in the present global society; that neither economic growth nor technological advance provide the response only live persons can give to a historical challenge; and that nationalism and industrialism, if combined, are likely to have disastrous consequences for

international relations again.

In 1975 West European unification no longer stands as a model for a future world order in the minds of most of its citizens. The ideal of community-building has been quietly buried by the acceptance of the realities by Europe. Intensive intergovernmental co-operation is endorsed as a necessity, but imaginative schemes for new institutions are no longer devised. West European unification has ceased to be of much relevance for developing European perspectives on world order.

NOTES

1. Charles de Gaulle, *Memoires de Guerre, Le Salut*, 1944-1946, Paris, 1959, p. 53.

2. Jean Laloy, "Does Europe Have a Future?", *Foreign Affairs*, October 1972, Vol. 51, No. 1, p. 154.

3. de Tocqueville, *De la démocratie en Amérique*, Paris, 1951, Tome Premier, p. 624.

4. Ignaz Maybaum, *The Face of God After Auschwitz, op. cit.*

5. Les Etats Unis d'Europe ont commencé", Paris, 1955, p. 129. As quoted in my *Beyond the European Community*, Leyden, 1969, p. 223.

6. Compare Henry Kissinger in his address to the annual meeting of the Associated Press on a New Atlantic Charter, April 1973.

7. Ernst B. Haas, "The Study of Regional Integration: Reflections on the Joy and Anguish of Pretheorizing", in Leon Lindberg and Stuart A. Scheingold (ed.), *Regional Integration: Theory and Research. International Organization*, Vol. XXIV (No. 4), Autumn 1970, p. 624.

8. J.B. Duroselle, *L'idée d'Europe dans l'histoire*, Paris, 1965.

9. See Haas in Lindberg/Scheingold, *op. cit.*

10. Terms of Reference of the ECE as decided by the ECOSOC, par. 1 (*a*).

11. Compare his speeches of 21 March 1943 and 17 September 1946.

12. Memoires, *op. cit.*, pp. 58, 83.

13. Compare Gasteyger, *Einigung und Spaltung Europas*, Fischer, 1965.

14. Duroselle, *op. cit.*, p. 324/26.

15. Compare, e.g., George Kennan, *Memoires 1925-1950*, Boston-Toronto, 1967.

16. Text from *Landmarks in European Unity*, Ed. by Patijn, Leyden, 1970.

17. Brzezinski, "How the Cold War Was Played", *Foreign Affairs*, October 1972, p. 184.

18. *Landmarks, op. cit.*, p. 101.

19. *Landmarks, loc. cit.*, p. 103. Also *Comité intergouvernemental créé par la conférence de Messine*, Rapport des chefs de délégation aux Ministres des Affaires étrangères, Bruxelles, 1956, p. 99.

20. See further this author's *Beyond the European Community*, Leyden, 1969, pp. 106 ff.

21. Speech to the National Conference of Editorial Writers in New York. Reprinted in *Survival*, December 1966, p. 378/379.

22. The case of Rumania is an exception to this rule. It is linked to the geographical situation and the internal evolution of that country.

23. See especially André Fontaine in *Le Monde* of 24 August 1968.

24. As translated from the text reprinted in *Survival*, October 1968, p. 314.

25. For a more detailed analysis of this period, see the author's *Beyond the European Community, op. cit.*

26. *United States Foreign Policy for the 1970s. A new strategy for Peace.* A Report by President Richard Nixon to the Congress, 18 February 1970.

27. *Editorial*, "Mr. Nixon's Philosophy of Foreign Policy". *The Round Table*, Issue 248, October 1972, p. 405/406.

28. This argument is clearly derived from Henry A. Kissinger, *A World Restored. Metternich, Castlereagh and the Problems of Peace 1812-1822*, London, 1957.

29. The change from: "a competition among Western or partly Westernized parochial states for European or world domination" to: "a competition between distinctive societies", see p. 5.

30. See further, this author's, "The European Communities After the Hague Summit. Ten Characters in Search of a Role", (London), *Yearbook of World Affairs*, 1972, Vol. 26, pp. 24-42.

31. I am borrowing the title for my concluding part from Robert L. Heilbroner, *The Future As History*, New York, 1960.

32. Jean Laloy, *loc. cit.*, p. 159.

Chapter 5

EASTERN EUROPE, THE SOVIET SYSTEM
AND WORLD ORDER

When the Soviet army swept into Eastern and central Europe during the Second World War and finally conquered Berlin on 25 April 1945, the defeat of Nazi-Germany was to be the prelude to the radical transformation of Eastern and central Europe.

The transformation of Eastern and central Europe was achieved in three years. The communist *coup d'Etat* in Prague (February 1948) and the expulsion of the Yugoslav League of Communists from the Cominform (28 June 1948), marked its completion. The period of wars and violent territorial transformations in Europe's recent history from 1914 onwards had come to an end in the sharp ideological and political division of the continent. In Western Europe, US policy transformed European unification from an ideal of the federalists into the policy of its leading statesmen. In Eastern and central Europe Soviet policy had already achieved domination, and began its policy of forced *Gleichschaltung* in the region, i.e., a levelling down of differences with a view to unifying Eastern and central Europe as an annex to the Soviet system. Western and Eastern scholars—for different reasons—too easily assumed that "Eastern Europe"[1] henceforward has ceased to exist as a separate area of interest and is to be seen merely as part of the Soviet bloc. East European efforts towards unification and perspectives on world order, as a consequence, can be approached as a branch of kremlinology. Such an approach should be challenged for historical, as well as contemporary, political reasons. Historically, Eastern Europe has always belonged to the area of European civilization, and its temporary domination by the "universal state" (the Soviet Union) of another civilization continues to be unable to erase these differences. The contemporary developments in Eastern Europe, marked by a series of sharp and violent political crises, underline the inherent tensions existing in this area under foreign domination.

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Among the Eastern European states which were forced to enter the Soviet system in 1945-1948, none has played a major role as such in the formative era of international law or the period of Western domination. It would be too much of a generalization, however, to draw the conclusion that they have all and equally been objects of, rather than actors in, European history.[2] The states which are now part of the Soviet system can historically be distinguished in four groups, a distinction that influences their policies until our present days. The first group consists of the *German Democratic Republic*, which, geographically and ethnically, partly overlaps with Brandenburg and later Prussia, and had been the core area of the German Empire. As one of the successor states to the Third Reich it became the staunchest and toughest ally of the Soviet Union. Although it claimed to make a completely new start when entering the Soviet system, the old Prussian spirit and even the spirit of the Third Reich have been more awkwardly preserved in the GDR than in the other postwar German state: the Federal Republic of Germany. As late as 1968, Ulbricht turned out to be the strongest advocate of invading Czechoslovakia. His anti-Czechoslovak propaganda was partly written by the same persons who had done so for Hitler, in 1938, and turned out to be strikingly similar. The second group consists of *Poland*. Poland has a long history as a separate kingdom,[3] and had at times been an ally of the Habsburgs in defending Europe against the Turks. When Russia entered European politics in the eighteenth century the no doubt chaotic Polish Kingdom became the object of rivalries between the adjacent great powers: Russia, Austria and Prussia. In 1772 Poland disappeared from the map of Europe, to re-emerge only at the end of the First World War. Poland, after the First World War, was a creation of the West made possible by the defeat of Germany, the disintegration of the Austro-Hungarian Empire and the weakness of the Russian Soviet Republic following the 1917 revolution and the separate peace treaty of Brest Litovsk (March 1918).[4] In the turbulent years between 1919 and 1939 Poland was unable to achieve stability or a workable democracy. Created as one state in the Western devised *"cordon sanitaire"* between Germany and Russia, it soon became the object of rivalry between Hitler and Stalin when both leaders turned against the *"diktat"* of Versailles in the thirties. In a secret annex to the Molotov-von Ribbentrop pact of August 1939, Poland was partitioned again and disappeared from the map in September 1939. The German-Soviet Boundary and

Friendship Treaty of 28 September 1939 defined the limits of the German and Soviet occupation zones of Polish territory. After war broke out between Germany and the Soviet Union in 1941, Stalin left the Poles and their Western allies in no doubt that he intended to convert Poland from an object of German-Soviet partition into an object of Soviet domination. Already in 1943 Stalin made it clear that he would not recognize the Polish Government in exile as Poland's future government. He installed the Lublin Government instead in the "liberated" territories.[5] In 1944, when the Polish resistance movement rose against the Nazi's in Warsaw after the Soviet army had reached the Vistula, Stalin ordered his troops *not* to proceed *nor* to assist the Warsaw fighters. He thus enabled the German army to carry out Hitler's order to crush the resistance and to destroy Warsaw. After the war Polish territory was moved to the West by the Soviet Union. Poland acquired German territory in the West, whereas its Eastern borders with the Soviet Union came close to the demarcation line established for the Soviet and German occupation zones by Hitler and Stalin in September 1939.[6] When the Polish nation entered the Soviet system after the war their anti-Soviet feelings were overshadowed only by their hatred for the Germans and their sense of reality about the drastically changed postwar balance of forces.

The third group we can distinguish consists of *Hungary* and *Czechoslovakia*. Both countries—the latter partly—had known separate political existence in European history before becoming part of the Habsburg and, later, the Austro-Hungarian Empire.[7] Upon the dissolution of the empire in 1918/1919, they emerged as Western-created separate states, to be part, like Poland, of the *cordon sanitaire* between Russia and Germany. Czechoslovakia developed a reasonably stable democratic rule between the two wars but was annexed by Hitler in 1938 and 1939. Hungary was unable to develop a stable, democratic rule, but maintained its separate existence by allying itself with Nazi-Germany. Czechoslovakia emerged from the war as the sole "Eastern European" country with a moderate pro-Russian attitude.

The fourth group consists of *Rumania, Bulgaria and Albania*.[8] For many centuries the three countries had lived under Ottoman rule. They achieved independent statehood during the dissolution of the Ottoman Empire (Rumania and Bulgaria in 1878, Albania in 1913). Albania was occupied by the forces of fascist Italy in 1939, but regained its independence largely as a result of guerilla warfare. Rumania and Bulgaria maintained some form of separate existence by being allies of Germany.

The Soviet policy towards all East European countries in the wake of the victorious campaigns against Germany was substantially the same, whether they were dealing with allies (Albania, Poland and Czechoslovakia) or enemy states (the others). They had to be incorporated in the Soviet system to become a Soviet *cordon sanitaire* against the West. In the process the traditional Russian desire to be surrounded by "friendly states" was merged with and reinforced by the Stalinist, ideological requirement to be served by régimes recognizing the vanguard role of the Soviet communist party.

The period of the *Gleichschaltung* of Eastern Europe was prepared by submitting them to Soviet and communist rule. Without going into detailed analysis, the basic lines of Soviet policy during the period could be distinguished as follows.

First of all, the Soviet Union employed its military and political presence to replace what was still subsisting of political structures, by obedient communist régimes. *Kis*[9] has distinguished three stages in this process. Wherever a homogeneous communist régime could not be installed immediately, center-left coalitions came to power, with the communists in crucial positions during the first stage (Bulgaria and Rumania from 1944-1945, Czechoslovakia from 1945-1948, Hungary, 1945-1947). In Poland and the GDR non-communist parties only took part nominally in communist-dominated coalitions during the first year.[10] In the second stage, the coalitions were systematically dislocated by blackmail and political pressures from the national communists and the Soviet authorities, to be transformed during the third stage into monolithic communist-dominated blocs. In Czechoslovakia, with its strong democratic tradition, the third stage could be reached only through the *coup d'Etat* of February 1948. In 1948 the people's democracies had taken the place of the traditional states. [11] The transformation was sealed by the introduction of new constitutions modelled on the Soviet constitution of 1936: Albania, 1946; Bulgaria, November 1947; Czechoslovakia, May 1948; GDR, 1949; Hungary, August 1949; Rumania, April 1948; Poland, July 1952.

As a second line of policy, the Soviet communist party moved to counteract centrifugal and "national" tendencies in Eastern European parties and to have its exclusive leadership accepted. The move resulted in the creation of Cominform in September 1947,[12] which *inter alia*, proclaimed the division of the world into two opposing socio-economic systems, the socialist and the capitalist systems.

The third line of Soviet policy consisted of establishing the

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complete economic dependence of Eastern Europe on the Soviet Union. The instruments used were: the institution of Soviet dominated joint stock companies, [13] assimilation of planning (controlled by Gosplan), forced industrialisation and imposed collectivization in agriculture.

The fourth line of Soviet policy was directed towards the build up of a system of bilateral relations between the Soviet Union and the East European states as a first step on the road to Soviet-dominated unification—if not ultimate complete integration in the multinational Soviet federation. In contrast to the United States Government, which actively supported West European integration from 1947 onwards, the Soviet Government violently opposed any effort towards "sub-regional" unification in its sphere. [14] Both the Polish-Czech effort and the Tito-Dimitrov plan had their roots in the period of the common struggle against Nazi-Germany and were *not* directed against the Soviet Union. Stalin nevertheless went out of his way to destroy and discredit the efforts. Moscow labelled the London project counter revolutionary and imperialistic, a Polish instrument of anti-Russian machinations. It distorted the meaning of the Tito-Dimitrov plan, making it appear as a Machiavellian scheme of Titoist revisionism supported by American-British intelligence. In the place of voluntary federations or confederations, Soviet Russia installed a centrally controlled monolithic bloc, a "Socialist Commonwealth", which is neither Socialist nor a Commonwealth. [15] More than twenty years later a potential *rapprochement* between Rumania, Yugoslavia and Czechoslovakia served as one of the pretexts for invading Czechoslovakia.

The postwar imposition of Soviet domination and communist rule in Eastern Europe, however, not only achieved the *Gleichschaltung* of Eastern Europe to submission, it also created its *Gleichschaltung* in resistance. It transformed an incohesive group of weak and mutually divided states into a troublesome area for Soviet policy, in which the West showed increasing interest. In its "peoples' democracies", which neither enjoyed popular support nor democratic rule, the Soviet Union became faced continuously with political crises resulting from movements that were both popular and democratic. The origins of this permanent crisis in the Soviet system are neither Western-made nor counter revolutionary. They are to be found in the out-moded conceptions of the Kremlin leadership itself. Instead of acting as the "creative minority" (the vanguard) of a new ideal (that of socialism), the Kremlin postwar leadership operated as the "dominant minority" and the

latter-day representatives of European power politics from a by-gone age. Unable to understand the profound changes that had taken place in 1914-1945, [16] they dealt with Eastern Europe—unilaterally and in Stalin's negotiations with Churchill—in the way the three Emperors (of Russia, Austria and Prussia) had dealt with Poland in 1815. After the Second World War, the main differences were that the Soviet Union was virtually unchallenged in Eastern Europe after the German defeat, and that technology and totalitarianism offered unprecedented means for domination. Whereas the West European leaders isolated themselves from the more profound human and social forces in the process of their unification,[17] the Soviet and most East European communist leaders did so from the very beginning of socialist unification. Their socialist language never represented an awareness of a common cause and has always been no more than a cover for the defense of the interests of a dominant minority.

If history is any guide the Soviet empire, sooner or later, is bound to disintegrate by its own *inner* weakness and contradictions. The rising consciousness in Eastern Europe can be suppressed temporarily, it cannot be eliminated for ever. Intellectuals can be liquidated or imprisoned in lunatic asylums; the survival of the system cannot be assured by their silence. In the immediate postwar period, Eastern Europe proved to be too weak to respond to the crushing challenge of Soviet domination. Victorious leaders—as history tells us—may be intoxicated and weakened by their own success, whereas defeated countries may be stimulated by the hardship to which they are subjected. The very achievement of Soviet domination over Eastern Europe may turn out to be the primary origin of ultimate defeat. Had the Soviet leadership chosen to stimulate genuine East European cooperation and integration instead of imposing Soviet domination, postwar European history would have taken a different course. The choice for domination produced a major defeat at the very beginning of the period of East European *Gleichschaltung*: the expulsion of Yugoslavia and the latter's separate, national road to socialism. The example of Yugoslavia would turn out to be a cornerstone for East European resistance against Soviet domination throughout the following periods.

At this juncture in postwar history, no predictions can or should be made with respect to Eastern Europe. An analysis of East European responses to postwar challenges, however, could be attempted. In so doing we have to be aware of the crucial difference between the challenges faced by Eastern and Western Europe.

For the West, Europe's division and its own previous breakdown had been singled out as the primary challenges. For the East, Soviet domination for all and previous, untold human suffering for some countries, especially Poland, can be singled out as the primary challenges. In our analysis of East European responses, we may distinguish the following four periods.

(1) The period of forced *Gleichschaltung* of the East European economic and political structures with the Soviet model, 1948-1954; covering the same period as the bipolar confrontation between the Soviet Union and the United States.

(2) The period of multilateral harmonization and coordination through CMEA and the Warsaw Pact, 1955-1962; covering the same period as the bipolar stalemate in East-West relations and the take-off of West European economic integration.

(3) The period of new efforts towards economic and military integration, 1962-1969; covering the period of *détente* in East-West relations and conflict in the European communities.

(4) The period of renewed Soviet efforts to strengthen its control over Eastern Europe, 1969-1975; covering the period of multi-level balances of power and beginning "all-European" negotiations in East West relations.

As the East European régimes only enjoy limited popular support—if any support at all—East European responses are to be distinguished in popular responses to Soviet domination and totalitarian rule at home, and régime responses to the threefold dilemma of pleasing the Kremlin, staying in power and acquiescing the population. The perception of an external threat—i.e., an attack from the West—has played a secondary and indirect role mainly in Eastern Europe. For the East European people a "Western threat" was the régimes' term for the really perceived threat of a new war, in which their countries would again become the objects and victims of decisions made by the great powers. Only the Poles and the Czechs—the former until 1956 or 1970 (the Warsaw-Bonn treaty), the latter until 1968—tended to see a threat in a West German revival of former German policies from which they had suffered so profoundly. From the point of view of the régimes, the relations with the West have always been ambiguous in character. During the cold war repeated emphasis on the Western threat could help them to stay in power, but also helped Moscow to assure its domination. Thereafter, such emphasis began to-lose credibility (and support) at home, and it was not helpful in the new policies of bilateral *rapprochement* to the West.

Too much emphasis on *détente* might loosen their grip on the country and amount to an invitation for Soviet intervention.

East European Responses in the Period of "Gleichschaltung"

As a human and political experience, the period of the *Gleichschaltung* has probably been the darkest and most tragic episode in East European history. At least, until the death of Stalin in March 1953, Eastern Europe experienced the expansion of the terrorist régime Stalin had established in the Soviet Union especially since the 1930's. The crushing weight of Stalinist totalitarianism silenced popular resistance, and the East European communist leaders responded by trying to imitate Stalinism in their own countries. "The East European Communist leaders imitated his every move and gesture. They made themselves the object of personality cults, and employed all the police methods appropriate to this oriental brand of despotism". [18] This imitative response to Stalinist domination, however, did not safeguard their positions, as has been tragically shown in the Stalinist purges that swept over Eastern Europe.

The first wave of purges in 1948-1949 eliminated certain "nationalist" communist leaders (e.g., Rajk, Gomulka and Kostov) for "Titoist" deviation.

The second wave of purges in 1952-1954 liquidated the internationally and Moscow-oriented leaders who had come to power to replace the "nationalists". [19]

As a consequence, "the most distressing by-product of Stalinism was not its transformation of the basic political organization of the (East European) area, *but its almost complete breakdown of the individual nation's sense of internal legitimacy* . . . Instead of fostering international legitimacy, the oppressive years of Stalinism produced massive ideological alienation from Warsaw to Tirana". [20]

In socialist language Stalinist oppression was hailed as the new peaceful policy of the Soviet Union pursued in full accord with the people's democracies. Said Malenkov at the Nineteenth Congress of the Soviet Communist Party: "The USSR's relations with these countries set an example of entirely new relations among states, relations never yet encountered in history. They are based on the principles of equality, economic cooperation and respect for national independence". [21] The East European leaders who spoke at the Congress went out of their way to thank Stalin for his disinterested aid, their own liberty, independence and internal

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strength, and the new type of international relations based on alliance and brotherly friendship. [22]

The first efforts towards socialist military and economic unification should be understood in this context. The conclusion of bilateral treaties of friendship and alliance, as well as the *Gleichschaltung* of economic development, were instruments to strengthen Soviet domination. According to a recent view: "the emerging cooperation was determined by a feeling of "solidarity of interest" and a similarity of political objectives and ideological assumptions encompassed by the general notion of "socialist internationalism". The form of cooperation was constituted by bilateral intergovernmental agreements". [23]

The emerging cooperation was marked by imposed autarchy and adoption of the Soviet model of planning, industrialization and collectivization in agriculture. The feeling of solidarity of interests reflected the East European régimes' response to Stalinist terror. The general notion of "socialist internationalism" expressed the inescapable submission to the dictates of the Soviet communist party. Bilateral arrangements were the practical instruments for exercising Soviet control and assuring East European dependence. The system of economic cooperation, so established, did not function very well: "several vital problems related to the international division of labour were neglected". [24] The neglect was an unavoidable consequence of the *Gleichschaltung*. As *all* East European countries were forced to adopt the Soviet model, proceed to an accelerated build up of heavy industry and collectivize agriculture, there was no labour left to divide internationally. A division of labour might have been achieved if planning in Eastern Europe had been incorporated in the planning mechanism of the Soviet Union. The control of the Gosplan experts over the national planning commission at least indicated Soviet thoughts in that direction. For a while it did appear that the purges and the *Gleichschaltung* were measures preparatory "to the eventual incorporation of these states into the Soviet Union as Union Republics". [25] "Socialist internationalism", however, won the day over "Soviet federalism" or annexation. It resulted in the institution of the Council for Mutual Economic Assistance (CMEA) in January 1949. [26] Two reasons have been given for the institution of CMEA: (1) the acceleration of postwar construction and economic growth; and (2) the necessity to join efforts because of the economic blockade applied by the Marshall plan countries against the socialist countries. [27] From the Soviet point of view there was no real need for the CMEA in the postwar decade "since the institu-

tions of Stalinism provided more than sufficient leverage in exercising economic dictation".[28] Until at least 1954, CMEA existed only on paper. [29] The blockade of the Marshall plan countries was a Western response to Soviet-imposed autarchy and refusal to accept the offer for Marshall aid. The institution of CMEA is to be seen as an effort to *legitimize* autarchy by presenting it as a response to a Western threat; and to legitimize bilateral domination by presenting it as part of a system of multilateral cooperation. There was no need therefore to make the organization work. The need to make it work only arose a few years later when Stalin's one-man rule of terror was replaced in the Soviet Union by "collective leadership". Collective leadership not only proved to be a more difficult form of government to exercise domination, it also faced the Stalinoid leaders in Eastern Europe with unexpected uncertainties and popular responses to the relaxation of terror.

Walter Ulbricht and others of the GDR were the first to face a crisis of destalinization in the form of a massive and spontaneous *strike* of the East German industrial workers. What began as a protest against the increased norms of industrial output by some construction workers in East Berlin (15 June 1953), escalated to a massive protest march to the government center (16 June). It culminated in a countrywide general strike of a clear political character (17 June), including denunciation of the Ulbricht régime and demands for free elections and reunification. Massive and bloody repression by the Soviet Army (beginning at noon the same day) restored "order" by midnight. [30] The East German workers' uprising was the first major political crisis faced by an East European régime and the Kremlin in the post-Stalin era. As we know—and shall discuss further on—it has been followed by several others. Major political crises and the responses given to them by the régimes and the populations are the most important (and painful) indications of the character of a political system. In a few hours or days they reveal more truth and reality than all the official communiqué's about socialist cooperation, or reports about the progress of socialist internationalism. For the same reason their importance in official socialist writings is studiously ignored or dismissed as Western subversion.

What were the salient features of the East-German political crisis of June 1953?

First of all the crisis erupted in the context of a change of leadership and policy in the Kremlin itself. After the death of Stalin an unstable and transitional collective leadership had taken over. The struggle for predominance in the Soviet party produced

a relaxation of tension with the West, a new—more consumer oriented—economic course for the East, and an uncertainty as to which leader and what policy might eventually prevail. It caught the East-German stalinoid leadership in the dilemma between maintaining Stalinism at home in order to stay in power, and introducing economic reforms in order not to displease the new Soviet masters. The Ulbricht régime, originally, chose to try both. On 28 May 1953, the decree to raise industrial output by ten per cent. confirmed the drive to increase industrial production against the resistance of the German workers and the Soviet leadership. On 11 June 1953, the introduction of the new economic course was announced for the GDR. It revealed—as a second background feature to the crisis—that the East-German régime itself was deeply divided and engaged in a complex struggle for power. [31]

The irritation over the ten per cent. increase, the prospect for improvement and the apparent struggle for power in Moscow and Berlin, set the stage for the workers' uprising. The most striking feature of the uprising—when it escalated from irritation to all-out political protest—was that it was directed against the East German régime which had lost all legitimacy in the opinion of the workers, and not against the Soviet régime, which continued its domination over the GDR. The predominant feature in the East German régime's response to the crisis was that Ulbricht chose to exploit the insurrection to stay in power as the leader of the communist party. He accepted the bloody repression of the uprising by the Soviet army and proceeded afterwards to the elimination of his political rivals in the party. In this respect Ulbricht's response to the political crisis differed fundamentally from the responses of the Polish, Hungarian and Czechoslovak leaders in the political crises they were to face. None of them has matched the cruel disregard for the demands of the population shown by Ulbricht in 1953. None of them, also, has had to pay such a high price for illegitimacy as Eastern Germany. Until August 1961, when Ulbricht erected the Berlin wall in an effort to seal off the escape route to Western Germany, *millions* of its citizens had taken refuge in West Berlin and beyond.

The last feature of the East German crisis—and the pace-setting one for future crises in Eastern Europe—was the response of the Soviet leadership. A political crisis in an East European country presents itself to the Kremlin as a challenge to the Soviet system of domination, rather than a challenge to the national régime's lack of legitimacy. In such a perspective the restoration of Soviet order by military force if necessary has priority over any consider-

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ation of legitimacy or popular support for the East European régime concerned.

The period of Eastern Europe's *Gleichschaltung* in fact came to an end with the death of Stalin in 1953. The East German uprising and the leadership crisis in Hungary in 1953-1955 [32] opened a new era in the socialist system.

East European Responses in the Period of Crisis and Coordination

The East German uprising no doubt strengthened the new Soviet leaders in their belief that at least some amount of popular support would henceforward be necessary to stay in power. In order not to loose control over the East European régimes the latter should be forced to follow the Soviet lead in a new economic course. The East European régimes in the immediate post-Stalin years, however, were still dominated by the stalinoid leaders who resisted the new course in the hope of sticking it out until the power struggle in the Kremlin would turn out in their favour. Ulbricht won the gamble—as we have seen—by sacrificing East German workers' lives for his own ambitions.

Rákosi in Hungary, however, encountered in the Kremlin leadership a more determined effort to prevent a political crisis in his country by forcing him to adopt the new economic course. When he was summoned to Moscow with his trusted associates he had to accept the fact that the Kremlin leaders had also invited Imre Nagy, who opposed his stalinist economic policy. It resulted in an uneasy compromise. The new economic course had to be initiated in Hungary. Imre Nagy became chairman of the Council of Ministers and Rákosi had to admit mistakes and personal leadership. Rákosi, however, stayed as Party leader and used this position to sabotage the new course and—in March 1955—to oust Imre Nagy. [33] Hungary fell back to Rákosi's stalinoid rule. "For more than a year Hungary continued to fall back, suffering the consequences of its premature reformist venture at a time when external conditions were favourable to de-Stalinization. On the economic level, the standard of living ceased to rise; in political life silence was imposed once more. The menace and pressure of power was doubled against intellectuals, workers and peasants opposed to the restoration of the former Stalinist régime". The external situation, however, was no longer favourable to re-Stalinization in Hungary. It created the explosive situation in which "the party leaders were still much too powerful to give way, while still being too

weak to prevent the slow decline of their power". [34] The stage was set for the second major political crisis in Eastern Europe. The salient features of the Hungarian political crisis of 1956 are partly comparable to, partly different from, those we identified in the 1953 uprising in East Germany. First of all, the crisis erupted this time *after* Khrushchev's emergence as Soviet party leader in 1955, [35] but in the context of an *accelerating* process of change in Soviet foreign and domestic policies. Four of these changes—though well known—should be mentioned.

The relaxation of tension in East-West relations in the wake of Stalin's death was followed by a more deliberate Khrushchev policy of *détente*. [36] It lowered the credibility of the "Western threat" as an instrument for Soviet domination.

Khrushchev was also faced with the desire of an increasingly influential China to change the Stalinist attitude that other countries and parties were inferior. Khrushchev apparently gave in. "In the great Politburo debate on foreign policy with Molotov in 1955, Khrushchev and Mikoyan referred to Mao in affirming that the methods used in dealing with the People's Democracies were 'contrary to the spirit of proletarian internationalism' and 'reflected great-power chauvinism' ". [37] At the same time, Khrushchev partly retracted from Malenkov's new economic course by re-emphasizing the importance of heavy industry.

The two most important changes, however, were the rehabilitation of Tito and Yugoslav socialism in 1955 and the denunciation of Stalinism during the Twentieth Congress of the Communist Party of the Soviet Union in February 1956. If the joint Soviet-Yugoslav declaration of 3 June 1955 issued at the end of Khrushchev's visit to Belgrade was more than an empty statement, it amounted to an official Soviet recognition of different national forms of socialism and the possibility of socialist pluralism. Khrushchev's violent attack on Stalin, his terror and cruel methods of repression during the Twentieth Party Congress, undermined the very basis of the Soviet system and of the systems still prevailing in some of the East European countries. Faced with this rapidly changing context, Rákosi tried to stay in power by reverting to repression and condemnation of the Hungarian intellectuals. On 17 July 1956 the Kremlin forced him to resign, but the "scarcely less discredited Stalinist, Ernest Gerö, succeeded him as First Secretary". A number of "centrists" like János Kádár were appoited to the Politburo, but the leadership was too heterogeneous to take any effective action.

In this confusing situation, intellectual protest—led by the

Petofi circle—engendered political opposition, which in turn escalated into massive popular demonstrations and resistance. The turning points were the massive procession led by Imre Nagy on 6 October at the funeral for the rehabilitated Rajk and three of his friends; and the demonstration of solidarity with Poland on 23 October 1956.

The first produced Imre Nagy's reinstatement in the party some ten days later. On the evening of the second, the hastily convened Central Committee of the party "panicked and took two conflicting decisions. On the one hand, Imre Nagy was appointed Prime Minister (leaving the party leadership in Gerö's hands); on the other, an appeal was made to the Soviet garrison to restore order".[38] The appearance of Soviet armoured vehicles in the streets of Budapest the next day transformed the resistance against Hungarian Stalinist leaders into a national rebellion against Soviet domination *and* the totalitarian régime in Hungary. From this point onwards the Hungarian crisis took a different course from the previous East German workers' uprising. Contrary to Ulbricht, who had accepted Soviet intervention to save his power position, Imre Nagy chose to defy the Soviet leaders and to ask for the withdrawal of their troops in order to comply with the demands of the Hungarian population. On 30 October he announced "the return to a 'system of government' based on the democratic co-operation of the coalition parties, as they existed in 1945", without, however giving up the socialist economy. A few days later, when fresh Soviet troops had already moved in, he yielded to the demands of the rebel leaders to condemn the Warsaw Pact and seek independence and neutrality.[39] His response to the political crisis in his country was the most courageous one given so far by a national communist leader in Eastern Europe. Faced by then with the unsoluble dilemma between staying in power, pleasing the Kremlin or having the support of the population, he gave preference to political legitimacy. He paid for his courage with his own life.[40] The ensuing massive and bloody repression by the Soviet army—thinly justified by the request from Kádár[41]—cynically showed the limits of the new Kremlin policy announced in Belgrade and during the Twentieth Party Congress. The recognition of national forms of socialism might serve the Kremlin in its relations with Tito; it did not apply to Eastern Europe, where Soviet domination had to be accepted as before. It did not apply to China either. In this case, however, the outcome turned out to be the Chinese-Soviet conflict, rather than Chinese submission. Destalinization in the Soviet party might provide Khrushchev with enough

internal legitimacy to prevail in the Kremlin leadership; for the East European régimes, Kremlin approval rather than popular support had to remain their ultimate source of legitimacy.

In Hungary the Soviet intervention and the institution of a new government by Kádár were followed by several months of further chaos, strikes, revolt and governmental impotence, until repression came back in December 1956. "Then, once the opposition had been completely crushed and the nation demoralized, Kádár not unskilfully embarked on a gradual, careful course of liberalization. On the ruins of his compatriots' dreams and appealing to their sense of realism, he erected a system that was appreciably less oppressive than the earlier measures of Rákosi and Gerö, or those which Hungary's Czech or Rumanian neighbours had to endure for years to come". [42] Realism induced him to scrupulously follow the Soviet line in foreign relations in order to increase his room for manoeuvring in domestic policy. The gradual introduction of the new economic mechanism provided him with enough popular acquiescence to contain dissatisfaction. Realism also produced a fairly homogeneous party and non-party leadership to stay in power. The bloody repression of the national revolt, followed by political repression and gradual liberalization, may have alleviated and postponed the crucial problem of the régime's legitimacy; it has not yet solved it.

The *political crisis* in Poland, spurred by the same changes in the Soviet Union and by similar dissatisfactions in the country itself, coincided with the outbreak of the Hungarian crisis. From the beginning, however, the Polish crisis took a different course and was "solved" in October and November 1956 with the coming to power of Gomulka as undisputed party leader, the initiation of a series of liberal reforms, the release of Cardinal Wyszinski, and a *modus vivendi* with the Kremlin leaders. The salient features of the Polish crisis, which determined its different course and prevented Soviet military intervention, can be summarized as follows. The strike of the Zispo workers, followed by a mass demonstration in Poznan on 28 June 1956, [43] was immediately crushed by *Polish tanks*, thus preventing its escalation and eventual Soviet armed intervention.

The Polish party leadership, headed by the "centrist" Ochab, who had succeeded the Stalinist Beirut after his death in Moscow, [44] responded to the revolt not by further repression, but with measures towards liberalization. At the same time Ochab first, hesitantly and later deliberately, prepared the way for Gomulka to resume

power in the party. In so doing the Polish party leadership, in which the Stalinists formed a minority only, were well prepared for the showdown with Khrushchev, assured as they had become of popular support and control over vital organs of the state and party apparatus. The *dénouement* took place on 19 and 20 October, after the unexpected arrival of a Soviet delegation headed by Khrushchev, [45] amidst reports of Soviet troop movements in and around Poland. "It was this national solidarity that in the last analysis enabled Gomulka and Ochab to withstand Soviet pressure. They were able to counter the Soviet show of force with a demonstration of working-class support and also the support of those pillars of government in communist countries, the secret policy, frontier guards and internal security forces". [46] Gomulka, who was appointed First Secretary, made it clear to the Soviets that it is "up to our Central Committee and to it alone to determine the membership of our Politburo . . . The composition of the leadership of a Communist party cannot, in my opinion, be discussed with a fraternal party". [47] After his victory in the party and over the Kremlin, Gomulka swiftly and shrewdly, moved to affirm his position.

He outlined his plans for a carefully controlled policy of liberalization, including decollectivization, religious freedom, the development of socialist democracy, and economic reforms. He took measures to implement his programme, including, furthermore, the enlargement of the sphere of private enterprise, the release of Cardinal Wyszynski, the recognition of workers' councils, a rise in salaries, a revitalization of local government and the Diet and more intellectual freedom.

In his relations with the Soviet Union he indicted the satellization and Stalinization of Poland, declared the legitimacy of different national models and obtained the cancellation of Polish debts to the Soviet Union. At the same time he obtained credits from the latter. He gained a *modus vivendi* with the Kremlin on the stationing of Soviet troops in Poland under the control of the Polish Government. [48] He also established "greater autonomy in foreign relations, particularly in regard to contacts with the West (negotiations were opened with the United States with a view to obtaining economic aid)". [49] The successes of Gomulka were largely due to three factors: the concurrent crisis in Hungary, the stronger position of Poland and the restraint practiced by Gomulka himself. In pressing his demands against the Kremlin he strongly reaffirmed the alliance between Poland and the Soviet Union while at the same time stressing that the Polish reforms were strictly

national variants rather than a model for other countries in the Soviet system.

The outcome of the political crisis in Poland has nevertheless been of great importance for the future of Eastern Europe. It stimulated later and consistent attempts towards more national autonomy in Eastern Europe, in which bilateral relations with the West would turn out to be vital instruments of foreign policy. It fostered attempts towards cultural autonomy, a (limited) degree of tolerance and intellectual freedom, and a more flexible system of economic planning. It opened a new period in which developments in Eastern Europe began to diverge increasingly from the rigid system still prevailing in the Soviet Union.

Communist reforms from the top and resistance against the Kremlin by national communist leaders, however, also showed the intrinsic weakness of the attempts to gain popular support and national legitimacy, while upholding a system of bureaucratic socialism. Already since 1958—no doubt under Soviet pressure— Gomulka gradually slipped back to various repressive measures and an increasingly autocratic rule. [50] Although a certain amount of tolerance and most of the "small freedoms" [51] remained, his autocratic rule ultimately produced a political crisis of the same nature as the one he had mastered in 1956. The strike of the workers in Gdansk, Gdynia, Sczecin, Slupsk and Ellblag in December 1970 (against Gomulka's decision to increase the prices for consumer goods), touched off a series of tragic and bloody events which somehow repeated the crisis of 1956. This time the workers revolted against the very man and authority they had brought to power in 1956, thus manifesting that even a *national* variety of bureaucratic socialism did not solve the problem of legitimacy.[52] As in 1956 the Polish leadership kept the Soviet leaders at arms-length by immediately and cruelly crushing the revolt with their own tanks. This time, also, they sought the solution in a change of leadership. On 20 December 1970 Gierek succeeded Gomulka and proceeded to the same promises of a dialogue with the workers and economic reform as his deposed predecessor in 1956. It is unlikely to be the last crisis of East European bureaucratic socialism.

The profound and tragic political crises in Eastern Europe in the period 1955-1962 no doubt have had a more lasting impact on East European perspectives than the concurrent Soviet attempts to transform the character of socialist cooperation. Faced with the increasing difficulty of upholding Soviet domination by way of

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bilateral arrangements, but determined at the same time to maintain the domination over Eastern Europe [53] won by Stalin, the Kremlin sought a way out by pushing multilateral cooperation. Multilateral cooperation in relations between the USSR and the East European countries was meant to achieve supranational domination. The creation of the Warsaw Pact in 1955 was the first example of this new approach to domination. It effectively subjected the East European armies to the Soviet minister of defence and commander-in-chief of the Pact forces. The admission of Western Germany to NATO was the appropriate moment for instituting the new Pact. [54] Another Soviet attempt to multilateralize ties among the communist parties [55] was effectively thwarted primarily by Gomulka. "The relations between the two communist parties . . . posed great problems and led to serious frictions between Gomulka and the Soviet leaders. The Russians emphasized their preference for multilateral rather than bilateral ties among the communist parties and underscored the leading place of the CPSU in the international communist movement, implying that this entitled the Soviet party to the position of arbiter in the matters of ideology. In 1957 they apparently considered the possibility of formalizing such relations by reviving an international organization of communist parties". [56]

In 1961 Gomulka emphasized that the plan had been abandoned: "There exists no center which directs the activities of all communists and workers' parties. It is not needed". [57]

Finally the new Kremlin leadership moved to multilateralize economic relations by reviving the dormant CMEA organization. From 1954 onwards Council sessions became more regular and in May 1956 the decision was reached to harmonize and synchronize national plans. It was also recommended to prepare coordinated plans of all members for the period 1961-1965. The work of the commissions was revived and strengthened, and the adoption of a new statute for the CMEA in 1959 indicated a reinforcement of the organization. [58] The strict adherence to the unanimity rule in the Council and the non-binding character of its recommendations reflected successful resistance on the part of the East European countries against a Soviet dominated supranational organization. An uneasy balance had been achieved between East European attempts to find their own road to socialism and Soviet attempts—after two profound crises in the system—to employ Western methods of multilateralism for the sake of maintaining its domination.

The events in 1962—in the Soviet system, in Western Europe and in East-West relations—appeared to tip the uneasy balance in favour of more East European independence. [59]

The second Cuba crisis inaugurated the era of *détente* and peaceful coexistence in East-West relations, thus enabling the East European régimes to follow and expand the original Polish attempts to develop bilateral relations with the West. Such was the case especially with respect to relations with the West European Community countries. The success of the EEC together with the conflict commencing between the EEC countries and the USA, made relations with the EEC countries both economically more attractive and politically more admissible. The reversal of the Soviet attitude towards the EEC [60] provided a useful cover for Eastern Europe to embark upon policies of East-West bilateral relations.

Bilateral relations with the West—in the economic, scientific, technological and cultural fields—enormously increased East-West contacts at all levels. It stimulated East European nationalism especially in the economic and cultural fields, it reinforced the quest for national identity and broadened the range of tolerance and intellectual freedom.

Soviet-American *détente* also brought into the open and sharpened beyond repair the existing Sino-Soviet conflict. The Sino-Soviet rift proved to be at least as helpful as East-West *détente* for obtaining more national autonomy in Eastern Europe.

The Albanian and Rumanian leaders were the first to exploit the new situation; the former by relying on China; the latter by embarking upon a policy of expanding relations with the West and of remaining neutral in the Sino-Soviet conflict. In both countries (as in Bulgaria) the "Stalinists" were still in power and a change in policy did not incur the risk of an internal crisis followed by *some form* of Soviet intervention. The Rumanian leaders' orthodoxy was and still is undisputed. Moreover the change was limited to foreign policy where the possibilities for autonomy had significantly increased in their particular situation. Neither Albania nor Rumania had Soviet troops stationed on their territory. Albania had ceased to be a member of the CMEA and the Warsaw Pact in 1961. Gheorghiu-Dej of Rumania had obtained a withdrawal of Soviet troops in mid-1958. Also, since 1958, Gheoghiu-Dej had successfully resisted "specialization and division of labour" in the CMEA by insisting on and pursuing industrialization of Rumania.

In 1962 the economic conflict between Rumania and the Soviet Union came into the open. Since then it has gradually expanded to a confrontation between the Rumanian communist leaders who "were placing the national interests of Rumania, as they understood them, above the interests of international communism, as interpreted by the Russians". [61]

In the CMEA, the Rumanian example appears to have had several followers. Notwithstanding Soviet pressure and a 1962 decision on new objectives of economic integration, internal disagreements slowed down progress considerably.

The Warsaw Pact, created as a multilateral framework for Soviet domination, had not fulfilled Soviet expectations due primarily to Gomulka's successful resistance in October/November 1956. It was not until September 1965 that Brezhnev advocated an improvement of the Pact, no doubt with the aim of restoring discipline in foreign policy. The Rumanian leaders openly opposed the idea and the "Warsaw Pact consultative committee that met in Bucharest in July 1966 in effect reaffirmed the *status quo*, without making any new decisions about the reorganization of the Pact". [62]

In 1966/1967, the uneasy balance between East European autonomy and Soviet domination had further shifted in favour of the former. For the first time a rapid increase in East-West cultural exchanges concurred with a marked decrease in intra-socialist cultural relations. It was in this context that the prelude to the tragic Czechoslovak political crisis was performed.

Already, in 1963, popular and intellectual protests had come into open and had resulted in a number of reforms, more contacts with the West and the removal of some of the Stalinist leaders. It was not until 5 January 1968 that Moscow's trusted man, Novotny, was removed as First Secretary of the Czechoslovak communist party. [63]

It opened one of the most fascinating efforts towards national revival in Eastern Europe on the basis of creating "socialism with a human face". Carefully prepared by the political and intellectual elite, the programme of reform and liberalization started almost immediately after Dubcek's appointment as party First Secretary. [64] It aroused enthusiasm and support in the country without leading to the violence that had accompanied leadership crises in other East European countries. In the perspective of socialism as a basis for government it provided the first example of a communist leadership enjoying popular support and internal legitimacy in carrying out a political programme. [65] The restoration of freedom for the press and free discussion supported rather than affected

the new leadership. Had the Prague Spring been allowed to run its course, it might well have been the beginning of a true socialist international system. The Kremlin leadership, more concerned with postwar achieved domination than with the ideals of socialism, chose a different course. From the beginning of the leadership crisis in December 1967 they continuously tried to intervene in order to curtail the reforms. Soviet pressure transformed Dubcek from a moderate communist reformer into a popular national leader. It made the Czechoslovak population change from moderate Russian friends to enemies of Soviet domination. Caught between Soviet pressure and popular demand Dubcek nevertheless avoided being carried away by the latter as had been the case with Imre Nagy in 1956. He maintained the leading role of the communist party, though rejecting the totalitarian power it had exercised since 1948. He stood firm equally in upholding the alliance with the Soviet Union and Czechoslovak membership of the Warsaw Pact. It proved of no avail. On 20 August 1968 Soviet and other Warsaw Pact forces (except Rumanian troops) invaded the country to "provide fraternal assistance against counterrevolution". None of the Czechoslovak leaders had demanded assistance, [66] no violence had taken place which the party could no longer control, and the West—the pretended source of counterrevolution—had carefully avoided exerting any influence on Czechoslovak developments. The "fraternal" communist leaders of Czechoslovakia were beaten and deported to Moscow, only to be temporarily saved by the personal courage of President Svoboda. The invasion was followed by the "normalization of the situation in Czechoslovakia". Or to use a more realistic terminology, it implied the elimination of those leaders enjoying support and their replacement by old-hand Stalinists and "reliable" centrists (such as Husak), who were prepared to re-install the Soviet model of totalitarian repression as the only adequate form of communist rule. It also implied massive purges in the rank and file of the party and in the public administration; political trials and the re-establishment of censorship.

For the socialist system the invasion and "normalization" of Czechoslovakia has had far-reaching consequences. The uneasy balance between East European autonomy and Soviet domination began to shift back ominously to the latter. The Brezhnev doctrine[67] of limited sovereignty as a "post facto" justification for assistance without request, was to become the basis for relations between the Soviet Union and all East European countries.

The events in Czechoslovakia no doubt are the *basic challenge* to which Brezhnev has responded with an attempt to restore Soviet domination over Eastern Europe.

Nixon's new foreign policy[68] since 1969 of negotiation with the USSR and China and benign neglect for Europe (especially Eastern Europe), provided him with the *possibility* to do so. The opening era of East-West negotiations brought—in Soviet eyes—the *necessity* to do so. Relaxation of tension, East-West smiles and increased contact had been important causes for crises in the Soviet system before (1956 and 1968). It would be better therefore to prevent, rather than repair, the damage East-West cooperation could inflict upon Soviet domination. Brezhnev chose to employ both bilateral and multilateral instruments to restore it. On the bilateral plane the Kremlin works towards the conclusion of treaties of friendship, mutual assistance and cooperation, in which the East European party can be brought to recognize the Brezhnev doctrine. The Soviet-Czechoslovak Treaty of 6 May 1970 can be seen as a precedent in this respect. The Rumanians have been able to resist these references to the Brezhnev doctrine in their treaty of July 1970 with the USSR. [69] Poland and Hungary have so far resisted the pressure to conclude a treaty at all.

On the multilateral plane the Kremlin appears to be more successful in its attempt to strengthen the CMEA and the Warsaw Pact. The Warsaw Pact has been gradually transformed from an alliance into a framework for imposing discipline in foreign policy which has worked remarkably well—except for Rumania—in the East-West talks on security and cooperation.

The crisis of legitimacy in Eastern Europe, as a consequence, is still on. For the time being Eastern European régimes are trying to maintain some freedom of manoeuvre at home by advocating bilateral relations with the West and submitting to the Kremlin in foreign policy. The Polish crisis of December 1970 indicates the hazards of such a response to the situation. It may well be that no alternative is available to waiting for the next crisis. One conclusion, however, seems clear. The Soviet system has never been really threatened by the West since 1945. Its crises have been internal in character and not external in origin. Its main challenge is its own weakness.

In socialist thinking, it is said, history is even more uncertain than the future. Both are unavailable for independent academic research, as history is the recording of the past which suits the current interests of the party leadership in power; and future is the latest interpretation of Marx's "scientific prediction" on the communist world revolution. Marx never predicted the extension of Stalin's régime of terror over Eastern Europe, but today "the establishment and development of this system is (called) the second most important event in the history of mankind, after the Great October Revolution". [70] Even before Stalin had subjected Eastern Europe to his totalitarian rule, the birth in Europe of the new people's democracy was proclaimed, as well as the definite partition of the world into two diametrically opposed socio-economic systems: the socialist and the capitalist systems. [71]. The emergence of this new world system, we are told incessantly, has given rise to a completely "new type of relations between socialist states founded on Marxist-Leninist teaching and the unshakable principles of proletarian internationalism". The new order, in turn, has given birth to a new international law founded on the basis of socialist economy and applicable between the states of the socialist system. Socialist perspectives on world order are governed by the scientific prediction that the present regional socialist order will stand model for and be the precursor of world order. [72]

Which are the principles and rules of this new regional order? The principles are, as we have seen already, socialist internationalism, sovereign equality, solidarity, fraternal mutual assistance, international socialist division of labour, respect for territorial integrity and independence, non-intervention in international affairs, etc.

The rules are embodied in the statute of the CMEA, the Warsaw Pact Treaty and numerous other treaties.

The principles of the new order are not very striking in the postwar world, nor are the rules embodied in the CMEA and Warsaw Pact treaties very advanced in comparison with rules embodied in non-socialist or universal organizations. The Warsaw Pact Treaty looks almost exactly like the North Atlantic Treaty. The CMEA, with its unanimity rule for Council decisions and its powers limited to recommendations, is considerably less advanced than the EEC with its provisions for majority decisions in the Council, independent powers for the Commission and the power to issue

binding regulations. The differences apparently should be sought in specific and diverging socialist interpretations of well-known terminology. It is at this point that socialist state practice gives meaning to otherwise vague principles and hardly striking rules. At that point we see, e.g., that "sovereignty is a defence from attempts of imperialism to obstruct the construction of socialism in the countries of people's democracy". [73] Or to place the definition—written in 1951—in its proper context, the West should desist from any attempt to prevent the imposition of full control and the exercise of unlimited intervention by the Kremlin in East European internal affairs. The other principles are listed (again) in the Soviet-Czechoslovak Treaty of May 1970 referred to above. Socialist internationalism means Soviet domination; non-intervention and independence mean Soviet invasion and imposed normalization; solidarity and fraternal mutual assistance mean "limited sovereignty" and Soviet right to intervention. International division of labour means the annexation of East European economics to the Soviet Gosplan. Socialist principles are the opposite of Soviet practice. The gap which separates proclaimed principles from actual practice is neither true Marxism nor is it a consequence of socialist thinking. As a well-known Marxist thinker has pointed out [74] it is the legacy of Stalinism, totalitarianism and the system of bureaucratic socialism that prevails in the relations between socialist countries. The gap between words and facts is the symbol of the dictatorship of the one-party bureaucracy into which the dictatorship of the proletariat has degenerated.

In such a climate there is no room for East European theories on unification comparable to Western theories—however inadequate—on the subject. The repetition of the same principles can only act as a cover for the impossibility of conducting research on the crucial problems.

However inadequate West European theories may be, they do concern themselves with crises in the system, processes of decision-making, problems of bureaucracy, forms of unification and legitimacy of régimes on the national and community levels. No such inquiry is allowed in the Soviet system. The crucial problems we have identified, such as: national leadership crises, one-party bureaucracies, legitimacy of national régimes and processes of unification other than Soviet domination, are forbidden areas. Unless these problems can be examined and the pattern of domination can be changed, the "new socialist order" offers no perspectives on world order.

What is interesting in East European theory is: diverging approaches (from Soviet statements) in details; emphasis—between rather than on the lines—on *inter*nationalism, *national* roads to socialism, independence; the complete absence of theories on federalism or supranationalism; and an overwhelming amount of studies on East-West security and cooperation. It is a sad indication of their fate, rather than an indictment of their inadequacy.

NOTES

1. The term "Eastern Europe" is used for those states in central and eastern Europe which have become part of the Soviet system: Albania, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Rumania.

2. Kis, *Les pays de l'Europe de l'Est. Leurs rapports mutuels et le problème de leur intégration dans l'orbite de l'URSS.* Louvain-Paris, 1964, p. 76.

3. Compare Gieysztor a.o., *History of Poland*, Warszawa, 1968.

4. The separate Russian-German peace treaty had been humiliating to Russia. "Had the treaty not been invalidated by the victory of the western allies, Russia would have lost all her western provinces including the Ukraine". Compare Grant and Temperley, *Europe in the Nineteenth and Twentieth Centuries (1789-1950)*, London, 1953, (6th ed.) p. 472.

5. The future of Poland has been one of the most contested issues in the deliberations between the anti-German allies.

6. Also close to the Curzon Line of 8 December 1919.

7. Hungary had also been the battle field in the wars between "Europe" and the Ottoman Empire, like the East-European countries of the fourth group and Yugoslavia.

8. Before the expansion of the Ottoman Empire, a separate kingdom of Bulgaria—though covering different territories—had existed.

9. *Op. cit.*, pp. 98 ff.

10. Albania had a homogeneous Communist Government from the beginning.

11. In the G.D.R., the transformation from a Soviet zone of occupation to a people's democracy took place in 1949.

12. The seat of the Cominform was Belgrade—no doubt to supervize Tito —until the Yugoslav League was expelled in June 1948. The Cominform was dissolved in April 1956.

13. Kis, *op. cit.*, pp. 112 ff. and sources mentioned.

14. See especially Piotr S. Wandycz, "Recent Traditions of the Quest for Unity. Attempted Polish-Czechoslovak and Yugoslav-Bulgarian Confedera-

tions 1940-1948", in Lukaszewski (ed.), *The People's Democracies After Prague: Soviet Hegemony, Nationalism, Regional Integration?*, Bruges, 1970.

15. Wandycz, *loc. cit.*, p. 91. While condemning the larger Balkan Union, Stalin simultaneously ordered the speeding up of the conclusion of a Bulgaro-Yugoslav federation. Tito denounced this plan as an effort to facilitate the overthrow and subjugation of Yugoslavia.

16. See Chap. 3, *supra.*

17. See Chap. 4, *supra.*

18. Fejtö, *A History of the Peoples Democracies*, London, 1971, p. 3 (translated from the French).

19. The best-known example of the second purge is the so-called Slansky trial in Prague (November 1952) and the brutal liquidation of the Slansky group.

20. Gyorgy, "The role of Nationalism in Eastern Europe: From Monolith to Polycentrism", in London (ed.), *Eastern Europe in Transition*, Baltimore (John Hopkins paperback), 1966, p. 7, emphasis added.

21. Leo Gruliow (ed.), *Current Soviet Policies: The Documentary Record of the 19th Communist Party Congress,* New York, 1952, p. 106 (translated from *Pravda,* 6 October 1952).

22. Fejtö, *op. cit.,* p. 4.

23. "Introductory Report", by F.A.M. Alting von Geusau and Wojciech Morawiecki, *International Organizations in Europe and the Changing European System* (Second Conference), Carnegie Endowment for International Peace, European Center-Geneva, 1972, p. 17.

24. *Loc. cit.*, p. 21.

25. Kurt London, *op. cit.,* p. 21.

26. Original members: Bulgaria, Czechoslovakia, Hungaria, Poland, Rumania, USSR. Albania was admitted in February 1949 (but ceased to be a member in 1961), the G.D.R. was admitted in 1950 and Mongolia in 1962.

27. Introductory Report, *loc. cit.*, p. 20. Soviet authors normally cite the first reason only.

28. Gyorgy, *loc. cit.*, p. 7.

29. It met only twice after its institution and until 1954.

30. For analyses and descriptions of the East-German workers' uprising against the "workers" régime see Wolfgang H. Kraus, "Crisis and Revolt in a Satellite: The East German case in Retrospect", in London, *op. cit.*, pp. 41-65; and especially the studies listed by him on pp. 62-65.

31. Kraus, *loc. cit.* The introduction of the new course was coupled with the admission of mistakes made in the past and with a promise to remedy them and to improve the living standards of the population.

32. Fejtö, *op. cit.*, pp. 23-26.

33. Fejtö, *op. cit.*, pp. 23-26. Miklos Molnár, *Budapest, 1956, A History of the Hungarian Revolution*, London, 1971, Chap. 1 (translated from the French). The original Kremlin order to Rákosi to resign from both party and government leadership was revised after the fall of Beria. On instructions from Khrushchev he remained as head of the party.

34. Molnár, *op. cit.*, pp. 76, 78.

35. Following the ousting of Beria in 1953 and of Malenkov in 1955.

36. E.g., the Geneva Summit, the treaty with Austria and the compromise on UN membership in 1955.

37. Fejtö, *op. cit.*, p. 33.

38. Fejtö, *op. cit.*, p. 77.

39. Fejtö, *op. cit.*, p. 78/79.

40. He was executed in June 1958. For further reading on the Hungarian crisis, see especially, Molnár, *op. cit.*

41. Who had replaced Gerö as Party Secretary on 24 October 1956.

42. Fejtö, *op. cit.*, p. 82.

43. The demonstration was as much anti-communist as anti-Russian. The demonstrators shouted slogans like: long live freedom, bread and justice; down with the USSR; down with Soviet occupation; Free Cardinal Wyszynski; give us back religion!

44. Against the wishes of Khrushchev, who had intervened in March 1956 in favor of the Stalinist Zénon Nowak.

45. Consisting further of Mikoyan, Molotov, Kaganovich, Koniev (Commander-in-chief of the Warsaw pact forces) and eleven Soviet generals in full dress!

46. Fejtö, *op. cit.*, p. 70.

47. *Op. cit.*

48. Until 1956, Soviet troops were under Soviet control and Polish troops were under the control of the Soviet Marshal Rokossovsky and many other Soviet generals.

49. *Op. cit.*, p. 73.

50. Compare, Bromke, "Poland's Role in the Loosening of the Communist Bloc", in London, *op. cit.*

51. *Loc. cit.*: freedom of movement, private meetings and conversations, limited access to the western press, travel to the west, etc.

52. The revolt was neither anti-Soviet nor inspired by the intellectuals. It could therefore be compared also with the uprising of the Berlin workers in 1953.

53. It should be noted, that Khrushchev—while de-stalinizing at home—continued to push East European stalinists as his candidates in leadership crises.

54. It was, also for this reason, a serious political mistake. Anti-German feeling, especially in Poland, was still strong enough to present West-German rearmament as the primary reason for creating the pact.

55. To revive the Cominform or replace it by a new body.

56. Bromke, *loc. cit.*, p. 76/76.

57. As quoted from Przemowienia, 1961 (Warsaw 1962), by Bromke, *loc. cit.*, p. 78.

58. Introductory Report, *loc. cit.*, p. 21.

59. See Chap. 4, *supra*, and Alting von Geusau, *NATO and Security in the Seventies*, Leyden, 1971, Chap. 4, "Developments in Eastern Europe".

60. The 32 theses of the Moscow Institute. See this author's *Beyond the European Community*, Leyden, 1969, Chap. V.

61. R. V. Burks, "The Rumanian National Deviation: An Accounting", in London, *op. cit.*, p. 100.

62. Fejtö, *op. cit.*, p. 219.

63. The process resembled developments in Poland in 1956 to the extent that Brezhnev tried in vain to prevent a change of leadership.

64. See Windsor and Roberts, *Czechoslovakia 1968, Reform, Repression and Resistance.* An ISS Paperback, 1969.

65. Nagy's "Socialism Caring for Man", and Gomulka's reforms enjoyed support during the *crisis* with the Soviet Union only.

66. Robert Littell (ed.), *The Czech Black Book.* Prepared by the Institute of History of the Czechoslovak Academy of Sciences, Avon Books, New York, 1969.

67. The name may have been invented by "western imperialists" but the doctrine was formulated in Moscow.

68. See Chap. 4, *supra.*

69. The two texts are reprinted in *Survival*, July, September 1970.

70. A. Sovetov, "The Fundamental Principle of Socialist Foreign Policy" (Moscow), *Review of International Affairs*, November 1972.

71. The proclamations were made at the conference creating the Cominform held in Warsaw from 22-27 September 1947.

72. This is, of course, the latest proclamation, which diverges significantly from Marx, Engels, Lenin and Stalin before 1939. See Kis, *op. cit.*, and opinions discussed on pp. 199-241. Other spheres of international law: among capitalist countries, between capitalist and socialist countries (international law of peaceful coexistence) and between socialist and developing countries are of course transitional in character.

73. Liubomudrova quoted in William E. Butler, "Eastern European Approaches to Public International Law", *Y.B.W.A.*, Vol. 26, 1972, p. 332.

74. Medvedev, *Let History Judge. The Origins and Consequences of Stalinism*, New York, 1972 (translated from the Russian)

Chapter 6

NEUTRAL OR NON-ALIGNED COUNTRIES, EAST-WEST DIVISION AND WORLD ORDER

Few countries of Europe[1] in the years 1914 to 1945 had managed to escape involvement in the two great wars that swept over the Continent and in the intermittent efforts to devise a workable security system through the League of Nations. The majority of those countries which had attempted to remain outside the two wars was unsuccessful, their neutrality had been violated at the outset of the hostilities. Those which did manage to remain neutral were not looked upon with favor by the belligerents who considered themselves as fighting for "the causes of humanity and justice"; they were unable, moreover, to maintain perfect neutrality as the total character of the wars left no choice but to be more benevolent to the victorious side at each given moment of the fighting.

The Covenant of the League of Nations severely restricted the scope of neutrality in international conflict, whereas the General Treaty for the Renunciation of War (1928) brought several international lawyers to the conclusion that neutrality was no longer in existence under international law.[2]

The Charter of the United Nations and—contradictorally—the emerging ideological East-West conflict were considered to abolish neutrality as both legally and morally justifiable. Postwar developments, however, not only challenged those "legal" and "moral" attitudes towards neutrality. They would give rise to a new and unprecedented policy of *active* neutrality or neutralism[3] and non-alignment, to be conducted by an increasing number of smaller states in Europe, Asia and Africa. "Neutrality is dead, long live neutralism and non-alignment" was the dictum with which the postwar era was ushered in in 1948. Where the *law* of neutrality had failed to protect most small European states in the two world wars, the *political concept* of neutralism and non-alignment began to emerge in the new situation of the Cold War. Among the European states which managed to stay outside NATO and the Warsaw Pact, Yugoslavia became the prime mover in the world-wide non-

alignment movement. The latter movement induced the other European states which had maintained or gained their neutrality to take a new look at their position between the two blocs. Separately and jointly the neutral and non-aligned countries attempted to develop distinct principles and policies on international organization and relations. Their approach has been markedly different from both the Western European states in the European Communities and the Eastern European states in the Soviet system. Their perspectives on world order were not inspired primarily by regional institutional concepts to be universalized, but by world-wide principles to be observed. The formulation of these principles reflected the effort of small, powerless, and generally poor states to escape great power domination and eventually benefit from big power division. As far as Europe is concerned the policies of neutral and non-aligned countries reflect the stages of confrontation between the two blocs until the early sixties.

It is appropriate therefore to analyze neutral and non-aligned responses in those periods as we have distinguished earlier.[4]

(1) The period of neutrality before the Cold War; coinciding with national restoration in Western Europe and Soviet domination of Eastern Europe.
(2) The period of achieving independence and neutrality; covering the period of bipolar confrontation between the United States and the Soviet Union (1948-1955).
(3) The period of active neutrality and non-alignment; covering the period of bipolar stalemate in Europe (1955-1962).

Since the early sixties, non-alignment becomes primarily a political movement of the non-European a states, whereas East-West *détente* offers a distinctly different challenge to European states outside NATO and the Warsaw Pact. Rather than maintaining the subdivision of postwar periods after 1962 our final section will deal with non-alignment as a European response in the present world system.

Neutrality Before the Cold War

Neutrality, according to Oppenheim-Lauterpacht, "may be defined as the attitude of impartiality adopted by third states towards belligerents and recognized by belligerents, such attitude creating rights and duties between the impartial states and the belligerents". It "cannot begin before the outbreak of war becomes known". Neutrality "ends with the cessation of war, or

through a hitherto neutral state beginning war against one of the belligerents, or through one of the belligerents commencing war against a hitherto neutral state".[5] It has gradually developed in Europe since the sixteenth century as a legal institution of the formative era in international law, marked by power-political competition between secular, sovereign states. While restricting neutrality as a valid institution to periods of war even Oppenheim-Lauterpacht are bound to extend its validity, under special circumstances, to periods of peace, when they deal with perpetual or permanent neutrality.[6] The latter "is the neutrality of states which are *neutralized* by special treaties".[7]

Switzerland, at present, constitutes the only example of *permanent neutralization*. The idea of its neutrality goes back to the earlier sixteenth century.[8] Its neutrality was violated by Napoleon. At the Congress of Vienna in 1815 the delegation of the Swiss Diet obtained the recognition and guarantee of Switzerland's perpetual neutrality and the inviolability of its territory.[9] Switzerland has been able to maintain its neutrality ever since. In 1920 Switzerland became a Member of the League of Nations under certain restrictions,[10] but declined membership of the United Nations after the Second World War.[11] The obligation of UN Members to carry out decisions of the Security Council (Arts. 24, 25, 42 especially) was considered to be incompatible with the obligation to maintain permanent neutrality.

Belgium, upon gaining independence from the Netherlands in 1831, was permanently neutralized under a guarantee of Great Britain, Austria, France, Prussia and Russia.[12] Its neutrality was violated by the German Empire in 1914, after which Belgium gave up neutrality in 1919.[13]

During the 1914-1945 period several smaller European states *unilaterally declared to remain neutral* in the wars in an effort to ensure national survival against great-power occupation. During the First World War, the Netherlands, Spain and the three Scandinavian countries were able to preserve neutrality. They all joined the League of Nations after the war, accepting, inter alia, the rules of sanctions in Article 16 of the League's Covenant. When Hitler-Germany re-occupied the demilitarized Rhine zone and denounced the 1925 Locarno treaties in March 1936, Belgium, Denmark, Finland, the Netherlands, Norway, Spain and Sweden returned to a policy of neutrality. In view of the impotence of the League Council to deal with Hitler-Germany's unilateral steps, the said countries declared themselves to be no longer bound by the rules of sanctions in Article 16 of the Covenant.[14]

Sweden managed to remain a *non-belligerent*.[15] *Spain*, during the Civil War, became the object of great power intervention, but avoided military involvement in the Second World War. It was not seen as a neutral country. The Potsdam Declaration of 2 August 1945—later endorsed by the UN General Assembly—rejected the application for UN membership of the Spanish Government as the latter had been founded with the support of the Axis powers and had been closely associated with them.[16] The neutrality of the remaining small countries was violated by the belligerents. In November 1939 Soviet troops invaded *Finland* and involved the Finns in heavy fighting against both German and Soviet troops until the Finnish-Soviet armistice of 19 September 1944.[17] In May 1940 German troops invaded *Belgium, the Netherlands, Denmark and Norway*. All four countries gave up neutrality after the Second World War.

Ireland was the last small country to declare its neutrality on 16 April 1939. Due to its geographical location it maintained its neutrality throughout the Second World War. Finally, a special case is constituted by the neutrality of the *Vatican*. As we have seen,[18] the Papacy had become involved in the power politics of Europe since the eleventh century. Long after its decline as a political power the Papacy continued to claim a predominant role in European politics. It was not until 1929 that the neutrality of the Vatican was formally established in the Lateran Treaty between Cardinal Gasparri as Secretary of State of the Pope and Mussolini as head of the Italian Government. The neutrality of the Vatican was neither guaranteed (like the neutralization of Switzerland) nor unilaterally proclaimed (as, e.g., in the case of Sweden). It was the outcome of bilateral negotiations aimed at a settlement between Italy and the Holy See following the incorporation of the ecclesiastical states into Italy during the years 1859-1860. The recognition of the Vatican City by 30 powers (following the ratification of the Treaty[19]) no doubt implied a recognition of its "neutral and inviolable territory".[20] Vatican neutrality, however, does not reflect—as in the previous cases—an effort for political survival . It is the assumed condition for the exercise of a spiritual mission. Vatican neutrality is to serve the Holy See "to remain removed from *temporal* competitions between *other* states and from international meetings called for such purpose, *unless* the disputing parties unanimously call upon its mission of peace, reserving in each case its right *to apply its moral and spiritual power*".[21] In the era of ideological conflicts between totalitarianism and democracy, the re-introduction of the medieval distinction

between temporal and spiritual *power* has faced the Holy See with profound dilemma's. The supremacy of "spiritual" over "temporal" power is no longer recognized in international relations. Vatican neutrality, therefore, as an instrument *both* to enable the *Catholic Church* to exercise spiritual power *and* the *Holy See* to participate as a sovereign entity in international relations has subjected the Papacy to two types of criticism. On the one side the Papacy has been criticized for being too neutral in its attitude towards the Nazi crimes against humanity. [22] On the other side the Papacy has been criticized for being too partisan in its anti-communist attitude. The two-sided criticism appears to be *inherent* in the contradictory position of the Papacy in the modern world.

Neutrality and neutralism are valid only if the neutral state maintains a position *between* competing states or groups of states, without pretending to base its conduct on "higher" or more "spiritual" principles than those formulated—though often violated—by the international community (e.g., the Charter of the United Nations). Spiritual and moral influence can be exercised by the higher religions only, if their leaders—including the Pope of the Catholic Church—forego the desire to participate in international diplomacy.

On the eve of the Cold War neutrality as a legal institution had virtually ceased to exist. The European balance of power, as the political condition for Swiss neutrality, had collapsed and was in the process of being replaced by a bipolar confrontation between the United States and the Soviet Union. Neutrality as a device for small power survival had failed in most cases and the victims of aggression turned to policies of alliance in the emerging bipolar confrontation. Vatican neutrality was compromised by the character of the Second World War, the overt antireligious policies of Stalinism and the anti-communist attitude of the Papacy.

Responses to Bipolar Confrontation: Neutrality and Independence

The outbreak of the Cold War in 1947 in Europe originally seemed to hasten the disappearance of neutrality in Europe. The *Gleichschaltung* in Eastern Europe, the radical change in US policy—marked by the Truman doctrine and Marshall aid—and the proclamation by the Cominform of the division of the world into two opposing systems indicated that European states were faced with the choice between submission to Soviet hegemony or acceptance of American protection. The new confrontation no longer was a

mere power political competition in which one could refuse to take sides. It presented itself as a total—ideological, political, social and economic—conflict in which each country's internal régime seemed to prescribe its external alliance.

The four countries which had maintained neutrality or nonbelligerency during the Second World War—Ireland, Spain, Sweden and Switzerland—responded to the new situation in various ways. Ireland, Sweden and Switzerland rejected ideological neutrality, but the dividing line between ideological alignment with the Western world and neutrality in the political East-West conflict was drawn differently.

Ireland (1947) and Sweden (1946) applied for full membership of the United Nations, [23] and became original members of both the OEEC and the Council of Europe.

Ireland refused to join NATO as long as the country remained partitioned and *not* as an expression of its neutrality in the East-West political conflict. In 1961 it followed Great Britain in applying for membership to the European Communities, and was finally admitted as of 1 January 1973. Its neutrality, which in fact had ceased to exist as early as 1948, thus formally disappeared in 1973.

Developments in 1948[24] had made "the *Swedish* Government ready to break away from the tradition of neutrality and to enter into a formal defense alliance with Norway and Denmark on *condition that the new combination was neutral in relation to the great powers*". [25] When negotiations broke down on this condition in January 1949 and Norway and Denmark decided to join NATO, Sweden decided to continue alone a policy of armed neutrality between the two military blocs.

Switzerland adopted a more rigid policy of political neutrality after the Second World War. In fact the maintenance of its "permanent neutrality" was hardly a policy at all, as the conditions under which neutrality had been achieved no longer obtained. The European balance of power had given way for a new bipolar relationship between two extra European superpowers. Switzerland, however, stayed outside the United Nations and of course NATO. It joined the OEEC in 1948, but did not become a member of the Council of Europe until May 1963. Sweden and Switzerland both invoked their neutrality in seeking (and finally obtaining) association with, rather than membership of, the European Communities.[26]

The Cold War also converted *Spain*—from a non-recognized neutral during the Second World War—into an indirect ally of the West when in 1951 it received American economic and military assis-

tance in return for American base rights on its territory.

None of these countries, including Sweden and Switzerland, which remained *partly* neutral in the Cold War, played any significant role in the emergence of postwar neutralism. They were leftovers from the past rather than forerunners of the future.

Neutralism as a policy emerged from the *struggle for independence* of three non-neutral countries: India, Finland and Yugoslavia.

India[27] was the first country to formulate a policy of neutralism in the postwar world. Already before achieving independence from Britain, Nehru formulated the principles of India's future foreign policy. "India will follow an independent policy, keeping away from the power politics of groups aligned one against another. She will uphold the principle of freedom for dependent peoples and will oppose racial discrimination wheresoever it may occur. She will work with other peace-loving nations for international cooperation and goodwill without the exploitation of one nation by another. It is necessary that with the attainment of her full international status India should establish contact with all the great nations of the world, and that her relations with her neighbouring countries in Asia should become still closer".[28] The tenets of India's policy of neutralism, or more correctly, *non-alignment*, were thus: aloofness from—rather than neutrality between—the politics of the (East and West) power blocs, anti-colonialism and anti-racialism.

Far removed from the centre of conflict in the immediate postwar Soviet-American confrontation, aloofness from the blocs was a realistic possibility. For a large country aspiring to a leading role in Asia and eventually beyond, anti-colonialism was an attractive policy in the emerging process of decolonization. Unlike the neutral and neutralist countries in Europe, Indian non-alignment was (after 1947) not motivated by a quest for national small-state survival but by a bid for "third-world" leadership. Less constrained by specific external threats, India could more easily adapt the nature of non-alignment to changing circumstances. In the early years Indian non-alignment did not preclude a pro-western policy. Three specific Asian developments, however, shifted India's non-alignment ultimately to a pro-Soviet policy. The first one was the extension of the East-West conflict to Asia: the Korean war in 1950 and the American involvement in South East Asia. The second one was the emergence since 1949 of the People's Republic of China as an independent great power *and* challenge to India's leadership in the third world. The third one was the pro-

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tracted conflict between India and Pakistan over Kashmir and (later) Bangla Desh. These three developments made India into an *active participant* in Asian power politics. To the American involvement in Korea and South East Asia as well as Pakistan's alliance with the United States, India responded with a shift towards a more anti-Western policy. To the American and Chinese support—however ineffective—for Pakistan in the war over Bangla Desh, India responded with a more marked reliance on Soviet support. The Treaty of Peace, Friendship and Cooperation between the Soviet Union and India (9 August 1971)[29] may not affect India's aloofness in the East-West conflict. (According to Article 4, the USSR "respects India's policy of non-alignment".) In the context of Asian politics, Article 9 of the Treaty is incompatible with an Asian policy of non-alignment: "In case either of the parties is attacked or threatened with attack the high contracting parties shall immediately start mutual consultations with a view to eliminating this threat and taking appropriate effective measures to ensure peace and security for their countries".

India's original desire to play a leading role in the third world and become a participant in Asian power politics has reduced its non-alignment to an active policy of anti-colonialism and anti-racialism. Its leading role in the formative era of the movement towards non-alignment has assured a crucial place for the principles of anti-colonialism and anti-racialism in the postwar policies of neutralism and non-alignment.

Finland, as we have seen, had achieved national survival during the war by successfully resisting both Soviet and German invasion. It enabled Finland after the war to resist the take-over of its Government by the communists with Soviet support, as had been the case in Eastern Europe. In the postwar popular-front style government of the leftist parties—the Social Democrats, the Agrarians and the communists—the latter failed to impose domination. The communists were kept out of the government from 1948 to 1966.

As a small neighbour of the USSR, and in the context of the central European power vacuum, Finland was no longer free to disregard Soviet resistance against, e.g., its participation in a Scandinavian alliance. In a letter of 22 February 1948 Stalin "offered" to conclude a treaty of friendship, cooperation and mutual assistance with Finland *similar* to the pacts concluded with Hungary and Rumania. [30] As the internal *Gleichschaltung* of Finland along the East European pattern failed, Finland was able to conclude a treaty of friendship, cooperation and mutual assistance (6 April

1948) substantially *dissimilar* to the treaties referred to in Stalin's letter. A comparison between the Soviet-Rumanian and Soviet-Finnish treaties makes it clear that Finland escaped Soviet domination and obtained a Soviet guarantee for its neutrality instead. [31] In the preamble to the treaty with Finland consideration is given to "Finland's endeavors not to be involved in clashes between the interests of the great Powers". In Article 1 it is stated: "Should either Finland, or the Soviet Union through the territory of Finland, become the object of military aggression on the part of Germany or any Power allied with Germany, *Finland will carry out its duty as a sovereign state and will fight to repel aggression*" (emphasis added). Soviet assistance will be given "if necessary", to be "supplied as mutually agreed between the Parties". The treaty resembles a Soviet guarantee of Finnish neutrality and establishes a régime of peaceful coexistence between the two countries. [32] The Soviet guarantee was a concession to Finnish resistance against Soviet domination, but severely limited Finland's freedom in foreign policy. The régime of peaceful coexistence implied a Soviet recognition of the failure of the communists to take over the government of the country. [33] The real guarantee for Finland's independence or neutrality lies in the ability of the country itself to maintain a balance between domestic stability, friendship with the Soviet Union and adequate national defense capability.

Finland has a *status of quasi-neutrality* at best. "The provisions of the Peace Treaty of 1947 severely restricted the size of the Finnish armed forces. It gave the Soviet Union freedom of movement of military forces through Finland by road, railway communications and air". Its neutralization in 1948 "was linked with the dominant military position of the Soviet Union in that geographic sphere and a general guarantee of Finnish neutrality in respect of other powers is lacking". [34] In its external policy Finland has strictly observed a policy of *passive* neutrality during the Cold War. In July 1947 Finland declined an invitation to participate in the conference on European Economic Cooperation, convened for the purpose of discussing the Marshall plan and the creation of the OEEC. As a consequence most western observers considered Finland as an "East European" state refusing Marshall aid on Soviet instructions. During the same year the Soviet Union vetoed the admission of Finland to the United Nations. [35] Sweden's proposal, referred to above, for a Scandinavian defensive alliance, was motivated, *inter alia* by the Soviet-Finnish treaty of 1948 which was considered to have tied Finland, to a certain extent, "to the eastern bloc in matters of foreign affairs and de-

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fense—even though retaining internal freedom and independence". [36] Until 1955 Finland did (and could) not participate in any major international or european organization.

Yugoslavia's struggle for independence has no doubt been the most difficult—and with Poland—the most tragic one in European history. The kingdom of Serbia which had won separate existence from the Ottoman Empire [37] in 1878 had experienced war in 1912-1913 before being occupied by Austro-Hungarian forces in 1914. It was re-established as Yugoslavia in 1918 only to be invaded again by German forces in April 1941. Pressure upon the Yugoslav Government to join the axis-powers and accept occupation by German forces had resulted in the overthrow of the pro-German Government in March 1941. The German attack thereafter resulted in a German victory after eleven days and Yugoslavia was partitioned among Italy, Germany, Hungary, Bulgaria and a puppet régime in Croatia. "From the very beginning of the occupation the Communist Party of Yugoslavia, although outlawed, began making preparations for an armed war of liberation". The German attack on the Soviet Union on 21 June 1941 drastically changed the situation, creating "favourable international conditions for a liberation war by the enslaved peoples of Europe". On 27 June 1941 the "General Headquarters of the People's liberation and Partisan Detachments of Yugoslavia was formed, with Tito as Commander in Chief". [38]

The liberation of Yugoslavia was achieved primarily by Tito's partisan forces, though they received military support from the Allies and especially the Soviet Union. Upon liberation a coalition government was formed [39] headed by Tito. Within a few months the Communist party seized full control of the government. On 29 November 1945 Yugoslavia was proclaimed a federal people's republic along the pattern of the Soviet Union, and the monarchy was abolished.

History, ideology and geography thus converged in making Yugoslavia an ally of the Soviet Union. This alliance had been established already before the final capitulation of Germany when Tito and Molotov signed the Treaty on Mutual Aid, Friendship, Economic and Cultural Cooperation on 11 April 1945. At the time Tito hailed this treaty as the most significant foreign policy act in the history of new Yugoslavia, establishing "an indestructible link . . . with the peoples of the Soviet Union, which will be the guarantee of our security and a great benefit for the development of our country". [40]

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As it soon became clear, however, Stalin had decided to employ socialism as an instrument of Soviet domination in Eastern Europe, rather than as a principle for cooperation between allies. In dealing with other states he only knew slaves or opponents. Tito's Yugoslavia had to submit—like Eastern Europe—to Soviet domination and *Gleichschaltung* or leave the newly proclaimed brotherhood of socialist states. The Soviet example of building socialism was proclaimed as the only correct one, to be imposed by Stalinist terror.

National roads to socialism were *ipso facto* condemned as deviations from Marxism-Leninism. As a consequence, and before the "new Yugoslavia" had time to recover from the devastations of war, it had to fight again for its independence. It was a struggle against its proclaimed ally, coinciding with a confrontation over the future of Trieste between Yugoslavia and the Western powers. "Thus Yugoslavia found herself between the devil and the deep blue sea. March 1948 was the critical point in Yugoslavia's postwar history, which vitally affected the shaping of her foreign policies. She was in dispute and confrontation with both sides in the Cold War, not only because of the foreign political pretensions of the two parties, but also because of the basic concepts of the internal development in Yugoslavia. It was a crucial point which at the same time deeply influenced the internal development of Yugoslavia, which in turn influenced her stand toward the outside world". [41] The dispute with the Soviet Union, soon escalating to a conflict with all the countries affiliated in the Cominform, was by far the most serious threat to Yugoslavia's independence. It came to a head when the Soviet Government on 18 March 1948 decided to immediately withdraw all military advisers and instructors from Yugoslavia. An exchange of letters between the two communist parties ensued in which the violent tone of the Soviet party letters left no doubt about the true nature of the conflict. [42] As Tito did not give in, all relations of "friendship and cooperation" were severed by the Soviet Union and the East European countries. On 28 June 1948 the Yugoslav communist party was expelled from the Cominform. In December 1948 the exchange of goods between the USSR and Yugoslavia was reduced by 8 times as compared with 1948.

In January 1949 Yugoslavia was neither informed nor invited to participate in the CMEA, notwithstanding the existence of bilateral treaties for economic cooperation.

In September 1949 the USSR denounced the 1945 friendship

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treaty, followed by similar denunciation of existing treaties on the part of Hungary and Bulgaria. In November 1949 Yugoslavia denounced the 1947 treaty with Albania. Soviet and East European hostility was not restricted, however, to expulsion and denunciations. Economic pressure and blockade, frontier violations, military manoeuvres, illegal entries and efforts to overthrow the Yugoslav leadership were employed to bring Yugoslavia to heel, and the armies of the surrounding socialist countries were strengthened far beyond the limits imposed by the peace treaties. [43]

The real issue was not a dispute over ideology, but a conflict between Soviet attempts to subordinate Yugoslavia like the other East European countries and Yugoslav attempts to maintain independence and assure equality within the socialist system. "As was always the case in similar historical circumstances, there had been an attempt to cloak the true ideological and material nature of the dispute. In order to establish a hegemony over Yugoslavia, every form of pressure backed by a campaign of lies and slander unparalleled in history had been brought to bear on it". [44] The tension with the Soviet Union and Eastern Europe continued for several years. On 9 November 1951 Yugoslavia lodged a complaint in the UN General Assembly against Soviet efforts to threaten its territorial integrity and national independence. In the meantime Yugoslavia had requested assistance from three Western countries, including the USA, to meet the emergency resulting from severe drought in the summer of 1950. In recommending to Congress the granting of assistance President Truman stated "that the continued independence of Yugoslavia is of great importance to the security of the United States and its partners in the North Atlantic Treaty Organization, and to all nations associated with them in their common defense against the threat of Soviet aggression". [45] If the Western powers hoped to link Yugoslavia ultimately in some way or other with NATO, suggestions to that end—if made at all—were made very discreetly.

Yugoslavia on her side dismissed such ideas and responded to its challenge with a policy of independence and non-alignment. The most important principles of this new policy were formulated by Kardelj in his speech to the UN General Assembly on the rights of small countries; [46] in a speech to the National Assembly on relations with the Western Powers on 27 December 1949; and in a speech of President Tito to the same body on 27 April 1950. [47] They deserve to be quoted extensively.

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"Yugoslavia felt that, if it were recognized that every nation had the right to decide its own destiny and to organize its own social structure, peaceful collaboration among states of different structure was quite possible. On the other hand, if that principle was not observed, there existed a real threat to peace, not only in relations between states which had a different social structure, but also in relations between states with the same structure.

It could be said, therefore, that the threat of war was due, not to differences in social structure, but to the existence of imperialistic and antidemocratic tendencies in international relations, to the violation of the principle of equality of the rights of states and peoples, to the economic exploitation of other nations, and to intervention in the domestic affairs of other states.

Hence all efforts to strengthen peace must be indissolubly linked to the struggle for equality in relations between peoples and states, for the preservation of the independence of small states, for the establishment of conditions in which political or economic pressure would have no place in international relations. . . .

It was obvious that the question of the equality of rights and the independence of small countries was closely linked to the problem of their economic development. It was clear to everyone that the existing discrepancy between the wealth of technical resources and general economic progress of highly developed countries on the one hand, and the economic position of under-developed countries on the other, represented a clear danger to the pursuit of normal economic relations.

The United Nations must solve that problem by providing under-developed countries with assistance in the spirit of the Charter, in other words, the kind of assistance which would help to strengthen the independence of those nations. . . . The Yugoslav peoples are ready to collaborate with everyone, but they do not wish to submit to any foreign hegemony of any ideological form whatever, for they know that every form of hegemony in international relations is reactionary and fatal to the cause of human progress. The Government of the Yugoslav Republic have not concluded and will not conclude with any government a secret agreement or 'gentleman's agreement' directed against any other country whatever. The foreign policy of the Yugoslav Government is an open one. The Yugoslav Republic does not belong to any

military bloc; it does not and will not take part in any aggressive plan directed against any other country". (Kardelj).

Tito in his speech to the National Assembly added the following main principles of Yugoslav foreign policy.

"1. The federal Government will co-operate in the economic and every other field with those countries which are prepared to carry out such co-operation with us on the basis of absolute respect for equality and independence.

2. The Government will collaborate in the political field with all countries which are seriously struggling to strengthen peace and to find a just solution for those still unresolved international problems which arose from the last war.

3. The Government will continue to defend in the United Nations the right of small peoples and of colonial peoples, their liberty and independence, and their right to decide for themselves.

4. The Government . . . will not in future limit themselves to a negative attitude, but in all international gatherings will support with propaganda and action the struggle against blocs and spheres of interest, for they are profoundly convinced that such divisions of the world really represent a latent danger of war and human catastrophe. The Government consider that that is not the way to defend and safeguard peace, but that peace can only be secured within the framework of the United Nations and by patient search for a solution of the problems which exist in the international field.

5. The federal Government will intensify their activities to extend and strengthen their relations with other countries in the field of culture, science and sport.

6. The federal Government will further seek to improve relations with neighbouring countries as much as possible" (Italy, Greece and Austria are mentioned specifically).

It was only after the tensions between Yugoslavia and the Soviet bloc began to abate, and the question of Trieste neared solution, that Yugoslavia could effectively turn from meeting urgent challenges to its independence to a longer-term policy of non-alignment.

The basic principles of active neutrality and non-alignment were formulated, however, by the Yugoslav leaders during the finest hours of their postwar struggle for national independence. For the later movement towards non-alignment, the principles formulated

by Yugoslavia in its quest for national survival were more creative than the principles formulated by Nehru in his quest for third-world leadership. Yugoslavia's succesful resistance against Soviet domination also enabled a more active policy of non-alignment than was granted to Finland. Yugoslavia's particular situation as a socialist and under-developed country—subject to the influences of European and Moslem civilizations—induced it to be an early champion of non-alignment between blocs, struggle against blocs, democratization of international relations by emphasizing the rights of small nations, decolonization and development of under-developed nations. Yugoslavia also was the first country to develop alternative perspectives on world order as compared both to the perspectives of the West European states and of the Soviet system. Rather than seeking regional integration and increased joint influence in world affairs as a step to world order, [48] like the European community countries, it sought democratization of relations in the United Nations as the next step to world order. Rather than submitting to the Soviet hegemonial concept of world order—the universalization of "socialist internationalism"[49]—it proclaimed the right of every nation to decide its own destiny, irrespective of the social structures of nations.

Responses to Bipolar Stalemate: Active Neutrality and Non-Alignment

It was not until the mid-fifties that Yugoslavia's struggle for national independence could become a decisive factor for inter-regional and world-wide non-alignment as a policy for small states.

The death of Stalin produced important changes in Soviet foreign policy marked by a beginning *détente* with the West, increased Soviet interest in the world outside Europe, a relaxation of terror in Eastern Europe, and reconciliation between Tito and the Kremlin. [50]

Détente resulted in agreement over the status of Austria and a solution of the deadlock on the admission of new members to the United Nations. The latter solution also reflected the rising influence of the Afro-Asian states which at their Bandung Conference in April 1955 had come out for decolonization, development, disarmament and the rights of small countries. Among the principles proclaimed by the Bandung Conference, "the abstention from the use of arrangements of collective defence to serve the particular interests of any of the big powers". [51] no doubt reflected the resistance against the shifting US-Soviet competition from

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Europe to Asia. The Bandung Conference, nevertheless, was primarily a regional conference in which "it was still hoped that anticolonialism would unite all the countries of Asia and Africa". It was also attended by countries which were aligned with one or the other side in the Cold War. [52] "The leaders of the non-aligned countries, however, have always stressed their attachment to Bandung, and the movement of the non-aligned was regarded as the political continuation of the 1955 anticolonial conference". [53] The new countries of Asia and Africa were also Yugoslavia's natural associates in its policy of non-alignment. The rising importance and influence of the "third world" would help Yugoslavia to overcome its isolation in Europe, strengthen the case for non-alignment by offering a constructive alternative to bloc-politics and thus further safeguard its national independence. Already in the early fifties cooperation was developed with India and at the end of 1954 Yugoslavia began to develop relations with a large variety of countries.

It was the meeting between Tito, Nehru and Nasser, a year later at Brioni which first reflected the emergence of a world-wide, rather than regional, policy of non-alignment (July 1956). The meeting marked the beginning of collective actions of non-aligned countries on the international plane and joint rather than individual efforts to mediate between the superpowers and on a large variety of issues in—and outside—the United Nations. [54] The scope and the shape of non-alignment as a policy are well documented by the declaration adopted during the first conference of Heads of State or Government held in Belgrade from 1-6 September 1961. [55] The conference also made an appeal and sent a message to President Kennedy and Chairman Khrushchev to enter into direct negotiations to avert imminent conflict (i.e., the Berlin crisis). The long declaration clearly showed the extent to which Afro-Asian anticolonialism had merged with the original Yugoslav policy *for* independence and *against* confrontation between blocs into a broad policy program for non-alignment. Apart from the paragraphs urging self-determination, development assistance, the abolition of colonial rule, discrimination and apartheid, the conference adopted all the principles defined earlier by the Yugoslav leaders. They urged furthermore general and complete disarmament guaranteed by an effective system of inspection and control, the prohibition of nuclear tests, the holding of all disarmament discussions under UN auspices, and adequate representation of non-aligned countries in these discussions. The international platform Yugoslavia had found for its policies clearly strengthened its position in Europe,

especially towards the Soviet Union. [56] At the same time the Conference made it clear that non-alignment was to be the underlying philosophy of a movement *open* to all like-minded nations, rather than the foundation for a new grouping or organization. In their declaration the participating leaders said they did not wish to form a new bloc.

Yugoslavia's policy of independence was, no doubt, the most important *European* contribution to non-alignment and active neutrality until the early sixties. While the beginning of East-West *détente* since 1955 strengthened the case of neutrality in Europe, non-alignment activated the policies of the European neutrals. Both developments restored the respectability of neutrality with members of the two blocs.

In 1955, first of all, the deadlock over the re-establishment of *Austrian* sovereignty was broken. Austria regained its sovereignty under the condition of its permanent neutrality along the pattern of Switzerland. Unlike Switzerland, Austria has not been neutralized under a guarantee of the great powers. Austria obtained Soviet agreement for the re-establishment of its independence by a state-treaty, upon committing itself to permanent neutrality. In the state-treaty itself "the Allied and Associated Powers declare that political or economic union between Austria and Germany is prohibited. Austria fully recognizes its responsibilities in this matter and shall not enter into political or economic union with Germany in any form whatsoever" (Art. 4(1)).

In fulfillment of the Soviet condition (and after departure of the occupying forces) the Austrian National Council adopted the Constitutional Law on the permanent neutrality of Austria, for which it requested and obtained recognition of the signatory powers of the state-treaty and most of the states having diplomatic relations with Austria.

From the outset Austria interpreted the obligations of its neutrality in a much less restrictive way than Switzerland.

It continued its close cooperation with Western Europe, retaining its (original) membership of the OEEC while asking and obtaining (April 1956) membership of the Council of Europe. It became a member of the European Free Trade Association in 1959. It became a full Member of the United Nations in December 1955. [57] Full membership had been supported explicitly by all the powers party to the state-treaty. [58] The inability of the great powers to agree on the implementation of Chapter VII of the Charter (especially Art. 43), had created a situation in which full

UN membership no longer was deemed to be incompatible with permanent neutrality.

The new situation in Europe since 1955, marked by a beginning *détente*, the emergence of world-wide non-alignment and the newly acquired status for Austria, no doubt contributed to transforming neutrality from an attitude of isolation into a policy of more active mediatory participation. Both Sweden and Switzerland began to see their traditional neutrality in a new light: as a *de facto* guarantee for and solidarity with their neutralized neighbours Finland and Austria. [59]

Switzerland maintained its attitude of "passive" neutrality as an asset for offering Geneva's hospitality to international conferences. Sweden began to play a more active mediatory and non-aligned role, especially in matters relating to peacekeeping and disarmament. [60] With the creation of the Eighteen Nations Disarmament Committee in 1961, Sweden became one of the eight non-aligned members. [61] Sweden's attitude, moreover, enabled Finland to break out somewhat from its isolation imposed by its relations with the Soviet Union. In October 1955 the Finnish Parliament decided to join the Nordic Council. In 1962 Finland became a full and original party to the Treaty of Cooperation between the Nordic Countries. It became associated—like Yugoslavia since 1957—with certain activities of the OEEC (continued under the OECD). In 1961 Finland was associated to the European Free Trade Association.

Austria's policy in the United Nations, finally, offers a representative example of the changing face of neutrality in this era (1955-1962).
Neutrality, according to its spokesmen in the UN, was to be a commitment to basic principles of law, justice and the UN Charter, and a willingness to mediate and conciliate between blocs. Like the non-aligned countries, it endorsed (and often co-sponsored) resolutions on disarmament, the cessation of nuclear tests and peaceful coexistence. Its policy on the right of self-determination of peoples has been somewhat more cautious.
In its dedication to principles and against the use of force, Austria joined in the denunciation of the Soviet intervention in Hungary. [62]

These examples already indicate the important differences between neutrality as an attitude to avoid involvement in a prospective war between identified future belligerents and non-alignment or active neutrality as a policy during peace-time in a continuously

changing situation. The former implies a timely choice and much silence, if not isolation, thereafter. The latter implies continuous choices and attempts to find "allies" among as many non-aligned countries as possible.

Responses to Bipolar Détente and Negotiation: Non-Alignment in Search of a Conception

Non-alignment as a policy in time of peace, like neutrality as an attitude before or during a war, is a response to a prevailing condition and to perceived adversary relationships. As a viable policy it is no more lasting than the alliances to which it responded. Or, as one scholar remarked: "Non-alignment is attractive (and usually viable) in periods of 'cold war'—that is, when great power relationships have neither sunk to war nor risen to peaceful cooperation. In such circumstances small powers find themselves the objects of competition but not the victims of war (or, perversely of great-power cooperation which would remove their bargaining leverage)". [63] After 1962, both the prevailing conditions and the adversary relationships in the world began to change markedly. Bipolar détente (after the Cuba crisis) inaugurated an era of diminishing confrontation and increasing negotiation between the two super-powers, thus changing the alignment of forces *inside* the two blocs (NATO and the Warsaw Pact). It made *all* European states more non-aligned in their policies in so far as non-alignment had become the philosophy for small-power influence in international relations. Allied and neutral countries in Europe began to converge in their policies towards peace and security in Europe as the threat of war between great powers began to be replaced by the danger of *too much* bipolar agreement over the heads and against the interests of the smaller European states.

Outside Europe the number of participants in the movement of non-alignment drastically increased with the influx of the newly independent states of Africa. In the movement as a whole the emphasis, therefore, shifted back to the orientation of the 1955 Bandung Conference. Attention to evolutions in divided Europe decreased, and non-alignment became increasingly a movement of the developing nations to abolish the remnants of colonialism and to seek increasing development assistance from the wealthy countries. [64] As Africa had been the victim of Western colonialism, South-East Asia was suffering under American intervention in Vietnam, and Latin America faced the problems of US hegemony, non-alignment became more markedly anti-Western. Two of the

prime movers of non-alignment, moreover—India and the United Arab Republic of Egypt—became *decreasingly* non-aligned. As parties in serious international conflicts they turned to what amounted to an alliance with the Soviet Union to obtain support in their struggle. In the Soviet-Egyptian treaty of friendship (27 May 1971) the alliance character is even more markedly apparent than in the Soviet-Indian Treaty. [65]

Since the early sixties also, the participants in the movement can be characterized more properly as developing, than as non-aligned countries, although the second and third *conferences* of non-aligned countries (Cairo, 1964 and Lusaka, 1970) did maintain a certain distinction. China and Japan did not participate and the Latin American republics (formally US allies) had observer status. From the European non-aligned countries, however, only Yugoslavia was a full participant. Finland was an observer in both and Austria in the third of the conferences.

Politically the non-aligned group of states since the sixties thus distinguishes itself into two movements: the movement towards development, associating aligned and non-aligned developing countries; and the movement towards European security and cooperation, associating aligned and non-aligned European countries.
What was left of non-alignment in the two movements was: the active policy of Yugoslavia in both movements and the small power status of all concerned.

On the European continent [66] non-alignment or neutrality as a status in time of confrontation has offered a useful basis for more independent small-power activities in time of super-power negotiation. The room for manoeuvring, however, is constrained by the attitudes of the superpowers involved. For all the small powers, super-power negotiations still set the pace and small countries may follow up on their lead, but can hardly change the course. It has been shown by the arms control negotiations, the preparations for a European Security Conference and MBFR. Western European states could afford to take a more "non-aligned" position between the United States and the Soviet Union *exactly because* they are considered to be a new great power in the making. East European states, as we have seen, have no such freedom. Détente with the West and US-Soviet negotiations have resulted in renewed Soviet efforts to impose discipline in the system.

In this setting the policies of the non-aligned European countries almost necessarily show little if any mutual cohesion, and no efforts towards cooperation.

In the preparatory stage for multilateral talks on European Security and Cooperation, Yugoslavia, Austria and Finland have actively favored multilateral conferences, whereas Sweden and Switzerland reflected some of the reluctance of the West. The Finnish Government has proposed to hold preparatory multilateral talks in Helsinki—as actually happened. The Austrian Government has likewise proposed Vienna for multilateral talks. The Soviet-American SALT have alternatively been held in Helsinki, Vienna and Geneva. Sweden and Yugoslavia—like several small West European countries—have advocated linking multilateral talks on security and cooperation with talks on MBFR and arms control. Yugoslavia has proposed to include the Mediterranean area in the multilateral talks. [67]

Yugoslavia, while pursuing its policy of non-alignment in both the "European" and "third world" movements, has faced the additional problem of its strained relations with the Soviet Union after the invasion of Czechoslovakia. In 1968 President Tito reacted most strongly to the invasion, which presented itself also as a renewed threat to Yugoslavia's independence.

In his desire to re-establish reasonable relations with Moscow, Tito's attitude on the invasion, however, was mitigated thereafter. In an interview with "Vjesnik", e.g., Tito said that "what happened in Czechoslovakia has already been transcended". [68] Few defenders of the rights of small countries are likely to agree with this statement in view of the repressive "normalization" of the situation in Czechoslovakia. It was a statement of expedience dictated by circumstances, rather than a statement of principle inspired by the declarations of the non-aligned countries.

Non-alignment and neutrality, whether imposed, guaranteed, favored or born out of national resistance against foreign domination, has in the final analysis been primarily a series of national responses to changing international conditions. The proclamation of high legal and moral principles by the non-aligned countries has opened the movement to severe criticism. [69] The criticism of a gap between theory and practice and between principles and conduct, however, is unfounded, at least in relative terms. The gap is significantly smaller than the comparable one in Eastern Europe and no more shining than the gap between declared principles and actual conduct in the West. As an expression of small-power efforts to safeguard independence, the loudness of the principles is certainly more acceptable and more comprehensible.

Non-alignment, nevertheless, is still in search of a conception.

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As an alternative perspective on world order the policy merits attention and the conception requires elaboration. Compared to West European and East European perspectives on world order—universalization of regional systems, or a balance of powers between major actors—the non-aligned countries offer at least the following alternative perspectives. First the perspective of *democratization* of international relations; secondly the perspective of *multi-cultural cooperation* between states; and finally the perspective of *institutionalization of relations* in the broad framework of organizations *to which adversaries and non-aligned countries* belong.

NOTES

1. Table 2 gives a classification of neutral and neutralist countries in recent European history.

2. See, e.g., Politis, *La Neutralité et la Paix*, Paris, 1935. Following the outlawry of war by the Paris Treaty, he concludes: "En droit, la neutralité a donc cessé d'étre une institution" (179).

3. The terms "neutralism" and "non-alignment" are now commonly used to designate policies of *active* neutrality or non-involvement *in times of peace* as distinguished from traditional or *passive* neutrality *during a war*.

4. Chaps. 4 and 5, *supra*, p. 93, 118.

5. Oppenheim-Lauterpacht, *International Law*, Vol. II, "Disputes, War and Neutrality", 7th ed., 1963, pp. 653, 666, 671.

6. This extension is less striking than it may appear. Peace in the modern era of European history, as we have seen, has normally been the continuation of war by other means. See Introduction and Chap. 1, *supra*.

7. Oppenheim—Lauterpacht, *op. cit.*, p. 661 emphasis added.

8. Belin, *La Suisse et les Nations Unies, op. cit.*, New York, 1956, p. 17. And bibliography listed in footnote 14, on p. 21.

9. Declaration of 20 November 1815 by Austria, France, Great Britain, Portugal, Prussia and Russia.

10. Notably "not to be forced to participate in a military action or to permit the passage of foreign troops, or the preparation of military enterprises upon her territory".

11. Belin, *op. cit.* Switzerland has become member of the Specialized Agencies and a party to the Statute of the ICJ.

12. Article 7 of the Treaty of London, 15 November 1831. The guarantee was renewed in Article 2 of the Treaty of London of 19 April 1839 to which the Netherlands also was a party.

13. See Art. 31 of the Treaty of Versailles, Art. 83 of the Treaty of St. Germain and Art. 67 of the Treaty of Trianon, Oppenheim-Lauterpacht, Vol. I. *Peace*, 8th ed., 1962, pp. 246-248.

14. The Netherlands' Government also declined a German offer (!) to guarantee the integrity of the Netherlands.

15. Andrén, *Power-Balance and Non-Alignment, a Perspective on Swedish Foreign Policy*, Stockholm, 1967. Andrén rightly prefers the term non-belligerent to neutral. In the first period of the war (1941-1943) Germany forced Sweden to transport German troops over Swedish territory. In the later period, concessions had to be made to the Allied powers.

16. *US Department of State Bulletin*, XIII, pp. 159-160.

17. The Finnish-Soviet winter war lasted from November 1939 to March 1940, when Finland had to cede southern Karelia and Vyborg to the USSR. Finland then turned to Germany for protection but declared its neutrality when Germany invaded the Soviet Union on 22 June 1941. Fighting with the Soviets went on until the armistice and with the Germans thereafter, who refused to leave Northern Finland.

18. Chaps. 1 and 2, *supra*.

19. Cardinale, *Le Saint-Siège et la Diplomatie*, Paris-Tournai-Rome-New York, 1962, p. 75.

20. Art. 24 of the Treaty between the Holy See and Italy.

21. Art. 24, *loc. cit.*, translated from the French text in Cardinale, *op. cit.*, emphasis added.

22. And as late as 1973 in its attitude towards Portuguese colonial repression. Among the literature on the Papacy and Nazi-Germany, see, e.g., Curvers, *Pie XII. Le Pape outragé*, Paris, 1964; Friedländer, *Pie XII et le IIIe Reich*, Documents, Paris, 1964; Lapide, *The Last Three Popes and the Jews*, 1966; Lewy, *The Catholic Church and Nazi Germany*, New York, Toronto, 1965.

23. Due to the conflict between permanent members of the Security Council over the admission of new members, Ireland was not admitted until December 1955. It was considered a "western" candidate by the USSR.

24. Including the conclusion of the Soviet-Finnish treaty, I shall discuss below.

25. Sweden and the United Nations, *op. cit.*, p. 4, emphasis added.

26. Effective as of 1 January 1973.

27. An analysis of Indian foreign policy is outside the scope of this book. Its influence on later policies of neutralism and non-alignment, however, requires a few remarks on India's attitude in this respect.

28. Statement on 24 September 1946 quoted in Mates, *Non-alignment. Theory and Current Policy*, Beograd, New York, 1971, p. 48.

29. Text in *Survival*, October, 1971.

30. Stalin considered Finland, Hungary and Rumania as neighbouring states, which had fought against the USSR on Germany's side. A clear distortion of the facts!

31. The provisions of the two treaties are given in: Royal Institute of

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International Affairs, *Documents on International Affairs, 1947-1948*, London, 1952.

32. Idman, "Quelques observations sur la coexistence pacifique et le Traité d'Amitié entre l'U.R.S.S. et la Finlande", *R.G.D.I.P.*, 1959, pp. 5 , 7.

33. Peaceful coexistence is the (Soviet) principle for relations between countries with a different social and economic system. It does not apply to relations between socialist countries.

34. Grzybowski, *Soviet Public International Law. Doctrines and Diplomatic Practice*, Leyden-Durham, 1970, p. 205.

35. In the Security Council debates the Soviet Union agreed to admit Italy to the UN on condition that Bulgaria, Rumania, Hungary and Finland were admitted as well. When a separate vote on each of them was taken, the majority of the Council voted against the admission of Bulgaria, Rumania and Hungary. The Soviet representative vetoed the admission of Italy and Finland.

36. Sweden and the United Nations, *op. cit.*, p. 3.

37. After having been in the battle line between Europe and the Turks for centuries. See Chap. 2, *supra*.

38. "Survey of the People's liberation war", in Tito, *Selected Military Works*, Belgrade, 1966. Quotations, pp. 310-311.

39. After the entry of the liberation army into Zagreb on 8 May 1945.

40. As quoted in Mates, *op. cit.*, p. 181.

41. Mates, *op. cit.*, p. 195.

42. It is highly instructive to read this exchange and to compare the self-restraint and factual character of the Yugoslav party letters with the outrageous slander and distortion of facts of the Soviet party letters. An English translation of the exchange is printed in *loc. cit., Documents on International Affairs , 1947-1948.*

43. The Cominform declaration of 28 June 1948 summarizes the principal Soviet allegations. It also called upon elements inside the Yugoslav party to revolt against the leadership and "restore" submission to Soviet domination.

44. Speech of Kardelj to the United Nations General Assembly, 26 September 1949.

45. "Message to Congress on the Food Shortage in Yugoslavia, 29 November 1950", *Department of State Bulletin*, 11 December 1950, p. 937.

46. On 26 September 1949.

47. Quotations taken from *loc. cit., Documents on International Affairs 1949-50*, pp. 467-473, 495-496, 497-500.

48. Chap. 4, *supra*.

49. And peaceful coexistence in the transitory stage. See also Chap. 5, *supra*.

50. See Chap. 5, *supra*. p. 124.

51. Principle 6 *(a)* in the Declaration on the Promotion of World Peace and Cooperation. For the full text of the Final Communiqué of the Conference, see Mates, *op. cit.*, pp. 371-378.

52. Mates, *op. cit.*, p. 227. E.g., Iran, Japan, Philippines, Thailand, Tur-

key, the Democratic Republic of Vietnam and the People's Republic of China.

53. *Op. cit.*

54. For examples, see Aćimović (ed.), *Le Non-Alignement dans le monde contemporain*: Tadic, "Le Non-Alignement Aperçu Conceptuel et Histo-rique". Beograd, 1969, pp. 133-136.

55. Texts in Mates, *op. cit.*, pp. 386-394.

56. George Kennan, at the time US ambassador to Yugoslavia saw the conference also as Tito's response to Khrushchev's remark—after renewed disagreement—that "Left alone, he (Tito) will not amount to much". *Memoirs, 1950-1963*, Vol. II, Boston, Toronto, 1972, p. 279.

57. Austria's application, dating from 1947, had been vetoed by the USSR like the one from Finland.

58. Preamble of the State treaty.

59. Freymond, "The European Neutrals and the Atlantic Community", *International Organization*, Vol. XVII, No. 3, Summer 1963, pp. 592-609.

60. Such a mediatory role was not confined to the "neutrals ". Countries like Canada and Ireland also became active in both matters.

61. The other "non-aligned" members were: Brazil, Burma, Ethiopia, India, Mexico, Nigeria and the United Arab Republic.

62. Examples from Zemanek. *loc. cit.*

63. Rothstein, "Alignment, Non-Alignment, and Small Powers: 1945-1965", *International Organization*, Vol. XX, No. 3, Summer 1966, p. 404.

64. It is significant in this respect that *Mates'* collection of documents *(op. cit.)* contains—apart from the declarations of the second and third non-aligned conferences—the Cairo declaration of developing countries, the documents on UNCTAD and the Charter of Algiers.

65. See p. 147, *supra*. The two treaties are printed in *Survival*, October 1971.

66. Within the scope of this book, I further limit myself to discussing the European states.

67. For a review of these positions, see *Review of International Affairs* (Belgrade), Vol. XXIII, 5-20 August 1972.

68. Interview on 5 February 1973. He went on: "Of course we did not agree with it. This is well known. The Soviet Union is not waging any war, it is bent upon a policy of relaxation of tensions in the world. The Soviet Union has given and still gives enormous support to the Vietnamese people and to other liberation movements". (From a text made available by the Yugoslav Embassy in the Hague).

69. E. G. Rothstein *loc. cit.*

Chapter 7

THE FRAGMENTATION OF EUROPEAN PERSPECTIVES ON POSTWAR COOPERATION

At the founding Conference of the Cominform in September 1947 the world was declared to be divided in *two* hostile camps: the anti-democratic imperialist camp of the West, and the anti-imperialist democratic camp of the East. This "ideological view of human affairs has always had an irresistible popular appeal because it conforms to the child's image of a world divided between two species, the good (us) and the wicked (them). According to this image the essence of life is the struggle between good and evil so represented".[1]

Postwar European history has never conformed to this simplistic image ever since it was drawn in 1947 for the purpose of Soviet warfare against the West. As we saw in Chapter 6, Yugoslavia broke away from the Stalinist camp in 1948 and became the prime mover of a "third-road" approach to world order: non-alignment. Developments in Western Europe, as discussed in Chapter 4, have also defied the image of an imperialist, anti-democratic camp dominated by the United States. The desire to regain influence and the inner-dynamics of economic integration have produced a West European approach to world order that is both distinct from and at variance with that of the United States.

The postwar evolution of the Soviet system, discussed in Chapter 5, manifests a system in permanent crisis rather than a united "democratic" camp. The succession of serious political crises within the Soviet system have been a constant reminder of the Soviet inability to overcome the incipient diversity within the socialist camp. The search for national identity and bilateral relations with countries outside the Soviet system by East European régimes at least suggest other approaches to world order than the mere expansion of a Soviet-imposed "new socialist order".

The bipolar model of a Europe divided into two hostile camps, each pursuing its own "total" and comprehensive perspective on world order, is thus unsuitable as a tool for analysis. This is especially true for the non-military policies conducted by European

states. It is in the non-military fields—as we saw in our previous three chapters—in which European governments differ most markedly from the Soviet Union and the United States.

In politico-military terms, European perspectives on world order are still divided along politico-geographic lines: NATO countries, Warsaw Pact countries, non-aligned states. The division, however, is no longer as sharp and as ideologically loaded as it used to be. East-west *détente* has enabled European states to pursue more autonomous policies in mutual relations and relations with the non-European world. The conduct of more autonomous policies saw the re-appearance of diversity in European approaches. Such diversity has manifested itself primarily in economic and cultural policies of European states.

The purpose of this final chapter of Part Two is not to give a comprehensive analysis of European external economic and cultural policies.[2] In this chapter I intend to deal with the following question only: *To what extent do external economic and cultural policies conducted by European states manifest other divisions of European perspectives on world order than the division in West European, East European and non-aligned group perspectives?* To examine this question I have selected three crucial issues from the point of view of perspectives on world order: the pattern of intra-European economic relations, intra-European cultural exchanges and the evolving pattern of European economic relations with the developing countries.

The Changing Pattern of Intra-European Economic Relations

The postwar economic distinction made between centrally-planned and market economy states is often held to be the corollary of the political division of Europe into two opposing camps.

In Stalin's conception the imposition of a centrally planned economy in Eastern Europe was used as one instrument to achieve total political control. As Stalin remarked to Tito in April 1945: "This war does not resemble previous ones. Whoever occupies a territory, imposes his own social system. Everybody imposes his social system as far as his army can advance. It could not be otherwise".[3] The countries into which the Soviet armies advanced were forced to *copy* the Soviet economic system. After 1954 the communist régimes in Eastern Europe have vacillated between the maintenance of centrally planned economies and experiments with more decentralized planning systems. The first reflected continued

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Soviet domination and the régimes' vested interests in maintaining domestic control. The second reflected efforts on the part of the East European régimes to improve legitimacy at home, to assert national identity vis-à-vis the Soviet Union and to facilitate trade and industrial cooperation with market economy states.

The American approach to postwar economic cooperation was essentially different. The American Administration was interested in a system of global economic cooperation to promote welfare, to achieve economic recovery and to prevent economic crises as had occurred in the early thirties. The Administration also assumed that successful economic cooperation would create the conditions of stability and well being necessary for peaceful and friendly relations among nations.[4] There is no doubt that American conceptions on international economic order presupposed relatively open national market economies as partners in cooperation. It is also true that the American Administration engaged in economic warfare *against* the Soviet system after the outbreak of the Cold War and the rejection of Marshall aid. Unlike the Soviet Union, the United States did not, by force of arms, impose upon Western Europe an economic system that was to be a *copy* of the American one.

The distinction between centrally planned and market economy states, therefore represents a gross oversimplification of Europe's postwar economic reality. First of all the distinction does not follow the political division of Europe. All non-aligned states in Europe, except Yugoslavia,[5] are market-economy states. Secondly the distinction—as far as the market-economy states are concerned—has validity only with respect to the way in which international trade is being conducted as compared to centrally planned economy states. For *all* European states outside the Soviet system, their economies manifest increasing central planning and substantial differences from the American system. Even the American economic system has ceased to resemble the caricature on the capitalist system faithfully drawn by communist authors.

The economic systems of European countries—the East European countries since 1954 and the other European countries since 1945—thus diverge from the theory of opposing systems and converge on each other. More important, however, than the theoretical dispute on the difference between economic systems is the practical increase in mutual commercial and industrial relations. Especially since the beginning of East-West *détente* member states of the EEC and European members of the CMEA sought increased

bilateral relations with each other while resisting further integration inside the organization.

In the EEC, national political pressures to play a role in *détente* and economic pressures to expand trade with the East turned out to be stronger than community pressures to unify trade policies as a step to joint foreign policies and political unity. In the CMEA economic pressures to conduct trade with and receive know-how from the technologically more advanced West European states were stronger than the political (primarily Soviet) pressures towards increasing integration.

From the mid-fifties until 1975 national perspectives on economic relations between states with different economic systems diverged markedly from political perspectives held by the CMEA and the EEC on the world economic order. While each group stuck to the opinion that its experiment in integration should be seen as a model for world-economic order, their member states insisted that increasing bilateral relations should be seen as major contributions towards peaceful coexistence and *détente*.

This changing pattern of intra-European economic relations also affected the attitude of the ECE towards subregional groupings (from its UN point of view) in Europe. Committed by its terms of reference to the strengthening of all-European economic cooperation, the ECE tended to see the CMEA, EEC (and OEEC, OECD) as the institutional expression of the division of Europe,[6] and as barriers to regional cooperation. The changing pattern has enhanced the ECE's role as a multilateral framework for discussing bilateral economic relations. It has improved relations between the ECE and subregional organizations.

The impact of the growing network of bilateral economic relations on European perspectives with respect to world order remains uncertain and unpredictable. The member states of the EC have agreed to transform bilateral commercial relations with state-trading countries into community relations as of 1 January 1975. In 1973 Brezhnev proposed to establish direct relations between the EC and the CMEA, no doubt in an effort to strengthen control over the external economic policies of the East European states. It is the fear of more Soviet control which has induced East Europeans to oppose a common commercial policy of the EC member states. At the same time several East European governments have established working relations with the community. What seems to emerge is a complex pattern of: multilateral discussions in the ECE and the CSCE on economic relations, some contacts between

the CMEA and the EC, continuing bilateral industrial cooperation between states and (probably) a formula for future trade agreements between individual state-trading countries and the community.

The Changing Pattern of Intra-European Cultural Exchanges

The International Conference which met on the initiative of France and Great Britain in 1945 to create UNESCO considered international cooperation in education, science and culture to be an important contribution to international peace.[7] The preamble to the Constitution of UNESCO states, *inter alia*:

> "That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed; . . .
>
> That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind".

It is therefore the purpose of the Organization "to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms . . ." (Art. 1.1). The Constitution reflected the idea—born out of the total and ideological character of the Second World War—that cultural contacts between men across national borders *could* contribute to peace and thus should be promoted by governments to that end. The Constitution also reflected the fact that governments, especially since the First World War, had acquired a major interest in conducting cultural exchange policies as part of their general foreign policies. The political importance attached to cultural exchanges is indicated also by the coordinating and even supervisory functions of foreign offices in international cultural relations.

It is not surprising, therefore, that East-West cultural relations became an early victim of the Cold War. External cultural policies came to be seen as instruments of ideological warfare. Until the mid-fifties the Soviet Union emphasized bilateral cultural relations between itself and each of the East European countries and Finland as one other instrument of control over East European minds.

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Towards the other European states the primary aim was to promote communist ideology. The aim was pursued through bilateral work programmes and communist sponsored international, non-governmental associations.[8] Western governments in response resisted cultural exchanges with the states in the Soviet system, but promoted multilateral, bilateral and non-governmental cultural cooperation among countries of the free world. Among the multilateral organizations promoting such cooperation mention could be made of the Brussels Treaty Organization (1948), the Council of Europe (1949) and NATO (1949). Although intellectuals in many West European countries have not ceased to emphasize the role cultural exchanges might play in unifying their countries, little has been done in the European Communities in this respect. After a quarter-of-a-century of European integration there is no more than a European university of uncertain value in Florence and a Community Committee on Educational Cooperation in Brussels (set up in 1974). The member governments of the EC apparently still assume that their unity can be based exclusively upon the political and economic arrangements of governments. The network of bilateral and non-governmental cultural relations extends beyond the nine and includes especially the United States.

Since the mid-fifties the pattern of East-West cultural exchanges has shown remarkable changes. The Soviet Government did not change its basic approach to cultural exchange as instruments of ideological competition. The circumstances in which it operated, however, changed significantly. *First* of all the position of Western states—the major powers in the late fifties and the smaller countries in the sixties—began to shift from resistance to contact towards interest in peaceful competition between open and closed societies. *Secondly* the increasingly felt need in post-Stalin Russia for Western scientific and technological knowledge required more formalized and mutually acceptable treaty relations. *Thirdly* the East European governments began to see new opportunities for a more distinct national approach to cultural exchanges. For them the spread of communist ideology receded into the background in favour of gaining recognition as Europeans and asserting national historical and cultural identity.

The stage was set for a remarkable increase in *bilateral* cultural exchanges between European countries and in non-governmental exchanges between scholars, universities and artists. The importance of this new pattern can be seen through the political responses it provoked. In the relations between the opposing blocs

(NATO and WPO), it led to a reversal of official positions. The Kremlin began to see cultural relations as cultural subversion against Soviet domination in Eastern Europe. Cultural subversion served as one of the arguments to justify the invasion of Czechoslovakia in 1968. NATO countries thereafter made broadening of human and cultural contacts and more freedom in the flow of information and ideas a condition for agreeing to a solemn commitment to the political and territorial *status quo* in the CSCE.

More important than this—necessarily fruitless[9]—political debate on East-West cultural relations is the emerging pattern of exchanges in Europe itself. Notwithstanding a brief, more apparent than real, setback immediately after the invasion of Czechoslovakia, human and cultural contacts are flourishing and expanding through bilateral intergovernmental agreements and a variety of non-governmental initiatives and programs.

As such they point to a profound, underlying reality. The common heritage and cultural origins of European civilization are felt strongly from Warsaw, Prague, Budapest and Bucarest to Oslo, London, Paris and Lisbon. They may be temporarily muted by competing governmental ideologies, they cannot be destroyed by divisive policies. The European mind is bound to pursue its search for communication and contact beyond the boundaries imposed by nation-states and political systems.

European political systems no doubt will continue to seek self-preservation and self-defense, maintain organizations which keep the world divided in states and blocs. In our modern era of highly developed means of communication and more "perfect" means of divisive political organization, governments' political objectives are bound to clash with human and intellectual aspirations. Bloc-to-bloc policies of cultural affairs—whether seeking radiation or isolation—have failed. Bilateral policies of cultural exchange have succeeded only where governments accept that exchanges are not an instrument of power to be manipulated but a basic human aspiration and value to be recognized.

The Changing Pattern of European Relations With Developing Countries

"Historians looking back on the last ten years will almost certainly conclude that a great opportunity was missed to deal with the basic development needs of the poor countries when it would have been relatively easy to do so". [10]

Those lines were written almost thirty years after the institution

of the United Nations in which member states had pledged to create conditions of stability and well-being which are necessary for peaceful and friendly relations among nations through international economic cooperation. During those thirty years the development needs of the poor countries had not passed unnoticed. The problems of under-development have been on the agenda of the UN General Assembly ever since the need for technical assistance was raised by Lebanon during its second session in November 1946. [11] They gradually became the primary focus of concern and debate in the United Nations system as a whole. The efforts of ECOSOC, most of the specialized agencies and a host of new organs and organizations created ever since, have come to be directed primarily at development assistance. More than 80 per cent. of total expenditure of the UN system today is related to development cooperation.

In 1948 the Assembly created the Regular Programme for Technical Assistance to Underdeveloped Countries. In 1949 President Truman of the United States launched the Point IV program which led, *inter alia*, to the establishment of the Expanded Programme for Technical Assistance in November 1949. The fifties saw a proliferation of new agencies for development assistance and the most significant increase to date of financial contributions for aid by the industrialized countries of the West.

Responding to the need for more and better coordinated assistance, President Kennedy proposed in September 1961 to designate "this decade of the 1960s as the United Nations Decade of Development". [12]

The main purposes of the proposal were to accelerate growth in the developing countries by expanding aid and improving coordination in the framework of long-term comprehensive planning. The decade came to a close with a wave of new studies and proposals, a substantial improvement of coordination in the UN system [13] and agreement on a second development decade for the seventies. The first development decade, however, failed to reach the target set in 1961. The above-quoted OECD report indicates that the second development decade is likely to fare even worse, notwithstanding Assembly resolutions on Development Strategy and a New International Economic Order. [14]

The policies conducted by European governments in the face of the problems of under-development have been subject to a variety of internal and external pressures. The conviction that development assistance may help to create conditions of stability and

well-being necessary for peaceful and friendly relations among nations has been often expressed in theory but hardly followed in practical policies.

Before 1960 development assistance policies were intertwined with decolonization and the East-West conflict. "Acceptance of the South's objective of decolonization has been a part of the North-West's strategy for achieving and maintaining a stable equilibrium in the East-West conflict. The Northwest, in short, has been more self-consciously Western than Northern, choosing to accommodate the South in order to concentrate on holding the line against the East. The East has aligned itself with the South, hoping to precipitate the Northwest-Southeast division". [15] The "North-West" during the fifties was primarily the United States, providing 57 per cent. of total economic aid to developing countries and still accepted by the latter as an anti-colonial power. To a lesser extent, the "North-West" was also the group of colonial, or former colonial, states of Western Europe which continued to provide economic assistance to former colonies and supported UN multilateral programs. Among them, France had a political interest to see that the emerging European Community would build special and permanent relations with the African countries belonging to the "French Community". The special relationship provided for in Part Four of the EEC Treaty would be transformed—after the independence of most African territories—into the Convention of Association between the EEC and the African states and Malagasy. The policies to accommodate the South included both decolonization and increasing economic assistance. The "East's" efforts to align themselves with the South were motivated primarily by the desire to win the South in their own conflict with the West. The policies of East European states during this period have been described as follows. They were "dominated by initiatives and actions supporting the fight for the abolition of colonialism and for the granting of independence to all dependent peoples. In this all forms of aid that could be given to national and social liberation movements took up an important part of Poland's political and economic activity". [16]

Verbal aid in UN debates flowed abundantly, but economic aid was virtually negligible except for tied bilateral Soviet aid to selected countries. Apart from seeing the problem of assistance as an occasion for diplomatic warfare rather than an invitation to contribute to conditions of well-being, East European governments may have had three other reasons to restrict aid to verbal support. The level of economic development was comparatively low in

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most East European countries. They are countries without a colonial past and politically Euro-centered. The developing countries were part of the "world capitalist economic system", [17] from which Stalin had cut them off while imposing the new socialist economic order.

President Kennedy's proposal for the first development decade marked several changes in the policies towards development assistance. The large majority of former colonies had reached independence in 1961 and gained admission to the UN. The developing countries, henceforward, commanded a majority pressure group for more assistance in the UN. The increased political power of the third world coincided with *détente* between East and West. The European countries—East, West and non-aligned—entered an era of unprecedented economic growth. *Détente* and welfare opened an era of efforts towards accommodation and cooperation in Europe. The new era might have been the beginning of imaginative new approaches to development cooperation: détente, disarmament and development. In fact only the patterns of conflict changed. The "South" increasingly adopted policies of conflict with the Western countries, while continuing to demand more assistance from them. The "East" continued to support these policies, while at the same time remaining unwilling to increase their very modest share in assistance. At the same time most of the East European governments' attention went to East-West détente. The "West" continued to provide most of the assistance (95 per cent. still for 1973), but the trend of their assistance did not keep pace with the phenomenal increase in welfare during the same period.

The period since 1961 has been primarily remarkable by *the lack of change in European policies*, notwithstanding the mounting danger of world economic chaos, starvation, population and food crises. This lack of change shows quite clearly in table 3 where we have related per capita public expenditure for defense, education and foreign economic assistance to per capita GNP: for the year prior to the first development decade (1961) and the last year of that decade (1970). During that period, per capita GNP more than doubled in most European countries. [18] In 1970, twenty-one of the twenty-six listed European states belonged to the thirty countries having the highest per capita GNP in the world. The share of public expenditure for education rose significantly. The share of public expenditure for defense rose in Albania, Austria (0.1 per cent.), the GDR, Greece, Hungary, Poland, Portugal, Spain, but declined in all other European countries. For

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foreign economic aid, the average share for all European countries remained almost constant (a decline of 0,054 per cent.). There was a significant shift, however, within the group of market-economy countries. The share of the traditional (colonial) and larger countries—Belgium, France, GFR, Italy, Portugal, United Kingdom—declined. The share of a number of small and non-aligned countries rose significantly: Austria, Denmark, Norway, Sweden. The Netherlands was the only former colonial power in which the share of public expenditure for foreign aid has risen steadily from 1960-1974. [19]

According to the 1974 Review of the OECD, this trend appears to continue. Finland, Ireland, Luxemburg and Yugoslavia have joined the list with modest contributions.[20] During the sixties the East European governments have shown increasing interest in trade with, and technical and educational assistance to, developing countries. Little appears to be known of the amounts of aid involved, although they appear to be limited. "The East European countries have further expanded their economic relations with developing countries in 1973 and gross flows from these countries are likely to have risen as well. However, flows from Eastern Europe mainly take the form of commercial-type credits and are therefore leading to substantial repayments. As a share of GNP, flows from Eastern Europe vary considerably from one country to another. They are relatively important in the case of Rumania and Hungary". [21]

In terms of relative expenditure, development cooperation is of minor importance. The relative share seems not to be related to the level of per capita GNP, but to traditional ties and more recently to an increasingly non-aligned behavior in relations with the developing world on the part of some smaller European states (Scandinavian countries, the Netherlands, Austria). The two major organizations for sub-regional economic integration in Europe—CMEA and the European Community—have not emerged as new frameworks for imaginative policies, notwithstanding their repeated claims to be accepted as forerunners of a new economic order. The CMEA countries still put the blame for underdevelopment and the obligation to solve it on the West. The problem is not dealt with in their 1971 Comprehensive Program for the Further Extension and Improvement of Cooperation and the Development of Socialist Economic Integration. The European Community has taken a number of steps towards an integrated policy in development cooperation, *inter alia*: the association (renewed and expanded in 1975) agreement with former member

territories, the offer of generalized tariff preferences, and a limited food aid program. The European Commission has tried, in vain so far, to obtain agreement on a Community Policy on Development Cooperation. Part of the Communities' problem is that its efforts are not so much guided by imagination on the solution of the world's problems, but by illusions on the position, the influence and the force of attraction of their own institution. The illusion, moreover, is no longer shared by the governments of member states. Improved consultation among them cannot disguise the fact that they hold different views and interests as regards relations with the developing countries.

Divided or Fragmented? European Perspectives on Postwar Cooperation

Early 1973, improved Soviet-American cooperation, beginning multilateral East-West talks, the enlargement of the European Communities and increasing restiveness on the lagging development of the developing countries seemed to indicate some lasting interacting trends for the seventies: "a disintegration of the Cold War coalitions, the rise of non-security issues to the top of the diplomatic agenda's, and a diversification of friendships and adversary relations". [22]

If these trends continue, Brown goes on, "an international system whose essential characteristics are grossly different not only from the bipolar Cold War system, but also from previous balance of power systems could emerge full blown, very likely by the 1980s". The new system would first and foremost: "feature a change in the nature of power itself ... those with the most influence are likely to be those which are major constructive participants in the widest variety of coalitions and partnerships, since such countries would have the largest supply of usable political currency". The nine or more members of the European Economic Community, he continues, "when acting as a unit on particular international issues, could well emerge as an equally powerful unit in world politics—especially if the United States and the Soviet Union continue to act as if the obsolete bipolar confrontation of security communities still were the essence of international relations. The usable power of the West European group in any case would not stem from its military capability. It would derive principally from techno-economic capabilities, cultural ties, geography and diplomatic skill".

The perspective of Western Europe's contribution to a new

system of international relations concurs with the functionalist assumptions on the impact of a growing community in a divided Europe. As I have argued in the preceding paragraphs the group-perspectives on world order in Europe tend to fragment into national (or even sub-national) parts. This fragmentation applies to all three selected issues in this chapter: East-West economic relations, East-West cultural relations and North-South economic relations. When these issues of competition and cooperation between distinctive societies are at stake, governments have tended to fall back on national policies rather than to rely on sub-regional integrated policies. Such tendencies can be explained by their traditional approaches to these issues. Economic and cultural influence still serves the game of power politics rather than the improvement of world society. For states like those in Europe which have lost their predominant role in world politics, such an attitude will turn events against themselves, sooner or later. It happened sooner than they expected, when OPEC in November 1973 decided to turn their economic influence as a political weapon against the oil-consuming and importing countries. Western Europe fell unprepared from a force of attraction to an area of rising unemployment and uncontrolled inflation. Stunned by more than a decade of cheap energy and extraordinary affluence, its societies and governments were unprepared to cope with the new situation. Faced with their excessive dependence on imported oil and a new form of economic warfare, their usable power disappeared. Governments which had never been willing to seriously consider a community energy policy fell back on national emergency measures and appeasement of the producers. [23]

The problems of inflation, unemployment and stagnating growth are not confined to the market-economy countries.[24]

The most important significance of the use of oil as a political weapon is the changed character of security it has brought about. Between 1960-1973 the relative stability in Europe was upheld by the Soviet-American balance and domestic economic growth. This twofold stability enabled European governments to experiment somewhat more freely with their potentialities for influence and cooperation. This stability is gone. The emergence of new centers of power outside the United States and the Soviet Union announces a new era of instability and uncertainty, also with respect to the policies of the two superpowers. For the European countries, economic policy is shifting from an issue of cooperation to a problem of national security. It has hastened the fragmentation of perspectives on world order. It only underlines the fact that Euro-

pean governments—notwithstanding group efforts towards cooperation—have never been able to move beyond national perspectives on international peace.

NOTES

1. Halle, *The Cold War as History*, London, 1967, p. 157.

2. They have been dealt with in several publications of this author and the John F. Kennedy Institute of Tilburg University. Compare especially: *Books: Economic Relations After the Kennedy-Round*, Leyden, 1969; *Beyond the European Community*, Leyden, 1969; *The Future of the International Monetary System*, Leyden/Lexington, 1970; *NATO and Security in the Seventies*, Leyden/Lexington, 1971; *The External Relations of the European Community*, Westmead/Lexington, 1974. *Monographs* (Reprint Series of the John F. Kennedy Institute): "Cultural Exchanges and East-West Détente", 1970 (with Dr. Bartalits); "The European Communities After the Hague Summit"; 1972; "Sub-regional Organizations in Europe and the Changing European System" (with Prof. Morawiecki), 1972.

3. Quoted by André Fontaine in *Le Monde*, 5 February 1975.

4. See Article 55 of the UN Charter which reflects basic American thinking in this respect, notwithstanding several amendments that were included during the 1945 San Francisco Çonference.

5. Yugoslavia, however, cannot be considered a centrally-planned economy either. For this whole subject, see Pisar's brilliant book *Coexistence and Commerce*, New York, Toronto, London, Sydney, 1970.

6. Siotis, "ECE in the Emerging European System", *International Conciliation*, January 1967/No. 561.

7. Compare also Articles 1(3), 55, 57, 62, 76, in the Charter of the United Nations.

8. See further: Cultural Exchanges and East-West Détente, *loc. cit.*

9. As can be clearly seen from the debates and the resulting agreed text on basket three in the Geneva negotiations on European Security and Cooperation. The *London Times* had the following to say on these debates (7 February 1973): "Meanwhile the Security Conference, which has nothing to do with security, has become an international beauty contest between open and closed societies . . . and in disputes over the agenda with regard to cultural contacts and the dissemination of information the Russians have been obliged to equate liberty with pornography in order to protect the 'spiritual interests' of the Russian people".

10. Organisation for Economic Cooperation and Development, *Development-Co-operation*, Efforts and Policies of the Members of the Development

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Assistance Committee, 1974 Review, Paris, November 1974, p. 11.

11. Kirdar, *The Structure of United Nations Economic Aid to Under-developed Countries*, The Hague, 1966.

12. Address to the United Nations General Assembly, 25 September 1961.

13. Especially the creation of the United Nations Development Programme. The most important official studies were: *Partners in Development*. Report of the Commission on International Development (Chairman Lester B. Pearson); *Towards Accelerated Development*. Proposals for the second UN Development Decade. Report of the Commission for Development Planning (Chairman Prof. Jan Tinbergen).

14. Resolution 2626 (XXV) of 24 October 1970 on "International Development Strategy for the Second United Nations Development Decade". Resolution 3202(S-VI) of 1 May 1974 on "Programme of Action on the Establishment of a New International Economic Order".

15. Claude, *The Changing United Nations*. New York 1967. p. 55.

16. Prokopczuk, "Poland's Relations With Asian, African and Latin-American Countries", *Studies on the Developing Countries*, 1, 1972, p. 10 (Polish Institute of International Affairs).

17. Wagner (Richard), "Czechoslovak Economic Relations with the Developing Countries", *International Relations*, Vol. I, 1966, pp. 31-49 (Institute of International Politics and Economics, Prague, 1967).

18. Exceptions: Albania, Czechoslovakia, GDR, United Kingdom, Yugoslavia. In Poland, Hungary, Rumania, per capita GNP came close to it. See table 3 on p. 308-309.

19. Due to the method of computation used here, it does not show on this table. See, however, Commission of the European Communities, *Memorandum on a Community Policy on Development Cooperation*, Brussels 1972, and the OECD 1974 *Review, op. cit.*

20. *Op. cit.* According to the *Review*, the shares of Portugal and the USA rose again in 1973, that of the USSR declined markedly.

21. *Op. cit.*, p. 136. Compare also Stokke, "Soviet and East European Development Aid: An Economic Assessment", *Y.B.W.A.*, Vol. 21, 1967.

22. (Seymour) Brown, "The Changing Essence of Power", *Foreign Affairs*, January 1973, Vol. 51, nr. 2. Quotations from pp. 286, 288, 289, 290.

23. Compare Alting von Geusau (ed.), *Energy and the European Community*, Leyden, 1975.

24. Especially not since the USSR in early 1975 decided to double the price of oil for its CMEA partners.

Part three

NATIONAL PERSPECTIVES ON INTERNATIONAL PEACE

"Why do the nations so furi-
ously rage together, and why
do the people imagine a vain
thing?"*(Ps.2.1)*

Chapter 8

WORLD ORGANIZATION AND WORLD ORDER

The concept of world order through world organization did not originate in Europe. The public law of Europe, to the extent it expresses an ordering principle since 1648, was founded on a balance of power between the strong in intra-european relations. The superiority of European civilization and technology had been its "ordering principle" in relations with entities and populations belonging to other civilizations. Europe, at best, had contributed indirectly to the rival Soviet and American concepts of world order through world organization as they began to emerge since 1918. Lenin's concept of substituting a world organization of communist parties—as the vanguards of classless societies—for a balance of power between states, rested on the European philosophy of Marxism. Wilson's concept of interstate democracy to be achieved through world organization contained elements of Western democratic thought and envisaged an improved balance of power. He sought such improvement by substituting the League of Nations and the rule of law for the unorganized balance between a few major powers. Wilson, and Roosevelt and Stalin, moreover, specifically endorsed the European concept of the independent nation-state as the constituent unit of world organization.

An examination of proposals and ideas leading to the creation of the League of Nations in 1919 and the United Nations Organization in 1945 shows that both institutions are primarily the result of American thinking and planning. Among the European countries only the British Government took an active part in the drafting of the League's Covenant *and* the United Nations Charter. On 5 January 1918 the British Prime Minister formulated as one of his Government's war aims to "seek the creation of some international organization to limit the burden of armaments and diminish the danger of war".[1] Lord Phillimore's committee was the first to circulate an informal draft for a League of Nations on 20 March 1918.[2]

The Wilson drafts, however, formed the basis for the ensuing negotiations at Versailles.

During the Second World War, the planning for a postwar general organization—begun as early as in 1941—was even more markedly an American exercise. It was not until the "Declaration of Four Nations on General Security"[3] that Britain (and the Soviet Union) formally accepted the necessity of establishing "a general international organization", inaugurating "a system of general security", and bringing about "a practicable general agreement with respect to the regulation of armaments in the postwar period".

As late as July 1943 the British Government favored a regional approach in dealing with postwar problems.

"A United Nations Commission for Europe . . . that would be composed of high-ranking political representatives of Great Britain, the United States, the Soviet Union, France, the other European allies, and, if so desired, of any dominion prepared to contribute to the policing of Europe".[4]

Churchill apparently thought of two other such "regional councils". For the world as a whole he suggested no more than a Supreme World Council of Great Powers; a kind of "European Concert" writ large. Britain was the only European power taking part in the Dumbarton Oaks Conference besides the United States, China and the Soviet Union. Its role at Dumbarton Oaks foreshadowed the attitudes many European governments would adopt later: more or less enthusiastic support for a concept that was not theirs, but that they had to accept. None of the other European countries was instrumental in shaping the League of Nations and the United Nations. In 1919 France and Italy were members of the inner group of the Supreme Council, but were lukewarm, if not hostile, to the ideas of Wilson.

Table 4 shows the number of European countries taking part in the drafting of the Covenant and the Charter and in the proceedings of the organizations thereafter. At the Versailles Conference and at the San Francisco Conference a distinction was made between principal powers (1919) or sponsoring governments (1945), smaller allied (and associated) states, neutral states and enemy states. Nine small, allied and associated governments of the First World War were members of the Covenant's drafting committee, and original signatories. Six neutral European states were heard during the Peace Conference and acceded to the Covenant. The former enemy states and some others were admitted between 1920 and 1926. Nine allied states, besides Britain, took part in the San Francisco Conference. Five of them were elected to the Executive Committee. Two more European states were admitted during the first session of the General Assembly. The other world

war neutrals and most of the former enemy states were admitted on 14 December 1955, whereas the two German states entered in September 1973. Table 4 also shows the relative voting strength of the European states in both organizations. The League had been primarily a European organization and broke down over European rivalries. In the United Nations the relative voting strength was that of a sizeable, but small, minority rising from 20-28.75 per cent. during the first ten years and declining to 19.3 per cent. in 1973. The postwar division of Europe, the Cold War and the later accession of newly independent states have in fact produced a world organization in which European states and their rivalries no longer predominate. Their combined relative voting strength bears no relation to their relative influence.

An inquiry into European perspectives on world organization and world order therefore has to take account of the following facts.

The concept of world order through world organization was non-european in origin, although it may have drawn from pre-existing European institutions. As such it did not merely replace the broken-down European world order but reduced Europe to a region in a new world-wide organization.

During the period of the League of Nations, European issues still dominated the organization, but the Europeans fatally failed to use it as an ordering device. After the Second World War the division of Europe reduced European influence to significantly less than that of a region in UN politics. The East European states entered the Soviet system and became generally subdued members of a well-organized and Moscow-directed group. The West European states never emerged as a cohesive or active group in the United Nations. From 1947 onwards they gave priority to unification among themselves over strengthening the United Nations. They have been almost as much at odds with each other as with members from outside Europe. In their policies they have interchangeably aligned themselves with the United States—Britain primarily—with the non-aligned states—e.g., the Scandinavian countries, Ireland and the Netherlands in later years—or against everybody else—e.g., France and Portugal (until 1974). In the process of decoloniazation and universalization of the United Nations the non-aligned European countries such as Sweden and Yugoslavia became staunch supporters of the concept of world order through world organization and active members of the world body.

European perspectives on world order through world organization, as a consequence, cannot be analysed by reference to any

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commonly held or even separately formulated conceptions. At best they lend themselves to a spectrum analysis, showing the spectrum of colors in which their policies are decomposed when going through the prism of United Nations issues. In this chapter I shall focus on three "constitutional" issues: the principle of sovereign equality; the powers of the world organization; european organizations, groups and world organization. A few remarks on the constitutional aspects of the progressive development of international law concludes this chapter.

The policies of European states towards the selected constitutional issues also depend on their participation in the work of the principal UN organs and the special bodies set up for dealing with those issues. Table 5 provides the necessary information. Compared to their relative voting strength (see table 4), Europe has generally been over-represented in the bodies concerned.

In the Security Council and ECOSOC, such over-representation is due to the fact that France and Great Britain are permanent members. In the two special committees and ILC, European states would still be over-represented after eliminating those two states from our calculations. Their representation is further determined by the fact that all European states—aligned and non-aligned—belong either to the socialist group or the West European and others group (WEO) in the UN General Assembly. It appears to be determined also by the status individual states enjoy in their own group and in the Assembly as a whole. If we measure their status by election to the two special committees and the number of times elected to the Security Council and ECOSOC, European (non-permanent) members "rank" as follows: (1) Poland and Yugoslavia; (2) Netherlands; (3) Czechoslovakia; (4) Belgium, Italy; (5) Greece, Norway, Denmark; (6) Sweden, Spain; (7) Austria, Bulgaria, Rumania; (8) Finland, Ireland; (9) Luxemburg; and (10) Albania, Iceland, Malta and Portugal, which have not been elected at all. If we take into account that ten European states only have participated in the Assembly since 1956, the following corrections in "rank" could be made: Italy would be in the same category (2) as the Netherlands. Spain would be in the same category (4) as Belgium. Austria, Bulgaria, Hungary and Rumania would rank after (4) but above (5). Finland and Ireland would be in the same category as Greece, Norway and Denmark.

The United Nations Organization according to the first paragraph of Article 2 "is based on the principle of the sovereign equality of all its Members". The juxtaposition of "sovereign" and "equality" was an American invention, apparently accepted without much difficulty by Britain and the Soviet Union. It first appeared in the American draft for the Four-Power Declaration on general security (Moscow, October 1943) and found its way into the Dumbarton Oaks proposals and the Charter. It originated in the US State Department Committee charged with the preparation of a permanent international organization. According to Russell and Muther[5] the Committee's first draft had referred to an organization "based upon the principles of equality of nations and of universal membership". The later revision read: "based on the principle of sovereign equality of all nations" to indicate that the "equality referred to was legal rather than factual". The word "sovereign" has thus been added to restrict the principle of equality to equality before the law. In the American conception there could be no full equality in rights and duties. The great powers—the later permanent members of the Security Council—were to have primary responsibility, i.e., special rights and duties to maintain international peace and security.

On British insistence the relevant paragraph of the Moscow Declaration was made to read "sovereign equality of all peace-loving states" so as to indicate that the principle could only apply to the states which were at war with the Axis powers. The principle did not appear in the United States Tentative Proposals for a General Organization.[6] That document refers to "the principle of cooperation freely agreed upon among sovereign and peace-loving states". It re-appeared, however, in the Dumbarton Oaks proposals. The principle apparently gave rise to several confused debates at the San Francisco Conference. The confusion was no doubt enhanced by the fact that the sponsoring governments—on a Soviet proposal—introduced a related amendment to the second purpose of the organization in Chapter I of the Dumbarton Oaks proposals. According to this amendment the purpose to develop friendly relations among nations was to be "based on respect for the principle of equal rights and self determination of peoples . . ." (Art. 1(2) of the Charter).[7]

At the time of the San Francisco Conference the lines of postwar European division had not yet been sharply drawn. Yugoslavia was

still allied with the Soviet Union. Poland was not represented at the Conference. Czechoslovakia was still independent, though carefully avoiding displeasing the Soviet Union. The other East European and the later neutral European states did not participate (compare table 4). The attitudes of the European governments participating in the conference manifested two kinds of resistance against what they conceived as an agreed Soviet-American conception.

First of all *the smaller European states*—like smaller states from other regions—*resisted the legalized inequality* between great and small powers in the proposed system. The suggestions of the Netherlands' government to the Dumbarton Oaks proposals offer a good example of the ways in which these smaller states tried to redress the apparent inequality.[8] One line of argument was directed against the special and privileged position of the great powers as permanent members of the Security Council. "All such special privileges and inequalities are at variance with the principle of the sovereign equality of all peace-loving states", according to the Dutch document. The Netherlands' Government, however, was more concerned with enhancing its own influence as a self-proclaimed middle power than with the principle itself.

It therefore asked for "due representation on the Security Council to be assured *to States, which in order of importance, rank immediately after* the great powers". It also asked for limitations in the exercise of the veto power of the permanent members and for a veto power for one-half of the smaller states jointly.[9]

Another line of argument was directed against the presumed absence of standards to be applied in United Nations decision making. The Dutch Government referred in this respect to an "acceptable standard of conduct" or "moral principles". "Legitimacy as a standard would undoubtedly be too static . . . but they have asked themselves whether a reference to those feelings of right and wrong, those moral principles which live in every normal human heart, would not be enough". [10]

For any observer of European perspectives on world order in the seventies the French point of view as expressed in San Francisco must be highly surprising. The French memorandum [11] not only expressed its support for the arguments put forward by the Netherlands and the other smaller European powers. The French Government, it stated, "would be ready, for her part, to go farther than the Dumbarton Oaks plan and permit greater limitations of sovereignty in exchange for a better international organization".

During the debates at the Conference, the principle of sovereign

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equality was finally accepted with only one minor change: the term "peace-loving states" was replaced by "all its Members". Only Belgium wanted to omit the principle as ironical and inaccurate. [12]

More ironical than the term "sovereign equality", however, was the emerging contradiction between the European plea for "moral principles" and *the resistance of the European colonial powers against* the Soviet-American *anti-colonial tendencies.* The sponsoring governments had been unable to reach agreement on the American proposals with respect to the Trusteeship System. The Soviet-proposed amendment of the sponsoring governments to Article 1(2), already referred to, introduced respect for the principle of equal rights and self-determination of *peoples* as exactly that kind of higher standard to be applied in United Nations decision-making. Notwithstanding the general plea for "higher principles" by the smaller European states, this particular one proved to be objectionable to most of the colonial European states. A Belgian proposal to replace the proposed text by: "to strengthen international order on the basis of respect for the essential rights and equality of states and of the peoples' right of self-determination", was rejected. The most interesting reason for its rejection was given in the last paragraph of the subcommittee's report on the matter:

> "That what is intended by paragraph 2 is to proclaim the equal rights of peoples as such, consequently their right to self-determination.
> Equality of rights, therefore extends in the Charter to states, nations and peoples". [13]

The exchanges in San Francisco on the politically controversial colonial issue foreshadowed already the role higher principles—so ardently advocated by the smaller states—were going to play in the United Nations: "as tools in a strategy of conflict rather than expressions of devotion to a higher legal order". [14]

In the ensuing conflict on the battlefields of United Nations "higher principles" the attitudes of European governments came to be determined by a variety of contradictory trends. The division of Europe into three groupings and the emerging anti-colonial, i.e., anti-Western majority in the United Nations were the predominant ones. The widening gap between majorities in the United Nations General Assembly and power political relations in the world was another. The "progressive development" of higher

principles "expressing feelings of right and wrong" (as the Netherlands' Government had somewhat innocently argued in 1945) became increasingly divorced from the progressive development of international law itself. Rather than guiding the latter development, the battles over principles primarily disguised the absence of progress in the development of the law.

The growing number of general declarations produced by the General Assembly merely reflected the use UN members saw in general principles as tools in a strategy of conflict.

The elaboration between 1963-1970 of the *Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States* may clarify this trend and the attitudes various European governments adopted in making it. The Declaration was drafted and adopted by consensus of all members in a special committee set up for the purpose.

The origin of the Special Committee established during the eighteenth session of the General Assembly can be traced back to a Soviet drive against the International Law Commission in 1960, which according to this Government, had failed to deal with the important and current problems of international law concerning peaceful coexistence. They found much support for their drive from the representatives of Afro-Asian countries and considerable reluctance, if not strong resistance, from the representatives of the United States and Western Europe. The "history" of the declaration offers some interesting insights in the divided European perspectives on world order through world organization. [15] Although the principle of sovereign equality was the subject primarily of one of the seven principles of the declaration—and the first one to be agreed upon—it certainly permeated all the other principles under discussion.

The Principle of Sovereign Equality of States as defined in the declaration differed from Article 2(1) of the UN Charter and from its interpretation during the San Francisco Conference:

Art. 2(1) Charter	*The 1970 Declaration*
"The Organization is based on the principle of the sovereign equality of all its members".	"All states enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature".

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Formal Interpretation:	"In particular sovereign equality includes the following elements:
"1. that states are juridically equal;	a. States are juridically equal.
2. that each state enjoys the rights inherent in full sovereignty;	b. Each state enjoys the rights inherent in full sovereignty.
3. that the personality of the state is respected, as well as its territorial integrity and political independence;	c. Each state has the duty to respect the personality of other states. d. The territorial integrity and political independence of the State are inviolable. e. Each state has the right to freely choose and develop its political, social, economic and cultural systems.
4. that the state should, under international order, comply faithfully with its international duties and obligations".	f. Each state has the duty to comply fully and in good faith with its international obligations and to live in peace with other states".

The principle as finally agreed upon differs in at least three respects from Article 2(1) of the Charter and the formal interpretation of it in 1945. First the declaration implicitly rejects the original American interpretation (of 1943) of "sovereign" as restricting the meaning of equality. A British proposal to define sovereign equality as "the principle that States are juridically equal means that States are equal before the law" was rejected. Instead the Special Committee adopted the sweeping statement that "states have equal rights and duties and are equal members of the international community", following in substance, though not in exact wording, the proposal made by Czechoslovakia.

Secondly the elements included in the principle of sovereign equality, contain in paragraph *(e)* "the right to freely choose and develop its (the states') political, social, economic and cultural systems". This "element" was proposed by Czechoslovakia, Yugoslavia (Ghana, India and Mexico). Another addition to the statement of 1945, introduced by the same states, failed to obtain consensus. It concerned "the right to the free disposal of their natural wealth and resources". Consensus failed after the impossibility to reach agreement on a British amendment to give due

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regard to the rules of international law and to the terms of agreements validly entered into while exercising this right.

Thirdly paragraph *(f)* contains the Yugoslav-proposed addition "to live in peace with other states". [16]

The text of this principle, as the text of the declaration as a whole, "is largely oriented toward the preservation and protection of state sovereignty rather than the development of new norms and new mechanisms more suited to the increasingly interdependent world of today and of the future". [17]

The divided European attitudes toward the principle of sovereign equality clearly reflect the contradictory perspectives of each of them with respect to world order through world organization.

The West European representatives consider themselves as the advocates of new mechanisms and a stronger UN machinery for applying the principles of international law, while at the same time being reluctant to overhaul their traditional assumptions of international law in a multicultural world. Moreover, they are deeply divided among themselves on the attitudes to be adopted in the United Nations. As the primary targets of the anti-colonial majorities they tend to assume a defensive posture ending up anywhere between complete isolation (Portugal), or being more anti-colonial, than the Africans themselves (some North European members).

As a group—the European Community—they have a tendency to employ the principle of equality as a tool in their conflict with the super powers and especially the United States. [18]

The posture of the East European representatives has been even more contradictory. Following Moscow's instructions, they have actively supported the trend towards the preservation and protection of state sovereignty and the principle of equality as tools against the West. They continue to resist any attempt to improve the UN machinery for applying the principles of international law.

For them anti-colonialism and "the national liberation movements are an organic element of the epoch-making process of the revolutionary transition from capitalism to socialism". For them also "sovereignity is a defense from attempts of imperialism to obstruct the construction of socialism in the countries of people's democracy". [19] As a consequence, their support for the principle of sovereign equality is no more than an imposed exercise in "double-talk". What is advocated as a fighting principle against the West is strictly forbidden in relations among socialist states. The right to freely choose and develop its political, social, economic and cultural systems—as proposed for inclusion, *inter alia*, by Czechoslo-

vakia—cannot be granted to Czechoslovakia itself. Czechoslovakia cannot even be granted the right to intervene in its own internal affairs. "The sovereignty of each socialist country cannot be opposed to the interests of the world of socialism" as determined by Moscow. "Discharging their internationalist duty toward the fraternal peoples of Czechoslovakia and defending their own socialist gains, the USSR and the other socialist states had to act decisively", and invade Czechoslovakia in August 1968. [20]

Yugoslavia, finally, has advanced itself as the strongest European advocate for non-alignment and the principle of sovereign equality for smaller states. It has aligned itself with the "South" in a continuous effort to safeguard its independence between the "East" and the "West". In this situation it is caught in the dilemma *between* advocating full sovereign equality *and* promoting a stronger world organization. The first option—apparently taken—could fail to offer sufficient protection. The second option could lead to a stronger world organization dominated by the great powers.

The foregoing analysis suggests that the elaboration of higher principles expressing "those feelings of right and wrong which live in every normal human heart" is unlikely to open new perspectives on world order. In this divided world and a divided Europe those feelings diverge widely. In a world system of sovereign states marked by extreme political inequality, the proclamation of sovereign equality is like the proverbial saying: "Your actions speak so loud that I can 't hear what you say".

Where inequality between states is the consequence of vastly different military and political power, more equality can be promoted only by excluding the use of force as an instrument of national policies and by subjecting the collective use of force to agreed rules and joint procedures.

An assessment of European perspectives on world order through world organization, therefore, should include an analysis of policies and attitudes towards the powers of the organization with respect to the maintenance of international peace and security.

Differing Views on the Powers of the World Organization

In order to maintain international peace and security—the primary purpose of the United Nations—the Charter has conferred certain powers on the principal organs of the Organization. The Security Council, the General Assembly and the Secretary-General are separately and jointly responsible for carrying out this task. The ex-

ercise of their powers in carrying out their tasks has given rise to serious conflicts and crises in the history of the Organization. The conflicts were related to the delimitation, between the Security Council and the General Assembly, of powers with respect to maintaining international peace and security, as well as to the influence the Secretary-General could be allowed to exercise. The conflicts assumed crisis proportions in 1950, following the North Korean attack on South Korea, and in the period following the Middle East war of 1956 and the Congo crisis of 1960. How did the European governments respond to those crises and how did they interpret the Charter on these issues?

As could be expected, the delimitation of powers between the General Assembly and the Security Council had been one of the most controversial issues during the 1945 San Francisco Conference. One of the major concerns of the American planners and the sponsoring governments at Dumbarton Oask had been to improve the peace-keeping machinery of the new organization compared to the League of Nations. As a consequence a clear distinction between the powers of the General Assembly and the Security Council was proposed. The Security Council was to have primary responsibility for the maintenance of international peace and security. It was to have powers of decision with regard to measures to be taken against breaches of the peace and acts of aggression (Chap. VIII, sec. B). The priviliged position of the permanent members of the Security Council—expressed in their veto right— was meant to ensure that no recommendations or decisions could be adopted unless the great powers concurred.

Where the League of Nations had also suffered from the fact that only Members could initiate action, the sponsoring governments proposed in Chapter X (3) that "the Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security".

The European governments participating in the Conference responded to the proposals in two ways. Yugoslavia and Czechoslovakia supported the proposals of the sponsoring governments. The others, especially the Netherlands, Belgium, Norway, but also Greece and France, made strong objections and introduced amendments aimed at strengthening the powers of the General Assembly and diminishing the predominant position of the great powers. Efforts were made to increase the influence of smaller powers in the Security Council (Netherlands); to restrict the great power unanimity rule to *decisions* on measures against breaches of the

peace and acts of aggression (France and the others); and to enable
the Assembly to request the Security Council to investigate a situ-
ation (France), or to make recommendations to the Security
Council on any question under consideration (Greece). [21] Articles
11 and 12 of the Charter show that the sponsoring governments
only accepted some of these suggestions while maintaining the
clear delimitation of powers originally proposed. The strengthen-
ing of the powers and influence of the Secretary-General met with
general approval.

Suggestions from the Netherlands and Belgium to require an
unqualified majority, instead of great power unanimity for his
nomination in the Security Council, were rejected by the spon-
soring governments and France. [22]

The first major crisis over the delimitation of powers between the
General Assembly and the Security Council and the role of the
Secretary-General occurred in the wake of the 1950 Korean War.
Faced with a "frozen" Security Council upon the return of the
Soviet delegate on 1 August 1950, the United States delegation
proposed an item "United Action for Peace" for inclusion in the
agenda of the fifth session of the General Assembly. The consider-
ation of this item eventually produced the *Uniting for Peace Reso-
lution* (377 (V) of 3 November 1950). [23] The resolution consisted
of three parts: A. the revised seven-power draft (Canada, France,
the Philippines, Turkey, the United Kingdom, the United States,
Uruguay); B. a revised Soviet draft; C. a revised Iraqi-Syrian draft.

Part C called upon the permanent members of the Security
Council to resolve their differences. Part B called upon the Secu-
rity Council to devise measures for the earliest application of Arti-
cles 43, 45, 46 and 47 of the Charter regarding the placing of
armed forces at the disposal of the Council and the effective
functioning of the Military Staff Committee. Part A—habitually
referred to as the real Uniting for Peace resolution—itself consisted
of five parts. Part (A) would enable the General Assembly to meet
in an emergency session, whenever the Security Council, because
of lack of unanimity of the permanent members, failed to
exercise its primary responsibility for the maintenance of inter-
national peace and security. Part (B) established a Peace
Observation Commission. Part (C) recommended members to ear-
mark national forces for UN duties. Part (D) established a Collec-
tive Measures Committee. Part (E) urged members to intensify
efforts for the observance of fundamental human rights and for
the achievement of conditions for economic stability and social

progress, particularly through the development of underdeveloped countries and areas.

Part (A) of resolution 377A (V) was the most controversial one, reviving the debate—as old as the San Francisco Conference—on the respective powers of the General Assembly and the Security Council in the maintenance of international peace and security. Due to the deepening East-West conflict in Europe the original controversy between the major powers and some smaller states had now been replaced by the controversy between the Soviet bloc on the one side and the Western countries *and* all neutral states on the other. The United States had initiated the drive for an extension of the Assembly's powers and found support from the United Kingdom, France, Sweden, Yugoslavia, the Benelux countries, Denmark, Norway, Iceland and Greece. Poland and Czechoslovakia faithfully reflected the Soviet opposition to any extension of the Assembly's powers. This realignment of European attitudes on the matter was especially striking—if compared to 1945—for Britain, Yugoslavia and Czechoslovakia.

In the case of *Britain* and *France* (like the USA) support for an extension of the Assembly's power proved to be no more than an temporary Cold-War attitude. Explicit misgivings, if not undisguised apprehension with the increased activity of the Assembly, surfaced soon after 1950 and long before the Uniting for Peace resolution was to be applied against them in the 1956 Suez crisis. In the case of *Yugoslavia*, the support for the Uniting for Peace resolution reflected its expulsion from the Cominform and the emerging policy of non-alignment. Ever since—and for obvious reasons of safeguarding independence—Yugoslavia has remained a convinced advocate of a larger role for the smaller powers and a major role for the General Assembly.

The resistance against the trend towards strengthening the Assembly and the emphasis on the *exclusive* responsibility of the Security Council in maintaining international peace and security has marked the attitude of Poland, Czechoslovakia and the other socialist countries ever since. In their view, the strengthening of the Assembly's powers represented no more than a campaign against the Security Council by the Anglo-American bloc.

The attitudes of the remaining European countries have been rather uncertain, dictated as they were by changing circumstances and actual position. Sweden in 1950 viewed the trend as a happy one though "the letter of the Charter had been exceeded". [24] In later years Sweden expressed the view that the veto power is to be seen as a protection against its own involvement in a clash between

the great powers.

The support of the other smaller European states for the Uniting for Peace resolution also declined in later years when the Assembly came to be dominated by anti-colonial majorities.

During the battle over the respective powers of the Security Council and the General Assembly another battle was fought over the re-appointment of Trygve Lie as Secretary-General of the organization. Lie's original emphasis on the necessity for great power cooperation changed markedly during the Korean War. Before that war, his conviction on what was in the interests of the United Nations as a whole and his belief in what was right made him a powerful advocate of the conciliatory and mediatory role of his office between the great powers. After the outbreak of the war, the same conviction made him emphasize that the UN "founding fathers wanted a world organization through which the Member Nations could over a period of time develop adequate means for controlling unlawful international conduct on the part of *any* government . . . (even) in a case directly involving the Great Powers conflict". [25]

It earned him a Soviet veto over his renomination in the Security Council and a negative vote from the Soviet bloc members in the General Assembly.

The European states voted the same way as they did on the Uniting for Peace resolution. It was Yugoslavia which *proposed* Lie's renomination in the Security Council. After a series of abortive secret sessions of the Security Council, the matter was referred to the General Assembly on 30 October 1950. Poland and Czechoslovakia supported, in the General Assembly, the Soviet claim that great power agreement was required for his nomination and that failing it his renomination by the General Assembly was unlawful. Both countries, with the Soviet Union, refused to recognize Lie after the expiration of his first term and until his resignation. All other European states supported the proposal for his renomination. In their view Lie's renomination should not be considered an appointment in the sense of Article 97 of the Charter, requiring a Security Council recommendation. The General Assembly in 1946 had fixed the Secretary General's term of office at five years. The Assembly, as a consequence, could decide to extend the term of office without a recommendation of the Security Council. On 1 November 1950 the General Assembly adopted resolution 492 (V), introduced by Brazil, Canada, Cuba, Ecuador, France, Greece, India, New Zealand, Nicaragua, Norway, Pakistan, Philippines, United States, United Kingdom and Yugoslavia. It was de-

cided "that the present Secretary-General shall be continued in office for a period of three years".

The twofold constitutional crisis of 1950, resulted primarily from a conflict between the United States and the Soviet Union. In both instances the Arab members tried to mediate. In both instances also, Yugoslavia sided with the United States as one of the strongest advocates for a strengthened Assembly and an independent Secretary-General. Most of the other smaller European states voted with the majority, but did not take an active part in the deliberations.

The crisis over the delimitation of powers between the Security Council and the General Assembly receded to the background in the early fifties, primarily as a result of the Chinese intervention in the Korean War and the inability of the majority of the Assembly and the members of the Collective Measures Committee to carry out sections (C) and (D) of resolution 377 (V) A. The crisis over the office of the Secretary-General was terminated with Lie's resignation and Dag Hammarskjöld's appointment in April 1953.

It is a common feature of postwar international organizations and of the United Nations in particular, that conflicts of competence are never resolved and crises never overcome. Such conflicts at best temporarily recede to the background. Whenever they reoccur they are likely to create even more serious crises, adding new insoluble conflicts to the still unsolved ones. The second major conflict over the delimitation of powers between the General Assembly and the Security Council, and the role of the Secretary General, resulted from the first *application* of the Uniting for Peace resolution (part (A) of resolution A) in the 1956 Middle East War. At first this application appeared a success for those who wanted an effective peace-keeping machinery even in the absence of great power unanimity. The General Assembly achieved a cease-fire after the failure of the Security Council to exercise its primary responsibility due to a French and British veto. On the initiative of Dag Hammarskjöld and the Canadian delegation, the General Assembly also agreed on a new and promising concept of peace-making: the interposition of a United Nations police or peace-keeping force (UNEF I) between the parties, instead of the United Nations military force to carry out enforcement action against one of the parties. This new concept of peace-keeping proved attractive enough to be applied by the Security Council itself in four more instances: the creation of ONUC in 1960, of

UNFICYP in 1964, of UNEF II in 1973 and of UNDOF in 1974. The General Assembly in 1962 authorized the Secretary-General to carry out the tasks entrusted to him by the Dutch-Indonesian agreement on West-Irian, including the setting up of United Nations Security Forces.

The application of the Uniting for Peace resolution in situations where there appeared to be a threat to the peace, breach of the peace or act of aggression, however, failed in most cases. Especially after the prolonged Congo-crisis in the early sixties, the Uniting for Peace resolution no longer offers a viable alternative to the Security Council in maintaining international peace and security. The prolonged conflict over the delimitation of powers between the General Assembly and the Security Council has converted the United Nations as a whole into "a system in permanent crisis", due to persistent conflict over the powers of its principal organs and the organization *itself*, while exercising tasks to maintain international peace and security. Since 1956, when the Uniting for Peace resolution had been applied against Britain and France, the originally "Western" support for increasing the powers of the Assembly has gradually disappeared, while the resistance of the socialist countries remained unchanged. The ability of the Security Council to exercise its primary resonsibility has come to depend almost exclusively on *ad hoc* (and unpredictable) agreement between the Soviet Union and the United States. It thus reduces the Council to little more than an organ to reflect results on the battlefields instead of a body to maintain peace and security.

The financial crisis [26] following the refusal of the socialist states, France, Portugal and others to pay for peace-keeping operations has crippled the organization. The crisis came to a head during the nineteenth session (1964) of the General Assembly, when the United States threatened to apply the sanctions of Article 19 of the Charter against states in arrears of payment (the Soviet Union and the other socialist states) and the Soviet Union threatened to withdraw from the organization. Neither threat was carried out, but the conflict remained unresolved.

The comprehensive review of the whole question of peace-keeping operations in all their aspects, dragging on for over ten years now, has not produced any results so far.

Finally, the conflict over peace-keeping also affected the powers of the Secretary-General. When Dag Hammarskjöld, during the Congo crisis, followed his own conviction in the absence of a clear Security Council mandate, the Soviet Union formally requested his dismissal (14 February 1961). Hammarskjöld tragically died before the

Soviet Union could force acceptance of its request. Hammarskjöld's successors have been unable so far to regain his influence and stature.

An analysis of European attitudes towards the constitutional issues since 1956 shows that political expediency in a changing organization has become a more important criterion than institutional effectiveness as was the case for the majority in 1950.

The application of the Uniting for Peace resolution in cases where the Security Council is unable to act by lack of unanimity between the permanent members may be taken as a first example. In 1956 the Security Council and the General Assembly were faced with two crises involving such application: the Israeli-Franco-British attack on Egypt and the Soviet invasion of Hungary. With respect to the first, the initiative for calling an emergency session of the General Assembly was taken by Yugoslavia and opposed only by France and Britain. In the emergency session of the General Assembly, a US draft (to become resolution 997 (ES-I) urged a cease-fire and withdrawal of forces. It was supported by the East European states, Yugoslavia and most other European states. France and Britain voted against, whereas Belgium, the Netherlands and Portugal abstained. With respect to the second, Yugoslavia abstained on the proposal to discuss the question of Hungary and on the US draft resolution in the Security Council, but supported the convening of an emergency special session of the Assembly. Yugoslavia and Finland abstained on the resolution (1004 (ES-II)) calling for an end to Soviet intervention and a withdrawal of troops from Hungary; the East European states voted against, while all the others supported the resolution. When the Security Council was unable to agree during the Congo crisis, the United States proposed an emergency special session of the Assembly. Poland (and the USSR) voted against, France abstained, Italy and the United Kingdom voted in favor. In the Assembly the Soviet bloc and France abstained on resolution 1474 (ES-IV)[27] calling for support to ONUC, a peaceful solution and for refraining from giving support except on UN request. All others voted in favor. In 1968 a US draft condemning the Soviet invasion in Czechoslovakia was supported in the Security Council by the West European members, but vetoed by the Soviet Union (Hungary of course also voted against). On 27 August, 1968 the Czechoslovak request to withdraw the item from the agenda was not opposed and the calling of an emergency special session of the Assembly was not even considered.

The East European states have been inconsistent in their opposi-

tion to the Uniting for Peace resolution. The others have been inconsistent in their support. The resolution may survive as a political tool; it has ceased to be an instrument for increasing the institutional effectiveness of the organization.

The second major constitutional issue concerns the powers of the General Assembly with respect to *financing peace-keeping operations*. *Legally* the powers of the Assembly involved an interpretation of Article 17(2) of the Charter. Are peace-keeping operations "expenses of the Organization" to be borne by the Members "as apportioned by the General Assembly? Or should peace-keeping forces be considered as "armed forces" in the sense of Article 43 of the Charter? In the latter case the financing of such forces is subject to special agreements to be concluded between the Security Council, according to Article 43, and to the general "mutual assistance" clause of Article 49. [28] The crucial problem with respect to financing peace-keeping operations, however, is not so much one of legal interpretation of separate paragraphs, but one of *constitutional development* on the basis of the purposes and principles of the Organization. The character of the Organization has changed significantly since 1945. The Organization has faced new problems and conflicts, unforeseen at its birth. As Hammarskjöld wrote: "It is in conflicts relating to the development toward full self-government and independence that the Organization has faced its most complicated tasks in the executive field. It is also in the case of executive action in this context that different concepts of the Organization and of its decisions and structure have their most pointed expressions". [29] These conflicts could not be dealt with either by recommending pacific settlement or by deciding enforcement action. New concepts were required to achieve the purposes of the Organization in new types of conflicts. Members were faced with the choice between a dynamic interpretation of the Charter to achieve the purposes in a new setting, and a static, i.e., anachronistic interpretation at the expense of the UN's purposes.

The East European states chose the latter interpretation. In so doing they were consistent only in their *refusal* to contribute to the financing of peace-keeping operations. The legitimization of their refusal changed according to circumstances.

In 1956 they had supported the application of the Uniting for Peace resolution against France, Britain and Israel. They abstained on resolution 998(ES-I) setting up UNEF I. Czechoslovakia and Rumania were among the countries offering participation in the force. They nevertheless defended their refusal to contribute with

the argument that the establishment of UNEF had been an unlawful act contrary to the Charter. They supported the establishment of ONUC by the Security Council. Their refusal to pay was legitimized by the argument that the Congo operation *had become* contrary to both the letter and the spirit of the Charter, because the Council resolutions—as interpreted by the Soviet Union—had not been implemented. Behind this argument, questionable at best after the end of the deadlock in the Security Council since February 1961, was in reality the static interpretation of the Charter already referred to. In their view peace-keeping ought not to be anything else but enforcement action against aggression. In socialist perspective, every major conflict can be reduced to a struggle between a victim and an aggressor. [30]

In this perspective it is easy to find the aggressor who should pay. This interpretation, moreover, is to ensure that no peace-keeping activities can be carried out unless the permanent members of the Security Council—i.e. the Soviet Union—fully concur throughout the process. The world organization either should be used as an instrument to foster the transition from capitalism through peaceful coexistence to socialism or be kept powerless in maintaining international peace and security. For the time being the major concern has been to keep the Organization powerless. The socialist bloc has consistently voted against any of the resolution proposed for solving the financial crisis following their refusal to pay. They have equally refused to contribute voluntarily to the costs of UNFICYP—without this time bothering to advance any legitimization. [31]

The voting pattern of the other European countries [32] manifests broad support for financing peace-keeping operations through a system agreed upon in the Assembly. There are a number of notable exceptions, however, related to a changing attitude or special circumstances. The most active support for peace-keeping operations has come from countries such as Ireland, the Nordic countries and Yugoslavia. The four Nordic countries and Yugoslavia contributed forces to UNEF I. Ireland and Sweden contributed forces to ONUC. Supporting personnel to ONUC were made available by Austria, Denmark, Ireland, Italy, the Netherlands, Norway and Sweden. Yugoslavia originally contributed pilots, technicians and other personnel to ONUC, but withdrew them following the conflict between the Secretary-General and the Soviet Union. [33] According to the Yugoslav representative the ONUC command pursued an unsatisfactory policy, seriously impairing the prestige of the UN. Yugoslavia therefore could no longer bear or share in

any way the responsibility for what was taking place. Yugoslavia could support the establishment of a special account for the Congo operations, but had to reconsider its position regarding financial obligations if the UN command maintained its present policy. Yugoslavia's voting behavior—as shown in table 6—became somewhat unsteady. While supporting the financial powers of the Assembly, it abstained on several—not all—resolutions related to ONUC. It also abstained, for political reasons, on resolution 1877(S-IV), addressed to the socialist states.

The voting behavior of Belgium constituted a special case due to its direct involvement in the Congo crisis. While not opposing the financial powers of the Assembly it strongly resented the majority opinion that Belgium, as the former colonial power, should be requested to make a special contribution. For this reason it voted against the resolutions containing such request. Its resentment towards the Assembly's anti-colonial majority persisted and explains Belgium's abstentions in all major resolutions ever since. Although the Netherlands has always supported the financial powers of the Assembly, concern over the increasingly anti-colonial majorities has led to a changed emphasis in its policy after the 1964 crisis. While maintaining its opinion that collective financial responsibility should, as a rule, be the basis for peace-keeping operations, the Netherlands' Government began to advocate a much more cautious approach to the exercise of Assembly powers than it had followed since 1950. [34] The new, more cautious, approach was put forward primarily because of the disadvantages of the increased UN membership for the exercise of authority over peace-keeping operations.

"The increase in UN-membership, welcome as it is in itself, has led to a growing imbalance between numerical strength on the one hand and responsibility for carrying out Assembly recommendations on the other. The result of that development in recent years has been that . . . the Security Council has displayed more sense of realism than the General Assembly, when it comes to adopting practicable resolutions". Referring to the "basic underlying concept"—sound but often illusory—that the UN can only undertake major peace-keeping operations "if the Big Powers agree, or at least do not object", it said: "It has been the neglect of this basic truth which has led the United Nations to the crisis of peace-keeping operations of 1964 and 1965". The United Nations would, in the opinion of the Netherlands, "be best served by retracing some of the steps we have tentatively taken since 1950 and to return to the basically sound set-up of the Charter, namely that the primary

responsibility for international peace and security rests with the Security Council, and that no major peace-keeping operations can be undertaken without at least the tacit consent of its Permanent Members". The changed emphasis in Dutch UN policies is indicative of the changing attitude of the smaller, non-socialist European states since the mid-sixties.[35] For them the extent of their own influence in UN decision-making, rather than a dynamic constitutional interpretation of the Charter, remains the primary guide to their attitude. The Dutch emphasis on the sense of realism in the Security Council reflected some amount of satisfaction with its increased influence as a member—in 1965, 1966—of the Security Council. It also reflected the evolution of the General Assembly during the sixties in which the "West" changed from a grouping (in 1950) commanding majorities to a grouping embattled by anti-Western majorities. It finally reflected the emerging mood of *détente*, making the West more inclined to disguise the remaining unsolved controversies with the East.

It was these changed political circumstances that made the smaller European countries more inclined towards the more static Charter interpretation always defended by the East. The arguments put forward were not very strong. None of the peace-keeping operations had been initiated without "at least the tacit consent of its Permanent Members". The USSR, Britain and France had abstained on the creation of UNEF I and had concurred in establishing ONUC and UNFICYP. Opposition of two permanent members—France and the USSR—developed over the execution of the mandate and from disagreement with the strengthened powers of the Organization by way of applying the financial powers of the Assembly to the new peace-keeping activities.

The latter was made especially clear in the changing attitude of France and Portugal towards financing peace-keeping operations. France had co-sponsored the Uniting for Peace resolution in 1950. Although abstaining on the creation of UNEF it had voted in favour of resolution 1090(XI) with respect to the financing of UNEF I. In the early phases of conflict over financing ONUC, France assumed a reserved attitude, abstaining on the resolutions during the fifteenth session of the Assembly[36] with respect to financing ONUC. France, said its representative, abstained because of the refusal of a group of states to carry out their share of the common charges, making the General Assembly unable to produce a just and equitable method of financing costs.[37] It was only during the sixteenth session—after the deadlock over the Congo operations in the Security Council and the General Assembly—that

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the French attitude changed to open hostility. Thereafter, France voted against all resolutions on financing peace-keeping operations in general and on ONUC in particular. (It began to abstain on UNEF I, although it had contributed since 1956). The changed attitude reflected the increasingly hostile policy of Gaullist France towards the UN and international organizations in general. France, in fact, joined the Soviet Union in opposing any increase of power by the Organization. Its main legal argument became that no financial obligations could be imposed by the Assembly to carry out non-binding recommendations.

Portugal also changed its position beginning with ONUC. From 1961 onwards it began to abstain on all relevant resolutions with the exception of resolution 1732(XVI). Its positive vote on this resolution, however, did not imply acceptance of a commitment to any expenditure. Its changing attitude reflected the increasingly hostile attitude of the General Assembly towards its colonial policies in Africa.

At the outbreak of the 1973 Middle-East War the comprehensive review of peace-keeping operations had not yet produced consensus on the future of such operations and their financing.

The Security Council could nevertheless on 25 October 1973 agree on resolution 340(1973) providing, in paragraph 3, to set up immediately under its authority a United Nations Emergency Force (UNEF II) to be composed of personnel drawn from states members of the United Nations, except the permanent members of the Security Council. [38]

On 27 October the Security Council in resolution 341 (1973) approved the report of the Secretary-General, stating in paragraph 7: "The costs of the Force shall be considered as expenses of the Organization to be borne by the members in accordance with Article 17, paragraph 2, of the Charter". [39] The Secretary-General's report, as approved by the Council, makes clear that the force shall operate under strict Security Council control. Its task is limited to supervizing the implementation of operative paragraph 1 of resolution 340(1973): "That immediate and complete cease-fire be observed and that the parties return to the positions occupied by them at 1650 hours GMT on 22 October 1973". [40]

To carry out this limited task the UN Force would initially be stationed in the area for a period of six months. The extremely cautious approach assured Soviet and French concurrence in the Security Council. It enabled the Assembly to adopt resolution 3031(XXVIII) on financing UNEF II for the initial period with

the concurring votes of the socialist bloc and France. Albania (together with Libya and Syria) voted against, while Portugal abstained. [41] In the Assembly the main battle was fought over the scale of assessment, rather than the principle of the Assembly's authority. The socialist countries wanted to be assessed less, like the developing countries. In the Security Council the proposed application of Article 17(2) of the Charter did not provoke the usual controversies. After having reiterated his Government's position with regard to the *exclusive* competence of the Security Council the French representative had "no objection to the financing of this Emergency Force in accordance with the normal scale of assessments of the Organization and to having the expenses attributed as part of the regular United Nations budget". While not opposing Security Council resolution 341(1973) and Assembly resolution 3101(XXVIII), the Soviet representative reaffirmed the "well-known" Soviet position of principle in regard to United Nations peace-keeping operations, including their financing. [42] Its major concern throughout the Council debates was that a socialist country—i.e., Poland—should be invited to participate in UNEF II. It was finally agreed that a Polish logistics unit would be included. [43]

The European views on the powers of the Organization in exercising its tasks regarding the maintenance of international peace and security show little consistency. They are a far cry from the ideal of the UN as a dynamic instrument of governments as once formulated by Hammarskjöld. Most European governments react to the evolving UN as they did to the original ideas of setting up the League and the United Nations: without imagination and interested primarily in the short-term politics of the system. The East European members have faithfully reflected the various shifts in Soviet policy towards the powers of the UN, resisting any "strengthening" of the Organization. Most West European members supported the US at the time of comfortable Western majorities, but changed their policies when faced with non-western majorities. Some other West European states and the neutral or non-aligned Europeans were among the more active supporters of UN peace-keeping activities to the extent that these activities concurred with their enhanced role as neutral brokers.

Regional Organizations and Regional Groups

The powers member-states are willing to confer upon the United Nations in situations directly affecting their own security have

been subject to controversy from the beginning. Are special provisions to be made for settling disputes within each region; should member states be granted autonomy in deciding upon defense measures or arrangements in their own region? Or should the Security Council be given primary and ultimate responsibility also for dealing with disputes and situations of a regional character?

During and immediately after the Second World War, most European governments still conceived of Europe as the center of the world, rather than as one among other regions.

At the beginning of the Dumbarton Oaks talks, Great Britain "declared that all regional organizations should be auxiliary to, consistent with, and under the supervision of the world body when matters of world security were involved; hence the general character of the global organization should be decided before the regional aspects were discussed". [44]

Unlike the Americans, who favored regional agencies for the settlement of local conflicts, the European governments limited their "regional" concerns to the eventual problem of renewed German aggression.

In order to be able to meet such an eventuality, Belgium, Czechoslovakia, France and Britain proposed exceptions to section C, paragraph 2, of Chapter VIII in the Dumbarton Oaks proposals. According to that paragraph "no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council". Reminiscent of the inter-war years and the outbreak of the Second World War, Belgium suggested "that in case, where immediate action might be necessary, the application of coercive measures provided for by special regional arrangements should not be held in abeyance, pending Security Council's authorization". Czechoslovakia wanted a general authorization in advance for meeting those contingencies. France proposed an exception to the rule of Security Council authorization "in the case of the application of measures of an urgent nature provided for in treaties of assistance concluded between members of the Organization and of which the Security Council has been advised". Britain suggested an exception for cases against the then enemy states. [45] The Netherlands—reflecting, no doubt, their neutral policy before 1940—fully supported the Dumbarton Oaks proposals in this respect. To the expression of their support it was added: "Nothing, in fact would seem to them more dangerous for the peace of the world than regional groupings which, however good the intentions which give rise to their formation, may at any time be set against each other or

against any given state for want of proper adequate coordination". [46]

The insistence on providing for regional *security* arrangements had come primarily from the participating Arab and Latin American states, eager as they were to remain outside European conflicts in the future. It was the British in San Francisco who proposed the solution embodied in the Charter by which the regional security interests were merged with their own interests in relation to the then enemy states. The Dumbarton Oaks proposals on regional arrangements for the pacific settlement of disputes became Chapter VIII of the Charter. A separate Article 51 dealing with the inherent right of individual or collective self-defense against an armed attack was added to Chapter VII. [47]

The—primarily American—conception of regional arrangements for the pacific settlement of local disputes with a view to fostering *decentralization* of conflict settlement has not found support with the European states.

Unlike e.g., the American and the African Continents, Europe has not organized itself regionally *within* the framework of the United Nations system. The adoption by the General Assembly of the United Nations of the Revised General Act for the Pacific Settlement of International Disputes (resolution 268A(III) of 28 April 1949) may be seen as an effort in this direction. Only Belgium, Denmark, Luxemburg, the Netherlands, Norway, Sweden (and Upper Volta) acceded to the Act. After the war and since the outbreak of the Cold War, Europe—as we saw in Part II—became divided into a Western and a Soviet system and a loose group of non-aligned states. Within the two systems new international organizations proliferated *outside* the United Nations framework. Some of them—the Warsaw Pact/CMEA and the European Communities—pretended to be systems of regional legal order in which ideals were incorporated of a world order unattainable as yet for the whole world. Each of them was more interested in proclaiming itself as a forerunner for a future world order, than in fitting its development into the principles and evolution of the United Nations.

To the extent postwar organizations in Europe were related to the Charter, they were organizations for collective self-defense based upon Article 51. In line with the opinions expressed at San Francisco the first treaty for collective self-defense (the Franco-British pact of Dunkirk of 4 March 1947) was still directed against resurgent German aggression.

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Urged by Washington, the treaty of economic, social and cultural collaboration and collective self-defense (the Brussels treaty of 17 March 1948 between France, Britain and the Benelux countries) was no longer restricted to renewed German aggression. It provided for mutual assistance in conformity with the UN Charter against any attack in Europe. The ensuing alliance systems in Europe—NATO in the West, bilateral alliances and the Warsaw Pact in the East—were not *European* defense organizations, but Soviet and American-made alliances against each other. Both the North Atlantic Treaty and the Warsaw Pact contain a commitment for mutual assistance in the event of an armed attack, based upon the parties' right of individual or collective self-defense recognized by Article 51 of the UN Charter (Arts. 5 and 4, respectively). The two treaties also contain in their Article 1 a pledge to refrain in their international relations from the threat or use of force and to settle their international disputes by peaceful means. Although this pledge also concerns disputes *between* members of the alliances, it was made in general terms rather than in terms of specific regional action for the settlement of disputes among themselves.

Within the framework of the Atlantic system some Atlantic or West European efforts were made to provide for the pacific settlement of disputes among members; none of them very successful. In 1956 the North Atlantic Council adopted the report of the Committee of Three on non-military cooperation in NATO in which it was stated, *inter alia*, that disputes between members which have not proved capable of settlement directly should be submitted to the good offices procedures within the NATO framework before resorting to any other international agency. Member governments and the Secretary-General have the right and duty to bring to the attention of the Council matters which in their opinion may threaten the solidarity or effectiveness of the Alliance. The Secretary-General may informally offer his good offices at any time and propose the initiation of other settlement procedures.

In 1957 the European Convention for the Pacific Settlement of Disputes was signed within the framework of the Council of Europe. It provides for the submission of legal disputes to the International Court of Justice and for conciliation or arbitration for other disputes. Very few cases have been dealt with under either set of provisions. [48] It should be noted, however, that the network of organizations, procedures for consultation and mechanisms for resolution of conflicts in the Atlantic system hardly call for a separate arrangement.

No similar mechanisms for the pacific settlement of disputes are known to exist in the Warsaw Pact. As we saw in Chapter 5 serious disputes have been dealt with by political pressure or the use of military force.

The absence of regional arrangements for the pacific settlement of disputes in Europe may be explained by the division of Europe into a Soviet and an Atlantic system of relations. In Western Europe, this division seemed to reinforce the historical argument that Europe was too central an area in world politics to think of a decentralized regional arrangement. At least until the mid-fifties the Soviet-American global confrontation focused on Europe and arrangements for this continent would have been unlikely to achieve what the United Nations had failed to produce.

The situation, however, began to change after the death of Stalin in 1953. The Soviet-American confrontation expanded to areas outside Europe. The United Nations became increasingly involved in third-world conflicts related to the development towards full self-government and independence.

The admission of the GFR to NATO signalled a new era of stalemate in the Soviet-American confrontation in Europe.

It was in the context of this changing situation that attention began to be focused on an all-European security system, i.e., a system for dealing with conflicts *between* the two blocs in Europe. In an effort to prevent the admission of the GFR to NATO, the Soviet Union in January-February 1954 proposed the conclusion of an all-European treaty on collective security in Europe. [49]

At the time the proposal was turned down by the United States, Great Britain and France.

It was not until the late sixties that the issue of a European security system became the subject of ongoing negotiations between East and West.

This is not the place for a full analysis of the negotiations on European security. What concerns us here are primarily two questions: Do the European participants in the talks on European security envisage the establishment of a European arrangement for the settlement of disputes? How do they conceive of such an arrangement in relation to the United Nations?

On the first question, European attitudes have diverged widely so far. During the pre-negotiation stage (before the opening of the preparatory talks in Helsinki in 1972) countries such as Britain favored a standing conference; Belgium and the Netherlands thought of a series of conferences to deal with security issues;

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while the Warsaw Pact countries thought primarily of one great Conference. In June 1970 the Warsaw Pact countries proposed the creation of a permanent body for European Security. The NATO countries on the other hand collectively showed increasing reluctance to consider the setting up of a permanent body until at least some substantial results were achieved during the conference on European security and cooperation. Proposals for a continuing machinery during the Conference found support especially from various smaller European countries across the dividing line, such as Rumania, Yugoslavia, Switzerland, Austria and Spain and to a lesser extent from Poland, Hungary, the Netherlands, Norway, Denmark. None of these countries has been very specific on the tasks of such a continuing body, beyond the task of on going consulation. Switzerland made an elaborate proposal toward a system for the peaceful settlement of disputes, but received little support for the idea. So far, the European security talks have been more directed towards agreement on maintaining the *status quo* than toward the elaboration of a new European arrangement for settling disputes and overcoming present divisions.

Hardly any attention has been given in negotiations to the second question: the relation of a continuing body to the United Nations. Some smaller European countries might be interested in a link between the continuing body and the United Nations, but very little thinking has been given to the problem beyond the formulation included in the fourth agenda item of the Conference: "In examining the follow-up of the Conference, the Committee (the Coordinating Committee of the Conference) shall also consider the contributioi.s which it believes could be asked from existing international organizations". Participating states think primarily in this respect, of the UN Economic Commission for Europe, the sole "regional" European body of which they are all members.

The absence of any creative thinking in Europe on the relations between the region and the United Nations—explained above—is indicative for their attitude towards the United Nations. Most European states have never conceived of the United Nations as an essential instrument for ensuring their own security or settling European disputes to which they are a party. Europe is as non-existent in the United Nations as the Organization is in European policies. During the Cold War the United Nations was unsuitable as a framework for dealing with East-West conflicts. Afterwards the United Nations developed into an organization dealing with conflicts outside Europe, decolonization and development coopera-

tion. Just as Atlantic/West European and socialist organizations developed *outside* the UN system, so will a European security system, if it comes, remain outside the UN.

The absence of Europe as a region in the United Nations also manifests itself in the composition and cohesion of regional groups [50] in the General Assembly (compare table 5). The East European countries *and Yugoslavia* belong to the socialist group. All other European countries, together with the United States, Canada, Turkey, Australia and New Zealand, belong to the West European and others group (WEO group). With the exception of appointing officers, the groups hardly serve a useful purpose. The East European states—except sometimes Rumania—operate as a well-orchestrated, Soviet directed bloc. Yugoslavia generally sides with the informal caucuses of the non-aligned or developing countries. The WEO group lacks every political reality and cohesion. Consultations generally produce nothing whatsoever and its members' voting behavior diverges as widely as possible. Inside the WEO group the nine of the European Communities have formed a separate informal caucus.

During the twenty-ninth session of the General Assembly, this consultation has intensified markedly and produced more incidencies of voting alignment than had been the case in previous sessions.

Although East and West in Europe pretend to stand as a model —in their own systems of cooperation—for a future world order, both sides have failed to transform their pretention into creative political or constitutional action *inside* the UN as the only existing world organization. The non-aligned European states have focused on developing a world organization fitted to their national interests as smaller states for better protection or more influence.

The Progressive Development of International Law

It is one of the functions of the General Assembly of the United Nations to initiate studies and make recommendations for the purpose of "encouraging the progressive development of international law and its codification" (Art. 13 of the Charter).

This formulation was adopted at the San Francisco Conference after a debate on three related constitutional issues. The first one was whether the Assembly should be given the power to initiate studies and make recommendations for the codification of international law (opposed, *inter alia*, by Great Britain).

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The second one was whether the Assembly should be empowered to submit general conventions for the consideration of states with a view to securing their approval (as suggested by Belgium; the relevant amendment did not receive the required majority).

The third one was whether the Assembly could be made responsible for initiating studies and making recommendations with respect to the development and *revision* of the rules and principles of international law (as proposed by China and opposed, *inter alia*, by France). [51]

The text as it now stands (encouraging the progressive development . . .) disguises the unresolved controversy between those who supported and those who opposed a UN role in the revision of treaties, as well as a compromise between those who supported or opposed a power to submit general conventions.

The controversy over the power to revise treaties—reflecting the debates on peaceful change and the revision of the peace treaties during the interwar years—receded into the background. [52] No peace settlement had been concluded after the Second World War and the United Nations soon turned their attention to new problems. The controversy ceased to be relevant. The second controversy and the issue of codification were in practice resolved in the agreement on the Statute of the International Law Commission adopted in 1947. In the rapidly changing postwar world, progressive development and codification became no more than two indistinguishable aspects of one activity: the elaboration of multilateral conventions in the ILC and in other UN bodies or special conferences, supervised, initiated or supported by the General Assembly.

The development of international law after the Second World War and in the framework of the United Nations became an essentially different problem than its development had been in the period of European supremacy. During the formative era of international law its development had been the result of state practice or of treaties adopted at peace conferences and other congresses. It could be called European international law only, as it had developed during the era of European supremacy. Its essential characteristics were not "European" as contrasted to universal law. They were "great power" law as contrasted to law emanating from agreement between the majority of sovereign states.

As a consequence the establishment of the United Nations in itself created a new international law superseding the previous European international law system. The United Nations Charter

abolished the previous system of law based upon the power relations between a few European great powers, because of the fact that the European powers no longer dominated the world. Whereas the new non-European super powers had been unable to agree on a peace settlement, the constitutional issue facing the United Nations in progressively developing international law was whether the two great powers or the UN majority were to be the agents for developing it. The opposition between European and universal international law remained an issue for scholarly speculation. It was of secondary importance at best in law making.

The constitutional issues facing the European states after the Second World War, therefore, were the following. How could a condition be promoted in which law making becomes the central concern for the UN in all its activities, rather than a side activity of the jurists in the ILC and the sixth committee of the Assembly?
Do they prefer to take part in a law making process dominated by majorities they do not control, or do they prefer to accept the rules imposed by the new super powers? If the former is the case, do they give priority to drafting multilateral conventions or declarations of principles? If law making does take place in the UN, how could they contribute to improving the procedures for multilateral, international legislation?
As in the cases of formulating principles and dealing with the powers of the organization in maintaining international peace and security, European attitudes have been dictated by changing circumstances rather than inspired by fresh and coherent policies. Yugoslavia and for other reasons, the East European states have aligned themselves increasingly with the majority of the developing countries in giving priority to drawing up general declarations of principles, while being reluctant to accept binding conventions. The WEO countries, by political expedience rather than legal conviction, are reluctantly accepting this trend. Britain has asked for a review of peaceful settlement of disputes procedures; the Netherlands has recently suggested an examinination of the amelioration of procedures for international legislation. The WEO countries generally support the activities of the ILC, whereas the socialist countries are criticizing it for working too slowly and not dealing with major issues. [53]

European attitudes toward the constitutional aspects of the progressive development of international law tend to confirm what has been concluded on the other constitutional issues. Their parti-

cipation and proposals show much concern for politics in the Organization, but little long-term thinking or clear perspective on the role of the world Organization in working toward world order.

NOTES

1. Walters, *op. cit.*, p. 20.

2. Text in Miller, *The Drafting of the Covenant*, Vol. II.

3. The Moscow Declaration of 30 October 1943 (China, Great Britain, USA, USSR). Text: U.S. Department of State, *Toward the Peace Documents*, Publication 2298(1945), p. 6.

4. Russell and Muther, *A History of the United Nations Charter*, Brookings, Washington, D.C., 1958, p. 114. Compare also *Britain and the United Nations* by Goodwin in the series *National Studies on International Organization, op. cit.*, 1957, pp. 4-8.

5. *Op. cit.*, p. 111.

6. Submitted on 18 July 1944. U.S. Department of State, *Postwar Foreign Policy Preparation, 1939-1945*, Publication 3580 (February 1950), Appendix 38, pp. 595-606.

7. The principle of "sovereign equality" also figures in Art. 78 of the Charter. According to its (American) authors, the wording in Art. 78 was not intended to further extend the scope of the principle, as is argued by Ninčič, *The Problem of Sovereignty in the Charter and in the Practice of the United Nations*, The Hague, 1970, p. 36/37. Art. 78 merely served to reassure some participants, whose international status had not yet been fully clarified, that the trusteeship system would not apply to them. See Goodrich, Hambro and Simons, *Charter of the United Nations. Commentary and Documents*. 3rd revised edition, New York-London, 1969, p. 487.

8. See *UNCIO Documents*, Vol. 3. Compare also the comments made by Belgium, Norway, Czechoslovakia and Greece in the same volume.

9. "Consent of one-half of the smaller states represented on the Security Council to be required for decisions being taken". Emphasis added.

10. They even suggested "an independent body of eminent men", to pronounce upon the compatibility of a Security Council's decision with the moral principles referred to.

11. *UNCIO Documents*, Vol. 3.

12. *UNCIO Documents*, Vol. 6, pp. 717-718.

13. *UNCIO Documents*, Vol. 6, pp. 300, 704. Russell and Muther, *op. cit.*, pp. 811-813.

14. See Wood, *France in the World Community, op. cit.*, p. 16.

15. This is not the place to give a full review of the drafting and the

contents of the declaration. See further, especially: Houben, "Principles of International law concerning friendly relations and cooperation among states", *AJIL*, Vol. 61, No. 3, July 1967, pp. 703-736; Rosenstock, "The Declaration of Principles of International Law concerning friendly relations: A Survey", *AJIL*, Vol. 65, No. 5, October 1971, pp. 713-735; Sahović (ed.), *Principles of International Law Concerning Friendly Relations and Cooperation*, Belgrade and New York, 1972.

16. Quotations from the Special Committee reports and Magarašević, "The Sovereign Equality of States" in Sahović, *op. cit.*

17. Rosenstock, *loc. cit.*, p. 735. A similar remark was made by the Netherlands' representatives in the Special Committee and the Sixth Committee of the Assembly.

18. E.g., the community-members' attitude towards the non-proliferation treaty. See my *Beyond the European Community*, Leyden, 1969, pp. 203-205 and Chap. 10, *infra*.

19. Kim and Shastitko in *Pravda* of 14 September 1966 as quoted in Houben, *loc. cit.*, p. 724; and V.V. Liubomudrova (1951) as quoted by Butler, "Eastern European Approaches to Public International Law", *YBWA*, Vol. 26, 1972, p. 332, footnote 3.

20. Quotations from the Pravda article of 25 September 1968 justifying the invasion of Czechoslovakia. Soviet recognition of the principle of sovereign equality does not imply a repeal of the Brezhnev doctrine, as is erroneously argued by Schwebel, "The Brezhnev Doctrine Repealed and Peaceful Co-existence Enacted", *AJIL*, October 1972, Vol. 66, No. 5, pp. 816-818.

21. Canada and New Zealand had also suggested to authorize the Assembly to deal with matters that became "frozen" in the Council. Russell and Muther, *op. cit.*, p. 760.

22. *UNCIO*, Vol. 11, p. 545. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council, according to Art. 97 of the Charter.

23. The adoption of this resolution completed a trend fostered especially by the United States since 1947. See my "Financing United Nations Peace-keeping Activities", *N.I.L.R.*, Vol. XII (1965), issue 3, pp. 287-291. The full text of the resolution is printed in *Yearbook of the United Nations, 1950*, pp. 193-195.

24. An account of the debates on the resolutions is given in *Yearbook of the United Nations, 1950*, pp. 181-195. Also Carnegie Endowment for International Peace, *The Nations and The United Nations*; McIver, *op. cit.*; volumes on Britain and Sweden, *op. cit.*

25. Quoted in Rovine, *The First Fifty Years. The Secretary-General in World Politics 1920-1970*, Leyden, 1970, p. 263. For the battle over his re-appointment see pp. 264-269. Also *GAOR, 5th session, 296-298 plenary meetings*, 31 Oct. and 1 Nov. 1950.

26. For a detailed analysis of the financial crisis, see my "Financing United Nations Peace-keeping Activities", *loc. cit.*, and the sources quoted therein.

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27. The third emergency special session was called in 1958 following the Lebanon crisis.

28. For the legal arguments, see my "Financing United Nations Peace-keeping Activities", *loc. cit.* and *ICJ Reports 1962, Certain Expenses of the United Nations*, Advisory Opinion of 20 July 1962; *ICJ, Pleadings, Oral Arguments and Documents* on the case.

29. In his introduction to the Annual Report of the Secretary-General on the Work of the Organization, 16 June 1960-15 June 1961, *GAOR (16th session), Supplement I A.*

30. See this chapter, *supra*, p. 192: the definition of anticolonialism and sovereignty.

31. The financing of UNFICYP has not been subject to a specific Assembly resolution. According to resolution 186 (1964) of the Security Council, all costs pertaining to the Force were to be met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus. The Secretary-General was also authorized to accept voluntary contributions for that purpose. Accordingly, the Secretary-General established a Special Account outside the regular budget.

32. See Table 6 for the voting behavior of all European states on major Assembly resolutions concerning financing peace-keeping operations.

33. See statement of Yugoslav representative in the 5th committee of the General Assembly, *GAOR, 5th committee, XVth session, A/C.5/SR. 816th meeting.*

34. See especially the statement by its Permanent Representative in the Working Group of the Whole of the Special Committee on Peace-keeping Operations on 14 June 1966. (Text as made available by the Permanent Mission of the Kingdom of the Netherlands to the United Nations).

35. It appears even more indicative, if one keeps in mind that the emphasis changed during a period of left-center coalition government in the Netherlands. Left-center governments in Western Europe tend to be slightly more pro-UN than other coalitions.

36. For the evolution of French policy in this respect see Wood, *op. cit.*, pp. 152-159.

37. As stated in the 5th committee during the XVth session of the General Assembly, *GAOR, op. cit.*

38. France abstained in a separate vote on this paragraph, as it could not agree with the phrase "except the permanent members of the Security Council". The resolution as a whole (proposed, *inter alia*, by Yugoslavia) was adopted without abstentions or negative votes. China did not participate in the voting.

39. Report of the Secretary-General on the Implementation of Security Council resolution 340 (1973). *UN Security Council*, S/11052/Rev. 1, 27 October 1973.

40. On 22 October 1973 the Security Council adopted a resolution, proposed by the US and the USSR, demanding an immediate cease-fire. The cease-fire soon collapsed and Israeli forces improved their positions on the West bank of the Suezcanal. The establishment of UNEF II was part of the

effort to prevent a Soviet-American confrontation looming in the days after 22 October 1973.

41. Several states did not take part in the voting. Among them were China, Ghana, Yemen, Iraq, Nigeria, Saudi-Arabia.

42. Quotations from *Security Council Provisional Records*, S/PV.1752, 27 October 1973.

43. The following countries contributed units: Austria, Canada, Finland, Ghana, Indonesia, Ireland, Nepal, Panama, Peru, Poland, Senegal, Sweden. On 3 May 1974, the Security Council created UNDOF under the same arrangements.

44. Russell and Muther, *op. cit.*, p. 472.

45. *UNCIO*, Vol. 3, pp. 334, 470, 387. A Soviet proposal also provided for an exception in case of treaties directed at any then current enemy state.

46. *UNCIO*, Vol. 3, p. 319.

47. Compare Goodrich, Hambro, Simons, *op. cit.*, p. 343.

48. NATO mediated rather unsuccessfully in the Cyprus conflicts and one of the Icelandic-British fishery disputes. Under the European convention, Denmark, the GFR and the Netherlands submitted their differences on the continental shelf to the ICJ.

49. See Gribanov, *Security for Europe. Prospects for an All-European Conference*, Moscow, 1972.

50. For a good description of groups in the General Assembly, compare Bailey, *The General Assembly of the United Nations. A Study of Procedure and Practice*. New York, Washington, London, 1964 (Praeger Paperback, revised edition). For an analysis of voting patterns, compare Alker and Russett, *World Politics in the General Assembly*, New Haven and London, 1965 (Yale University Press).

51. *UNCIO*, Vol. 8, debates in Commission II/2.

52. See my *Denken over Wereldvrede*, Assen 1972. Chapter on "Vreedzame Verandering en Internationale Organisaties", p. 20-42. Also Chap. 9, *infra*, p. 230.

53. An excellent review of the state of codification and developments of international law and various suggestions can be found in: *UNGA, ILC*, Twenty-third session, Doc. A/CN.4/2 45, "Survey of International Law". Working Paper prepared by the Secretary-General in the light of the decision of the International Law Commission to review its programme of work.

Chapter 9

THE MANAGEMENT OF CONFLICTS AND WORLD ORDER

In the Introduction to their third volume on *The Future of the International Legal Order,* the editors consider "Conflict Management (to be) the central problem of the international legal order, the fundamental yardstick by which the adequacy of the system as a whole must be measured".[1]

Measured by this yardstick the adequacy of the system which the modern world inherited from the era of European domination was doubtful at best. In the secular power politics of Europe the balance of power between a few states had been the foundation; their *ad hoc* conferences had been the primary instruments for the management of conflicts. Arbitration re-emerged during the nineteenth century as a method for settling minor disputes between states. The inadequacy of the system became increasingly clear towards the end of the nineteenth century; the convening of the first Hague Peace Conference may be seen as a first effort to find more adequate means for managing conflicts. The Imperial Government of Russia took the initiative for this conference with two primary objectives: to slow down the arms race in Europe and to devise a set of rules for the conduct of states in their efforts to prevent armed conflicts by peaceful means. The achievements of the two conferences were modest even by diplomatic standards: a number of conventions on the laws of war, rather than agreement on the limitation of armaments; a convention with guidelines for the pacific settlement of disputes to be used if the nations so desired, rather than rules for the prevention of armed conflicts by peaceful means. The two world wars enabled the creation of the American sponsored League of Nations and the United Nations as a framework for improving the capacity to prevent armed conflict, to control armaments, to settle disputes peacefully and to outlaw war.

In this chapter we are primarily concerned with European approaches to conflict management: the way European diplomacy handled conflicts in the era of European supremacy and European

responses to the management of conflict since the First World War.

Conflict management is not identical to the settlement of disputes. In one of the first paragraphs, we shall therefore try to clarify the meaning of conflict management in international relations. It is followed by a brief review of European conflict management during the nineteenth century. European attitudes to American proposals to manage conflicts through the United Nations will then be briefly examined. The main part of this chapter is devoted to what I consider the most important test-case of European approaches to conflict management: the Middle East conflict from 1914 to the present. The chapter concludes with a paragraph on European approaches to the legal control of international conflict.

Conflict Management: A Framework for Inquiry

In his book *Conflict and Defense,* Boulding defines conflict "as a situation of competition in which the parties are *aware* of the incompatibility of potential future positions and in which each party *wishes* to occupy a position that is incompatible with the wishes of the other".[2]

In interstate relations three characteristic traits of conflict might be emphasized.

First, an international conflict generally arises out of a substantive dispute over territory: a dispute over frontiers, over territorial jurisdiction, or certain territorial rights (e.g., rights of passage, exploitation, territorial sea, continental shelf, ocean subsoil). In international relations, conflicts over the right of peoples to self-determination for example ultimately boil down to a substantive dispute over territorial jurisdiction.

Second, the interplay of power in the absence of an adequate system for the settlement of substantive disputes makes it necessary to distinguish sharply between conflicts and disputes. A dispute has an identifiable *object:* territory; and identifiable *parties:* those who claim mutually incompatible rights. A conflict is a situation of competition that may arise out of a substantive dispute and may be only randomly related to such a dispute. Not all the parties in a conflict are identifiable parties to the related dispute, nor are they necessarily interested in the issues dividing the parties to such a dispute. The USA and the USSR, e.g., are in conflict over the Middle East. Neither of them, however, is a party to the dispute concerning jurisdiction over Palestine.

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Third, all real conflicts, according to Boulding, "take place in time and consist of a succession of states of a situation or field".[3] Conflicts are processes of relations between states, characterized by competition.

Bloomfield, Leiss and Beattie[4] have distinguished five phases in their local conflict model. In phase one—dispute or potential conflict—neither party views the solution necessarily in military terms. When at least one party views the solution in military terms, a threshold has been passed to the second phase—conflict or prehostilities. If hostilities break out, a third phase is entered—hostilities. If hostilities are terminated, but at least one party still views the solution in military terms, the threshold is crossed to the fourth phase—posthostilities. When the military option is discarded, but the dispute remains unsolved, a fifth phase is entered—dispute. The dispute is settled when the parties resolve the issues or cease to care. Within each phase, according to them, exist factors that generate conflictrelevant pressures, tending towards or away from increased conflict.[5]

A conflict of course can "move" along these phases in two directions; a second phase conflict may become a first phase potential conflict again, or hostilities may break out again after they had been terminated. Phases are also "jumped"; a dispute, for instance, may be settled without going through phases three, four and five. It should also be borne in mind that the local conflict model, as it stands, is no more than a basic one-dispute-two parties-model. An international conflict situation more often than not is more complex in character, involving several disputes and more than two parties, in which pairs of parties may find themselves in different phases at the same point of time. In the Middle East conflict, e.g., *during* the war of October 1973, the conflict of Israel with Egypt and Syria was in phase three hostilities. The conflict between Israel and Jordan did not cross the threshold to phase three. The conflict between Israel and the Palestinian Liberation Organization temporarily moved out of phase three, whereas neither Israel nor Lebanon viewed the solution to their conflict in military terms. Neither the United States nor the Soviet Union were parties to any of the underlying disputes, but their support to the warring parties brought them close to the threshold between phases two and three on 25 October 1973.

Competition of states, according to Boulding, furthermore, "is marked by a dramatic alternation of peace and war".[6] Resort to war has always been, and still is—international law notwithstanding—an accepted instrument of national policy. Hence, the empha-

sis in studying problems of world order is on the *management* of international armed conflicts. (Such a conflict exists whenever at least two states are or have been engaged in hostilities.) Conflict management is to be conceived of primarily as an effort to gain control over conflict in such a way that resort to war may be avoided, or, if a war has broken out, that it may be discontinued or escalation may be prevented. Ideally, *conflict management is an activity aimed at the settlement of the substantive dispute between the parties, while applying conflict-minimizing pressures relevant to each phase of the conflict.* In reality conflict management is a much more complex process. The Middle East War of October 1973 may serve again as an example to illustrate this complexity. The danger of hostilities between the USA and the USSR on 25 October 1973 was averted by an agreement between them in the UN Security Council to set up a UN Emergency Force without the participation of the permanent members. As between themselves the agreement also discarded any military option. Hostilities between Israel, Egypt and Syria were terminated, but the parties continue to view the solution to their conflict in military terms. Both the United States and the Soviet Union contributed to keeping the military option between those parties wide open by massive arms deliveries. There have been and still are clear disparities between conflict-relevant pressures exerted by the United States and the Soviet Union in the conflict between themselves and the conflicts between the parties in the Middle East.

Conflict Management and the Concert of Europe: a Disconcerting Record

During the nineteenth century conflict management, like international relations in general, was dominated by the small group of European great powers and Russia, habitually referred to as the *Concert of Europe.* As a mechanism for managing conflicts, the Concert of Europe continues to stand model for the international balance of power system. Notwithstanding its disintegration since 1871 and its collapse in 1914,[7] many still consider it to have been an adequate system for conflict management. Some of its basic principles are said to have found their way into the League of Nations and United Nations system.[8] It might be useful to review some of these principles underlying conflict management in nineteenth century Europe.

The mechanism devised by the European great powers and Russia after the Napoleontic wars was one of regular consultations

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among themselves devoted to their common interests and to the consideration of the measures which should be considered the most salutary for the repose and prosperity of Nations, and for the maintenance of the peace of Europe.[9] It was to ensure the execution of the peace treaties and to serve as a substitute for commitments to mutual assistance. France was "admitted" later, whereas *ad hoc* consultations replaced regular meetings after 1822.

The original agreement for regular consultation and the ensuing practice have led many scholars to view joint consultation as the most interesting contribution of the nineteenth century to modern (organized) diplomacy. What has been its contribution to conflict management? An examination of international armed conflicts during the nineteenth century and their management by the European great powers, hardly supports the argument that the period was one of "relative" peace, or that the European Concert was effective in managing conflicts.

The historical record of the century between 1815 and 1914 shows a high frequency of international armed conflicts at regular intervals with extremely short spells of "negative peace". [10]
According to *Wright* there have been more wars in the nineteenth than in any other century, if we take the world as a whole. On the European continent their number was relatively small, wars were of short duration and they involved a small number of battles. It would be erroneous, however, to label the century as an era of relative peace because of those latter data. The colonial expansion of the European great powers—and the wars it produced—was an integral element of the balance of power system. Taking intra-European and colonial wars together, the nineteenth century has not been marked by long periods without international armed conflict.

The primary sources of international armed conflicts were:

(1) National of "local" revolt against authoritarian rule or foreign domination;
(2) German and Italian movements towards "national" unification;
(3) the disintegration of the Ottoman Empire;
(4) the colonial policies of the European colonial powers.

The origins of their internationalization could be found in the intervention of one of the great powers or a clash of interests over the future of the territory concerned between two or more great powers. Together, the resulting international armed conflicts upset almost every single territorial arrangement agreed upon in 1815.

As a device for conflict management, the Concert of Europe

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turned out to be a tragic failure throughout the period. In no more than three cases did the Concert of Europe reach agreement: over Belgian neutrality in 1831 and 1839, after the Crimean War in 1856 and after the Russo-Turkish War in 1878 (the London conferences, the Paris conference and the Berlin congress respectively). In all three cases, the conference approach worked only after the termination of hostilities. The three conferences produced treaties reflecting the balance of force between the great powers involved, achieved on the battlefield or in threats with the use of force. The treaties of London [11] affirmed the dissolution of the union between Belgium and the Netherlands, the recognition of Belgium as an independent state and the permanent neutrality of the latter towards all other states. The arrangements were placed under the guarantee of the great powers. They were the outcome of a compromise imposed by force of arms between the Dutch king's effort to maintain the union and the French efforts to annex Belgium. The Belgian congress which had elected a French prince was forced to elect Prince Leopold instead. The happy coincidence of great power interests and the Belgians' desire for independence resulted in the most successful case of Concert diplomacy supported by the use of force. Belgian neutrality survived until its violation by Germany in 1914.

The treaty of Paris of 1856 is often referred to as another example of the Concert of Europe at work. The admission of Turkey to the public law of Europe and the European Concert (Art. 7) as well as the attached declaration respecting maritime law, are being cited as the Concert's contribution to equilibrium and international law. The treaty, however, did not manage any conflict; it merely terminated a war between Russia, Turkey, Great Britain, France and Sardinia, which had been waged for almost three years. It was an ordinary peace treaty affirming the results reached on the battlefields. The admission of Turkey to the European Concert, the safeguarding of its independence and territorial integrity (preamble) had no other aim than the war on the British and French side itself: to contain Russia and prevent it from taking the place of the decaying Ottoman Empire. The neutralization of the Black Sea and the introduction of free navigation on the Danube, like several territorial provisions, merely reflected the virtual defeat of Russia. If restraint was shown by the Allies it was the one imposed by incomplete victory and exhaustion of their troops.

The peace settlement did not prove to be a lasting one, nor did it manage the great-power rivalry in the area. The neutralization of

the Black Sea was abrogated in 1871. Turkish reforms promised by the Sultan were not carried out and resurrections in Bosnia, Herzegovina, Serbia and Montenegro from 1874 onwards led to the Russo-Turkish war of 1877-1878.

The Congress of Berlin—our third example of the European Concert at work—was convened primarily to cope with the British insistence to undo some of the successes won by Russia in the war and the peace treaty of San Stefano. The territorial rearrangements made by the treaty of Berlin (13 July 1878) reflected the current balance primarily between the conflicting interests of Russia, Austro-Hungary and Great Britain. Bulgaria and Eastern Rumelia were made autonomous within the Ottoman Empire to contain Russia. Bosnia and Herzegovina were to be occupied and administered by Austro-Hungary. Montenegro, Serbia and Rumania were made independent. Britain occupied Cyprus (7 July) in reply to the Russian intention to retain Kars, Ardahan and Batum in Asia-Minor. The Berlin congress in final analysis was no more than an armistice in the struggle between the great powers to extend their influence wherever the Ottoman Empire lost its. The "integrity" of Turkey, which Britain desired, was determined by no other consideration than resistance to Russia. It did not apply to the Middle Eastern side of Turkey. The congress had been a phase, and no more, in conflict-escalating policies, breeding new violence in the Balkans, preparing for the First World War, and uprooting the Middle East until our present days.

The three most significant cases of the European Concert at work underline the inadequacy, if not failure, of the system as a mechanism for managing conflicts. In a few other cases of armed conflicts during the era, attempts were made to intervene in the process: the revolutions in Spain, Naples, Piedmont and Greece in the 1820s, the question of Schleswig-Hollstein and the Crimean War. Diplomacy could not prevent French unilateral intervention in Spain and Austrian unilateral intervention in Naples and Piedmont, nor did it affect the outcome. In the case of Greece, France-Prussia-Russia and Austria first tried to agree (but failed) on a policy of support to the "legitimate" Sultan against the Greek rebels (Conference of St. Peterbourg, 1825). In 1827 British, French and Russian troops intervened to secure Greek independence. The three powers finally granted her independence (and imposed it on the Sultan) on 3 February 1830 (London protocol).

The system of Congresses set up in 1815 functioned properly for three years and one purpose only: the rehabilitation of France to the status of a great power in 1818.

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The system was based on the assumption that *only* those powers which had won the last war were capable of assuring future peace. The maintenance of the balance of forces—as laid down in the peace treaties—was the overriding concern. Smaller powers were not to be involved actively in the system's conflict management. Their interests were to be set aside and the Vienna arrangements changed, if necessary, to maintain the balance between the great powers.

As a consequence substantive disputes, whenever arising, were not judged primarily on the merits of the case, but on the impact they or their continuation might have on the interests of the managing powers. The very decision of the great powers to deal with a dispute amounted to an escalation of the dispute to an international conflict involving these powers as parties in addition to the disputing parties. Their involvement generally complicated, if not aggravated, the original conflict. It shifted attention away from the settlement of the original dispute to the additional conflict of interests between the great powers themselves. Conflict management by the Concert of Europe, therefore, cannot be conceived of as an example or variant of third-party settlement of disputes. The Concert of Europe, unlike a third party in a dispute, is not primarily interested in offering its services to the parties with a view to reaching a settlement. Conflict management by great powers is governed primarily by the interplay of their own interests. Depending on their own interests at each given point of time, the managing great powers may be unable to agree or unable to prevent one great power to ensure victory for one of the disputing parties; they may enforce a solution, aggravate the dispute, stop short at an armistice or (even) assist in a settlement, etc. The nineteenth-century mechanism for conflict management was ultimately based on the law of force. The capability of the great powers to enforce measures rather than the rights of the disputing parties or the populations concerned, determined the courses of action adopted in conflict management.

In the nineteenth-century balance of power system the great powers tried to maintain stability by flexibility of alignment among themselves, at least until after the Franco-German war. Flexibility among themselves produced unpredictability, if not unreliability, as managers of conflicts. It also produced a certain restraint in warfare and in the eventual imposition of victory.

This flexible great power diplomacy was conducted by an exceedingly small group of statesmen and diplomats far removed

from the "sites" of the dispute, if not totally ignorant of the situation they pretended to solve. For them conflicts looked like abstract games of strategy rather than concrete tragedies of human beings. Given the primary interest among the great powers to maintain the *status quo,* the Concert never acted preventively, but only after a crisis had erupted.

In historical perspective the Concert of Europe has not been a forerunner of modern efforts to manage conflicts. It constituted the last phase of a historical era in which the use of force by states was considered to be a normal activity. Von Clausewitz' dictum that war was the continuation of diplomacy with other means—though poorly describing reality [12]—did reflect the basic conceptions held by the small circle of great-power representatives, managing international affairs. Their interest in developing "counter-cyclical instruments" to the "diplomacy-war cycle" was virtually non-existent. Conceiving the use of force and the waging of war as they did, the alternation of war and peace never had in their minds the dramatic character it has acquired since the First World War.

The Concert of European great powers, as a consequence, was never primarily interested in *preventing* the outbreak of wars. Whenever a war had taken place they tried to devise ways and means of preserving the territorial rearrangements and the resulting balance. Consultation, mediation, pressure and the use of force were resorted to concurrently without any apparent perception on their part of a dramatic alternation of war and peace.

It was only during the last two decades before the First World War that new approaches to conflict-management began to surface. The new approaches may be traced back to the pacifist movements in the late nineteenth century; they originated from an increasing concern with the arms race and its likely effects on warfare. Conceptually, conflict management came to be regarded as a "counter-cyclical instrument", [13] i.e., an instrument to prevent the outbreak of hostilities, or to limit and/or terminate hostilities, whenever they could not be prevented.

Historically the new approaches to conflict management were introduced by Russia and the United States. One of the primary objectives of Russia in convening the first Hague Peace Conference in 1899 was to gain the acceptance of a set of rules for the conduct of states in their efforts *to prevent armed conflicts by peaceful means.* [14] Its proposals were met with cynicism and reluctance by the European great powers. The convention for the pacific

settlement of international disputes, resulting from the two Hague Peace Conferences, therefore, did not improve the capabilities for preventing armed conflicts. Part II of the convention was the only one referring to serious disagreements or disputes which might lead to war. In such cases the contracting powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers before an appeal to arms (Art. 2). Third powers are given the right to offer their good offices or mediation "even during the course of hostilities" (Art. 3). Good offices or mediation, however, were not permitted to develop into a procedure for war prevention: "The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war. If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement to the contrary" (Art. 7). The sovereign and normal right to make war should not be restricted by conflict management procedures! Part III of the convention specifically excluded disputes involving either honor or vital interests—i.e., those likely to lead to war— from submission to the new procedure of inquiry (Art. 9).[15] Part IV elaborated rules, developed during the nineteenth century, on international arbitration. As a means of settling disputes in questions of a legal nature—excluding conflicts of interest—arbitration is unsuitable for preventing recourse to war.

Shortly before the outbreak of the First World War the US Secretary of State made an interesting but unsuccessful attempt to transform existing procedures for the settlement of disputes into means for the prevention of war. In a series of bilateral treaties with other states—the Bryan-treaties negotiated in 1913 and signed in the autumn of 1914—it was agreed: to refer *all* disputes, not adjusted by diplomatic methods, to a *pre-established, permanent* international commission; and *not to resort to hostilities* before the publication of the commission's report. The underlying assumption was that the emotions pressing statesmen to resort to hostilities would cool off sufficiently during the commission's investigations, that war might be averted. Politically, the Bryan-treaties reflected the pacifist outlook of its author as well as the attitude of strict neutrality of the US Government towards the European powers in 1913 and 1914. Neither the Russian nor the American proposals had any influence on the course of events leading to the outbreak of the First World War. At best, they contributed to the war-time preparations for a postwar organization.

In Chapter 3 I have tried to indicate the confusion created in Europe by the First World War, as well as the impact of the period between 1914 and 1945 on Europe's role in the world. The Second World War strengthened the awareness already brought home by the First: the dramatic alternation of peace and war in modern international relations required the development of countercyclical instruments to prevent armed conflicts. Conflict management became a central problem for a future international order. The prevention of war and its control—once war had broken out—became the crucial objectives of the League of Nations and the United Nations. The American approach to conflict management was governed by the assumption that the maintenance of peace required a world organization, which would dominate and integrate procedures for the settlement of disputes and collective action against aggression. The creation of a new organization directed necessarily much attention—in Versailles and San Francisco—to its structure and the composition and powers of its organs. The European views on some of these organizational problems have been discussed in Chapter 8. Much less attention has been given to the nature and adequacy of the conflict-management system itself as proposed in 1919 and 1945. As in the previous chapter I shall focus primarily on the discussions concerning the conflict-management system proposed for the United Nations.

The American proposals and the discussions during the San Francisco conference indicate four crucial elements in the system.

(1) As an organization of the victorious United Nations at war, the maintenance of the *status quo* after the war was considered to be crucial. The much emphasized difference in this respect between the UN Charter as a separate instrument, and the League of Nations Covenant as integral part of the peace treaties, is much more apparent than real. [16] As in 1919, however, the US Government did not wish to commit the system to the *status quo* created by a peace settlement. The commitment to the *status quo* had been one of the reasons, why the Concert of Europe had failed to manage conflicts and prevent wars. The new system should enable the organization to step in as early as possible in an emerging dispute, so as to prevent conflicts by procedures for *peaceful change*. In 1919 and during the Second World War the US Government was not only interested in the possibility of revising the peace treaties. They also thought of possibilities for peacefully

changing colonial relationships. [17] The latter was excluded by early British resistance. Debates at San Francisco as a consequence centered on the question whether the proposed text included or excluded the possibility for treaty revision. [18] The European representatives taking part in the discussions were divided. Some—Great Britain and Belgium—supported the US interpretation that peaceful adjustment of any situation, regardless of origin, included the right of the Assembly to make recommendations on treaties giving rise to situations likely to impair good relations. Others—France, Czechoslovakia and Greece—underlined the sanctity of treaties, and supported the Soviet position that treaty revision was to be excluded. [19]

The debates clearly manifested that the delegates neglected the importance of peaceful change for a workable system of conflict management. Its importance as a mechanism for preventing war had been clearly stated by Bourquin in 1937: "War appears in history much more as a factor of upheaval, of transformation, than as a force in the service of the *status quo*. It is almost always the explosion of a movement directed against the established order". [20] At San Francisco, as at Versailles, the settlement of disputes and resistance against aggression dominated the European minds. The maintenance of peace was a static concept. It was not conceived of as a dynamic process in which conflict-minimizing pressures might be applied to serve the purpose of preventing war. This outlook may explain why so little thought was given to peaceful change as a method of coping with conflicts or disputes in an early stage of their development.

(2) The Bryan treaties of 1913 had paved the way for understanding the importance of existing rules and institutions for disputing parties in an effort to settle their dispute peacefully. The Charter—more explicitly than the Covenant—obliges the parties *first of all to seek a solution themselves* by peaceful means of their own choice (Art. 33). With the exception of the relationship between regional arrangements and the Security Council (discussed in Chap. 8), the proposals evoked little discussion.

(3) More attention was given to the third crucial element of the proposed conflict management system: *the role of the Security Council as a third party*. In the American conception, reflected in the Dumbarton Oaks proposals, the Council was to act as a policeman rather than a judge or mediator in conflict-management. Its role was to be restricted to dealing with disputes "the continuance of which is likely to endanger the maintenance of international peace and security". The Security Council should call upon

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the parties to settle their dispute. If they failed to do so (and were obligated to refer it to the Council), the Council—if it decided to deal with it—should only recommend appropriate *procedures or methods* of adjustment (III-A-4,5). Its powers of investigation, equally, were to be restricted to the determination whether its continuance is likely to endanger the maintenance of international peace and security (VIII-A-1). The American concept of the Security Council "as primarily a policeman rather than as an arbiter or mediator concerned with the merits of the disputes or situations" was challenged by Britain, France and—later—the Netherlands. France and the Netherlands sought to extend the full authority of the Council to cover all disputes. Britain sought to extend the authority of the Council to recommend *terms* of settlement, either for all disputes on request of the parties, or for disputes likely to endanger peace on its own initiative. The British amendments were accepted as amendments of the four sponsoring governments; they became Articles 38 and 37 (2) of the Charter. The United States finally went along on the understanding "that there was no intention of empowering the Council to impose a settlement". Belgium and Norway, on the other hand, sought to subject the power of the Council to recommend terms of settlement to (respectively) an opinion of the Court, and the obligation not to impose on a state any solution "of a nature to impair its confidence in its future security or welfare".[21] The French and Dutch proposals, like the Belgian and Norwegian ones were not adopted.

The theory on the management of conflicts, referred to above, suggests that the great powers in the Security Council would have a tendency—when faced with a dispute—to seek the broader role proposed by Britain and, in so doing, loose their stature as third parties. From this it follows that the American concept of the Council's role would have been the wiser one to adopt.

(4) In the American concept of the Council as a policeman provisions for him *to take enforcement action* whenever peaceful settlements failed was a logical corollary. In the Dumbarton Oaks proposals enforcement action had therefore been linked to a failure to settle a dispute in such a way that it would constitute a threat to the peace (VIII-B-1). In view of the victors' perception of an organization set up to prevent renewed aggression by the enemy states, the policeman's task became mixed up with the military task of an alliance for collective security to resist aggression.[22] The latter military task clearly dominated the discussions. Whereas the primary concern of the major powers was to prevent any decision against the interest of a great power in this respect, the Americans

failed to pursue the logic of the policeman's concept beyond the settlement of disputes. The other delegates, who had not understood the original American concept, easily concurred with the Chinese suggestion to eliminate the link (VIII-B-1 in the Dumbarton Oaks proposals) between pacific settlement of disputes and enforcement action. [23] The discussions on VIII section B as a consequence came to be focused exclusively on issues related to military enforcement action against aggression, such as a definition of aggression and the problem of guarantees against aggression. The major difference between the Dumbarton Oaks proposal and the Charter became the strict separation between Chapters VI en VII in the latter. None of the participants at San Francisco understood that their military concept of enforcement action was bound to be unsuitable for the purpose of conflict management. At best the provisions of Chapter VII would enable them to win a new war against aggressive powers (Germany and Japan) which are not permanent members of the Security Council!

In historical perspective the short review of the four crucial elements in a conflict management system, as proposed by the United States, reveals some disturbing shortcomings in the diplomats' approach to war prevention.

First of all, the European powers especially failed to approach conflict management as an activity primarily to prevent armed conflict (management as a countercyclical instrument). Very few lessons were learned from the Concert of Europe and the two world wars. Attention was focused primarily on how to better organize the settlement of disputes and the collective resistance against aggression. As to the former, discussions centered around *procedures* for settlement rather than processes for management. As to the latter, the problem of the veto-power of the permanent members overshadowed all others.

No attention was given to conflict minimizing pressures in conflicts that would not be settled (for instance, conflict-management in the post-hostility phase).

Secondly the importance of at least two elements in the American proposals—procedures for peaceful change and the concept of the Security Council as a policeman—were misunderstood by the major *and* the smaller European powers participating in the debates.

Thirdly the general support for military enforcement action was a product of the period of "ideological warfare", rather than the consequence of a forward-looking perspective on the needs to

use the world organization as a framework for war-prevention. Enforcement action would soon prove to be as illusory as collective action had been in the League of Nations. The extent to which the remaining system was suitable for dealing with conflicts may now be examined through a "case" which has been dealt with ever since the creation of the League of Nations.

Conflict Management and the Middle East. Palestine (1): From Turkish Province to British Mandate

The Middle East situation in its present form originated in the confusion and chaos of the First World War. [24] Whatever roots there are in the millennia of war, conquest and occupation, the region on the Eastern shore of the Mediterranean has known them, the First World War was a watershed.

During the First World War a number of contradictory *trends* —evolved in the decades before—abruptly came to the surface as conflicting developments. Turkey, after a long process of decay and disintegration, collapsed as a great power. Already in the early years of the war Russia, France, Italy and Britain secretly agreed among themselves to divide the spoils and delimit their spheres of influence in the vacuum left by Turkey's retreat. The scheming for domination in the Middle East, however, coincided with the collapse of European supremacy in the world. Russia, moreover, withdrew from the war after the Bolshevik revolution (and published all secret agreements on the partition of the region).

In the Middle East three political movements collided with the schemes for partition and with each other: the pan-Arab aspirations of some Arab leaders; the emergence of local Arab nationalisms; and political zionism.

As the war went on Britain and France became ready to risk anything to win the war. "Anything" included the future of the Middle East. Wartime policy towards the region was a by-product of this readiness to risk anything. The result was a tangle of conflicting arrangements and promises.

The collapse of the Turkish Empire made the Middle East into one of the crucial "international frontiers" of the twentieth century. Britain, France, Italy and Russia from 1915 onwards began to work "on the frontier trying to patch up the (future) peace by arrangements of various kinds". [25]

Unaware of their lost supremacy in world affairs, they partitioned the Turkish provinces among themselves. In a series of *secret* exchanges of letters, [26] the area to be detached from Turkey

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Map 9. Division of Turkey according to secret agreements 1915 - 1917.
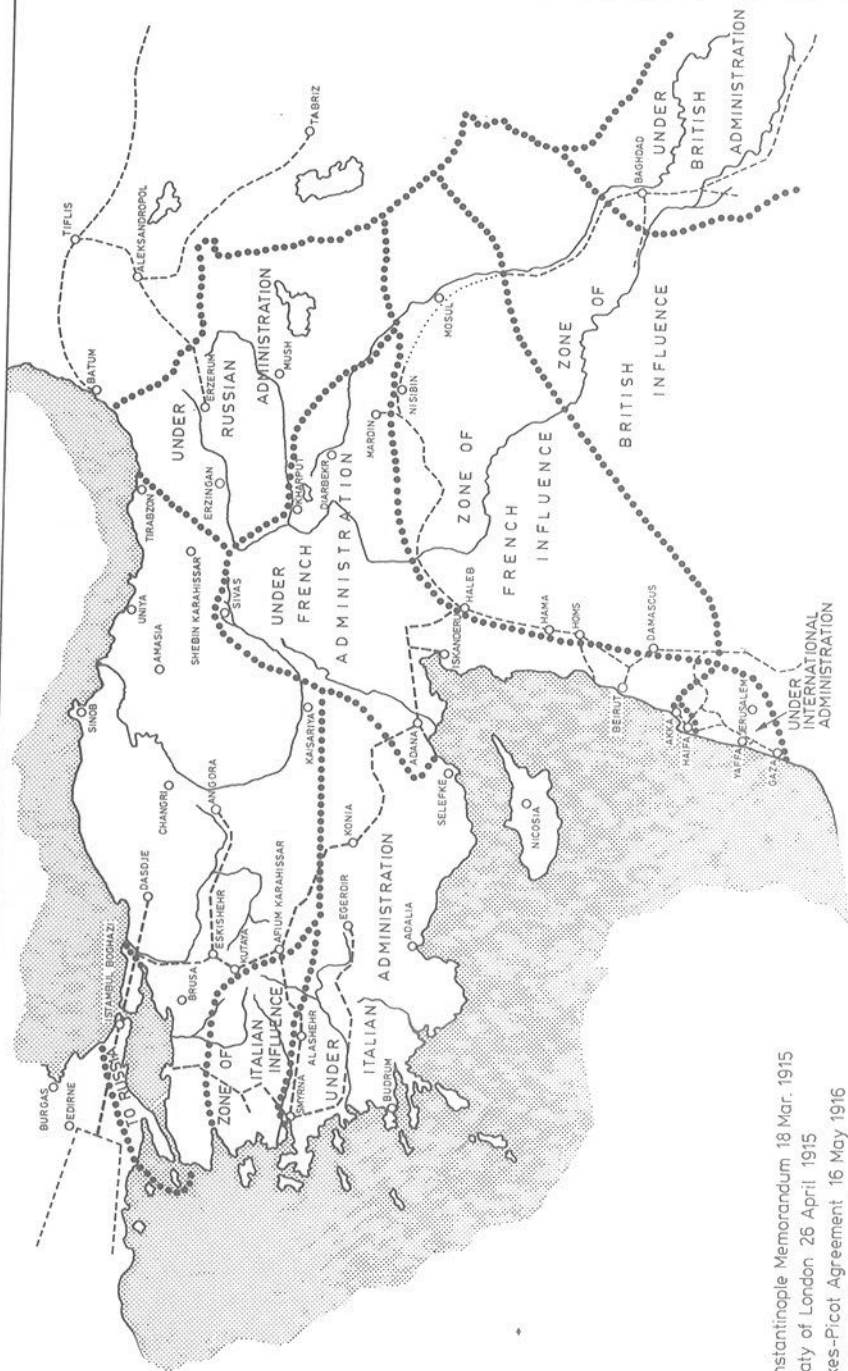
I   Constantinople Memorandum 18 Mar. 1915
II   Treaty of London 26 April 1915
III Sykes–Picot Agreement 16 May 1916
IV   St. Jean de Maurienne Agreement 17 April 1917

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was split into territories under British, French, Italian and Russian administration; an area under Italian influence; an area (Palestine) to be placed under international administration; and an area for an independent Arab state or a confederation of Arab states. The latter area, however, was divided into a British and a French zone where each "shall be allowed to establish such direct or indirect administration or control as they desire and as they may think fit to arrange with the Arab state or Confederation of Arab States". In Palestine there shall be established an international administration, "the form of which is to be decided upon after consultation with Russia, and subsequently in consultation with the other Allies, and the representatives of the Sheriff of Mecca".

Concurrently with these secret exchanges among the great powers an exchange of letters took place between the British High Commissioner in Egypt, McMahon, and Sheriff Hussein of Mecca. Aware of some French designs in the Syrian area, but unaware of the secret exchanges between the great powers, the Sheriff asked for no less than the independence of the whole "Arab nation". [27] For him it was impossible "to allow any derogation that gives France, or any other power, a span of land in those regions". The war effort in Europe, however, did not allow for any Franco-British conflict in the Middle East. The British war effort against Turkey (allied with Germany) required the full military support of the Sheriff and Arab troops. The Sheriff's rejection of a French zone was therefore sidestepped by McMahon with the reply: "As regards the northern parts, we note with satisfaction your desire to avoid anything which might possibly injure the alliance of Great Britain and France".

As regards Palestine, McMahon replied that "the portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo cannot be said to be purely Arab, and should be excluded from the limits demanded". He furthermore assured him that "Great Britain will guarantee the Holy Places against all external aggression and will recognize their inviolability".

While the negotiations among the great powers to partition the area which the Sheriff of Mecca wanted to unite under his rule were going on, the British Government also discussed the future of Palestine with the representatives of the Zionist organization. It resulted in the Balfour Declaration of 2 November 1917 in which the British Government were said to "view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done

which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country". In its wording the declaration was the outcome of a compromise between those ministers who contemplated the ultimate establishment of a Jewish state and those who did not. [28]

British wartime policy towards Hussein and the Zionists was not primarily motivated by a willingness to deal seriously with Hussein's demands and the future of a Jewish national home in the Palestine area. British governmental thinking was focused in the first place on winning the war and establishing British predominance in the Middle East. By supporting the Zionist organization Britain hoped to enlist the support of European and American Jewry for the Allied war effort against Germany. With the virtual exclusion of Russia and Italy from decisive influence in the Middle East towards the end of the war, Britain became interested also in further strengthening its already predominant position at the expense of France. "This policy consisted of using Arab nationalism and Zionism as weapons with which to combat French demands and undo the French position in the Middle East . . . If the Sykes-Picot agreement had not ensured for France a voice in the disposal and administration of Palestine, Britain would have been much less tempted to issue the Balfour Declaration". [29] In their narrow concern for the country's wartime interests, British policy makers neglected the political force and the incompatibility of the two movements they had encouraged, as well as the emotional support each was able to muster.

From a broader European perspective, moreover, there appeared to be little reason to reject the Zionist program. The emerging Jewish sense of nationality was in keeping with the historical trends all over Europe. There was no reason either to prevent the Jewish people from exercising their right to self-determination; the more so where the Zionist program envisaged the creation of a national home by peaceful penetration rather than by military force.

The almost incredible contradictions in French and especially British wartime policy towards the Middle East cannot be attributed to diplomatic cynicism alone—although the publication of the secret agreements by the Bolshevik Government had certainly not been reckoned with. Ignorance also played its part. When Balfour in a speech on 7 July 1920 asked the Arabs to remember that the great powers, and especially Britain, had liberated them from Turkish tyranny, he certainly ignored the Arab perception of Tur-

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kish rule (as rather benevolent) and failed to understand the new force of Arab nationalism. The British and French Governments also ignored the extent to which they had lost their pre-war control of world affairs and their capability to fit local rulers into their great power designs. It made them unaware of the fact that they lacked the political power to secure acceptance of a Jewish home in Palestine in exchange for an Arab state "granted" to Sheriff Hussein and Emir Feisal. It probably had been the First World War itself—victory at any price, the survival of democracy against militarism—which made them loose any sense of reality. When the war drew to its close, the sense of reality did not come back to the postwar planners in the European cabinets. The Middle East had to be partitioned into spheres of influence, whatever President Wilson's insistence on the right to self-determination of the populations concerned. Britain wanted to secure the interests of her Indian empire and needed Palestine, Egypt, Transjordan and Iraq. France wanted to secure her interests in Syria. Italy wanted her share and to be recognized as a great power. The populations were not to be consulted on their future as Wilson had insisted. In Palestine, said Balfour, "we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country". [30]

The partition of the area also overrode considerations of an agreement between Zionist and Arab representatives over Palestine. During the Peace Conference reconciliation between Jews and Arabs still might have been a possibility. On 3 January 1919 Emir Feisal and Chaim Weizmann concluded an agreement to act in complete accord and harmony on all matters covered by the agreement before the Peace Congress. The agreement included good relations between the Arab state and Palestine, joint determination of boundaries, encouragement of Jewish immigration into Palestine, protection of the Arab peasants and mohammedan control over the mohammedan Holy Places. [31] In a statement to the Supreme Council, the Emir reiterated his pledge: "On account of its universal character, I shall leave Palestine on one side for the mutual consideration of all parties interested. With this exception, I ask for the independence of the Arabic areas enumerated in the memoradum". [32]

He added the reservation, however, that he could not be answerable for failing to carry out his agreement with Weizmann if changes were made in the Arab demands to Britain.

A Syrian delegation, as recorded by Feinberg, also declared itself to favor Jewish immigration. They, however, disagreed with

Feisal's desire to include Syria in the Arab state and considered Palestine as the southern portion of their country. They thought of an autonomous Palestine connected with Syria by the sole bond of federation. We shall probably never know whether the intentions expressed could have been a basis for a solution acceptable to all concerned. The American King-Crane Commission of Inquiry[33] was considerably less optimistic. They recorded very strong feelings against the Zionist program and recommended adoption of a greatly reduced immigration program. The only certainty we have is that none of the European powers at the Peace Conference or in the League Council thereafter did make any effort to reconcile the parties directly concerned. According to the 1937 Report of the Royal Commission, already referred to,[34] French policy was to be blamed for it: "Changes of an agreed settlement based on the cooperation of King Hussein and Emir Feisal were nullified by French policy, which had never been bound by the McMahon pledge and had been vehemently opposed to the establishment of an Arab state under Feisal's control at Damascus". This statement, however, is a clear distortion of the facts. France may not have been bound by the McMahon pledge, but it was the British Government which had made contradictory pledges to the Arabs, the European Allies and the Zionist organization. It was the three European great powers which jointly pursued the policy of partitioning the Arab lands among themselves. Britain only and more openly paid lip-service to the consent of the populations and the Arab rulers they had no intention of reckoning with. Britain also withdrew from the original secret agreements that Palestine should be placed under international administration. In Versailles the Mandate system was born as a compromise between international administration—Wilson had favoured—and annexation, preferred by the European powers. In San Remo—April 1920—Turkish territory was allotted to the various powers.[35] Britain received Palestine (including Transjordan) and Iraq. France received Syria and Lebanon. The Council instituted the Palestine and Syrian mandates on 24 July 1922. They went into effect on 29 September 1923, the delay being caused by the Italian refusal to accept the Syrian mandate until her interests had been taken care of, and France's refusal to confirm the Palestine mandate before the Syrian one. The terms of the Mandate for Palestine reflected British policy as agreed upon by the principal Allied powers. They particularly sanctioned British policy in favor of the establishment in Palestine of a national home for the Jewish people (preamble, Arts. 2, 4, 6, 7, 11). The inhabitants had not been consulted, nor

Map 10   THE PARTITIONS OF PALESTINE, 1920 - 1949

1920

(FRENCH MANDATE)

BEIRUT
DAMASCUS
HAIFA
TEL AVIV
JAFFA
AMMAN
JERUSALEM
GAZA
PALESTINE
(ENGLISH MANDATE)
SINAI
AQABA
SAUDI ARABIA

1922

SYRIA
(FRENCH MANDATE)

BEIRUT
DAMASCUS
HAIFA
TEL AVIV
JAFFA
AMMAN
JERUSALEM
GAZA
TRANS-
JORDAN
(ENGLISH MANDATE)
SINAI
AQABA
SAUDI ARABIA

1947

BEIRUT
LEBANON
DAMASCUS
SYRIA
HAIFA
TEL AVIV
JAFFA
AMMAN
JERUSALEM
GAZA
PORT SAID
TRANS-JORDAN
SINAI
AQABA
EGYPT
SAUDI ARABIA

JEWISH STATE
ARAB STATE
INTERNATIONAL ZONE

1949

BEIRUT
LEBANON
DAMASCUS
SYRIA
HAIFA
TEL AVIV
JAFFA
AMMAN
JERUSALEM
GAZA
PORT SAID
JORDAN
SINAI
AQABA
EGYPT
SAUDI ARABIA

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had the Zionist organization, when Britain decided in 1922 to lop off the Eastern part of Palestine (Transjordan) from the area pledged to the Jewish people. On 16 September 1922 the British Government proposed to exclude Transjordan from the application of Articles 2, 4, 6, 7 and 11. Article 25 entitled the Mandatory, as a consequence, to postpone or withhold application of the provisions referred to and to make provision for such administration of these territories as he may consider suitable to local conditions. Britain, in fact, had offered Transjordan to Abdullah as a substitute for Syria (the latter threatened to enter with an irregular army) to ward off a conflict with the French.

"The terms of the Palestine mandate were objected to by the Papacy on 23 May 1922 as giving too great privileges to the Jews who had been promised a national home in that region, . . . by various Moslem organizations for the same reason, by several Jewish organizations as limiting the privileges of the Jews too much, and by the British House of Lords as contrary to the wishes of the majority of the inhabitants of Palestine". [36]

At the time the Mandate went into effect the relations between the Jewish immigrants and local Arab leaders seemed already to be beyond repair. The European powers which took over the administration of some Turkish provinces may have anyhow been incapable of managing the conflict. In their approach to the problems they worsened the latent conflicts by their policies of partition; they failed, at least, to attempt reconciliation when there still might have been possibilities to do so.

Conflict Management in the Middle East. Palestine (2) From Mandate To Partition.

Palestine's transition to a British mandate settled the conflict of interests between the European powers. It created three new conflicts in its place: the conflict between local Arab nationalists and the quasi-colonial British ruler, the conflict between the Zionist organization and the British Government, and the *political* conflict between the Arab nationalists and the Jewish immigrants. It was the Balfour Declaration, rather than the Zionist immigration policy, which politicized the potential Jewish Arab conflict over the control of Palestine territory. The transition of the Middle East area to European mandates, moreover, sharpened the potential conflicts between pan-Arabism and various Arab nationalisms.

Throughout the Mandate period British policy makers failed to recognize the first new conflict they had created. "One of the

great objects of British diplomacy as the conflict in Palestine deepened during the Mandate period was to create the image of Britain as an honest arbiter striving only for the best for all concerned and for justice". [37]

As late as 1936 the Royal Commission was instructed to investigate the causes of unrest and the alleged grievances *"without bringing into question the terms of the mandate"*. [38] The British Government even maintained that it could have played the role of an honest arbiter, had it not been inhibited by the Mandate: "Had Palestine been British territory, the government could have set itself to devise measures for bringing races together" (for instance through the English system of education and administration). "All this was inhibited by the Mandate and its specific requirements". [39]

An examination of the records of the Permanent Mandates Commission, the Council and the Assembly of the League of Nations, shows that the Mandate and its requirements hardly inhibited anything. The League essentially supported British administration. As late as 1937 the Permanent Mandates Commission—when discussing the British partition plan—wrote in its report to the Council an appeal to Jews and Arabs to appreciate the benefits of British administration. It added: "Without British efforts, certainly, there would have been no Jewish national home; but also there would have been, on the threshold of the twentieth century, no independent Arab states". [40] On several occasions before, the commission did not discuss Arab petitions rejecting the "national home", as it was not deemed to be within her competence to discuss the provisions of the mandate itself.

The Arabs' rejection of the Balfour Declaration and the Mandate later, the mounting violence against British authority and property, were consistently disregarded or misunderstood as symptoms of an existing conflict between the British administration and Arab nationalists. It was not until 1930 that the Dutch Member of the Permanent Mandates Commission (van Rees) raised this problem. In his opinion the question of independence and not the Balfour Declaration was the crucial issue from the Arab point of view. In its report to the Council the Commission was said to disagree with the British point of view that the Arab movement was entirely devoid of any intention to resist British policy in carrying out the mandate in Palestine. [41] This disagreement, however valid, was for the records only and neither affected the League's approach nor hampered or inhibited British administration.

It was the failure of successive British Governments to understand that they were a party to at least two of the three conflicts distinguished. It made them extraordinarily ineffective in dealing with the third: the one between the Arab nationalists and the Jewish immigrants. British and European policies preceding the creation of the Mandate had eroded Arab and Jewish confidence in British administration. Distrust in British measures engendered distrust between the Jews and the Arabs themselves.

The imposition of measures—in the self-styled role of supreme arbiter—was received by either party as arbitrary support for the other. Arab nationalists began to perceive Jewish immigration as a lever for British domination, which it was no longer. Jewish immigrants began to perceive Arab resistance as related to a British policy to withdraw from the pledge of a national home, which turned out to be true. In this climate the potential conflict between highly motivated immigrants and illiterate inhabitants, easily aroused by passion on religious issues, quickly escalated to violence. Whereas the British administration perceived Arab violence exclusively as directed against the immigrants (and not against themselves) it began, and increasingly so, to curb Jewish immigration as the presumed cause of Arab violence. Already, in the first year of the Mandate, the British Government introduced rigorous legislation concerning the number of immigrants; the number had to correspond to the economic absorptive capacity of the country.

The primary purpose of the Mandate—the establishment of a Jewish home—was given up after the disturbances in 1928/1929. In a statement of principles of the British Government (3 April 1930) it would henceforward be: "that the obligations laid down by the mandate in regard to the two sections of the population are of equal weight". And also "that the two obligations imposed (!) on the Mandatory are in no sense irreconcilable".

After the serious disturbances in 1936 the British Government again changed its policy. Together with the publication of the Royal Commission report a statement was issued: "that there is an irreconcilable conflict between the aspirations of Arabs and Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present Mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock".

In the same statement special restrictions were imposed on Jewish immigration. In a letter transmitted to the League's Secretary-General the following explanation was offered for this draco-

nian measure. "Seeing that the declared object of their policy, as set out in the White Paper of July last, was a scheme of partition under which Jewish immigration would be confined to a limited area, His Majesty's Government felt that it was impossible during the interim period of preparatory investigation, to allow immigration to be determined by the economic absortive capacity of the whole of Palestine, and that a temporary and admittedly arbitrary restriction of immigration was inevitable". [42]

The Arabs immediately rejected the partition plan.

The disturbances were renewed in September 1937 and the Arab revolt continued until the Spring of 1939. On 9 November 1938 the British Government announced the abandonment of the partition plan and invited Jewish and Arab leaders, including representatives of Arab states, to a conference in London. The conference (in fact two separate conferences as the Arab delegates refused to meet with the Jewish delegates) failed.

In May 1939 the British Government finally abandoned its policy, initiated in 1917, altogether. It declared its intention to establish an independent Palestinian state within ten years, to restrict Jewish immigration to 10,000 a year for the next five years and to subject further immigration thereafter to Arab consent (25,000 additional immigration certificates were promised for Jewish refugees in Europe). According to Slutsky, the British had come "to the conclusion that the Arab world had to be appeased, whatever the price, lest it join Britain's enemies in the event of a world war". [43]

The price the British Government paid was increasing conflict with the Jewish immigrants. Until the late thirties the potential conflict had steadily deteriorated as the British withdrew from the initial commitment towards a national home. In the late thirties the Jews began to see their conflict with the British administration in military terms.

British policy, following the settlement of the great power conflict in 1915-1922, had finally produced an insoluable knot of three interrelated conflicts. After an abortive British-American effort to prepare a permanent solution agreed upon by all parties in 1945-1947, the British Government laid the matter before the General Assembly of the United Nations. It agreed with the recommendation of UNSCOP that the Mandate should be terminated. It notified the Assembly that Britain would not be able to implement a recommendation that would not be acceptable to both parties, and announced its intention of an early withdrawal of British forces and the British administration in the absence of a

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settlement. On 29 November 1947 Britain abstained on resolution 181 (II) embodying the partition plan with economic union for Palestine. On 14 May 1948 the last British soldier left Palestine, leaving the Arab-Israeli war as the legacy of British imperial policy in the Middle East.

The involvement of Britain as a Mandatory in and a party to the Palestine conflict was an exercise in conflict escalation rather than conflict management. There is little evidence that the organs of the League exerted relevant conflict-minimizing pressures on any of the parties concerned. In the Permanent Mandates Commission the continuously changing British policy was occasionally criticized, but ultimately supported. Members expressed, e.g., their uneasiness with the fluctuations in British policy in 1931. The Commission was unhappy with the partition plan in 1937, but suggested no more than a transitional period to precede partition. It disliked the reduction of immigration, but restricted itself to drawing attention to the departure from the principle, sanctioned by the League Council, that immigration is to be proportionate to the country's economic, absorptive capacity. [44] In the Council the crucial issues were generally avoided. The only interesting debate took place in the sixth committee of the Assembly in 1937. [45] During the debate the delegates of Norway and Czechoslovakia (speaking on behalf of the little entente) supported the British plan for partition. The delegates of Poland and Latvia underlined the economic necessity for Jews in their country to emigrate! The Albanian delegate, who had been the Turkish governor of Palestine until November 1912, suggested a "Swiss" solution for Palestine. The delegate of the Irish Free State (de Valera) strongly opposed partition: "Partition would not mean appeasement or make for peace. It would create a position with problems for the future even more difficult than those under discussion".
His historic words, no doubt based on his own experience, went unheeded.

When the UN General Assembly was seized with the Palestinian problem in 1947 the overwhelming majority of its European members supported the UNSCOP majority proposal for partition with economic union. [46] In UNSCOP and the debates thereafter, Yugoslavia only supported the minority proposal for a federal state. [47] During the general debate in the *ad hoc* committee of the Assembly following the proposal, Yugoslavia proposed the immediate admission to Palestine of Jewish refugees detained in Cyprus. Britain asked all countries to adopt displaced persons and the Netherlands asked for proposals towards an early solution of the problem

of Jewish refugees and displaced persons. Three subcommittees were appointed: a conciliation group (to bring the parties together) which failed; a subcommittee to draft the majority proposal, which produced the revised majority plan (9 members including Czechoslovakia and Poland); and a subcommittee to draft a plan based on Arab proposals. The *ad hoc* committee adopted the revised majority proposal, whereafter France, Denmark, and Luxemburg made a last effort at conciliation. The Arab states sought a compromise formula following much of the minority proposal. Both the USA and the USSR, however, pressed for an immediate vote. Britain and Yugoslavia abstained, Greece voted against and all other European delegates voted for resolution 181 (II).

The partition vote in the Assembly terminated British rule in Palestine by in fact adopting a plan similar to the one proposed by Britain in 1937. It was rejected forthwith by the Arab Higher Committee and the Arab states, thus adding the Arab-Israeli conflict to the Jewish-Palestinian Arab conflict. It terminated a period in which conflict management according to the traditional European approach—from domination to partition—had conspicuously failed. The most disturbing aspect of the period of European and British policies was their disregard for the wishes and interests of the populations directly concerned. The Arab populations had not been consulted at the time of partition. The interests of the Jewish immigrants were disregarded ever since, when the British rulers gradually and unilaterally withdrew from the commitment (since 1922) to support a Jewish home in Palestine. Arab violence in Palestine and Nazi persecution of Jews in Europe worsened the conflict.

The most tragic aspect of the mandate period was the disregard for human suffering in the effort to employ the area for strategic designs. The tragic clash between the human and strategic ends of foreign policy came to a head especially in the late thirties when the appeasement of the Arabs "required" the abandonment of uncountable European Jews to the extermination camps of the Nazi's.

By 1947 the situation in Palestine was probably beyond repair. Arab intransigeance had stiffened even further after the prewar policies of giving in to Arab resistance against Jewish immigration, while at the same time repressing the Arab revolt against British rule. The increasingly anti-Jewish switch in British policies since 1938 had exacerbated the conflict between Britain and the Jews. Illegal immigration, armed resistance against the British authorities

and the planning for an independent state of Israel were the responses given to the British policy of abandoning first the European Jews, and secondly its responsibilities towards the Jews and Palestine altogether.

Conflict Management and the Middle East. The Arab-Israeli Conflict

Until April 1947—when Britain laid the Palestine problem before the Assembly—conflict management had been primarily a British responsibility. The League of Nations had generally endorsed British policies in this respect. In 1947 the United Nations assumed primary responsibility. For the first time, the counter-cyclical instruments of the UN conflict management system were applied to the Middle East situation. The system, as the reader may recall, had four crucial elements: (1) procedures—though poorly developed—for peaceful change; (2) obligation of the parties first to seek a solution among themselves; (3) availability of the Security Council, as a third party (with more powers than a policeman's in the original US conception); (4) the application of enforcement action, if settlement would fail.

When the General Assembly convened in special session on 28 April 1947 it decided after a two weeks' debate on 15 May to create UNSCOP[48] with the task of investigating and submitting proposals for the solution of the problem of Palestine. The plan of partition with economic union, adopted on 29 November 1947, was the result of the proposals agreed upon by the majority in UNSCOP.

This first stage of conflict management by the UN showed a contradictory mixture of procedures. First of all it was the Assembly, rather than the Security Council, which was responsible for the conduct of investigations. The justification for it was given in the preamble to resolution 181 (II) where the Assembly considered "that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations". The quotation from Article 14 of the Charter asserted the Assembly's authority to deal with Palestine. It was *not* in conformity with the situation in Palestine at the time. The situation no longer enabled "peaceful adjustment" or peaceful change procedures.

The Assembly was apparently aware of this circumstance. It had neither instructed UNSCOP, nor had the latter tried to urge the

parties to seek a settlement between themselves. Nor did the Assembly simply call the attention of the Security Council to the situation (as it could have done under Art. 11(3) of the Charter). It straight-forwardly *requested* the Council to consider measures under Articles 39 and 41 of the Charter, if necessary, during the transitional period from mandate to partition. As it turned out the partition plan did not prevent armed conflict by peaceful adjustment. It intensified the conflict between Jews and Arabs in Palestine and contributed to its escalation.

As a result of the resolution, the neighboring Arab states decided to intervene militarily in order to prevent the creation of Israel. Arab intervention in turn—while failing to destroy Israel—produced the Arab-Israeli conflict. The Arab decision to intervene directly, rather than to support the Palestinians, exacerbated relations between the Arab states and the Palestinian national movement as well as among the Arab states themselves. It was not until 1964 after many years of frustration and conflict that the Palestine Liberation Organization (PLO)—a terrorist organization, rather than a national movement—was created. Ever since, the activities of the PLO have not only threatened the security of Israel, but also that of Jordan, Lebanon and civil aviation around the world. The Arab-Israeli War of 1948 finally created the Palestinian refugee problem as a perennial source of human suffering, frustration and violence.

During the Spring of 1948 the Security Council began to deal with the rapidly deteriorating situation. On the initiative of the US Government it referred the matter back to the Assembly [49] for further study of the future government of Palestine. At the time, however, it was already too late to consider "adjustments" to the situation. Ever since, the United Nations have confined themselves essentially to three types of activities: (1) efforts to control and localize the recurrent outbreaks of violence and armed conflict and supervize armistices; (2) (abortive) efforts to conciliate or mediate between the parties; (3) assistance to the Palestinian refugees.

The first activity was carried out primarily by the Security Council from 1948 to 1956, temporarily by the General Assembly in 1956-1957, and almost exclusively by the Security Council thereafter.

The second activity was carried out by the General Assembly through the Mediator [50] and the Conciliation commission until 1951.

After 1956, and especially since the early sixties, the General Assembly began to support increasingly the cause of the Arabs and to condemn Israel. It ceased to function as an instrument for conflict-management.

It was not until November 1967 that the Security Council requested the Secretary-General to appoint a special representative who in vain tried to mediate on and off until war broke out again in 1973. [51] Assistance to the Palestinian refugees was delegated to UNRWA, which reports annually to the General Assembly.

The policies and attitudes of European governments with respect to the management of the Middle East situation have been determined by a variety of conflicting and changing circumstances.

The most important one—no doubt marked by the very decision to lay the matter before the UN—was the end of European supremacy and the rise of the USA and the USSR as the postwar superpowers. The British abandonment of the Palestine mandate coïncided with the independence of India and Pakistan, the beginning of the Cold War in Europe, and the substitution of the USA for Britain in the Mediterranean. The management of the Arab-Israeli conflict became primarily a Soviet-American task. Until the Slansky trial in Czechoslovakia, the so-called "doctors' plot" in the USSR and the death of Stalin, the two superpowers were not in conflict *between themselves* over the Middle East.

At the onset of the Cold War in Europe the two superpowers generally supported the cause of Israel, though for different reasons. In the early fifties Soviet-American rivalry over the Middle East began to emerge mainly for three reasons: the stalemate in Europe, the interest of the new Soviet leadership in extra-European affairs, and the policies of the new régimes in Caïro and Damascus of playing off the West against the East.

Rivalry still found them on the same side during the 1956 war: in support of Egypt and against the combined Franco-British-Israeli attack. The outcome of the 1956 war put an end to what was left of Franco-British influence in the area. It definitely terminated the period in which the three Western powers had tried to assume some amount of collective responsibility for the defense of their common interests. The Middle East evolved from an object of rivalry to a source of conflict between the USA and the USSR. During the 1967 war they were on opposite sides, during the 1973 war they narrowly avoided a direct military confrontation. [52] The impact of their changing relationship on the Arab-Israeli conflict itself may not have been as decisive as the change could suggest.

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They have been unable to prevent the outbreak of each of the four wars; they agreed to impose cease-fires, but only after decisive Israeli victories on the battlefield. After the four wars the Soviet Union reluctantly accepted arrangements for machinery to supervize the cease-fire. Its reluctance was greater in 1948/1949 and 1956/1957 than in 1967 and 1973.[53] Notwithstanding the changing relationship of the two superpowers in the Middle East situation, the attitudes of each of them towards managing the Arab-Israeli conflict showed a marked internal consistency ever since 1947 and an equally marked difference in comparison. The Soviet Union conducted a diplomacy of polarization, interested in each phase to condemn aggression. The United States conducted a diplomacy of anti-polarization,[54] interested in applying conflict-minimizing pressures.

From the point of view of conflict-management, the fact that the Soviet Union changed sides—from Israel to Egypt, Syria and the Arab states—in the fifties was less decisive than the fact that it remained consistent in its diplomacy of polarization. In strategic terms the changing of sides was entirely consistent with its overall purpose to gain influence in the Middle East at the expense of Western, later American, "imperialist" interest. It was this overall policy, legitimized in ideological terms, which produced the diplomacy of polarization. In 1948 the Soviet Union opposed the appointment of a UN mediator and the establishment of the conciliation commission by the General Assembly. It abstained on all Security Council resolutions aimed at achieving a truce. In 1956 and 1967 the Soviet Union reluctantly went along with cease-fire resolutions (of the General Assembly and the Security Council) but only *after* its efforts to condemn Israeli aggression had failed and the Egyptian army had been routed. In 1956 it abstained on the resolution establishing UNEF I. In 1967 it countered its diplomatic failure and the Arab defeat by the calling of an Emergency Special Session of the General Assembly. Its more cooperative policy towards UNEF II after the 1973 war reflected more necessity than choice following heavy American pressure and the danger of a direct Soviet-American confrontation. Neither in 1948-1950—when it supported Israel—nor since 1954—when it supported Egypt and Syria—has the Soviet Union ever been willing to take part in such conflict-minimizing pressures as limiting the sale of arms to the region. It was the Soviet representative in the Security Council who was responsible for the deletion of a paragraph on restricting arms sales to the area in the draft for resolution 242 of November 1967.

The American diplomacy of anti-polarization has been equally consistent throughout the postwar period. Unlike the Soviet Union, American policy makers primarily focused on applying conflict-minimizing pressures to the Arab and Israeli parties themselves. When partition proved to be a source of war rather than a step towards peace, the US Government—though in vain—tried to avert hostilities in April 1948 by a proposal to place Palestine under a temporary Trusteeship.

It actively supported the mediation and conciliation efforts thereafter. In 1956, 1967 and 1973, the American Government introduced cease-fire resolutions in an early stage of hostilities and was most active in supporting or proposing machinery for truce supervision. Unlike the Soviet Union, the United States had no difficulty with the establishment of UN police forces without great power participation after the wars of 1956 and 1973.

After the 1967 and 1973 wars it was the US Government primarily which tried, directly or through the Security Council, to promote negotiations between the Middle East states concerned. Its diplomacy of anti-polarization was, no doubt, part of its overall strategic interests to resist Soviet expansion in the Middle East. In its efforts to minimize conflict and achieve some stability—in accordance with those interests—American diplomacy of anti-polarization assumed the character more of reacting to events, rather than preceding them. Until 1956 American diplomacy was a mixture of efforts to achieve Western cooperation with a view to resisting Soviet influence and to eliminate the remnants of Franco-British colonial domination in the area. The outcome of the 1956 war marked the success of the latter and the failure of the former effort.

Its diplomacy of anti-polarization thereafter came to be directed primarily at counter-balancing Soviet policy. It drew American diplomacy increasingly to the support of Israel and the more traditional Arab régimes. This effort to counter-balance Soviet diplomacy made the US Government a captive rather than a manager of the arms race in the area.

The European powers responded in many different ways to this circumstance of Soviet-American predominance in the Middle East.

A closer examination of voting behavior of European states on major resolutions listed on tables 7 and 8 gives the following picture. During the years 1948/1949, France, Britain, Belgium and Norway cooperated *in the Security Council* with the US efforts to

limit hostilities and provide for the supervision of the armistices, while the Soviet Union abstained on most of the resolutions. It should be noted, however, that Britain had refused to have any part in the discussions and measures for the purpose of enforcing the partition plan before the outbreak of the Arab-Israeli war. Britain had also supplied arms to the invading Arab states, while strictly forbidding arms deliveries to the Jewish forces. The latter had received most of their arms from Czechoslovakia and private sources in the West. [55] In 1956 France and Britain rejected a cease-fire in both the Security Council and the General Assembly. Belgium abstained in the two organs. The Franco-British attack on Egypt to recover control over the Suez canal not only marked the end of any role in the Middle East, it also marked the end of a joint American-British-French declared policy to exert conflict minimizing pressures on the parties in the Middle East. It should be underlined that British and French support for control of the arms race in the Middle East had been more apparant than real before 1956. The two states together with the United States had made statements to that effect on 4 August 1949 in the Security Council and had issued the Tripartite Declaration to the same effect on 25 May 1950. [56] Britain, however, had resumed arms shipments to Egypt, Jordan and Iraq in the meantime, whereas France began to deliver arms secretly to Israel from 1954 onwards. After 1956 France and Britain ceased to play an important role in the Security Council.

Yugoslavia in 1956 was the strongest advocate in the Security Council for convening an emergency special session of the General Assembly after the French and British veto's in the Council. None of the European Council members played an important role in the deliberations during the wars of 1967 and 1973.

After the 1967 war the British representative in the Security Council submitted the compromise-draft for resolution 242 of 22 November 1967.

From the European voting behavior on major resolutions in *the General Assembly* several interesting trends can be observed. The voting behavior of the East-European states shows an almost complete alignment with the Soviet diplomacy of polarization. Five East European states abstained on resolution 1604 when the Soviet Union and Bulgaria voted in favor. No explanation for this exception to Soviet-bloc cohesion is available in the Assembly records. [57] Albania's abstention on resolution 2949 may be explained by its alignment with China, which equally abstained.

The voting behavior of the other European states—whether non-

aligned or Western—shows little cohesion. At best they show a disturbing trend, in time, away from the American diplomacy of anti-polarization and counter-balance towards the Soviet diplomacy of polarization. The turning point—if such a point may be identified—lies with the war of 1967 for all European states outside the Soviet bloc, but with the exception of Britain, France and Yugoslavia. Before the 1967 war the majority of European states outside the Soviet bloc (and an exception made for the three states mentioned) sided with the United States whenever the American and Soviet votes differed. The majority also voted for resolutions supported by the two superpowers. In the latter case, Greece showed the highest incidence of separate voting. Resolution 1604 shows the highest number of abstentions. After the 1967 war the United States and the Soviet Union diverged on all resolution except the non-controversial 2256. The European states increasingly began to vote for the polarizing resolutions sponsored or supported by the "alliance" of the Soviet bloc and the non-aligned countries. Spain began increasingly to support the Arab cause after 1967. Portugal abstained throughout the period on all resolutions (or did not participate in the voting) until 1974. It reflected its isolated position as a latter-day colonial power in Africa. The shift towards polarization diplomacy found its strongest expression to date in resolution 3210 of 14 October 1974, when a majority aligned themselves with the Soviet vote and *no* European state voted the way the United States did.

The comparatively large number of European abstentions on this resolution reflects more the prevailing fear of displeasing the polarizing majority than any support for the single great power—the United States—which has made an effort to exert conflict minimizing pressures. To the extent the voting pattern of European countries indicates a degree of commitment to conflict management rather than to a diplomacy of polarization, such a commitment appears to be strongest with the Governments of Sweden, Norway, Denmark, Iceland and the Netherlands. It should be noted, however, that no firm conclusions can be drawn from the odd voting pattern of those European states in recent years. If we compare this voting pattern with the one regarding peacekeeping operations, presented at table 6, we can observe that all those European states consistently sided with the United States and against the Soviet bloc. Countries like Finland and Ireland, e.g., were among the strongest supporters for such conflict management measures as the creation of UNEF I.

As I have implied already the cases of Yugoslavia, France and

Britain are to be dealt with separately.

For these three states the voting behavior in Middle East issues is determined most markedly by their position or perceived role in the global balance. Yugoslavia's foreign policy, as we have seen in Chapter 6, is determined by its relationship with the Soviet Union and the response it has given to it: non-alignment, but in alignment with the third world. Its overall voting pattern in table 7 conforms fairly closely to the Soviet bloc. It diverges from both the USA and the Soviet Union in table 6. Its separate attitude as an advocate of conflict minimization was manifest before the six day war: in its vote on partition in 1947, in its vote on resolution 119 in the Security Council and in its support for UNEF I in 1956. Thereafter, Yugoslavia has joined the Sovietbloc and non-aligned majority. Britain and France no doubt have the poorest voting record from the point of view of conflict management. The British record from 1947 onwards and again after the Suez debacle is largely determined by efforts to save its national interests in the Arab world. France supported US policy until 1954. After de Gaulle's rise to power its voting record in the General Assembly has been consistent in one respect only: it has always voted in a different way from the United States! (compare tables 6 and 7).

The odd pattern of European voting on Middle East issues cannot be explained only by the substitution of Soviet-American supremacy for Franco-British domination. Several other circumstances may offer additional clarifications. One of them is the emotional content of the Arab-Israeli conflict in the domestic and foreign politics of the European states. In none of the European countries which had suffered from Nazi-rule did domestic opinion allow their governments to assume a "third-party" posture in the conflict. The conflict itself did not allow for such a posture. One had to be either pro-Israel or pro-Arab. Domestic opinion throughout Europe was, and still largely is, pro-Israel. The pro-Israel attitude in Eastern Europe could not be translated into foreign policy, as it had to follow the pro-Arab Soviet policy since the mid-fifties. The gap between domestic opinion and the régimes' foreign policies has been an element in the crises of internal legitimacy. It was most likely an element also in the leadership's scrupulous but passive conformity with Soviet diplomacy of polarization. In the other European countries the pro-Israel attitude predominated at least until the sixties.

Thereafter it began to clash domestically with pro-Arab opinion related to the decolonization-syndrome and with increasing frus-

tration—in France and other countries later—over Western Europe's fading world influence. Only the Netherlands—as the Arab countries well understood—translated majority domestic opinion into a generally pro-Israel foreign policy . . . at least until the Yom Kippur war of 1973. The Arab use of the oil weapon further strengthened the emotional content of the Middle East conflict. The threat to vital needs for the industrial societies removed what was left of a diplomacy aimed at managing the Middle East conflict.

The declaration of the nine member countries of the European Community of 6 November 1973 is the most recent example of how conflicting pressures, mostly unrelated to the Arab-Israeli conflict itself, can produce a document which neither expresses a policy nor contributes to the management of the conflict. These pressures from which the declaration emerged were internal to the foreign offices of the nine member states. The Middle East War, it was thought, might provide an opportunity to show a "European identity" distinct from the United States, and thereby promote foreign policy concertation. It might also please and appease those Arab leaders who controlled the oil taps. The declaration, of course, did not achieve either purpose. The declaration achieved a shaky compromise, but did not initiate a concerted policy. Announced as "only a first contribution on their part to the search for a comprehensive solution to the problem", no attempt has as yet been made to come forward with a second contribution.

European policies have never been more at variance than after the declaration. The declaration did not promote a European identity or a European role in conflict management. At best it temporarily upset such American efforts and European-American relations. It had no measurable impact on Arab oil policies. The appeasement of the most intransigent party in a conflict has never been a valid conflict minimizing diplomacy in history.

The text of the declaration itself is a textbook example of careless drafting. While stating that "a just and lasting peace" is to be sought "through the application of Security Council resolution 242 (1967) in all of its parts", paragraph 3 of the declaration differs *substantially* from the text of paragraphs 1 and 2 of that resolution. The "inadmissibility of the acquisition of territory by war" ("by force" in the declaration) is moved from a preambular paragraph to a basic principle. The careful wording of the resolution: "withdrawal of Israeli armed forces from territories occupied in the recent conflict" is replaced by the inadmissibly careless

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phrase: "the need for Israel to end the territorial occupation which it has maintained since the conflict of 1967". Equally inadmissible is the omission of the "necessity for guaranteeing freedom of navigation through international waterways in the area". The "legitimate rights of the Palestinians" had not been mentioned in resolution 242, but figures in the declaration of the nine. The reference to such rights is no less than an exercise in conflict escalation. No body—including the Arab states—outside the Palestinian Liberation Organization has ever ventured to define those legitimate rights. Does the European Community support the "legitimate rights" as defined by the PLO: the return to Palestine after the liberation with all available means and in every part of Palestine, i.e., the destruction of Israel? If so, it would no longer support resolution 242 which has been rejected by the PLO itself.

The European gentlemen who drafted this declaration and those who voted for the polarizing resolutions of the UN General Assembly since 1970 are unlikely to draw these consequences from their diplomatic behavior. Their behavior does reflect, however, the basic weakness of postwar European diplomacy with respect to conflict management.

This basic weakness—as I hope my review of the Middle East will have shown—is the absence of any conception or policy towards conflict management. It is this absence which has induced the majority of European states to dissociate themselves too easily from the American diplomacy of anti-polarization and to drift along too readily with polarizing majorities in the UN General Assembly.

International Law and the Management of International Conflict

Conflict management has been defined earlier in this chapter as an activity aimed at the settlement of the substantive dispute between the parties, while applying conflict minimizing pressures, relevant to each phase of the conflict. A conflict has been defined also as a process of relations between states, characterized by competition. Conflict as a dynamic process requires dynamic management, i.e., a continuous effort to gain control over it in each phase of its development. The dramatic alternation between war and peace in our century has no doubt aggravated the task of managing conflict. The effort to minimize conflict and stop escalation in each conflict phase with a view to preventing or limiting armed conflict has become as important for international diplomacy as the effort to settle the underlying dispute.

It is the double requirement of war-prevention and dispute settlement which has given meaning to the opening quotation in this chapter, that conflict management is the central problem of the international legal order. Postwar developments have only stressed the centrality of the problem. Total warfare, technology and nuclear weapons have strengthened the needs for an adequate system for war prevention. Ideological competition has further removed possibilities for outside imposition of a settlement worked out by great power agreement. Our extensive treatment of European approaches to the Middle East situation has amply illustrated the inadequacy of the European conceptions towards conflict management.

European approaches to the Middle East situation from 1914 onwards have been characterized by the active pursuance, or the passive acceptance, of efforts to impose a settlement by one great power, the Western great powers or the two superpowers thereafter. The solution which the great powers, supported by the League of Nations and the United Nations, have tried to impose upon the parties disputing jurisdiction over the territory of Palestine has always been *partition* in one form or another. During the First World War the Turkish provinces were partitioned between France and Britain. In 1922 Palestine was partitioned between Britain and Abdullah. In 1947 the remaining slice of Palestine was partioned between a Jewish state, an Arab state and the city of Jerusalem.

Partition of territories has been a traditional measure of European diplomacy, applied especially to arrive at a peace treaty after major wars. To be successful it requires two conditions: the capacity and willingness of the great powers concerned to enforce and guarantee its implementation and the absence of strong nationalist feeling among the populations concerned. For areas which are not within the "international frontiers" it may be sufficient, if the great powers have no interest in intervening in conflicts over partition (the absence of strong nationalist feeling remains, however, as a condition for upholding partition).

In situations in which one condition only exists, partition is a continuous source of friction and, possibly, intermittent local warfare. [58] Wherever neither of the two conditions pertain, partition is likely to be a source of continuous escalation. The Middle East conflict is the clearest, though not the only, example of continuous escalation resulting from partition. [59]

In the Middle East intermittent cease-fires have not been able to stem the tide towards ongoing escalation. There has been escala-

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tion in the intensity of the conflict, in the number of parties involved, in the dispute between the original parties (Jews and Palestinian Arabs), in the recurrence of violence and in the arms race.

Partition, whether by treaty or by a decision or recommendation of international bodies, no longer serves as a legal control of international conflict in the twentieth century.

Internationalization of conflict management activities through the Security Council and the General Assembly has been an important source of escalation. As table 9 shows, the period preparatory to the mandate has been a period of escalation. Escalation has accelerated ever since the United Nations has been dealing with the conflict. Internationalization neither serves the settlement nor the control of international conflict. As a legal procedure it is unsuitable for conflict management.

These conclusions, of course, carry a number of consequences for the approach to conflict management. Whereas partition has been the great power response to the challenge of a local conflict, the first requirement for conflict management is the elaboration of rules aimed at excluding those powers from involvement in the conflict. Such was, e.g., the basic approach adopted by Dag Hammerskjøld in the Congo situation. Internationalization as a concept has been based on the assumption that the majority of an international organization can do a better job—of devising a solution "from above"—than the former great powers. The fallacy of the concept requires the development of rules for interposing disinterested intermediaries between the organization of states and the parties to a dispute with the responsibility for bringing the parties together. A third requirement for adequate conflict management would be to devise rules by which the original parties to the dispute can be brought together to negotiate. Another requirement would be to devise rules by which the populations immediately concerned are given the immediate right to communicate and the ultimate right to decide on their own future. All this would require a fundamental re-appraisal of the role of great powers, international organizations or "third parties" in conflict management.

The basic shortcoming of European approaches to conflict management has not been the failure to *effectuate* international law meeting the above requirements. The present state of anarchy in international relations does not sustain any realistic expectations as yet.

It has been the failure to re-examine the inadequacy of their traditional approaches, the unwillingness to support new mecha-

nisms, and the absence of creative legal thinking for which they should be criticized. Instead of seeking a dynamic legal approach to control conflicts, European diplomacy has drifted along on the politics of influence and shifting majorities in the UN.

Legal thinking has buried itself in the academic exercise of refining procedures for the settlement of disputes, or interpreting the unobserved provisions to outlaw war and the resort to force. Unrelated as it is to the political foundations of international law and the requirements of conflict management, it has come close to irrelevance. [60] European diplomacy and European thinking, concerned as it is with regional issues and lost influence, has had little to contribute to the central world order problem of managing international conflicts. Negotiations on a European Security system, including Swiss proposals on compulsory arbitration of disputes, offers no indications so far that even a regional system for the legal control of international conflicts is in the making.

NOTES

1. Black and Falk (ed.), *The Future of the International Legal order*, *Vol. III, Conflict Management,* Princeton, N.J., 1971, p. vii.

2. Boulding, *Conflict and Defense. A General Theory,* New York, 1963 (Harper Torchbook), p. 5. Compare also *The Journal of Conflict Resolution,* Special Review Issue, Vol. XII, No. 4, 1968.

3. *Op. cit.,* p. 19.

4. Bloomfield and Leiss, *Controlling Small Wars. A Strategy for the 1970s,* New York, 1969, and Bloomfield and Beattie, "Computers and Policy-Making: the CASCON experiment", *Journal of Conflict Resolution,* Vol. XV, 1971, p. 33.

5. *Op. cit.,* p. 25-32; *Loc. cit.,* pp. 34-37.

6. *Op. cit.,* p. 249.

7. See especially Chap. 2, *Supra.*

8. Especially Zimmern, *The League of Nations and the Rule of Law.*

9. Article 6 of the Treaty of Paris, 20 November 1815.

10. See especially Quincy Wright, *A Study of War,* University of Chicago Press, 1965 (2nd ed.). A more incomplete list of wars during the nineteenth century is also given by Singer in Singer (ed.), *Quantitative International Politics,* London-New York, 1968, pp. 262 ff.

11. Concluded on 19 April 1839: a treaty between Belgium and the Netherlands; a treaty between Prussia, Austria, France, Great Britain and the

Netherlands; and a treaty between the five great powers and Belgium.

12. See Introduction, *supra*, p. 4.

13. Boulding, *op. cit.*, pp. 252, 249.

14. Compare Scott, *The Hague Peace Conferences of 1899 and 1907*, Baltimore, 1909, Vol. I (The Conferences), pp. 39 ff., Vol. II (Documents), pp. 1-5.

15. Scott, *op. cit.*, Vol. II, pp. 311-355 (Text as adopted at the second Conference).

16. Goodrich, "From League of Nations to United Nations", in Falk and Mendlovitz (ed.), *The Strategy of World Order. 3. The United Nations*, New York, 1966, pp. 20-22.

17. See especially the early American drafts for the relevant provisions. For 1919, compare Miller, *The Drafting of the Convenant, op. cit.* For the planning period of the UN, see Russell and Muther, *op, cit.*

18. The Major Powers introduced a joint amendment to para. V-B-6 of the Dumbarton Oaks proposals, forming the basis for discussion at San Francisco. Notwithstanding extensive debates, the amendment was accepted as Article 14 of the Charter.

19. Russell and Muther, *op. cit.*, pp. 764 ff. Chap. 8, *supra*, p. 213.

20. International Studies Conference, *Peaceful Change. Proceedings of the Tenth Conference*, 1937, Introductory Report, p. 18.

21. Quotations and information from Russell and Muthers, *op. cit.*, pp. 599-604, 662-668.

22. In practice, the policeman's task re-emerged in 1956, after the breakdown of the UN as an alliance for collective security. The UN peace-keeping forces since 1956 are more in line with the policeman's role than the military forces envisaged by Chap. VII of the UN Charter.

23. A Dutch proposal to move the paragraph on the finding of a threat to the peace from section B (enforcement action) to section A, as being part of the Council's quasi-judicial functions rather than its enforcement functions, was unacceptable to the major powers.

24. Chap. 3, *supra*.

25. The concept of "international frontiers" was introduced by Duncan Hall, *Mandates, Dependencies and Trusteesships*, Washington, 1948. Quotations from p. 3.

26. The texts—including the so-called Sykes-Picot agreement of 1916—are reprinted by Hurewitz, *Diplomacy in the Near and Middle East: A Documentary Record*, Princeton, 1956, *Vol. II, 1914-1956*, doc. No. 10, pp. 18-22, No. 8, pp. 13-17.

27. To include the *whole* area bounded on the north by Mersina and Adana up to 37° of latitude, on the East by the borders of Persia up to the Gulf of Basra, on the South by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina.

28. According to the *British Royal Commission Report on Palestine* of July 1937.

29. Kedourie, "Britain, France and the last phase of the Eastern ques-

tion", in Hurewitz (ed.), *Soviet-American Rivalry in the Middle East*, New York, 1969, p. 190/191.

30. As quoted by Wm. Roger Louis, "The United Kingdom and the Beginning of the Mandates System, 1919-1922", *International Organization*, Vol. XXIII, 1969, p. 89. See further: *Palestine Papers 1917-1922. Seeds of Conflict*, compiled and annotated by Doreen Ingrams, N.Y., 1973. Balfour wrote on 19 February 1919: "The weak point of our position of course is that in the case of Palestine we deliberately and rightly decline to accept the principle of self-determination. If the present inhabitants were consulted, they would unquestionably give an anti-Jewish verdict. (61) Our justification for our policy is that we regard Palestine as being absolutely exceptional; that we consider the question of the Jews outside Palestine as one of world importance and that we conceive the Jews to have an historic claim to a home in their ancient land; provided that home can be given them without either dispossessing or oppressing the present inhabitants" (61).

31. Text of the agreement in Miller, *My Diary at the Conference of Paris*, 1928, Vol. III, pp. 188-189.

32. *Op. cit.*, and Feinberg, *Some Problems of the Palestine Mandate*, Tel Aviv, 1936, p. 38.

33. At the Paris Peace Conference, the Supreme Council had agreed to send an international commission of inquiry to ascertain the wishes of the peoples concerned. As the European countries failed (or refused?) to despatch delegates, two Americans went, on behalf of President Wilson and reported on 28 August 1919. Their report, however, was kept secret until 1922. See Quincy Wright, *Mandates Under the League of Nations*, New York, 1968, p. 46. Compare *Palestine Papers 1917-1922, op. cit.*, pp. 66 ff. Britain would apparently have been willing to despatch its delegates had the French not been unwilling to do so.

34. See footnote 28 to this chapter, *op. cit.*, p. 27.

35. Wright, *op. cit.*, pp. 43ff. The United States had withdrawn from official participation in the Supreme Council before.

36. *Op. cit.*, pp. 56—57. Text of the Mandate appears on pp. 600-607.

37. Samuel Katz, *Battleground. Facts and Fantasy in Palestine*, Bantam Book, 1973, p. 45.

38. Report of the Royal Commission, *op. cit.*, p. 98, emphasis added.

39. *Op. cit.*, p. 137.

40. P.M.C., *Extraordinary session 32*, July/August 1937, p. 230.

41. P.M.C., *Extraordinary session 17*, 1930, pp. 35 ff. and 140. Mr. van Rees' statement was exceptionally perceptive for the time and circumstances. He cited the Sykes-Picot agreements and the peace treaty with Turkey as causes for Arab disappointment. Arab resentment, in his opinion, had deeper roots and was not solely directed against the Jews. The disturbances were an aspect of the resistance offered everywhere in the East to the invasion of European civilization.

42. Letter of the Secretary of State for the Colonies to the High Commissioner in Palestine, transmitted to the Secretary-General of the League of Nations. See P.M.C., *Session 34*, Annex 3.

43. Yehuda Slutski, "Under British Rule" (1917-1948), *Encyclopaedia Judaica*. Reprinted in Israel Pocket Library, *History from 1880*, Jerusalem, 1973, p. 69.

44. P.M.C., *Session 20*, 1931, pp. 230-231. P.M.C., *Extraordinary session 32*, July/August 1937, pp. 229-233.

45. League of Nations, *O.J., Records of the 6th committee*, 4th meeting, September 1937.

46. See table 7.

47. The Arab Higher Committee rejected both proposals. The Jewish Agency rejected the minority proposal and found the majority proposal not really satisfactory. For a summary of the debates, see United Nations, *Yearbook 1947-1948*.

48. Members were: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay, Yugoslavia. All European states, the USA and the USSR voted in favor of its creation. All Arab states voted against resolution 106(S-1) of 15 May 1947.

49. Resolution 44. See table 8. The US Government proposed to withdraw the partition plan and place Palestine under Trusteeship.

50. Appointed on 14 May 1948 one day before the outbreak of war.

51. For a review of his activities, see UNSC, Doc.S/10929, *Report of the Secretary-General under Security Council Resolution 331(1973) of 20 April 1973*.

52. Compare Hurewitz, *Soviet American Rivalry, op cit.*; Laqueur, *Confrontation in the Middle East*, 1974; Ismael (ed.), *The Middle East in World Politics*. A study in Contemporary International Relations, Syracuse, N.Y., 1974; Confino and Shamir (ed.), *The U.S.S.R. and the Middle East*, Tel Aviv, 1973.

53. See Soviet voting on Security Council resolutions 73, 233-237, 340, 341; and Assembly resolution 998. Tables 7 and 8.

54. The terms are from Hurewitz, *op. cit.*

55. See Larry Collins and Dominique Lapierre, *O. Jerusalem! The Bitter Struggle for the City of Peace*, Pan Books, London, 1972. See also Arnold Krammer, "Arms for Independence: When the Soviet Bloc Supported Israel", in Walidkhalidi (ed.), *From Haven to Conquest. Readings in Zionism and the Palestine Problem until 1948*, Beirut, 1971.

56. Text of the Declaration in Hurewitz, *Diplomacy in the Near and Middle East, op. cit.*, Vol. II, doc. 92, pp. 308 ff.

57. The East-European abstention is a logical consequence of the bloc's general attitude towards the conciliation commission.

58. Among the cases in this category, we may cite: the partitions of Germany after 1955, Korea after 1953, the Indian subcontinent.

59. Table 9 offers a synopsis of conflict escalation in the Middle East.

60. A beginning attempt to re-orient legal thinking on the management of conflicts can be found, e.g., in Julius Stone, *Legal Controls of International Conflicts*, Sydney, 1959; David Davies Memorial Institute of International Studies, *International Disputes*. The Legal Aspects. Report of a Study Group, London, 1972.

Chapter 10

RESTRAINING WARFARE AND WORLD ORDER

Throughout history man has shown greater inventiveness in forging the weapons for war than constructing the instruments for peace. That "people shall beat their swords into plowshares and their spears into pruning hooks" (Isaiah 2,4) has remained an unfulfilled promise ever since it was written in the book of Isaiah.

During the latter days of the era of Western domination, man's inventiveness to forge the weapons of war was reaching unprecedented proportions, thus gradually breaking down the restraints to unlimited and indiscriminate violence and warfare. Industrialism and nationalism are certainly among the forces responsible for this breakdown. The first has produced the economic capability to exploit and control the forces of nature and the spiralling development of new weapon technologies. The second has produced the political capability for an almost unlimited organization of manpower in mass conscript armies and in industries geared towards supporting a war economy. The danger of these developments may have been perceived by some prior to the First World War. It was the two world wars in which virtually all restraints to unlimited and indiscriminate warfare broke down under the combined impact of the economic and political capability of governments to conduct wars and the psychological willingness to risk everything to win. The postwar development of new weapons of mass-destruction and an unprecedented arms race cannot be understood without the breakdown of restraints to warfare before. When great powers base their security today on a strategy of Mutually Assured Destruction (MAD), the world's MADness is a consequence of this previous breakdown.

Political and diplomatic responses to this breakdown during the last one hundred years or so have been fragmentary and inadequate. In the previous two chapters I have discussed European responses related to efforts aimed at preventing conflict through the creation of a world organization and a system of conflict management. In this chapter I shall discuss European responses

related to the problem of restraining warfare and armed conflicts. My concept of restraining warfare and armed conflict includes what today is referred to as disarmament, arms control and human rights in armed conflict. Beginning with an identification of the three known approaches to those problems, a working definition including the three approaches is suggested in the following paragraph. A second paragraph will examine the evolution of international organization related to restraining warfare: the decision-making structure of the International Red Cross and the Disarmament and Arms-Control Negotiating System. In a third paragraph I am presenting a number of reasons why the European governments generally saw it to be in their interest to maintain a "low profile" in efforts to restrain warfare. The remaining paragraphs deal with European policies towards three selected problems: the control and prohibition of weapons of mass-destruction, particularly nuclear weapons; the reduction of conventional forces and armaments; and the "human rights" approach to restraining warfare.

Restraining Armed Conflict: a Framework for Inquiry

Attempts to restrain armed conflict by international negotiation and through international agreements emerged in the second half of the nineteenth century. Three approaches, distinct in their outlook, can be identified.

Jean Henry Dunant initiated the *first approach* with his book *Un souvenir de Solférino* published in 1862. He took issue with the lack of restraint shown in warfare towards hospitals and medical personnel caring for the wounded and the sick. His book and actions produced the forerunner to the present International Committee of the Red Cross and (in 1864) the first Geneva Convention for the Amelioration of the Condition of Soldiers Wounded in Armies in the Field.

In response to the increase in indiscriminate and unrestrained warfare, the first Geneva Convention has now been replaced by and expanded into the four Geneva Conventions of 1949. They deal with: the Treatment of Prisoners of War; the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; and the Protection of Civilian Persons in Time of War.

The most salient feature of this approach is that it seeks to obtain *humanitarian protection* for those not or no longer engaged

in the fighting by way of *international, non-governmental action*. Or to paraphrase a recent report of the SIPRI: the Red Cross conventions are partisans on the side of the victims. They express values rather than interests.[1] In the context of this chapter the fourth Geneva convention of 1949 relative to the protection of Civilian Persons in Time of War is of primary importance. Unlike the previous conventions and the three other conventions concluded in 1949, the civilian convention does not limit itself to the protection of persons who have already become victims of war—prisoners, the wounded and sick. It tries *to prevent civilians from becoming victims*.[2]

A *second approach* to restraining warfare was initiated shortly thereafter by the Russian Government. It produced the St. Petersburg Declaration of December 1868. By this approach efforts are made to subject "military necessity" in warfare to *restriction* in the deployment *of certain weapons* by way of *intergovernmentally agreed regulations on warfare*.

The St. Petersburg declaration contains a *specific prohibition* on the use of projectiles of less than 400 grammes which are explosive or charged with fulminating or inflammable substances. It contains more *general considerations* to the effect "that the only legitimate object which States should endeavor to accomplish during war is to weaken the military force of the enemy;... that this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable".

The St. Petersburg Declaration was followed by the Hague Conventions on Warfare of 1899 and 1907 and by the 1925 Protocol for the use of Asphyxiating, Poisonous or other Gases in war and of Bacteriological Methods of Warfare. This approach to restraining warfare differs substantially from the first one. It expresses military interests rather than human values. Working mainly through negotiations between military experts it tries to match "military necessity"—continuously changing with new technologies—with the equally *military interest* in some mutual restraint. *Action*—apart from the drafting of conventions—is *national* and *governmental*: inclusion of the rules in military manuals and supervision by national courts. No adequate international machinery is available to deal with violations of the rules. Article 3 of the Hague Convention (IV) states that a belligerent party which violates the regulations "shall, if the case demands, be liable to pay compensation". The only effective sanction however is the possibility of reprisal by another belligerent party.[3]

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The *third approach*, initiated also by the Russian Government in 1898, aims directly at slowing down the arms race itself. Originally the Russian proposal did not aim at restraining warfare, but at preventing a major war. As we have seen already in Chapter 9, states were unwilling to discuss seriously arms limitations in 1899 and 1907. The Hague Peace Conferences as a consequence only produced conventions on the laws of war. Until nowadays the theory of disarmament conceives disarmament, arms-regulation and arms-control as a means of preventing the outbreak of war rather than restraining warfare. Both the Covenant of the League of Nations (Art. 8) and the Charter of the United Nations (Art. 26) consider the reduction or regulation of armaments to be a contribution to the maintenance of peace.[4]

State practice, however, has invalidated the (now traditional) theory of disarmament. Plans and negotiations on general and complete disarmament invariably have failed. What has been achieved so far is a series of agreements to control the arms race (arms control agreements). Arms control agreements to date seek to prohibit either the production, the further development, stockpiling and dissemination of *certain weapons*; and/or to prohibit the use of *certain areas* for military purposes. As such they are agreements to restrain warfare and not to prevent war.[5]

As an approach to restraining warfare, arms control differs from the two previous ones in the sense *that no rules have been agreed upon which are to be observed during armed conflict.*

Arms control agreements do not contain a prohibition of the use of certain weapons and areas during war. They try to prevent such use by prohibitions to be observed in time of peace. This serious omission—from the point of view of restraining warfare—has two contradictory reasons. On the one hand disarmament theory, from which arms-control theory derives, assumes (or merely hopes?) that peace-time prohibitions even on certain weapons and areas only could contribute to the prevention of war; i.e., *prohibitions* on their use are *unnecessary*. On the other hand strategic theories still hold on to the military necessity to use eventually nuclear weapons in time of war; i.e., *prohibitions* on their use are *unacceptable*.[6]

According to the now classic definition, arms control is: "all forms of military cooperation between potential enemies in the interest of reducing the likelihood of war, its scope and violence if it occurs, and the political and economic costs of being prepared for it".[7]

This definition still confuses the primary purpose: to reduce the

scope and violence of war, with a hoped-for effect: the reduced likelihood of war itself. The control of certain weapons or of military activities in certain areas may restrain warfare. It is a doubtful proposition at best that they reduce the likelihood of war. In all cases so far, military capabilities have not been reduced nor have the potential or actual causes of conflict been removed. Arms do not make war, nor does disarmament create a harmony of interests between states. In a world of sovereign states arms control can be no more than an attempt to restrain warfare wherever and whenever it occurs.

It has been the awareness of this fact which has broken the deadlock of disarmament negotiations and opened the road to modest achievements in arms control. The same awareness, especially since the XXth International Conference of the Red Cross in 1965, may help one to see the three approaches discussed here as complementary and mutually reinforcing ones towards the restraining of warfare and armed conflicts. Such complementarity can be achieved if disarmament theory and arms control experts give up their illusions about a disarmed world and turn their energy to the more realistic objective and human necessity of restraining warfare. As long as governments are unwilling to accept a world authority, to settle major conflicts peacefully, or to be at the mercy of an adversary by disarming unilaterally, attention should be focused on restraining warfare as a separate but urgent matter of policy. Among the three approaches, arms control is the least developed in terms of the values it should express or the interests it could reflect. The same applies to the actions envisaged for preventing their use or protecting the victims during armed conflict.

The emerging complementarity of approaches to restraining warfare and armed conflicts could also assist us in better understanding the ultimate purpose of restraining warfare: the protection of human rights in armed conflict. There is, of course, no doubt that human rights can be better protected in a world in which war can be prevented. As long as war prevention remains an illusion and the alternation of war and peace a reality, the search for such protection is bound to be a permanent task continuing for each of the three approaches in time of war and peace. But it should also be clear that a world in which interstate war can be prevented is not necessarily tantamount to a world in which human rights are protected. Interstate peace does not guarantee the citizen that armed force will not be used against him by a totalitarian government or in a civil war.

East-West *détente* in Europe and the unlikelihood of war did not protect the citizens of Czechoslovakia against Soviet invasion and personal insecurity ever since 1968. For this reason efforts to restrain armed conflict should be assayed ultimately by the contribution they can make towards protecting life and personal security.

In this context my concept of restraining warfare and armed conflict can be defined as *an activity aimed at the protection of human life and personal security in time of war or armed conflict against: cruelty, the use of weapons of mass-destruction and/or weapons having indiscriminate effects, resort to indiscriminate warfare and the use of means causing excessive suffering.* The definition includes measures such as humanitarian protection, the prohibition of the use of certain weapons, regulations on warfare and arms-control agreements.

Given man's capability in weapon technology, the time has come that all those measures—and not only the Red Cross conventions—ought to be partisan on the side of the victims.

Restraining Warfare and International Organization

The restraint of warfare, unlike the management of conflict, has not been approached so far as a central problem of the international legal order. Each of the three approaches, distinguished in the previous paragraph, has pursued different avenues and produced different results. The recent convergence of interests is a beginning and uncertain trend, not yet an achievement in structural or substantial terms.

The activities aimed at *humanitarian protection* since 1863 have shown the most remarkable development. They have given rise to the creation of a transnational, universal organization in which governments, national Red Cross (Red Crescent and Red Lion and Sun) Societies and the International Committee of the Red Cross (ICRC) cooperate in time of peace and war to offer assistance and protection to the victims of conflicts, disease and disasters.[8] The crucial elements of the Red Cross system for restraining warfare may be briefly indicated.[9]

(1) The "collectivity" commonly designated as the International Red Cross is not built on the principle of representing interests but geared towards the objective of alleviating human suffering. It derives its strength from the idea that support to the victims of war is a common value going beyond the divisive interests of

states. Its fundamental principles are: *humanity* (to protect life and ensure respect for the human being); *impartiality* (as to nationality, race and religious beliefs); *neutrality* (between states in time of peace and belligerents in time of armed conflict); *independence* (from governments); *unity* (no more than one Red Cross Society in each country); and *universality* (equal rights of all national societies).

The ICRC is the guardian of these principles. They are guaranteed by the fact that the actual work is done through the *voluntary service* of millions of individuals in the framework of independent, democratically organized national societies. [10]

(2) While being independent from governmental control, the Red Cross is continuously seeking governmental support for its work and intergovernmental agreements on widening the scope of its services. Its human and universal objectives have been translated into an effective transnational and (non-governmental) national organizational system which has been able—like no other comparable organization—to pierce through the wall that divides interstate affairs from inter-human affairs. As the chart in table 10 shows, a continuous flow of initiatives directed at governments emanates from the national societies and the ICRC, either directly or through the International Conferences of the Red Cross in which the ICRC and the national societies take part alongside governments signatories to the Geneva conventions.

(3) Responding to human needs in time of war and peace the Red Cross has developed working methods and an organization uniquely capable of restraining warfare. In time of peace the national societies organize relief to meet disease and disaster. The ICRC and the International Conferences try to strengthen and extend the humanitarian rules in warfare. Observance of these rules in armed conflicts—if achievable at all in inhuman modern warfare—is achieved by the actions and presence of the Red Cross from Geneva down to the field worker and not by any mechanism devised by diplomats for "enforcing" them. In this respect the Red Cross approach to restraining warfare differs fundamentally from the other two approaches discussed. Governments, weapon and arms control experts can only conceive of reprisal if their rules are not observed during armed conflict. The Red Cross is always present, not to condemn violations, but to protect and assist the victims.

(4) Initiated by a few concerned Swiss citizens, the Red Cross—in its objectives, principles, activities and organization—stands as a major "European" contribution to world order. The Red Cross' fundamental significance is that it is trying to develop and imple-

ment international law in which the individual is the chief subject of the law's concern, [11] and thus to break through the sterile concept of a system of law to regulate relations only between states. The lawlessness of this latter system has been clear especially during war; a response to this tragic fact was therefore most urgent during war. National governments have been hesitant followers rather than convinced movers of such new developments in restraining warfare. The great majority of governments in Europe, however, have respected and supported the Red Cross. Only Nazi-Germany so far subjected the Red Cross to severe political restrictions and made it (1937) a powerless, dependent auxiliary of the medical corps of the Wehrmacht. After the Second World War, the socialist states, for some time, contested the international, impartial and independent character of the organization. [12]

The international recognition of the Red Cross, however, is manifested by specific reference to "national Red Cross organizations" in Article 25 of the League of Nations Covenant, by resolution 55(II) of the UN General Assembly, [13] by frequent references in the 1949 Geneva conventions and by the General Assembly resolutions since 1968 on Human Rights in Armed Conflicts.

The efforts to restrain warfare by *prohibiting the use of certain weapons* (the second approach) has not resulted in any international organization dealing with these problems.

In fact no further progress in law making can be observed since the Hague Conventions of 1899 and 1907 and the 1925 Gas Protocol. Concern for the protection of the civilian population in time of war has induced the ICRC since 1921, and even more since 1945, to extend its efforts into the field of prohibiting the use of certain weapons. The United Nations have become a forum for discussing the prohibition of the use of nuclear weapons.

Efforts to restrain warfare by *measures of disarmament and arms control* ever since the creation of the League of Nations have suffered from an excess of divisive governmental interests and a deficiency of shared values and common objectives.

During the period of wartime planning for the postwar United Nations, disarmament and arms regulation had been an almost exclusively American concern. [14] It had been the subject of many debates inside the US Administration. Early American thinking on the problem closely followed the reasoning of the Russian Government in 1898 and of former President Wilson in 1918: relief from the crushing burden of armaments was considered to be one of the

bases of lasting peace. A first indication of American and British thinking on the problem is provided by the discussions between Roosevelt and Churchill in 1941. The last part of the eighth principle in the Atlantic Charter said:

"Since no future peace can be maintained if land, sea, or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside their frontiers, they believe, pending the establishment of a wider system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments".

This text and the ensuing discussion contain three main elements in the approach to arms regulation.

(1) As had been the case during the Versailles Peace Conference, [15] arms regulation meant first of all the disarmament of the enemy states, "so that the rule of law cannot be successfully challenged" by them. [16]

(2) Disarmament of all nations "might take generations to accomplish, so for some time the non-aggressive nations must be in a position to enforce non-aggression". [17] Disarmament of the aggressors should "be accompanied by some effective system of collective security" in which the US, Britain and the USSR should be primarily responsible for policing the world and controlling "vital international security decisions for an indefinite period". [18]

(3) The future permament members of the Security Council were thus to maintain sizable military forces in order to be able to enforce peace against the enemy states and on behalf of the peace-loving nations. With respect to those latter nations, Roosevelt originally considered "that small nations under conditions of modern warfare were incapable of defending themselves against powerful aggressors. Consequently, they might just as well remain unarmed after the war, thus relieving their people of a heavy economic burden". The idea of relieving their burden, however, was given up later in favor of the idea of burden-sharing: "Thus, although the burden of wartime armaments must be lowered and a future race to rearm avoided, the armaments of peace-loving states in the future would have to be maintained at a level sufficient to maintain peace". [19]

The three elements are contained in Articles 26, 106 and 107 of the UN Charter. Which are the principles and criteria by which to

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measure a sufficient level of armaments to maintain peace (and internal order)? At the Dumbarton Oaks talks Britain suggested the following statement for inclusion:

> "Such a system (for the regulation of armaments) should be based on the principle that the level of armaments to be maintained by each state should be that required to enable it to fulfill its agreed tasks under paragraph 4 of section VI and its requirements for local defense and internal security". [20]

In an annex to its amendments on the Dumbarton Oaks proposals the Netherlands' Government suggested the inclusion of ten principles for the International Law of the Future.
Number 9 read:

> "Each state has a legal duty to conform to the limitations prescribed by the competent agency of the Community of States and to submit to the supervision and control of such an agency with respect to the size and type of its armaments". [21]

Nothing came to those suggestions. The American draft for what has become Article 26 of the UN Charter was accepted unanimously without debate and without change. [22] The European delegates (especially) at San Francisco considered aggression a much greater problem than arms races. Russell and Muther summed up their feeling in the following sentences.

> "The failure of 'peace-loving' states before the Second World War to stem the tide of aggression was believed due, in large part, to their failure to maintain adequate military strength while the heavily armed dictators conquered the weaker states individually.
> Maintenance of armaments by law-abiding states was therefore as necessary to collective security as disarmament of proved aggressors and the limiting of total armaments. The final regulatory system was also left, of neccesity, to the future and to the agreement of all states". [23]

For countries just emerging from the most devastating and inhuman war in modern history, one might have expected fewer illusions and more vision from their representatives in San Francisco. Even before the outbreak of the Cold War it must have been an illusion to think that peace could be maintained by a system based on the division of the world in peace-loving and aggressive states, and that arms be used only for the common good. When

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the Cold War had broken out, each side applied the distinction between "peace-loving" and "aggressive" nations to the new East-West division.

Arms regulation became one of its victims, an unprecedented arms race one of the chief results.

The representatives also showed lack of vision. The Second World War had manifested how unrestrained total ideological warfare had been and how unspeakable human suffering had been as a consequence. Rather than preparing for the illusion of a UN sponsored "ideological war", representatives might have given some attention to strengthening the rules for restraining warfare. They failed to do so. The laws of war were being dealt with by the Nürnberg Tribunal. They were grounds for condemning Nazi leaders—rightly so—not subjects for further elaboration and strengthening in the UN system. [24]

The period in which governments could pursue the illusion of "collective security" and neglect the problem of arms regulation came to an abrupt end when an American bomber dropped the first atomic bomb on Hiroshima. The regulation, if not elimination, of this new weapon of mass destruction acquired top priority in the UN. During its first session the General Assembly, acting on a request by the permanent members of the Security Council, adopted as its first resolution a draft proposed by Canada, the UK, the USA and the USSR establishing the UN Atomic Energy Commission. [25] In its terms of reference the Commission was instructed to make specific proposals, *inter alia*, "for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction". The creation of the Commission was the first step in a long and confusing process of trial and error to find an adequate negotiating system for disarmament and arms control. The evolution of the system is shown in table 11. [26] Three phases can be distinguished. From 1946 to 1959 the Foreign Ministers of the Four Powers responsible for Germany tried and failed to reach agreement on a unified but disarmed Germany (the first element of the approach to arms regulation during the war). During the same period the UN General Assembly tried and failed to promote consensus on atomic and conventional disarmament. Towards the end of the fifties the Soviet Union abandoned its search for German reunification (the USA formally waited until 1966 to do the same [27]). The Foreign Ministers of the Big Four ceased to meet and arms regulation in Europe was divorced from a settlement of the German problem. At the same time the nuclear arms race and the balance of terror increased the

pressure for separate agreements on nuclear arms control, primarily between the USA and the USSR in Europe. It marked the second phase from 1959-1969 in which the Conference of the ten nations disarmament commission, followed by the ENDC, focused on nuclear arms control measures. The two bodies were endorsed rather than created by the UN, but the latter adopted the practice to inform the Assembly by sending annual reports.

The 1968 Non-Proliferation Treaty marked the end of possible multilateral nuclear arms control agreements without further progress towards a comprehensive test ban or limitations on US/USSR vertical proliferation. In 1969 the new *Ost-politik* of German Chancellor Brandt removed the obstacles to East-West security negotiations. The third phase of arms control negotiations, which began in 1969, is marked by a fragmentation of efforts. ENDC's membership was increased; its name was changed to CCD. The focus of its debates began to shift from nuclear arms control measures primarily affecting Europe to world-wide measures and B and C Weapons. The USA and the USSR embarked on bilateral strategic arms limitation talks. A separate negotiating system began to take shape in Europe: the CSCE discussing collateral arms control measures; and the East-West negotiations on MBFR.

The weakness of the Disarmament-Arms Control Negotiating System already shows in its evolution and the absence of meaningful achievements. Its weak points may be seen more clearly when we compare table 11 to table 10. In arms control there are no common objectives, only divisive governmental interests. The often proclaimed but vaguely felt "quest for survival" has been no stronger force than the opposite one: the fear of aggression between ideologically hostile camps. The system is exclusively intergovernmental, representing the national military and security interests as defined by a small group of foreign policy and defense experts. The effectiveness of the Red Cross decision-making structure may be said to rely on the transnational and national (nongovernmental) sectors of the organization. The ineffectiveness of the arms control negotiating system is due to the "overloading" of the intergovernmental sector and the virtual absence or exclusion of the other sectors. The transnational and national sectors are unorganized and efforts to influence negotiations have been diffuse at best. As we shall see later the ICRC, from its position of strength, has tried to induce governments to agree on the *prohibition* of nuclear and other weapons, hopeful that humanitarian objectives might break the political deadlock over control measures. It is too early to say, however, whether the new approach to human rights

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in armed conflict makes a chance to foster a new decision-making structure for restraining warfare.

The Interests of European States in Restraining Warfare

The evolution of international organisation with respect to restraining warfare reflects three interesting facts. First of all the evolution and expansion of humanitarian law for armed conflict has been the fruit of a continuous flow of initiatives from the non-governmental Red-Cross organizations and especially the ICRC. The inadequacy of the law resulted from the reluctance of national governments to act upon the proposals put forward.
Secondly, the development of modern weapons' technology has brought intergovernmental efforts to prohibit the use of certain weapons to a virtual standstill. The efforts of the ICRC since the Second World War are meeting with strong governmental resistance. Thirdly, arms regulation, disarmament and arms control negotiations have been primarily a Soviet-American affair.

None of the European states has played a significant role (with the exception of Switzerland as the diplomatic channel for the ICRC) in promoting rules and agreements on restraining warfare. Until 1959, when disarmament negotiations dealt with Europe-oriented proposals, only France and Britain were involved directly. The German Federal Republic as the country directly concerned since 1954 and Poland after 1956 made several proposals, but their impact was nil. [28] During the sixties France withdrew from arms control negotiations altogether and Britain lost much of its interest with its waning influence. The role of European states came to be confined to a more or less reluctant acceptance of Soviet-American agreement on a limited test-ban and non-proliferation. Since 1969 strategic arms limitation became an exclusively bilateral affair. East-West negotiations since 1972 and on MBFR have not manifested a major contribution by any European government.

The record of European contributions suggests that the restraint of warfare and especially the control of armaments is not treated as a vital interest beyond the vague and general one that they are good in themselves.
Arms control may be advocated as a contribution to peace, it is measured by governments in terms of national security. In our era of nuclear balance, the security argument for European countries no longer able to defend themselves against a powerful aggressor makes their governments *status quo* oriented in arms control mat-

ters. The relative security offered by superpower protection, their global balance or mutual deterrence makes all the European governments reluctant to take the risks involved in more imaginative proposals for arms control. Reliance on the superpowers is the safest posture. Distinct groups of states have additional reasons for a "low profile" in arms control negotiations. The governments of the socialist countries are in no position to take initiatives without approval by the Kremlin. Warsaw Pact military forces, moreover, serve to maintain internal security in view of the low level of legitimacy enjoyed by the régimes. The governments of the non-aligned countries (and to some extent Rumania) consider the present balance to afford a better protection for their independence than any alternative scheme that would be likely to increase the relative power of the USSR. The NATO governments, especially in Northern, Western and Central Europe fear for a diminution of the American nuclear guarantee and a reduction of American troops. For some of them *détente* without significant reductions in armaments offers chances for enhancing their role. France and Britain still nurture the illusion that their nuclear weapons buy them a ticket to great power rank. Smaller countries such as Sweden, Denmark, Belgium and the Netherlands can play a useful role as intermediaries and "honest brokers" in arms control debates, especially in the UN and the CCD, as long as the United States remains committed to the defense of Western Europe.

The pursuance of arms control as a separate policy appears to be a luxury only superpowers with an overkill capacity can afford. For the European powers the maintenance of a Soviet-American balance still better serves their perceived security interests than any conceivable alternative, except the illusory one of a UN collective security system. The security-interest approach to restraining warfare leaves little room for active policies.

Restraining Warfare: Weapons of Mass-Destruction

An examination of national security interests as perceived by European governments in the era of the newly developed weapons of mass destruction suggests that governments in Europe still think largely in pre-nuclear conceptions. Their major concern is still as it was formulated earlier in this chapter by Russell and Muther.[29] In an ideologically divided Europe, governments on both sides consider themselves "law-abiding" and the opponent the potential aggressor. The argument originally advanced to maintain armaments for the peace-loving United Nations as a contribution to

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collective security, now serves to maintain armaments for the members of the opposing alliances as a contribution to collective self-defense. The necessity—felt in 1945—first to disarm the proved aggressors has been transformed into the necessity to require the opposing side to cut back where it is proven to be stronger. It is for this reason that the East has advocated nuclear disarmament and the West balanced force reductions. This application of the experiences with Nazi-Germany to the relations with the other side convert arms control policies into a form of warfare with diplomatic means. Instead of restraining warfare, arms control negotiations risk being no more than the verbal companions of unrestrained weapon developments.

Postwar arms control diplomacy in Europe is still the victim of the 1918-1945 style of ideological warfare and the wartime approach to security. The resulting inability to develop policies for restraining warfare is most apparent in the failure so far to control the development of weapons of mass destruction and especially nuclear weapons.

The possession of nuclear weapons and the role reserved for them in modern strategy implies the governments' readiness to risk the entire order of life to win a future war. [30]

Nuclear weapons, therefore, should not only be seen as dangerous products of modern technology. Above all they are the products of the breakdown of the spirit of restraint in European history as I have described it in Chapters 2 and 3. After the war the demon of unrestrained warfare moved to the United States and the Soviet Union with the German scientists who had worked for Hitler. [31] It found ready allies in military necessity, scientific and technological development, the movement towards world communism or the defense of the free world. It undermined the ability and credibility of both Governments as (rival) prophets of a new world order and founders of the United Nations Organization. The democratic system of the United States has so far been unable to drive out the demon of unrestrained warfare. The totalitarian system of the Soviet Union has not been inclined even to try. The apparent success of the balance of terror and the strategy of mutual deterrence in preventing nuclear war have lured governments to the illusion that it is safer to live with the weapons for unrestrained warfare than fight the demon and destroy its product. It is this attitude by European governments which may explain the absence of active policies to restrain warfare in general and to abolish nuclear weapons in particular.

It is their acceptance of the demon of unrestrained warfare and

nuclear weapons as its product which induced the British and French Governments to become nuclear powers of their own, and the allied countries on both sides to seek a role in nuclear decision making. The acceptance of nuclear weapons reduced the role for all European countries to either supporting one superpower or joining in mediatory roles within the narrow limits of arms control negotiations. The limits have been extremely narrow indeed. Until 1959 the negotiations on nuclear arms control were in a complete deadlock. Agreement could only be reached on prohibitions to be imposed on former enemy states. The peace treaties with Bulgaria, Finland, Hungary, Italy and Rumania stated that these countries "shall not possess, construct or experiment with, any atomic weapon". [32] The German Federal Republic, when signing the revised treaty of Brussels in 1954, accepted the condition "not to manufacture in its territory any atomic weapon" and to place this commitment under the supervision of the competent authority of the Brussels Treaty Organization. [33]

The State Treaty for the re-establishment of an independent and democratic Austria included the clause that "Austria shall not possess, construct or experiment with . . . any atomic weapon". [34] Negotiations on the prohibition of nuclear weapons were in a complete impasse. The US Administration insisted on agreements for adequate international supervision prior to a convention on the prohibition of nuclear weapons. The Soviet Government insisted on a convention first, while only being willing to consider, but unwilling to accept, adequate international machinery afterwards. At the time the British and French Governments made several efforts to mediate, but failed to break the deadlock. [35]

The year 1959 produced a first modest result with the signature of the Antarctic Treaty prohibiting the testing of any type of weapons, any nuclear explosions in Antarctica and the disposal there of radioactive waste material. [36]

Otherwise the whole period from the midfifties—after nuclear parity emerged and Stalin died—to 1962 was one of chaotic negotiation and sharpening conflict, marked by stalemates, walkouts and especially intensive testing of heavy thermo-nuclear devices.

The crisis period had several important effects. (1) Negotiations on "comprehensive disarmament" were abandoned in favor of two separate exercises: one under the name of general and complete disarmament,[37] the other trying to reach agreements on partial measures of nuclear-arms control. (2) Britain and France lost their position as relevant "great powers". Britain continued to play a

role as junior partner of the US in arms control negotiations until 1969. De Gaulle opted for a policy of non-participation. (3) The smaller powers became increasingly concerned with the effects of nuclear explosions and the prospects of nuclear war. Some of them became active advocates of a suspension of nuclear tests and the non-dissemination of nuclear weapons. (4) The United States and especially the Soviet Union became interested in enlisting the support of the non-aligned countries for their conduct of diplomatic warfare in arms control negotiations.

The partial measures directly affecting European states were the suspension of nuclear tests and the non-dissemination of nuclear weapons. During the years prior to the 1963 Limited *Testban* Treaty, negotiated between the USA, the USSR and the UK, the following pattern can be observed. Yugoslavia—following India— was the first European state urging in 1956 a cessation of nuclear tests. Supported by several other non-aligned countries outside Europe, it tried to mediate between the USSR and the West. Norway and Sweden, since 1958 have put forward several suggestions to facilitate agreement on the inspection of a testban.

Austria and Sweden also made several efforts to find a compromise between the opposing viewpoints. The Swedish delegate to the ENDC in Geneva played an active role, together with the seven other non-aligned representatives, during the testban negotiation from March 1962-June 1963. The group especially tried to mediate between the American and Soviet positions on the issues of inspecting the ban on underground testing. Their efforts were interesting but unsuccessful. [38]

In June 1963 test ban negotiations were moved to high level tripartite (US, UK, USSR) talks in Moscow.

The partial testban *without* any inspection clause was the result. More than ten years later, agreement on banning underground tests and a system of inspection is still lacking.

The allied countries—except for France—on both sides followed the US and respectively the USSR. After 1963—failing agreement on a comprehensive testban—there was increasing support from smaller countries in the West (Ireland, Denmark, Netherlands, Norway) [39] for "non-aligned" resolutions on the subject.

Both the US and the Soviet Governments became interested during the mid-fifties in *preventing the spread of nuclear weapons*. The Kremlin voiced concern on the stationing of atomic weapons in the German Federal Republic and the acquisition of such weapons by the GFR. The Soviet Government, and Rapacki and Gomulka

from Poland, made several proposals for denuclearizing central Europe. The US Administration proposed a specific ban on dissemination. It was, however, the representative of the Irish Republic who brought the matter before the UN General Assembly. [40] Actual negotiations on a non-proliferation treaty (NPT) only started in 1965 after the US decision to discontinue efforts for a multilateral nuclear force (MLF) in NATO. Both the US and the USSR submitted drafts to the ENDC in 1965. In August 1967 the US and the USSR submitted identical drafts, but without a text on international control, due to the opposition of Euratom. A revised joint draft was submitted in January 1968 including an agreed text on international control. On 12 June 1968 the UN General Assembly commended the treaty for signature (see table 12 for European voting). It was signed on 1 July 1968 after the adoption by the Security Council of a resolution on the matter of safeguarding the security of certain states wishing to adhere to the Treaty. On 20 April 1971 the IAEA Board of Governors adopted a document "The Structure and Content of Agreements Between the Agency and States Required in connection with the Treaty on the Non-proliferation of Nuclear Weapons". It was followed in July 1972 by a verification agreement between the IAEA, Euratom and the five non-nuclear members of the community. The NPT can be seen as an agreement to restrain the use of nuclear weapons only in so far as it commits the non-nuclear weapon states to forego the option to manufacture, acquire or gain control over such weapons. Such commitment is subject to international control. The nuclear powers themselves are only committed not to transfer nuclear weapons or control over them (Art. 1). *Each* of the Parties "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control" (Art. VI).

The Soviet-American proposal to close the door to the nuclear club by way of a non-proliferation treaty understandably gave rise to heated and prolonged debate in Western Europe. The strongest resistance came from the Commission of Euratom, the European Movement and the Christian Democrats in Western Germany. The arguments which I have discussed elsewhere [41] were related to the legalizing of inequality (i.e., unequal rights to blow up the world), the desire of some "Europeans" to keep the option open for a future federal Europe to possess nuclear weapons, and the presumed incompatibility between the existing Euratom control

system and the proposed IAEA safeguards system under the NPT. Italy and the Benelux Countries had supported non-proliferation from the beginning. When Chancellor Brandt came to power in the GFR in 1969 one of his first decisions was to sign the treaty. It opened the way for agreement between IAEA and the European Community in which the Federal Government took an active part.

During the negotiations on the treaty several other European states attempted to extract firm commitments from the nuclear states for measures of restraint in return for their adherence to the treaty. Sweden urged the nuclear powers to agree on a comprehensive testban (a preambular paragraph figures in the treaty), an agreement to discontinue the production of fissionable materials for military purposes and a further commitment to nuclear disarmament (an original preambular paragraph became Article VI). The Rumanian delegate in ENDC proposed two further amendments: (1) that "Nuclear-weapon States Party to the Treaty undertake to adopt specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery"; (2) that "nuclear-weapon states solemnly undertake never in any circumstances to use or threaten to use nuclear weapons against non-nuclear-weapon States which undertake not to manufacture or acquire nuclear weapons". [42]

The two Rumanian proposals in fact had a history going back to the beginning of the General Assembly debates on non-dissemination in 1959. In the debates prior to the adoption of resolution 1380 (XIX) the Irish foreign minister Aiken had proposed to include—in a treaty on the prevention of the wider dissemination of nuclear weapons—a provision by which the nuclear powers would undertake to assist non-nuclear weapons states in case of a nuclear attack or a threat thereto. The idea was brought up again by the Indian Prime Minister following the first Chinese atomic test in 1964, and both the American President and the British Prime Minister had reacted favorably to the idea. The Soviet Union did not react to the idea. In a message to the ENDC on 1 February 1966 Premier Kosygin, however, wrote: "In order to facilitate agreement on the conclusion of a treaty, the Soviet Government declares its willingness to include in the draft treaty a clause on the prohibition of the use of nuclear weapons against non-nuclear States parties to the treaty which have no nuclear weapons in their territory". [43] The Soviet offer of a no-use declaration was clearly more acceptable to the non-aligned countries outside Europe than the Anglo-American willingness of a security guarantee. During the

twenty-first session of the General Assembly, thirty-two non-aligned countries submitted a draft resolution to that end, referring specifically to Kosygin's offer. [44] The resolution was accepted by the US, the USSR and all European states except Albania (voting against) and France (abstaining). The Rumanian amendment, however, was not included in the Treaty. Instead a compromise text was included in the Security Council resolution already referred to. [45]

The first Rumanian amendment with respect to specific measures to be taken by the nuclear powers themselves reflected ideas already stated in the Cairo conference of 1964 of the non-aligned countries. It was strongly resisted by both the UK and the US, and also by the USSR. The three nuclear powers were not willing to link non-proliferation to more than a vague undertaking now laid down in Article VI of the NPT.

Throughout the debates on non-proliferation Albania and France were the odd men out. Albania voted against resolution 2373 charging that the treaty and the Security Council resolution were a mock-show directed primarily against China. France abstained on the resolution as a consequence of its non-participation in any arms control talks since 1961. On several occasions it had argued that disarmament should be discussed only among the powers that could contribute effectively to its solution, and that nothing short of general nuclear disarmament applicable to all, without distinction, would be acceptable. Its position is very similar to the Soviet one at the time it was catching up with the United States in its nuclear potential. [46]

Ever since the creation of the UN Atomic Energy Commission in 1946 frequent but inconclusive debates have raged on the problem of *the prohibition of the use of nuclear weapons*. Leaving aside the much disputed question whether the use of nuclear weapons is prohibited by existing international law, [47] agreement on such a prohibition would be urgently necessary from the humanitarian point of view, given the character of nuclear weapons and their proven indiscriminate effect. At the same time a "simple" prohibition of their use, analogous to the Geneva protocol of 1925 on chemical and bacteriological weapons, is rejected for military and security reasons. The use of chemical weapons during the First World War had been excessively cruel but militarily inconclusive. The use of atomic weapons during the Second World War had been excessively cruel and even more indiscriminate in its effect. At the same time it was considered to be decisive military. Atomic and

thermonuclear weapons became central elements in the postwar balance and in strategic planning. Hence the problem was no longer *whether* the use of nuclear weapons ought to be prohibited, [48] but *how* they could be abolished, prohibited, and excluded from strategic planning and national armaments.

The debates on this set of problems have been the most tragic victims so far of the demon of unrestrained warfare, unleashed through two world wars. Invariably they have been the verbal companions of the distant roars of atomic and thermonuclear test explosions. Under their mushroom clouds Western and Eastern delegates fought an inconclusive verbal war on whether international control should precede nuclear disarmament, or a convention prohibiting the use of such weapons should precede other measures and a system of control. The West advocated the first out of suspicion that the East could not be relied upon in the observance of threaties. The Soviet Union advocated the latter out of suspicion that international control could be Western espionnage in disguise. Both sides ultimately believed that the possession of nuclear weapons and the possibility of their use is a military necessity and a political asset.

In 1961 Ethiopia, together with eleven other African and Asian countries, submitted a draft resolution banning the use of nuclear weapons and requesting the Secretary-General to conduct an inquiry into the possibility of convening a conference for signing a convention on the prohibition of the use of these weapons. Resolution 1653 (XVI) was adopted with the Eastern States voting in favour and the Western states voting against. The Soviet Union in 1967 tabled a draft convention for the prohibition of the use of nuclear weapons and proposed to refer the draft for consideration to all UN Members and the ENDC. Resolution 2289 (XXII) was adopted by a large majority. The NATO countries, Sweden and Ireland abstained this time. Their opposition to such a convention is based on the following arguments. (1) The use of nuclear weapons may be legitimate in the excercise of the right of self-defense against an armed attack (UN Charter Art. 51). (2) An uncontrolled ban on the use of nuclear weapons is not effective. (3) The purpose of nuclear arms control negotiations should be to prevent war. A ban on the use of these weapons is a start at the wrong end. (4) A ban would upset the balance stabilized as a consequence of the deterrence and thus increase the risk of conventional wars (especially in Europe).

It can indeed be argued that such a ban, at best, would not be a step towards the exclusion of nuclear weapons. The Soviet Union

is on record as not hesitating to be the first to use nuclear weapons when its interests are at stake during war. It also stated, in reply to Western objections, that the proposed convention would not affect the deterrence as it does not exclude the use of the weapons in belligerent reprisal. [49]

The basic deficiencies of the postwar nuclear disarmament and arms control negotiations are: (1) that they have been made a primary issue of diplomatic warfare, rather than an instrument for reconciliation; (2) that nuclear weapons have been accepted as crucial in modern strategy and thus subject to considerations of military necessity; (3) that the negotiators have limited themselves to representing divisive national interests where the character and effect of nuclear weapons should have made them all partisans on the side of future victims.

The modest agreements on nuclear arms control may have introduced some restraint in the conduct of diplomatic warfare. The acceptance by most European states of the NPT may be a potential factor in more restraint. But at the same time it cannot be denied that attempts towards nuclear arms control are at the wrong end of the problem of how prevent mass destruction and indiscriminate suffering in modern armed conflicts.

Restraining Warfare: The Problem of Conventional Weapons

If negotiations on nuclear arms control have produced only partial agreements, negotiations on the regulation and reduction of conventional armaments and troops have produced nothing at all so far.

A review of postwar negotiations in this field manifests first of all striking *discontinuity* both with respect to the bodies set up for the purpose and to the periods of negotiations (see table 11). After a short initial period from 1947 to 1948, a period of complete frustration lasted until 1951. Some exchanges of plans took place from 1951-1954. They were followed by intensive discussion until the Soviet Union broke off negotiations in 1957. The ten nations disarmament commission convened for one session to discuss general and complete disarmament until the Eastern members walked out in June 1960. After the joint Soviet-American declaration of 19 September 1961 on principles for future multilateral disarmament negotiations, general and complete disarmament was inscribed on the agenda of the ENDC. Until 1964 the two powers

submitted comprehensive but irrealistic plans for phased general and complete disarmament. Since 1964, ENDC and CCD, as well as the UN General Assembly, have kept the item "general and complete disarmament on the agenda", but stopped discussing it. No negotiations took place until 1973 on conventional arms reductions. With the opening of the MBFR talks, negotiations moved outside the UN to yet again another framework.

Negotiations on conventional armaments have been victimized more by the tactics of diplomatic warfare than nuclear arms control negotiations. The understood need for maintaining large conventional forces to resist the potential aggressor—always the other side—is not counterbalanced by the fear of annihilation by the use of those forces.

Given the European character of the problem of large and opposing forces, there has been no pressure of any significance emanating from the non-aligned countries in the UN to raise the problem of reducing those forces. Most of these non-aligned governments are too eager, moreover, to build strong forces of their own and acquire the necessary weapons to be willing to take any initiatives.

Notwithstanding the continuously changing framework for negotiations very little has changed so far in their basic character. They have been strictly *bilateral*. Names and participants may have changed, the major actors remain the same: the USSR on behalf of the WPO participants; the US as the decisive actor on the Western side, notwithstanding extensive prior consultations inside NATO. The European allies on both sides have been still more passive on matters of conventional arms reduction talks than of nuclear arms control negotiations. The WPO members have no other choice as the Soviet Union requires obedience in defense matters. The NATO members prefer continued American presence to unknown consequences of independence in negotiation. The non-aligned European governments have never been asked to take part in negotiations on conventional arms reductions.

A comparison of negotiating positions on both sides gives the sickening picture of *déjà vu* many times over. Taking account of the development and refinery of weaponry since the war the present gap between the positions of East and West after two years of MBFR talks is still wider than it was (verbally) in 1951. It is a far cry from the *rapprochement* that had taken place from 1954-1957, until Khrushchev changed his mind and blew up the Disarmament Commission.

As far as conventional weapons were concerned the Tripartite

Western proposals in 1951 spoke of regulation, limitation and *balanced reduction of all armed forces and all armaments*. The Soviet Union proposed a *reduction by one-third* of armaments and armed forced of the five permanent members of the Security Council. After 1955 agreement began to emerge on specific ceilings for the forces concerned.[50] In the MBFR talks equal ceilings have been rejected so far by the Soviet Union. The NATO proposal for balanced reductions has been countered with a proposal for equal reductions. In the MBFR additional differences have come up. NATO has proposed a reduction of American and Soviet forces during the first stage, and the forces of the other participating states during the second stage. The Soviet Union has proposed to reduce the forces of all participating states jointly and in three stages. Another difference concerns the troops and armaments to be included. NATO has restricted its proposals to the reduction of ground forces and their equipment. The Soviet Union wants to include the air forces and subunits equipped with (tactical) nuclear weapons.[51] The disagreement on the inclusion or exclusion of tactical nuclear weapons—though discussed more amiably—is a new variant of a perennial problem in East-West arms control negotiations: that of the relationship between conventional and nuclear weapons in security and the priority to be given to reduction of the first or prohibition of the last.

It may be that the climate of East-West *détente* in the seventies offers better prospects for force reductions than ever before. If so it is visible only in the "businesslike" style of the talks and not yet in the substantive negotiating positions. In fact, a more profound asymmetry than the one in troop levels between NATO and WPO exists and is likely to grow further. Decades of "diplomatic warfare" in disarmament negotiations have shown that results can only be reached in a spirit of restraint and conciliation. The endless expression of self-righteousness by the WPO representatives, uncontrolled by an open domestic debate,[52] manifests that this spirit has not yet been admitted to the councils of socialist governments and communist parties.

In the NATO countries the climate of *détente* has widened the room for public debate on defense and arms control. Pressure for reduction in defense spending has been mounting irrespective of the lack of progress in the MBFR talks.

The paucity of data made available by the WPO as contrasted to the availability of data on the NATO side is another asymmetry hampering MBFR talks. Such asymmetries risk making negotiations more, rather than less, difficult.

A final aspect of East-West negotiations on force reductions is related to the problem of restraining warfare itself. Modern warfare with conventional weapons has been increasingly indiscriminate in its effect and is likely again to cause much unnecessary suffering. At the same time, it is not likely that armed conflicts with conventional weapons can be prevented in the future. After such a record of failure in negotiations on the reduction of conventional armaments much more attention should be given to measures aimed at prohibiting certain weapons and the development of humanitarian law.

Restraining Warfare: A Problem of Human Rights

Armed conflicts and war in themselves are the negation of human rights, as has rightly been stated in resolution XXIII of the International Conference on Human Rights held in Teheran from 22 April to 13 May 1968. Notwithstanding the outlawry of war and the creation of the United Nations, war has been a recurrent phenomenon in interstate and intrastate relations. In spite of many efforts to control the arms race: "New weapons of increased destructiveness are emerging from the research and development programmes at an increasing rate, alongside which the long upheld principle of the immunity of the non-combatant appears to be receding from the military consciousness".[53] An enumeration of weapons, which have been so added to the military arsenals of states since the beginning of this century would make a horrifying and long list. But no weapons have been banned from use since the dumdum bullets in 1907 and chemical weapons in 1925.

As I have argued in the preceding paragraphs, arms control efforts have pursued the illusory aim of preventing war, by tackling the problem of interstate violence from the wrong end: the reconciliation of divergent state and military *interests*, spellbound by the demon of unrestrained warfare. Such efforts may achieve modest agreements and a stay of execution; real solutions are unlikely. If there is no way out of this predicament, there may at least be a better way in to understanding the problem.

When war cannot be prevented the security interests of states show a dead-end street. When war in itself is a negation of human rights the rights of the victims should be our urgent and primary concern, the restraint of warfare the immediate objective. Every effort to strengthen humanitarian law and the protection of the victims is a contribution to further restraining war and as such to a condition approaching world order as I defined it in the Introduc-

tion to this book. I would submit therefore with Blix [54] that the humanitarian approach to restraining warfare is the better course of action. Its major postwar achievements to date are the signing of the Geneva conventions of 1949 and their ratification by the majority of states. [55] The fourth Geneva convention on the Protection of Civilian Persons, especially, raised new problems of restraining warfare which states have so far been unwilling to face seriously. This convention, as we saw already, aims at preventing civilians *becoming* victims. As such it does not restrict itself to alleviating the suffering of victims who have become inoffensive and whose treatment does not materially affect the pursuit of hostilities. It takes issue with war *itself* and with the methods chosen to conduct it. [56]

The protection of the population against the effects of modern warfare necessarily entails an effort to restrict the use of certain weapons. Efforts to deal with air warfare, or to adopt a declaration on the prohibition of nuclear weapons, failed in 1949. The ICRC, however, has continued such efforts *ever* since. Following an appeal in April 1950, the ICRC set itself the task of formulating new rules to that end drawing "attention to the danger of the Geneva Conventions remaining inoperative if the belligerents are not limited in any way in their choice of weapons or methods of warfare". [57] In its draft rules the ICRC sought, *inter alia*, to restrain air warfare and to prohibit the use of weapons with uncontrollable effects (especially: nuclear weapons, other blind weapons and delayed action weapons). [58] The efforts foundered on the unwillingness of governments to consider such precise rules on the restriction of weapons, the use of which they considered eventually a military necessity. They foundered also on the tactics of unrestrained diplomatic warfare and the illusions with respect to the possibility of preventing the use of such weapons by preventing war itself through disarmament.

The governmental experts consulted in 1954 did express some doubts on the military usefulness of total war from the air and were willing, as a consequence, to recognize "that military necessities must in certain cases give way to those of humanity". [59] The debates at the XIXth International Red Cross Conference made clear that little progress could be achieved. Delegates from East-European governments and Red Cross Societies favoured an explicit prohibition of the use of nuclear weapons. Delegates from Western Red Cross Societies saw the problem as part of a broader political problem and even reproached the ICRC that it had strayed too far on the humanitarian path while forgetting military necessity and

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the requirements of war. [60] Both sides approached the problem as a politico-military one instead of a humanitarian one.

A new phase in the efforts to restrain warfare through the restriction of certain weapons may have been initiated in 1965. During the XXthe International Conference of the Red Cross in Vienna a resolution was adopted laying down certain basic principles applicable in *all* armed conflicts. Resolution XXVIII affirmed:

(a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited.

(b) That it is prohibited to launch attacks against the civilian population as such.

(c) That distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.

(d) That the general principles of the law of war apply to nuclear and similar weapons. [61]

The resolution, which asked the ICRC to continue its studies in this respect, indicated a certain shift in emphasis from the study of the dangers of indiscriminate warfare to the further development of humanitarian law in general. The shift was further stimulated by the fact that the protection of *human rights in armed conflicts* became an item for debate in the United Nations itself. Following the Teheran International Conference on Human Rights (May 1968), the UN General Assembly in 1968 also discussed this problem. On the proposal of a group of small and non-aligned countries, including Denmark, Finland, Norway, Sweden and Yugoslavia, the Assembly adopted resolution 2444(XXIII) reaffirming the first three principles mentioned above. [62] The item "Human Rights in Armed Conflicts" has been on the Assembly's Agenda ever since. [63] Since 1968 the efforts of the Red Cross came to be directed primarily at: (1) further developing the rules of the fourth Geneva Convention for application to non-international armed conflicts; and (2) agreement on the use of weapons—*other than nuclear weapons*—that may cause unnecessary suffering or have indiscriminate effects. The first effort has produced heated debates so far—in the General Assembly and the first session in 1974 of the Diplomatic Conference on the Reaffirmation and Development of the Laws and Customs Applicable in Armed Conflicts—on the problem of representation of liberation movements. The second was the subject of a report made by experts, convoked by the ICRC, on the suggestion of the Second Conference of

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Government Experts [64] in preparation for the Diplomatic Conference.

Developments since 1965 and the interest shown by the United Nations since 1968, may contribute to a further development of rules aimed at restraining warfare through the restriction of certain weapons. They may also be a dead-end street because of the fact that direct UN involvement has so far tended to manifest political divisive interests more sharply than common humanitarian values. Their most disturbing deficiency, however, is that weapons of mass destruction, especially nuclear weapons, no longer figure as problems of urgent concern. Continued reliance on nuclear weapons in Europe, even for the purpose of deterrence, still is the most dramatic symbol of the era of unrestrained warfare inaugurated by two European world wars. The possession of those weapons still poses the greatest danger for any effort to restrain warfare if war breaks out. The continuation of the arms race constitutes a threat to European culture itself. As Fromm wrote years ago: "If we continue to live in fear of extinction and to plan mass destruction of others, the last chance for a revival of our humanist-spiritual tradition will be lost". [65] The use of those weapons will still constitute the most dreadful violation of human rights recorded in history so far. The "low profile" of European governments in dealing with the problem of nuclear weapons, and the acceptance by them of the military necessity of their use eventually, may well indicate that they have lost any meaningful perspective on world order through interstate peace-making. Cornered and caught by the demon of unrestrained warfare, they have thus been incapable of developing a perspective and performing a mission as once outlined by Guardini: the critical assessment of power; the reorientation of the exercise of power by way of service. "This does not mean the subordination of the weaker. On the contrary, service in this sense is a matter of strength, a strength which feels itself responsible for life and for all that life means—mankind, the nation, civilisation, order within the country and throughout the world". [66] It is this feeling of responsibility for life, and for all that life means, which has inspired the International Red Cross in its efforts to restrain warfare. The support for its efforts expressed by a number of non-aligned European governments in recent years may indicate that there still is a European humanistic tradition from which new perspectives on world order could be opened.

1. *SIPRI*, "Napalm and Incendiary Weapons", Interim Report, October 1972.

2. See Pictet, "La Croix-Rouge et les Conventions de Genève", *Recueil des cours*, Vol. 76, 1950 I, pp. 97-98.

3. Quotations from: *United Nations General Assembly*: "Existing rules of International Law concerning the prohibition or restriction of use of specific weapons". *Survey* prepared by the Secretariat, pursuant to paragraph 4 of resolution 3032 (XXVII) of 18 December 1972 (Human Rights in Armed Conflicts). Doc. A/9215 of 7 November 1973. Hereafter quoted as *UN Survey*.

4. See however the following paragraph in this chapter.

5. The Hot-Line Agreement and the Hot-Line Modernization Agreement aim at the prevention of war. They do so however by improving communication between the two government decision-making centers and not by any arms control or disarmament measure. The Agreement of 22 June 1973 between the USA and the USSR on the Prevention of Nuclear War reads in Article I (first paragraph): "The United States and the Soviet Union agree that an objective of their policies is to remove the danger of nuclear war and the use of nuclear weapons".

6. The Biological Weapons Convention of 10 April 1972 also provides for *the destruction* of all agents, toxins, weapons, equipment and means of delivery specified in its first article. A prohibition of their use may indeed be unnecessary.

7. Schelling and Halperin, *Strategy and Arms Control*, New York, 1961, p. 2.

8. A Chart of the organization, showing the principal bodies, their principal tasks and the decision-making structure can be found at table 10.

9. I do not pretend, of course, to analyse the International Red Cross or describe its many important activities. This chapter contains no more than a few indications of the Red Cross' importance for the restraining of war and warfare. The literature on the Red Cross is very rich. Some of the more useful publications are: *International Red Cross Handbook*, Geneva 1971; Borel, "L'Organisation internationale de la Croix-Rouge", *Recueil des cours*, Vol. 1, 1923; Huber, various articles reprinted in *Vermischte Geschriften*, Zürich, 1948-1957, Bände II, III, IV; Pictet, *Les Principes de la Croix-Rouge*, Genève 1955; Ruegger, "L'Organisation de la Croix-Rouge Internationale sous ses Aspects Juridiques", *Recueil des cours*, Vol. 82, 1953 I (French and English text).

10. *International Red Cross Handbook*.

11. Compare Chap. 2, *supra* p. 57.

12. Compare, e.g., Ruegger, *loc. cit.*

13. Resolution proposed by Belgium and adopted unanimously on 19 November 1946. It reads: "The General Assembly draws the attention of the Members of the United Nations to the fact that the following purposes

are of special concern, namely:

(a) that the said Members should encourage and promote the establishment and co-operation of duly authorized voluntary National Red Cross and Red Crescent Socieities;

(b) that at all times the independent voluntary nature of the National Red Cross and Red Crescent Societies be respected in all circumstances, provided they are recognized by their Governments and carry out their work according to the principles of the Geneva and the Hague Conventions and in the humanitarian spirit of the Red Cross and Red Crescent;

(c) that the necessary steps be taken to ensure that in all circumstances contact may be maintained between the National Red Cross and Red Crescent Societies of all countries, so as to enable them to carry out their humanitarian task".

14. As in previous chapters, little will be said about the League of Nations period. A useful survey can be found in *United Nations General Assembly: Historical Survey of the Activities of the League of Nations Regarding the Question of Disarmament, 1920-1937*, Report of the Committee of Twelve (established by resolution 496 (V), Doc. A/AC.50/2-3 of 18 June and 3 August 1951. Rapporteur Dr. J.M.A.H. Luns. Also Pierre Genevey, "Le Désarmement Après le Traité de Versailles", *Politique Etrangère*, 1967, 1, pp. 87-124.

15. The Preamble to the Military, Naval and Air Clauses of the Treaty of Versailles reads: "In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow".

16. Secretary of State Hull, as quoted by Russell and Muther, *op. cit.*, p. 93.

17. *Op. cit.*, p. 42. From a memorandum from President Roosevelt to his personal representative to Pope Pius XII.

18. *Op. cit.*, pp. 97, 236. The French Government agreed with this element. A comparable French proposal for an international force in 1919 had been rejected by the American and British Governments.

19. *Op. cit.*, pp. 96, 210.

20. *Op. cit.*, p. 477. Para. 4, sec. VI, refers to the United States Tentative Proposals of 18 July 1944. It became para. 6, sec. B, Chap. VIII, in the Dumbarton Oaks proposals and Art. 43 of the UN Charter.

21. *UNCIO Documents*, Vol. III, p. 330.

22. The right of the Assembly to consider the principles governing disarmament and the regulations of armaments (Art. 11) was the result of a Soviet proposal prior to Dumbarton Oaks.

23. *Op. cit.*, p. 961.

24. The affirmation of the Principles of International Law Recógnized by the Charter of the Nurnberg Tribunal by the General Assembly in resolution 95(1) of 11 December 1946, did not help further progress.

25. Resolution 1(I) of 24 January 1946. Adopted unanimously.

26. It is useful to compare and contrast the disarmament and arms control negotiating system with the Red Cross Decision-Making Structure on

table 10, to see how the lack of shared objectives in the first is reflected in the system.

27. Chap. 4, *supra*.

28. For a review of such proposals, compare Bruce M. Russett and Carolyn C. Cooper, *Arms Control in Europe. Proposals and Political Constraint. A University of Denver Publication*, Vol. 4, Monograph No. 2, 1966-1967; Karl Deutsch, *Arms Control and the Atlantic Alliance*, New York, London, Sydney, 1967.

29. See footnote 23.

30. See Chap. 3, *supra*, p. 66 ff.

31. See the fascinating but frightening story of the hunt for German scientists: Michel Bar-Zohar, *La Chasse aux savants allemands*, Paris, 1965 (Fayard).

32. *UN Survey*, Vol. I. p. 66, para. 30. For Finland, see Chap. 6, *supra*.

33. *UN Survey, loc. cit.*, para. 31.

34. *UN Survey, loc. cit.*, para. 32.

35. A good summary of the negotiations can be found in *The United Nations and Disarmament, 1945-1970*. A Publication of the United Nations Office of Public Information.

36. Treaty of 1 December 1959. Parties to this Treaty are *inter alia*: Belgium, Czechoslovakia, Denmark, France, Netherlands, Norway, Poland, Rumania, UK, USA, USSR.

37. Further discussed in the following paragraph.

38. An interesting but somewhat overestimating account of the role of the non-aligned ENDC members is given by M. Samir Ahmed, *The Neutrals and the Test Ban Negotiations*: An Analysis of the Non-aligned States' Efforts between 1962-1963, Occasional Paper No. 4, Carnegie Endowment for International Peace, Geneva, 1967.

39. Compare table 12 for the voting pattern of European states on selected disarmament resolutions in the UNGA. For details, see *the United Nations and Disarmament*, Chap. 9. See also, e.g., the opinions expressed by the Netherlands' delegate in the CCD on the possibilities of detecting underground nuclear explosions by seismological identification, which diverge from the US opinion. In United Nations General Assembly, *Report of the CCD*, Doc. A/9141.DC/236 of 7 September 1973.

40. See resolution 1380(XIV) adopted on the proposal of Ireland.

41. In my *Beyond the European Community*, Leyden, 1969, pp. 199-219.

42. Amendments of 11 March 1968. No. (1) as a new text for paragraph 1 of proposed Article VI. No. (2) as paragraph 1 of an additional article.

43. United Nations General Assembly, *Report of the ENDC*, 1966, Doc. ENDC/167.

44. The relevant paragraphs of resolution 2153A(XXI) of 17 November 1966 are: (The General Assembly) "3. Calls upon all nuclear-weapon Powers to refrain from the use, or the threat of use, of nuclear weapons against States which may conclude treaties of the nature . . ."

"4. Requests the Conference of the Eighteen-Nation Committee on Dis-

armament to consider urgently the proposal that the nuclear weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposals that have been or may be made for the solution of this problem".

45. The relevant paragraphs of the resolution read: *"Bearing in mind* that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security".

46. Compare: *The United Nations and Disarmament*, pp. 91, 154.

47. For a good survey (with references to major works) on doctrine, compare *UN Survey*, Vol. I, *op. cit.*, pp. 155-164.

48. In the United Nations debates during the period from 1946-1959 both Western and Soviet sponsored draft-resolutions contained paragraphs on the total prohibition of the use and manufacture of nuclear weapons.

49. This point was made during the debates on the Soviet draft for resolution 2936(XXVII) of 29 November 1972 on the non-use of force in international relations and permanent prohibition of the use of nuclear weapons. See also *UN Survey, op. cit.*, Vol. I, pp. 148-153. The Yugoslav speaker in the debate, while favouring the idea of a no-use convention, stressed the need for more substantive, balanced and comprehensive disarmament measures.

50. Compare: the *United Nations and Disarmament, op. cit.*

51. Compare, *inter alia: Atlantic News*, giving regularly information on MBFR; *Survival* (bi-monthly published by the I.I.S.S.). The Dutch government has voiced some (lonely) interest in including tactical nuclear weapons in the talks.

52. Compare Christopher Bertram in *The Times* of 20 December 1974 replying to an article by Vladimir Komlev in *The Times* of 19 December 1974.

53. United Nations General Assembly. Report of the Secretary-General on Napalm and Other Incendiary Weapons and All Aspects of Their Possible Use, Doc. A/8803/Rev. 1, p. 55.

54. Remarks by Hans Blix on Human Rights in Armed Conflicts. *AJIL, Vol. 67, November 1973, No. 5. p. 150,* "Proceedings of the 67th Annual Meeting of the American Society of International Law".

55. For a good analysis of them, compare Draper, *The Red Cross Conventions*, London, 1958. They have been ratified by all European states. For reservations, see *UNTS*, Vol. 75.

56. Pictet, *loc. cit.* (see footnote 2, *supra*). As Pictet observes also, civilians—unlike prisoners, wounded and sick—are capable of doing damage to the war efforts of the belligerents. Their protection may seriously affect the pursuit of hostilities.

57. XIXth International Red Cross Conference (New Dehli, January 1957). *Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War*, International Committee of the Red Cross, Geneva, September 1956, p. 17.

58. The following articles in the draft rules deserve to be quoted:

Art. 10. It is forbidden to attack without distinction, as a single objective, an area including several military objectives at a distance from one another where elements of the civilian population, or dwellings, are situated in between the said military objectives (target-area bombing).

Art. 14. Without prejudice to the present or future prohibition of certain specific weapons, the use is prohibited of weapons whose harmful effects—resulting in particular from the dissemination of incendiary, chemical, bacteriological, radioactive or other agents—could spread to an unforeseen degree or escape, either in space or in time, from the control of those who employ them, thus endangering the civilian population.

This prohibition also applies to delayed-action weapons, the dangerous effects of which are liable to be felt by the civilian population (prohibited methods of warfare).

59. *Op. cit.*, p. 22.

60. XIXme Conférence Internationale de la Croix Rouge (New Dehli 1957). *Actes* concernant le Projet de Règles Limitant les Risques Courus par la Population Civile en Temps de Guerre. See the interventions, *inter alia*, of the delegates of Czechoslovakia, Austria, Netherlands, United Kingdom.

61. Text in International Red Cross *Handbook*.

62. The fourth principle was deleted on the proposal of the Soviet Union. The resolution was adopted unanimously (110 votes in favour).

63. As a "social problem" allocated to the Third Committee originally: as a "legal problem" allocated to the Sixth Committee since 1972.

64. Their report published in 1973 by the ICRC deals with: Small-calibre projectiles, blast and fragmentation weapons, time-delay weapons and incendiary weapons. For an excellent review of the work done so far, see: Kalshoven, "Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts", *Netherlands Yearbook of International Law*, Vol. II, 1971 (discussing the Conference of Government Experts, 24 May-12 June 1971); Vol. III, 1972 (discussing the Conference of Government Experts' second session, 3 May-2 June 1972).

65. Fromm, "The Case for Unilateral Disarmament", in Brennan (ed.), *Arms Control, Disarmament and National Security*, New York, 1961, p. 191.

66. *Europe, Reality and Mission.* Address in Brussels, accepting the Premium Erasmianum 1962.

EPILOGUE

"If only you had known the
path to peace this day; but
you have completely lost it
from view!"
(Luke 19,42.)

Europe, wrote Guardini, "has had time to shed many an illusion. The real Europe harbours no unqualified optimism, no fundamental belief in universal and inevitable progress. The values of the past are still so real to it that Europe knows what is at stake. It has already lost so much that is irrecoverable, its long destructive wars have laid upon it so heavy a load of guilt that it can feel not only the creative possibilities but also the dangers, even the tragedy, of human existence".[1] It was for this reason that it seemed to Guardini that Europe may be destined to find an unsensational, but profoundly vital mission in the critical assessment of power—the motto of my prologue and the guiding idea of this book.

The "real Europe" of which Guardini spoke, has indeed shed many an illusion. But "political Europe", divorced and isolated from it by the walls of impersonal bureaucracies, still harbours many beliefs on national power, regional unity, collective influence and economic progress. Chances for a revival of our humanist-spiritual tradition also have been lost in the continuing idolization of collective human power. It is this idolatry of collective human power against which the parable of the third temptation meant to warn the followers of Christ. "The devil then took him up a very high mountain and displayed before him all the kingdoms of the world in their magnificence, promising: All these will I bestow on you if you prostrate yourself in homage before me" (Matthew 4, 8-9).

The Worship of Collective Human Power

In European history—from Papacy and empire to the modern nation-states—too many have prostrated themselves in homage before collective human power and thus lost from view the path to peace. In the modern period of international relations, the accumulation of power became an end in itself. The balance between

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nations and European society was lost. The search for collective human power produced isolation, nations as universes in themselves, and no reconciliation between the human impulses to unity and to identity. In Europe's relations with other civilizations the greed for power and wealth produced the demon of superiority and the politics of exploitation and domination. Europe thus galvanized and disrupted, it could not stabilize and unite—the motto of the first part of this book.

During the first half of this century the search for collective human power turned against European society itself. Secular power politics broke down as a consequence of the readiness to risk anything to win the First World War and the Second World War thereafter. The European great powers which had dominated world politics for three centuries lost their position. Europe became divided and dependent on the two postwar superpowers in 1945 and on the OPEC since 1973.

Dependence, Division and World Order

Historically, Europe's postwar division is more tragic a phenomenon than its dependence. The fall from predominance to dependence, though, is a recurrent phenomenon in the history of political relations. The breakdown of "political Europe" might have opened the path for the "real Europe" to fulfill the mission Guardini assigned to it: the critical assessment of power. Europe's division, however, blocked the path to this creative possibility. Europe's postwar division, though, was not only a delimitation of spheres of political influence. It was a total and ideological division, reflecting the absence of a spirit of restraint from the councils of government. European great powers had already failed to exercise self-restraint in their relations with other civilizations before the war. The spirit of restraint vanished in the chaos and confusion of the First World War. Diplomacy became warfare. When Hitler's totalitarian régime took hold of the German nation and forged revenge and humiliation into weapons for racism and domination, the other European nations were too weak to meet the threat. They responded with policies of appeasement. Appeasement neither prevented nor postponed the outbreak of the Second World War. It only made the war a more cruel, more ideological and more total one when it had broken out. It made peace thereafter less attainable and the new postwar division more total and less escapable. The war and its outcome elevated ideol-

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ogy and diplomatic warfare to respectability in international relations.

"The primitive refusal to compromise has been elevated to the status of a theoretical principle: it is considered the virtue of orthodoxy".[2] In the East Stalin extended his brand of totalitarian régime to the Elbe and proclaimed it to be the new internationalism of the future. The West responded this time with policies of confrontation rather than appeasement. The United Nations collective security system broke up into opposing blocs even before it had been tested. Within the Atlantic alliance West European unification came to be seen as a forerunner to future world order. "Who will reconcile these scales of values and how?" The question was taken as the motto for part two of this book. Thirty years after the Second World War the question still remains unanswered in Europe. The two rival conceptions—bureaucratic socialism in the East and community building in the West—have failed to open new perspectives on world order and are far from reconciling their scales of values. In the socialist system and in Western Europe unification has fallen short of their expectations. Their self-asserted force of attraction and role of example have proved to be minimal. Inside each of them the fragmentation of perspectives on world order along national lines is more markedly manifest in 1975 than at any time since the Second World War.

Fragmentation, Détente and World Order

The trends towards fragmentation of perspectives on world order and towards détente in East-West relations have shown a tendency to re-inforce each other. Détente has facilitated East-West rapprochement so far, and the sharpness of political and economic division has been somewhat blunted. Continued ideological competition, however, should remind Europeans that détente has not reconciled the divergent scales of values. The succession of crises in the socialist system and the increasing instability of government in the other European countries could easily turn détente from a climate for rapprochement to a climate for sharpening conflict. This is all too likely a danger as long as East-West talks do not result in a workable all-European structure for peace. Progress towards such a structure is still lacking. Multilateral discussions on security and cooperation in Europe are unlikely to move beyond the recognition of the political and territorial *status quo*, a machinery for consultation and solemn but empty declarations.

The nuclear balance of terror may continue to avert a full-scale war for some time to come. The failure to restrain the development—and eventual use—of weapons of mass destruction, as well as the failure so far in negotiations on the reduction of "conventional" forces and weapons, looms as a persistent danger to peace and reconciliation. The Europe to which Guardini assigned the mission of a critical assessment of power ceased to exist under the conditions of Cold War and division. It was the tragedy of Europe's division that socialist ideology in the East and theories on economic integration in the West proclaimed as dogma what the "real Europe" had already ceased to believe: the faith in inevitable progress. While Europe no longer harbored this "optimism", the competing systems each claimed themselves to be the harbingers of inevitable progress. It added misplaced pretension to tragic division. In divided Europe, there was no longer room for humility and consciousness of guilt for the unspeakable violence done to man by European governments.

The Europe that ceased to exist under conditions of the Cold War has not emerged under conditions of détente. Each system reasserts rather than re-examines its belief in inevitable progress, thus impeding the mission through which Europe might open new perspectives on world order.

National Perspectives on World Order

European perspectives on world order are thus fragmented along national lines. Among the European states only the non-aligned governments have made efforts to develop perspectives distinct from the superpower or regional approaches. They have looked primarily to the United Nations as the institutional framework for democratizing interstate relations, facilitating international cooperation and promoting international peace.

For—at least some—non-aligned governments, the re-assertion of national sovereignty served as an instrument of resistance against great power domination. The resistance, however, took the form of asserting independence in specific situations and the principle of sovereign equality in the United Nations. The first approach risks losing sight of the basic problem of world order: the co-existence of necessarily unequal and often hostile nation states. The second approach fails to understand that equality of rights cannot simply be proclaimed but has to be guaranteed and enforced by a stronger world organization than the United Nations is today.

The assertion of sovereign independence by smaller states today

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is very similar to the idolization of the balance of power in European history since the renaissance. It reflects the intoxication of successful resistance against foreign domination. It does not open any new perspectives on world order, nor does it take issue with the problem that the state has our instincts for self-preservation without our restraints of social responsibility and submission to morals and law.

The assertion of sovereign independence indicates that people still "imagine a vain thing"; it implies that nations shall continue "to furiously rage together"—two variations on the motto to part three in this book.

As a consequence national European perspectives on world order through world organization have not developed. Attitudes towards the United Nations have been determined by the politics of national influence rather than by genuine support for a better world organization. The same attitude has had even more serious consequences for the attempts to manage conflicts. In the Middle East, European diplomacy has achieved the exact opposite of what conflict management ought to have achieved. It imposed domination when liberation was desired; it proposed and effected partition when co-existence was called for; it promoted escalation when it was in nobody's interest to further complicate the tragic conflict between the victims of European policies.

As probably the most heavily armed region in the world European nations are bound to look back on a century in which they contributed to an unprecedented development in weapon technology and arms races. They have been unable to restrain warfare or even to make significant contributions to arms control and disarmament. In structural and organizational terms the European concept of the sovereign nation state offers no perspectives on world order.

Diplomacy and World Order

The system of diplomacy built upon this concept has proved to be a barrier to, instead of a channel for, world order. Diplomatic representation promotes attitudes of defending abstract and divisive national interests, when concern for human suffering and protection of life would have been necessary. It is a standing invitation to political cowardice instead of civil courage. It is concerned with the status and prestige of an abstract entity, rather than the hunger, the torture or the fear of real men. It is to seek influence and is too isolated from real life to render service to

men in his concrete concerns. It maintains separate states when societies grow together through communication and interdependence.

The system of diplomacy in our world is the temple in which man is asked to prostrate himself in homage before collective human power. It is a modern and not typically European variant of a very old form of worship that occurs wherever and whenever man forgets that his primary allegiance is due to God as the maker of all men.

The fact that Europeans have forgotten this basic truth as much as, or more than, other representatives elsewhere in the world may serve as a warning against aberrations of European superiority, socialist and Western pretentions on their legal systems, or political structures.

Europe is just one region and one civilization in which man has to be reminded continuously that the salvation of a human soul is a greater matter than the fate of empires.[3]

The admission of this truth is a continuous spiritual effort through which Europe could still find the path to peace, even this day.

NOTES

1. *Europe, Reality and Mission.*
2. Solzhenitsyn, *One Word of Truth,* The Nobel Speech, London-Sydney-Toronto, 1970, p. 18.
3. Morris West, *The Second Victory,* p. 173.

Table 1. *Basic Information on European States* compared with USA and USSR.
(Per capita GNP and principal public expenditures are shown on Table 3).

European States

	Area sq. km.	Population[1]	Year of Independence[2]
Albania	28,748	2,4	1913
Austria	83,849	7,5	1919 (1867)
Belgium	30,507	9,8	1830 (1940—1945)
Bulgaria	110,912	8,7	1908
Czechoslovakia	127,860	15	1919 (1938—1945)
Denmark	44,468	5,1	Before 1500 (1940—1945)
Finland	337,009	4,8	1917
France	551,208	52,3	Before 1500 (1940—1944)
German Federal Republic	248,441	59,4	1949 (1870)
German Democratic Republic	107,834	16,3	1949 (1870)
Greece	132,562	9,1	1830 (1941—1944)
Hungary	93,030	10,4	1919 (1867)
Iceland	102,846	0,81	1944
Irish Republic	70,283	3	1922
Italy	301,226	54,9	1860
Luxemburg	2,586	0,35	1866 (1940—1945)
Malta	316	0,3	1964
Netherlands	33,612	13,4	1648 (1795—1813, 1940—1945)
Norway	383,977	4	1905 (1940—1945)
Poland	311,730	34	Before 1500 (1772—1919, 1939—1945
Portugal	96,052	9,8	Before 1500 (1580—1640)
Rumania	237,500	21	1878
Spain	510,759	34,2	Before 1500
Sweden	449,682	8,2	Before 1500
Switzerland	41,288	6,5	1648 (1798—1815)
United Kingdom	244,798	57	Before 1500
Yugoslavia	255,804	21,2	1919 (1878, 1941—1945)
Europe (total)	4,938,887	469,46	
United States	9,363,353	210,3	1776
Soviet Union	22,402,000	250	Before 1500

1. Mid-1973 UN estimates (in millions)
2. If successor to former state, year of creation of former state is given in brackets. If independent existence was interrupted by occupation/division, years of such occupation are in brackets.

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Type of political system[3]	Latest major change	International status[4]	
11	1946	60	Alb.
21	1955	60	Austr.
21	1830	50	Belg.
11	1946	40	Bulg.
11	1948	40	Cze.
21	—	50	Denm.
22	1971	60	Finl.
22	1958	51	Fra.
21	1949	50	GFR
11	1949	40	GDR
21	1974	51	Greece
11	1946	40	Hung.
21	1944	50	Icel.
21	1922	52	Irel.
21	1945	50	It.
21	1866	50	Lux.
22	1964	50	Malta
21	1813	50	Neth.
21	1905	50	Norw.
11	1946	40	Pol.
?	1974	?	Port.
11	1947	40	Rum.
31	1936—1939	52	Sp.
21	—	60	Swe.
21	1848	60	Switz.
21	—	50	UK
11	1945	60	Yugo.
22	1789	—	USA
11	1917	—	USSR

3. KEY:
One party socialist: 11
Multi party Parliamentary: 21
Multi-party Presidential: 22
One party fascist: 31

4. KEY:
Allied with USSR: 40
Allied with USA: 5
member NATO: 50
member alliance: 51
protected by USA: 52
Non-aligned: 60

Table 2. *Small European states; neutrality, neutralism, non-alignment.*

	Formative Era of International Law	1914–1947/48
Neutralization (neutrality guaranteed by great-powers)	*Switzerland* 1815 *Belgium* 1831–1914	*Switzerland*
Incomplete Neutralization		
Neutrality based on a bilateral treaty		*Vatican* 1929
Neutral attitude (unilateral) *in War* *Armed neutrality*		*Spain* 1914–1936 *Sweden* 1914 *Netherlands* 1914–1940 *Belgium* 1937–1940 *Ireland* 1939–1948 *Norway* 1914–1940
Unarmed neutrality		*Denmark* 1914–1940
Neutralist or non-aligned policy in time of peace		

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1948–1955	1955–1962	1962–1969	1969–1976
Switzerland	*Switzerland*	*Switzerland*	*Switzerland*
	Austria 1955	*Austria*	*Austria*
Finland 1948 *Vatican*	*Finland* *Vatican*	*Finland* *Vatican*	*Finland* *Vatican*
Sweden	*Sweden*	*Sweden*	*Sweden*
Yugoslavia 1948	*Cyprus* 1961	*Yugoslavia* *Cyprus* (Finland)	*Yugoslavia* *Cyprus* (Austria) (Finland)

Table 3. *Per Capita GNP of European Countries in 1961 and 1970*
Per Capita Expenditures and Percentages of Three Expenditures: Defence,
Public Education, Foreign Economic Aid
(in current dollars) *Comparison with figures for USA and USSR.*

1961   *Per Capita and Percentages*   *1961*

	Per Capita GNP	Mil. Ex- penditure	%	Public Education	%	Foreign Economic Assistance	%
Albania	294	28	9.6	39	13.3	—	—
Austria	958	10	1.1	26	2.7	0.28	0.03
Belgium	1,315	43	3.2	63	4.8	10	0.8
Bulgaria	544	29	5.3	21	3.9	—	—
Czechoslovakia	1,239	70	5.6	38	3.1	—	—
Denmark	1,404	36	2.6	50	3.7	2	0.14
Finland	1,222	22	1.8	62	5.1	—	—
France	1,439	89	6.2	46	3.2	21	1.5
GFR	1,450	59	4.0	42	2.9	12	0.8
GDR	1,106	17	1.5	46[x]	4.2	3	0.3
Greece	476	20	4.2	7	1.5	(−10)[+]	—
Hungary	760	17	2.2	27	3.6	—	—
Iceland	1,000	—	—	30	3	—	—
Irish Republic	714	9	1.3	23	3.2	—	—
Italy	749	24	3.2	32	4.3	3	0.4
Luxemburg	1,667	20	1.2	67	4	—	—
Netherlands	1,078	48	4.4	49	4.5	7	0.7
Norway	1,361	46	3.4	59	4.3	3	0.2
Poland	682	32	4.7	28	4.1	—	—
Portugal	303	19	6.3	5	1.7	5	1.7
Rumania	538	17	3.1	17	3.2	—	—
Spain	386	11	2.9	6	1.6	(−4)[+]	—
Sweden	1,907	80	4.2	90	4.7	1	0.05
Switzerland	1,818	46	2.6	59	3.3	4	0.2
United Kingdom	1,460	91	6.2	62	4.3	9	0.6
Yugoslavia	608	11	1.8	5	0.8	(−11)[+]	—
per capita GNP, expenditures: averages. Europe	1,018	34	3.3	38	3.7	6.2(2.1)[†]	0.6[†] (0.2)
USA	2,830	260	9.2	109	3.9	20	0.7
USSR	1,133	179	16	71	6.3	0.71	0.06
			%		%		%

Source: United States Arms Control and Disarmament Agency
World Military Expenditures 1971. (Amounts in current dollars)
Percentages and per capita GNP for 1961 computed from figures in ACDA
Publication.

Foreign Economic Assistance	%	Public Education	%	Mil. Ex-penditure	%	Per Capita GNP	Economic Rank in terms of Per Capita GNP[x]	
—	—	54	14.8	43	11.9	364	56	Alb.
5	0.3	89	4.6	22	1.2	1,932	23	Austr.
14	0.5	129	4.9	72	2.7	2,649	12	Belg.
—	—	43	3.7	36	3.2	1,153	29	Bulg.
—	—	75	3.6	114	5.4	2,103	17	Cze.
13	0.4	178	5.7	74	2.4	3,120	7	Denm.
—	—	146	6.7	30	1.4	2,170	16	Finl.
25	0.9	120	4.1	118	4.0	2,904	9	Fra.
17	0.6	120	4	100	3.3	3,019	8	GFR
6	0.3	82	4.3	129	6.8	1,889	22	GDR
(−21)[+]	—	21	2	53	5.0	1,067	31	Greece
—	—	50	3.6	54	3.9	1,388	26	Hung.
—	—	100	4	—	—	2,500	13	Icel.
—	—	62	4.4	12	0.9	1,414	27	Irel.
6	0.3	74	4.3	47	2.7	1,739	24	It.
0	—	173	5.2	27	0.8	3,333	6	Lux.
17	0.7	158	6.6	84	3.5	2,400	14	Neth.
9	0.8	180	5.2	99	3.0	3,436	10	Norw.
—	—	52	4.3	69	5.7	1,212	28	Pol.
7	1.2	10	1.6	45	7.0	639	43	Port.
—	—	34	3.2	30	2.7	1,099	30	Rum.
(−4)[+]	—	25	2.6	35	3.6	970	34	Sp.
14	0.3	351	8.7	139	3.5	4,025	3	Swe.
5	0.2	133	4.1	67	2.0	3,254	5	Switz.
9	0.4	101	4.7	105	4.8	2,168	15	UK
(−5)[+]	—	29	3.1	33	3.5	927	35	Yugo.
11.3[†] (4.5)	0.6[†] (0.2)	99.5	4.9	63	3.1	2,034		
19	0.4	264	5.5	379	8.0	4,758	1	USA
2	0.09	159	7.8	270	14	2,047	18	USSR
	%		%		%			

+   Per Capita *Received* Foreign Assistance.

x   Non-European countries;   Kuwait 2; Canada 4; Australia 11; Japan 19; New Zealand 20; Israel 21; Libya 25

†   Figures are averages for aid giving countries only.
    Figures in brackets are total averages for all countries.

Table 4. *Participation and Relative Voting Strength of European states in League of Nations and United Nations.*

LEAGUE OF NATIONS

PEACE CONFERENCE
1919

	Supreme council	Drafting committee	Accession³	Participation Admissions/withdrawals					
				1920	1922	1923	1926	1933	1937
Albania				⊗	x	x	x	x	x
Austria				⊗	x	x	x	x	x
Belgium		x		x	x	x	x	x	x
Bulgaria				⊗	x	x	x	x	x
Czechoslovakia		x		x	x	x	x	x	x
Denmark			⊗	x	x	x	x	x	x
Finland				⊗	x	x	x	x	x
France	x	xx⁴		x	x	x	x	x	x
Germany				x	x	x	x	o	
GFR									
GDR									
Greece		x		x	x	x	x	x	x
Hungary					⊗	x	x	x	x
Iceland									
Irish Republic						⊗	x	x	x
Italy	x	xx		x	x	x	x	x	o
Luxemburg				⊗	x	x	x	x	x
Malta									
Netherlands			⊗	x	x	x	x	x	x
Norway			⊗	x	x	x	x	x	x
Poland		x		x	x	x	x	x	x
Portugal		x		x	x	x	x	x	x
Rumania		x		x	x	x	x	x	x
Spain			⊗	x	x	x	x	x	x
Sweden			⊗	x	x	x	x	x	x
Switzerland			⊗	x	x	x	x	x	x
United Kingdom	x	xx		x	x	x	x	x	x
Yugoslavia		x		x	x	x	x	x	x
Total Participation	3	13	16	21	22	23	24	23	22
Voting Percentage	60%	68%	43%	49%	42%	42.5%	44%	42%	41.5%
Total Membership	5	19	37	43	52	54	54	55	53

Notes:
1. Admitted on December 14, 1955.
2. Poland is an original member, although no delegation participated in the 1945 UNCIO.
3. ⊗ : Admission/Accession
   x : Participation
   o : Withdrawal
4. The great powers had two members each on the committee.

1939	1940	Dumbarton Oaks, 1944	UNCIO, 1945 Executive Committee	Conference	First 1946	Key-General Assembly sessions 11th 1956	19th 1964	28th 1973	
x	x					⊗[1]	x	x	Alb.
x	x					⊗[1]	x	x	Austr.
x	x			x	x	x	x	x	Belg.
x	x					⊗[1]	x	x	Bulg.
x	x		x	x	x	x	x	x	Cze.
x	x			x	x	x	x	x	Denm.
x	x					⊗[1]	x	x	Finl.
x	x		x	x	x	x	x	x	Fra.
									Ger.
								⊗	GFR
								⊗	GDR
x	x			x	x	x	x	x	Greece
o						⊗[1]	x	x	Hung.
					⊗	x	x	x	Icel.
x	x					⊗[1]	x	x	Irel.
						⊗[1]	x	x	It.
x	x			x	x	x	x	x	Lux.
							⊗	x	Malta
x	x		x	x	x	x	x	x	Neth.
x	x			x	x	x	x	x	Norw.
x					x[2]	x	x	x	Pol.
x	x					⊗[1]	x	x	Port.
x	o					⊗[1]	x	x	Rum.
o						⊗[1]	x	x	Spain
x	x				⊗	x	x	x	Swe.
x	x								Switz.
x	x	x	x	x	x	x	x	x	UK
x	x		x	x	x	x	x	x	Yugo.
19	18	1	5	10	13	23	24	26	
39.5%	38%	25%	33%	20%	23.6%	28.75%	20.9%	19.3%	
48	47	4	15	50	55	80	115	135	

Table 5. *Membership of European States in some major UN organs, committees, regional groups.*

Membership Security Council and ECOSOC

YEAR:[1]	1946–1974 (Member SC: 1 · Member ECOSOC: 2)	total time (years) SC	ECOSOC
Albania		0	0
Austria	2 2 2 1 1	2	3
Belgium	1 1 2 2 2 2 2 2 1 1 2 2 2 1 1	6	9
Bulgaria	2 2 2 1 1 2 2 2	2	6
Czechoslovakia	2 2 2 2 2 2 2 2 2½2 2 2 2	1	14
Denmark	2 2 2 1 1 2 2 2 1 1	4	6
Finland	2 2 2 1 1	2	3
France	PERMANENT MEMBER SC (and Ecosoc)	29	29
GFR		—	—
GDR		—	—
Greece	2 1 1 2 2 2 2 2 2 2 2 2	2	10
Hungary	1 1 2 2 2	2	3
Iceland		0	0
Irish Republic	1 2 2 2	1	3
Italy	1 1 2 2 2 2½ ½	4	6
Luxemburg	2 2 2	0	3
Malta		0	0
Netherlands	½2 2 1 1 2 2 2 2 2 2 1 1 2 2	5	11
Norway	2 2 1 1 2 2 2 1 1 2 2 2	4	8
Poland	1 1 2 2 2 2 2 2 2 2½2 2 1 1 2 2 2	5	15
Portugal		0	0
Rumania	1 2 2 2	1	3
Spain	2 2 2 1 1 2 2	2	5
Sweden	2 2 2 1 1 2 2 2	2	6
United Kingdom	PERMANENT MEMBER SC (and Ecosoc)	29	29
Yugoslavia	2 1 1 2 2 2½2 2 2 2 2 2 2 1 1	5	13

Total: Security Council	4 4 4 3 4 4 3 4 3 3 4 3 3 3 4 2 4 3 4 3 4 4 4 4 5 5 5 5 4 3		
Membership Security Council	11 ——— 11 ——— 11	15 — 15	
Percentage Europe	36 – 27 – 18%	33 – 27 – 20%	
Total: Ecosoc	7 5 5 5 7 6 6 5 6 7 7 6 7 7 7 6 6 7 6 7 6 7 7 8 7 6 6 5		
Membership ECOSOC	18 ——— 18 ——— 18	27 — 27	
Percentage Europe	39 – 33 – 28%	30-26-22-18,5%	

Notes:
1. Member Security Council: *1*
   Member ECOSOC: 2

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	Special Committee I²	Special Committee II²	(1974) I.L.C.	*Socialist Group*	*Westeuropean and others*
Alb.				x	
Austr.		x			x
Belg.					x
Bulg.				x	
Cze.	x	x		x	
Denm.		x			x
Finl.					x
Fra.	x	x	x		x
GFR					x
GDR				x	
Greece					x
Hung.		x	x	x	
Icel.					x
Irel.					x
It.	x	x	x		x
Lux.					x
Malta					x
Neth.	x	x	x		x
Norw.			x		x
Pol.	x	x		x	
Port.					x
Rum.	x	x		x	
Spain		x			x
Swe.	x				x
UK	x	x	x		x
Yugo.	x	x	x	x	
Total: members	9	12	7		
Membership Committee	31	33	25		
Percentage Europe	29%	36%	28%		

2. I: Special Committee on Principles of International Law Concerning Friendly Relations
        and Cooperation Among States.
    II: Special Committee on Peace Keeping Operations.

Table 6. *Voting Behavior of European States on Major Resolutions concerning Financing Peacekeeping Operations.*

		Yugoslavia	United Kingdom	Switzerland
1.	Resolution 1090 (XI) On question of financing UNEF-I.	Y	Y	–
2.	Resolution 1583 (XV) On question of financing ONUC.	A	Y	–
3.	Resolution 1590 (XV) On authorizing expenditure ONUC.	A	Y	–
4.	Resolution 1619 (XV) On appropriation and apportionment ONUC.	A	Y	–
5.	Resolution 1620 (XV) Concerning a debate on budgetary procedures including peacekeeping operations.	A	Y	–
6.	Resolution 1633 (XVI) On authorizing expenses ONUC.	Y	Y	–
7.	Resolution 1732 (XVI) On Financing and Apportioning Expenses.	Y	Y	–
8.	Resolution 1874 (S-IV) On principles and guidelines for financing peacekeeping operations.	Y	Y	–
9.	Resolution 1875 (S-IV) Estimates and financing UNEF.	Y	Y	–
10.	Resolution 1876 (S-IV) Estimates and financing ONUC.	A	Y	–
11.	Resolution 1877 (S-IV) Appeal to members in arrear of payment.	A	Y	–
12.	Resolution 1879 (S-IV) On the establishment of a Peace Fund through voluntary contributions.	Y	Y	–
13.	Resolution 3101 (XXVIII) On financing UNEF II (initial period: October 26, 1973—April 25, 1974).	Y	Y	–

Voting Behavior U.S.A. and U.S.S.R.

	1090	1583	1590	1619	1620	1633	1732	1874	1875	1876	1877	1879	3101
USA	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
USSR	N	N	N	N	N	N	N	N	N	N	N	N	N

Albania	Austria	Belgium	Bulgaria	Czechoslovakia	Denmark	Finland	France	GFR	GDR	Greece	Hungary	Iceland	Irish Republic	Italy	Luxemburg	Malta	Netherlands	Norway	Poland	Portugal	Rumania	Spain	Sweden	
Y	Y	N	Y	N	Y	Y	–	A	Y	Y	Y	N	Y	–	–	Y	Y	Y	N	N	Y	Y	N	1.
Y	Y	N	Y	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	A	Y	Y	N	N	A	Y	N	2.
Y	A	N	Y	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	A	Y	Y	N	N	A	Y	N	3.
Y	Y	N	Y	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	A	Y	Y	N	N	N	Y	N	4.
Y	Y	N	Y	N	Y	Y	–	Y	Y	Y	Y	N	A	–	–	A	Y	Y	N	N	Y	Y	N	5.
Y	Y	N	A	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	A	Y	Y	N	N	N	Y	N	6.
Y	Y	N	Y	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	N	Y	Y	N	N	A	Y	N	7.
Y	Y	N	A	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	N	Y	Y	N	N	A	Y	N	8.
Y	Y	N	A	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	A	Y	Y	N	N	A	Y	N	9.
Y	Y	N	A	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	N	Y	Y	N	N	A	Y	N	10.
Y	Y	N	A	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	N	Y	Y	N	N	A	Y	N	11.
Y	Y	N	A	N	Y	Y	–	Y	Y	Y	Y	N	Y	–	–	N	Y	Y	N	N	A	Y	N	12.
Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	13.

Voting:

Y = Yes, in favor
N = No, against
A = Abstention

Table 7. *Voting Behavior of European States on Major Resolutions Concerning Middle Eastern Conflict.*

	Yugoslavia	United Kingdom	Switzerland
GENERAL ASSEMBLY			
1. Resolution 181 (II) of November 29, 1947 concerning the *Plan of Partition* with Economic Union of Palestine.	A	A	—
2. Resolution 186 (S-2) of May 14, 1948 concerning Appointment and terms of reference of a United Nations *Mediator* in Palestine.	N	Y	—
3. Resolution 194 (III) of December 11, 1948: Progress Report of the United Nations Mediator (including establishment of a *Conciliation Commission*).	N	Y	—
4. Resolution 273 (III) of May 11, 1949: *Admission* of *Israel* to Membership in the United Nations.	Y	A	—
5. Resolution 212 (III) of November 19, 1948: *Assistance* to Palestinian Refugees (adopted unanimously).	Y	Y	—
6. Resolution 303 (IV) of December 9, 1949: Question of an *International Regime for Jerusalem Area* and the protection of the Holy Places.	N	N	—
7. Resolution 394 (V) of December 14, 1950: Directing UN Conciliation Commission to Implement Repatriation and Compensation.			
8. Resolution 997 (ES-I) of November 2, 1956 urging an *immediate* cease-*fire*.	Y	N	—
9. Resolution 998 (ES-I) of November 4, 1956: *setting up UNEF*-I	Y	A	—
10. Resolution 1604 (XV) of April 21, 1961: Directing the U.N. Conciliation Commission to Report on the Repatriation of Refugees.	Y	Y	—
11. Resolution 2256 (ES-V) of July 21, 1967: *Situation* in the Middle East.	A	Y	Y
12. Resolution 2253 (ES-V) of July 4, 1967: Measures taken by Israel to change the *status* of the *City of Jerusalem*.	Y	Y	—
13. Resolution 2628 (XXV) of November 4, 1970: calling for a three-months extension of the cease-fire and for talks under the auspices of the S.G.'s special representative with a view to implementing S.C. Resolution 242.	Y	A	—
14. *Resolution 2963* of December 13, 1972.			
A and B: calling for increased contributions, to UNRWA: adopted with 124 resp. 125 in favor. C: Deploring Israeli action in Gaza.	Y	Y	—
D: Failure Israeli authorities to allow return displaced persons.	Y	Y	—
F: adopted without objection (membership Japan). E: Equal Rights and Self-Determination Palestinian people.	Y	A	—
15. Resolution 2949 (XXVII) of December 8, 1972: Expressing great concern of Israeli occupation of Arab territory and call not to constitute recognition of that occupation.	Y	Y	—
16. Resolution 3210 (XXIX) of October 14, 1974 on the Palestinian Question (PLO).	Y	A	—

Voting behavior U.S.A. and U.S.S.R.

181	186	194	212	273	303	394	997	998	1604	2253	2256	2628	C.	2963 D.	F.	2949	3210	
Y	Y	Y	Y	Y	N	?	Y	Y	Y	A	Y	N	A	A	N	A	N	USA
Y	N	N	Y	Y	Y	?	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	USSR

Sources: Yearbooks United Nations (For 1973 and thereafter, provisional records). Sami Musallam, United Nations Resolutions on Palestine 1947–1972. Institute for Palestine Studies. Beirut 1973. The votes on res. 394 have not been recorded.

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#	Sweden	Spain	Rumania	Portugal	Poland	Norway	Netherlands	Malta	Luxemburg	Italy	Irish Republic	Iceland	Hungary	Greece	GDR	GFR	France	Finland	Denmark	Czechoslovakia	Bulgaria	Belgium	Austria	Albania
1.	Y	–	–	–	Y	Y	Y	–	Y	–	–	Y	–	N	–	–	Y	–	Y	Y	–	Y	–	–
2.	Y	–	–	–	N	Y	Y	–	Y	–	–	Y	–	A	–	–	Y	–	Y	N	–	Y	–	–
3.	Y	–	–	–	N	Y	Y	–	Y	–	–	Y	–	Y	–	–	Y	–	Y	N	–	Y	–	–
4.	A	–	–	–	Y	Y	Y	–	Y	–	–	Y	–	A	–	–	Y	–	A	Y	–	A	–	–
5.	Y	–	–	–	Y	Y	Y	–	Y	–	–	Y	–	Y	–	–	Y	–	Y	Y	–	Y	–	–
6.	N	–	–	–	Y	N	A	–	Y	–	–	N	–	Y	–	–	Y	–	N	Y	–	Y	–	–
7.																								
8.	Y	Y	Y	A	Y	Y	A	–	O	Y	Y	Y	Y	Y	–	–	N	Y	Y	Y	Y	A	Y	Y
9.	Y	Y	A	A	A	Y	Y	–	Y	Y	Y	Y	A	Y	–	–	A	Y	Y	A	A	Y	A	A
10.	Y	Y	A	A	A	Y	Y	–	N	A	Y	A	A	Y	–	–	A	Y	Y	A	Y	A	Y	A
11.	Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	–	–	A	Y	Y	Y	Y	Y	Y	N
12.	Y	Y	Y	A	Y	Y	Y	A	Y	A	Y	A	Y	Y	–	–	Y	Y	Y	Y	Y	Y	Y	Y
13.	A	Y	Y	O	Y	A	N	O	A	A	A	N	Y	Y	–	–	Y	A	A	Y	Y	A	A	O
C.	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	–	–	Y	Y	Y	Y	Y	Y	Y	Y
D.	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	–	–	Y	Y	Y	Y	Y	Y	Y	Y
E.	A	Y	Y	A	Y	A	N	A	N	N	A	N	Y	A	–	–	A	A	N	Y	Y	N	A	Y
15.	A	Y	Y	O	Y	A	Y	Y	Y	Y	Y	A	Y	Y	–	–	Y	Y	A	Y	Y	Y	Y	A
16.	Y	Y	Y	Y	Y	Y	A	Y	A	Y	Y	A	Y	Y	Y	A	Y	Y	A	Y	Y	A	Y	Y

Voting:
Y = Yes, in favor
N = No, against
A = Abstention
O = no participation
– = not (yet) member

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Table 8. *Voting Behavior of Permanent Members and non-permanent European*
Members on Major Resolutions concerning Middle Eastern Conflict.

SECURITY COUNCIL

1. Resolution 43 of April 1, 1948: Calling for a Truce between the Arab and Jewish Communities of Palestine.
2. Resolution 44 of April 1, 1948: Requesting S.G. to convoke a special session of the G.A. to consider the future government of Palestine.
3. Resolution 49 of May 22, 1948: Calling for a cease fire in Palestine and a truce in Jerusalem.
4. Resolution 50 of May 29, 1948: Calling for a cessation of all military activities for four weeks and for the protection of the Holy Places.
5. Resolution 53 of July 7, 1948: Appealing for a prolongation of the truce.
6. Resolution 54 of July 15, 1948: Ordering the parties to desist from further military action and instructing Mediator to continue efforts towards demilitarization of Jerusalem.
7. Resolution 61 of November 4, 1948: Calling for the withdrawal of forces and the establishment of permanent truce lines.
8. Resolution 66 of December 29, 1948: Calling for an immediate cease-fire and implementation of S.C. Resolutions.
9. Resolution 73 of August 11, 1949: Finding that Armistice agreements constitute important step towards Peace and arranging for UNTSO to assist in their supervision.
10. Resolution 119 of October 31, 1956: Calling Emergency special session of G.A. to consider the invasion of Egypt.
11. Resolutions 233—237 concerning cease-fire June 6—14, 1967.
12. Resolution 242 of November 22, 1967: Principles of a just and lasting peace in the Middle East and request to S.G. to appoint special representative (mediator).
13. Resolution 252 of May 21, 1968: Calling on Israel to rescind all measures to change status Jerusalem.
14. Resolutions 338, 339 of October 22—23, 1973: Calling for a ceasefire and dispatch of observers.
15. Resolutions 340, 341 of October 25, 27, 1973: Establishing UNEF II between Egypt and Israel.

Sources: see Table 7

Voting: Y = Yes, in favor
            N = No, against
            A = Abstention
            O = no participation

	Permanent Members					Non-Permanent European Members			
	China	France	U.K.	U.S.A.	U.S.S.R.				
1.	Y	Y	Y	Y	Y	Belgium	Y		
2.	Y	Y	Y	Y	A		Y		
3.	Y	Y	Y	Y	A		Y		
4.	*voted on in parts: eight separate votes*								
	Y	Y	Y	Y	A(16)/Y(2)		Y		
5.	Y	Y	Y	Y	A		Y		
6.	Y	Y	Y	Y	A				
7.	Y	Y	Y	Y	A		Y		
8.	Y	Y	Y	Y	A		Y		
9.	Y	Y	Y	Y	A	Norway	Y		
10.	Y	N	N	Y	Y	Belgium	A	Yugoslavia	Y
11.	Y	Y	Y	Y	Y	Denmark	Y	Bulgaria	Y
12.	Y	Y	Y	Y	Y		Y	Hungary	Y
13.	Y	Y	Y	A	Y		Y		Y
14.	O	Y	Y	Y	Y	Austria	Y	Yugoslavia	Y
15.	O	Y	Y	Y	Y		Y		Y

Table 9.   *Conflict Escalation in the Middle East.*

	Policies of Escalation	Measures promoting Escalation.
1.	*Partition of Turkish Provinces. 1914—1919.*	— Sykes-Picot agreement, McMahon/Feisal correspondence, Balfour declaration.
2.	*Partition of Palestine and Institution Mandate. 1919—1923.*	— delimitation of territories between great powers only, British deal with Abdullah, immigration policy.
3.	*Administration of Palestine as a Mandate. 1923—1936.*	— schemes for "self government", various measures alternately to meet wishes of two sides, repressive measures.
4.	*Policy of Partition. 1937.*	Policy statement 1937, restriction immigration.
5.	*Appeasing the Arabs. 1938/39.*	Abandoning partition, further restrictions on Jewish immigration.
6.	*Partition Plan UNGA. 1947.*	British measures: to stop immigration, prevent arms to Jewish organizations, deliver arms to Arab states, withdraw troops from Palestine.
*7.	*Linking Arab-Israeli conflict to Cold War. 1948—*	Soviet support for Israel. British arms to Arab states, western attempts to set up Middle Eastern command.
*8.	*Making Arab-Israeli conflict part of cold war. 1953—*	Czech/Egyptian arms deal, Soviet support "progressive", Western support "traditional" Arab states.
*9.	*Linking Arab-Israeli conflict to policies resisting/promoting decolonization. 1954—*	French/Israeli arms deal, conflict over Suez canal, *British/French invasion of Egypt* 1956.
*10.	*Linking Arab-Israeli conflict to North-South opposition* (developing world vs. Western world) *1960—*	Increasing condemnation of Israel in UN, severing of diplomatic relations etc. Uncontrolled arms deliveries to state in the area

*   Overlapping in time
†   Conflict phases as taken from Bloomfield/Leis. *op.cit.*

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Underlying Dispute: Jurisdiction over Territory in Palestine.
"Basic" Parties: Jewish Immigrants vs. Palestinian Arabs: 1914—48
Israel vs. Palestinian Arabs: 1948—

(1) *Effects: intensification basic conflict*	(2) *Effects* *Increase parties to conflict.* (pairs of additional parties)
1. Dispute becomes *phase 2*[†] conflict,	— Great Powers vs. Turkey: 1914—1923 — France vs. Britain: 1915—1922 — France vs. Emir Feisal: 1918—1922.
2. Disturbances 1920	— Britain vs. Arabs in Palestine: 1920—1938.
3. Increasing Level of Violence 1929, 1936, *Conflict phases 3—4*	— Britain vs. Jewish immigrants: 1930—1948
4. Further increasing level of violence 1937—1939	— Nazi-Germany vs. Jews: 1933—1945 — Britain vs. Jewish immigrants: hostilities from 1937—1948
5. Same	
6. International War *International Conflict Phases 3—4*	— Israel vs. Egypt, Jordan, Syria, Iraq, Libanon: 1948— — Arab states vs. Palestinian Arabs: 1948— — Interarab rivalries: 1948— — Britain vs. Israel — USSR vs. Western states: 1948—1956 — USSR vs. Arab states: 1948—1954
*7. Border incidents, retaliation	
*8. Same.	— progressive vs. traditional Arab states — USSR vs. Israel: 1954—
*9. International War 1956	— France vs. Arab states: 1954—1958 — France/Britain vs. Egypt: 1956 — France/Britain vs. USA/USSR: 1956
*10. Increasing: border incidents, retaliation, wars 1967, 1973, war of attrition, terrorism	— USSR vs. USA (intensifying) — USSR vs. some Arab states: 1954—'67 — USA vs. some Arab states — France vs. Israel: 1967— — Arab oil states vs. western world: 1973—
	Middle-East conflict globalized.

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Table 10

The International Red Cross.
Chart of the Decision-Making Structure

TRANSNATIONAL

NATIONAL

INTERGOVERNMENTAL

GOVERNMENTAL

Standing Commission of the International Red Cross (1928)
- 'executive' of the Conference
- coordination between ICRC and League
- members: 5 elected by the Conference
  2 appointed by ICRC
  2 appointed by the League

League or Federation of National Societies: (1919)
- encourage/facilitate work societies
- promote creation of national societies
- maintain contact with UN organs

International Conferences of the Red Cross (1867)
Representatives of governments signatories to conventions.
Representatives of ICRC, the League and National Societies.
Task: recommending actions, expressing views exchanging views, decisions of common interest
Meets normally every four years

(consultative status)

ICRC (1863, 1876)
- neutral, independent body
- guardian R.C. principles
- neutral intermediary
- works to widen scope of conventions; to ensure their observance
- members: 5 Swiss citizens

National Red Cross, Red Crescent, Sun and Lion Societies
voluntary societies, carrying out the work of relief and assistance in time of peace and war

Swiss Federal Council
Convokes diplomatic conferences to update conventions and or widen their scope

United Nations (1968)
General Assembly/ECOSOC
Specialized Organs/Organizations
Secretary General

(observer status)

Diplomatic Conference (1864)
- drafting, revising inter-national conventions

Conference of Government Experts
- consultation
- predrafting

National governments
- recognize autonomous national societies
- signatories to conventions

Key:
→ Mutual Cooperation (including initiatives)
→ Representation
---→ Initiatives

Table 11

The Disarmament-Arms Control Negotiating System

TRANSNATIONAL

- International Pugwash Movement
- World Veterans Federation
- Other associations and Institutes (SIPRI, IISS etc.)
- Various Soviet initiated organizations: Peace Movements, Committee on European Security and Cooperation

NATIONAL

- Pugwash Committees
- Advisory commissions
- Various pressure groups

INTERGOVERNMENTAL

1. United Nations

Security Council
tasks ex. art. 26 UN Charter never exercised

General Assembly
– passes recommendations
– discusses reports

1946-1952
Atomic Energy Commission
SC members + Canada

1947-1952
Conventional Armaments Commission
SC members + Canada

Disarmament Commission
– SC members + Canada – 1957
– 25 members – 1958[1]
– all GA members: 1958 –

2. Multilateral

CCD: 1969 –
– negotiates disarmament and armscontrol agreements
– reports to UN General Assembly
members: ENDC[2] + Hungary, Netherlands, Yugoslavia GDR, GFR.

ENDC: 1961-1969
Conference members[2] + 8 non aligned countries a.o. Sweden.

3. East-West in Europe

CSCE: 1972
negotiates on collateral armscontrol measures
members: all European states, US, Canada, USSR

Conference of the ten nations
Disarmament Commissions: 1959-1960
members: USA, UK, Canada, France, Italy / USSR, Czechoslovakia, Poland, Bulgaria, Rumania

Foreign Ministers Conference of Four Powers Responsible for Germany
ceased to meet in 1959

MBFR: 1973 –
negotiates on conventional armaments reductions
members:
USA, Canada, Belgium, GFR, UK, Netherlands, Luxemburg
USSR, Czechoslovakia, GDR, Poland

4. Bilateral

SALT
US-USSR

5. Negotiating Sub-systems

GOVERNMENTAL

EPC

NATO

WPO

NATIONAL GOVERNMENTS

Key:
→ Negotiation
→ Representation/Reporting
→ Consultation
→ Information/Recommendation
→ Diffuse efforts to influence negotiations

1) The enlarged Commission never met
2) Only European states are mentioned France does not participate

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Table 12. *Voting Behavior of European States on Major (controversial) Resolutions of the UN General Assembly on Disarmament.*

	Yugoslavia	United Kingdom	Switzerland
1.	Resolution 191 (III) of Nov. 4, *1948*: Reports of the Atomic Energy Commission.	N	Y	—
2.	Resolution 502 (VI) of Jan. 11, *1952*: Regulation, limitation, international control of atomic energy, and balanced reduction of all armed forces and all armaments.	Y	Y	—
3.	Resolution 914 (X) of Dec. 16, *1955*: Regulation etc.; convention on the reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction.[1]	Y	Y	—
4.	Resolution 1148 (XII) of Nov. 14, *1957* on the same subjects.	A	Y	—
5.	Resolution 1252 (XIII) of Nov. 4, *1958* on the discontinuance of nuclear weapons tests. A B	A	Y	—
6.	Resolution 1379 (XIV) of Nov. 20, *1959* on the question of French nuclear tests in the Sahara.	Y	N	—
7.	Resolution 1380 (XIV) of Nov. 20, *1959* on the Prevention of the wider dissemination of nuclear weapons.	Y	Y	—
8.	Resolution 1576 (XV) of Dec. 20, *1960* on the Prevention of the wider dissemination of nuclear weapons.	Y	A	—
9.	Resolution 1577 (XV) of Dec. 20, *1960* on the suspension of nuclear and thermo-nuclear tests.	Y	Y	—
10.	Resolution 1632 (XVI) of Oct. 27, *1961* on Continuation of Suspension of . . . tests. Urgent need for a treaty to ban . . . tests under effective international control.	Y	Y	—
11.	Resolution 1648 (XVI) of Nov. 6, *1961* on continuation . . .	Y	N	—
12.	Resolution 1649 (XVI) of Nov. 6, *1961* on urgent need . . . for a treaty . . .	A	N	—
13.	Resolution 1653 (XVI) of Nov. 24, *1961*: Declaration on the prohibition of the use of nuclear and thermonuclear weapons.	Y	N	—
14.	Resolution 2289 (XXII) of Dec. *1967*: Conclusion of a Convention on the prohibition of the use of nuclear weapons.	Y	A	—
15.	Resolution 2373 (XXII) of June 12, *1968*: Treaty on the Non-Proliferation of Nuclear weapons.	Y	Y	—
16.	Resolution 3257 (XXIX) of Dec. 9, *1974*: Suspension of atmospheric and underground nuclear tests.	Y	A	—

Voting Behavior U.S.A. and U.S.S.R.

	191	502	914	1148	1252 A B	1379	1380	1576	1577	1632	1648	1649	1653	2289	2373	3257
USA	Y	Y	Y	Y	Y	N	Y	A	A	Y	N	Y	N	A	Y	A
USSR	N	N	N	N	N	Y	A	Y	Y	N	N	N	Y	Y	Y	A

1. Fifteen votes on separate paragraphs preceded the final vote recorded here.

Albania	Austria	Belgium	Bulgaria	Czechoslovakia	Denmark	Finland	France	GFR	GDR	Greece	Hungary	Iceland	Irish Republic	Italy	Luxemburg	Malta	Netherlands	Norway	Poland	Portugal	Rumania	Spain	Sweden	No.
Y	—	—	—	N	Y	Y	—	Y	—	—	—	Y	—	—	Y	—	Y	N	—	Y	—	—	—	1.
Y	—	—	—	N	Y	Y	—	Y	—	—	—	Y	—	—	Y	—	Y	N	—	Y	—	—	—	2.
Y	—	—	—	N	Y	Y	—	Y	—	—	—	Y	—	—	Y	—	Y	N	—	Y	—	—	—	3.
Y	Y	N	Y	N	Y	Y	—	Y	Y	Y	Y	N	Y	—	—	Y	A	Y	N	N	Y	Y	N	4.
A	Y	N	Y	N	Y	Y	—	Y	Y	Y	Y	N	Y	—	—	A	A	Y	N	N	Y	A	N	5.
Y	N	Y	N	Y	Y	N	—	N	N	Y	Y	Y	A	—	—	N	Y	Y	Y	Y	N	Y	Y	6.
Y	Y	A	Y	A	Y	Y	—	Y	Y	Y	Y	A	Y	—	—	A	Y	Y	A	A	Y	Y	A	7.
Y	A	Y	A	Y	Y	A	—	A	A	Y	Y	Y	A	—	—	A	Y	Y	Y	Y	A	Y	Y	8.
Y	A	Y	Y	Y	Y	Y	—	Y	Y	Y	Y	Y	Y	—	—	A	Y	Y	Y	Y	A	Y	Y	9.
Y	Y	N	Y	N	Y	Y	—	Y	Y	Y	Y	N	Y	—	—	Y	Y	Y	N	N	Y	Y	N	10.
Y	A	N	N	N	Y	A	—	N	N	Y	Y	N	N	—	—	N	Y	Y	N	N	A	Y	N	11.
Y	Y	N	Y	N	Y	Y	—	Y	Y	Y	Y	N	Y	—	—	A	A	Y	N	N	Y	Y	N	12.
A	N	Y	N	Y	N	N	—	N	N	N	A	Y	N	—	—	N	A	A	Y	Y	N	A	Y	13.
A	Y	Y	A	Y	A	A	Y	A	A	A	A	Y	A	—	—	A	Y	A	Y	Y	A	Y	N	14.
Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	—	—	A	Y	Y	Y	Y	Y	Y	N	15.
Y	Y	A	A	A	Y	Y	—	—	A	Y	Y	A	A	A	A	N	Y	Y	A	A	Y	Y	N	16.

INDEX OF AUTHORS AND SUBJECTS *

n — note = footnote

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