A BRIEF REPORT ON THE INTERNATIONAL COLLOQUIUM ON NEUTRALITY AND NON-ALIGNMENT IN THE POST-COLD WAR ERA - MALTA 4-8 NOVEMBER 1991

Michael A. Tanti¹

INTRODUCTION

1.

1. For this International Colloquium, organised by the Mediterranean Academy of Diplomatic Studies² with the cooperation of the Foundation for International Studies, distinguished experts were invited from various countries including Austria, Egypt, France, Malta, Sweden, Swtizerland and Tunisia. Also taking an active part in the Colloquium were the High Commissioner of India and the Ambassador of Palestine. Among the observers from the various diplomatic missions in attendance, were those of United States and Germany.

Also in attendance were students presently following the Master in Diplomacy course at the Mediterranean Academy of Diplomatic Studies who hail from Albania, Egypt, Malta, Palestine, Rumania, Tunisia and Yugoslavia. Their active participation throughout the Colloquium was greatly appreciated by one and all.

2. In the welcome speech to the participants and guests, Professor Dietrich Kappeler, Director of the Mediterranean Academy of Diplomatic Studies, noted that "the very notions of neutrality and non-alignment have been profoundly affected by the developments of the last three years".

Whereas neutrality as non-participation in a given armed conflict remains certainly an option also in the future, permanent neutrality as a lasting policy needs re-thinking and may have to be adjusted to changing circumstances in Europe and worldwide. On the other hand, with the disappearance of the cold

During this International Colloquium the author acted as Rapporteur. He was also appointed as Secretary of one of the Working Groups and participated in the drafting of the recommendations and conclusions of the Colloquium.

2. A detailed Report containing the national experiences with neutrality and non-alignment may be obtained from this Academy, University of Malta.

war, the concept of non-alignment has given rise to the query whether in present and future international relations there is still the need for it. He highlighted the fact that at the **Accra Meeting** a few weeks ago, the Non-Aligned Movement decided not to change its name but failed to answer the question of what should be now its purpose.

3. Professor Guido De Marco, Deputy Prime Minister and Minister of Foreign Affairs and Justice of Malta, was invited to open officially the International Colloquium.

On analyzing the situation arising after the end of the Cold War, he said that in his view the concept of neutrality in Europe has to evolve into what can be a common security policy in terms of the charter of the United Nations.

Referring to the **Bush – Gorbachev Malta Summit** which marked the end of the Cold War, **Professor De Marco**, highlighted the fact that it affected not only the relations between the two superpowers but also the relations in the whole international community. Indeed, one can realise that the **Malta Summit** affected the very concept of defence and within the European context, the role of N.A.T.O. today and in the future. We are experiencing the coming of Central and Eastern European countries onto the International scenario which gives rise to certain questions with regards to the status of these countries following the dissolution of the Warsaw Pact.

Professor De Marco emphasised that today, the very concepts of neutrality and non-alignment require a re-assessment and a re-evaluation of their meaning.

When Malta amended the Constitution in 1987, the concepts of neutrality and non-alignment were enshrined within the parameters of the country's supreme law. Malta's neutrality is conceived as being an active neutrality and not a passive one. He recalled the discussions leading eventually to the adoption of the policy of neutrality and non-alignment particularly his intervention to draw a distinction between the concept of juridical neutrality, even though qualified by the active part which was more political than juridical, and the policy of non-alignment which is political.

He then examined the concept of Maltese neutrality and non-alignment within the parameters set by the Constitution which "we believe has always to be interpreted not in a static approach but with a dynamic approach of history".

When he referred to the European Community in connection with Malta's status of neutrality and non-alignment, **Professor De Marco** said that this must not be looked upon as something static.

The intergovernmental conferences which are taking place at the moment, are intended to bring about a common political and monetary union. Within this concept, the notions of common defence and security are being quite actively considered. It is very difficult at this stage to know what will be the outcome of these meetings. "We believe that countries which opted for neutrality did so within the concept of the policital situation existing then, and that the concept of neturality necessarily calls to be revalued and reconsidered in the light of the events of the day".

He recommended that Malta's neutrality "should not be that of hard security, as N.A.T.O. itself is, but should evolve into a process of soft security as the CSCE process". Undoubtedly, a policy of isolation for any country would be considered to be against what is indicated for in the future: a future of peace and cooperation. The new concept which has arisen from the end of the Cold War means that isolation will be a complete mistake.

The Concepts of Neutrality and Non-Alignment

NEUTRALITY

4. Although neutrality has been practised by several countries and has been recognised by various international institutions, there is no single definition of the concept of "neutrality".

One must distinguish between "active" and "passive" neutrality.

Active neutrality is practised by a country which tries to use its neutral position in order to act as conciliator in times of conflict and tension. In this respect, a participant noted that neutrality was a process that limited the disasters of war whilst another participant was of the opinion that active neutrality existed only when a neutral country worked positively to be granted its neutral stance, as opposed to passive neutrality attained through abstention of participation. Hence, passive neutrality means that a country feels constrained in the conduct of its foreign policy. However, one should point out that whether to act actively or passively is a matter for each nuetral country to decide.

It was explained that the concept of "neutrality" was also affected by, "the relativisation of the concept of war as when force is used without declaring war". Today we still have to live with this concept of "relative neutrality" that was still valid, even in connection with collective security measures. "Collective security does not dampen the concept of neutrality".

Referring to the Swiss case, one of the experts mentioned that in Switzerland there are strong internal differences; for example there are various and different cultures. However, today, one also finds that even Switzerland has taken part in economic sanctions during the recent Gulf War against Iraq. Within this context, he made a distinction between military sanctions and economic sanctions. The latter sanctions are not incompatible with neutrality.

The questions whether neutrals can afford to be neutrals in the absence of a balance of power and whether such must exist in terms of power or interests, were raised.

From a judirical point of view, there is only one concept of neutrality: not to be involved in armed conflict. In this contect, a question was posed whether a U.N. member state can afford to abstain from joining in mandatory sanctions imposed by the Security Council. All agreed that the answer was in the negative.

Within the European context one of the experts claimed that there are three aspects for neutrality in Europe; first is neutrality in Europe, second is neutrality between Europeans and others and third is neutrality of Europe. This third aspect reflects a tendency towards keeping away from far away conflicts and this was experienced in the European reluctance to give a clear stance on the Kuwait – Iraq conflict.

Neutrality in the present day Europe can be best described as being in a period of transition since the familiar security structures have disintegrated while new ones have not as yet been created. We are experiencing the emergence of a unipolar world (U.S.) or as some participants opined, a possible tripolar world (U.S., E.C. and Japan).

The recent conflict in the Gulf has shown that neutrality in economic terms is no longer an option once the U.N. Security Council decrees economic sanctions. Within the European context, neutral countries considering joining the European Community have realised that membership would mean renunciation of economic neutrality whenever the Community decides to boycott a country. Neutrality may still be possible as abstention from partecipation in military operations as long as neither the U.N. nor a future European security structure rule this out.

One participant was of the opinion that since neutrality did not adhere to any political situation but it came to the fore in armed conflicts, "neutrality lost much of its meaning in Central Europe as East-West conflict faded away".

NON-ALIGNMENT

5. The idea of non-alignment developed from the concepts of "positive neturalism" and "positive peaceful coexistence". The original aim of the Non-Aligned Movement was rather anti-colonialistic and anti-imperialistic in nature, avoiding to be involved in the East-West confrontation. In this respect, one participant asked whether there was a need to examine the nature of non-alignment: whether non-alignment was an East-West confrontation derivative.

Then the Non-Aligned Movement attempted to bridge the gap between rich and poor in international economic relations and to improve the members' economic status. This economic dimensions of the Non-Aligned Movement should survive the end of the Cold War. The general feeling among the participants was that such pursuance might lead to a fusion of the Non-Aligned Movement with the Group of 77 although such a development is being resisted by countries which are members of the latter but have not joined the Non-Aligned Movement.

Referring to the Yugoslavian experience, a participant explained that in his country, the concept of non-alignment was adopted as the political framework for its foreign policy which was a policy of active non-alignment. Non-Alignment for Yugoslavia was adopted as a doctrine and eventually, it effected the policies of the country.

Indeed, the Non-Aligned Movement is not only a matter of concept and uniform rules but there exists a spirit of non-alignment that has attracted countries from all over the world. One speaker explained that although Rumania had been a member of Warsaw Treaty, it was also fully committed to this spirit and for that reason it was admitted with the status of a guest, within the Non-Alignment Movement.

The contribution of the Non-Aligned Movement to Liberation Movements was also highlighted.

The Non-Aligned Movement enhanced international status of liberation movements and supported their political platforms. It also provided untraditional diplomatic links for other international contacts; for example, the Arab League was paralysed both before and during the Gulf War and the Non-Aligned Movement, in absence of the Arab League's action, proposed certain solutions which were supported by many Arab countries. Also mentioned was the importance of economic as well as other kinds of cooperation among non-aligned-countries, most often within the framework of South-South cooperation.

Today, the Non-Aligned Movement groups more than 100 countries the majority of which are economically weak. More than ever, there is the need to discuss and determine the future of the non-aligned.

North-South divide

6. Neutral countries seem to belong to the North, enjoying a different economic situation from that which exists in the South, of which most of the non-aligned countries form part. Hence the conflicts of interest between the North and South.

Referring to Malta which is both neutral and non-aligned, it has been pointed out that Malta has been trying to play a positive role as a mediator between countries of the Northern and Southern shores of the Mediterranean basin. Whether she will be able to continue playing such a role once she is a full member of the European Community was seen as doubtful by several foreign participants.

Fundamental change

7. Neutral and the non-alignment philosophies have changed from time to time. In fact, there exists a very fundamental change in these philosophies. In the first stage, they completely refused any military relation with both the super powers. In the second stage, they accepted a kind of closed relation with one of the two superpowers. Finally they have reached a point where many of those countries participated in the super power alliance especially throughout the military conflicts scenarios.

Is there a future for neutrality and non-alignment?

8. As one expert put it, we can only speculate on various scenarios.

A. The Global Scene

- 1. The downfall of the Soviet Union has resulted in a loss of the balance of power. The Soviet Nuclear arsenal is still intact and does present a problem but with the economic dependence of the Soviet Union on the West, there is cooperation rather than confrontation.
- 2. The United States is the only power left for the time being. It is the only state capable of shouldering a massive operation like the one needed for the liberation of Kuwait. However the situation in Yugoslavia still illustrates a tendency in the U.S. of a disengagement in European Affairs.

To this, one must add the following questions. How long will the U.S. remain a world power, especially in view of its massive outstanding debts and how will the American public opinion react to these domestic repercussions? Will the European Community and Japan be tempted to compete with the U.S.? Or is a European Market Doctrine more likely to be successful, with the Community managing European affairs whilst the management of global affairs undertaken on a cooperation basis?

B. The European Scene

- 1. It seems that future conflicts will involve ethnic problems. One can see such a potential in Yugoslavia, Czechoslovakia and Hungary.
- 2. The problem is further compounded by the economic and social factor since the situation in the ex-Eastern European countries is precarious and politicians could be tempted to direct the attention of the population to ethnic minorities.
- 3. What is essential is an organisation designed to cover the whole of Europe. (Hence, a problem arises as to which part of the U.S.S.R. to include).
- 4. This organisation must be able to enforce collective security, protect fundamental human rights and minority rights and prevent civil strife. In this later concept there is the need to introduce **peace making** forces rather than peace-keeping forces because the latter presupposes peace, which is not always possible. Such an organisation must also cater for the economic and social development of Eastern Europe.
- 5. Unfortunately the United Nations is not the ideal organisation for this job and a reform of the U.N. is not really possible. The assistance of the U.S. is necessary and we cannot take such assistance for granted.
- 6. The economic organs of the U.N. cannot concentrate on the development of the Eastern European countries because of the problems faced by Third World Countries.

Thus we have the following prospective candidates:

1. The C.S.C.E.: This organisation is not the ideal one as illustrated by its weakness in managing the Yugoslav crisis. The consensus rule practically

undermines the effectiveness of the C.S.C.E. process whilst the lack of sanctions is another problem. Substitute sanctions like economic embargoes and world public opinion are present but their effectiveness is relative.

The economic and social problems are not envisaged.

2. N.A.T.O. and the W.E.U.: Both these organisations were created with the aim of collective self-defence in mind. This aim presupposes an outside aggression. Whether these organisations can now be reformed so as to deal with inside problems arising after the Eastern European countries have been absorbed is a moot point.

Obviously, no economic and social assistance programmes are envisaged under the statute of these organisations.

3. The E.C.: The Community is economically strong but politically weak. This can be determined from the various rebuffs it suffered during the Gulf War and in the Yugoslav crisis.

However, the high level of economic integration argues well for future political union. This could also lead to geographical expansion.

Here one must keep in mind that the draft for European Union proposes a system of collective self-defence rather than a system of collective security. All security matters would be referred to the W.E.U. and thus, whilst neutral status would be possible, a non-aligned status would not (since the W.E.U. is a military alliance).

Thus to conclude, the position of neutrality in present day Europe can be described in two consecutive stages: A) the **transitional period** and B) the **final scenario**.

A. The Transitional Period

For neutrals this period is characterised by the following features:

- 1. East-West conflict has disappeared. Future conflicts will probably have an ethnic component and may be international or national in character.
- 2. The prevention / termination of such conflicts by a collective security system is doubtful. The U.N. is restricted by the reservation of domestic jurisdiction and by the necessity of sufficient interest on the part of the U.S.
- 3. No realistic prospect that a European Security System will materialise in the real future seems to exist.
- 4. In this transitional period, if the neutrals wish to maintain a basic level of security, joining a military alliance would seem to be the only alternative, but such a reversal of policy might lead to serious domestic difficulties.
- 5. From one that lacks a balance of power in Europe and in the World to a growing economic independence on the E.C., the neutrals' ability to practice an independent neutral policy will be severely limited (so as to avoid isolation).

6. If the neutrals joined the EC / European Union, the situation would not change radically. Participation would imply a chance to influence decisions but there would be no compulsion to participate in military operations.

B. The Final Scenario

- 1. The situation would radically change if the end result is the establishment of an all-European organisation of collective security. Should this happen, neutrality would not only lose its function as a security strategy but could become a rather dangerous policy, leading into isolation.
- 2. Depending on the mandate of this organisation, neutrality may or may not be possible in out-of-Europe conflicts. One may suppose, however, that the economic, political and security interdependence of the "neutrals" with the rest of Europe, will then presumably have raised the concurrance of interest to a level where neutrality will no longer be an option.

9. With reference to the future of the Non-Aligned Movement one of the participants, comparing declarations of the Non-Aligned Movement issued at Belgrade in 1989 and at Accra in 1991, stressed the difference between them with regards to the perception of the world political situation.

The Belgrade declaration pointed out – as a reflection of optimism of that time – the need for changes in the movement towards taking an important role in forthcoming multipolar world structure.

However in Accra this year, it was noted that there are some tendencies towards unipolar world which could affect to a large extent, the position of non-aligned countries. These differences are a reflection of changes which have happened in the world in the last two years.

10. What options are available for the future Non-Aligned Movement? A participant believed that it would continue "as a multi-issue movement, as it has done in the past, and taking new issues or concentrating on issue-oriented groups (ad hoc groups) for example on environmental." He opined that the role of regional groups would be strong; "Third World countries need at least the Non-Aligned Movement as a club or as an umbrella". The Non-Aligned Movement could serve as a Third World *think-tank* to discuss and seek ways for the various problems. Indeed, political pluralism, the environments and human rights are amongst new subjects on the Non-Aligned Movement's agenda.

Since both the Non-Aligned Movement and the Group of 77 are faced with a crisis of identity, the idea of merging them could be plausable. However even the question of finding a common denominator for the members of this proposed creation would complicate matters; there would be countries whose GNP is very high whilst the GNP of other countries would be rating extremely low.

CONCLUSIONS OF THE COLLOQUIUM

A. Neutrality

- 1. The Colloquium found that at present it is difficult to make any precise forecasting of the future evolution of the concept of neutrality. But it also found that one can imagine a limited number of likely scenarios and that with regard to these scenarios, it is possible to predict what the future of neutrality would be.
- 2. Whatever scenario one considers, neutrality in the case of mandatory economic sanctions by the UN Security Council is no longer possible. The same is likely to be true of the decisions of the European Community.
- 3. The Colloquium further found that there may still be a situation where neutrality can be practised in the military sense. During a transitory period, whose length is difficult to determine, it is most likely that the permanently and / or traditionally neutral States of Europe are better off practising neutrality rather than joining a military arrangement with non-neutral States.
- 4. In the longer run, should the European Community become fully integrated in political and security matters, neutrality and membershing would no longer be compatible.

B. Non-alignment

- 1. The Colloquium held that the original intentions behind the formation of the Non-Aligned Movement in 1961 have undergone some change, and the concept itself of 'non-alignment' (Tito), 'positive neutralism' (Nasser) or 'positive peaceful coexistence' (Nehru) is dynamic tather than static. This is so especially in the light of the radical changes that have taken place in the world since 1961 in general and since 1989 in particular.
- 2. In view of the end of the Cold War and the decline in importance of the post-colonial context, two of the original concerns of the Movement have declined or disappeared, but the concern with economic development and other aspects of internal and external relations remains and needs to be addressed. These changes have resulted in the need to emphasise not only the political-ideological postures but also the socio-economic ones such as democratisation, multi-party systems, respect of human rights, development and environmental issues. This may need an adjustment in the **Non-Aligned Movement's**'s orientation that allows it to consider internal affairs of its members by offering guidelines to improve their conditions.
- 3. Given the Non-Aligned Movement's NAM's declarations at Belgrade in 1989 and Accra in 1991, it is clear that the Movement itself is conscious of an identity crisis and of the need to reorient its raison d'être. Its modus operandi also needs improving and updating so that it would become more business-like, if necessary including political stands being taken about

internal affairs of member states when these go against the fundamental beliefs of the movement itself. A change of name is not called for at this transitional and rather uncertain stage in international relations, especially because Non-Aligned Movement has an important role to play in South-South co-operation, and when the movement itself is undergoing an exercise to respond effectively to the new challenges.

- 4. Perhaps the Movement's greatest achievement has been to act as an influential force in the United Nations, as well as to offer its good offices among member States and to refuse being pressurized out of existence by the superpowers. It should now adjust to the new role the United Nations is likely to play in the future. It could become a 'think-tank' for the Third World.
- 5. The re-defined and re-oriented Movement could indicate its readiness to ensure a consistent implementation of United Nations resolutions, participate more readily in peace-making and peace-keeping roles and in acting as a monitory force for peace and cooperation in the world. There was also agreement that disarmament and peaceful settlement of regional conflicts should be encouraged.

Participants

Profs. David J. Attard (Malta), Profs. Rafaa Ben Achour (Tunis), Mr. Anthony Borg (Malta), Mr. Saviour Borg (Malta), Miss Jennifer Cassingena (Malta), Profs. Philippe Chapal (France), Profs. Ludwik Dembinski (Switzerland), Ambassador Dr. Mokhtar El Gammal (Egypt), Dr. Dominic Fenech (Malta), Profs. Henry Frendo (Malta), Profs. Dietrich Kappeler, Ambassador Winfried Lang (Austria), Ambassador K.P. Rama Iyer, High Commissioner of India (Malta), Hon. Dr. Alex Sceberras Trigona, M.P., (Malta), Profs. Dietrich Schindler (Switzerland), Dr. Mostafa Elwi Seif (Egypt), Profs. Jerzy Sztucki (Sweden), Mrs. Noha Tadrous, Ambassador of Palestine (Malta), Mr. Michael A. Tanti (Malta), Mr. Tarcisio Zammit (Malta) and Profs. Karl Zemanek (Austria).

Students for the Master in Diplomacy

Mr. Mounir El Sheikh Alaa (Egypt), Mr. Kaies Ben Aissa (Tunisia), Mr. Savo Djurica (Yugoslavia), Mr. Maher Abdel Rahman Dokhan (Palestine), Mr. Petru Dumitriu (Rumania), Mr. Ilir Gjoni (Albania), Mr. John Paul Grech (Malta), Mr. Goran Gvozdenovic (Yugoslavia), Mr. Marwan Jilani (Palestine), Mr. Jovan M. Kurbalija (Yugoslavia), Mr. Jesmond Schembri (Malta), Mr. Said Khalil Usama (Egypt) and Mr. Petar Vico (Yugoslavia).

Maltese Students for the Diploma in Diplomatic Studies

Mr. Lawrence M. Galea, Mr. Joseph Gauci, Mr. Bernard Hamilton, 'Mr. Pierre Mallia, Mr. Mark Miceli-Farrugia, Mr. Paul Mifsud, Miss Nives Saliba and Mrs. Sarah Sammut.

Rapporteurs

Miss Jennifer Cassingena and Mr. Michael A. Tanti.

Secretariat

Miss Anne-Marie Scicluna and Miss Romina Tabone.

Michael A. Tanti B.A., B.Ed.(Hons), Dip.Not.Pub. has been Editor of ID-DRITT Law Journal since 1988. He was President of the Law Society - University of Malta (1987 - 88). He is currently a fifth year law student at the University of Malta.