The dogmatic adherence to the principle of state sovereignty has been largely responsible for dividing the world into a plurality of local States and has retarded the growth of a world community of nations based on an enduring peace, law, order and justice.

It is scarcely a matter for surprise that the prosecution of a major war brings with it a general desire among the different nations to bring about some more lasting form of international organisation than what existed before. Thus the Revolutionary and Napoleonic wars were responsible for the birth of the Holy Alliance. The founders of the League of Nations and of the United Nations were equally inspired by the idea of freeing the world from the fear of another major war.

In the Preamble of the Covenant it was stated that the signatories to the Peace Treaties agreed to the Covenant "in order to promote international co-operation and to achieve international peace and security."

The Charter of the United Nations is similarly instinct with the determination to save succeeding generations from
the scourge of war which twice in our present century has brought untold sorrow to mankind. In Article I of the Charter, the purposes of the United Nations are stated to maintain international peace and security.

When the Covenant came to be drafted, difficulties cropped up and the different Allied nations felt uneasy at the prospect of pooled security and the submission of international disputes to either a judicial League Covenant tribunal or a council of representatives of member states.

Although General Smuts and President Wilson held high hopes for the creation of an effective international authority with power to prevent wars of aggression, the covenant had to make substantial concession to the claims of the sovereign state. [In the Covenant and practice of the League of Nations, the principle of the sovereignty of the State was respected and jealously safeguarded]

Art 1 of the Covenant by which the League was constituted avowedly recognises consent as the basis of the League of Nations. It is significant to notice that although in the original draft of the League Covenant there was no provision for the withdrawal of the Member States, express provision was made for the withdrawal of States on giving
two year's notice. Sir Frederick Pollock commenting upon this part of Article 1 assured us that it did not seem very likely to be acted upon, still it can hardly be denied that the League had been conceived more as a concert of independent Powers than as a federal union without aiming at the establishment of any supernational government. Pollock's observations on this point reflected the attitude of the nations accurately. "In the strict theory of international law, the government of every State is as regards every other States an indivisible and impenetrable monad."

Moreover matters of great importance could be taken out of the jurisdiction of the Council or Assembly of the League of Nations if any party to a dispute was successful in raising the objection that the conflict has arisen out of a matter which by international law is regarded to be solely within its own domestic jurisdiction.

Even when the Council or the Assembly was competent to take cognizance of any dispute for the exercise of their jurisdiction, they could not take any decision, but could only make certain recommendations. If these were made by the majority these had little legal effect whatsoever. Even when
they were adopted unanimously, they had only negative consequences. Article 15 (Cl 6) of the Covenant provides that if a report by the Council is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report. But if the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representative of one of more parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

Art 16 of the Covenant provides for automatic economic and diplomatic sanctions against any member State resorting to war in disregard of its Covenants under Articles 12, 13 or 15. But in practice every member was free to decide in good faith for itself whether the conditions of Paragraph 1 of Article 16 of the covenant were fulfilled. In any case, the application of military sanctions was optional for the member-states. Under Art 16(Cl 2), the Council shall only recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the Covenants of the League.
Under Art 14 of the Covenant provision was made for the establishment of the Permanent Court of International Justice with competence "to hear and determine any dispute of an international character which the parties thereto submit to it."

The statute of the Permanent Court affirms clearly the principle of State sovereignty. Only states, or Members of the League of Nations can be parties in cases before the Court under Art 34. Individuals who are not generally recognised as subjects of international law cannot usually come before the Permanent Court unless their case is taken up by a State or member of the League of Nations.

The men who made the U.N. at San Francisco were government emissaries and therefore not by the nature of things eager to restrict the sovereign rights of the state. Yet logic pointed that way.

The very idea of a United Nations implies weakened sovereignty. Member governments meet together with their freedom already limited by the pledges they have signed in the Charter. The solutions reached by majority vote are in their nature likely to be compromises between what one government would like and what other governments would like.

Art 103 of the U.N. Charter reads: "In the event of a conflict between the obligations of the Members of the United
Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

Thus the logic of the situation pushed the delegates far in the direction of weakening national sovereignty. Yet the fundamental basis on which the United Nations organisation was built is the nation-state structure of the world. It is an organisation of governments. In a sense, the Charter of the United Nations is more explicit in the assertion of the principle of state sovereignty than the Covenant. The first of its seven principles is that "the Organisation is based on the principle of the sovereign equality of all its members." This principle is further strengthened by the provision of the last paragraph of the article which provides that "Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present charter."

Moreover although the Charter does not expressly mention the right of withdrawal of the Member-States, the Committee of the San Francisco Conference put on record the view, eventually accepted by all participating states, that nothing in the Charter deprives
members of the right to withdraw from the Organisation. Most states represented at the Conference of San Francisco could not find their way to acquiesce in such an impairment of national sovereignty as is undoubtedly implied in the irrevocable acceptance of membership of an international organisation with most comprehensive and expanding aims.

Although formally the Charter enshrines the sovereign equality of all its members, the gap between legal and political sovereignty has widened further than ever before. The Charter has defined more explicitly in legal terms the privileged position of the world powers. As to the 'equality' of states, the privileges conferred in Articles 27, 103 and 109 upon the states which are permanent members of the Security Council are incompatible with the principle of "equal rights of nations large and small," as well as with the principle of 'sovereign equality' of the Members. At the 7th meeting of the Committee one delegate frankly admitted that states Members of the World Organisation would not receive equal treatment and that therefore the words "sovereign equality" in paragraph 1 of Chapter 2 were rather ironic; it was therefore suggested that the word "sovereign" be deleted. At the 8th meeting of the Committee several delegates did not favour the expression "sovereign equality" and further pointed out that other parts of the Charter would not be consistent with the concept of equal sovereignty. The Report of the Rapporteur of Committee 1 to Commission I throws a flood of light on the sense in which the
words "sovereign equality" were used. "The Committee voted to use the terminology "sovereign equality" on the assumption that it includes the following elements" (1) that states are juridically equal (2) that each state enjoys the right inherent in full sovereignty (3) that the personality of the state is respected, as well as its territorial integrity and political independence (4) that the state should, under international order, comply faithfully with its international duties and obligations." It is submitted that if the states are "equal" in spite of the fact that some have privileges which others have not, the term 'equal' has lost its original sense.

In fact the principle of the sovereign equality of all the Members of the Organisation has been contradicted by many crucial provisions of the Charter. There runs throughout the Charter a clear-cut differentiation between the rights of the Five Great Powers which are permanent members of the Security Council and other members of the United Nations. The consent of the permanent members of the Security Council is required as a condition of the validity of the more important decisions not only of the Council but also of the General Assembly. The consent of the Great Powers who are permanent members of the Security Council is required for amendment of the Charter; for admission of new members of the United Nations; for decisions and recommendations in connection with the settlement of disputes and safeguarding international
peace and security (except in the case of parties to the dispute), for decisions embodying measures for enforcement and in many other cases. Thus in one vital respect, the absence of equality under the Charter seems to deny a basic condition of the rule of law namely, inasmuch as measures of enforcement cannot be taken against a permanent member of the Security Council. To that extent the Charter departs from the principle of equality before the law. There is no such equality if the law can be enforced against some but not against other members of the community.  

The statement of the Four Sponsoring Powers during the San Francisco Conference faithfully reflects the position. "In view of the primary responsibilities of the permanent members, they could not be expected in the present conditions of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security, in consequence of a decision in which they had not concurred."

Thus so long as the Permanent Members concur, they can exercise effective control over the other member States and may commit the other members of the United Nations in matters which involve the maintenance of or restoration of international peace and security.

Even in a dispute where any of the Permanent Members is involved, it will decide for itself on the aggressive or defensive character of its action under Article 51 of the
Charter. The British Commentary on the Charter pertinently pointed out, "It is clear that no enforcement action by the organisation can be taken against a Great Power itself without a major war. If such a situation arises, the United Nations will have failed in its purpose and all members will have to act as seems best in the circumstances...... The successful working of the United Nations depends on the preservation of the unanimity of Great Powers.......If this unanimity is seriously undermined, no provision of the Charter is likely to be of much avail."

The actions of the United Nations, as Stalin pointed out in 1944, will be effective if the Great Powers which have borne the brunt of the war against Hitler&Germany continue to act in a spirit of unanimity and accord. They will not be effective if this essential condition is violated.

Thus the Charter, although professes to be based on the sovereignty of world powers. in reality the sovereignty of the world powers sacrosanct, thereby reducing the number of politically sovereign states.

The States, in their zeal to uphold their sovereign rights, have, by the trend of present-day international events to resign themselves more and more to defensive alliances
and collective security in order to ensure the maximum of safety
and security in a world dominated by power politics.

The facile logic of "collective security" is so plausible
as to appeal persuasively to all who wish to
believe rather than to accept truths which clash
with cherished pride and prejudice. In a sense,
collective security is an attempt to overcome
the weaknesses of the international community in which there is
as yet no certain centralised system of law enforcement. Thus
it has been the basic principle underlying both the Covenant of
the League of Nations and the Charter of the United Nations. In
the words of Sir Samuel Hoare, "collective security, by which
is meant the organisation of peace and the prevention of war by
collective means, is, in its perfect form, not a simple, but a
complex conception. It means much more than what are commonly
called 'sanctions.' It means not merely Art 16, but the whole
Covenant of the League of Nations."3

The principle of "collective security" is the guarantee
of peace, security and territorial integrity of any one state
by all. If all States Covenant together to use their combined
power against any law-breaking or war-making States, it will
not be possible for that state to resist the joint power of
all other states turned against it.

Thus the system has for its object both the elimination
of force in settling international disputes and the development of a sense of mutual security among states. Its object is to establish a system in which there is no place for the traditional rules of "self-help" and neutrality.

No doubt if the practice of the League of Nations and the reality of the inter-war period be taken as a guide, it will irrefutably point out how the theory has broken down in evasion, irresponsibility and failure.

Prof. Schuman thinks that the crucial error in such a theory of keeping peace by coercing each state breaking the peace, lies in the false analogy between the members of a national society and the members of the "society" of nations. "Since there is in fact no resemblance between them in their inter-relations, either as to size, relative power, social cohesion or disposition to act together, it follows that a coercion of the one by the many as a sanction of law and a means to peace is a wholly different matter in the two contexts." Perhaps the error suggested by Schuman of confusing the two things as one and the same thing has been the result of our anthropomorphic deification of the nation state in modern times.

But the League decisively failed to enforce effectively the principle of collective security because of its lack of universality, since its members did not at any time include all the seven great powers.
More fatal still was the lack of determination of the Member States to put the full weight of their power and convictions behind the enforcement of the Covenant. All that Art 16 of the Covenant provided for the enforcement of measures for an effective collective security is the automatic, simultaneous and comprehensive application of economic and diplomatic sanctions. But as we have seen, military sanctions remained entirely optional for the Member States. The Council was authorised to recommend to members "what effectively military, naval or air force the members of the League shall severally contribute to the armed forces to be used to protect the Covenants of the League."

In fact the League of Nations was never intended to be nor was it a revolutionary organisation. It accepted the world of sovereign states as it found and merely sought to provide a more satisfactory means for carrying on inter-state relations.

The real problem of collective security emerges more clearly as the struggle between the desire for security attainable only by international military, political and economic organisation and the forces of which the sovereign national state is the symbol.

The League Covenant was an uneasy compromise between the sovereign authority of the member states and a half-hearted
acceptance of the principle of international responsibility for the maintenance of peace and security all over the globe.

The successive failure of the League in the case of the bombardment of Corfu by Italy in 1923, or the Japanese invasion of Manchuria in 1931 or the Italian invasion of Abyssinia in 1935 established the ambitions and pretensions of the sovereign state in the name of political "realism."

The United Nations Charter accepted the principle of "collective security", but the theory behind it was explained more clearly by Senator Connally at the fourth meeting of Commission III:

"The responsibility of the five permanent members of the Security Council is momentous: it is tremendous. It may have the effect of shaking the very foundations of the earth. I cannot conceive of any one of the great powers that shall be a member of the Security Council considering lightly that sense of responsibility. It is our theory that they will be sensible of that sense of responsibility and that they will discharge the duties of their office not as representatives of their governments, not as representatives of their own ambitions, but as representatives of the whole organisation in behalf world peace and in behalf of world security. Any other course would over a period of time cause the
disintegration of this organisation.  

Thus it was realised at an early date that in the event of a threat to the peace presenting itself in the post-war period, the chief burden of warding it off or of restoring the peace by resort to preventive and enforcement measures would fall upon the greater Powers.  

The Security Council composed of the five permanent members and seven non-permanent members has been entrusted with the primary responsibility for the maintenance of international peace and security and the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the Charter of the United Nations.

The application of economic sanctions has not been reserved for the individual discretion of the Member-states. Article 41 of the Charter authorises the Security Council to decide what measures not involving the use of armed force are to be employed to give effect to its decisions and it may call upon the Member-States to apply such measures. These non-military sanctions include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance
of diplomatic relations. Should the Security Council consider that measures provided for in Art 41 would be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea or land forces of the Members of the United Nations. All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location and the nature of the facilities and assistance to be provided.

Thus the Security Council has been made as the guardian-in-chief of world peace, as a representative international organ with an unfettered discretion to decide what constitutes a threat to peace or aggression. The authors of the charter thus accepted the theory of "collective security" according to which peace can be kept through the co-operative action in order to prevent or counter any attack against the established international legal order.
But the Charter, unlike the Covenant took cognizance of the fact that the collective coercion of a Great Power means not peace but world war. Hence it recognized and accepted the principle of unanimity of the five Big Powers for any measure of collective coercion to be undertaken by the Security Council.

Dr. Schwarzenberger has rightly pointed out that in a sense collective security as understood at Dumbarton Oaks and San Francisco, means collective security against danger to peace from the middle powers and small states and collective insecurity in the face of aggression by any of the world powers. The world powers will themselves be the sole judges to decide whether they will be involved in any enforcement action against any aggressor. Whenever any Big Power will be involved in any conflict, the Security Council will be an impotent organisation as no enforcement action can be taken against the power without its consent.

Moreover even the military obligations of the Member-States are contingent on the agreement between the Security Council and the Member State as to the number and types of forces, their degree of readiness and general location and the nature of the facilities and assistance to be provided.

Since the functioning of the Security Council, its sanctions machinery was not put to test until the happening
of events in Korea. With the outbreak of the hostilities in Korea, the Security Council during the temporary withdrawal of the Soviet Union from it, adopted a resolution that the armed attack upon the Republic of South Korea by North Korea constituted a breach of the peace and called for the immediate cessation of hostilities and the withdrawal of the North Korean forces to the 38th Parallel and called upon "all members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities."

Although the United States and some other members of the United Nations enthusiastically responded to the Secretary General's request for assistance, the Security Council could not call upon any of the armed forces of Member States, as they failed to conclude the agreement provided in Art 43 of the Charter.

From our analysis, it will be clear, that a successful system of collective security requires the submission of the sovereign will of each nation to the collective decisions made in accordance with the charter and an effective international control of military forces and vital weapons
which presupposes a severe restriction of national sovereignty. In fact, collective security without collective sovereignty can hardly achieve its purpose.

Although there had been attempts to establish certain vital international control agencies such as international military force and an international organization for the control of atomic energy, these attempts have proved abortive because of lack of any binding authority of such organizations.

The truth is that the essential requirement of collective security can be achieved only when the vast majority of states want international peace more than they want national objectives that can be obtained only by sacrificing peace, when at least all the most powerful states are satisfied with the established order and do not wish to change the status-quo by resort to violent means. The idea of collective security thus presupposes a realisable unity of interests between states against an aggressor.

It requires for its successful working (1) some agreed definition of aggression (2) some agreed body to apply that definition by majority vote (3) advance pledges by states to provide resources to back up such decisions.
But these preconditions of international peace through collective security have never come to pass. Under the present circumstances, its greatest danger is held to be the extension rather than the limitation of war. Thus, many countries have been drawn into the vortex of Korean conflict because of their collective security obligations.

Thus the tragic experiences of the international relations during the two world wars have made it abundantly clear that "collective security" is incompatible with the sovereignty of the national state. If "collective security" is to materialise as an institution of international political life as distinct from an occasional and spontaneous concerted action of States, the sovereignty of the national state has to be surrendered and there must be transferred to an authority superior to that of the single national states, an irreducible minimum of power.

Yet in the absence of a Big-Power unity, the basic assumption of the U.N., the ceaseless quest for protection from economic, social, political and military insecurity has led the sovereign states towards closed and compact regional alliances among themselves to preserve the precarious balance of security in the frigid climate of power politics.
It is needless for our present purpose to proceed to an elaborate examination of the manifestation of such alliances in the political life of our present epoch. Before the last war we had the Locarno Treaties, the Little Entente, the Balkan Pact, the Baltic Union, The Four Power Pact of 1933, the London Convention of the same year and the like. Since the Second World War this tendency has become increasingly dominant in the different alliances like the Rio Treaty, the Brussels Pact, the North Atlantic Treaty.

This urge for regional pacts and groupings of nations is no doubt prompted by a keen egocentric national interest which chokes off the growth of a unified world. Thus political and economic factors are closely intertwined in this movement and "the decisive foreground is occupied by all the mutual and well-grounded fears, military preparations and manoeuvres, threats and counter-threats, weapons and counter-weapons, struggle for spheres of influence and power over strategic materials and territories." 21

This has been sought to be justified as the expression of man's basic urge towards self-preservation translated into political terms. Even the Charter of the United Nations, we have seen, recognises this inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has
taken the measures necessary to maintain international peace and security.\textsuperscript{22}

In fact the impetus for such regional organisation is very often supplied by the threat of a military aggression, as in the case of the North Atlantic Treaty.

But it is profitable to remember that although fear may be a creative force, the creative power of fear does not increase in proportion to its intensity. The scared man, no doubt, can run faster from the pursuing bull than he ever thought possible. But fear finally becomes paralysing. Furthermore the fear of mutual destruction easily degenerates into the fear of a particular foe. "It can hardly be denied that in the present world the fear of Russia in the West and of the West in Russia seems more potent than the common fear of destruction."\textsuperscript{23}

Thus while the United States is spending billions to produce atom bombs and develop even newer and more terrible weapons, and is seeking networks of strategic bases in both oceans, Russia has swallowed up huge territories and yoked millions of people to its totalitarian machine, has expanded its military power and established its political control over neighbouring countries.  \textsuperscript{24}

We are also told that regional systems would greatly encourage the development of constructive economic and
financial policies in each area. Over a period of years, it would do away with the more restrictive forms of ultranationalism in the economic and financial field.

But, whatever may be its justification, it can hardly be denied that the dream of one world which underlines the conception of the United Nations seems to be rudely shattered and the world remains divided among power blocs. While the Soviet Union acts as the dominant partner in an association of Communist nations which is intertwined by military assistance, defensive alliances firmly co-ordinated from Moscow, the United States of America takes the lead among a powerful group of nations pledged to mutual assistance against aggression by the Atlantic Treaty.

No doubt we are told that there was a real need for the Atlantic Pact. Messrs Richard H. Holindel, Thorsten V Kalijarvi, and Francis C. Wilcox, the Staff Members, North Atlantic Treaty Senate Foreign Relations Committee frankly pointed out that the Treaty was a "product of the free world struggle against imperialistic militant communism." "The United Nations was to provide the world with security against war, but during the last four years it has been frustrated again and again by the studied use of the
veto power and a general unwillingness on the part of the Soviet Union to co-operate, especially in matters which concern security and stability. The world as a consequence is beset with uneasiness and insecurity which retard all efforts to rehabilitate civilization from the ravage and damages of World War II.\textsuperscript{27}

Thus the Pact is symbolic of the dominating position of the United States, described by Winston Churchill as the "prime-agent" of this enterprise of this defence system. The United Nations Charter could not inspire much confidence in the minds of the American people and prior to the conclusion of the Treaty, the American people, the Committee on Foreign relations, the Senate and the Congress had begun to show their deep concern over the strengthening of the security of the North Atlantic area as a factor in the national security and well-being of the United States. "The overwhelming Senate votes on the United Nations Charter and the Rio Pact, together with the passage of the Foreign Assistance Act of 1948, were tangible evidence of that concern. On June 11, 1948, the Senate passed Senate Resolution 239 by a vote of 64 to 4 and conversations were begun the following month with the Brussels Treaty Powers and Canada to consider what further steps might be taken with respect to the security of the North Atlantic area."\textsuperscript{23}
The Vandenberg Resolution as it is commonly called, passed by the Senate by way of advice to the President, contained three provisions for the reform of the United Nations and three provisions (paragraphs 2,3,4) for the development of regional and other collective self-defense arrangements under Art 51 of the charter. Much controversy has been raised as to the basic relationship of the Pact to the United Nations Charter.

There are many who have made vigorous attacks against this Treaty. Thus Mr.K.Zilliacus, M.P. in a pamphlet called "Dragon's Teeth", has criticised the Pact, whether in keeping with U.N. Charter, as it violates both the spirit and the letter of the United Nations Charter.

Senator Taft, in the United States Senate on July 11, 1949, also expressed the similar view that the Treaty carried an obligation on the United States to assist in arming the nations of Western Europe. The Treaty thus, according to him, would provoke war rather than peace and with the armsaid plan would be contrary to the spirit of the obligations assumed by the United States under the United Nations charter.

Mrs. Heindel, Kalijarvi and Wilcox however, are of opinion that the treaty was conceived within the frame work
of the Charter and remains subordinate to the machinery of
the United Nations. Sir U.E. Beckett also does not "see scope
for any hesitation as to its (North Atlantic Treaty) consis­
tency with the charter." Sir U.E. Beckett thinks that
although interest in peace in a certain region is the basis
of the Treaty, and although it contains some provisions which
are very suitable for regional arrangements, the Treaty is
not technically a regional arrangement under chapter VII of
the charter.

In fact in order to appreciate properly the regional
character of the Treaty, it is first of all necessary to rid
ourselves of all hazard and confusion as to the notion of a
region. Mr. Alejandro Alvarez, the Chilean Judge of the
International Court of Justice thinks that there is no room
to determine regions. Their existence must be shown by

Regional
circumstances and in particular by the
alliance - agreements made by the States who
its meaning constitute them. But there are other
authorities who lay greater emphasis on the geographical
element. Thus the French Delegate in the course of the General
Assembly of the League of Nations held in July 1 and 3, 1936,
spoke of "states linked together by reason of their geographi­
cal situation or their community of interests." Kelsen also
thinks that literally interpreted, regional arrangements are
treaties concluded by states which are in a relation of
geographical propinquity. But according to him, there is good reason to assume that, according to the intention of the framers of the Charter, the meaning of the term "regional arrangements" is wider than that of treaties concluded by the neighbouring states. Such treaties may be concluded on certain common interests of the contracting parties. The community of interests, according to him may but need not necessarily be based on geographical contiguity. According to Kelsen a regional arrangement is an international agreement entered into by some, not all, the Members of the United Nations. An agreement to which all the Members would be parties cannot be termed "regional arrangement". But it is not necessary that the parties to the agreement shall be geographical neighbours. Dr. Stone however thinks that such a view is repugnant to Articles 52-54 in their functional context within the Charter. The underlying concept behind regional arrangement, according to the Chalys Professor, is that of common action for peace and security within (and not merely "of") the region i.e. for the maintenance of peace and security between States situated within the region itself. Mr. E.W. Van Kiefens, Ambassador of the Netherlands, thinks that a regional arrangement or pact is a voluntary association of sovereign states within a certain area or having common interests in that area for a joint purpose. No association he thinks may have for its object the territory of a sovereign state.
An analysis of the character of the Treaty will be of great value in understanding the controversy as to whether the Atlantic Pact conforms with the United Nations Charter or runs counter to it. Its supporters place their reliance mainly on Article 51 and on Articles 52 and 54 which are grouped in chapter VIII under the heading "Regional Arrangements".

Article 51 provides, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Article 52 provides thus: "Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are
appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations."

Article 53(1) also makes it clear that "the Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council."

It should be observed that the Treaty was carefully drafted so as to be in consistence with the language of the charter. The preamble of the Treaty proclaims that the Parties to this Treaty reaffirm their faith in the purposes and principles of the U.N. Charter and their desire to live in peace with all peoples and all Governments. Article I of the Treaty, declares that the Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 7 of the Treaty makes it clear that this Treaty does not affect and shall not be interpreted as affecting,
in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

But whatever may be the legalistic arguments for squaring the Atlantic Pact with the Charter of the United Nations, there is little doubt that the spirit of the Pact and the spirit of the Charter are opposed. In fact, the North Atlantic Treaty is built upon the tacit assumption that the Security Council will be unable to act effectively. It owes its existence to the assumption that agreement between the Big five is impossible except by the use of threat of force, and the Pact is intended for use when the U.N. has broken to pieces. Hence it would be absurd, as Dr. Friedmann has pointed out to regard the Treaty "as a supplement rather than a substitute for the paralysed security organisation of the United Nations." Mr. Hector McNeil in his speech before the General Assembly of the United Nations, however assured us that the Pact is in no sense a danger to international peace or a source of weakness to the United Nations. We are also told that the Pact is a "defensive reaction against the proven expansive record of the Soviet Union, against consistent Soviet misuse of veto and against Soviet attempts to use the United Nations as a new weapon in the Soviet armory."
It will be pertinent to point out the predominant trend of these regional pacts and associations recently formed among various countries. The Pacific Security Treaty between Australia, New Zealand and the United States (ANZUS Treaty) of 1951 and the recent South East Asia Collective Defense Treaty (SEATO Treaty) take an identical pattern of a regional organisation set forth by the North Atlantic Treaty. No doubt the ANZUS and SEATO treaties implicitly base their relation to the United Nations on self-defense under Article 51 without any reference thereto.

It is of some import to note that the United States commitments under those treaties are not identical. In the SEATO Treaty the United States commitments are provided for in the event of an armed attack to Communist armed aggression only. Any other armed attack would obligate the United States merely to immediate consultation. But the ANZUS Treaty does make no distinction as to the nature and origin of an armed attack. Thus in a sense United States commitments under the ANZUS Treaty seem to be wider.

The Balkan Union formed in August 1954, by Greece, Turkey and Yugoslavia brings an interesting variation to regional organisations utilising Article 51 of the Charter.
Although strictly complying with this article, the Pact in an unmistakable way makes the termination of the parties' defense measures dependent on the Security Council's "effectively applied measures mentioned in Article 51". In contrast to other regional organisations which undertake to end their defence actions when the Security Council takes measures necessary to restore and maintain international peace and security, the Pact requires effective measures to be taken by the Security Council before terminating its action.

There are similar alliances on the Soviet side also. Dr. Kulski of the University of Alabama has taken pains to compare the Soviet system of collective security with the Western system and met the Soviet charge of aggressive character of that system. Dr. Kulski thinks that "common sense indicates that members of the United Nations cannot be forbidden to take necessary precautions to safeguard, in case of necessity their own security which the United Nations Organisation is patently unable to protect."

Whatever may be its justification, it cannot be denied that these Pacts and Alliances are but the outward symbol of the progressive division of the world into two armed societies organised for war camps in order to ensure maximum of security to the nations banded together in this defensive alliance. Indeed the Atlantic Treaty group
and such other regional organizations like it recognize for their membership only societies organized for war and thus capable of contributing to the security of the group.

We are told that the Atlantic Treaty does not imply commitment to supply arms to partner states and does not impose any automatic obligation of military assistance or action against armed aggression. But even Mr. Kieffens, the Ambassador of Netherlands had to admit that there is no valid reason to minimize the fact that there is such obligation implicit in the Treaty. It can be argued that an isolationist Senate could still prevent the United States from entering a war provoked by an attack upon Western Europe. But it is not legal obligations, as Dr. Friedmann has ably pointed out, but the logic of her present world position will serve as the strongest guarantee in the event of an armed attack on Western Europe, and lead the United States to lay out enormous sums for the recovery of Europe and to develop a military and strategic programme completely contrary to her traditional policy of neutrality.

This creation of separate groups of States within the structure of the United Nations has brought about certain patterns of relationship in the international life, which no serious student of international law and politics can afford to ignore. Although these treaties pay lip service to the sovereign equality and the reciprocity of mutually
undertaken obligations, in reality they are telling symbols of the hegemonial position which, by the compelling necessity of events, each of the two super-powers has assumed in either camp and of the trend towards the polarisation of power in their hands.

Thus the recent regional groupings and alliances like the Inter American defence system, the Brussels Treaty or the North Atlantic Pact among the different power blocs have made it increasingly felt how difficult it is for the sovereign state to maintain its traditional autonomy and exclusiveness. This realisation has been largely due to the "political collapse of Europe" which has been so nicely described by Prof. Hajo Kolborn and others. The idea of sovereign state, we have seen, came into existence to preserve the balance of power among the European State systems. That balance has now been disturbed by the rise of new Super-Powers with their colossal resources and power. The convenient political unit of the nineteenth century was the sovereign state; the logic of events of the twentieth century has made it obsolete. The smaller states are fastly loosing the "priceless freedom of a choice" in their international relations. Thus instead of large number of sovereign states, these integrated regional blocs are creating groups of States; but the problem
remains the same which had made the former balance of power among States so precarious. Indeed, so long as the international social development remains on the plane of power politics, the only factor of relative stability in a world divided by alliances and counter-alliances would be provided by the principle of balance of power, which would avert the ever-present danger of the preponderance of one group or the other.