



MILITARY ALLIANCES AND NEUTRALITY IN WAR AND PEACE. By
Subrata Roy Chowdhury. Calcutta: Orient Longmans, 1966.
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IN RECENT YEARS the Afro-Asian scholars and governments—the former through their enunciation and discussion and the latter through their practice—have thrown light on the distinctiveness of the contribution of the new developing states to the disciplines of international law and relations. The upshot of this development is an effort to identify, in the context of the traditional rules, areas of agreement and dissent among the new and the old states. In spite of the fact that a section of the Western scholars has characterized this effort as “an exercise in hypocrisy and narcissism,” a wider and more actual interaction of ideas is called for in order to secure clarifications adequate enough to warrant stable and well-founded conclusions. The book under review is a significant attempt in this direction and hence a welcome addition to the existing literature.

The book emanates out of the four Sir Charuchandra Ghose Lectures which the author, who is a distinguished municipal and international lawyer, delivered at the University of Calcutta in June and July 1963. Each lecture is included in the form of a chapter in the book. Thus the four chapters consist of Recent Trends in Military Alignments, the Military Alliances and the United Nations Charter, Neutrality in a Shooting War, and Neutrality in the Cold War.

The author begins by presenting, in a chronological order, a list of military alliances entered into during the two decades, from 1943. An attempt is made to examine some more important provisions and through a comparative study to indicate their similarities and contrasts. In doing so the author is cognizant of all the varieties of alliances, communist and non-communist, multiple and bilateral. This is followed by an enumeration of twenty legal problems which call for consideration in order to test the validity of military alliances in international law as established by the charter. A large majority of these problems are connected with the right of individual or collective self-defence as mentioned in article 51 of the charter. Some of these problems are examined later in the book.

A substantial part of the book is addressed to the examination and analysis of the problems of military alliances and the United Nations. While studying the theories which have been advanced to justify the legal validity of the military alliances, both of the Western and Soviet systems, the three principal justifications based on the provisions of the charter, which have been chosen for special study are: (1) “collective measures” undertaken to maintain peace and security in accordance with article 1(1); (2) measures of collective self-defence provided for in article 51; and (3) regional arrangements under chapter VIII. In attempting this task the author has not only clarified the theoretical aspects of the subject but has also given a detailed



account of the past practice of the United Nations. In drawing his conclusions, the author has broadly taken a line congruous to that of the Government of India. He dismisses the legal validity of all justifications in favour of military alliances, and regards the UN Charter a substitute to collective preparation and collective action. The author does his job admirably well and, perhaps for the first time, gives a consistent and well-founded legal framework to the case of the non-aligned states against military alliances.

The second part of the book — Neutrality in War and Peace — is devoted to the ideas, institutions and instruments that have shaped the law of neutrality from its inception to the present-day. In some respects this part is weaker and vulnerable. While spotlighting that the charter dispenses with neutrality, it is forgotten that the Founding Fathers of the United Nations did not want the concept of neutrality to go but refrained to encourage it on their part. Likewise, it is stated that the cold war began with the Truman Doctrine and Marshall Plan, ignoring the significant fact even if the immediate origins of the cold war are to be traced, beginning must be made with the Fulton speech of the late Sir Winston Churchill.

Perhaps a more substantial vulnerability is revealed when the author discusses Neutrality in the Cold War. This reviewer is at a loss to understand the use of the term neutrality in the chapter heading though in the treatment of the subject the term non-alignment has been preferred. Though the author has treated the subject with sympathy and understanding, the main point is that in studies on non-alignment semantic confusion has been persisting, though at a diminishing frequency. A section of observers and participants in international affairs has refused to accept the term non-alignment; it has instead used the terms neutrality and neutralism. It has thereby given undue importance to the negative orientations of the concept, aside from using an essentially war-time term during peace-time. As the chief priest of non-alignment, Jawaharlal Nehru, stressed it on numerous occasions, neutrality and neutralism are not the terms to describe the foreign policy of India and other likeminded states. The concept of non-alignment had positive aspect right from its inception and over the years these aspects have grown and overshadowed much of the negativism which was there in the initial stages. Again, non-alignment, though not dichotomous with the provisions of the United Nations, is essentially a political concept whereas neutrality is a legal concept. Hence to use the term neutrality for non-alignment is to miss the crux of the problem.

These points notwithstanding, the book is a scholarly attempt to break a new ground in international legal studies by Indians. It deserves attention of academicians interested in an articulate discussion of the subject.

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