# UNIT 9 : IDEOLOGY- LIBERALISM , MARXISM AND END OF IDEOLOGY DEBATE

## UNIT STRUCTURE


9.1 Learning Objectives
9.2 Introduction
9.3 Ideology
  9.3.1 Categories of Ideologies
  9.3.2 Important Ideologies of the world
  9.3.3 Impact of Ideology in International Politics
  9.3.4 National Interest and Ideology
9.4 Decline of Ideology and End of Ideology Debate
  9.4.1 Decline of Ideology
  9.4.2 End of Ideology Debate
9.5 Let Us Sum Up
9.6 Further Reading
9.7 Answers to Check Your Progress
9.8 Model Questions


## 9.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- discuss the categories of ideologies and describe some important ideologies of the world
- explain the impact of ideology in international politics and its relationship with national interest
- describe the issue of decline of ideology.

## 9.2 INTRODUCTION

One of the features which distinguishes the contemporary world politics is the central role of mass beliefs and popular ideas in the affairs of the states. During the inter-war period (1919-1939) i.e., the period between the end of the First World War and the beginning of the Second World War " ideology " became a very popular term in the writings of political scientists as well as in the political process taking place in various parts of the world. Ideological principles and considerations became the determinants both of

party politics within each state as well as in the relations among nations. However, in recent times, the ideological debates of the past decades are seen to be fading away and there has emerged an increasing consensus, especially in the advanced western democracies on the ideological front. Accordingly, a new theory has emerged in the form of the "end of ideology" theory propounded by many prominent scholars from the United States and subsequently from Europe. In this unit, we shall therefore learn about the concept of ideology, the decline of ideology and the "end of ideology" debate.

## 9.3 IDEOLOGY

In simple terms, an ideology represents a set of ideas based on a definite standpoint.

An ideology builds up a theory seeking to give a moral code of conduct, a sense of mission and a programme for action. Ideological considerations and their effective implementation have often constituted the backbone of the foreign policy of a state.

### 9.3.1 Categories of Ideologies

Hans. J. Morgenthau has classified ideologies into three different categories. These are as follows:

- **Ideologies of Status Quo -** When a policy pursued by a state aims at maintaining the existing situation is known as the ideology of status quo. States which wants to preserve the status quo , believe in international peace and are opposed to all types of imperialism. They also believe in collective security and mutual assistance so that world peace is not disturbed. The states those believe in this ideology try to protect the interest of the smaller states so that the status quo is not disturbed. States which indulge in force to acquire the territory of other states cannot be regarded as the supporter of the theory of status quo as these states have to face the resentment of other states.
- **Ideology of Imperialism -** The supporters of imperialism do not believe in the status quo theory, as they are constantly trying to create an international system which redistributes the power

in their favour. The supporters of this ideology do not have much faith in international law and tries to disturb the status quo to promote their own interests. Adolf Hitler was a staunch supporter of imperialism. He condemned the Treaty of Versaillies which stood for preservation of status quo.

- **Ambiguous Ideologies -** This refers to those ideologies whose premises are not clear and are used by the various states for their respective purpose. The best example of this ideology is offered by 'principle of national self-determination' advocated by President Wilson during the First World War. While on the one hand this principle was used to split the Austro-Hungarian Empire into separate new states by the Allies, on the other hand, Hitler used it to swallow Austria and a part of Czechoslovakia.

## 9.3.2 Important Ideologies of the World

- **Liberalism -** It is also known as the ideology of freedom and world peace. This is not a new ideology and was popular even in the seventeenth century. It formed the background of western social, religious, economic and political systems. Under this ideology the individual was considered to be supreme and emphasis was laid on developing his talent to the maximum. It emphasized on free competition and welfare of the individual was the prime concern. When this ideology is extended to the international sphere it puts emphasis on the principles of peace, friendship, freedom, cooperation and justice, etc. The ideology stands for non-interference in the domestic policy of the states and believes in peaceful coexistence irrespective of the size and status of the states.

- **Marxism-** Marxism on the other hand stands for elimination of the system of exploitation of man by man. The Marxists regard the state as a class organization, an instrument of domination of one class by the other, or more specifically the working class (proletariat) by the capitalist class (bourgeoisie). Marxism advocates overthrowing the capitalist state through a proletarian

revolution and putting in place a socialist state in its place under which all means of production will be state-owned and will be under the control of a single class - the proletariat class. In other words there will be what is known as the "dictatorship of the proletariat." Eventually, the socialist state will die out, giving way to a system of communism signalling the emergence of a stateless and classless society wherein property will be commonly-owned. Communism asserts that the present system of capitalism has lost its relevance both in the national and international sphere.

### 9.3.3 Impact of Ideology in International Politics

Scholars have not been able to reach any consensus regarding the impact of ideology on international politics. One set of thinkers feels that it has a tremendous impact while another set of scholars feels that it does not have much impact on international politics. But we cannot deny the impact of ideology on international politics. For example during the interwar period (1918-1939, i.e., the period between the end of the First World War and the beginning of the Second World War) Fascism in Italy and Nazism in Germany considerably influenced the foreign policies of these countries and influenced their relations with other countries. In modern times ideology plays a very important role in shaping the foreign policy of a country. Ideology provides justification and rationale to the policy pursued by a country. Ideology plays both cooperative and oppositional roles. While a common ideology can unite states, opposing ideologies can divide them.

### 9.3.4 National Interest and Ideology

There is a close relationship between interest and ideology. Interest may shape ideology and vice-versa. History is rampant with such examples where the national interest was served by shaping ideology according to the goals. Great Britain justified the annexation of India as its colony as a civilizing and humanitarian mission when the real intention was economic exploitation. Annexation was an act of imperialism. However, to disguise it, a humanitarian ideology was

put forward. Similarly the main motive behind American involvement in Europe was the determination to 'contain communism' and save democracies. As a matter of fact, interest and ideology are influenced by each other.



**CHECK YOUR PROGRESS**

**Q 1:** Ideologies largely influence the process of foreign policy making and its implementation. (True/False)

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**Q 2:** What are the three categories into which Morgenthau has classified ideologies?

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**Q 3:** Liberalism is also known as the ideology of ……and …… (Fill in the blank)

**Q 4:** Briefly explain the role of ideology in international relations. (within 60 words)

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## 9.4 DECLINE OF IDEOLOGY AND END OF IDEOLOGY DEBATE

### 9.4.1 Decline of Ideology

The decline of ideology thesis sees ideology as declining as a result of the emergence of a post-industrial society in which scientific knowledge and technology play a central role. This society is also characterized by high and widespread levels of economic well-being and affluence which lead to the disappearance of dissatisfaction. American political scientist Francis Fukuyama talks about the "end of

history" implying that the disintegration of the Soviet Union and the end of the Cold War has marked the triumph of the ideology of Western liberalism and liberal democracy.

The proponents of the decline of ideology thesis do consider ideology as a permanent factor in human affairs. However, they stipulate certain conditions under which a decline in ideology would be operative. These conditions have largely materialised in the western industrialised societies and are in the process of materialising in a few select non-western industrially advanced countries, but are largely absent in the context of the developing world. Two such conditions are of particular significance so far as factors responsible for the decline of ideology are concerned : a) relative discreditation of the ideologies of Fascism, Nazism, and Racism; and b) post-Cold War disillusionment with war as an instrument of national policy and ideology.

Moreover, the growing co-operation between states with ideological differences is a clear proof that in recent time ideology has lost much of its relevance. Thus, in today's world, it is seen that the hold of ideology is not as strong as it used to be in the earlier times.

However, the decline of ideology thesis is often criticised as being unrealistic. Ideologies have not declined in the West as is evident from the large-scale poverty and race issues, the emergence of the New Left and the radical right. It is also argued that international politics will always have different ideological approaches to foreign and military policies. Accordingly, nations will continue to adjust and align their relationships with one another in ideological terms.

## 9.4.2 End of Ideology Debate

Ideology has been an essential component of world history for over two hundred years. Although, ideology emerged first in the industrialising West, it has subsequently appeared throughout the globe. Ideology has been intimately involved in the continuing process of social transformation and political development. However, opinion has been critically divided about the role that ideology played in human history.

The 'end of ideology' debate ranks as one of the major controversies in the social sciences during the post Second World

War decades. The concept of the 'end of ideology' implies that in the advanced industrialised nations, ideological differences have gradually disappeared and there is now a consensus regarding the socio-economic goals to be achieved and the means to achieve the same. Some of the social scientists of the United States such as Edward Shills, Daniel Bell, Seymour Martin Lipset and Raymond Aron have advocated the 'end of ideology' theory after the Second World War. Seymour Martin Lipset propounded 'end of ideology' theory in his book titled "Political Man" (1959) and Daniel Bell propounded this theory in his book titled "The End of Ideology: On the Exhaustion of Political Ideas in the Fifties" (1960).

The idea of 'end of ideology' became fashionable in the 1950s and 1960s. Its most influential statement was made by Daniel Bell, an US academic and essayist in the year 1960. In his book 'The End of Ideology: On the Exhaustion of Political Ideas in the Fifties, Bell suggested that the older humanistic ideologies derived from the 19th and early 20th centuries were exhausted and that new parochial ideologies would arise. He also tried to prove that a democratic liberal consensus has been reached in the western democratic countries which have made all ideological conflicts obsolete.

According to Daniel Bell, in the western world, there is a rough consensus among intellectuals on political issues like the acceptance of a Welfare State, the desirability of decentralised power, a system of mixed economy and political pluralism. In that sense, the ideological age has ended.(source:http://www.socsci.uci.edu/~rdalton/archive/jjps06.pdf).

Subsequently, the theory of 'end of ideology' was supported by the West European writers as well. The other terms indicating the same concept or phenomenon were 'deideologisation' and 'the twilight of the era of ideology'. Some other concepts like post-capitalist era, stages of growth theory, post-industrial society and convergence between capitalism and socialism also contributed a lot to strengthen the idea of 'end of ideology'.

However, Bell held that though the old ideological issues and intellectual debates on ideology were declining in the West, yet in the

developing nations ideology continued to be a driving force for socio-economic development. New ideologies were emerging in Asia and Africa. Bell held that the rising states of Asia and Africa were fashioning new ideologies with a different appeal for their own people. The source of ideological conflicts in the developing countries primarily centred around issues of ethnicity and nationalism. (source: http://www.socsci.uci.edu/~rdalton/archive/jjps06.pdf).



**CHECK YOUR PROGRESS**

**Q 5:** Mention the name of the book written by Daniel Bell propounding his theory of "end of ideology".

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**Q 6:** Mention two conditions so far as factors responsible for the decline of ideology are concerned.

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## 9.5 LET US SUM UP

- Ideologies are used by the nations for securing the goals of their national interests. Ideology plays an important role in determining foreign policy of a nation.
- Nations use ideologies for framing, explaining and justifying its policies and actions in international politics. It is used by a nation for justifying its own policies as well as for criticising and rejecting the policies of other nations, particularly of opponents.
- Ideology is one significant element of a state's behaviour in international relations and international politics. Ideologies also largely influence the process of foreign policy making and its implementation.
- Hans. J. Morgenthau has classified ideologies into three different categories. These include ideologies of status quo, ideology of imperialism and ambiguous ideologies .Important Ideologies of the World include Liberalism and Marxism.

- The decline of ideology thesis sees ideology as declining as a result of the emergence of a post-industrial society in which scientific knowledge and technology play a central role. This society is also characterized by high and widespread levels of economic well-being and affluence which lead to the disappearance of dissatisfaction.
- American political scientist Francis Fukuyama talks about the "end of history" implying that the disintegration of the Soviet Union and the end of the Cold War has marked the triumph of the ideology of Western liberalism and liberal democracy.
- Two such conditions are of particular significance so far as factors responsible for the decline of ideology are concerned : a) relative discreditation of the ideologies of Fascism, Nazism, and Racism; and b) post-cold war disillusionment with war as an instrument of national policy and ideology.
- Moreover, the growing co-operation between states with ideological differences is a clear proof that in recent times ideology has lost much of its relevance. Thus, in today's world, it is seen that the hold of ideology is not as strong as it used to be in the earlier times.
- However, the decline of ideology thesis is often criticised as being unrealistic. Ideologies have not declined in the West as is evident from the large-scale poverty and race issues, the emergence of the New Left and radical right.
- It is also argued that international politics will always have different ideological approaches to foreign and military policies. Accordingly, nations will continue to adjust and align their relationships with one another in ideological terms.



## 9.6 FURTHER READING

1. Asirvatham, Eddy and K.K. Misra (2003). *Political Theory*. New Delhi: S. Chand & Company Ltd.
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4. Heywood, Andrew (2003). *Political Ideologies-An Introduction*. New York: Palgrave Macmillan.
5. Johari, J.C. (1982). *Comparative Politics*. New Delhi: Sterling Publishers Pvt. Ltd.
6. Malhotra , Vinay Kumar (2006). *International Relations*.New Delhi:Anmol Publications Pvt.Ltd.
7. Singhal, S.C. (2006). *International Politics*. Agra: Lakshmi Narain Agarwal Publication.

## 9.7 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No 1:** True

**Ans to Q No 2:**

(i) Ideologies of status quo

(ii) Ideology of imperialism

(iii) Ambiguous ideology

**Ans to Q No 3:** freedom and world peace

**Ans to Q No 4:** Ideologies are used by the nations for securing the goals of their national interests. Ideology plays an important role in determining foreign policy of a nation. Nations use ideologies for framing, explaining and justifying its policies and actions in international politics. It is used by a nation for justifying its own policies as well as for criticising and rejecting the policies of other nations, particularly of opponents.

Ideology is one significant element of a state's behaviour in international relations and international politics. Ideologies also largely influence the process of foreign policy making and its implementation. Ideologies are used as cover by the nations for hiding their real intentions which include the intention to maintain and increase their power international relations.

Moreover, ideologies are a source both cooperation and conflict in international relations.

**Ans to Q No 5:** "The End of Ideology: On the Exhaustion of Political Ideas in the Fifties"

**Ans to Q No 6:** a) Relative discreditation of the ideologies of Fascism, Nazism, and Racism;

b) Post-cold war disillusionment with war as an instrument of national policy and ideology.



## 9.8 MODEL QUESTIONS

**A) Very Short Questions**

**Q 1:** Which ideology when extended to the international sphere puts emphasis on the principles of freedom and justice?

**Q 2:** Who talks about the "end of history" ?

**Q 3:** Mention the names of two social scientists of the United States who have propounded the "end of ideology" theory.

**B) Short Questions (Answer each question in about 150 words)**

**Q 1:** Describe Morgenthau's classification of ideologies.

**Q 2:** Write briefly about the role of ideology in international relations.

**Q 3:** Examine the impact of ideology in international politics. Write briefly about the ideology of communism.

**C) Long Questions (Answer each question in about 300-500 words)**

**Q. 1:** Define ideology. Discuss the important ideologies of the world.

**Q 2:** Discuss the decline of ideology in the post-second world war period.

**Q 3:** Discuss the "end of ideology" debate.

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# UNIT 10 : DIPLOMACY: NATURE, FUNCTIONS AND TYPES

## UNIT STRUCTURE


10.1 Learning Objectives
10.2 Introduction
10.3 Nature and Characteristics of Diplomacy
  10.3.1 Development of Diplomacy
  10.3.2 Nature and Characteristics of Diplomacy
10.4 Functions of Diplomacy
10.5 Types of Diplomacy
  10.5.1 Traditional Diplomacy
  10.5.2 New Diplomacy
  10.5.3 Traditional vs. New Diplomacy
10.6 Decline of Diplomacy
10.7 Let Us Sum Up
10.8 Further Reading
10.9 Answers to Check Your Progress
10.10 Model Questions


## 10.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- discuss the development of diplomacy
- describe the features of diplomacy
- explain the functions of diplomacy
- explain the types of diplomacy
- make a comparison between old and new diplomacy
- discuss the decline of diplomacy.

## 10.2 INTRODUCTION

International Politics essentially involves the establishment of relations among different countries in the world. The medium through which these relationships are established and acknowledged is diplomacy. One country maintains diplomatic relations through its diplomatic staff. Diplomats are exchanged and relations get underway. In other words diplomacy is the means whereby international relations are conducted and managed. In this

unit an attempt is made to cast light on diplomacy as an important facet of international relations.

## 10.3 NATURE AND CHARACTERISTICS OF DIPLOMACY

### 10.3.1 Development of Diplomacy

The roots of organized diplomacy can be traced to the times of the ancient city states of Greece. But even much earlier than that some elementary form of diplomacy existed in the world. ***Sir Harold Nicolson*** gives an elaborate description of the evolution of diplomacy in his book named "The Evolution of Diplomacy." He has given reference to a group of apes who realized that it would be profitable to come to some sort of understanding with a group of neighbouring apes regarding the limits of their respective hunting territories. They soon realized that no negotiations could have been achieved if the emissaries of either party were murdered on arrival.



***Sir Harold George Nicolson: (21 November 1886 – 1 May 1968):*** He was an English diplomat and author.

By the fifth century B.C special missions between the city states became a regular feature. On the background of this, the modern system of diplomacy was evolved.

The Romans did not contribute much to the field of diplomacy. But their contribution is praiseworthy as far as international relations are concerned. In the Eastern Roman Empire, (which came into existence after the Roman Emperor, Constantine, shifted his capital to Constantinople) diplomatic methods were started with much enthusiasm. The representatives of the Eastern Empire became skilled diplomats; they were trained in the observation, reporting as well as representation.

During the Middle Ages, covering the period from the sixth century AD to the late fifteenth century, diplomacy mainly meant the study and preservation of archives rather than the act of international negotiations. Modern diplomacy as an organized profession came to the forefront in Italy in the late middle ages. The first recorded permanent mission was established at Geneva in 1455 by the Duke of Milan. During the next century, Italian city states established permanent embassies in London, Paris and at the court of the Holy

Roman Empire. However, at this stage, diplomacy was neither adequate nor standardized. Its only aim was to protect and promote the interest of the foreigners abroad by various means.

By the seventeenth century the concept of diplomacy underwent much change. Permanent missions became the order of the day. Diplomacy became an established profession and an accepted mode of mutual relations, particularly after the Peace of Westphalia was concluded in 1648, under which major European countries met one another and agreed to respect each other's territorial integrity. This led to the emergence of the nation-state system. It was during this period that diplomacy began to be considered as an important machinery. Diplomats from different countries assembled in the court of Louis XIV, King of France . The court diplomacy entered its golden age in the eighteenth century.

Late eighteenth century heralded the Industrial Revolution and the American and French revolutions which brought in its wake a new form of diplomacy. The voice of the people for the first time began to be heard. The growing democratic control made duties of the diplomats complicated. In due course of time the rules of diplomacy became more standardized and more acceptable. The Congress of Vienna made important contributions in this direction. The rules and regulations enshrined in the Congress are still followed today. The diplomatic hierarchy thus established consisted of four categories - Ambassadors, Papal representatives, Envoys extra-ordinary, Ministers Plenipotentiary (a diplomatic representative with full authority to represent the head of state) and Charge d' affaires (title used by a diplomatic representative when an ambassador or other head of mission is not present).

The diplomacy practised in the eighteenth century was termed as old or traditional diplomacy. With the emergence of the nineteenth century diplomacy also entered a new phase which came to be termed as "Modern diplomacy". Modern diplomacy called for new methods and new personnel because of the change in the nature of diplomacy. The methods were defined in different international agreements and became a generally observed code. Harold Nicholson had drawn the attention to three developments that had taken place in the nineteenth and twentieth centuries which greatly influenced the theory and practices of diplomacy. They are: (i) the growing sense of

community of nations, (ii) the increasing appreciation of the importance of public opinion and (iii) the rapid increase in communications.

The present-day diplomacy is also known as new diplomacy. This diplomacy is the outcome of many new developments. The present-day diplomats are required to act strictly in conformity with the policy guidelines of the government they represent and as such, they enjoy very limited freedom or personal discretion in terms of managing diplomatic relations with the countries where they are stationed Diplomacy by conference has started gaining popularity in the present times.

## 10.3.2 Nature and Characteristics of Diplomacy

Diplomacy is not immoral, neither is it the art of deceit nor mere lies on propaganda. It is a normal means of conducting relations. It comprises of techniques and procedures for conducting relations among nations. Let us examine some of the important features of diplomacy:

- Diplomacy is recognized as the official machinery for carrying out relations among nations. There are several networks of officers through which diplomacy functions like embassies, legations, consulates, and special missions established all over the world. It follows a definite and settled procedure and protocol.
- Diplomacy is commonly bilateral in character. But with the growing importance of international conferences, international organizations and regional negotiations, it has of late developed a plural and multilateral character.
- Diplomacy encompasses within its sphere various types of issues ranging from the simplest to vital issues like war and peace. If diplomacy breaks down it would lead to severe crisis even including war. The myth that diplomacy operates only in times of peace and not during war has been refuted by various scholars .It works even during times of war but its role undergoes a change from peace diplomacy to war diplomacy.
- A certain degree of cooperation among nations is essential for the working of diplomacy because in its absence diplomatic relations cannot be maintained.

- Diplomacy aims at securing the goals of national interest as defined and specified by the foreign policy of the nation. Diplomacy always works for the nation it represents. The success of diplomacy can be measured in terms of the amount of success achieved towards the fulfillment of the goals of national interest in international relations.
- Another feature of diplomacy is that it is backed by national power. Stronger the national power, the stronger is the diplomacy.
- Diplomacy uses persuasion and influence as the means for exercising power in international relations. Although diplomacy does not include the use of force and violence, it does include the issue of warnings and ultimatums, promise of rewards, and threat of punishment. Beyond this diplomacy cannot directly exercise force.



## CHECK YOUR PROGRESS

**Q 1:**. During the Middle Ages diplomacy mainly meant study and preservation of archives rather than the act of international negotiations. (True/ False)

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**Q 2:**Which three developments had Harold Nicholson mentioned which greatly influenced the theory and practices of diplomacy?

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**Q 3:**The diplomacy practiced in the eighteenth century was termed as..... diplomacy. (Fill in the blank)

**Q 4:**Mention any two features of diplomacy.

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## 10.4 FUNCTIONS OF DIPLOMACY

Diplomacy constitutes an important tool for states to implement their foreign policies.

Accordingly, diplomats perform several important functions which are discussed below:

- **Representation:** As a representative of his or her country abroad, a diplomat performs several important functions. The representation of a diplomat is of three types: symbolic, legal and political.

  As the symbolic representative of his or her home country, the diplomat attends various nationally important ceremonial occasions of the host country. Examples of such events would include Independence Day, Republic Day parades, etc.

  As the legal representative of his or her home country, the diplomat casts his or her vote at international events and conferences on behalf of his or her government and as per the directives of the latter.

  As the political representative, the diplomat aims at promoting the foreign policy of his or her home country while trying to defend its policies and actions. As a representative of his or her home country, a diplomat promotes friendly relations between the former and the host country and tries to develop cultural, commercial, economic and scientific relations between the two.

- **Negotiation:** Negotiation with the government of the host country is the second important function of a diplomat. Negotiation involves a dialogue process aimed at reaching an agreement or understanding by way of such means as compromise and bargaining. Although with developments in the field of communication technology we find that today talks take place directly between heads of states and foreign ministers of different countries, thereby downplaying the role of the diplomats at times. Nevertheless, diplomacy still plays an integral part as the diplomats are seasoned negotiators who are apt in bargaining in a way that helps secure the national interests of their home countries. Besides, diplomats are involved in drafting of a wide range of bilateral and multilateral agreements and treaties.

- **Obtaining Information and Reporting:** A resident diplomat obtains

information in various spheres encompassing the social political, economic, cultural, scientific and other conditions prevailing in the host country. The information gathered is then communicated back to the home country. Such information serves as important inputs which actually help the home government in taking decisions and framing foreign policies. Each diplomatic mission has several attachés (an official who is attached to the diplomatic mission and works under the authority of the head of the mission). Accordingly, economic attaches reports back to the home government on issues relating to economic development, trade and investment opportunities, etc., in the host country. Military attaches reports on the host's country's military capabilities, opportunities for forging bilateral military partnerships, etc.

- **Protecting the interests of the home country and its nationals in the host country:** A diplomat is required to protect the citizens of the home country in the country in which he or she is stationed. Such citizens may include those sojourning in the host country for business purposes or those travelling as tourists. The role of the diplomat becomes even more important during situations of civil strife in the host country and the diplomat is required to ensure the protection of the life and property of his countrymen and to ensure that they are not discriminated against. Moreover, diplomats have to safeguard the interests of his home country and try to promote the same as per the norms and principles of international law. A diplomat tries to develop friendly relations with the host country and sees to it that hostile forces that may threaten the security and interest of the home country are kept at bay.

- **Substantive and Procedural functions of diplomacy:** According to American diplomat Poullada, the functions of diplomacy have both substantive and procedural aspects. (source: Malhotra, Vinay Kumar (2006). International Relations. New Delhi: Anmol Publications Pvt. Ltd.)

  The five substantive functions of diplomacy as identified by him include: (i) Conflict management, (ii) problem solving, (iii) cross-cultural interaction, (iv) negotiation and bargaining, and (v) programme management.

  Poullada further says that in order to perform the substantive functions, the diplomat resorts to certain procedural means such as refinements

of protocol, diplomatic drafting, press relations, etc.

## 10.5 TYPES OF DIPLOMACY

Diplomacy can be broadly divided into two types – traditional diplomacy and new diplomacy, each having its distinctive features. The roots of diplomacy can be traced to the Peace Treaty of Westphalia concluded in 1648. Till the end of the nineteenth century, old or traditional diplomacy continued. But with new development and changes in the technological, social, economic and political fields, new trends emerged especially from the time of the Congress of Vienna, and with it came the concept of new diplomacy.

### 10.5.1 Traditional Diplomacy

There are three models on which traditional diplomacy works – the Italian, the French and German. But it is the French method which is known as the traditional method. Richelieu can be called the father of traditional diplomacy. This method was adopted by almost all the European states from the seventeenth to the nineteenth century. Traditional diplomacy had its share of merits and demerits.

➢ **Features of traditional diplomacy**

- One of the features of old diplomacy was that it is mainly confined to the European nations. In fact many political scientists would like to call it European diplomacy. England, France, Prussia, Austria and Spain were the main actors. Asia, Africa, and Latin America did not come under traditional diplomacy as they were regarded as colonies. Even America remained isolated up to 1897. Hence, diplomacy operated only among the European powers.
- Traditional diplomacy operated on the presumption that the big powers had special responsibility towards the maintenance of world peace.
- Weaker and smaller states had not much role to play. They behaved like satellites of the big powers. Hence they had no contributions towards diplomacy.
- The diplomats were selected and appointed by the monarch from among the nobles and aristocrats who were solely

responsible to the king. The were not career diplomats recruited through merit based on open competitive examination.

- Traditional diplomacy was secretive in nature. It was carried out by diplomats who were posted in other states. The diplomats were the medium of contact between the home government and the country to which they were accredited. The negotiations were carried out by them in a secretive manner. The general public was not taken into confidence nor were any decisions communicated to them.

## 10.5.2 New Diplomacy

Traditional diplomacy took a back-seat in the twentieth century and its place was occupied by a new form of diplomacy known as new diplomacy. New diplomacy differed from traditional diplomacy in certain ways. New diplomacy came to be characterised by greater openness and it resorted to extensive use of multilateral diplomacy in various forms. Under multilateral diplomacy several nations meet on a common platform in the form of international conferences or institutions like the United Nations, the World Trade Organisation, etc., wherein they participate in diplomatic transactions among themselves. At the same time, new diplomacy also believes in traditional bilateralism (involving diplomatic transactions between two countries) and personal or summit diplomacy (involving direct participation of the foreign ministers, prime ministers and even heads of states in diplomatic negotiations). However, it would be wrong to assume that new diplomacy is entirely different from old diplomacy.

➢ **Features of new diplomacy:**

- **Greater openness –** Old diplomacy was marked by secret treaties, secret articles in treaties and secret agents. But new diplomacy is open in character. President Woodrow Wilson of the US was an ardent supporter of open diplomacy. In his address to the US Congress in January, 1918, while advocating his Fourteen Points proposal as the basis for peace settlement, Wilson stated "open covenants of peace openly arrived at after which there shall be no private international understanding of

any kind". This implied that Wilson not only wanted the international agreements to be made public, but also the diplomatic process associated with it to be made open. In due course of time this principle came to be universally accepted. The Covenant of the League of Nations also insisted on open agreement. This principle was endorsed by the UN Charter. As per Article 102 of the UN Charter, every treaty and international agreement entered into by any member of the United Nations, after the coming into effect of the Charter, shall as soon as possible be registered with the (UN) Secretariat and published by it. The Article further provides that no party to any such treaty or agreement which has not been registered in accordance with the above provision may invoke that treaty or agreement before any organ of the United Nations. Through these provisions the United Nations tried to put a check on the conclusion of secret treaties. Most of the states have tried to abide by these rules.

- **Multilateral diplomacy -** Multilateral diplomacy is another important feature of new diplomacy. However it must be remembered that multilateralism or multilateral diplomacy has not replaced bilateralism which is still in vogue under the new diplomacy. The new changes are necessary because the problems in the present times have assumed international character leaving an impact world wide. Such problems also need to be solved through the cooperation of all the states. As there is no international legislative body where these states can send their representatives, it becomes essential to hold multilateral diplomatic conferences. Such conferences are held to facilitate in concluding treaties and agreements of general nature as well as to hold formal consultations.
- **Summit Diplomacy-** Summit or Personal Diplomacy implies direct participation of the foreign ministers, prime ministers and even heads of states in diplomatic negotiations. Sir Winston Churchill for the first time coined the term 'summit diplomacy' in 1953 when he proposed a conference of the heads of government of western countries and the Soviet Union. Even though the term was coined in 1953, summit diplomacy had

been taking place since much earlier. History is replete with examples of such conferences such as Congress of Vienna in 1815, Paris Peace Conference of 1919, Yalta Conference of 1945, the Atlantic Conference, Cairo Conference of 1943 and the Potsdam Conference of 1949, among others.

## 10.5.3 Traditional vs. New Diplomacy

- Traditional diplomacy was characterized by secret treaties, secret articles in treaties and secret agents. But new diplomacy is open and conducted in the full view of the public. However the two differ only in their modes of operation, but the purpose of both is the same, which is to promote national interest.
- Traditional diplomacy was European in character and revolved around European politics. African or Asian countries failed to make their presence felt in such diplomacy. In one word, traditional diplomacy was concerned with the great powers only. But modern diplomacy is concerned both with big and small nations as both play a role in world politics. All independent nations are the members of the United Nations.
- The responsibility of maintaining peace rested on the big powers under traditional diplomacy. But in modern times big and small states equally have a share in maintaining peace.
- Traditional diplomacy was the monopoly of the aristocratic class. New diplomacy on the other hand is manned by civil servants drawn from all strata of society. It is more democratic in its nature and outlook. Traditional diplomacy was secretive in nature and all assignments were carried out secretly.
- In traditional diplomacy the diplomats enjoyed a lot of discretionary powers. But new diplomacy has greatly restricted the discretionary powers of diplomats who are now strictly required to follow the instructions of their home governments.



**CHECK YOUR PROGRESS**

**Q 5:** What are the two types of diplomacy to which it can be broadly divided?

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**Q 6:** Discuss multilateral diplomacy as a feature of diplomacy.

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**Q 7:** Old diplomacy was global in character and revolved around the politics of different nations across the globe. (True/False)

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## 10.6 DECLINE OF DIPLOMACY

It is often argued that of late, diplomacy has lost its former potentiality. Some of the reasons cited are as follows:

- **Development of communication technology-** Development in the modern system of communication has vastly changed the role of diplomacy in modern times. In the earlier times diplomacy took important decisions themselves as it was not easy to keep in contact with the home government. Today this problem has been solved because of development in the means of transport and communications. Today diplomats are constantly in touch with the home government. Communication between them and the home government has become much faster and easier. This has brought a lot of change in the field of international negotiations.
- **Advent of open diplomacy-** Another factor which has affected diplomacy is the growth of open diplomacy. Secrecy is no longer the hall mark of modern diplomacy. Open diplomacy has replaced old diplomacy. The advocates of open diplomacy argue that in the present democratic world people have the rights to know about the international commitments and decisions made on their behalf by their representatives. The increased level of public participation has accelerated the decline of traditional diplomacy. Today international issues are discussed and debated by all the delegates of different countries.

- **Emergence of the superpowers on the world scene-** The emergence of the US and the Soviet Union as the superpowers in the post-World War II period led to the gradual decline of European dominance. But soon the superpowers became involved in Cold War politics. This resulted in a great set-back to diplomacy. The diplomats were not allowed to exercise any discretion as far as negotiations were concerned. Thus open diplomacy fell victim to bipolarity.
- **The nature of contemporary world politics-** The post-Second World War period ushered in the era of Cold War, bringing in its wake a new phase of international relations. Although the new situation demanded the restoration of diplomacy to its former position, so that regular official diplomatic channels could be used to diffuse the tension in a bipolar world, yet the politics of the Cold War often hampered the conduct of diplomacy during this period.

## CHECK YOUR PROGRESS



**Q 8:** Explain negotiation as an important function of diplomacy. (within 50 words)

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**Q 9:** What are the five substantive functions of diplomacy as identified by American diplomat Poullada ?

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**Q 10:** Mention any two reasons responsible for the decline of diplomacy in the contemporary world.

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## 10.7 LET US SUM UP

- The roots of organized diplomacy can be traced to the times of the ancient city states of Greece.
- Diplomacy is recognized as the official machinery for carrying out relations among nations.
- The diplomacy practised in the eighteenth century was termed as old or traditional diplomacy. One of the features of old diplomacy was that it is mainly confined to the European nations. Traditional diplomacy was secretive in nature.
- Late eighteenth century heralded the Industrial Revolution and the American and French revolutions which brought in its wake a new form of diplomacy.
- With the emergence of the nineteenth century diplomacy also entered a new phase which came to be termed as “Modern diplomacy”.
- The present-day diplomacy is also known as new diplomacy. This diplomacy is the outcome of many new developments. But new diplomacy is open in character. President Woodrow Wilson of the US was an ardent supporter of open diplomacy.
- Multilateral diplomacy and Summit Diplomacy are important features of new diplomacy.
- The present-day diplomats are required to act strictly in conformity with the policy guidelines of the government they represent.
- The functions of diplomacy include representation, negotiation, obtaining information and reporting,protecting the interests of the home country and its nationals in the host country and substantive and procedural functions
- It is often argued that of late, diplomacy has lost its former potentiality in the present times. Some factors accounting for such a decline include development of communications, advent of open diplomacy, emergence of the superpowers and the nature of contemporary politics.



## 10.8 FURTHER READING

1. Chander, Prakash, & Arora, Prem.(2015). *Comparative Politics and*

*International Relations*. New Delhi: Cosmos Bookhive (P) Ltd.

2. Malhotra , Vinay Kumar (2006). *International Relations*.New Delhi:Anmol Publications Pvt.Ltd.
3. Ghai, K.K. (2005). *International Relations – Theory and Practice*.New Delhi :Kalyani Publishers.



## 10.9 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q.no.1:** True

**Ans to Q.no.2:** (i) The growing sense of community of nations, (ii) the increasing appreciation of the importance of public opinion and (iii) the rapid increase in communications.

**Ans to Q.no.3:** Old or traditional diplomacy

**Ans to Q.no.4:** (i) Diplomacy encompasses within its sphere various types of issues ranging from the simplest to vital issues like war and peace. If diplomacy breaks down it would lead to severe crisis even including war. The myth that diplomacy operates only in times of peace and not during war has been refuted by various scholars .It works even during times of war but its role undergoes a change from peace diplomacy to war diplomacy.

(ii) Another feature of diplomacy is that it is backed by national power. Stronger the national power, the stronger is the diplomacy.

**Ans to Q.no.5:** Traditional diplomacy and New diplomacy

**Ans to Q.no.6:** Multilateral diplomacy is an important feature of new diplomacy. However it must be remembered that multilateralism has not displaced bilateralism which is still in vogue under the new diplomacy. The new changes are necessary because the problems in the present times have assumed international character leaving an impact world-wide. Such problems also need to be solved through the cooperation of all the states. As there is no international legislative body where these states can send their representatives, it becomes essential to hold multilateral diplomatic conferences.

**Ans to Q.no.7:** False

**Ans to Q.no.8:** Negotiation with the government of the host country is an

important function of a diplomat. Diplomacy still plays an integral part in negotiation as the diplomats are seasoned negotiators who are apt in bargaining in a way that helps secure the national interests of their home countries. Besides, diplomats are involved in drafting of a wide range of bilateral and multilateral agreements and treaties.

**Ans to Q.no.9:.** The five substantive functions of diplomacy as identified by poullada include: (i) Conflict management, (ii) problem solving, (iii) cross-cultural interaction, (iv) negotiation and bargaining, and (v) programme management

**Ans to Q.no.10:**

(i) Advent of open diplomacy

(ii) Emergence of the superpowers on the world scene.



## 10.10 MODEL QUESTIONS

**A) Very Short Questions**

**Q 1:** Mention the name of Harold Nicholson's book.

**Q 2:** Diplomacy at present has developed a plural and multuilateral character (True/False).

**Q 3:** Traditional diplomacy was confined to Africa. (True/False)

**Q 4:** Who for the first time coined the word "Summit Diplomacy"?

**B) Short Questions (Answer each question in about 150 words)**

**Q 1:** Discuss the characteristics of traditional diplomacy.

**Q 2:** Explain the features of new diplomacy.

**Q 3:** Explain any two functions of diplomacy.

**Q 4:** Write a short note on old vs. new diplomacy.

**C) Long Questions (Answer each question in about 300-500 words)**

**Q 1:** Discuss the development of diplomacy. Describe the features of diplomacy.

**Q 2:** Examine the concepts of Traditional Diplomacy and New Diplomacy.

**Q 3:** What is the meaning of New Diplomacy? What are the reasons cited for the decline of diplomacy in the present times ?

**Q 4:** Explain the functions of diplomacy.

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# UNIT 11 : FOREIGN POLICY

## UNIT STRUCTURE


11.1 Learning Objectives

11.2 Introduction

11.3 Foreign Policy

- 11.3.1 Meaning of Foreign Policy
- 11.3.2 Objectives of Foreign Policy
- 11.3.3 Determinants of Foreign Policy
- 11.3.4 Instruments of Foreign Policy

11.4 Let Us Sum Up

11.5 Further Reading

11.6 Answers to Check Your Progress

11.7 Model Questions


## 11.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- explain the meaning of Foreign Policy
- discuss the importance of Foreign Policy
- describe objectives of Foreign Policy
- list the determinants of Foreign Policy
- describe how the determinants act together and influence the formulation and execution of foreign policy.
- list the instruments of Foreign Policy and examine how these instruments are used by the nations to achieve their aims and objectives of foreign policy.

## 11.2 INTRODUCTION

Foreign policy is one of the important aspects of the study of International Relations and International Politics. It is the basis of all international relations. It is the essential key to the logical justification of international behaviour of a nation. It is not possible to understand inter-state relations without understanding their foreign policies.

Every nation has the right and responsibility to secure the aims, objectives and aspirations of its national interests in international relations

and international politics. As no nation is completely self-sufficient and self-reliant, no nation can live without maintaining inter-state relations. Interdependence has been an incontrovertible fact of international relations. It compels every nation to get essentially involved in the process of establishing and conducting relations with other nations. It is a fact that the behaviour of each nation has an effect on the behaviour of other nations. Every nation, keeping in view of its national interest, makes an effort to take utmost advantage of the actions of other nations. Therefore, every nation has to formulate and adopt a foreign policy to secure and serve the interest of its people and also to achieve the goals of her national interest in international relations and international politics.

## 11.3 FOREIGN POLICY

In this section we shall discuss the meaning, objectives, determinants and instruments of foreign policy.

### 11.3.1 Meaning of Foreign Policy

It is very difficult to give a precise and concrete meaning of foreign policy. Many scholars have put forward various definitions of foreign policy, yet there is no unanimity amongst them regarding the meaning and definition of foreign policy. There are so many definitions of foreign policy offered by different scholars. Some of them are mentioned below-

- According to Padelford and Lincoln, "Foreign policy is the key element in the process by which a state translates its broadly conceived goals and interests into concrete courses of action to attain these objectives and preserve interests".

  (Chander, Prakash and Prem Arora. (2000). International Relations. New Delhi: Cosmos Bookhive Pvt. Ltd., p.70)

- George Modelski has defined foreign policy as "the system of activities evolved by communities for changing the behaviour of other states and for adjusting their own activities to the international environment".

  (Khanna, V.N. (2007). Foreign Policy of India. New Delhi: Vikas Publishing House Pvt. Ltd. , p.1)

- Hugh Gibson has defined foreign policy as "a well rounded, comprehensive plan, based on knowledge and experience, for conducting the business of government with the rest of the world. It is aimed at promoting and protecting the interests of the nation."

  (Khanna, V.N. (2007). Foreign Policy of India. New Delhi: Vikas Publishing House Pvt. Ltd. , p.1)

- According to Norman Hill, "It is the content or substance of a nation's effort to promote its interests vis-à-vis other nations."

  (Chandra, Prakash. (2009). Theories of International Relations. New Delhi: Vikas Publishing House Pvt. Ltd., p.93)

- Schleicher has defined foreign policy as "the objectives, plans, and actions taken by a state relative to its external relationship."

  (Malhotra, Vinay Kumar. (2006). International Relations. New Delhi: Anmol Publications Pvt. Ltd., p.184)

- Mahendra Kumar defines foreign policy as "a thought-out course of action for achieving objectives in foreign relations as dictated by the ideology of national interest."

  (Khanna, V.N. (2007). Foreign Policy of India. New Delhi: Vikas Publishing House Pvt. Ltd., p.3)

Looking at these definitions put forward by various scholars, we can define foreign policy, in simple words, as a set of principles and means adopted by a nation for defining, justifying and securing the objectives of national interest while dealing with and establishing relations with other nations.

## 11.3.2 Objectives of Foreign Policy

Foreign policy of all the nations has some common objectives. The key objectives which the foreign policy of all the nations seek to achieve are -

- National Interest: Promotion and protection of national interest of the nation is the primary objective of its foreign policy. National interest is the most fundamental element of the foreign policy of a nation.

- Territorial Integrity: Foreign policy seeks to protect the territorial integrity of the State. It also seeks to protect the interests of its citizens, both within and outside the State.
- Economic Interest: Promotion of economic interests of the nation is also one of the main objectives of foreign policy. Status of a nation in international relations is considerably determined by its economic status. Every nation strives to adopt a foreign policy which can contribute to its economic growth and prosperity and enable it to play a more significant role in international politics.
- National Security: National security is one of the major objectives of the foreign policy of a nation. Foreign policy of a nation always aims at protection and preservation of its national security.
- National Power: Enhancement or development of national power is another one of the most important objectives of foreign policy. Every nation eagerly aims at increasing its national power.
- National Prestige: Protection and promotion of national prestige is also one of the main objectives of foreign policy. Every nation is eager to be developed and powerful so that it can be honoured and privileged in international arena and can influence and affect the behaviour of other nations.
- World Peace and Order: Maintenance of world peace and order is one of the primary concerns of almost all the nations of the world. National security can be preserved and economic prosperity can be attained through it. Thus, foreign policy of a nation also aims at maintaining world peace and order.
- Internal Development: Every nation struggles hard for its all-round internal development as well as for protecting national prestige and developing national power. So, foreign policy of a nation also seeks to achieve utmost internal development for well being of its citizens.
- Ideological Objective: Every nation acts according to certain norms and principles which constitute its ideology. In other words, every nation has its own ideology. So, foreign policy of a nation always seeks to protect its ideology which provides the basis of the foreign policy.

These are the common objectives of the foreign policy of a nation. Actually, all the objectives of foreign policy are the product of national interest of the nation. Thus, the objectives of foreign policy can be summed up in only one word, i.e. 'national interest'.



**CHECK YOUR PROGRESS**

**Q.1:** Write briefly about the meaning of foreign policy.

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**Q. 2:** Mention any two objectives of foreign policy.

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**Q.3:** Write about National Power and National Prestige as objectives of foreign policy.

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## 11.3.3 Determinants of Foreign Policy

Foreign policy formulation is a dynamic process. Foreign policy of a nation is influenced and determined by a number of factors. According to Padelford and Lincoln, "Fundamentally, foreign policy has its roots in the unique historical backgrounds, political institutions, traditions, economic needs, power factors, aspirations, peculiar geographical circumstances, and basic set of values held by a nation." (Khanna, V.N. (2007). Foreign Policy of India. New Delhi: Vikas

Publishing House Pvt. Ltd., p.7). According to J. Bandyopadhyaya, the basic determinants of foreign policy include geography, economic development, political traditions, domestic milieu, international milieu, military strength and national character. (Bandyopadhyaya, Jayantanuja. (2003). The Making of India's Foreign Policy. New Delhi: Allied Publishers Pvt. Ltd., p.29). Thus, foreign policy is never determined uniquely by any one factor or set of factors. It is the result of the interplay of a large number of factors. These factors greatly affect the process of formulation and determination of foreign policy of a nation in different ways in different circumstances. These important factors or determinants of foreign policy can be broadly classified into two categories -

**A. Internal Determinants or Factors**

**B. External Determinants or Factors**

**A. Internal Factors**

- **Geography**

Geography is one of the most persuasive factors of foreign policy. Geography is a permanent and stable determinant of foreign policy. The geography of nation, including its fertility, climate and location in relation to other land masses and water-ways also influence the foreign policy of a nation. It is the key factor in determining self-sufficiency of a nation. Although, geography is considered as the most important determinant of foreign policy, its importance has considerably declined due to technological and scientific developments.

- **Size**

Size of a country is another important determinant which largely influences its foreign policy. Size of a nation influences the psychological and operational environment within which the foreign policy-makers and public respond. It includes both human and non-human resources. Nations with large human and non-human resources always try to be big powers and they have better chances of becoming big powers in international relations. The vast size of

America and Russia are important determinants of their foreign policies. However, size of a nation alone is not an independent determinant of its foreign policy. For example, Israel, a country having a very small size of territory as well as small population has pursued a highly aggressive and effective foreign policy.

- **Population**

Population of a nation is also an important determinant which greatly influences its foreign policy. Foreign policy of a nation is shaped, to a large extent, by the size, character and distribution of its population. It is believed that the greater the size of population, the greater will be its power. The large size of population of China and India are key determinants of their foreign policies. On the other hand, quality of population of a country also influences the quality of execution of its foreign policy.

- **Historical Traditions**

Foreign policy is also greatly influenced and conditioned by the historical traditions of the nation. A nation inherits its style, culture, morale and its ideological basis from its history, which in turn deeply influence the foreign policy. History is the past record of the doings of a community, of its failures and successes. The foreign policy makers are immensely guided by the past experiences, failures and success in dealing with the present issues. For example, British imperialism in India and our struggle for freedom had direct impact on India's foreign policy.

- **Culture**

The cultural heritage of a nation is also an important determinant of its foreign policy. The framers of the foreign policy of a nation are always governed by their cultural links, traditions and experiences. Strong cultural unity of the people is a source of strength for the foreign policy makers. The cultural links and traditions help them to analyze and assess the nature and scope of relations with other nations.

- **National Ethos and Values**

National ethos and values have significant influence on foreign policy formulation of a nation. These may be described as the principles

embodied in the beliefs and practices which have been transmitted through successive generations. The foreign policy makers cannot disregard the basic values held in the society. For example, the democratic values in the US and secularism in India are so deep-rooted that they cannot be ignored by the framers of the foreign policy of these countries.

- **Social Structure**

Social structure of a society also exercises profound influence in shaping the foreign policy of a nation. The democratization of the process of policy-making in recent times has increased the importance of social structure as an element of foreign policy. The nature of social groups and the degree of conflict and harmony that characterize their mutual relations are determined by the social structure. A homogeneous society that possesses strong sense of national unity can pursue a more effective foreign policy. On the other hand, a society which is characterized by strong internal conflict and strife, acts as a source of weakness for the foreign policy of a nation.

- **National Capacity**

National capacity of a nation means its military strength, technological advancement, modern means of communication and economic development. It also includes enlightened citizens and political institutions. The national capacity of a state plays a very decisive role in determining and execution of foreign policy of a nation. In simple words, foreign policy of a nation is directly depended on its national capacity. If the nation increases or decreases its national capacity, its foreign policy also will need a big change. For example, at the end of Second World War Britain became a less powerful country in Europe as well as in the world. This change in national capacity has brought overwhelming diversions in British foreign policy.

- **Economic Development**

The issue of economic development also is one of the vital factors in shaping foreign policy of a nation. The stage of economic development which a state has attained, and the inter-state economic interdependence work as an important determinant of foreign policy.

Therefore, nations make their foreign policies in a way so that they can achieve economic self-sufficiency and economic development.

- **Natural Resources**

Natural resources include food, minerals, metals, coal, crude oil, water resources etc. The natural resources are also vital determinant in shaping foreign policy as they constitute important elements of national power. Availability of natural resources places a nation in advantageous position in foreign affairs while a state lacking these resources has to follow a weak foreign policy.

- **Technology**

Technology is one of the key factors of foreign policy. Technological advancement, which affects the military and economic capabilities of a country to a large extent, exercises profound influence on its foreign policy. It has been observed that countries which possess advanced technology have been able to play a dominant role in international relations.

- **Military Strength**

Military strength of a nation plays a very influential role in shaping and implementing its foreign policy. A state with large and powerful armed force equipped with modern sophisticated weapons of warfare usually makes for an effective and aggressive foreign policy. On the other hand, a state with weak military force will normally be at a disadvantageous position even at peaceful negotiations. Generally, a militarily superior state would try to pursue a bold foreign policy to maximize its gains, and a weak country would try to minimize its disadvantages.

- **Public Opinion**

Public opinion is one of the key factors in shaping the foreign policy of a nation. Foreign policy makers of every nation, especially of democratic countries have to accept and give due place to the public opinion. No country can easily ignore or go against its public opinion. Public opinion can often bring change or changes in foreign policy as well as in its execution. For example, America had to withdraw its forces from Vietnam under the pressure of public opinion.

- **Political Organizations**

Political organizations also greatly influence the foreign policy of a nation. Political organizations under different political systems or structures impact differently in formulation and execution of foreign policy. Foreign policy differs between authoritarian and democratic systems. Even within the democratic system, the differences in political structure have their impact on foreign policy. For example, different foreign policies are likely to emerge under parliamentary and presidential forms of government as well as under bi-party and multi-party political systems.

- **Leadership**

The leadership is also a very significant determinant in the formulation and implementation of foreign policy of a nation. Leadership determines the strength and the direction of the foreign policy. The attitude, approach, perception and qualities of the leadership have a deep impact in shaping and executing the foreign policy of a nation.

- **Role of the Press**

The press also plays a crucial role in the process of formulation of foreign policy of a nation. The press usually represents the public opinion and also provides factual information to the foreign policy makers. It also plays a key role in publicizing the foreign policy of the nation. However, the role of the press in formulation of foreign policy largely depends on the political system prevailing in the country, the rate of literacy as well as the approach of the government.

- **Political Accountability**

The nature of political accountability prevailing in the political system of the country is also one of the important factors in determining foreign policy of a nation. The framers of foreign policy cannot ignore the question of accountability of the government towards its citizens. Therefore, the wishes and demands of the citizens get reflected in the foreign policy of the nation.

- **Ideology**

Foreign policy always has an ideological content. Foreign policy of a nation is a set of rational principles and a strategic plan to fulfill the

goals of its national interest. The framers of the foreign policy make use of ideology merely to justify their policy and behaviour in familiar terms which is acceptable to the citizens.

**B. External Factors**

- **International Environment**

International environment prevailing in international politics greatly influences the foreign policy of a nation. Formulation and implementation of foreign policy are deeply dependent on the contemporary world conditions. Foreign policy making is largely affected by the tense or relaxed, cold war-like or détente-like, war prone or peace oriented conditions. It is also immensely influenced by various issues like global terrorism, regional politics, arms race, nuclear proliferation, economic protectionism, refugee problem, environment protection etc.

- **Power Structure**

The contemporary power structure prevailing in world politics is also one of the most significant determinants of foreign policy of a nation. The power structure in world politics keeps changing depending upon the changing equations of international relations and international politics. As the establishment of friendly and cooperative relations between nations is the aims of a sound foreign policy, the policy makers must take into account the existing world power structure in shaping the foreign policy.

- **International Organizations**

The international organizations also largely influence the shaping of the foreign policy of a nation. International organizations include the United Nations (UN), and other international institutions like UNESCO, WHO, ILO, IMF etc. These organizations aim at maintaining peace and world order. No nation can disregard these international organizations while formulating its foreign policy.

- **Reaction of other States**

Reaction of other states is also one of the most important factors of foreign policy of a nation. The framers of the foreign policy of a state

must have to take note of the reaction of the other states while formulating its foreign policy. No state can afford to pursue foreign policy which is fundamentally against the interests of other states. Any policy based on narrow national interest is likely to evoke strong reaction from the concerned state.

➢ **World Public Opinion**

The world public opinion is also one of the vital factors of foreign policy. It provides dynamism to external environment. Although, the world public opinion occasionally influences the foreign policy of a nation, yet it becomes effective determinant of foreign policy when the domestic public opinion of many countries combines with it. No nation can ignore or disregard world public opinion while formulating its foreign policy.

➢ **Alliances**

The existing alliances also play a very significant role in shaping the foreign policy of a nation. The state parties to alliances have to respond to the requests, demands and reactions of their allies while formulating foreign policy. Generally, the states refrain from formulating policies or taking actions which are offensive to their allies.

Thus, these are the important determinants of foreign policy of a nation. All these factors are interrelated and interdependent. These determinants act together and influence the formulation and execution of foreign policy. So it is clear that the foreign policy of a nation is a product of complex interplay of various internal or domestic and external or international factors.



**CHECK YOUR PROGRESS**

**Q 4:** Mention any two internal factors as determinants of foreign policy.

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**Q 5:** Mention any two external factors as determinants of foreign policy.

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## 11.3.4 Instruments of Foreign Policy

Foreign policy is the most important and significant instrument for the protection and promotion of national interest. The institutions or devices through which the national capacity or resources are used for accomplishment of national interest and objectives of foreign policy are known as instruments of foreign policy.

There are various instruments of foreign policy. These are as follows-

- **Diplomacy**

Diplomacy is one of the most important instruments of foreign policy. It is employed by the nations for the promotion of their national interest. Diplomacy may be defined as the process of representation and negotiation by which the states customarily deal with one another. Diplomacy is an application of tact and intelligence in international politics through negotiation, persuasion and compromise. It is instrumental in reaching at agreements, treaties and pacts with other states.

- **Publicity and Propaganda**

Publicity and propaganda has also become a key instrument of foreign policy in contemporary times. It is used steadily to combat and break down the undesirable attitudes and opinions and to create the desired attitudes and opinions. Propaganda is an organized effort by the states to induce either domestic groups or foreign states to accept policies favourable to them. It is an instrument used by the nations to influence other nations in international politics. Publicity through radio, television, internet, newspapers, magazines and other literature is also used as an important instrument of foreign policy.

- **Imperialism**

Imperialism has also been employed as one of the significant instruments of foreign policy. Imperialism may be defined as the aggregate of various economic, social and political policies by which an imperial power maintains or extends its control over other areas or peoples. It is a policy which aims at creating, organizing an empire. Imperialism is a power relationship without any moral implications. It implies an imposition of the stronger nation's will or rule over the weaker nations.

- **Economic Instrument**

Economic policies are also extensively used by the nations to promote national interest. Economic instrument may be defined as the economic capacity, institution or techniques explicitly or implicitly applied to achieve the objectives of foreign policy. Economic instruments are non-violent in nature and constantly used for the advancement of foreign policy.

- **Balance of Power**

Balance of power is one of the basic principles of international politics. It is a method used for maintaining equilibrium of power or avoiding imbalance of power and strengthening the position of given nations. For example, Britain employed the principle of balance of power for a long time in the European power politics in order to maintain the status quo and prevent any particular nation from being too strong.

- **Collective Security**

Collective security is also one of the most promising approaches in international politics for maintaining peace and deterring aggression. This principle is adopted to secure collective defense against a powerful nation or nations. Balance of power and collective security are extremely useful instruments for smaller nations or nations with limited capacity to defend them. If collective security is directed against aggressive policy, balance of power is directed against excessive power.

- **International Law**

International law is the sum total of rules, principles, customs and agreements which states accept as having the force of law for the

regulation of phases of international relations. It is an effective instrument for controlling inter-state relations used by the nations for achieving the objectives of their foreign policy.

➢ **International Organizations**

International organizations are also largely used by the nations to attain the goals of their foreign policy. It is observed that most of the Third World countries use the platform of the United Nations for some of the basic goals of their foreign policies, such as, anti-colonialism, anti-racism, disarmament, just economic order and so on.

➢ **Foreign Aid**

Nations also use foreign aid as an instrument to achieve their foreign policy objectives. By adopting this method nations build relationships with other nations and address various issues of humanitarian concern. There are various forms of aid, including foreign military aid, humanitarian assistance, economic aid, food aid and general development aid.

➢ **War**

War has been an integral part of human existence through the centuries. It is the ultimate answer to the problems of foreign policy of a nation. But, war is generally a devastating answer to the problems of nation's foreign policy. When goals of foreign policy cannot be achieved through other means, nations resort to war as an end instrument. However, war is no longer treated as a viable instrument of foreign policy as it is highly destructive.

Thus, these are some of the important instruments used by the nations to achieve their aims and objectives of foreign policy.



**CHECK YOUR PROGRESS**

**Q 6:** Mention any two instruments of foreign policy.

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**Q 7:** Explain Collective Security and International Law as instruments of foreign policy.

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## 11.4 LET US SUM UP

- Foreign policy is a set of principles and means adopted by a nation for defining, justifying and securing the objectives of national interest. It is the basis of all international relations.
- Every nation has to formulate and adopt a foreign policy to secure and serve the interest of its people and also to achieve the goals of her national interest in international relations and international politics.
- Foreign policy of any nation has a number of objectives, such as- promotion and protection of national interest, protection of the territorial integrity of the State, promotion of economic interests of the nation, achieving national security, enhancement of national power, protection and promotion of national prestige, maintenance of world peace etc.
- Foreign policy of a nation is influenced and determined by number of factors. The important factors or determinants of foreign policy can be broadly classified into two categories - Internal Factors and External Factors.
- The institutions or devices through which the national capacity or resources are used for accomplishment of national interest and objectives of foreign policy are known as instruments of foreign policy. Some of the instruments of foreign policy are- diplomacy, publicity and propaganda, imperialism and economic instrument, balance of power, collective security, international law and international organization, foreign aid etc.



## 11.5 FURTHER READING

1. Bandyopadhyaya, Jayantanuja. (2003). *The Making of India's Foreign Policy*. New Delhi: Allied Publishers Pvt. Ltd.
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3. Chander, Prakash and Prem Arora. (2000). *International Relations*. New Delhi: Cosmos Bookhive Pvt. Ltd.
4. Khanna, V.N. (2007). *Foreign Policy of India.* New Delhi: Vikas Publishing House Pvt. Ltd.
5. Malhotra, Vinay Kumar. (2006). *International Relations*. New Delhi: Anmol Publications Pvt. Ltd., New Delhi.



## 11.6 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No 1:** Foreign policy is a set of principles and means adopted by a nation for defining, justifying and securing the objectives of national interest while dealing with and establishing relations with other nations.

**Ans to Q No 2:** Protection of national interest and territorial integrity

**Ans to Q No 3:**. National Power: Enhancement or development of national power is another one of the most important objectives of foreign policy. Every nation eagerly aims at increasing its national power. National Prestige: Protection and promotion of national prestige is also one of the main objectives of foreign policy. Every nation is eager to be developed and powerful so that it can be honoured and privileged in international arena and can influence and affect the behaviour of other nations.

**Ans to Q No 4:** Geography and Size

**Ans to Q No 5:** International Environment and Power Structure

**Ans to Q No 6:** Diplomacy and economic instrument

**Ans to Q No 7:** Collective security is one of the most promising approaches in international politics for maintaining peace and deterring

aggression. This principle is adopted to secure collective defense against a powerful nation or nations. Balance of power and collective security are extremely useful instruments for smaller nations or nations with limited capacity to defend them. If collective security is directed against aggressive policy, balance of power is directed against excessive power.

International law is the sum total of rules, principles, customs and agreements which states accept as having the force of law for the regulation of phases of international relations. It is an effective instrument for controlling inter-state relations used by the nations for achieving the objectives of their foreign policy.



## 11.7 MODEL QUESTIONS

**A) Very Short Questions**

**Q 1:** State any two objectives of foreign policy.

**Q 2:** Mention any four external determinants of foreign policy.

**Q 3:** Mention any two instruments of foreign policy.

**B) Short Questions (Answer each question in about 150 words)**

**Q 1:** Explain any four instruments of foreign policy.

**Q 2:** Explain military strength and public opinion as internal determinants of foreign policy.

**C) Long Questions (Answer each question in about 300-500 words)**

**Q 1:** Explain the meaning of foreign policy. Discuss any five objectives of foreign policy.

**Q 2:** Discuss any five determinants of foreign policy.

**Q 3:** Discuss the instruments of foreign policy.

* * * * *

# UNIT 12 : INTERNATIONAL LAW

## UNIT STRUCTURE


12.1 Learning Objectives
12.2 Introduction
12.3 Meaning of International Law
  12.3.1 Definition and Origin of International Law
12.4 Nature of International Law
  12.4.1 Is International Law True Law?
  12.4.2 Basis of International Law as True Law
12.5 Types of International Law
  12.5.1 International law of war and International law of peace
  12.5.2 Public International Law & Private International Law
  12.5.3 Relations between International Law and Municipal Law
12.6 Scope of International Law
  12.6.1 International Law and the United Nations
12.7 Sources of International Law
12.8 Let Us Sum Up
12.9 Further Reading
12.10 Answers to Check Your Progress
12.11 Model Questions


## 12.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- explain the meaning, nature, origin and importance of International Law
- discuss the various types of International Law
- explain the difference between Public and Private International Law
- explain the relationship between International Law and Municipal Law
- discuss the changing scope and paradigm of International Law
- evaluate the role of the United Nations in the field of International Law
- discuss the sources of International Law.

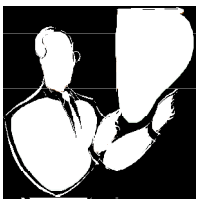
## 12.2 INTRODUCTION

The term 'International law' was first coined by British scholar Jeremy Bentham in 1780. It is synonymous with the term "law of nations".

International law is necessary to regulate the relationship between different countries of the world. All the civilized states observe these rules, formulated either through custom or international treaty, for smooth functioning of international affairs. Whether it is war or peace, sovereign countries observe these principles for mutual national interest. It has become a characteristic of the nation- states to follow international law to remain civilized and modern. Nowadays, interactions between sovereign states have become very frequent because of scientific and technological advancements. Therefore, importance of International Law has risen manifold.

## 12.3 MEANING OF INTERNATIONAL LAW

International law is a body of rules regarded by the nations of the world as binding on them in their relations with each other, in peace and war, and comprises the rights and duties of sovereign states towards each other. Renowned German jurist, Oppenheim observed that only states are the subjects of International Law. But Lauterpacht, Starke and other modern thinkers reject it. Accordingly, in modern era, International Law applies to the functioning of international institutions or organization, their relations with states and individuals also, apart from mutual dealings between the states. Hugo Grotius is regarded as 'the father of the law of nations' or International Law on account of his book, 'De jure belli ac pacis' (The Law of War and Peace) published in 1625. It was the first comprehensive and systematic book on International Law. However, secular conception of modern sovereign state and statecraft could be seen in the works of Jean Bodin, Nicollo Machiavelli and Thomas Hobbes also. These writers laid the foundation of modern International Law.



**LET US KNOW**

The term International Law is of recent origin. But as a concept it is very old. Since the ancient time, monarchs and rulers have used certain rules while establishing relations among different empires. Ever since men began to organize their common life in political communities, they have felt the need of some system of rules. These rules have taken the shape of customs and subsequently regarded as laws of nations. For example, we can find reference to laws of war, pact, neutrality, diplomatic envoy etc in

the ancient texts. Since 19th and 20th century, these rules are accepted by the modern nation states in written form with some modifications through several international conventions. In this way, the customary rules got universal recognition and confusion regarding their application could be avoided. This is known as codification (arranging in a systematic form) of International Law.

## 12.3.1 Definitions and Origin of International Law

According to Professor Oppenheim, one of the principal theorists in the field of international law, "Law of Nations or International Law is the name for the body of customary and treaty rules which are considered legally binding by civilized States in their intercourse with each other".

According to J.L. Brierly, "the Law of Nations or International Law, may be defined as the body of rules and principles of action which are binding upon civilized states in their relations with one another" .

Lawrence, the well known English jurist, defines International Law as " the rules which determine the conduct of the general body of civilized states in their mutual dealings." Disharmony in mutual relations among independent sovereign states causes rupture in their dealings. International Law, therefore, regulates the conduct of states in their mutual dealings, hostile as well as pacific.

George Schwarzenberger, the renowned British jurist of German descent, is of the view that "International Law is a set of legal rules which apply between sovereign states and such entities which have been granted international personality". In fact, International Law is concerned with the conduct of the states and international organizations.

The idealist thinkers of international politics in the late 19th century laid emphasis on strict application of international law to maintain peace and harmony in the world. Therefore, International Law grew in importance and several conventions were held for its codification.

The Permanent Court of International Justice (PCIJ) was set up in 1921 with an objective of amicable settlement of bilateral and multilateral disputes by applying the codified international laws. The

League of Nations under the influence of the idealists played a crucial role during this period. After the World War II, the history of International Law entered a new phase. The United Nations (UN) inherited the legacies of the League of Nations and took pragmatic steps while extending the scope of international laws to the field of human rights, human development, environmental protection etc. Thus, the new concept of International Humanitarian Law came into existence. The Permanent Court of International Justice was renamed as International Court of Justice (ICJ) in 1946 under the UN.

## 12.4 NATURE OF INTERNATIONAL LAW

The different types of international laws have originated from age-old usages and customs to which the nation states have expressed consent. However, it is not legally binding upon states to adhere to International Law as it is not backed by the coercive force of domestic law. International Law has been described as a weak law by some legal experts because there is no legislature and no executive to promulgate and implement these rules and principles under International Law. Its judiciary as represented by the International Court of Justice has no universal compelling jurisdiction; its decisions are not conclusive so as to finally settle legal disputes between states. The sovereign states are expected to observe these laws for mutual national interest. These laws are rarely enforced by force or economic sanctions. It is only a sense of enlightened self-interest which deters the states to break these rules. Accordingly, International Law enjoys, at best, moral sanction. Therefore, British jurist Holland has opined that International Law is the vanishing point of jurisprudence because there is neither any sovereign authority nor there exists sanctions if its rules are violated. In the words of Australian academic, Pitt Cobbett, "It is not only less explicit than State (national) law, but it also lacks the coercive force of State law." Universal acceptance and mutual consent of the states make these laws binding. International Law is a legal order and not an ethical one. But it has been influenced by ethical principles particularly in the sphere of human rights and dignity. States are generally careful to ensure that their actions are in accordance with the principles of international law, because acting otherwise would be regarded negatively by the international community.

## 12.4.1 Is International Law True Law?

Law, it is said, is the command of the sovereign authority. Violation of such law is a punishable offence. But in case of International Law, there is no sovereign power above of the independent states to command such authority. States are regarded as equal in status under International Law. There is neither an international legislature making International Law nor a world executive to enforce them upon the states. The International Court of Justice can act only with the consent of the states in dispute and has no real power to enforce its decisions. Hence, John Austin, Holland, Lord Salisbury, Lord Coleridge, H.W. Armstrong and many other scholars observed that international law is a weak law. Austin concluded that international law is not a true law but "positive international morality" only.

But some other scholars like Oppenheim, Starke, Sir Henry Maine, Hall, J.L. Brierly and Frederick Pollock supported international law as true law. They argue that international law is a positive law derived from custom and observance of its rules is compulsory for the civilized states. In fact, a newly created state becomes a part of international community once it is recognized by other states as per the rules and principles of International Law. States in turn treat questions of international law as legal questions in conduct of foreign affairs and international business. According to this group of thinkers, the rules and principles of International Law are considered as legal obligations by the states. As such, mere absence of commanding authority, legislature or world government does not violate the legality of International Law. Compulsion alone is not the sanction behind law. Habitual obedience to International Law is secured more through moral than through material force. Moreover, state can't live in isolation; every state must obey certain international laws and respect treaties. Violations of International Law do not deny its existence. Its existence is inevitable as long as the world community exists.

## 12.4.2 Basis of International Law as True Law

Hughes opines that International Law rests upon the consent of sovereign states. Oppenheim also observed that common consent of the family of nations is the basis of international law. Such consent can be given either implicitly by custom or expressly by ratifying a treaty. When the states give such consent, they are bound to observe those customs or treaties in their mutual dealings. Modern jurist regard that it is not coercive force but mutual national interest that is the basis of international law. There is historical evidence that a system of law has existed since ancient time and states have voluntarily observed those in their mutual relations. These were customary in nature. In the 20th century, customary laws are diminishing and are being replaced by formal treaties and conventions. These international conventions and treaties have become international legislations. Modern nation states consider these international laws as binding upon them. The United Nations, which is like the watchdog of International Law has provided the basis for establishing the true legality of International Law. States as the members of the UN feel that they are legally and morally bound to follow international law. Respect for international law is incorporated in the constitutions of the civilized nations as a rule.



**CHECK YOUR PROGRESS**

**Q. 1:** Define International Law.

.....

.....

**Q.2:** Name the book written by Hugo Grotius.

.....

**Q. 3:** Who coined the term 'International Law'?

.....

**Q 4:** Write the full form of ICJ.

.....

## 12.5 TYPES OF INTERNATIONAL LAW

### 12.5.1 International Law of War and International Law of Peace

International law can be broadly divided into law of war and law of peace. Initially international law focused upon laws of war. Laws of war can be divided into three categories: laws of land warfare, sea or maritime warfare and air warfare. In the second half of 20th century, laws on nuclear warfare have been codified as a different category.

International law of peace includes the laws on equality of states, neutrality of state, rights and duties of states, international trade and commerce, refugee laws, labour laws, laws on diplomacy, child and women's rights, environmental protection of the universe and rights of the nations, laws on peaceful settlement of bilateral and multilateral disputes etc. International laws of peace are growing in importance nowadays. Cooperation among the nations and interdependence has been a feature in the age of globalization. Humanitarian concern at international level about the wounded and sick persons during war and conflict, indigenous people's rights, human security, etc., have given birth to the new concept of International Humanitarian Law.

### 12.5.2 Public International Law and Private International Law

There are two distinct types of international law- Public International Law and Private International Law.

Public international law refers to agreements between and among nations. The discussion that we have made so far relates to this category of international law.

On the other hand, private international law generally deals with international commercial transactions and personal disputes between individuals and companies of different countries. Private international law is essentially part of municipal laws or domestic laws which are different in each country. Laws made by the nations to implement within its territory are called the municipal laws or national laws. According to British jurist, A.V.Dicey, private international laws refer to 'conflict of

laws', since it deals with rules regulating cases in which municipal laws of different countries come into conflict. Such conflict may arise in connection with domicile, marriage, divorce, wills, validity of contracts, etc. it is also known as inter-municipal law, international comity, etc. In the course of time, rules of private international law if incorporated in international treaties may become full-fledged international law.

### 12.5.3 Relations between International Law and Municipal Law

International Law and Municipal Law are two independent domains of jurisprudence. Laws developed by the national legislatures and constitutions of different countries for smooth functioning of internal affairs are municipal laws or national laws. Municipal laws regulate the conduct of the citizens and the governments within the territory of the nation. These laws are different in each country. Austrian jurist, Hans Kelsen observes that while national law regulates the behaviour of individuals, International law regulates the behaviour of states. Municipal laws are concerned with "domestic affairs" of the states. International law is concerned with the "external relations" or foreign affairs of the states. Municipal law is the order of the sovereign over individuals. International law is not law above but between states and is, therefore, weaker than Municipal law.

There are two theories regarding the relations between municipal law and international law. These are the monistic theory and the dualistic theory. The monistic theory gained prominence after the First World War. Hans Kelsen and French scholar Leon Duguit supported it. The monistic theory maintains that International Law and Municipal Law are fundamentally same in nature, and arise from the same unity of the science of law. According to this view, International Law and Municipal Law are two sides of the same coin. Hans Kelsen says that International Law just like the Municipal law is a regulation of human conduct in the international arena.

On the other hand, dualistic theory considers both as separate bodies of legal norms. The dualistic theory has mainly been advocated by German scholar Heinrich Tripel, Italian scholar Anzilotti and

Oppenheim. Tripel observes that the subjects of Municipal law are individuals, while the subjects of International law are States. Oppenheim remarks that International law and Municipal law differ as regards their sources and substances. The sources of Municipal Law are customs which have eveloved within the boundaries of the State and the constitutional enactments, while the sources of International Law are the customs evolving within the family of nations, and the law-making treaties concluded by the member-states. The dualists, therefore, maintain that International Law can never operate as the law of land within the territory of the state unless adopted by municipal custom or statutory enactment of the concerned state. Kelsen does not prefer the word 'dualistic' and call it pluralistic theory.

Different nations adopt different practices regarding application of International law in the municipal or domestic sphere. The United States of America and Britain follow the doctrine that "International Law is part of the law of the land." In France, the customary rules of International law are treated as part of Municipal law unless they are in conflict with the constitution of the country. The Indian Constitution under Article 51 of Directive Principles of State Policy, has given directives to the domestic government to foster respect for international law and treaty obligations. In fact, Indian municipal law works in conformity with the international law and international morality. In practice, all the civilised nations have given importance to International Law while enacting Municipal Law for the sake of wider national interest and peace.



## CHECK YOUR PROGRESS

**Q. 5:** What are the different categories of laws of war?

.....

**Q. 6:** Name two supporters of the monistic theory and two supporters of the dualistic theory regarding the relations between municipal laws and international laws .

.....

**Q. 7:** What is the Indian approach to International Law?

.....

## 12.6 SCOPE OF INTERNATIONAL LAW

Since 20th century, International law has become more concerned with diverse subjects such as human rights, humanitarian law, human security, international trade and commerce, transport control and communication, health regulations, control of nuclear energy, labour issues and many more. It has become a dynamic force of change and human development for all the people of the world. The effect of globalization and mutual interdependence of the states has also widened the scope of International law. Therefore, the traditional view that only the states are the subjects of International Law is obsolete. Nowadays, states are not the only subjects of international law. Rather, International Law may be directly concerned with individuals. The International Military Tribunal at Nuremburg in 1948, constituted for the trial of war criminals of World War II, established that individuals guilty of committing heinous crime during war and conflict cannot escape the grip of international law.

Lauterpacht rejects the view held by Oppenheim that only states are subjects of international law, although independent states and their interrelations are the primary subjects of international law. Starke suggests that International law also applies to the functioning of international institutions or organizations, their relations with each other, and their relations with the states and individuals. After the Second World War, the scope of international law has widened further. Various countries of Asia and Africa got independence during this period and international relations entered into a more complex phase. As a result international law now operates in numerous fields of the international community. It is now a dynamic concept which aims to promote general interests and to further international solidarity.

### 12.6.1 International Law and the United Nations

The establishment of the United Nations Organisation (UNO) in 1945 has helped in the progressive development of international law. Its special agencies like United Nations Educational Social and Cultural Organization (UNESCO), United Nations International Children Emergency Fund (UNICEF), World Health Organization (WHO), Food and Agriculture Organization (FAO) International Labour Organization

(ILO), World Bank, World Trade Organization (WTO), United Nations Environmental Programme (UNEP), United Nations Development Programme (UNDP) etc. played an important role in widening the scope of international law to the field of human security, human rights, human development, self-determination, etc. The Charter of the United Nations itself has gradually attained the status of international law. The United Nations has created several International Humanitarian Laws since its inception. The Universal Declaration of Human Rights (UDHR) 1948 and the two international covenants on human rights 1966, Refugee Convention 1951, the Convention on the Rights of the Child 1989, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1979, the Rio Declaration and Agenda-21 of 1992 for protection of world environment are some examples. The UNO has been working as an umbrella organisation with an avowed objective of promoting peace and development of all the nations on equal terms. Respect for international law has increased among the nations during this period.



**CHECK YOUR PROGRESS**

**Q 8:** When was the Nuremburg Trial held ?

.....

**Q 9:** What is the full form of UDHR?

……..

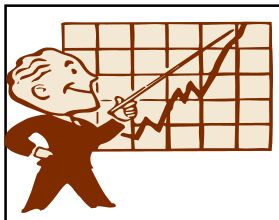
## 12.7 SOURCES OF INTERNATIONAL LAW

There are several sources of International Law. Some of the important sources of International Law are discussed below:

- Customs and Usages are the primary sources of International Law. Customs are the age-old habits used by the states in their mutual relations. These customs and practices are considered as binding as rules.
- International Conventions or Treaties form the most important source of International Law. Treaties are either multilateral or bilateral. Treaties and conventions are written agreements between states laying out certain obligations which are assumed to be binding upon the contracting states. Only those treaties which are multilateral (involving

more than two countries) in nature form the source of International Law. The Permanent Court of International Justice held that treaty law takes priority over international customary law.

- The general principles of law recognized by the civilized nations are also regarded as a source of international law. The statute of International Court of Justice authorizes the Court to apply these principles in trial of disputes. These principles based on justice and equity help the jurists to interpret a specific question and fill the gap in the absence of a fixed law.
- Judicial Decisions of Tribunal and Prize Courts form another important source of International law. The important landmark decisions are used as precedents in future judgment. Prize Court is a tribunal set up after war or conflict by the belligerent states to decide the validity of captured or occupied property of the enemy. These are national courts which administer International law. Decisions of the judges of the Prize Courts also form an important source of International law.
- Decisions of the Municipal Courts as a source of law is not accorded the same sanctity as is attached to those of international courts. But these have an influence on the development of subsequent customary international law.
- Writings of Jurists and Law Commentators of international repute are also regarded as subsidiary means for determination of rules of law in the international arena. Lawrence is of the opinion that writers of international law create opinion that is really supreme.
- International Comity is the mutual recognition of the legislative, executive and judicial acts of one country by another country out of mutual respect, convenience, friendliness and goodwill. Many rules of international comity are nowadays rules of international law.
- Actions of International organizations like the United Nations have also have had an indirect impact on the development of international law through its various international conventions and protocols as we discussed above. Besides the United Nations, various regional organizations like the Association of South East Asian Nations (ASEAN), Organization of Petroleum Exporting Countries (OPEC), European Union (EU), and South Asian Association for Regional Cooperation (SAARC) and many others established to foster regional solidarity and development also created new socio-economic spheres of international law.



## CHECK YOUR PROGRESS

**Q.10:** Mention any two sources of International Law.

.....

**Q.11:** What is a prize court?

.....

**Q. 12:** The Permanent Court of International Justice held that treaty law takes priority over international customary law. (True/False)

.....

**Q. 13:** Mention any two regional organizations which have created a new socio-economic sphere of international law.

.....

.....



## 12.8 LET US SUM UP

- International law is a body of rules regarded by the nations of the world as binding on them in their relations with each other, in peace and war, and comprises the rights and duties of sovereign states towards each other.
- The idealist thinkers of international politics in the late 19th century laid emphasis on strict application of international law to maintain peace and harmony in the world. Therefore, International Law grew in importance and several conventions were held for its codification.
- The Permanent Court of International Justice (PCIJ) was set up in 1921 with an objective of amicable settlement of bilateral and multilateral disputes by applying the codified international laws.
- The United Nations (UN) inherited the legacies of the League of Nations and took pragmatic steps while extending the scope of international laws to the field of human rights, human development, environmental protection etc. Thus, the new concept of International Humanitarian Law came into existence.
- The Permanent Court of International Justice was renamed as

International Court of Justice (ICJ) in 1946 under the UN.

- The establishment of the United Nations Organisation (UNO) in 1945 has helped in the progressive development of international law.
- It is not legally binding upon states to adhere to International Law as it is not backed by the coercive force of domestic law.
- States generally are careful to ensure that their actions are in accordance with the principles of international law, because acting otherwise would be regarded negatively by the international community.
- International law can be broadly divided into law of war and law of peace.
- Laws of war can be divided into three categories: laws of land warfare, sea or maritime warfare and air warfare. In the second half of 20th century, laws on nuclear warfare have been codified as a different category.
- International law of peace includes the laws on equality of states, neutrality of state, rights and duties of states, international trade and commerce, refugee laws, labour laws, etc.
- There are two distinct types of international law - Public International Law and Private International Law.
- International Law and Municipal Law are two independent domains of jurisprudence. There are two theories regarding the relations between municipal law and international law. These are monistic theory and dualistic theory.
- Since 20th century, international law has become more concerned with diverse subjects such as human rights, humanitarian law, human security, international trade and commerce, etc.
- There are several sources of International Law. Some of the important sources of International Law are: Customs and Usages, International Conventions or Treaties, General Principles of Law, Judicial Decisions of Tribunal and Prize Courts, Decisions of the Municipal Courts, Writings of jurists and law commentators, International comity and Actions of International organizations.



## 12.9 FURTHER READING

1. Brown, Chris. (2005). *Understanding International Relations*. New York: Palgrave Macmillan.
2. Ghos, Peu. (2009). *International Relations*. New Delhi: PHI Learning Private Limited.
3. Goldstein, Joshua. S. & Pevehouse, Jon. C. ((2009). *International Relations*. New Delhi: Pearson.



## 12.10 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q. No. 1:** International law is a body of rules regarded by the nations of the world as binding on them in their relations with each other, in peace and war, and comprises the rights and duties of sovereign states towards each other. According to Professor Oppenheim, one of the principal theorists in the field of international law, "Law of Nations or International Law is the name for the body of customary and treaty rules which are considered legally binding by civilized States in their intercourse with each other".

According to J.L. Brierly, " the Law of Nations or International Law, may be defined as the body of rules and principles of action which are binding upon civilized states in their relations with one another"

**Ans to Q. No. 2:** 'De jure belli ac pacis' (The Law of War and Peace).

**Ans to Q. No. 3:** Jeremy Bentham

**Ans to Q. No. 4:** International Court of Justice (ICJ)

**Ans to Q. No. 5:** Laws of war can be divided into three categories: laws of land warfare, sea or maritime warfare and air warfare.

**Ans to Q. No. 6:** Two supporters of the monistic theory are Hans Kelsen and Leon Duguit and two supporters of the dualistic theory are Heinrich Tripel and Anzilotti.

**Ans to Q. No. 7:** The Indian Constitution under Article 51 of Directive

Principles of State Policy, has given directives to the domestic government to foster respect for international law and treaty obligations.

**Ans to Q. No. 8:** 1948

**Ans to Q. No. 9:** Universal Declaration of Human Rights

**Ans to Q. No. 10:** (a) International Conventions or Treaties and (b) International comity

**Ans to Q. No. 11:** A Prize Court is a tribunal set up after war or conflict by the belligerent states to decide the validity of captured or occupied property of the enemy

**Ans to Q. No. 12:** True

**Ans to Q. No. 13:** Organization of Petroleum Exporting Countries (OPEC) and South Asian Association for Regional Cooperation (SAARC)



## 12.11 MODEL QUESTIONS

**A) Very Short Questions**

**Q 1:** When was the Permanent Court of International Justice (PCIJ) was set up ?

**Q 2:** Mention any two scholars who supported international law as true law.

**Q 3:** Mention any two conventions which have contributed to the growth of International Law.

**Q 4:** Mention any two laws relating to international laws of peace.

**B) Short Questions (Answer each question in about 150 words)**

**Q 1:** Write the meaning of International Law.

**Q 2:** State the meaning of International Humanitarian law.

**Q 3:** Briefly explain the relationship between International Law and Municipal Law.

**Q 4:** Explain the basis of International Law as true law.

**C) Long Questions (Answer each question in about 300-500 words)**

**Q 1:** Discuss the scope of International Law.

**Q 2:** Discuss the sources of International Law.

* * * * *

# UNIT 13 : INTERNATIONAL LAWS OF PEACE AND ARMED CONFLICT

## UNIT STRUCTURE


13.1 Learning Objectives

13.2 Introduction

13.3 Law of Peace and Armed Conflict or International Humanitarian Law (IHL)-Meaning and Nature

13.3.1 Two types of International Humanitarian Law

13.4 Evolution of International Humanitarian Law

13.5 Principles of the Law of Peace and Armed Conflict or International Humanitarian Law

13.5.1 Basic Rules of International Humanitarian Law in Armed Conflicts

13.5.2 Developments in the Post-Geneva Conventions Period

13.5.3 International Humanitarian Law and Human Rights

13.6 Let Us Sum Up

13.7 Further Reading

13.8 Answers to Check Your Progress

13.9 Model Questions


## 13.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- explain the meaning and nature of the law of peace and armed conflict or International Humanitarian Law (IHL)
- explain the two types of International Humanitarian Law
- discuss the evolution of International Humanitarian Law
- describe the principles of the law of peace and armed conflict or International Humanitarian Law
- discuss the basic rules of International Humanitarian Law in Armed Conflicts.

## 13.2 INTRODUCTION

Human history has been characterised by the outbreak of wars at different stages including the two world wars. We can avoid war but we

cannot ignore war. The lives of millions of civilians, and also of the soldiers are put at risk. After the Second World War, the primary concern of the international community was to prevent the outbreak of wars among nations and establish a peaceful environment in the international arena and avoid hostilities. As such a tremendous effort was made to put in place a legal framework at a global level for prohibition of force and achieve peaceful settlements of international disputes, as indicated by the formation of the United Nations. However, though wars and armed conflicts are undesirable, they do break out at times in different parts of the world. In such situations, large scale atrocities are likely to be committed by the warring parties in the absence of any regulation. As such, nations of the world have taken several initiatives to put in place a set of rules and principles to regulate the conduct of those engaged in armed conflict and war so as to avoid unnecessary and indiscriminate violence. These rules and principles together constitute the law of armed conflict or International Humanitarian Law.

## 13.3 LAW OF PEACE AND ARMED CONFLICT OR INTERNATIONAL HUMANITARIAN LAW-MEANING AND NATURE

The law of armed conflict or International Humanitarian Law (IHL) is an important concept in the realm of International Law. International Humanitarian law is the law that seeks to regulate the conduct of those engaged in war or armed conflict. International Humanitarian Law is known as "jus in bello" which is a phrase in the Latin language meaning the "law in waging war". IHL prescribes certain principles to ensure that the parties involved in war or armed conflict behave justly. It is that branch of International Law which seeks to limit the effects of armed conflict by protecting persons who are not participating in hostilities, and by restricting and regulating the means and methods of warfare available to combatants.

IHL is distinct from "jus ad bellum" (a Latin phrase meaning the "right to war") which determines the legitimate grounds on the basis of which a state may enter into war.

IHL is inspired by considerations of humanity and the mitigation of human suffering. The nation states of the world therefore, agreed upon a

set of rules to regulate behaviour during armed conflict so as to reduce human suffering and protect civilian population and targets.

International Humanitarian Law or the law of armed conflict was born out of the experience gained on the battlefield. Armed conflict has been shaped and gradually moulded by military experience. The law of armed conflict or international humanitarian law is that branch of International law that regulates the behaviour of states and groups while confronting other states and groups in times of armed conflict and war.

International Humanitarian Law includes the Geneva Conventions and the Hague Conventions, subsequent treaties, case laws and customary international law. IHL defines the conduct and responsibilities of ***belligerent*** nations, neutral nations and individuals engaged in warfare and seek to protect persons who are non-combatants, i.e., people who are not actively participating in the fighting (such as civilians, medical and aid workers) and those who can no longer fight (wounded soldiers, prisoners of war, etc) .



***Belligerent:*** Hostile and aggressive.

The state parties to the 1949 Geneva Conventions have entrusted the International Committee of the Red Cross (ICRC), through the statutes of the "International Red Cross and Red Crescent Movement" to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflict and prepare any development thereof.

### 13.3.1 Two Types of International Humanitarian Law

International humanitarian law represents two types of armed conflict:

1) International armed conflict (between two or more states) and;

2) Non-international armed conflict (between governmental forces and non-governmental armed groups or between such groups only).

It is a matter of pride to fight for one's country. Equally it should be a matter of professional and personal pride to show humanity and compassion to the defeated opponent or to the innocent civilians caught in the battle. The law of armed conflict explains how this could be done.



**CHECK YOUR PROGRESS**

**Q 1:** International Humanitarian law is the law that seeks to regulate the conduct of those engaged in war or armed conflict. (True/False)

.....

**Q 2:** Mention the two types of armed conflict that International humanitarian law represents.

.....

**Q 3:** Which categories of people do International Humanitarian Law seeks to protect?

.....

**Q 4:** The state parties to the 1949 Geneva Conventions have entrusted which organisation to work for the understanding and dissemination of knowledge of international humanitarian law?

.....

## 13.4 EVOLUTION OF INTERNATIONAL HUMANITARIAN LAW

- **Customs and Traditions**

The law of armed conflict is clearly based on our customs and traditions and our experience of armed conflict throughout the ages. In consideration of the law of armed conflict it is important to take into account customary international law. Customary law results from the general and consistent practices followed by states out of a sense of moral and legal obligation. Customary international law binds all the states.

Customs play a very significant part in the laws of armed conflict. The Indian Epic, Mahabharata (c.400 BC) and the laws of Manu contained provisions which prohibited the killing of an adversary who had surrendered; forbade the use of certain means of combat, such as poisoned or burning arrows ; and provided for the protection of enemy property and prisioners of war. International humanitarian laws of armed conflict evolves from ancient times. It can be traced from the days of the Mahabharata.

Islam also acknowledged the essential requirements of humanity. The first Caliph, Abu Bakr (c. 632AD) stipulated that the blood of women, children and old people should not stain the victories. In Japan, Bushido was an

ethical code of conduct of the Samurai, the warrior class of medieval Japan. Bushido included the rule that compassion must be exercised even in battle and be shown towards prisoners of war.

With the passage of time the customary international law evolved into treaty and conventional law. But this does not mean that customary laws have ceased to exist. They continue to exist along with treaty norms. This is expressed in what has become known as the Martens Clause, which first appeared in the Preamble to the 1899 Hague Convention-II. The Martens Clause reaffirms that even when a contracting state party denounces the Convention, the state party shall remain obliged to abide by the basic principles international law as such principles are the result of the established laws of humanity to be followed by all civilized nations.

Hence, customary international law is of considerable importance as it constitutes the cornerstone of modern treaty law. At one point it has developed from treaty law, and sometimes it fills the gap where there exists no treaty law.

In the second half of the nineteenth century, the customary principles began to be codified in specific binding Multilateral Agreements.



***Battle of Solferino (June 24, 1859):*** Solferino is a place situated in Italy. It was the scene of a major battle fought between the Austrian army and the French army allied to the Sardinian army over Italian unification.

- **Codification of Customary Laws- Geneva Convention**

The treaty making process began in the 1860s. Henry Dunant, also known as Henri Dunant was a Swiss businessman. He was a witness to a scene of 30,000 soldiers left wounded or dead within the space of a few hours on the battlefield of Solferino in 1859. The story of Solferino is embedded in the book titled "A Memory of Solferino" written by Henri Dunant. Army medical services were virtually non-existent at the time. On his return to Geneva, Dunant wrote about his experience in his book. In his book he suggested that the state should formulate some international principles sanctioned by a Convention and by giving legal protection to wounded soldiers in the field. The whole of Europe gave enormous support to his proposal. Henri Dunant was the first recipient of the Nobel Peace Prize.

Henri Dunant's practical experience of battle led to a diplomatic conference in Geneva which resulted in the Geneva Convention of August 1864 for the Amelioration of the condition of the Wounded and Sick in Armies in the field. It was for the first time, States agreed to limit, in an international treaty open to all, their own power to wage war. Geneva Convention gave way to written law and the law of armed conflict was born.

- **Geneva Conventions**

The Geneva Conventions are the result of a process that spanned over a number of stages between 1864 and 1949. The conventions lay down certain rules and principles that are applicable in times of war and armed conflict.



***Geneva:*** It is the name of a city in Switzerland. The city houses the European headquarters of the United Nations.

a) The **First Geneva Convention** for the "Amelioration of Condition of the Wounded and Sick in Armed Forces in the Field" and was adopted in 1864. It was significantly revised and replaced by the 1906 version, the 1929 version, and finally by the 1949 version.

b) The **Second Geneva Convention** for the "Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea" was adopted in 1949 thereby replacing the Hague Convention of 1907 .

c) The **Third Geneva Convention** relating to the "Treatment of Prisoners of War" was adopted in 1929. It was significantly revised in 1949.

d) The **Fourth Geneva Convention** relating to the "Protection of Civilian Persons in Time of War" was adopted in 1949.

There are three additional amendment protocols (Protocol I, Protocol II and Protocol III) to the Geneva Conventions of 1949 aimed at strengthening the legal protection of civilians and the wounded.

a) **Protocol I (1977):** It relates to the Protection of Victims of International Armed Conflicts.

b) **Protocol II (1977):** It relates to the Protection of Victims of Non-International Armed Conflicts.

c) **Protocol III (2005):** It relates to the Adoption of an Additional Distinctive Emblem. (in the form of the Red Crystal emblem apart from the traditional Red Cross or Red Crescent symbols)

While the Geneva Conventions in general apply to almost any international armed conflict, Article 3 common to all the four Geneva Conventions, states what constitutes a minimum of humane treatment in situations of non-international armed conflict. Article 3 common to the four Geneva Conventions applies to all armed conflicts of a non-international character and occurring in the territory of one of the parties to the Convention. In such a case, persons taking no active part in hostilities, including members of armed forces who have laid down their arms or are out of action due to

sickness, injury or due to any other reason will in all circumstances be treated humanely without any adverse distinction.

- **St. Petersburg Declaration**

Shortly after the Geneva Conventions, in 1868 in St. Petersburg, Russia, an international treaty was drawn up prohibiting the use of explosive rifle bullets under 400 grams in weight. The St.Petersburg Declaration, as the treaty is called, was to limit the use of a weapon of war. It also codified the customary principles prohibiting the use of weapons that cause unnecessary suffering which is still valid today.



***The Hague:*** It is the name of a city in the Netherlands.

- **Hague Conventions**

The Hague Conventions of 1899 and 1907 looked into the practical military aspects of the conduct of hostilities and dealt with the laws and customs of war on land. The Conventions included a series of international treaties and declarations agreed upon during two international peace conferences held at The Hague in the Netherlands in 1889 and 1907. The First Hague Convention on land warfare was adopted in 1899 seeking to regulate the conduct of warfare. It was amended in 1907 in the form of the Second Hague Convention. An important declaration under the First Hague Convention was the 1899 Hague Declaration on Expanding Bullets which banned the use of such ammunitions.

The above mentioned treaties, namely the Geneva Conventions and the Hague Conventions were the starting point of contemporary laws of armed conflict. The Geneva Conventions seeking to protect the victims of armed conflicts, generally came to be known as the Geneva law; the Hague Conventions containing restrictions and prohibitions on the means and methods of warfare, came to be known as the Hague law.



**CHECK YOUR PROGRESS**

**Q 5:** In which year was the First Geneva Convention for the "Amelioration of Condition of the Wounded and Sick in Armed Forces in the Field" adopted?

……

**Q 6:** Who wrote the book "A Memory of Solferino" ?

……

## 13.5 PRINCIPLES OF THE LAW OF PEACE AND ARMED CONFLICT OR INTERNATIONAL HUMANITARIAN LAW

Just as military operations have principles governing when and how to attack, defend, withdraw, etc., so does the law of armed conflict contain a set of clearly defined principles. These principles are practical and reflect the realities of armed conflict and most important of all, the principles strike a balance between humanity and military necessity, and are valid in all circumstances. The underlying philosophy behind these principles is that states and individuals are not free to do what they want in times of armed conflict and war. Let us now learn about the principles of the law of armed conflict.

- **The Principle of Distinction:**

The principle of distinction protects civilian population and civilian objects from the effects of military operations. It requires parties to an armed conflict to distinguish under all circumstances between combatants and military objectives on the one hand, and civilians and civilian objects on the other, and only to target the military objectives. This principle is therefore an established norm of customary international law in both international and non-international armed conflict. The International Committee of the Red Cross (ICRC) requires this principle to be reflected in State practice.

- **The Principle of Necessity and Proportionality:**

Necessity and proportionality are established principles in humanitarian law. Under IHL, a belligerent may apply only the amount and kind of force necessary to defeat the enemy. Further, attacks on military objects must not cause loss of civilian life. Every feasible precaution must be taken by commanders to avoid civilian casualties. The principle of Proportionality has also be found by the ICRC to form part of customary international law in international and non-international armed conflicts.

- **The Principle of Human Treatment:**

The principle of human treatment requires that civilians be treated humanely at all times. Common Article 3 of the Geneva Conventions prohibits violence to life and person (including cruel treatment and torture),

the taking of hostages , humiliating and degrading treatment. Civilians are entitled to respect for their physical and mental integrity, their honour, family rights, religious convictions and practices, and their manners and customs. This principle has been affirmed by the ICRC as a norm of customary international law and is applicable in both international and non- international armed conflicts.

- **The Principle of Non-Discrimination:**

This principle is a core principle of IHL. There shall be no discrimination in the context of prisoners of war civilians and hors de combat based on race, sex, nationality, religious belief or political opinion. Each and every person affected by armed conflict is entitled to his fundamental rights and guarantees.

Women and children are granted preferential treatment, respect and protection. Women must be protected from rape and from any form of indecent assault and children under the age of eighteen must not be permitted to take part in hostilities. The Geneva Conventions I and II protect the wounded and sick on land and at sea.

**LET US KNOW**



The International Federation of Red Cross and Red Crescent Societies (IFRC) has two globally recognized emblems - the Red Cross and the Red Crescent - set on a white background within a red rectangle. Both are symbols or emblems of assistance in times of conflict or disaster. The sign of the red cross or red crescent must be displayed on the flags, buildings, installations and mobile formations of medical units, on their means of transport, as well as on armlets, clothes and headgear of medical and religious personnel. Optional Protocol III to the Geneva Conventions also adopted another emblem- the Red Crystal emblem. The distinctive emblems may be displayed only on medical units and by medical personnel protected by the Geneva Conventions and Optional Protocols and only with the consent of the competent authority. Strict observance of this rule is essential to respect the Geneva Conventions and the Protocols.

### 13.5.1 Basic Rules of International Humanitarian Law in Armed Conflicts

Let us now examine the seven fundamental rules of international humanitarian law in armed conflicts which constitute the basis of the Geneva Conventions and the Additional Protocols. These fundamental rules are as follows:

- To respect the lives of the Persons hors de combat and those who do not take a direct part in hostilities. They shall in all circumstances be protected and treated humanely.
- It is forbidden to kill or injure an enemy who surrenders or who is hors de combat.
- The wounded and sick shall be collected and cared for by the party which has them in power. Protection also covers medical personnel, establishments, transports and equipment. The emblem of the red cross or the red crescent must be respected.
- Captured combatants and civilians should be ensured protection of their fundamental rights and guarantees. They shall have the right to correspond with their families and to receive relief.
- Everyone shall be entitled to fundamental judicial guarantees. No one should be held for an act he or she has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
- It is prohibited to use or employ weapons or methods of warfare causing unnecessary losses or excessive suffering.
- Parties to the conflict shall at all times distinguish between the civilian and the military objectives in order to spare civilian population and property. Attacks shall be directed solely against military objectives.

### 13.5.2 Developments in the Post-Geneva Conventions Period

Several conventions were adopted in the post-Geneva Conventions period in the field of international humanitarian law. These are as follows:

- The 1972 Biological Weapons Convention;
- The 1980 UN Conventional Weapons Convention, with protocols covering
  a) non-detectable fragments,
  b) mines and booby traps (amended in 1996),
  c) the prohibition of blinding laser weapons (adopted in 1996),
- The 1993 Chemical Weapons Convention;
- The 1997 Ottawa Convention banning anti-personal landmines.

### 13.5.3 International Humanitarian Law and Human Rights

Any discussion on the rules governing armed conflict would be incomplete without a few words on another branch of international law which applies both during armed conflicts and in peacetime, namely human rights law. The rights are contained in UN instruments such as the UDHR, the UN Covenant on Civil and Political Rights, and in regional conventions and charters. All these rights can be modified but cannot be eliminated. For example, in an international armed conflict it is unlawful to detain a person for a long period of time without having the detention properly authorised.

The human rights system and the law of armed conflict should be seen as complementary. It is after all in conflict situations that those rights are most at risk and that civilians will look to the armed forces for protection.



**CHECK YOUR PROGRESS**

**Q 7:** Mention the four principles of the law of armed conflict.

……

……

……

**Q 8:** Mention any two conventions adopted in the post-Geneva Conventions period in the field of international humanitarian law.

……

……



## 13.6 LET US SUM UP

- The law of peace and armed conflict or International Humanitarian Law (IHL) is an important concept in the realm of International Law. International Humanitarian law is the law that seeks to regulate the conduct of those engaged in war or armed conflict.
- International Humanitarian Law is known as "jus in bello" which is a phrase in the Latin language meaning the "law in waging war". IHL is distinct from "jus ad bellum" (a Latin phrase meaning the "right to war") which determines the legitimate grounds on the basis of which a state may enter into war.
- IHL includes "the Geneva Conventions and the Hague Conventions, subsequent treaties, case laws and customary international law". IHL defines the conduct and responsibilities of belligerent nations, neutral nations and individuals engaged in warfare and seek to protect persons who are non-combatants, i.e., people who are not actively participating in the fighting (such as civilians, medical and aid workers) and those who can no longer fight (wounded soldiers, prisoners of war, etc) .
- The state parties to the 1949 Geneva Conventions have entrusted the International Committee of the Red Cross (ICRC), through the statutes of the "International Red Cross and Red Crescent Movement" to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflict.
- International humanitarian law represents two types of armed conflict: International armed conflict (between two or more states) and Non-international armed conflict (between governmental forces and non-governmental armed groups or between such groups only).
- The law of armed conflict is clearly based on our customs and traditions and our experience of armed conflict throughout the ages. In consideration of the law of armed conflict it is important to take into account customary international law.

- Customary international law is of considerable importance as it constitutes the cornerstone of modern treaty law. At one point it has developed from treaty law, and sometimes it fills the gap where there exists no treaty law.
- In the second half of the nineteenth century, the customary principles began to be codified in specific binding Multilateral Agreements.
- The treaty-making process began in the 1860s. Henry Dunant, also known as Henri Dunant was a Swiss businessman.
- Henri Dunant's practical experience of battle led to a diplomatic conference in Geneva which resulted in the Geneva Convention of August 1864 for the Amelioration of the condition of the Wounded and Sick in Armies in the field. It was for the first time, States agreed to limit, in an international treaty open to all, their own power to wage war. Geneva Convention gave way to written law and the law of armed conflict was born.
- The Geneva Conventions are the result of a process that spanned over a number of stages between 1864 and 1949.
- There are three additional amendment protocols (Protocol I, Protocol II and Protocol III) to the Geneva Conventions of 1949 aimed at strengthening the legal protection of civilians and the wounded.
- The St.Petersburg Declaration of 1868 was aimed to limit the use of a weapon of war.
- The Hague Conventions of 1889 and 1907 looked into the practical military aspects of the conduct of hostilities and dealt with the laws and customs of war on land.
- The laws of armed conflict contain a set of clearly defined principles. These principles are : the principle of Distinction, the principle of Necessity and Proportionality, the principle of Human Treatment and the principle of Non-Discrimination
- There are certain basic rules of International Humanitarian Law in Armed Conflicts.
- Several conventions were adopted the post-Geneva Conventions period in the field of international humanitarian law.

- There is a close relationship between International Humanitarian Law and Human Rights.



## 13.7 FURTHER READING

1. Brown, Chris. (2005). *Understanding International Relations*. New York: Palgrave Macmillan.
2. Ghos, Peu. (2009). *International Relations*. New Delhi: PHI Learning Private Limited.
3. Goldstein, Joshua. S. & Pevehouse, Jon. C. ((2009). *International Relations*. New Delhi: Pearson.



## 13.8 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No 1:** True

**Ans to Q No 2:**

i) International armed conflict (between two or more states) and;

ii) Non-international armed conflict (between governmental forces and non-governmental armed groups or between such groups only).

**Ans to Q No 3:** Non-combatants, i.e., people who are not actively participating in the fighting (such as civilians, medical and aid workers) and those who can no longer fight (wounded soldiers, prisoners of war, etc) .

**Ans to Q No 4:** International Committee of the Red Cross

**Ans to Q No 5:** 1864.

**Ans to Q No 6:** Henri Dunant

**Ans to Q No 7:**

(i) The principle of Distinction

(ii) The principle of Necessity and Proportionality

(iii) The principle of Human Treatment

(iv) The principle of Non-Discrimination

**Ans to Q No 8:**

(i) The 1972 Biological Weapons Convention

(ii) The 1997 Ottawa Convention banning anti-personal landmines



## 13.9 MODEL QUESTIONS

**A) Very Short Questions**

**Q. 1:** Distinguish between "jus in bello" and "jus ad bellum".

**Q. 2:** In which year was the First Geneva Convention for the "Amelioration of Condition of the Wounded and Sick in Armed Forces in the Field adopted ?

**Q. 3:** In which year was the First Hague Convention on land warfare adopted in 1899 seeking to regulate the conduct of warfare adopted?

**Q. 4:** As per which principles under IHL, a belligerent may apply only the amount and kind of force necessary to defeat the enemy?

**B) Short Questions (Answer each question in about 150 words)**

**Q. 1:** Write briefly about the Hague Conventions.

**Q. 2:** Explain the basic rules of International Humanitarian Law in Armed Conflicts.

**C) Long Questions (Answer each question in about 300-500 words)**

**Q. 1:** Discuss the meaning and nature of the law of peace and armed conflict or international humanitarian law.

**Q. 2:** Discuss the principles of peace and armed conflict or international humanitarian law.

* * * * *

# UNIT 14 : NEO-COLONIALISM: MEANING, EMERGENCE AND ASPECTS OF NEO-COLONIALISM; NEW INTERNATIONAL ECONOMIC ORDER (NIEO)

## UNIT STRUCTURE


14.1 Learning Objectives

14.2 Introduction

14.3 Neo-Colonialism

14.3.1 Economic Dependencies and Satellite States

14.4 New International Economic Order (NIEO)

14.5 Let Us Sum Up

14.6 Further Reading

14.7 Answers to Check Your Progress

14.8 Model Questions


## 14.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- describe the meaning of neo-colonialism
- describe the various aspects of neo-colonialism
- discuss the concept of New International Economic Order (NIEO)
- explain the Action Programme for NIEO.

## 14.2 INTRODUCTION

This unit introduces you to the concept of neo-colonialism. After the Second World War, more and more countries of the world started gaining independence from the former colonial powers to emerge as independent states. However, it is argued that even after gaining independence, these countries found themselves to be influenced by the developed countries, most of which were former colonial powers, in respect of their economic and even political matters. This is regarded as a new form of domination resembling the system of colonialism, but carried out through indirect means. Hence, the word "neo-colonialism". At the same time, this unit discusses the concept of a New International Economic Order (NIEO) mooted by thedeveloping and least-developed countries in order to ensure

a more just and equitable relationship between the developing and developed countries in the economic field.

## 14.3 NEO-COLONIALISM

Prior to the Second World War, most countries from Africa, Asia and South America were colonies under the political domination of foreign countries. However, strong nationalist struggles against foreign domination began to sweep across most of these countries. After the Second World War, the process of decolonization was set rolling. More and more of these countries started gaining independence, one after the other, from the control of the colonial powers. However, it was seen that in spite of their political independence, these newly independent countries found themselves to be economically dependent upon the developed countries in more ways than one. Years of colonial exploitation had left these countries impoverished. Upon gaining independence, these countries aimed at achieving the goals of rapid economic and political development. Consequently, these economically underdeveloped countries started receiving financial and technical assistance from the advanced and developed countries, most of which were former colonial powers. This opened the floodgates for the involvement of the developed countries in the affairs of the less developed countries. This behaviour of the developed countries came to be compared to a new kind of colonialism in the post-colonial world. Hence the term "neo-colonialism." It is a modern form of economic imperialism.

The term neo-colonialism began to gain currency particularly with reference to Africa. Soon after gaining independence, some national leaders and opposition groups from African countries argued that their countries were facing a new form of colonialism perpetrated by the former colonial powers and other developed nations.

The most prominent personality to use the term "neo-colonialism" was Kwame Nkrumah, who became the first President of Ghana after leading it to independence in 1957. He gave a classical definition of neo-colonialism in his book "Neo-Colonialism, the Last Stage of Imperialism" (1965). In his work he argued that in place of colonialism as the main instrument of imperialism, what we have today is neo-colonialism. He further stated that foreign capital is used for the exploitation rather than the development of

the less developed countries of the world. As a result, the gap between the richand the poor countries of the world has only increased. At the same time, Nkrumah states that the struggle against neo-colonialism is not aimed at stopping the flow of capital of the developed countries into the less developed countries but to make such foreign capital operate in such a way that it benefits the latter rather than impoverishing them.

Let us examine some of the important aspects of neo-colonialism :

- Being economically dependent upon the developed countries, the developing and least-developed countries are not in a position to conduct their economic affairs independently. While framing and pursuing their respective economic policies, these countries are influenced and guided by the developed countries. It is also argued that international organizations such as the International Monetary Fund, World Bank, and World Trade Organization are all responsible for promoting the neocolonial influence. Through exercising economic control, they try to gain control over the governmental machinery. Accordingly, the sovereignty of the developing countries get infringed upon.
- The rich countries have also tried to exert control over the politics and economics of the developing countries through Multi-National Corporations (MNCs). Most of these companies have their headquarters in the developed world. For instance, in many less developed countries, trans-national petroleum and mining companies enjoy a monopoly in the exploitation of their resources. They are interested in the cheaply available raw materials from the less developed countries. The activities of the MNCs are not restricted to the economic field alone. With the help of their financial power, they try to influence the political activities of the developing countries by funding political parties and influencing the government.

  It is also argued that developed countries have tried to transfer only those industries which consume too much energy and cause pollution and require a large labour force which is abundantly available in the developing countries.
- Access to the markets of developed countries for the finished products of the less developed countries is restricted to a great extent. The developed countries do not open up their markets to the desirable

extent vis-à-vis the less developed countries and impose many tariff and trade restrictions on the finished products of the latter and at best pay low prices for the same. On the other hand, the developed countries insist that the less developed countries should open up their own markets to the manufactured goods of the developed countries while keeping all trade barriers to the minimum. Such unequal agreements curtail the economic development of the national economies of the less developed countries. For instance, in the 1960s, it was argued that underdevelopment in the Latin American economies could be attributed to a large extent to the fact that the highly developed countries were paying low prices for agricultural products of the Latin American countries and flooding those economies with cheap manufactured goods.

- During the Cold War period, the conflict between the Soviet Union and the United States tried to expand their respective spheres of influence. Each side funded proxy wars in many former colonized nations in Latin America, Asia and Africa and tried to put up puppet regimes in these countries that would further the economic interests of the relevant superpower. Accordingly, it is through the above mentioned ways that the countries of the developing world are being subjected to neo-colonialism.

## 14.3.1 Economic Dependencies and Satellite States

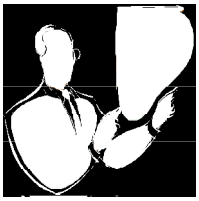
Two categories of states that need to be mentioned in the context of neo-colonialism are as follows:

- **Economic Dependencies:** These states are politically independent, but being dependent upon a foreign state for financial and technical assistance, they are not in a position to conduct their economic affairs independently. By rendering economic assistance through grant and loans, the developed countries control the economic policies of these economic dependencies. The exports of their produced goods are controlled and regulated by the rich countries. As this type of economic subjugation is carried out through economic policy, it has been described in terms of currency of the relevant developed country. For instance, Dollar Diplomacy ( to describe the effort of the United

States to influence the economic policies of South American and East Asian countries through grant of loans to them). Similarly, Rouble Diplomacy and Yen Diplomacy stand for the efforts of the former Soviet Union and Japan respectively, towards promoting their economic interests in the developing world.

- **Satellite States:** These states are otherwise formally free and independent. But for all practical purposes, they are heavily under the influence of a bigger power. For instance, during the Cold War, Soviet Union created satellite states in Central and Eastern Europe to expand its sphere of influence. Similarly, North Korea also came under Soviet influence. The controlling power exercises almost complete authority over all national industries of the satellite states and exert direct political influence over the latter including setting up of military bases in them. Thus, as compared to economic dependencies, satellite states are more dependent upon a foreign state.

## LET US KNOW



The Bretton Woods Conference held in July 1944 in the United States of America led to the establishment of the World Bank and the International Monetary Fund (IMF). As a result these institutions are also as the Bretton Woods Institutions.

## CHECK YOUR PROGRESS



**Q 1:** Who wrote "Neo-Colonialism, the Last Stage of Imperialism" ?

.....

**Q 2:** Explain the role of MNCs in the context of Neo-Colonialism.

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.....

.....

**Q 3:** Explain the concept of satellite states.

.....

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.....

.....

## 14.4 NEW INTERNATIONAL ECONOMIC ORDER (NIEO)



**Group of 77 (G-77) :**

The Group of 77 is the largest intergovernmental organization of developing states in the United Nations involving 77 countries. It provides a common platform to pursue and promote their collective economic interests within the United Nations system and promote cooperation among the developing countries.

The Group of 15 (G-15): It was set up at the Ninth Non-Aligned Movement Summit Meeting in Belgrade, Yugoslavia in September 1989. It is composed of countries from North America, South America, Africa and Asia. The group focuses on cooperation among developing countries in the areas of trade and investment.

- **Origin:**

Against the background of economic imbalances and unequal trade structures creating an ever-increasing gap between the developed and the developing countries, the call for a New International Economic Order (NIEO) was made by the developing and least-developed countries at the Non-Aligned Movement (NAM) Conference held at Algiers in September 1973. Subsequently, a Special Session of the UN General Assembly was requested for by the leaders of the NAM to address issues associated with international trade in raw materials. Following this request, during April-May 1974, the Sixth Special Session of the UN General Assembly called for the establishment of a New International Economic Order. Accordingly, at this Session in April-May 1974, the Group of 77 (G-77) secured the adoption of the Declaration and Programme of Action for the establishnment of a NIEO by way of a resolution of the General Assembly. So far several sessions of the UNTACD(United Nations Conference on Trade and Development) have been held where this issue has been taken up very strongly. Even outside the UN, the issue of a NIEO has been taken up time and again, especially in NAM summits, CHOGM(Commonwealth Heads of Government Meeting), Conferences of ***G-77, G-15***, World Trade Organization Summits and regional organisations.

- **Action Programme for NIEO:**

The following points constitute the broad outline of the action programme for NIEO:

- To increase the control that G-77 countries could exercise over their export industries.
- Developing countries should be able to regulate and control the activities of Multi-National Corporations (MNCs) operating within their territory.

- Foreign investors should be subjected to a binding multilateral code of conduct.
- Transfer of technology from the developing countries should take place at minimal costs.
- Developing countries should have sovereign control over their natural resources.
- Promotion of cooperation among developing countries.
- Strengthening the role of the United Nations system in the field of international economic cooperation.
- Special programme should be undertaken for the most seriously affected developing nations.
- A new institution was called for to govern the international commodity trade to improve the purchasing power of the developing countries. It was suggested that world commodity prices should be linked up to trends in the prices paid by G-77 countries for their imports of manufactured goods .
- The industrialized countries should reduce tariffs and offer exporters from developing countries preferential access to the markets of the industrialised countries.
- To stabilize and raise the prices of the commodities upon which many G-77 members were dependent to earn foreign exchange.
- The program also called for debt relief, higher levels of development assistance, and a more powerful voice for the Third World on the boards of the International Monetary Fund and World Bank.

The advocates of the New International Economic Order are of the opinion that full implementation of the above demands would bring about a fairer world trade regime based upon a more equitable redistribution of global income and allow the developing countries to have actual control over their own national economies.

- **The Charter of Economic Rights and Duties**

At its Twenty-Ninth Session in 1974, the UN General Assembly adopted the Charter of Economic Rights and Duties as outlined in the Action Programme for NIEO. Some of the important features provided for by the Charter are as follows:

- Full sovereignty of states over their natural resources;
- Control over Multi-National Corporations (MNCs);
- Nationalization of foreign investment;
- Sharing of common natural resources;
- Right to sub-regional, regional and international cooperation;
- Equitable terms of trade;
- Responsibility of the developed countries to transfer technology to the less-developed countries;
- Full and effective participation of all states in the international decision-making process for the solution of world economic, financial and monetary problems, etc.

- **Evaluation of NIEO:**

The call for establishing NIEO was made as far back as the 1970s. It was subsequently pursued in the UN, UNCTAD (United Nations Conference on Trade and Development), NAM summits, CHOGM (Commonwealth Heads of Government Meeting), G-77 conferences, G-15 sessions, etc. However, not much success has been achieved in this respect. As a matter of fact, over the years, poverty has been on the rise. Income disparities between the developed and developing countries have been widening and indebtedness of the latter has become more serious. The terms of trade between developed and developing countries still remains unequal. Monetary reforms involving the less-developed countries are yet to be initiated. Their debt situation still remains critical. The developed countries have not reduced trade and tariff barriers with respect to the developing countries to the extent demanded by the latter so as to ensure a level playing field to the latter. International economic institutions like IMF, WTO, etc., have also not been sufficiently restructured.

At the same time, the developing countries must try to embark upon a path of rapid economic development so as to become less and less dependent on foreign aid and capital. They should go for mutual economic cooperation among themselves. They should undertake economic reforms

on the domestic front so as to achieve a higher growth rate and equitable distribution of income and wealth in the context of their domestic economies.



### CHECK YOUR PROGRESS

**Q 4:** The call for a New International Economic Order (NIEO) was made at Algiers in September 1973. (True/False)

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**Q 5:** Mention any two points of the action programme for NIEO.

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**Q 6:** Mention any two features provided for by the Charter of Economic Rights and Duties adopted by the UN General Assembly.

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## 14.5 LET US SUM UP

- The term neo-colonialism began to gain currency particularly with reference to Africa. Soon after gaining independence, some national leaders and opposition groups from African countries argued that their countries were facing a new form of colonialism perpetrated by the former colonial powers and other developed nations.
- The most prominent personality to use the term "neo-colonialism" was Kwame Nkrumah, who became the first President of Ghana after leading it to independence in 1957. He gave a classical definition of neo-colonialism in his book "Neo-Colonialism, the Last Stage of Imperialism" (1965). In his work he argued that in place of colonialism as the main instrument of imperialism, what we have today is neo-colonialism.
- Being economically dependent upon the developed countries, the

developing and least-developed countries are not in a position to conduct their economic affairs independently. While framing and pursuing their respective economic policies, these countries are influenced and guided by the developed countries.

- It is also argued that international organizations such as the International Monetary Fund, World Bank, and World Trade Organization are all responsible for promoting the neocolonial influence.
- Through exercising economic control, they try to gain control over the governmental machinery. Accordingly, the sovereignty of the developing countries get infringed upon.
- The rich countries have also tried to exert control over the politics and economics of the developing countries through Multi-National Corporations (MNCs).
- It is also argued that developed countries have tried to transfer only those industries which consume too much energy and cause pollution and require a large labour force which is abundantly available in the developing countries.
- Access to the markets of developed countries for the finished products of the less developed countries is restricted to a great extent. The developed countries do not open up their markets to the desirable extent vis-à-vis the less developed countries and impose many tariff and trade.
- Two categories of states that need to be mentioned in the context of neo-colonialism are as follows: Economic Dependencies and Satellite States.
- Against the background of economic imbalances and unequal trade structures creating an ever-increasing gap between the developed and the developing countries, the call for a New International Economic Order (NIEO) was made by the developing and least-developed countries at the Non-Aligned Movement (NAM) Conference held at Algiers in September 1973.
- It is argued that full implementation of the Action Programme for NIEO would bring about a fairer and more equitable relationship between the developed and developing countries.



## 14.6 FURTHER READING

1.Basu, Rumki. *The United Nations: The Structure and Functions of an International Organisation*. New Delhi : Sterling Publishing House.

2. Chander, Prakash, & Arora, Prem.(2005). *Comparative Politics and International Relations*. New Delhi: Cosmos Bookhive (P) Ltd.
3. Ghai, K.K. (2005): *International Relations* - Theory and Practice. New Delhi: Kalyani Publishers.



## 14.7 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No 1:** Kwame Nkrumah

**Ans to Q No 2:** The rich countries have also tried to exert control over the politics and economics of the developing countries through Multi-National Corporations (MNCs). They are interested in the cheaply available raw materials and labour force from the less developed countries. The activities of the MNCs are not restricted to the economic field alone. With the help of their financial power, they try to influence the political activities of the developing countries by funding political parties and influencing the government.

**Ans to Q No 3:** Satellite states are otherwise formally free and independent. But for all practical purposes, they are heavily under the influence of a bigger power. For instance, during the Cold War, Soviet Union created satellite states in Central and Eastern Europe to expand its sphere of influence. Similarly, North Korea also came under Soviet influence. The controlling power exercises almost complete authority over all national industries of the satellite states and exert direct political influence over the latter including setting up of military bases in them.

**Ans to Q No 4:** True

**Ans to Q No 5:**

(i) To increase the control that G-77 countries could exercise over

their export industries.

(ii) Developing countries should be able to regulate and control the activities of Multi-National Corporations (MNCs)operating within their territory.

**Ans to Q No 6:**

(i) Right to sub-regional, regional and international cooperation.

(ii) Equitable terms of trade.



## 14.8 MODEL QUESTIONS

**A. Very Short Questions**

**Q 1:** Mention the name of Kwame Nkrumah's book on neo-colonialism.

**Q 2:** Which special session of the UN General Assembly called for the establishment of a New International Economic Order?

**Q 3:** What is the full form of UNCTAD?

**B. Short Questions (Answer each question in about 150 words)**

**Q 1:** Briefly discuss the origin of NIEO.

**Q 2:** Explain the Action Programme for NIEO.

**Q 3:** Explain the Charter of Economic Rights and Duties as outlined in the Action Programme for NIEO, adopted by the UN General Assembly.

**Q 4:** Evaluate the success of NIEO.

**Q 5:** Write short notes on the following:

(a) Economic Dependencies

(b) Satellite States.

**C) Long Questions ( Answer each question in about 300-500 words)**

**Q 1:** Describe the meaning of Neo-Colonialism and its important aspects.

**Q 2:** Discuss the New International Economic Order.

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