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***Lesson No.***

- 2.1 : COLLECTIVE SECURITY
- 2.2 : BALANCE OF POWER
- 2.3 : HUMANISATION OF WAR
- 2.4 : MEANS TO SETTLE INTERNATIONAL DISPUTES

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**LESSON NO. 2.1**

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**COLLECTIVE SECURITY**

**Introduction:**

The concept of collective security was involved with a view to check aggression and provide security to all the nations. War or aggression, in the collective security system, is viewed as a breach of international peace and security. So under this system the nations of the world pledge themselves to stand together against the aggressor. The covenant of the League provided for and organised collective security system which failed to work in actual practice. In the charter of the United Nations, an attempt was made to eliminate the weaknesses of the covenant and for this purpose provision for a working collective security system was included in the charter.

Collective Security is a modern device of power management at international level. According to Schwarzenberger, collective security is “the machinery for joint action in order to prevent or counter any attack against the established international order.” Prof. Schleicher defines it as, “an arrangement among states in which all promises, in the event any member of the system engages in certain prohibited acts against another member, to come to latter’s assistance.” Broadly speaking the rock bottom principle of collective security is that an attack on any state will be regarded as an attack on all states. Morgenthau gives an appropriate definition of collective security. He says, “it is based on the principles of “one for all and all for one”. Palmer and Perkins add that in this way, “Collective security clearly implies collective measures for dealing with threats to peace.”

**Basic Assumptions of Collective Security:**

According to Organiski, the idea of collective security rests upon five assumptions:

1. In the first place, it assumes that in any armed combat all nations will agree on which combatant is the aggressor.
2. All the nations are equally interested in stopping aggression from whatever sources it comes. Neither friendship nor economic advantage will stand in the way of action against an aggressor.
3. All nations are free and able to join in action against an aggressor.
4. The combined power of the collective security will be great enough to overwhelm the aggressor.
5. Knowing that an overwhelming power stands ready to be used against it, the aggressor nations will either sheath its sword or go down in defeat.

Though President Woodrow Wilson of USA is generally regarded as the

enunciator of the concept of collective security in international politics, the idea is much older. The Triple Alliance formed by Germany, Austria and Italy and the triple entente formed by France, Britain and Russia in the last quarter of 19th century were typical examples of the collective security arrangements. Both the alliances were formed to face the threat to the security and integrity of the member states.

In the system of collective security, security is the chief goal of all the nations. Any attack on the security of a nation is considered as an attack on all the member states. The power of the aggressor has to be met with by collective power of all the nations. This system has certain following characteristics:

1. Collective Security is a device of power management and of international peace and security.
2. It accepts that wars and aggressions cannot be totally eliminated.
3. In the event of war, all nations are committed to pool their power to eliminate aggression and to restore international peace and security.
4. Collective Security stands for the creation of a universal power or global preponderance of power and makes the maintenance of international peace & security a responsibility of all the nations.
5. The concept of collective security is a mid-way between the concepts of balance of power and world government.
6. This system can be an effective deterrent to any state with aggressive designs, because in this system each nation knows that any aggression against another one shall be met with by the collective power of all other nations.
7. Finally, collective security regards 'aggressions' and 'war' as the enemy and not the state which resorts to war or aggression.

**(b) Role of the UN in maintaining Collective Security:**

The UN charter made more elaborate provisions for collective security and avoided shortcomings in the system of collective security provided under the covenant. The first article on UN charter says that the purpose of the United Nations is to "maintain international peace and security and to that end to make effective collective measures for the preservation and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace." Under article 39, of the security council can "determine the existence of any threat to the peace, breach of peace or act of aggression" and suggest measures for the maintenance or restoration of international peace and security.

Under the UN charter all the members of the United Nations are expected to "make available to the Security Council on its call and in accordance with special arrangements or agreements, armed forces, assistance, and facilities including right

of passage, necessary for the purpose of maintaining international peace and security.” It has avoided discrimination between the big and small powers and involves all the members in the collective security measures. The members are expected to give to the United Nations every assistance in any action taken by the UN and to accept the decisions of the Security Council in this regard N.P. Since 1945, the collective Security system has been tried in a number of cases but due to several reasons its working has not been satisfactory.

**(1) Korean Crisis:**

The UNO for the first time applied provisions concerning collective security during the Korean aggression of 1950. It was the first action undertaken by the UNO under the provisions of chapter VII of its charter asserting that North Korea had committed a clear breach of peace by resorting to armed attack on South Korea. As N. Korea failed to comply with the UN resolution to stop hostilities and withdraw its forces to 38th parallel the Security Council, in the absence of Soviet Union, decided to go ahead with action. It set up a unified command under UN flag. Out of 60 members of UNO only 16 members contributed fighting forces, 42 nations sent military aid, and two members sent hospital units. According to Cohen, “the beginning of the progressive development of an effective collective security system”.

However, the crisis became highly complicated when communist China intervened in the war to protect the interest of N.Korea. The development made the collective security operations in Korea very problematic because many states felt that these developments could lead to escalation of war in which western countries, like USA, would like to pursue ‘containment of communism’, Consequently, attempts were made to find a peaceful resolution of conflict. On 3rd November 1950, the General Assembly adopted the uniting for peace resolution which was designed to give over-riding powers to the General Assembly. This resolution was intended to give additional powers to collective security system. However, its immediate result on Korean war was negligible. By January 1951, the Korean war got stabilised. But the success in the crisis came not only due to the efforts of the UNO but also due to the efforts of the various nations who made strong efforts towards peace in Korea.

**2. Suez Canal Crisis:**

After the Korean experience, collective security system underwent a second major test at the time of Suez crisis of 1956. In that year invasion of Sinai peninsula by the Israelis and subsequent armed action by Britain and France in Suez a serious threat was posed to world peace. However, the Security council failed to discharge its primary responsibility for the maintenance of international peace and security on account of lack of unanimity among the permanent members. As a result the matter came up before General Assembly which urged immediate ceasefire and asked

the UN members to refrain from introducing military goods in the area.

In the same year, General Assembly was called upon to consider the Hungarian question following use of veto by Soviet Union in the Security Council. The assembly adopted a resolution and asked Soviet Union to withdraw its troops from Hungary and affirmed to right of the Hungarian people to have self-government.

### 3. Congo Crisis:

Yet another case where collective security measures were applied is that of Congo. In 1960, the Security Council on account of the civil strike in Congo, which had assumed serious dimensions due to involvement of big powers, passed a resolutions urging Belgium to withdraw its troops from Congo. It also authorised the security council to send peace forces. The peace force did a good job in restoring peace in the strife-torn country.

### 4. Kuwait or Gulf Crisis:

The latest case of collective security action against Iraq which had annexed Kuwait in August, 1990. The UN passed a resolutions urging Iraq to with draw its troops from Kuwait but Iraq refused to comply. Ultimately on November 29, 1990, the security council passed a resolution authorising 'all necessary means' including force to drive the invading Iraqi troops and of Kuwait. When Iraq refused to comply with the deadline set by the UN. The UN peace keeping force was raised under the US leadership and to which 26 countries contributed their armed contingents which fought against Iraq for 42 days and liberated Kuwait from Iraq.

It is clear that UNO has been more effective than League of Nations. It has brought into vision the idea and possibility of collective steps for the preservation of world peace. As Prof. Schwarzenberger has observed, collective security was effective against danger to peace from the middle powers and small states backed by the world power. The U.S. decision in October 2001 to go to war against Taliban's Afghanistan by creating under its leadership a coalition against terrorism and not to use the UN collective security system also reflected a lack of full faith in the UN collective security system.

### Suggested Books

P. Chandra	:	International Politics
Hans. J. Morgenthau	:	Politics Among Nations
Palmer And Perkins	:	International Politics
Quincy Wright	:	Study of International Relation's
U.R Ghai	:	International Politics
V.V Dyke	:	International Politics

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**LESSON NO. 2.2**

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**BALANCE OF POWER**

**Introduction :** The principal of balance of power has been perhaps the single most important factor of the relations among states and man. Statesman regard it as the best guide for securing the national interest without getting involved in war. Till the first half of 20th century Balance of Power was regarded as being the only known modern form of international order. According to Palmer and Perkins. "It has been a basic principle of international relations." Morgenthau holds that "Balance of Power is a manifestation of general social principle in international politics. He writes. "The international Balance of Power is only a particular manifestation of the general social principle to which all societies composed of a number of autonomous units owe the autonomy of their component parts. The aspiration for power on the part of several nations each trying either to maintain or overthrow the states quo, leads of necessity to a configuration that is called Balance of power and to policies that aim at preserving it."

**(a) Meaning and Definition:** The immense popularity of the concept of Balance of Power has been a source of difficulty in so far as it has given a rise to a number of divergent and imprecise perception about its nature and content. It has come to be interpreted in several different ways that it has come to be a non-precise and not easily measurable concept. Martin Wright has remarked. "The nation of balance of power is notoriously full of confusions. Some of writers define it in term of equilibrium where as others in terms of "disequilibrium", 'systems', policy, etc. Morgenthau called it as a Policy.

In Politics Among Nation, Hans J.Morgenthau has used the term Balance of Power in four different senses:-

1. As a policy aimed at a certain state of affairs.
2. As an actual state of affairs.
3. As an approximately equal distribution of power, and
4. Any distribution of Power.

However Morgenthau clarified that "Whenever the term is used without qualification it refers to an actual state of affairs in which power is distributed among nations with approximate equality".

**Characteristics:**

1. **Equilibrium:** The term Balance of power suggests 'Equilibrium' which is subject to constant, ceaseless change, to shifting political patterns and power

- relationship.
2. **Temporary and Unstable:** In practice all Balance of power systems have proved to be temporary and unstable.
  3. **Favours Status Quo:** The Balance of Power has generally tended to favour of status quo but in order to be effective a policy of Balance of Power must be changing & dynamic.
  4. **Difficult to assess:** It is very difficult to assess when it is achieved.
  5. **Not a Device of Peace:** Balance of Power is primarily not a device for preserving peace. It admits war as the means for securing balance. It rests upon war.
  6. **Big power:** In the Balance of Power system, the big powers are the factors and the small states are either spectators or the victims of the game.
  7. **National interest is its Basis:** Balance of Power is a policy that may or may not be adopted by democracies or by dictatorship.
  8. **Inoperative Under Present Conditions:** The period of 1815-1914 was the golden age of Balance of Power. Since 1914 the structural changes in the international system as well as in the balance of power system have made it a less relevant principle of international relations.
  9. **Objective & Subjective views of Balance of Power:** Balance of Power involves both an objective and subjective approach. In the words of Spykman "The truth of matter is that states are interested only in a balance of power which is in their favour. Not in equilibrium but a generous margin is their objective."
  10. **Multiplicity of states as an essential condition:** The balance of power system operates only when there are number of major powers each of which is determined to maintain a particular balance of equilibrium in power relations. These characteristics highlights the true nature of balance of power as a concept in international relations.

**(b) Historical Development of the system:**

The origin of the concept of Balance of Power coincided with the growth of the present state system. It operated successfully in Europe from the 16th to the 19th century. The concept of Balance of Power can be found in some form or the other in ancient time, especially among the states of India, China, the Greek and the Roman states. The 16th century facilitated an identifiable process of Balance of Power. In this very century England held balance between France and the Holy 'Roman Empire'.

In the 17th century, the thirty years war (1618-1648) can be analysed from the point of view of the Balance of Power with the treaty of Westphalia (1648) and establishment of the nation-state system, the concept became more practicable than ever before. The period between 1648 (the peace of Westphalia) and 1789 (the French

revolution) is regarded as the first golden age of classical Balance of Power in theory and practice.

The 18th century formally recognized the Balance of Power in legal process. The treaty of Utrecht (1714) and the three divisions of Poland (1772, 1793, 1795) provide an example of application of the Balance of Power and the period is regarded as the golden age of the Balance of Power in theory as well as in practice.

In the 19th century the rise of Napoleon once again disturbed the Balance of Power in Europe. The Congress of Vienna (1815) sought to establish a new Balance of Power resting on the principle of legitimacy and possible the preservation of status quo. The Balance of Power prevented seven wars between 1871 and 1914. It maintained peace for the long time in this century.

In the 20th century, the Europe was divided into two camps with the completion of Triple Entente (1902) in opposition to the Triple Alliance (1882). When the Balance of Power in the Balkan area was disturbed in 1914 it led to the first world war.

During the inter war years (1919-39), the doctrine was followed only in theory as it was incompatible with the concept of collective security. But the weakness of League of Nations provided some strength to the system. The formation of alliance and counter alliance such as NATO and Warsaw Pact in the name of Balance of Power did reveal their existence which ultimately led to second world war. The newly emerged 'bipolar and now the multipolar' system is most unstable and dangerous form of Balance of Power. What we experience today is the conspicuous absence of the holder of balance the balancer.

**(c) Functioning of the System:**

Balance of power is a game-a power game, which is played by a number of actors with the help of several devices. The operation of Balance of Power in international relations requires conscious efforts and actions on the part of states to maintain balance of power. According to Palmer and Perkins "The balance of Power is an uncertain regulator, for it creates an equilibrium that is at best temporary and improvised. Even under ideal conditions, its operation requires great skill and fineness and possibly a ruthless disregard of moral concept and human welfare". Balance of Power has several methods of techniques. The following are the major methods of Balance of Power.

**1. Alliances and Counter-Alliances:**

The most commonly used device of Balance of Power system has been alliances. It has been a traditional instrument to strengthen one's position vis-a-vis the opponent. Alliances are regarded as a principal method of Balance of Power.



According to Morgenthau, "Alliances are a necessary function of Balance of Power operating within a multi-state system". Alliance is a device by which a combination of nations create a favourable Balance of Power by concluding military or security pacts or treaties aimed at augmenting their own strength vis-a-vis the power of their opponents. However, an alliance among a group of nations almost always leads to the establishment of a counter alliance by the opponents.

History is full of examples of alliances and counter alliances in balance of power systems that operated in different periods of history. Whenever one nation threatened the balance of Europe, other states formed alliances against it and were usually able to curb the power of the over ambitious state. After the triple alliance of 1882, a rival alliance, the Triple Entente, was slowly formed through bilateral agreements over a period of 17 years (1891-1907) first between Russia & France, then between France and England and finally between England and Russia. In post 1945 period alliances like NATO, SEATO, Warsaw Pact have been devices of Balance of Power between US and USSR. The first two were established by US and the third one was organised by USSR for strengthening their respective power position.

Nations always try to make abandon and remake alliances depending upon the needs of their interests. Alliances are often divided into two kinds offensive and defensive. An offensive alliance seeks to upset the balance of power in favour of its member, whereas the defensive alliance seeks to maintain balance which is in favour of its members. There is only a technical difference between these two kinds of alliances. Both are devices of Balance of Power.

## **2. Compensation:**

It is also known as territorial compensation. It usually entails the annexation or division of the territory of the state whose power is considered dangerous for the balance.

Compensation of a territorial nature was a common device in 18th & 19th centuries for maintaining a balance of power which got disturbed by the territorial acquisition of any one nation. For example (1) The division of Spanish possessions in Europe and outside, among Bourbons and Hapsburg in the treaty of Utrecht of 1713 (2) The three partitions of Poland in 1772, 1793 and 1795 was based on compensation. (3) In the later part of 19th century and after each of the two world wars of the 20th century, territorial compensation was used for weakening the powers of the states. Whose actions led a violation of the balance. It was applied in late 19th and early 20th century for the distribution of colonial territories and the delimitation of colonial and semi-colonial spheres of influence. It was ruthlessly used in Africa.

Thus, compensation has been a popular method of Balance of Power. In words of Morgenthau. "Even where the principle of compensation is not deliberately applied it is nowhere from political arrangements, territorial or other, made within a balance of Power system".

### **3. Armament and Disarmament:**

Military preparedness is the best means of national defence. This policy is bound to lead to armament race. All nations, particularly big power, place great emphasis on armament as means to keep away an intending aggressor or enemy. It is also used for maintaining or securing a favourable position in power relations in the world. However, in recent times armament race among great powers has led to a highly dangerous situation which can accidentally or otherwise cause a total end of international peace. It has come to a biggest danger to world peace and security. Consequently, now-a-days the opposites of Armaments - Disarmaments and Arms Control are regarded as ideal devices for maintaining and strengthening world peace and security. It has been realised that disarmament and arms control involving a reduction in the killing capacities of various nation and not the armament race can be the effective and more beneficial device of balance of power.

### **4. Intervention and War:**

"Intervention is a dictatorial interference into the internal affairs of state with a view to change or maintain a particular desired situation". These two techniques of the Balance of Power are usually adopted as a last resort." Non - intervention is the opposite of intervention and it involves deliberate non action in a particular situation which is considered to be harmful to the other competing opponents. Both of these are devices of Balance of Power. Mostly it is used by the major powers. British intervention in Greece, US intervention in Grenada, Nicaragua, Cuba and Vietnam. Iraq, Afghanistan and Soviet intervention in Poland, Hungary, Afghanistan, and Czechoslovakia are some of the examples of interventions carried by these big powers. Middle east has all along been an area of intervention by one great power or another.

### **5. Buffer States:**

Another method of Balance of Power is to set up a buffer state between two opponents. V.V. Dyke says, "Buffer states are areas which are weak which possess considerable strategic importance to two or more stronger powers. Each of the stronger power may seek to bring buffer within its sphere, but regards it as important, if not vital that no other stronger power be permitted to do so. The major function of a buffer is to keep the two powerful nations apart and thus minimize the chances of clash and hence to help the maintenance of balance."

Korea, for example, has served as a buffer between Japan, China and Russia.

But its position has been critical and self destroying. Today it stands divided into two parts: North Korea (Pro-Soviet) & South Korea (Pro-U.S.A.). Iran has historically been a buffer between Britain and Russia. Nepal is almost a buffer between India and China, Buffer are used as devices of maintaining balance between two contending and powerful, big states. Palmer and Perkins Says' "Buffer states are of great importance because of their cushioning effect between great powers."

**6. Divide and Rule or Partition:**

The policy of divide and rule or partition has also been a method of balance of power. It has been a time honoured policy of weakening the opponents. It has been resorted to by all such nations who try to make or keep their competitors weak by keeping them divided or by dividing them. The French Policy towards Germany the British policy towards the continent and the Soviet policy towards Europe can be cited as the examples. Poland was partitioned between Russia, Prussia and Austria-Hungary in 1772 so that relative power of each of the three major states of the time could be maintained. The division of Europe between East and West can also be described as divide & rule game being played by the Russia & USA.

**Suggested Books**

Palmer & Perkins	:	International Politics
Hans. J. Morgenthau	:	Politics Among Nations
U.R.Ghai	:	International Politics
V.V. Dyke	:	International Politics

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**LESSON NO. 2.3**

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**HUMANISATION OF WAR**

**1. Introduction :** War is an act of violence. The parties which are involved in war try to overthrow its enemy with the brutal use of force. This process brought unlimited death and destruction to mankind. In spite of the fact that war involves violence and is inhumane in its nature, efforts have been made to humanise it, to minimise the sufferings of mankind. It has always been tried that indiscriminate death and destruction should be avoided and prisoners of war should be treated humanely and in a dignified manner.

**2. Ethics of War in India :**

In ancient India, some rules and regulations became customary to make wars more humane and avoid indiscriminate death and destruction. The accepted code of conduct of war was honoured and the warriors maintained the high traditions of chivalry with dignity and decorum. Some of the customs which existed in ancient India were :

1. A warrior in armour should not fight with one not so clad.
2. Unequal fighting was prohibited (inequality in number and in weapons).
3. One should fight only with one enemy and cease fighting if the opponent got disabled.
4. Wounded and sick men were to be treated as neutrals.
5. Aged, men, women and children, the retreating or the one who held straw in his lips as a sign of surrender should not be killed.
6. Fruit, flowers, garden, temples and other places of public worship should be left unmolested.
7. According to Gautam, "Cows, Brahmins, those who lost chariots, arms and horses were not to be killed. Killing of non-combatants and civilians were also prohibited."
8. According to Manu, "Let warriors not strike one who lost coats of arms, disarmed, whose weapons were broken, wounded, afflicted with sorrow etc". These high traditions were maintained in the later days also, for example by Rajputs in medieval period, Marthas (Shivaji) and Sikhs Bhai Kanahia is

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Human - adj of Mankind  
Humane - Kind hearted, merciful

famous for his indiscriminate service to friends and foes alike, such as serving water and applying healing balm to Sikhs and Muslims alike.

Similar traditions were maintained by Rajputs. Dr. Ishwari Parsad has described them in the following words, "The Rajputs had a high sense of honour and a strict regard for truth. They were generous towards their foes and even when they were victorious, they seldom had recourse to acts of barbarity. The Rajputs never employed deceit or treachery in war and scrupulously abstained from causing misery to poor and innocent people".

### **3. Ethics of War in Europe**

**1. Feudal Wars (9th to 15th Century) :** Even the Church admitted that war is a part of man's culture and cannot be stopped. So, efforts started being made to minimise misery to mankind. During feudal system, there emerged the Pax Dei (The Peace of God) in 990 A.D. which protected holy places and holy personnel, pilgrims, women, peasants and cattle from the ravages of war. In 1027 A.D., there emerged the Treva Dei (The Truce of God) according to which all warfare was suspended from Saturday noon till Monday morning. Introduction of ransom also mitigated the horrors of war, as one could secure one's freedom by paying its price. Price was paid for getting prisoners to be free, for saving cities from plunder and destruction and for getting back captured ships and such other material. This laid the foundation of humanisation of war. Defenders of forts were permitted to lay down their arms with respect and dignity. Such practice was prevalent during the days of Malborough and Wellington. Lot of attention was paid to recovery and disposal of wounded and dead. War used to be stopped for a few days in Europe so that wounded could be brought back and dead buried. Those captured at sea used to suffer a lot. Either they were killed or made slaves because ships were small and were not adequate to accommodate and feed prisoners. Such conventions and codes of conduct of warfare were enforced by the authority of the Church.

**2. Dynastic Wars (17th to 18th Century) :** There was a lot of human and material loss during the Thirty Year's Wars (1618-1648). The papal authority, which had enforced the conventions, broke down after the war. The tendency to barbarise wars developed. Due to development of artillery and other new weapons human life was exposed to more dangers. People got worried about saving human and material losses. Law makers and military commanders started thinking about inflicting minimum amount of damage. Laws were made about treatment of defeated armies and nations, correct treatment of prisoners, safeguarding the rights of the public and ensuring that farmers and businessmen could continue their profession. Mutual

respect and treatment became prevalent in the 18th Century. The military commanders used to write courteous letters to their opponents, exchange prisoners and extend good hospitality to commanders who were taken prisoners. Again, desire for humanisation of wars appeared. Tiring out of the enemy instead of his annihilation became the aim of strategy, Destruction was reduced to the minimum.

**3. Peoples' Wars :** There was no limit to mercilessness and destruction during the wars of French Revolution which produced a relapse towards barbarism. Complete destruction of the enemy became the main aim of strategy. Those who surrendered were murdered. All the conventions and laws which had come in practice were thrown overboard. It was the beginning of unlimited wars. There was lot of ruinousness and destruction. Clausewitz clearly wrote that wars will never be limited in Europe. He maintained that war, being a violent clash between nations in arms, could never be humanised or civilised, and that if one party to the conflict attempted to do so, it was liable to be defeated. The theories of "Absolute warfare" and "Blood is the price of victory" propounded by him tended to banish reason from warfare. Sherman adopted merciless and inhuman attitude in American Civil War. He waged wars against civilian population also. On receipt of petitions from the public, he used to say that they could not describe the meaning of war in the words that he could and that war meant tyranny and that they could not put it right. He also said that if the public raised voice against his violence and tyranny, his reply would be that war is war.

**4. World Wars :** More destruction and ruinousness were caused during the two world wars due to great improvement in weapons which became weapons of mass destruction. In World War I, tanks and aeroplanes were used for military purposes. In some cases, barbarity was extensive. Germany believed in Clausewitz's theory of "Blood is the price of victory". Unlimited submarine warfare, use of poisonous gas, bombing of cities were resorted to indicating a relapse towards an unlimited warfare. The weapons were further improved between the two world wars and new methods were devised to use the same to advantage (for destruction). In World War II, the human kind was subjected to great tyranny. Nazi and Japanese forces violated international laws without any hesitation and disregarded all organisations like Red Cross. Cities were obliterated, millions were enslaved, millions were deported or driven as wanderers from their homes and countries, thousands were sterilised and tortured. As reprisals, Germans were assassinated (brutality begets brutality). Bombardment was resorted to mercilessly and a great number of public people were killed. All this struck most devastating blow at civilisation and there was moral decline. Towards the end of the war, nuclear weapons came into use ; two atomic bombs were dropped

in Japan by USA in Aug 1945. All this caused worry about the human and material destruction in the future wars. The most disturbing aspect of both the world wars was the deplorable treatment accorded to the prisoners of war by some nations. In spite of great efforts to humanise wars, there were cruel relapses of barbarism. Second World War, according to Fuller, was a war of “unrivalled in humanity nothing like which has been seen since the Thirty Years’ War”. Destruction caused in Iraq as a result of Second Gulf War (1991) is the present day reminder of the amount of destruction that high-tech weapons can cause to human live and property.

**Geneva Conventions :** When the peoples’ wars were in full swing, it became absolutely clear that there would be no limit to mercilessness and destruction. All began thinking of as to how to get rid of this foolishness and how to bring in humanisation in wars. No respect had been paid to the ethics and regulations already in force and they had been violated in no time. Some conferences and conventions took place which are discussed below :

As a result of an international conference held at Geneva in 1863, which was attended by 36 representatives of about all the European states, the Swiss Government called a political conference at Geneva in 1864 which was signed by 12 powers, Geneva Conventions were thus first established as a result of this conference and the 1864 Conference came to be known as Geneva Convention. Under this convention, one international Red Cross Committee was established which was given the task of ensuring proper treatment of those who were wounded in the battlefield on both sides. Later, it was entrusted with the responsibility of supervising prisoners of war camps. Laws were made for the wounded and hospitals. Sick and wounded were to be respected and cared for, whatever their nationality. Hospitals and medical staff were to be protected and respected. In the 20th Century, three political conferences were held at Geneva — in 1906, 1929 (after World War I), and 1949 (after World War II). Provisions of all the conventions were suitably modified, improved and extended to make them more beneficial for meeting the situations that were confronted during various wars. The final shape which the Convention took after the 1949 conference has 402 parts and was signed by 62 powers, including all big powers.

First Hague Conference took place in 1899. This Conference forbade the use of poisonous weapons, but did not codemn gas warfare nor the remission of cloud gas, It prohibited the use of expanding bullets. At the Second Hague Conference in 1907, resolutions were passed for the humane conduct of war—regarding handling and treatment of prisoners of war and bombing civilian population. It was laid down that personal belongings of a prisoner ; except his weapon, horses and military papers;

were to remain his property. Prisoners were to be treated in respect of food, quarters and clothing, on the same footing as the troops of the nation which had captured them. Prisoners, except officers, may be used as labour but tasks given to them must have nothing to do with military operations, must not be excessive and must be paid for. It was also resolved that attack should not be resorted to without declaring war.

At the conference held in Washington in 1922, "Rules of warfare" were agreed on the limitation of armaments. Some laws of warfare were formulated, in particular on air bombardment to terrorise the civilian population and destruction of individual property and wounding/injuring non-combatants (general public) was prohibited.

Deadly and poisonous gases were prohibited and bacteriological warfare was also declared illegal.

#### **Provisions of the 1949 Geneva Convention**

In all the conferences and conventions, methods to humanise wars were devised and decisions taken. These have no concern with the methods of fighting battles and are concerned with the victims of fighting. The decisions which were incorporated in the final shape given after the 1949 Convention and which are at present current are discussed below :

**1. Wounded and Sick in the Battlefield :** These conventions related to the amelioration of the conditions of the wounded and sick in the battlefield. If any belligerent has to leave its wounded and sick in the battlefield and they fall into the hands of the enemy, the latter should detail some part of its medical experts and equipment for their treatment. All wounded and sick, after their capture, become prisoners and are to be treated as prisoners of war. Wounded and sick are not to be looted and not to be ill-treated. They should be properly looked after and given adequate medical treatment. This rule was made applicable to all forces, such as militia volunteers, and not confined to military personnel only. Battles should be halted whenever possible to enable each side to evacuate their wounded from the battlefield. There is to be no discrimination because of race, nation, sex, religion or political alignment ; honour and protection of all the wounded and sick is to be respected and safeguarded. They will not be killed, no violence will be used against them, they will not be denied medical treatment deliberately and will be kept free from any contagious diseases. Women will be given special consideration. Wounded and sick will not be considered as enemy and will be looked after. Proper record, including date of the capture and details of the sickness, of wounded and sick will be kept to ensure their proper identification. All these details should be sent to the other party to whom those wounded and sick belong. All hospitals and doctors are recognised as neutral.



The hospitals and medical vehicles are to fly Red Cross flags as a sign of their neutrality. No building or vehicle displaying Red Cross sign is to be attacked.

**2. Dead and Wounded :** Both the sides are to make every possible effort to locate dead bodies during and after the battle. They will ensure that dead bodies are prevented getting bad. Complete record of the recovered dead bodies, including documents, cash and other valuable items taken from them, is to be prepared and passed on the other side, if possible, along with the dead bodies. Complete identification should be possible from the records prepared. Only then should the bodies be cremated or buried ; mass cremation or burial is prohibited. Remains of those cremated are to be kept. Graves should be organised together for each religion and the other side should be informed of their location soonest possible. Sign boards would be erected on each grave to facilitate identification.

**3. Wounded and Sick at Sea :** All those captured in the ships used to be killed. Regulations framed for wounded, sick and prisoners of the ground forces were made applicable to those captured at the sea. Hospital ships are to be painted white all round from outside for their clear distinction and are to be recognised as neutral as for Red Cross signs.

**4. Prisoners of Wars :** A POW's is not a criminal and must not be held in close confinement. They should be taken out of the danger zone to camps as soon as possible. The rules made for the POW's should be displayed in their camps in their language. POW's have the prerogative to demand their rights as per those rules. The date of capture is to be conveyed to the enquiry office forthwith. They will always be protected and be not subjected to coercions, threats, disrespect or physical or mental torture or to any such other methods to extract information from them. Women are to be given special consideration. Retaliation against prisoners is forbidden. The power holding POW's are under obligation to give them free food, clothes and accommodation and for proper looking after and medical treatment. Such facilities are to be of the same standard as to their armed forces. POW's, other than officers, can be used as labour. They should not be employed on dangerous work which such as mines and blasts. Any work on which they are employed should not be concerned military activities. They are to be paid reasonable money for the labour.

POW's will retain ownership of all their belongings, except the arms. Their personal effects are not to be taken away from them. If cash or any valuable items are taken from them, a receipt should be given to them for the same and those items should be given back to them at the time of their release. They are entitled to receive relief supplies, to write to their homes within a week of their capture and to send two

letters and four cards every month.

There are orders that POW's are to give only their full name, number and date of birth and deny any other information. His rank is to be disclosed only if it is desired to take advantage of the rank. It is forbidden to force them to give any additional information.

**5. Civilian Population :** On capture of an area, the captor is fully responsible for ensuring protection of the civilian population which should always be given humanitarian treatment. They maintain the right that full respect be paid to their physical body, family rights, religious faith and sentiments and customs. They should be spared from insult, violence, threats and retaliation. Women should be protected with particular attention to rape. Public should not be terrorised for extracting any information. They should not be forced to serve in their enemy's armed forces. Looting them or making them prisoners is forbidden. They are at liberty to migrate from their area. It is forbidden to bring population to that area from outside or to expel the locals. Food and medical treatment will be fully provided to the population.

**6. Property :** Hague Convention of 1907 forbade destruction of enemy's property. The property, which has not been in use with the military, is not to be destroyed.

**7. Red Cross Society :** The Red Cross sign (+ in red) was allotted to military hospitals so that they could be easily identified. This sign is to be fixed/marked on buildings, flags and any other items used for medical purposes. All hospitals and medical staff have been recognised as neutral. An international committee of Red Cross has been formed. This committee has been recognised by all the nations. Its main functions are to meet POW's and to distribute to them such items as are for their religious, educational and recreational purposes. The delegates of this committee can go to any place where the POW's are. They can talk to POW's without any one else being there.

### **Conclusion**

No doubt, regulations have been made for humanising wars, but their implementation has been a great problem. As men have become more civilised, their wars have become more horrible. In the modern times, agreed rules for conduct have often been shamelessly and flagrantly violated. Through such conventions and decisions may be broken in war, their value is not nullified entirely. They go have a great restraining influence. In the past wars, many of the international conventions have been observed and there has been remarkable and strict observation of the same. But we should forget that humanisation can and will be implemented during all the wars, as, in the heat of war, such laws are bound to be violated.

It should be noted that Geneva conventions do not provide protection to all those who fight for their nation without uniform e.g. insurgents, guerillas, saboteurs, spies etc.

**Questions :**

1. What do you mean by war and explain its principles ?
2. What is difference between frontier and boundaries ? Explain the types of boundaries.
3. Explain the methods of Balance of Power.
4. Describe the pacific means of settlement of international dispute.

**MEANS TO SETTLE INTERNATIONAL DISPUTES****INTRODUCTION-**

As we know all nations are neither fully compatible nor can be fully made so through conscious efforts, the existence of conflict and the emergence of disputes and clashes among the nations is bound to be always there. Clash of interests and ideologies always lead to the possibilities of war and extension of conflicts in battles. Therefore International law specifies several peaceful means by which the states can attempt to resolve their disputes. When peaceful means are fail to solve the international issues then there is a possibility to use forcible/compulsive/coercive means to settle the disputes. Since the use of war and other forcible means have come to be regarded as harmful and undesirable instruments of conflict resolution, the use of peaceful means constitutes the ideal way for settling disputes among the nations and member of international community. The Charter of the United Nations provides in its Chapter I (Purposes and principles) that the Purposes of the United Nations are:"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about **by** peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace." (Article **1**, paragraph **1**)The Charter also provides in the same Chapter that the Organization and its Members, in pursuit of the Purposes stated in Article **1**, shall act in accordance with, among others, the following principle: " **All** Members shall settle their international disputes **by** peaceful means in such a manner that international peace and security, and justice, are not endangered" (Article 2, paragraph **3**). It furthermore, in Chapter VI (Pacific settlement of disputes),states that:"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution **by** negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." (Article **33**, paragraph **1**)

**PRINCIPLES OF THE SETTLEMENT OF DISPUTES-**

Declaration and resolution of the General Assembly-The principle of the peaceful settlement of disputes has been reaffirmed in a number of General

Assembly resolutions, including resolutions 2627 (XXV) of 24 October 1970, 2734 (XXV) of 16 December 1970 and 40/9 of 8 November 1985. It is dealt with comprehensively in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV), annex), in the section entitled "The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered".

1. Principle of non-use of force in international relations
2. Principle of non-intervention in the internal or external affairs of the state
3. Principle of equal rights and self-determination of peoples
4. Principle of the sovereign equality of State
5. Good faith in international relations
6. Principles of justice and international law
7. Other corollary and related principles and rules
8. The principle of free choice of means

**PACIFIC SETTLEMENT OF DISPUTES**- Pacific settlement in international relations means the resolution of disputes among nations through the use of all peaceful methods. Negatively speaking it means the use of all methods of conflict resolution which do not involve the use of force. The popular methods of pacific means to settle the disputes are:

- Negotiations
- Good offices/Mediation
- Conciliation
- Enquiry and International Commission of Enquiry
- Arbitration
- Judicial Settlement

- 1- **Negotiation**- Negotiation is the first and the simplest peaceful method of settling disputes. It is recognised by great majority of treaties of pacific settlement as the first step towards the settlement of international disputes. Most of the treaties make a failure to settle the dispute by negotiation a condition precedent to compulsory arbitration or judicial settlement. It is, therefore, not surprising that negotiation comes first in the list of means to settle the disputes stipulated in Article 33(1) of the Charter of the United Nations. Negotiation consists of discussion between the concerned parties with a view to understand the opposite positions and opinions and reconcile the differences. It is very suitable to the clarification for both parties and most satisfactory mean to settle the disputes. It is a voluntary bilateral and self help mean and the parties are directly engaged in the process, intervention by any

third party is not the necessary. In simple words: it means the process of conducting talks or bargains by states for the settlement of disputes. "Negotiation is really an essential element in all types of non-decisional pacific settlement of disputes", according to Schleicher, "is one which may or may not result in binding action and whose effectiveness depends on their contribution to a meeting of minds."

- 2- **Good offices and Mediation-** When the parties to a dispute are not in a position to settle their disputes through negotiation, good offices and mediation form a good resort. Good office is a process by which contending states may be brought together by another state or states or individuals popularly called third party. The third party neither suggests a solution nor participates in the negotiations. In the mediation, the third party participates in negotiations and may make suggestions of its own. The third party may suggest a solution or participate in negotiations between the contending nations. The Soviet role in 1965, when it helped India and Pakistan to sign the Tashkent declaration can be regarded as an example of good offices.
- 3- **Conciliation-** Conciliation is a process of settling a dispute by referring it to a specially constituted organ whose task is to elucidate the facts and suggest proposals for the settlement to the parties concerned. It is the fact which makes conciliation different from the mediation. Conciliation involves three steps- enquiry, mediation and proposal. The conciliator investigates the facts of dispute and suggests the term of the settlement. But conciliation differ from enquiry in that the main objective of the latter is the elucidation of the fact in order to enable the parties through their own accord to settle their dispute, whereas the main objective of conciliation is to propose a solution to a dispute and to win the acceptance of the parties to such solution. Also, conciliation is different from mediation in that it is more formal and less flexible than mediation. If in case mediator's proposal not accepted and then he can propose a new one but a conciliator usually present a single report. "In a narrow sense, conciliation signifies the referring of a dispute to a commission or committee to make a report with proposal of the parties for settlement, such proposal, not being of a binding character."
- 4- **International Commissions of Enquiry-** In this method, a commission of enquiry- a third party, investigates the facts of the dispute between the states involved in dispute and helps to clarify the issue. The ICJ is the most important international tribunal, because of its both prestige and jurisdiction. It is principal judicial organ of the United Nations. The judges of ICJ are appointed by the United Nations not by the parties to dispute. The ICJ has to apply the rules and principles of International Law, which are enumerated in Article 38 of the statute of the court, the parties have no choice in specifying

the rules to be applied by the court. In case of disputed boundaries, a commission may be appointed to enquire about the actual facts.

- 5- **Arbitration**- Arbitration represents settlement of dispute among nation through a legally binding decision rendered either by an umpire or a commission or a tribunal other than the International Court of Justice. There is a prior agreement among the conflicting parties to abide by the decision. According to Oppenheim, "Arbitration means the determination of a difference between states through a legal decision of one or more umpire or of a tribunal, other than the International Court of Justice, chosen by the parties." Arbitration is an ancient method of settlement of dispute. However, in International Law it received great importance after the Jay Treaty of 1874 between the United States and the Great Britain. Indo-Pak dispute over the Runn of Kutch was settled through this method.
- 6- **Judicial settlement or Adjudication**- The system of getting the disputes adjudicated upon and settled by the International Court of Justice is called judicial settlement of dispute or settlement of dispute by adjudication. In simple words, settlement of disputes by International Court of Justice is called Judicial Settlement. Judicial Settlement and arbitration are the two similar peaceful means for the settlement of disputes in many ways-a) an impartial outside agency is entrusted with the task of deciding the matter, b) the decision are based on International Laws, c) the decisions are binding on the parties to dispute, d) the process is judicial, e) submission by the parties to the dispute is voluntary unless by previous agreement they had obligated themselves in this matter. There is also two difference between arbitration and judicial settlement; a) arbitration is done by persons or states designated by the parties to disputes for each particular dispute but judicial settlement is done by ICJ i.e. a permanent international agency, b) in judicial settlement, the ICJ is guided by all the rules of International Law whereas in arbitration tribunal may accept to limit itself with the set of rules that may be agreed upon by the parties to the dispute.

These are the six popular methods of pacific settlement of disputes. Of these, negotiation, good offices, mediation, enquiry and conciliation have no binding force but arbitration and judicial settlement have binding character. One of the great challenges of the international community is to achieve by peaceful means, including those of a coercive nature, the effective resolution of conflicts or disputes that could jeopardize peace and security. The range of possibilities of the methods of peaceful settlement includes political, diplomatic and legal means. Public international law and the UN Charter can be utilised in this process which indicate that more than one method (or a combination of methods) can be applied to solve a particular crisis.

However, when these methods are exhausted in the search of a peaceful settlement, the possibility of resorting to coercive means is opened.

According to Article 39 of the UN Charter, the Security Council is the body responsible for taking measures to remove threats to or breaches of peace, or to define what is an act of aggression? Articles 41 and 42 provide that agreements can result in Security Council non-military actions, all of which can be defined as coercive. However, if these actions fail to resolve the peace-threatening dispute or crisis, the Security Council may take other radical measures involving even the use of force. On the other hand, the UN Charter recognises the competence of regional organisations in dispute settlement, and will coordinate with them, as necessary, and will only apply coercive measures with the permission of the respective regional organisation. The methods that have been established as coercive nature through a collective decision include retaliation, order of reparation, closure of territorial borders, boycott, suspension or expulsion from international organisations, and the breaking of diplomatic relations.

**CONCLUSION-** Above mentioned peaceful means for the settlement of bilateral and multilateral disputes among the members of the international community. War is an illegal and dangerous means. So are the forcible means or forcible means short of war as these involve the use of force, violence and suppression in international relations. Settlement of a dispute by coercive means is almost always counter-productive as it very often extends, enlarges and aggravates the nature and scope of the dispute and conflict between the parties. As against this pacific means involve the use of law, reason and persuasion for effecting settlement of disputes. Hence these are fixed superior and ideal means for settlement of disputes.