Chapter III

SALIENT FEATURES OF THE WARSAW TREATY
The establishment of the Warsaw Pact certainly signified the institutionalisation of the cold war. It was also a post-Stalinist development for the Soviet Union. The new Soviet leadership after Stalin indeed very reluctantly decided to establish the Warsaw Pact when it could find no way out other than responding to the West in kind.

The genesis of the Warsaw Pact can easily be seen in the cold war perspective so also its development and growth. In fact, many of the features of the Warsaw Treaty Organisation (WTO) were the product of the time. On the other hand, the organisation of the WTO and various problems of security it faced, both developed and grew as the process of the cold war unfolded from the second half of the fifties onwards. Here in this chapter we propose to examine the salient features of the WTO as they emerged.

In the history of alliances, the Warsaw Pact has been the first of its kind, in the sense that it is the first multinational alliance system of socialist states. It is not an alliance that bound together states with different political and economic foundations. It is, therefore, obvious that the character of the alliance would also be different than the hitherto ones. It is in this light we shall attempt our analysis of the Treaty provisions.
Here, we should also bear in mind the fact that the socialist countries have different concept of legality than the non-socialist countries. Interpretation of laws, rules, and regulations in these countries are done from a Marxist perspective. In the Marxist perspective, laws, rules and regulations do not have autonomous existences but are conditioned by the politico-economic structures of the society. Thus, these do not have overriding importance as in the non-socialist countries. The Soviet Union and the other socialist countries with this theoretical framework have formulated the Warsaw Treaty and have subsequently interpreted and dealt with them. As we shall find during our analysis, these countries, during the functioning of the Warsaw Pact, in course of time did not attach too much importance to the treaty provisions. This resulted in many of their actions being described as violative of the treaty provisions by the non-socialist countries and others. This is because they analysed these actions from a non-socialist perspective. It should however, be mentioned here that some actions of the Soviet Union which directly or indirectly affected some socialist countries which were purportedly carried out under the Warsaw Treaty framework but did not come under its purview were severely resented by the alliance partners. Though the Soviet Union did not attach any extraordinary sanctity to the treaty, while undertaking these actions,
did impress upon the world that these were generated by the compulsions of the WTO. Another point which should be kept in mind before we go over to analyse the Treaty provisions, is that, the Warsaw Treaty was a "reactive treaty" - that it was a response to the North Atlantic Treaty. Being a response, if it was affected by the objectives of the former, it was also quite different from the former in many respects. One of the way it was significantly different from the North Atlantic Treaty was that it had too narrow and restricted stated objectives - limiting itself strictly to military sphere. This we take up in detail during our analysis.

Treaty Provisions

Hence we move on to the analysis of salient features of the treaty. Let us first examine the provisions of the Treaty. The preamble of the Warsaw Treaty is quite explicit and explains its raison d'etre. It mentions the signing of the Paris agreement, the possibility of the formation of a West European Union, the remilitarisation of Germany and the inclusion of Germany in the North Atlantic Treaty Organization as the most important causal imperatives for the signing of the Warsaw Treaty.¹ As we have explained in the preceding chapter, it was basically the German threat and its inclusion in

the NATO which had snoballed the formation of the WTO. The Soviet Union and the socialist countries were indeed restless; finding simply no alternative they resorted to the conclusion of the pact.

Article 1 of the Treaty, mentioned that the contracting parties in accordance with the UN Charter were determined to "refrain on their international relations from the threat or use of force and to settle their international disputes peacefully and in such manner as will not jeopardise international peace and security".² Thus in this article the Warsaw Treaty countries pledged their support to the UN Charter to abide by its cardinal principle to settle disputes peacefully and refrain from the use of force. This indeed gave the Warsaw Treaty universalistic character. This was done to provide the Warsaw Treaty Organisation a broad international character.

In Article 2, they expressed their desire to "participate in a spirit of sincere cooperation in all international actions designed to safeguard international peace and security and strive for effective measures for universal reduction of armaments and prohibition of atomic, hydrogen and other weapons of mass destruction."³ In this article the Soviet Union and the socialist

2. Ibid.
3. Ibid.
countries again committed themselves to the UN principle to participate in international actions to safeguard peace and security. They also expressed their long cherished desire to strive to take effective measures towards disarmament. This was in line with the past policies of these countries.

Article 4 and 5 of the Treaty constituted basically its crux. Article 4 stated that the parties shall consult with one another and have immediate consultation when "a threat of armed attack on one or more of the parties has arisen in order to ensure joint defence and maintenance of peace and security". In accordance with Article 5 of the UN Charter, members in exercise of the right to individual and collective self-defence as per Article 4 of the Warsaw Treaty pledged either individually or in agreement with the parties to "come to the assistance of the state or states attacked with all such means as it deems necessary including armed forces, measures which would be intimated to the Security Council". Thus, the WTO followed the UN Charter regarding individual or collective self-defence. It expressed the collective determination of the alliance to come to the rescue any party which faces an attack or is attacked. This is indeed the centre piece of the treaty on which the whole

4. Ibid.
5. Ibid.
defensive structure of the alliance was built. It assured the big and small countries to preserve their sovereignty and security.

Article 5 and 6 of the treaty dealt with the institutional structure of the WTO. Article 5 stated that the parties agreed to establish a "Joint Command of the armed forces that by agreement among the parties shall be assigned to the Command, which shall function on the basis of jointly established principles". The Joint Command is the most significant military structure which is the collective expression of the military might of the socialist countries. It was destined to carry out all future military operations. This aspect has been dealt with in detail in chapter four. Suffice here to say that the Joint Command had to function on the basis of jointly established principles. According to Article 6, the parties agreed to establish a Political Consultative Committee (PCC) "in which each of the parties to the Treaty shall be represented by a member of its government or another specifically appointed representative". The PCC is the most significant political institution and is the decision making body of the alliance. This was also to be operated on the basis of collective principles. This has also been dealt with in great detail in chapter four.

6. Ibid.
Article 7 of the Treaty stated that the parties decided "not to participate in any coalitions or alliance and not to conclude any agreement whose objectives conflict with the objectives of the present treaty". This provision underlines the overriding importance of the treaty and asks the members to restrain from joining any alliance or agreement whose objectives are contrary to those of the Treaty. Thus it posited some kind of finality for the treaty - that it should be taken as an end in itself. Thereby, it asked the members to give priority to the treaty provisions in their relations with other countries.

Article 9 of the Treaty stated that the "Treaty was not a closed grouping but an open one, to which other states irrespective of their social and political systems can accede by expressing their readiness to participate in it". Thereby, it made the Treaty open to all socialist and non-socialist members and declared its non-sectarian character. In fact, it wanted the Western countries to come forward to join the Treaty which would have given it a Pan-European character. However, the Western countries did not come forward to participate in the WTO. Thus the Treaty though professed to be an open Treaty, in practice it remained as a closed grouping.

8. Ibid.
9. Ibid.
Article 8 of the Treaty mentioned that on the basis of respect for the independence and sovereignty of each other they would cooperate "to further developing economic and cultural intercourse between them".10 This article intended to strengthen economic integration among the members and to faster socialist brotherhood among peoples. This posited a dialectical relationship with the CMEA. These were aimed at promoting alliances cohesion and solidarity.

Article 11 of the Treaty stated that the treaty "would remain in force for a period of twenty years during which the efforts for a General European Treaty on Collective Security would be made and in the conclusion of which the present treaty would cease to be operative".11 Thus, this provision expressed the oft repeated proposals of the socialist countries. Much before the conclusion of the treaty these countries had proposed again and again to conclude a General European Treaty which would have settled the German question and the related issues and preserved peace and security in Europe. However, it was not responded to by the Western countries and thus, the socialist countries were forced to conclude the Warsaw Treaty. Even after conclusion of this Treaty, these countries made it clear that in the event of a conclusion

10. Ibid.
11. Ibid.
of a General European Treaty, the Warsaw Treaty would not remain in force. This is indeed the most significant provision of the Treaty. It posits the continuity of the treaty only up to such period till both the alliances reach an agreement to wind up their treaties. In the course of the development of the alliance, this provision was used in argument to justify the progressive character of the treaty.

Salient Features in the Historical Context

Our discussion above on the provisions of the WTO certainly points to some of its salient features. Hence it is worthwhile for us to specify these salient features.

We must begin here by a quick reference to the primary motives that the Soviet leadership appeared to have in establishing the WTO. Likewise it is relevant to have a comparative look at the relevant aspects of the NATO. Such an exercise must eventually lead us to identify and analyse the salient features of the WTO.

Unlike the bilateral treaties concluded by Stalin with East European countries the new multinational treaty (i.e., the Warsaw Treaty) was not limited to the prevention of an attack on the part of Germany or any other power associated with Germany. Nevertheless, the common fear of the remilitarisation of Germany at whose hands almost all the Soviet bloc countries had suffered badly
during the Second World War was made use of in forging this alliance over and above the net work of bilateral treaties of the Stalinist period. But before forging this new alliance among the European socialist countries, the Soviet Union made every effort to prevent the ratification of the Paris Agreements. Germany being in the heart of Central Europe, touched the borders of a number of these socialist countries. To preserve it as a "buffer zone", free from hostile military alignment and consequently free from foreign bases and nuclear weapons was therefore, of great military advantage to the Soviet Union. Neutrality in Soviet eyes had primarily a military significance.

The main intention of the Soviet Union in agreeing to sign the Austrian Peace Treaty was the desire to prevent Austria getting trapped into the Western defence system and also present Germany with a pattern to follow. However, unfortunately Germany refused to follow the Soviet line of being neutralised.

It should be clearly understood that the Soviet Union has also used the treaty as a bargaining prop - that once a General European Treaty would be concluded the present treaty would cease to operate.

The North Atlantic Treaty in its preamble and Article 2, makes it clear that NATO is seen as an alliance of states with common political and economic systems and
institutions: "to safeguard the freedom, common heritage and civilization of their peoples founded on the principles of democracy, individual liberty and the rule of law...."
"contribute towards the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded and by promoting conditions of stability and well being." 12 The Warsaw Treaty has no such civilizational claims. However, its Article 5, commits the states to safeguard peaceful labour.

The Warsaw Treaty has definitely a greater positive futurological orientation than the North Atlantic Treaty. It clearly mentions that on the event of a conclusion of a General European Collective Security treaty, it will cease to be effective. 13 The North Atlantic Treaty is clearly deficient in this respect. The WTO's textual claim to political neutrality appears quite glaring in the face of NATO's aggressive defence of the Western political and social systems.

Whereas the North Atlantic Treaty specifies (Article 4) consultation whenever "territorial integrity political independence or security are threatened which

was fairly clearly put in at the time as a pre-emptive legitimation of any intervention which might be deemed necessary in the event of a communist or socialist election victory in say Italy, the text of the Warsaw Treaty does not specify any ideological basis for the alliance still less any right of military intervention in support of such a basis. Indeed Article 8 specifies non-intervention in international affairs. Consequently, the treaty could provide no documentary basis for the armed interventions carried out in Hungary in 1956 and in Czechoslovakia in 1968. The preamble of the Warsaw pact is indeed striking. It implied that a sudden transformation of NATO from a defensive to an offensive alliance took place on 9 May, 1955, the day of Germany's entry into NATO. This particular reasoning however, implausible was likely to appeal to at least some East European countries obsessed with a genuine fear of West Germany, alone or as part of NATO.

NATO and the Warsaw Pact are two examples of enduring alliances - one is based on a treaty which states its proposal in very broad terms of cultural,
political, economic, social and security objectives; the other is more limited and refers primarily although exclusively to security objectives. 16

Close examination of the North Atlantic Treaty provides a good example of numerous and broadly defined goals. This is evident from the Preamble, Article 2, Article 4 and Article 5. Article 5 requires the members to consult "whenever in the opinion of any one of them, the territorial integrity, political independence or security of any one of the parties is threatened" most importantly for this discussion of NATO goals even the central purpose of NATO is stated in ambiguous terms. Article 5, often described as the core of the treaty states, "The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all, and consequently they agree that, if such an armed attack occurs, each of them... will assist the party or parties so attacked by taking forth with, individually and in concert with other parties such action as deems necessarily including the use of armed force to restore and maintain the security of the North Atlantic area". 17


This clearly outlines that the United States or any European state could respond to attack without action by NATO and it makes equally clear that the nature of such action is to be determined by individual signatories.\textsuperscript{18}

With goals expressed in such broad terms NATO could only fail to meet them if Western democracy, individual liberty and the rule of law collapsed in Western Europe and North America or collectively, in the event of armed attack and if there were no economic collaboration between its members. On the contrary, it very often seems an alliance in search of purposes that are relevant to a world in which the European Community and OECD have usurped its economic functions, in which the Western European Union has preempted into commitment to democracy and the rule of law, and in which armed attack on western Europe is increasingly less likely. Indeed one may argue that the current controversy over extending NATO's reach to include the Persian Gulf is another manifestation of NATO's search for relevance.

Similar arguments may be set forth with regard to the Warsaw Pact and its goals. It is however, not quite as sweeping in expressing its goals, rather is quite narrowly defined.

\textsuperscript{18} Ibid.
The core clause of the Warsaw Pact Article 4,\textsuperscript{19} is as ambiguously stated as its counterpart - Article 5 of the North Atlantic Treaty. During all these years, neither the Warsaw Pact nor NATO has been challenged with regard to its central purpose - to resist armed attack in Europe and therefore neither can be said to have failed or succeeded in this respect.

One however, has to understand the Warsaw Pact keeping in view the 15 "Friendship, Collaboration and Mutual Assistance Pacts" which the Soviet Union has concluded with the socialist countries. The first of these was signed in 1943, with President Eduard Banis of Czechoslovakia who flew from his exile in Great Britain to Moscow. During the following ix years 14 bilateral pacts came into existence. The treaty between USSR and East Germany was signed at Moscow.\textsuperscript{20} All of these pacts has identified principles like (1) close cooperation, (2) consultation with respect to international problems (3) collaboration against West German or other aggression (4) a ban on alliance or coalitions directed against a treaty partner, (5) strengthening of political, economic and cultural ties; (6) a duration of twenty years. These bilateral agreements and the Warsaw Pact complement and

\textsuperscript{19} Ibid., p.19.
\textsuperscript{20} Krasnaya Zveda (Moscow), 13 June, 1964.
supplement each other. There are underlying ideological and functional linkages between them. They have together not only strengthened the socialist relations between them but also cemented the WTO matrix.

One should not, however, forget the diplomatic aspect of the Pact. The Polish foreign minister Adam Rapacki enunciated his plan for an atom free zone in central Europe on 2 October, 1957, at the 12th UN General Assembly. The following year Warsaw foreign ministers sent out a detailed memorandum to the members of NATO along the above lines. This had precipitated series of proposals inspired and initiated by Moscow.21

Like these there have been scores of such proposals which have emanated from the socialist bloc and many times they were intended to have more of diplomatic significance than any operational or functional value. It is indeed unfortunate that most of the Western scholars simply make no distinction between different alliance systems. For them all alliances are similar. That is why the Warsaw Treaty Organisation is thought up as nothing more than an "Eastern NATO".22 Rather the Warsaw Pact is understood as


a military alliance wherein the Soviet Union tried to project its power across its borders.\textsuperscript{23} Arlene Idol Broadhurst while disparaging the Warsaw Pact as a purely military organisation describes NATO as having a very broad social, political and civilisational objectives.\textsuperscript{24} It is relevant to point out here that NATO is an exclusive military bloc and the WTO is an open treaty.

In fact, this very feature of the WTO has a historical precedent in the London Convention of 1933 to which the Soviet Union was a signatory.

The Warsaw Pact is not an esoteric plot; it does not recognise for member states the monopoly rights in deciding the vital questions of Europe. Opening the way to mutual cooperation of all countries of Europe it corresponds to the fundamental requirements of a collective security system. The commitment by the WTO states to disband the alliance on the conclusion of General European Collective Security Treaty is unprecedented. This provision is novel in modern international law. No rigid time limit is stipulated but the possibility of it automatically losing force, the moment the wider agreement becomes


\textsuperscript{24} Broadhurst, n.16, p.50.
effective, is not ruled out. Hence the Warsaw Treaty may well be regarded as a major contribution towards establishing a collective security system in Europe.

As M. Lachs puts it: "The basic aim of the Treaty is the defence of sovereignty which is indeed a general guiding principle. Consequently, if this is the aim of the treaty then all the provisions must be interpreted and applied in a manner that takes into account the sovereign right of all the signatories. The starting point of the treaty is that each of the eight member countries is a sovereign state, were one of them to impose its will on any of the others this would be regarded as a highhanded arbitrary act. The functioning of the basic economic law of socialism does away with the possibility of conflicts between the countries of the socialist camp. The identity of the basic principles and political aims of all the participants in the Warsaw meeting is a guarantee that their sovereignty will not be violated. One has in mind here the significant experience of the policy of respect for and defence of sovereignty of other states."

After discussing the treaty provisions and making an interpretation of them it is appropriate to make a

comparative analysis of the WTO and the NATO so far as the various aspects of the alliances are concerned.

Some Comparative Views on WTO and NATO

Some scholars while analysing the features of the WTO and NATO have attempted comparative estimates. Peer Lange, a German scholar is one of them. He is of the opinion that whereas the WTO is an assymetrical structure, NATO has some degree of symmetry, so far as power potentials of the countries are concerned. To expend the argument he says that whereas the WTO has no nuclear power except the Soviet Union, NATO has UK - another nuclear power. Moreover, whereas the USA has also deployed its forces in non-alliance states, the USSR has deployed strong groupings of the Soviet army where it has claimed a need for securing the lines of supply, i.e., in Poland and Hungary and again in Czechoslovakia. He further argues that in NATO alliance partners occupy important positions in military command structure, it is not so in case of the Soviet dominated WTO. Another scholar on the field, Christopher N. Donnelly is of the


opinion that the WTO lacks any effective permanent structure of political institutions like that of the NATO. He further says that the Warsaw Pact is designed as a command structure, effectively an extension of the Soviet General Staff. Moreover, Soviet links with the non-Soviet Warsaw Pact (NSWP) countries is determined by the network of bilateral treaties - that the formal dissolution of the Warsaw Pact would not itself effect the Soviet capacity to control East European armies. For him, the Warsaw Pact simply helps to minimise the cost of defending the USSR and provide a launching pad for offensive operations against NATO. His views have been dealt with in detail in chapter four. Suffice here to say that most of these views on WTO vis-a-vis NATO are expressed from a Euro-American perspective which does not take into cognisance the legitimate security concerns of the Soviet Union and the socialist countries. Moreover, these kind of differentiation does not take into account historical realities which have shaped these alliances, their ideological backgrounds etc.

Any comparative analysis must take into account the historical realities which shaped them. During the aftermath of the Second World War NATO came into existence with the sole purpose of fighting the so-called Bolshevik danger - the expanding Soviet empire. We have analysed it in our second chapter. Whereas WTO came into origin as a
response to NATO to defend the Soviet Union and the socialist countries. The fact that these countries had different political and economic foundations based on the ideology of Marxism and Leninism was anathema to the West. Thus the entire interpretation of their foreign policy behaviour was obviously lopsided and could not come to terms with the Soviet Union and the socialist countries.

Thus, any comparative analysis must take note of the structural differences between the alliances rather than make apriori assumptions.

It is indeed fascinating to note that whereas normally, the Western authors have called the United States of America as Athens, and the Soviet Union as Sparta, while comparing the North Atlantic Treaty with the Warsaw Pact they reverse the positions much to their convenience. For instance, Richard Nea Lebow outlines that the NATO alliance symbolises the Spartan alliance system whereas the Warsaw Pact symbolises the Athenian alliance system 28 that is because Sparta stood at the head of a democratic alliance system though itself it was an authoritarian society and Athens - that school of democracy stood for a regimented alliance system. He

says, "The Warsaw Pact, like its Athenian predecessor, was
the outgrowth of a long war that left the Victorian
occupation or at least in partial control, of numerous
liberated territories. As the Athenians had done
previously, the Soviets had bound those states in alliance
and where possible installed governments which remained at
least partially dependent upon continued Soviet support
for survival as had many democratic governments created
by Athens. It is indeed ridiculous since the entire
analogy has been continued in order to portray a rosy
picture for the NATO and disparage the WTO as an authori-
tarian alliance system. He does not differentiate between
the character of socialist states and bourgeois states —
thus between socialist alliance system from the bourgeois
alliance system. Such a historical comparison between
treaties and alliances does not produce sound picture.

The central purpose of the Warsaw Treaty was to
guarantee the security of the socialist countries in the
face of Western threat. And in this sense the treaty has
been quite successful in meeting the security needs of
these countries through thick and thin over the decades.
In the process, it stabilised East-West relations from
the firmament of the Cold War to detente. By providing an
anti-dote to NATO it became a great pacifier of East-West
politics. It is but obvious that the socialist countries
by themselves, individually would not have been able to
bear the brunts of Western threat something which became an easier task for them under the Warsaw Treaty umbrella. However, the operationalisation of the treaty for all these decades has not been a smooth affair. Sometimes, it has been bitter and rancorous. As has been explained in the preceding pages, Marxist legality is quite different from bourgeois legality. In the Marxist framework legal provisions do not have sacrosanct values; these are interpreted in the light of socialist interest. During all these decades, the treaty has been largely interpreted in this framework. Some of the actions of the Soviet Union like the intervention in Hungary in 1956 and the intervention into Czechoslovakia in 1968 which caused misgivings among members were interpreted and vindicated on the grounds of preserving socialism. In the process the treaty was interpreted to provide credence to the Soviet views inspite of the non-interference provision (Article 8 of the Warsaw Treaty).

However, so far as its central objective has been concerned the Warsaw Treaty has been quite successful in meeting the security needs of the Soviet Union and the socialist countries. Thus in our analysis we found that the Warsaw Pact is structurally different from the NATO so far as their treaty provisions are concerned. Any comparative estimate must take into cognisance the differences in their historicities - that they are product
of different situations whereas the WTO is more positively oriented and contains a provision regarding its dissolution, the North Atlantic Treaty is obvious about it. This is the reason, today when the WTO has decided to dismantle itself, NATO continues to remain as a force. Even after the settling of the German question, and the end of the cold war which has seen the Soviet Union diminishing itself to a continental power, the continuance of NATO appears a bit paradoxical.

The Warsaw Pact was specifically directed towards the defence and security of the socialist countries and thus unlike NATO it was not vaguely outlined.

Though the treaty did not entrust the WTO to interfere on the internal affairs of member countries, the Soviet Union did so under the broad framework of the WTO. This had generated lot of ill feelings among the alliances partners.

Since the Warsaw Treaty was mainly concerned with the defence and security of the socialist countries, it is logical here to move on to a discussion and analysis of the various aspects of the organisation of the Warsaw Pact.

The actual provisions of the Warsaw Treaty and its salient features put into a sharp focus its nature and
purpose. How its nature and purpose are sought to be promoted in practice? For an answer, we have to examine the very organization of the Pact. This we propose to do in our next chapter.