Regionalism since First World War

League's emphasis on collective security than on regional system.

Although evolution of regionalism was made before hand, it
was not until the League gained formal recognition in slightest
form. After the First World War, the League of Nations was created
as the feasible form of international organisation for maintaining
international peace and security. Upon the singular idea of collec-
tive security the League was based; and only passing reference of
regionalism was made in Article 21, whereby the members of the
League were authorised to enter "regional understandings for secu-
ring the maintenance of peace." This reference was made mainly to
satisfy the U.S. and to keep undisturbed existing regional institu-
tion e.g. - the Inter-American system. In other words, no emphasis
was placed on regionalism, the only emphasis given on global system
of collective security instead. Contrary to the United Nations, the
League gave faint recognition to the regional principle as it solely
relied on the principle of universal collective security, and it
claimed "to be the only and exclusive organisation of its Members
for the maintenance of peace."¹

Failure of collective security; shift of emphasis on regional system:

We shall see afterwards the principle of collective security
which had been so much valued and emphasised, was within six years
ignored and devalued. Although the League attempted to satisfy the

United States, she did not join the League. Within a short time, failure of the system of collective security became most prominent and emphasis was shifted from general collective security to hitherto-unimportant but specific regional security. The main reasons for failure of collective security may be summed up as follows:

(a) United States non-participation in the League,
(b) France's quest for security,
(c) Germany's dissatisfaction with provisions of the Versailles treaty,
(d) Lack of faith in the efficacy of the League in maintaining international peace and security,
(e) Conflicting interests of the Great Powers,
(f) Failure of the disarmament conference,
(g) Unwillingness of the Members to resist aggression,²
(h) Institutional handicaps of the League.

International co-operation and faith in the collective enforcement machinery are two essential prerequisites of a proper and efficient system of collective security. But after Versailles, these things were glaringly absent and the Big Powers were unable to reach an accord on the shape and form of collective security they would apply when the situation demanded such. The division of the Powers into two groups viz. - the revisionists (Germany, Japan and Italy) and the non-revisionists (England, France, Russia, Belgium and Czechoslovakia) foreshadowed any concerted action in

the fields security or disarmament. Even among the Powers who wanted to maintain status quo, there was no unity of purpose, and each was guided by self-interest. Great Britain and France and Russia co-operated with the League but half-heartedly. Germany and Japan were subsequently admitted by 1930, and they also were unwilling to lend their support to the League, rather when their interests clashed with that of the international organisation they unhesitatingly took recourse to force.\(^3\) Not only that, the aggressor powers also withdrew from the League to avoid application of enforcement measures.\(^4\) The cumulative effect of all these led to the degeneration of the collective security system of the League.

**Franco-German problem of security and disarmament:**

Germany was defeated in the war and she felt dissatisfied with the provisions of the Versailles Treaty. To her, the collective security measures provided for in the League, was a mere sham. She had the least confidence in the League which was considered by her as an organisation of the victor Powers. However, within four or five years she was able to make at least partial recovery from her deplorable condition. This, once again, set on motion the Franco-German duel which would not be stopped by the enforcement measures stipulated in the League. France also seemed these measures too illusory and vague, and being morbidly conscious of her weakness in face of a strong Germany insisted on clear, definite and "physical guarantees" to withstand possible German aggression.

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\(^3\) Case of Italy's invasion of Abyssinia.

\(^4\) Japan's withdrawal from the League in 1933.
The international climate, though in some respects proved favourable to peace, could not, mainly for lack of unanimity among Great Powers, produce any tangible result. The Draft Treaty of Mutual Assistance conducted under the auspices of the League tried to solve the baffling problem of disarmament, but in vain. In 1924, the Geneva Protocol for pacific settlement of international disputes was drafted by the League Assembly but it met the same fate.

The Geneva Protocol was far less satisfactory to France than the Draft Treaty of Mutual Assistance. By 1925, the French quest for security reached its climax and she based her anxiety on the following grounds:

(a) United States withdrawal from the League created lack of confidence in the efficacy of the organisation in meeting aggression. She did neither like to be involved in European politics nor was prepared to make any commitment for maintaining international peace and security;

(b) Britain's rejection both of the Draft Treaty and the Geneva Protocol for being inconsistent with her own conception of security and as well as contradictory to her commitments to the Dominions and the Empire;

(c) France's sense of inferiority complex arising out of Germany's possession of the left bank of the Rhine;

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(d) Germany's increased military and industrial potentialities which would within a short time recover her economic and military position;

(e) France's fear of German vengeance, for Germany would not tolerate the provisions of the "unjust" treaty forever.

In these circumstances, France was ready to pay for her security with premium. She felt herself betrayed and also helpless; and as Prof. Carr says she chose to follow "two separate and parallel methods: a system of treaty guarantees, and a system of alliances."8 Since 1920, France felt herself completely insecure as it was clear that "the Anglo-American guarantee against unprovoked aggression would never come into force." In course of laborious but unfruitful discussions on disarmament in 1922, the French Government put forward with utmost tenacity her thesis that she was willing to reduce her armaments, provided her security was increased. In short, security must precede disarmament, otherwise, disarmament would render large scope for aggression.

The scheme of regional security - Locarno:

Although Germany was not yet a member of the League, she made her voice heard, as it was realised by most of the statesmen that peace in Europe could be best maintained only on the basis of a freely-negotiated frontier - security pact. Locarno supplied the answer and it sought to build a system of mutual and reciprocal guarantees between the contestants.

It was originally a German scheme. The first proposal was made by Germany to France with the object of guaranteeing France's Rhineland frontier, but that was rejected. Again, in 1924, Stresemann approached Briand with the same idea which found a smooth way. Being afraid of French military hegemony over Europe the Germans were inclined to seek some protection and favoured establishment of some balance-of-power with British support. On the other hand, France as a traditional enemy of Germany was incessantly trying to keep Germany weak and isolated, as that would according to French policy, increase her security. Britain, though an ally of France could not share this view, and she preferred to offer a broader system of guarantees that would include Germany also. Britain's concern for Germany was greater than that of France. In the opinion of F.P. Walters, Britain "believed that Germany needed protecting against France much more than France against Germany."\(^9\)

Thus, the proposed guarantee pact would not only allay French fear, but also German apprehension. Naturally, Sir Austin Chamberlain took interest when Stresemann renewed his offer of a Rhineland Guarantee Pact, so that, the longstanding Franco-German duel might be resolved. France was annoyed with Britain for not directly offering guarantee against aggression, while Britain considered that such commitment through Draft Treaty would give her "worldwide responsibilities" which were inconsistent with her principle of association within the Commonwealth.

By this time three notable Statesmen, Chamberlain, Stresemann, and Briand were genuinely engaged in solving the problem, so

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that, a stable peace might be organised. A series of agreements known as the Locarno Treaties were signed in October, 1925.

(1) A Five-Power Treaty, properly called the "Locarno Treaty" signed by Belgium, France, Germany, Great Britain and Italy guaranteeing, the Franco-German and Belgo-German frontiers;

(2) Arbitration treaties between Germany on the one side, and Belgium, Czechoslovakia, France and Poland separately on the other;

(3) Mutual guarantee treaties between France and Czechoslovakia and between France and Poland.

According to the terms of the Locarno Pact, the members could not resort to war against each other, except (a) in legitimate self-defense, (b) in the event of a "flagrant breach" of the demilitarised-zone agreement, or (c) pursuance of League action against an aggressor state. 10

Implications of the Locarno Pact:

The Locarno Pact signalled lack of faith of the Members in the collective security system as envisaged in the League. Prof. E.H. Carr analyses the implications, of the Locarno Treaties, with which we agree. Firstly, they made Germany feel that her obligations to respect her Western frontier were more binding than that imposed by the Versailles Treaty. Secondly, Great Britain's willingness to guarantee certain frontiers and her refusal to guarantee

others, practically made a gradation of frontiers from the point of view of security. Thirdly, the "Locarno Treaty was destructive both of the Versailles Treaty and of the Covenant."\(^{11}\) Although the "Locarno spirit" is said to have ushered in a spirit of goodwill and friendliness the achievements of Locarno could not stand the test.

The Little Entente and the Balkan Pact

The Little Entente: Following disintegration of the Austro-Hungarian empire, three successor states viz. Czechoslovakia, Roumania and Yugoslavia came into existence. During 1920-21, through a series of bilateral mutual assistance treaties they formed a regional arrangement of a defensive character known as the Little Entente. Distorted Pan-slav idea, smallness of size, industrial capacity and military strength and common fear of Hungary served as stimulus for closer regional ties. France subsequently concluded treaties of alliance with members of the Little Entente, and in turn of French support they became faithful French satellites. Interests of the partners were divergent and even the degree of Hungarian fear was not common to all. The pact could not gain internal strength in matters of defense and failed to make necessary headway.\(^{12}\)

The Balkan Pact: A Locarno-type frontier-guarantee pact was signed in 1934 in Balkan area among Yugoslavia, Roumania, Greece and Turkey known as the Balkan Entente. Common hostility to Bulgaria was the driving force to conclude this pact participated by small powers who almost nearly lost their faith in the League's system of


collective security. Lack of unity of purpose and other cohesive elements made this pact in the opinion of Prof. Carr "a fragile structure." Shortly after its conclusion the parties began to pursue policies not consistent with the aims and objectives of the Pact, and then the pact could not gain desired effectiveness.¹³

The formation of these two pacts suggests that most of the states were reluctant to put their faith in the collective security machinery of the League, and they have shifted their emphasis on regional pacts. Although this change in attitude of the League's members made the collective security system ineffective, it did neither make the regional system effective to be able to replace collective security system.

Failure of Locarno:

The optimism following Locarno proved illusory. Russia denied it. Even to France, it seemed inadequate, for the allies of France - specially Little Entente Powers and Poland were not benefitted by Locarno. Again, the cardinal question of security harped in the minds of France and her allies. The following reasons may be attributed to the failure of Locarno: See Foot Note.⁷

(a) Consequent upon the failure of the disarmament conference all the Powers - great and small became anxious of their security and this question of security was their prime consideration in formulation of foreign policies;¹⁴


Foot Note: Prof. Quincy Wright observes that Locarno failed to meet its responsibility. See his A Study of War, Uni.of Chicago, 1951, pp.776-777.

¹⁴. Ibid.
(b) Lack of faith in the efficacy of the League's collective security machinery instilled in the minds of the members of the League with a sense of insecurity;

(c) Conflicting policy among Great Powers - specially, Gt. Britain, France, Russia, Italy and Japan was exposed shortly after 1925, and became so divergent as they failed to meet to a focal point;

(d) Self-interest of the Great Powers, in complete disregard to the basic principles of justice and equity, to establish hegemony over Europe created a cloud of smoke over skies at Geneva;15

(e) Rise of Nazi-Germany, her rearmament and abrogation of the Versailles openly in 1935, completely changed the world-balance-of-power and thus hastened the League's downfall;16

(f) Tacit approval by the Great Powers of Germany's right to rearm and gain equal status to that of France set Germany's grandisement policy in motion. Germany must be kept strong as a great nation in order to maintain the balance in Europe;

(g) Hitler's repudiation of the obligations under Locarno, resultant to conclusion of Franco-Soviet Pact of 1936, made Germany completely free and desperate. The Great Powers were not willing to stop Hitler's "violations" as they were inclined to follow a policy of appeasement;17

(h) Lack of efficacy of the League's collective security machinery and little concern of the League for the small powers hastened Belgium's desertion from Locarno, for she took it more as a danger than as a safeguard;¹⁸

(i) As a revisionist power, Germany from the beginning felt humiliated of the terms of Versailles and she lost no chance to remilitarise herself and by drawing Italy and Japan - other two revisionist Powers, completed the Axis bloc. The Allies specially, Gt. Britain, France and Russia were against the Axis; and the rival grouping of Powers dominated the international scene in 1938-39;¹⁹

(j) The Great Depression of Thirties and consequent economic nationalism of the Powers greatly influenced their behaviour in the international political field.

Regrouping of Powers and final failure of the League:

As an alternative to League's idea of collective security, regional security system was conceived of. It was referred to as more workable and convenient than the general (League's) system, and thus "superimposed upon the general League system," but it proved fragile. It neither offered security, nor maintained peace. But, set the evil course of events in motion resulting in more complexities, which subsequently unleashed the forces of war. Germany, from the very beginning, was dissatisfied with the provisions of the Versailles Treaty. So also considered Italy and Japan who wanted revision. These three formed the core of revisionist Powers, while

France, Russia and Great Britain were champion of status quo. Russia concluded a pact with France in 1936 and thus Russia drew close to France and Gt. Britain. The revisionist Powers consolidated through Berlin-Rome-Tokyo axis, while the status quo Powers led by France and Russia grew apprehensive of the former group, and thought it as its rival.

The course of events leading to the outbreak of the war in 1939 need not require repetition here. It would suffice to say that the regional security system, although thought of as an alternative to the League system could not withstand the damage caused in the field of international peace and security. Judged from the point of efficacy, the regional system proved no better alternative to universal system of collective security. Had it been so, it could have prevented Germany from taking an unilateral stand in the violation of Locarno and pursuing an aggressive policy. After 1936, both Germany and France regarded the provisions of the Locarno as obsolete, and during the intervening period from 1925 to 1936, they and other European Powers utilised the time only to be rivalry regrouped in the new situation, for the final show-down in 1939.

Relapse into war and the need for a new international organisation:

Before the end of the Second World War, the allies realised that only through an international organisation, provided with a workable system, peace and security of the world could be maintained. Though the League could not prevent World War II, it was indeed a

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great experiment the experiences of which were utilised to build
the proposed new organisation - the United Nations. Even during
the continuance of the war several international conferences by the
major Allies followed by declarations prepared the background for
the formation of the U.N. At the Dumbarton Oaks conference in
Washington D.C. Sept.-Octo., 1944, the representatives of Gt.Britain,
the U.S.S.R., the United States and China drafted "Proposals for a
General International Organisation" commonly known as Dumbarton Oaks
Proposals which formed the basis of the new international organisa­
tion called the U.N. The Yalta conference was held in 1945 whereby
an agreement on veto formula was reached and it also called for a
United Nations Conference to be convened in San Francisco on April
25, 1945.

The San Francisco Conference, 1945, move of the regionalists
and formulation of Chapter on "Regional Arrangements".

The present document of the United Nations is the result
of much debate and discussion held in San Francisco from April 25
to June 26, 1945. Through various committees composed of experts,
the business of the conference was conducted. The Charter accepted
national sovereignty and Great-Power-unanimity as its cardinal prin­
ciples. The Five Great Powers, on all important matters, enjoyed
"veto" which is another name for Great-Power-unanimity. The veto
power was criticised, but it was accepted as a compromise formula.
In course of discussion, the Latin American republics felt that
overriding influence and position of the Great Powers would jeo­
pardise their position to a great extent. They were apprehensive
of losing their autonomy and right of individual and collective
self-defense, juridically asserted by the Act of Chapalrtepic, by enlisting their membership with the U.N. The desire of the Latin American and Arab states for increased regional autonomy was reflected in the discussions of the conference; the regionalists at a time over-shadowed the universalists. "The Latin American States", says Ruth B. Russel, "had come to San Francisco determined to uphold the inter-American system as the basis of security enforcement in the Western Hemisphere." It was one of the "knottiest questions" and the makers of the U.N. had again to modify their principle of universal collective security. They (the Latin Americans) would rather go without the U.N. than to discard their own system. The dilemma was solved by putting a chapter on Regional Arrangements, being Chapter VIII of the U.N. Charter.

Churchill's scheme of world-peace through regional councils:

At the San Francisco Conference, the champions of regionalism proposed planning of post-war peace on regional basis. Mr. Churchill in 1943 advocated a plan of post-war organisation on regional basis; the Supreme World Council to be composed of the major Powers along with certain other Powers selected from three Regional councils of Europe, Western Hemisphere and Asia. The late Prime Minister Churchill emphasised that "the last word would remain with the Supreme World Council since any issues that the Regional councils were unable to settle would automatically be of interest to the World Council. The central idea of the structure was that of "a three-legged stool — the World Council resting on three Regional Councils." Although Prime Minister Churchill's idea found support in

Roosevelt's mind, it failed to make a smooth passage and due to opposition of Cordel Hull it was dropped. Hull maintained that even if there might be regional peace and security agreements, they should be "kept subordinate to the general agreement." [See Foot Note 7].

Amendment of Dumbarton Oaks Proposals and development of Chapter VIII on Regional Arrangements.

Now we will see how the Chapter VIII on Regional Arrangement was developed in the light of discussions on original Dumbarton Oaks Proposals at San Francisco Conference. It would be revealed that there is notable difference between original Dumbarton Oak Proposals and the present Charter regarding position of regional arrangements;

The point of view reflected in original Dumbarton Oaks Proposals reads as follows:

"Section C. Regional Arrangements. 1.

Nothing in the Charter should preclude 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 such arrangements or agencies and their activities are consistent with the purpose and principles of the organization. (Lines 10 to 16, page 17 of the original Dumbarton Oak Proposals).

Foot Note: For Hull's observation see The Memoirs of Cordel Hull by Cordel Hull (New York), 1948, Vol.11, p.1646.
"..... No enforcement action should be taken under regional arrangements or by regional agencies without the authorisation of the Security council" (lines 1 to 3, page 18 of the above). 23

It should be noted that "Section C. Regional Arrangements" did not form a separate chapter; it was included under "Chapter VIII. Arrangements for the Maintenance of Peace including Prevention and Suspension of Aggressions" in the original Dumbarton Oaks Proposals.

The participating governments at the San Francisco Conference were divided in their opinion as to the exact role of the regional arrangement as well as the relation of the regional arrangements to the general organisation. Various amendments were pressed by European and Latin American countries. The delegations of Belgium, Czechoslovakia, France and Turkey for instance, insisted that authorisation for regional action should be given in advance so that prompt action could be taken in case of emergent situation. The Czechoslovak amendment reads as follows:

"The Czechoslovak Government considers that such authorisation (by the Security Council) should be given in advance and as a general rule for cases of immediate danger where the suspension of any coercive action until the intervention of the Security Council may cause irremediable delays." 24

(Registered U.N.Document 2 (Eng.) G./14(b) May 1, 1945.)


Almost similar 'suggestions' calling for prompt regional action were offered by Turkey:

"The Turkish Government believes that in cases of emergency the immediate action which may be initiated through the application of regional arrangements should not be deferred pending the decision of the Security Council, since in such case the delay due to procedure would be detrimental to the country being attacked." 25

(U.N. Document 2 (Eng.) G/14(e), May 1, 1945)

The Mexican amendment on the original Dumbarton Oaks Proposals represented in general, Latin American views by making explicit reference of the inter-American system in the original text. It sought to add the following preceding "preclude" (vide line 11, page 17 of the original text).

"The Inter-American system which can today be considered the most complete and advanced international continental organisation, shall be compatible with the organisation. Nothing in the Statute of the latter should either preclude the existence ....." 26

(U.N. Document 2 G/7(c) May 5, 1945).

Additional Cuban amendment was novel in giving final say to the General Assembly not only for the approval of the principles but also for the operation of the regional arrangements, thus excluding these from the overriding scope of the Security Council.

26 Source: Ibid,
The amendment runs as follows:

"The fundamental principles on which any regional arrangement is based must be approved by the General Assembly . . . . ." 

Further, "when disagreement occurs between the regional organ and the Security Council concerning whether the latter should or should not intervene the matter shall be submitted without delay to the General Assembly for a conclusive settlement."27

(U.N.Dec. 2 (Eng.), G/14(g)(3), May 6, 1945)

The Egyptian Amendment, the criterion of geographical propinquity:

Comments by the Egyptian Government on regional arrangements at San Francisco Conference deserve special mention as it roused hot debate among the participants. It raised the fundamental issues of definition, nature and scope of regional arrangements. "Regional arrangements," as expressed in the original Dumbarton Oaks text is ambiguous and "in the opinion of the Egyptian delegation should therefore be more clearly defined." According to the Egyptian interpretation regional arrangement implies" (a) the neighbourhood of the states, tied by such an arrangement; (b) the permanent character of the arrangement; (c) cultural racial or spiritual affinities; (d) some organisation common to the whole group." The amendment further cautioned note to mean regional arrangements "to alliances of a purely military character between two or several powers." It went on:

"Military alliance have nothing in common with regional arrangements; they are the outcome of fortuitous political circumstances

and do not generally rest on such affinities as make up for these arrangements. These alliances essentially temporary, even when concluded for a long period, are an expression of the old order based on a balance of power."

(U.N.Doc. 2 (Eng.) G/7 (q) 1 May 5, 1945.)

The bulk of work before the San Francisco Conference was done in several committees, Committee III/4 dealt with Regional Arrangements.

The Egyptian government sought to define regional arrangement and, therefore, proposed to add to section VIII C the following:

"There shall be considered as regional arrangements organisations of a permanent nature grouping in a given geographical area several countries which, by reason of their proximity, community of interests, or cultural, linguistic, historical or spiritual affinities, make themselves jointly responsible for the peaceful settlement of any disputes which may rise ..... as well as for the safeguarding of their interests and the development of their economic and cultural relations." 29

As noted earlier, the Egyptian amendment contained such implications, which caused headache of the Americans, the Frenchmen the Czecks and the Soviets and so on. The sub-committee of the Committee III/4 considered the Egyptian amendment, but failed to accept it. It thought that it would lead to reopen difficult negotiations, it was according to the U.S. considered too narrow and as such failed to cover

all situations. The Egyptian prerequisite of geographical propinquity and common interests in the opinion of Goodrich and Hambro would exclude Mutual Assistance Treaties, such as, entered into between France and England, (Dunkirk Treaty, 1947) or between U.K. and Soviet Union (Anglo-Soviet Pact, 1942), from "the purview of Egyptian Amendment, but they are considered as regional arrangements." Protesting against the Egyptian viewpoint, the French delegate maintained that Franco-Soviet and Anglo-Soviet Pacts were not "purely military" pacts, as these contained also economic provisions and these were "potentially of a permanent nature." The French view was accepted, for most of the members were not willing to accept a narrow meaning of the regional arrangement. Commenting upon the provisions of Regional Arrangement in the Charter Goodrich and Hambro opine:

"Thus the scope of such arrangements as provided for in Chapter VIII of this Charter had a wider meaning and application. Those regional alliances also exclude from its provisions the functioning of social and economic cooperation on regional basis though in practice the Economic and Social Council has in practice adhered to the regional approach to social and economic problems." 

Indicating reasons for rejection of the Egyptian amendment the Sub-Committee (of Committee III/4) held that it far exceeded the

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31 See L.M. Goodrich and E. Hambro, Ibid, pp.39-40. Although theoretically exclusion of economic and social co-operation in regional arrangements is contemplated in the Charter, the Members of Security Pacts e.g. N.A.T.O., SEATO or the Arab League have in practice largely participated in economic and other fields.
terms of reference of Committee III/4 which "only covered politico-security matters. The question of incorporating these non-security matters - economic and social co-operation - in regional arrangements was referred to committee II/3, which opined that "regional forms of co-operation in these non-security matters (were) in accordance with the principles of the Organisation." 32

The Czechoslovak, Mexican and Cuban amendment

The amendment proposed by Czechoslovakia and Turkey demanding prompt coercive action by the Regional Arrangements was lost as that would mean usurpation of the Security Council's power. Similarly, Mexican amendment for recognising the Inter-American system by incorporating it in the Charter was rejected for that would bestow special status on it as a regional arrangement. Neither Cuban amendment for giving overriding power to the General Assembly, nor, Egyptian insistence on geographical propinquity found support as these would put limitations to the scope of the regional arrangements. New Zealand's proposal that regional agencies must not only be consistent with the purposes of the global organisation but also should be approved by it was rejected on the ground that it might cause delay in functioning of such arrangements. 33

It would be seen from the above discussion that most of the objectors to the amendments wanted to make the regional arrangements flexible with ample freedom.

Regional Arrangements and "enemy states"

The Soviet Foreign Minister Molotov wanted to exempt from

32 UNCG Documents, Ibid. p.857 Large number of regional economic organisations e.g. the E.C.S.C, the EEC have sprung up in Europe and elsewhere.

Security Council authorisation "measures provided for in treaties already concluded directed against renewal of a policy of aggression on the part of the aggressor states in the present war." The Soviet and the French appeared to fear threat of renewed German aggression and as such, Transitional Security Arrangements were adopted vide Articles 106 under Chapter XVII of the Charter, originally appearing in Chapter XII of the Dumbarton Oaks Proposals [See Foot Note]. As the agreed intention, expressed in Moscow Declaration of 1943, was for joint consultation, it was thought that Chapter XII would operate only for a limited period, and thereby, putting control eventually at the hands of the Security Council. With a view to satisfying Soviet desire of specifically incorporating the said exception clause in regional arrangements with regard to any proposed action to be taken in the event of enemy aggression, the British amendment with minor modifications, was accepted and this formed the Article 53 of the present Charter. The Amendment by the U.K. reads as follows:

"2 The Security Council should when appropriate, utilise such arrangements or agencies for enforcement action under its authority. But, no enforcement action should be taken under regional arrangements or by regional agencies without the authorisation of the Security Council with the exception of measures against enemy states in this war provided for pursuant to Chapter XII, paragraph 2, or in regional arrangements directed against renewal of

Foot Note: The provisions for Transitional Security Arrangements against ex-enemy states have largely become obsolete owing to the fact that some of the enemy states e.g. Germany, Italy and Japan are allies of Anglo-American bloc joined by military pacts.

aggressive policy on the part of such states, until such time as the Organisation may, by consent of the Governments concerned be charged with the responsibility for preventing further aggression by a state now at war with the United Nations.  

(U.N.Doc.2 (Eng.) G/29(a) May 11, 1945)

In the final form Article 53 was adopted by making further modifications of the British amendment. The modifications with their reasons thereto are stated below:

In the first sentence, "The Security Council should" was replaced by "The Security Council shall" with the object of making Security Council action more mandatory than voluntary.

In the second sentence, "against enemy states in this war provided for pursuant to Chapter XII, para 2" was superseded by "against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107". Reasons for this modification were due to the fact that the term "enemy state" had been defined, and secondly Chapter XII had been transferred to Chapter XVII containing Articles 106 and 107.

Again, in the second sentence, "by consent of the Governments" was substituted by "on request of the Governments" on the ground that consent implies no initiative but request requires such.

Further, in the second sentence, "by a state now at war with the United Nations" was replaced by "by such a state" for the reason

that incorporation of the definition of the enemy state has made the remaining portion superfluous [See Foot Note].

**Scope and meaning of Chapter VIII, Latin American concern over autonomy of the Inter-American system**

Sentiments expressed by Latin America for specific recognition of the Inter-American system in the provisions of regional arrangements were largely due to the following reasons:

(a) The Latin American countries feared that they would lose liberty of regional action owing to the limitations imposed by Dumbarton Oaks Proposals, Chap.VIII - C-2.

(b) Non-recognition of the Inter-American system would weaken the bonds of Inter-American system (Pan-Americanism), resultant to United States' overemphasis of the Charter.

(c) A veto by Britain or Russia may be used detrimentally to the interests of Latin America.

The United States Secretary of State Stettinius was able to persuade the Latin American countries to soften their attitude, previously expressed, by showing genuine support to their cause. Addition of the clause - "resort to regional agencies or arrangements" as one of the methods of Pacific settlement of disputes by the Security Council in Chapter VIII, Sec. A, Para 3 of the Proposals (being Article 33 under Chapter VI, Pacific Settlement of Disputes, under the

*Foot Note: Enemy state has been defined in Article 107 - "any state which during the Second World War has been an enemy of any signatory to the present Charter." But this definition has lost its relevancy in terms of actual practice of the member states in international affairs, as these (Germany, and Italy) are included in NATO and WARSAW Pacts.*
present Charter) greatly allayed the first apprehension. The U.S. Secretary of State confirmed that the United States would not abandon her Good Neighbour Policy towards Latin America. The United States wanted "strengthening the Inter-American system without weakening the world organisation." Thirdly, the possibility of nullifying Inter-American action in the field of defense by a Great-Power-veto would greatly be outweighed by U.S. veto. Thus, the apprehensions of Latin America were greatly removed, and they adhered to the present Charter.

Analytical discussions on Articles 52-54 in the light of Dumbarton Oaks Proposals:

The present Article 52 para 1 reads: "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."

In the Dumbarton Oaks Proposals section C, Para 1, first sentence begins,

"Nothing in the Charter should preclude ...... Purposes and Principles of the Organisation."36 (Other portion remaining same with the Charter).

It is evident that adoption of the word "precludes" in the Charter by replacing "should preclude" gives greater liberty to the

regional agencies than in the Dumbarton Oaks.

In the absence of any agreed definition of threat to peace or breach of peace, the Charter gives scope to the regional bodies to determine circumstances which are appropriate for initiating regional action. Actually, this leaves great amount of confusion when any state invokes the right of self-defense on self-preservation. It may also be noted that Prof. Kelsen interprets that Article 52 para 1 is not restricted to Members of the U.N., while Article 52 para 2 is such. Thus according to him, Article 52 para 1 permits formation of Regional arrangements between a Member and a non-Member. But Prof. Kelsen’s contention is not tenable on the ground that a non-Member is not bound to act in a way "consistent with the Purposes and Principles of the United Nations" as required under Article 52 para 1, and that binding force of Article 53 requiring "authorisation of the Security Council" on regional enforcement action is absent on a non-Member. It is reasonable to assume that even if regional arrangements are concluded with a non-Member, the same would be excluded from the superior authority of the U.N. except in so far that willingly submits to it.

Para 2, Article 52 of the U.N. Charter is entirely a new addition to the Dumbarton Oaks Proposals, and is made with the object of encouraging Pacific settlement of disputes, if such dispute arises between two states which are members of a regional organisation. This is in terms of Article 33 of the Charter which stipulates that the Security Council shall utilise regional agencies for Pacific settlement of disputes. The new additions reads:

"The Members of the United Nations entering into such arrangements constituting such agencies shall make every effort to
achieve Pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council."

From the above para two things are clear, - first, that the members of a regional organisation shall take initiative for Pacific settlement of disputes among themselves, and secondly, the Security Council by its own right resort to regional agencies or arrangements, or other peaceful means" implies — that the Council's authority remains unimpaired. To this apparent exercise of double jurisdiction - one by regional organisation and the other by the Security Council, the Columbian delegate excluded any such possibility. He interpreted that "Council should limit its action to investigating ....... any situation which may threaten peace, and to promoting regional settlement of the problem; while the states which are members of the regional system have the duty to make every effort to reach a peaceful settlement through their own organisation before referring the problem to the Council." 37 It is clear that in case of failure of the regional system the Security Council shall intervene. But, nevertheless of Columbian interpretation providing respective jurisdiction of the regional organisation and the Security Council, the boundary line is overlapping and should be settled by circumstances of the particular case [See Foot Note]. A threat to or break of peace always starts over a particular area (region) and that regional or local out-break may either subside or flare up into


Foot Note: Conflict of jurisdiction between the OAS and the U.N. arose in Guatimalan (1954) and Cuban (1962) cases.
general conflagration, and it is very difficult, in the atomic age, to determine the actual change-over from local to global war.

In the Dumbarton Oaks Proposals Section C, para 1 second line is stated:

"The Security Council should, encourage settlement of local disputes through such regional arrangements or by such regional agencies, either on initiative of the States concerned or by reference from the Security Council."

In the present Charter the above Proposal is modified in the following way, and this constitutes para 3 of Article 52:

"The Security Council shall encourage the development of Pacific settlement of local disputes...... Security Council." (other portion remaining same.)

The change of word by "shall" from "should" denotes obligatory function of the Security Council. Again "pacific" is prefixed to "settlement" in order to mean peaceful method.

The第四 para of Article 52 is entirely a new addition to the Dumbarton Oakes Text, it reads as follows:

"This Article in no way impairs the application of Article 34 and 35."

Article 34 empowers the Security Council to determine any situation likely to endanger peace, and Article 35 authorises both Member and non-Member to bring to the attention of the Security Council any dispute to which they may be parties. This para confirms
the original function of Security Council in the field of security, placing the Council in a heightened position, but exact relation of this para to the preceding paras draws a screen of ambiguity.

Article 54 of the United Nations is almost same that of the Dumbarton Oaks Proposals, Section C, Para 3, with the exception of word "should", replaced by "shall" in the Charter. This runs as follows:

"The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security."

As already noted, "shall" denotes obligatory function on the part of the regional bodies and this implies legal supremacy of the Security Council of its right to be informed of every coercive measures applied by regional organisation.

Incorporation of Article 51 in the Charter:

The incorporation of Article 51 in the Charter is entirely new; in which the Latin American countries found great satisfaction. This article confirmed the inherent right of self-defense in the event of "armed attack." Should the Security Council inactivate itself by veto, or should the Council be unfair, when not blocked by veto, then any state by virtue of her association with a collective defense pact (regional or otherwise) may invoke the doctrine of self-defense for repelling aggression.
Incorporation of the regional principle with the universal in the U.N.:

The foregoing discussion reveals the course of events that led to the adoption of Articles 52 to 54 in the Chapter on Regional Arrangements. "These provisions", state Padelfoid and Lincon 38, "were written into the Charter largely at the prompting of the State members of the Inter-American System and of the Arab League." At San Francisco, the regional principle clashed with the universal. The Latin American countries were ardent champions of regionalism, and they feared that their association with the U.N. and acceptance of the universal principle would cost their regional autonomy so long nourished through the inter-American system. Allen summarises the factors which influenced the regionalists at San Francisco:

"1. The desire of the American republics to safeguard the inter-American system.

2. The similar feeling on the part of the States of the Arab League .... that the status of the League be preserved.

3. The wish of the USSR to exempt from any restrictive control under the Charter the system of bilateral mutual assistance pacts.

4. France's concern over possible German aggression leading her to seek freedom of action against ex-enemy states without the necessity of awaiting prior action by the Security Council.

5. The general uneasiness of the small states over the power granted to the Security Council in the light of the Yalta voting formula.  

In addition to the above factors one more may be added:

United States' unwillingness to liquidate political and economic hegemony over the Latin American republics, and her maintenance of the doctrine of hemispheric security.

The regional sentiment was not overlooked in the San Francisco Conference, and found expression in other ways in acceptance of the principle of regional representation. The General Assembly, in accordance with this principle, shall pay due regard to "equitable geographical distribution" in electing non-permanent Members of the Security Council. This principle has also been applied in selecting members of Assembly Committee and other Commissions and the Trusteeship Council. Considering these as great accomplishments of regionalism, Senator Vandenberg remarked at the end of the San Francisco Conference:

"We have found a sound and practical formula of putting regional organisation into effective gear with the global institution."

He asserted that regionalists have greatly strengthened world's peace and security by welding these regional king-links into the global chain.

40. UNCIO - Documents vol.XII, p.53. See also, Report of the Senate Committee on Foreign Relations on the Charter of the United Nations (79th Congress, 1st Session, July 16, 1945, pp.12-13). It held that "both the Monroe Doctrine and the inter-American system were effectively safeguarded under the Charter" and that
Thus the regional principle was interlocked with the universal principle. "The Charter," says Goodrich and Hambro, "gives full recognition to regionalism in so far as arrangements for the maintenance of peace and security are concerned." The makers of the U.N. realised that it was better to accommodate as many members in the U.N. with the provision for regional arrangements than with as few without such. So, as Goodrich and Hambro consider, they were obliged to incorporate the principle of regionalism by the following considerations. Firstly, it recognises the undoubted fact that even in the era of developed circumstances in modern times, "geographical location and natural barriers largely determine the effectiveness of a state's capacity to exercise power. Secondly, State's manner of exercise of national policy reflects gradation of her national interest. The United States claimed monopoly and special interest by enunciating the Monroe Doctrine as a part of her national policy. Finally, it has been amply observed that contiguous states having similarity of interests do more often than not emphasise mutual cooperation for the purpose of peace and security. During the San Francisco Conference, the Inter-American system, the Commonwealth and the Arab League were in operation. See Foot Note 17.

Regional Arrangements after the Second World War:

Regionalism, with the exception of Commonwealth, was so long

the "basic purposes of both will be strengthened by the establishment of the organisation."  


42. Ibid, p.309.  

Foot Note: The Inter-American system and the Commonwealth were in operation before the creation of the U.N.
confined to Europe or Western Hemisphere. Just after the Second World War it found its gateway to the Middle East and Asia and so on. The Arab League was formed on 22nd March, 1945, with the knowledge of the United Nations. It offers an example of regionalism in the Middle East. Among the unifying factors, common religion, language, and hatred against foreign domination, or Great Power exploitation, and last but not the least, weak economic and military strength deserve mention. The League was signed by major states including Egypt, Jordan, and Syria. The object of the League is to achieve real political cooperation and "to safeguard their independence and sovereignty". Direct British as well as U.N. assistance paved the way for the formations of the League. Since then a large number of regional defense pacts have been concluded to cover areas known as Europe, the Middle East, South East Asia and so on.

**Regional system under the League and the U.N.**

The League of Nations emphasised the idea of collective security and only passing reference to regional arrangements was made in Article 21 by recognising the Monroe Doctrine, and permitting the Members to enter "regional understandings for securing the maintenance of peace." The regional system is neither fully recognised nor seriously considered in the League as the problem was not so acute to the delegates at Versailles as it was to those at San Francisco. In the United Nations more positive and conspicuous recognition was given by incorporating a special chapter - **Chapter VIII, Regional Arrangements** (Articles 52-54) under the U.N.Charter. Regional principle was incorporated into the U.N.Charter to satisfy regional sentiments though presumably not at the expense of the universal principle.
To quote Goodrich and Hambro, "while the general principle of subordination of regional arrangements and agencies to the purposes and principles of the Charter is asserted, the Charter contains provisions which considerably strengthen the position of the regional arrangements as compared with their status both under the League Covenant and The Dumbarton Oaks Proposals." 43

In U.N., although the regional principle is positively recognised, it has at the same time been definitely subordinated to the U.N. This question does not arise in the League. The U.N. is based on two principles - the principle of universalism being the primary one and that of regionalism being secondary or subsidiary one. Regional Arrangements, it was presumed, will act as an adjunct and complimentary organisation to the United Nations in the matter of maintaining international peace and in performing other activities.

The U.N. recommended the Members of the Regional arrangements to use these bodies (vide Articles 33 and 52) for pacific settlement of local disputes before referring these to the Security Council. Again, enforcement action, except measures directed against ex-enemy states, were to be taken only with the authorisation of the Security Council. Such provisions are conspicuously absent in the League except what was considered "for securing the maintenance of peace," leaving the scope of its operation to the judgement of the members constituting "regional understanding."

Relation of Regional arrangements to the U.N. Charter:

Some basic assumptions: Let us examine the relation of the

First, the members of a regional organization can, besides utilizing other peaceful means e.g., mediation, conciliation etc, "resort to regional agencies or arrangements" for pacific settlement of disputes under Article 33 of the Charter. Also, according to terms of Article 52 members of a regional arrangement are to "make every effort to achieve pacific settlement of local disputes through such arrangements before referring them to the Security Council." Almost all the regional pacts, e.g., NATO, the OAS, or the Arab League expressly provide provisions for pacific settlement of disputes through such agencies.

Secondly, Article 52(2) clearly stipulates that regional arrangements may deal "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." In other words, this gives the states right to organise and utilise regional grouping for the purpose of security, consistent with the principles of the U.N. The action of such an arrangement must be limited to an area called a "region" previously determined by the parties. 44

Thirdly, the problem of enforcement or applying sanction by a regional arrangement was solved by inserting the provision in

44. See Kelsen, Ibid. Though Prof. Kelsen has opined in favour of limiting regional action within the region thereby implying that outside the region such action is not applicable or permissible, this has not been accepted by the U.S. and the NATO. The U.S. thinks that members of a regional pact may employ their forces not only within the region, but also outside it for achieving their desired goal.
para 1, Article 53, that "no enforcement action shall be taken under regional arrangement or by regional agencies without the authorisation of the Security Council." Not only, measures already taken but also those under contemplation by regional agencies should also be promptly informed to the Security Council in terms of Article 54. Thus, regional action is subordinated to Security Council authorisation except on two occasions when such authorisation is not necessary;

(i) measures taken pursuant to Article 107 against an enemy state "which during the Second World War has been an enemy of any signatory of the present Charter," and

(ii) "measures directed against renewal of aggressive policy on the part of any such state (ex-enemy states e.g. (united) Germany, Japan or Italy). 45

Broadly speaking, regional arrangements or agencies are thus subordinated to the system of universal collective security. It was clearly meant that armed action taken by a regional arrangement should be of temporary character and no sooner the Security Council, which is charged with the responsibility of maintaining international peace and security, has stepped in, than the regional action would either stop or be converted into U.N. action. The makers of the U.N. were complacent enough to believe that the Great-Power-unanimity would perpetuate for ever and not be destroyed in the post-war world. As

45. It is not certain how long the regional arrangements which are formed under Chapter VIII of the Charter can take enforcement measures against the ex-enemy states. As most of the ex-enemy states are at present allies and partners of regional pacts say NATO, or W.T.O. the relevancy of such provision is questionable.
during the war, they were accustomed to think of a situation in which Germany with the help of her war-time allies will gather strength sufficiently to renew aggression against the allies. Probably, they had in their mind possibility of such situation comparable to the French vision of Europe in 1936. They were, in fact, like the one-eyed deer unaware of the situation in the new set-up of the world whereby the conditions might be reversed so as to make Article 107 almost inoperative. For, in the new context, the former ex-enemy states, e.g., West Germany or Italy have almost completely lost their enemy status and it is unthinkable that the Security Council can take effective enforcement measures against them in the present situation. Though, legally according to Prof. Kelsen the decision of the world organisation remains of superior value, it is hardly possible that the United States or Britain as members of the U.N. as well as of NATO would lend their support, if occasion should arise, to the U.N. decision with the object of stopping aggressive designs of West Germany which is a member of the NATO. Then two courses might follow: either (i) the Security Council action would be blocked by veto, or (ii) the partners of West Germany in NATO would fail to employ their armed forces in response to the call of the U.N. Goodrich and Hambro have raised a question on the competence of Article 52(3) which empowers the Security Council to make direct reference of the dispute to such agencies.\(^6\) How can the Security Council actually refer a dispute to a local agency without prior agreement of the parties concerned? It appears that intention of the framers of the Charter was to utilise the regional arrangements by the Security Council for peaceful settlement of disputes at regional and local levels. The parties may in

their own initiative resolve their dispute without reference to the Security Council, or, they may be directed to resolve their dispute peacefully according to Article 33 after it has been referred to the Security Council. The framers of the Charter could not foresee regional arrangements could be formed outside the competence of Chapter VIII, whereby Article 33 seems to have no application on them.47

Regional arrangement and self-defense:

Nevertheless of the fact the members of the U.N. acknowledge the supremacy of the Charter as provided in Article 103, and are required to participate in U.N. enforcement action in terms of Articles 25, 41, and 42 of the Charter, they do not deempt their "inherent right" of self-defense by virtue of being sovereign states. Articles 2(4) and 4(1) prohibit the Members the use of force but these do not destroy the "inherent right" of a sovereign state as confirmed in Article 51, which states,

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations......"

The insertion of Article 51 gave very much comfort to the United States for it sought to counter-balance excessive Soviet insistence on "veto" which was granted to the Big Five at Yalta. This added an extra safeguard to the Monroe Doctrine and the inter-American

47. Regional agencies or arrangements referred to in Article 33 are presumably those formed under Chapter VIII, and naturally they are subject to Security Council control, but those formed under Article 51 (NATO and CENTO-type) are outside the control of the Security Council.
It gave the Western Powers an added strength to face the Russians. Palmer and Perkins observe that Articles 51-54 "were inserted expressly to counter-balance the Yalta formula for voting in the Security Council..." The Inter-American Treaty of Reciprocal Assistance, 1947, or the North Atlantic Treaty securing strength from Article 51 provide actual manifestations of the right of individual or collective self-defense. The extent to which this "inherent right of individual or collective self-defense" by members of the U.N. is to be pushed is not clear. This provision has added flexibility in the Charter not without controversy in its interpretation. According to Kelsen, a state, by virtue of Article 51, may in complete defiance of the Security Council prefer to exercise the right of self-defense indefinitely. But the "inherent right" of a sovereign state should be justiciably exercised by a state, otherwise, her action would lead to eventual disintegration of the organisation itself. It should not be pretext for unilateral use of force in defiance of principles of the U.N. Charter aiming at establishing a world order.

In view of veto granted to the Big Five the Latin American and smaller powers felt distressed. At San Francisco, both Australia and France insisted on greater limitation of jurisdiction of the Security Council over action relating to regional arrangements. It was fundamentally a question of U.S. Secretary of State Mr. Stettinius' alliance, within the framework of the U.N. would serve as a stabilising factor of world peace.

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John Maclearin says that Article 51 is confusing; it makes the state the sole authority to decide what constitutes an "armed attack", and if that state individually or as a member of a regional pact takes measure to repel that armed attack, the position of the Security Council becomes illusory (Vide The United Nations and Power Politics, 1951, p. 211).
than now accepted, and they stated that "decisions of the Security Council shall require the affirmative vote of seven Members including at least three of the permanent Members." These proposals were not accepted and Article 51 was inserted instead.

Originally, Article 51 was developed within Chapter VIII, though ultimately it was placed under Chapter VII of the Charter. On the recommendation of the Advisory Committee of Jurists, the Coordinating Committee placed Article 51 at the end of Chapter VII arguing that "it might have the effect there of limiting the right of self-defense only to regional arrangements, thus depriving a state which was not a party to such arrangement of that right." Such a case, that some enjoyed the right of self-defense while others were denied that right had no justification; therefore it was made to all.

Soviet reaction to the insertion of Article 51 meant an attempt to tamper with the veto. On the contrary, the members of the Arab League and France urged that their "treaties of mutual assistance required similar recognition beyond that given by Article 53, and Article 107." Both the Soviet and the French views were overruled and it was accepted that every state enjoyed that "inherent right" of individual or collective self-defense, if in its opinion exercise of that right is necessary for the sake of vital interests" or for "self-defense". It has not yet been established whether a state

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52. Ibid.
would comply with the decision of the Security Council if such decisions are judged contradictory to a State's policy. In any case, the alternative security arrangements have proportionately weakened the United Nation's universal security system. Russell rightly says that "Washington largely ignored the United Nations in security matters, turning instead to expand its system of regional collective defense arrangements." 54

Disintegration of the war-time alliance between Great Powers, divergence with Russia:

The unity which was achieved by the Allies on the eve of the Second World War could not be maintained in the same tenor and spirit after the conclusion of the war. Even during the continuance of the war deep clevages were found between them. Among the Five Major Powers e.g., U.K., U.S., France, China and Russia, the former four differed with Russia on social, political, economic and ideological grounds. Moreover, they were not united with regard to their aims. The "Grand Alliance" against the Axis Powers proved fruitful to attain the single object of defeating the enemy, but desired unity in other matters was hardly maintained. Commenting on the Allies' drift with Russia Ruth B. Russell observes, "At the same time events preceding formal coalition foreshadowed a number of problems that were destined to handicap the new United Nations in maintaining unity beyond the simple goal of defeating the enemy." 55

Already, the Big Four viz., U.K., U.S., U.S.S.R. and China have signed on January 1, 1942, the Declaration by the United Nations, but the aim of the Declaration remained far away. The image of the post-war world appeared differently to the Anglo-American and the Russian eyes. There was mutual distrust and suspicion between Churchill and Stalin, and Russian ill-feeling against her partners increased with the opening of the second front on Russian soil. Drew Pearson, the famous U.S. columnist tells us that the Russians are in possession of a series of unpublished and secret documents which reveal that "the British tried to persuade Hitler to go war against Russia." Russians also charged the Allies of betraying them. Thus, no sooner had the war came to its close, than the split between Russia and her allies became explicit.

The Cold War:

Rivalry between the Western Powers and the Soviet Union stiffened the cordial atmosphere of the 'Great coalition' and all hopes of a post-war settlement appeared gloomy. The raison d'etre of the alliance was lost, and a state of tension which came to be known as 'cold war' steadily developed between them. In the meantime, the Soviet Union rose to formidable strength, and violated the pledges confirmed in the "Declaration of Liberated Europe." This accelerated development of the 'cold war'. Owing to the change of structure of world powers in the post-war period, Russia and the United States were the two Super-Powers. These two viz., Moscow and Washington represented two opposite poles of power.

Without going to search who began the cold war, we can very well see how it crystalised the power blocs into definite, rigid, and contradictory grouping of states. The following factors were mainly responsible for the formation of power blocs.

(a) Inherent contradiction between the Soviet and the Anglo-American system; the Marxist - Leninist doctrine is incompatible with the Western ideal of liberty and parliamentary democracy.

(b) Mutual distrust, fear and suspicion between the contending power blocs strived both for greater and increasing control of the world through political, economic and military methods for overpowering the adversary.

(c) Discord and disagreement over the matter and manner of peace settlement in the post-Second-World-War-period. To name such issues are - implementation of peace treaties with Germany, Austria and Hungary, the question of Poland, China, Korea, Japan and a host of other problems within the United Nations.

To the Western eye, the Soviet Union never detracted from the aim of promoting world revolution - a situation which would strike at the very root of politico-economic system of the West. The creation of a network of Soviet bilateral defensive alliance with East European countries controlled by Moscow was branded by the West as Soviet imperialism. On the other hand, according to Soviet view Western enmity with the Soviet dates back from the year 1917 - the days of Russian Revolution. The Russian also accused the West of forming coalitions with Franco Spain or Fascist Germany.
in different periods against the Soviet Union (See Foot Note 7).

**Bi-polarity and formation of rival military pacts:**

The Second World War destroyed the old polycentred balance of power and has instead created a bi-polar world with enormous concentration of strength in two centres of the world. The majority of the small and medium-sized states (with a few exception of neutral and non-aligned states) have clustered round these two rival centres.

Thus, with the precipitation of two rival and antagonistic blocs, each coalition has tenuously upheld its political, economic and ideological doctrines. Nor this is all, for each has endeavoured to achieve security of the states participating in the coalition through regional security pacts of collective self-defense and sometimes by bilateral military pacts. Both the United States and the Soviet Union have buttressed the anti-communist coalition and the communist respectively. Within three years after the signing of the Charter at San Francisco, the Powers began openly to follow a policy of military coalition in their respective fashions. And in a substantial way faith in the security arrangement of the U.N. was diminished, if not lost. The United States became the chief architect in the formation of number of "quasi-regional military pacts" notably the North Atlantic Treaty Organisation (NATO),

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the Southeast Asia Treaty Organisation, (SEATO) the Central Treaty Organisation (CENTO) and the ANZUS, with ample U.S. economic and military assistance. The States which did not join these pacts were drawn by the U.S. in a series of bilateral pacts with the Philippines, Japan, Formosa and South Korea and so on to make the picture complete. The main object of the regional policy was but a "growing involvement in the global politics of containment in a bi-polar world."\(^{58}\) In the eye of U.S. this effort aimed at organising the "free world" against "Communist aggression".\(^{59}\)

On the Soviet side, the Soviet leaders readily accepted the détente in Europe, and they consolidated their position by the creation of the Warsaw Treaty Organisation reinforced with a good number of bilateral security pacts. On the Asian continent Soviet Union covered the situation by conclusion of Sino-Soviet Pact. The Soviet Union is also keen to maintain her power and influence in world politics and with this object she consolidated her relation with her allies. The Soviet Union, as such, "saw détente as the best way to consolidate status quo in the center of Europe......" based upon some form of military balance.\(^{60}\) From the Soviet point of view this balance will ensure position not only of the Americans but also of the Russians thereby leading to duopoly.

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Regional arrangements made competitive to the U.N.

The original plan of the U.N. was that the regional arrangements would be useful adjuncts in the matter of maintaining world peace and security but this had largely been foiled by American and Latin American insistence on greater freedom of action to regional organisations. The regional organisations were intended to be subordinate to and controlled by the world organisation, but in the new setting of bi-polarity and Super-Power endeavour for hegemony, regional arrangements instead of being complimentary have turned competitive to the U.N. In the opinion of Osgood, "The present Charter of the U.N. reflects a compromise between the competing concepts of regional and universal methods of organising world peace and security." Obviously, this compromise was made at the cost of exclusive authority of the United Nations in the matter of peace and security. This constituted not only a striking departure from the original idea, but also gave rise to serious complications unforeseen by the advocates of regionalism. Since 1945, international regionalism has been dominating the international scene and large number states both of communist and non-communist bloc have exceedingly relied more on regional arrangements than on the international organisation. The results are quite clear: the U.N. has been greatly undermined for greater reliance placed on regional arrangements. In unequivocal terms Edgar S. Furniss Jr. opines that "in the name of regional arrangements, the United Nations had

been placed in a position of inferiority, so that now the links between the regional arrangements and the world organisation exist at the pleasure of the former."

**Neo-regionalism:**

We have seen large number of regional organisations in the field of mutual security and economic co-operation have flourished after the Second World War. A new trend is noticed in these organisations which visualise in creating a community of states. The United Europe movement is one such community-based movement and the present tendency is towards creating new political communities. In these political communities national states would participate but will not retain their conventional sovereign power. Practiced application of this idea has found first in Europe in the North Atlantic Community, The Council of Europe, The European Coal and Steel Community, the BENELUX, the EURATOM, the European Economic Community and so on. The European Coal and Steel Community has already proved successful as an example of functional regionalism, and this body is vested with some form of supra-national authority. It has revolutionised conventional concept of association and pact owing to its special attribute - willing delegation of a portion of sovereignty. All these community-based organisations aim at

63. Edgar S. Furniss Jr. - A Re-examination of Regional Arrangements, Jour. of Int. Affairs, 1955 (vol. 9 No. 2).

64. For the idea of North Atlantic Community see Chapter IV of NATO, The Economics of an Alliance, Ronald S. Ritchie, See also NATO and the European Union Movement, M. Margaret Ball, London, 1959.
surrendering a slice of state's sovereignty, with the object of making these supra-national. 65

This form of regionalism - neo-regionalism - which developed after the San Francisco Conference, 1945, was completely unforeseen by the makers of the U.N. Charter. As have noted, large number of regional functional organisations in the economic plane had been created by the Western bloc, and among these the BENELUX, the E.C.S.C., the Common Market deserve mention. In the technical plane, the EURATOM is noteworthy. The NATO is professedly in the security plane, but with economic and political implications. In short, all these organisations have political implications, and these embody Western political ideals. The Soviet bloc also follows the same line to uphold Communist ideal.

Conclusion:

In the U.N. Charter, regionalism was not only recognised, but also given a special status under the Chapter on Regional Arrangements. The framers of the Charter took an optimistic view on the future role of the regional arrangements. They assumed that the Members will co-operate with the U.N. in the matter of peaceful settlement of disputes, and secondly, the Big-Five-Unanimity would be maintained to facilitate the U.N. in the maintenance of international peace and security, thirdly, the regional security pacts

65. For discussion on supra-national character of regional organisations, see Introduction of International Regional Organisations, Constitutional Foundations by Ruth C. Lawson (Praeger), 1962.
would be created only under Articles 52-54 and these serve as subordinate body under the control of the Security Council, and fourthly, these bodies would be solely for defensive purpose and their action would be of temporary nature supplementing superior authority of the U.N. But, with the growth of bi-polarity in the post-Second-World-War period, these expectations were largely belied and with a view to avoiding Security Council control the regional arrangements were based on Article 51, instead, and in practice, began to function almost independently of the U.N. Co-operation was replaced by animosity between the two power blocs and rival military pacts sprang up with the result that armament race was set on motion threatening international peace and security.