

No - War Pact as a Device to Avert War

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Abstract: *The Russia - Ukraine war is presently the most pressing global issue. In view of this long - drawn war, it is pertinent to ponder over the possible means of averting war. War remains possible as long as individual nations seek to ensure self - preservation and promote their individual interests. In the absence of a reliable international body to control (the actions of other countries), nations or governments rely on their own efforts. This paper discusses one such effort, namely the 'no - war pact' or 'non - aggression treaty' which is used as an international diplomatic device to preempt nations from going to war. A brief review of the attempts at 'non - aggression' / 'no - war' done by certain States, from time to time, and to what extent these could maintain peace, is imperative. A no - war pact is not a panacea, yet it offers a stable and secure security framework that can enable two warring/rival nationsto move away from mutual confrontation to accommodation. Furthermore, a no - war pact would develop a more peaceful and constructive relations whereby the poor of rival nations could hope to benefit from the peace dividend. The author opines that (possibly) if war is taken off the table, wars would begin to diminish in the international arena.*

Keywords: No - War Pact, Non - Aggression Treaty, Prohibition of War, Peace and Security

1. Introduction

Maintenance of peace has always been the primary object of international law. As stated in the UN Charter all peace - loving countries are determined to "save succeeding generations from the scourge of war". Most of the political thinkers who focus on mankind as the cause of war believe that people can control some of their actions that might cause war or lead to a war - like situation. It is, therefore, useful to persuade national leaders and citizens that they should not resort to or participate in a war.

Accordingly, the rhetoric of peace has been and continues to be a significant matter of public dialogue of diplomacy. States attempted at various devices from time to time to restrain or contain war. Rules of International Law, International Charters and certain bilateral and multilateral pacts are examples of attempts to outlaw war at various points of time. In the international society, States must constantly be on vigil against the possibility of attack by another State. This situation gives rise to another universal category of policy objective, that of security for all States to make a real effort to achieve it. So pervasive is its influence that modern international politics is termed as 'the search for security'.

At a point when it is possible, a State ensures its security unilaterally. This normally takes the form of maintaining a very high a level of military preparedness as is expedient, keeping in mind always the probable circumstances in which armed forces of the State would be employed. A State playing singularly in this regard should likewise utilise its diplomacy in such a manner as to prevent a bloc of States with greater aggregate power, ranged against it. States prefer to do it by themselves because, in return for increase of military strength, which arises from the conclusion of an alliance, they should forego a certain measure of their freedom and choice. It is only the exceptional State, however, that can dispense with international agreements to guarantee its security, and various forms of alliances, ententes and understandings for a common security purpose.

These take two forms - - first the **non - aggression treaties**, also known as **no - war pacts**, whereby each party pledges itself not to be a threat to the other (s) by promising not to attack it in return for a similar guarantee from the other signatories. Second, the mutual defence agreements, in which several States that feel menaced by a similar security threat, agree to pool their strength against the common enemy.

States with a history of rivalry tend to sign a non - aggression treaty in order to prevent future conflict with one another. It is a treaty between two or more nations whereby the signatories promise not to engage in military action against each other. The countries or signatories of a non - aggression treaty desist from committing aggression against one another. The treaty often facilitates information exchange which reduce uncertainty that might lead to conflict.

Even before the pre - World War period, right to resort to war had been wholly renounced between a few pairs of States through comprehensive non - aggression treaties or treaties of arbitration. These bilateral no - war pacts became vogue, particularly when the States realised that the international organisations are ineffective in containing wars. Failure to settle international disputes through international law, made the States agree to settle disputes between themselves and refrain from going to war. States, therefore, intentionally avoided resort to war on grounds of political and strategic considerations. However, most of these treaties were considered by the signatories to be an integral part of the existing prohibition on the use of force.

In the history of hitherto existing societies, war has been established and usually an 'enjoyable' right. The 'right to war' as an aspect of sovereignty existed in the period much before World War I, subject to the doctrine that war was a means of last resort in the enforcement of legal rights. There were many justifications for resort to force in customary international law that had developed in 1920 (Brownlie, 1963). The general assumption was that control and restraint

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are alien to the very nature of war. However, by nineteenth and twentieth centuries, people all over the world realised that war should not only be limited but should also be abolished and outlawed. The Declaration of Paris of 1856, the Geneva Convention of 1864, the Declaration of Brussels of 1874, the Hague Conventions of 1899 and 1907 were attempts in this regard. After 1918, it was largely the growing destructiveness of war and the damage mutually inflicted upon by the warring States that had led most of the States in the world, to give support to the movement to 'outlaw' war itself and to create not a *jus ad bellum*, but a *jus contra bellum* (Shotwell, 1929).

The various attempts to outlaw and abolish war were accompanied by the basic desire of many States for maintaining peace at large. Earlier, in the name of peace, States have fought many wars designed to preserve or enhance national security. Until World War I, the 'great powers' relied on the principle of 'balance of power' for preservation of national security, although States sometimes tried to remain completely outside the conflict. The failure of 'balance of power' to avert war in 1914 and growing lack of faith in neutrality led the western powers to attempt a new method – the Collective Security. For this purpose, among others, they set up the League of Nations. Despite failure of the League to prevent war in 1939, the United Nations (UN) was established in 1945 as an improvised version of the same principle.

Various diplomatic devices have become vogue during the last century when the scourge of war attracted international attention. In a sense, all these various devices could be termed as '**no - war pacts**' at a macro level.

Covenant of League of Nations

World War I brought about an intense emotional reaction against war. The Covenant of League of Nations in 1920 was an international embodiment of the same. Its provisions intended to prevent war by providing means of a peaceful settlement. The Covenant did not expressly prohibit aggression as such. It attempted to restrict war but not to prohibit recourse to war. Article 10 of the League Charter dealt with 'Guarantees against Aggression' required the members 'to respect and preserve as against external aggression, territorial integrity and existing political independence of all members of the League' (The Indian Yearbook of International Affairs, 1980). Thus, members of the League renounced the right to immediately resort to war. They renounced in all circumstances the right to break peace immediately; they renounced in some circumstances the right to break the peace ultimately. However, the League failed to reach a unanimous agreement then. After three months of delay, they recovered the freedom to fight under the Covenant (Woolf, 1933). Thus, the League Covenant went in some way, towards the renunciation of war.

The limited nature of prohibition of war in League Covenant and the fact that membership of League was not universal created a situation in which the status of customary law was equivocal. Thus, nations felt the need for further measures.

Kellogg - Briand Pact (or the Pact of Paris), 1928

The Kellogg - Briand Pact or Pact of Paris signed on 27 August 1928 was an international agreement in which signatory States promised not to use war for settlement of disputes. Officially known as the General Treaty for the Renunciation of War as an Instrument of National Policy, it was originally signed only by fifteen States. By 1930, as many as 65 States including the Soviet Union accepted. It was considered the first near - universal treaty before World War II broke out. Article 1 of the Pact laid down that "The High Contracting Parties solemnly declare in the name of their respective people, that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another" (Woolf, 1933, p.273). By Article 2, they agreed to solve their international disputes of whatever nature by peaceful means (Woolf, 1933). The treaty prohibited all wars of aggression and this general prohibition was its main advance in comparison with Covenant of the League. It maintained right of the States to go to war in self - defence or against a violation of the treaty. It was the first pact with universal application.

Historically, the pact was a very important development 'in the renunciation of war as an instrument of national policy'. While it represented a step forward in comparison to League Covenant, it had several defects of its own. No machinery for interpretation or enforcement of the Pact was set up or contemplated. Only 'war' was condemned and the only definition of war is a difficult exercise, States were able to exploit this difficulty by resorting to force under some other name. The renunciation of war by signatories being only in their relations with one another, resorting to war with non - signatories was not prohibited nor was a war against signatories violating the pact. Thus, here again, criterion of universality was missing.

The theoretical scope or gaps in the pact did not prevent widespread hostilities throughout the following decade. It was powerless even to prevent small conflicts like Japan's aggression over Manchuria and Italy's aggression over Abyssinia (Ethiopia). The Nazi and Fascist leaders whose actions perpetrated the Second World War ignored it. Thus, the effectiveness of 'outlawing' war was considerably lessened by reservations and interpretations placed upon text of the pact by 'big powers' and they reserved to themselves the right to determine whether their actions were offensive or defensive. For instance, Japan conquered Manchuria in 1931 in the name of self - defence. The Pact, as existed then, was a 'tiger without teeth'. Thus, in practice, the grand declaration of 'outlawing' war did not make States give up war. It amounted to nothing more than a pious and sometimes, hypocritical declaration, of good intentions. Later, the Pact's importance has been reduced by further development of law on the 'use of force' through the UN Charter.

UN Charter on Prohibition of War

The UN Charter formed after the Second World War was influenced by the failure of the previous system. It does away with the distinction between members and non - members, which made the terms of the League Covenant and the Paris Pact inapplicable to some situations.

Framers of the UN Charter avoided use of the word 'war' and substituted it with the phrase 'use of force'. It includes a formal phrase as 'war prohibition'. Article 2 (4) of the UN Charter says: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations" (Sorensen, 1968, p.745). Ban on use of force is one of the principles of the UN Charter and Article 2 (4) has become a customary rule of international law - a principle of law that governs relations of all States. The UN Charter also states in its Preamble that "armed force shall not be used, save in the common interest...." The word, 'use of force' is wider than the word 'war' (Sorensen, 1968, p.776). It implies that war is outlaw, irrespective of the fact, whether nations use the word or not. Article 51 of the UN Charter, however, makes an exception, as it recognises the inherent right of self - defence, both individually and collectively, in the case of armed aggression against a member - nation until the Security Council has taken necessary measures to restore international peace and security (Sorensen, 1968). This shows that under the UN Charter, 'war' has ceased to be a legal right of a State except in the case of self - defence, that is, in the event of an armed attack against the aggrieved State. The fundamental question that arises in a State is, in practice, whether Article 2 (4) embodies a general prohibition to take any initiative in the 'use of force'. For, the Charter does not speak of any 'use of force' but such use can make against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the UN.

The exceptions to the rule of Article 2 (4) are to be found in Articles 24, 39, 50 and 106 relating to the use of force by the UN itself, by a regional institution and under regional arrangements (Article 53); and by individual States acting either in self - defence (Article 51) or under the exceptional rule of Article 107 (Sorensen, 1968, p.746). Thus, the UN Charter does not ban 'war' altogether but enjoins an obligation on each member State to prevent the breach of international peace and security by aggressive war.

Nevertheless, a new development has appeared in the post - war period, namely, the superpowers taking opposite sides in Cold War politics, thereby preventing the UN from taking action. Legally, States can make war only by self - defence. A review of the attempts on the ban on 'use of force' since 1945 reveals that things have changed a lot and one might opine that it has also been undermined.

No - War Pacts in Contemporary International Relations

By early 19th century, there were other attempts to contain war, in the bilateral non - aggression pacts concluded between two or more States. The bilateral and multilateral non - aggression pacts came into vogue, because of nations' search for security, and as a part of their pursuit of allaying their mutual suspicions. These are usually in the form of treaties, containing proper guarantees, anti - war pledges, and arbitration projects. Such treaties stipulated that the nations adhering to its terms must agree to a variety of commitments thus reducing the likelihood of war.

There are several instances of such bilateral and multilateral treaties concluded from time to time. It is useful here to mention the wide variety of so - called no - war / non - aggression pacts and the sublime as well as the ridiculous ones. The chronological list of various no - war pacts are as follows:

Treaty of Locarno, 1922

The Treaty of Locarno offers an example of a détente in the 1920s between Germany and France. The German government had proposed to the French government to enter into a mutual pledge in which Great Britain and Belgium pledged not to resort to war against one another for a generation.

Geneva Protocol, 1924

The Geneva Protocol was an agreement made between the French Premier, Harriot and the British Prime Minister MacDonald in 1924. It was an attempt to allay the fears of France about its security. It made provision for pacific settlement of international disputes and compulsory resort to arbitration by parties to any national dispute. It asserted that war of aggression constitutes a violation of this agreement and an international crime. Article 2, Hudson International Legislation states that "the signatory States would in no case resort to war either with one another or against a State which if the occasion arises accepts all obligations hereinafter set out except in case of resistance to acts of aggression" (Chacko, 1963). Unfortunately, the Protocol never came into force, as a new government in England did not ratify it. Thus, it lost its legal force, legal character and legal efficacy.

Locarno Pact, 1925

In 1925, with the initiative of German Foreign Minister Gustav Stresemann attempts were made to assure France about its security. The Treaty of Mutual Guarantee was signed by Britain, France, Germany, Italy, Poland and Belgium on 16 October 1925 by which the signatories undertook that "they will in no case attack or invade each other or resort to war against each other", except in "legitimate self - defence" or in "action pursuant of Article 16 of the Covenant of League of Nations" (Chacko, 1963, p.397). Three separate but identical treaties were signed between France and Poland on one side and between France and Czechoslovakia on the other, in the Swiss village, Locarno on 25 October 1925. These treaties, therefore, came to be known as "Locarno Pacts" (Gupta, 1956). These pacts augured a new era - an era of pacification in continental affairs and provided for a 'regional arrangement' among the nations. These pacts provided for guarantees to protect the frontiers of some of the European nations, in addition to those generally contained in the Covenant of the League of Nations. However, these Pacts could not bring permanent friendship between France and Germany. Accusing France of violating the Locarno Pact, Nazi Germany declared itself free from the obligations thereof on 7 March 1936.

Treaty of Friendship, 1927

The Treaty of Friendship between Yugoslavia and France was signed in 1927 whereby the signatories reciprocally undertook to refrain from all attacks or invasions directed against one another and in no circumstance to resort to war against one another (Gupta, 1956, p.99). They also

undertook to confer with one another as to the measures, within the framework of the League Covenant, in case either of them was attacked without provocation by a third party.

General Act of Pacific Settlement of International Disputes, 1928

The General Act of Pacific Settlement of International Disputes is a multilateral instrument that came into being in 1928. Article 33 of this Act provided that, its signatories “undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision upon the arrangements proposed by the conciliation and in general to abstain from any sort of action whatsoever this may aggravate or extend the dispute” (American Journal of International Law, 1939). Twenty - three States ceded to this Act.

Argentine Anti - War Treaty, 1933

The Argentine Anti - War treaty was concluded in 1933. Twenty - nine States, mostly Latin - American, and the US signed it whereby they were determined to condemn “war that may be obtained by armed conquest...” Act 1 of the treaty lays down that the parties to that treaty “condemn wars of aggression in their mutual relations or those with other States and that the settlement of disputes or controversies of any kind that may arise among them shall be effected only by the pacific means which have the sanctions of the law” (American Journal of International Law, 1939, p.866).

Polish - German Pact, 1934

The Polish - German pact was a diplomatic move of Hitler for an agreement of a ten - year non - aggression pact with Poland. It was an international treaty between Nazi Germany and the Second Polish Republic signed on 26 January 1934. According to the Pact, both countries pledged to resolve their problems through bilateral negotiations and to forgo armed conflict for ten years. The pact effectively normalised the relations between Poland and Germany, which were strained by border disputes that arose from the territorial settlement in the Treaty of Versailles. As a part of the pact, Germany effectively recognised Poland’s borders and moved to end an economically damaging customs war that existed between the two countries during the 1920s.

Inter - American Conference for the Maintenance of Peace, Buenos Aires, 1936

The Inter - American Conference for the Maintenance of Peace was held in Buenos Aires, in 1936 at the request of American President Franklin D. Roosevelt, who adopted a draft treaty for peaceful resolution of conflicts between the American States. The Preamble of this treaty contains the consideration that almost all civilised States have accepted the Treaty of 1928 whether or not members of other peace organisations and that the Treaty of Non - Aggression and Conciliation of 1933 has the approval of twenty - one American Republics represented by this conference.

Saadabad Treaty, 1937

The Saadabad Treaty or the Eastern Pact of Friendship and non - alignment were a non - aggression pact signed by Turkey, Iran, Iraq and Afghanistan on 8 July 1937. Article IV of this Treaty provided that the parties to the treaty

undertook “to abstain in all cases, either alone or in conjunction with one or more third powers, from any act of aggression directed against one or the other High Contracting Parties...” (US Treaty Information, p.33). This treaty lasted for five years. After the beginning of World War II, the Saadabad Treaty was suspended.

Eighth International Conference of American States, Lima, 1938

The Eighth International Conference of American States was held in Lima in 1938. This conference adopted a declaration of American principles regarding that the use of force as an instrument of national policy or international policy is proscribed, all differences of an international character to be settled by peaceful means and the intervention of any State in the international external affairs of another is inadmissible.

Russo - German Pact of Non - Aggression and Neutrality, 1939

The Russo - German Pact of Non - Aggression and Neutrality was a ten - year non - aggression pact signed between Soviet Foreign Minister Molotov and German Ambassador Ribbentrop in 1939. Both sides signed the pact given various interests on either side but neither of the parties expected an abiding friendship. The pact did not even last for two years when Hitler tore it and invaded Soviet Union that proved to be one of the bloodiest and most colossal military operations in history.

Act of Chapultepec of Self - Defence

The Act of Chapultepec of Self - Defence was signed on 30 August 1947 at an inter - American Defence Conference held in Rio de Janeiro. Nineteen American Republics signed it, which states that the signatories formally condemn war and not to resort to threat or use of force in any manner inconsistent with the UN charter or this treaty. Any use of armed force was prohibited for all purposes and is placed outside legal competence of the States.

Charter of the Organisation of the American States, 1948

Also known as Bogota Charter, the Charter of the Organisation of the American States, 1948 contained that the American States condemn war of aggression, that no State or group of States has right to intervene directly or indirectly for reason whatever in the internal or external affairs of any other State. The principle not only prohibits armed force but also any other form of interference or attempted threat against its political, economic and cultural elements. Article 18 of this Charter provides that the American States bind themselves in their international relations not to have recourse to use of force, save in the case of self - defence by existing treaties or in fulfilment thereof (Brownlie, 1963, p.96).

Molotov - Matsuoka Pact of Non - Aggression, 1949

The Molotov - Matsuoka Pact was signed in 1949 between the USSR and Japan whereby both the countries pledged not to resort to force or war. However, the Soviet Union denounced the pact in August 1945 before declaring war on Japan in fulfilment of its commitment to its allies at Yalta.

Panchsheel Agreement, 1954

On 29 April 1954, India and China signed an eight - year agreement on trade and commerce. By this agreement both the countries pledged themselves to follow 'five' principles in their bilateral relations and towards peaceful co - existence known as the '*Panchsheel*'. Non - aggression was one of the five basic principles in the Agreement. However, within a short period thereafter, China started its systematic occupation of the Indian territory in Ladakh and finally, it escalated into the Chinese aggression in 1962.

US - USSR Treaty on Prevention of Nuclear War, 1973

The US - USSR Treaty on Prevention of Nuclear War was signed in Washington on 22 June 1973 in which the parties agreed to use no force from which a danger to international peace and security might arise. The treaty was concluded by the two superpowers to avoid the danger of a nuclear war, which was the object of their policy. The parties also agreed to proceed from the premise that each party will refrain from the threat or use of force against the other party, against the Allies of the other party, and other countries, in circumstances that may endanger international peace and security. There was an implication that the parties should refrain from threats of force and even the use of force, in circumstances this would not endanger international peace and security.

Anglo - French Disarmament Proposal, 1954

The Anglo - French Disarmament Proposal of 1954 contained that member - States of the sub - Committee regarded themselves as prohibited by the terms of UN Charter from use of nuclear weapons except in defence against aggression. Similarly, the same idea was reflected in the General Assembly Resolution 2936 (XXVII) of 29 November 1972, concerning renunciation of use or threat of force in all its forms and manifestations in international relations according to the Charter of UN, and the permanent prohibition of the use of nuclear weapons.

In 1932 and for another eight years later, the non - aggression treaties, particularly bilateral treaties, appeared frequently. Early instances of such treaties resembled the aforementioned treaties. The USSR signed several non - aggression treaties with several countries during this period. Right from 1925, the USSR signed non - aggression treaties with Turkey in 1925, with Lithuania in 1926, with Afghanistan in 1926, with Finland, Estonia, Poland and France in 1932, with Italy in 1933, and with Yugoslavia in 1941. One of the most meaningful pacts so far in international politics are the US - Soviet agreements to avoid risks of nuclear war as a pact of the defence package. Other instances of bilateral treaties, during the early thirties were between Romania and Greece, between Romania and Turkey, between Turkey and Yugoslavia, between Honduras and Nicaragua, between Spain and Portugal and Chile and Venezuela, in the late thirties.

Given this comprehensive list of non - aggression pacts and their role played in inter - state disputes, one sees that a common characteristic of non - aggression pacts is that they are usually short - lived. In the aforementioned treaties, there are instances of sublime and ridiculous as well as *bona fide* and *mala fide*. They are diabolical in many cases because

where countries do not need a no - war pact in such case it becomes superfluous and where the countries need it, it is mischievous. These can be categorised in the following manner:

(a) No - War Pacts as Short - Term Strategies: To quote an example of this kind, the Molotov - Ribbentrop Pact is a major treaty wherein there was not only an absence of *bona fides* but presence of *mala fides*; not only *inter se* the parties but as between the parties on one hand and third parties on the other. For instance, accompanying this pact was a top - secret protocol designed to divide Europe into Russian and German spheres of influence.

The reason for which Russia and Germany, avowed enemies of each other, joined hands in a non - aggression pact was that Hitler might have decided to destroy the West first and he wanted to be assured that Germany was not stabbed in the back from the East by Soviet Union. He also hoped that the Russo - German Pact would cause London and Paris to repudiate their pledges to Warsaw, as they had a year earlier in the case of Czechoslovakia. In such an event, Hitler's logic seemed to be that he would be able to annex Poland without going to war, or at least a major war on the Soviet side, the logic was more apparent. Stalin believed that the Western democracies were determined to seek the annihilation of the USSR and could not be depended upon in case of a German invasion. Moreover, Stalin believed that if Germany were first involved in a long and costly war with the Eastern Powers, his country would have enough time to strengthen its military and industrial position to face the eventual war with Germany.

(b) No - War Pacts to Freeze a Tense Relationship: Another category is the pacts that are usually offered by the *status quo* States to the non - *status quo* States to freeze their tense relationships. For instance, in no - war pact offer made by India's Prime Minister Nehru in 1949 to Pakistan, he tried to allay its fears and assure it regarding its security concern. In this case, India is a *status quo* country in the subcontinent has offered no - war pact to Pakistan, the non - *status quo* country, thereby freezing their tense relationship.

(c) No - War Pacts Relevant for Regional Conflicts: In this category are various treaties mentioned earlier, for example, the Molotov - Matsuoka Pact, the Polish - German Pact and the like. In several cases, no - war pacts have been used as a smokescreen to hide the real intentions of the parties concerned such as the Nazi - Soviet Pact.

Apart from non - aggression treaties, such treaties like 'Inter American Conference for maintenance of Peace' of 1936 form a different category or occupy a different position. While at one level, they provide for a commitment to non - aggression, at another level they are regional collective security agreements. These may also be termed as no - war pacts to some extent. Similar agreements like a no - war pact were concluded in situations where possibly emerging situations were not borne in mind, hence could not survive. As pointed before, one can cite the famous *Panchsheel* Agreement between India and China that was violated in the Chinese invasion in 1962, although India meant it as a

serious commitment to non - aggression and positive friendship.

The contradiction comes to the fore when the record of peace appeals, peace professions, and solemn oaths is set against the record of international behaviour. Despite the numerous peace appeals and the recurrent commitments to non - aggression war can be called the normal state of affairs in international politics.

2. Conclusion

Despite all the aforementioned shortcomings, a no - war pact is still considered an important diplomatic device to restrain nations from going to war. Today, Clausewitz's maxim of 'war being a continuum of policy by other means' cannot be accepted without reservations. It is difficult for any country to go to war to seek specific policy objectives at an acceptable cost. Total wars are now ruled out.

One can say that non - aggression pacts are stalling measures and postponements of a planned conflict. No - war pacts are but to re - assert, reiterate and re - enact the content already mentioned in the international law i. e. avoidance of war. While the international organisations operate at macro - level, no - war pacts represent a micro - level act and the fundamental intent is abolition of human conflict. The no - war pacts are an expression of the 'peace psychology' among the citizenry everywhere. Citizens are even forming new organisations and invigorating old ones for the purpose of propagating 'peace on earth and goodwill among nations'. It is the result of unfulfillment of the global ambition of avoiding human conflict.

One large part of history of international relations is formed by the story of people's attempts to find a method of eliminating or limiting the use of the military instrument, that went on in ascending order - like, the first step was to avoid human conflict, next to avoid or abolish war - - then to disarm and then to arms control and so on. The no - war pacts are thus an expression of the human search for peace and contain the war.

Politically, States do not want to be branded as aggressors or want to use force without much ado and want to project their war - like actions as done for self - defence or self - preservation. In any given region, usually the *status quo* power offers a no - war pact to the adversary country. This was the case when India offered a no - war pact thrice to Pakistan at various points of time. Two adversarial States usually sign no - war pacts where mutual threat perceptions exist.

No - war pacts become a necessity where a possibility of war between two States exists. Conversely, it becomes unnecessary where there are no war - like disputes or a possibility of war does not exist between the two States. Hence, a no - war pact is concluded in the hope to allay mutual fears of aggression. They are made for an immediate restraining of war between two States.

Nevertheless, no - war pacts are not very binding on the signatories. There has never been a successful and durable

no - war pact between any two countries. It does not renounce or contain war altogether. In this respect, it is not very different from international Charters or Covenants. These are made in the States hence the pacts only agree but do not compel them. All States are protective of their sovereignty and hence they did not outlaw 'war' as they have regarded it as an indispensable instrument of national policy. To contend that prohibitory law could have prevented wars of the past or the present is to misunderstand the whole nature of international law. Just as E. H. Carr said international law merely registers an agreement already reached, it does not seek to impose a rule of action on a world of dissenting States.

While conventional law discourages war, it gives the ultimate right of a nation to wage war in the name of legitimate self - defence. Classic international law rules on the legality of 'resort to force' were so liberal as to keep the door wide open to international anarchy. The Covenant of League of Nations, the UN Charter and Paris Pact have condemned recourse to war and renounced war as an instrument of national policy. However, both the Charters made it clear that they did not limit in any way the right of self - defence and that every nation could decide whether circumstances require recourse to war in self - defence. Since no nation would admit that it was engaged in an aggressive war, this fact reduced both the documents to bring no more than of symbolic importance.

Thus, the Charters continue the tradition of keeping some provision to wage war by States, though it considerably restricts this right than in the conventional law. The no - war pacts further carry on this tradition of providing some reservation to wage war by nations, though reducing this option considerably, the continuum still being present. In practice, neither peace can be maintained nor war be prohibited without attempts to remove the causes of conflicts. Now, the question is whether a prohibition of war and violence ensures peace even if it has lived up to.

Today, people are worried about a total nuclear war between the so - called 'Big Powers', which has the potential for destruction beyond the range of human comprehension. In a situation like this, war as an instrument of national policy, a war consciously and intentionally started is hard to be expected. Presently, the most dangerous problem is nuclear proliferation. States are seeking security in military force and a balance of power seeks it using an arms race. This creates a world full of menace and mistrust.

However, no prohibition, no matter how wisely formulated, is self - operative. It requires proper interpretation and application by the parties concerned in the total context of purposes, principles, responsibilities, interests and particular concerns of the people. The task of the peoples and statesmen everywhere is to find an alternative to the war system and they will be workable only when people have a will to keep 'peace'. Where conflicts continue for a time and then get frozen (as in the case of India and Pakistan) a 'no - war pact' may be more useful to provide additional support to the prevailing absence of active hostilities and a consequent reconciliation with the *status quo*.

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