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1949 ANNUAL REVIEW OF UNITED NATIONS AFFAIRS

New York University Graduate Program of Studies
in United Nations and World Affairs
in co-operation with
the Department of Public Information of the United Nations

1949

ANNUAL REVIEW OF

United Nations Affairs

Edited by

CLYDE EAGLETON

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Studies in United Nations and World Affairs,

New York University

NEW YORK UNIVERSITY PRESS • WASHINGTON SQUARE • NEW YORK

LONDON: GEOFFREY CUMBERLEGE • OXFORD UNIVERSITY PRESS

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PRINTED IN THE UNITED STATES OF AMERICA

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Foreword

IT IS a pleasure for me to welcome this book which contains the proceedings of the first New York University Institute for Annual Review of the United Nations.

Since the beginning of its work in the New York area the United Nations has had the close co-operation of New York University as the medium through which many important scholars and educators have visited the Interim Headquarters and have learned at firsthand what goes on here. It is therefore fitting that this Institute for Annual Review should have been established by that University as a regular part of its Program of Graduate Studies in United Nations and World Affairs. Particular thanks are due to Professor Clyde Eagleton for conceiving and developing the idea.

It must be admitted by all that the future of the United Nations rests more fully in the hands of educators than in those of any other group. The coming generations must be made aware of the United Nations, the possibility of a better world inherent in it, and the great responsibility that rests on every individual to make it succeed. We, of the Department of Public Information, cannot carry on the task unaided. We cannot reach the youth of all the world ourselves. We must depend upon those who teach them and those who plan their education. We therefore welcome the establishment at New York University of a special unit of graduate studies concerning the United Nations.

The publication of the lectures and discussions of this Institute should serve to spread the information to those many persons interested in the United Nations who are unable to attend the Institute itself. In doing so it will fill a most urgent need and it is my earnest hope that it will receive the wide acclaim it deserves and will be continued throughout the years ahead.

BENJAMIN COHEN,
Assistant Secretary General,
Department of Public Information,
United Nations

December 16, 1949

Preface

AS PART of its activities, the Graduate Program of Studies in United Nations and World Affairs at New York University holds an Institute for Annual Review of United Nations Affairs. Its purpose is to offer to persons with some knowledge of the United Nations a survey of its work during the preceding year.

From July 18 to 22, 1949, the first Institute for Annual Review of United Nations Affairs was held. It had the generous co-operation of the United Nations, which was interested in the Institute as a matter of public education and in the publication of its proceedings in the form of a book which could be regarded as providing an annual survey of the work of the United Nations.

The present book consists of the proceedings of that Institute, and the program of the Institute is in fact the table of contents of this book. It is hoped that it will serve as a compact, analytical, and critical companion to the larger descriptive and documentary *United Nations Yearbook* which is, of course, invaluable for students of the United Nations.

Practically all the speakers at the Institute were officials, and most of them United Nations officials. There are, of course, limitations upon official utterance, and a panel of experts was provided to lead discussion, to raise points of criticism or inquiry, and to provide additional information. The experience of the first Institute leads us to believe that it would be desirable to provide more time for such discussion than was available this year. It should be noted also that the officials who were kind enough to prepare addresses did not purport to speak officially for the United Nations but rather gave authoritative surveys from their own viewpoints.

Evening sessions were held at New York University and day-time sessions at Lake Success. This arrangement, and indeed the Institute, was made possible through the kind co-operation of Dr. Benjamin Cohen, Assistant Secretary-General in charge of the Department of Public Information. We owe particular thanks for the heavy work done by Dr. William Agar and Mrs. Janet Salamanca and Miss Jane Weidlund of that Department in arranging the program. And we renew here our thanks to the various speakers for their participation in the Institute and hope that the use of this book will be sufficient to justify the time and effort spent by them.

CLYDE EAGLETON

The United Nations

Appraisal and Forecast

A. H. Feller

General Counsel and Director of the United Nations Legal Department

DURING the year 1948 more than four thousand meetings of organs of the United Nations were held in Lake Success, Paris, and Geneva. Add the meetings in the Far East, Latin America, and elsewhere, add the meetings of the specialized agencies of the United Nations, and the figure climbs into the many, many thousands. All indications are that in 1949 the number of meetings will be even more.

There are many people to whom these figures would, or should, come as a distinct shock. These are the people who have heard over and over again that the United Nations is dead or, at any rate, a failure, washed-up, and impotent. Why should the nations of the world, in a time when hard money is so scarce and troubles so plentiful, send their representatives around the globe to spend so much time with a moribund institution?

The answer is simple: The United Nations is alive, growing, and above all indispensable.

It is true that the United Nations has not yet become what its founders envisaged at San Francisco. While they knew that the wartime coalition of the Great Powers was not likely to continue unimpaired, they proceeded on the assumption that some semblance of unity would be preserved, that peace with Germany and Japan would soon be made, and that the United Nations would be free to develop in an atmosphere of relative calm. None of these assumptions has proved valid. On the contrary, instead of unity and calm we have lived in a bitter conflict of ideologies and interests and in a state of world-wide tension.

If the basic conception of San Francisco, the conception of the necessity of a world-wide international organization to ensure international peace and economic and social progress, had been invalid, then the United Nations would long since have foundered. It survives because the very conflicts and tensions which make its existence difficult demonstrate that it must survive and grow or the world will founder with it.

The United Nations system is a complicated one; it has numerous features which have been hotly debated: the rule of sovereign equality, the Great Power veto, the distribution of functions between the General Assembly and the Security Council, and in the economic and social fields between the central organization and the specialized agencies.

There are, however, three salient features that are the sources of its strength and the expression of its essential necessity for the world:

Global membership. Fifty-nine nations are members of its central organization and 13 others seek admission; it comprises every kind of political, ideological, and economic society.

Interrelationship of world problems. It can and does deal with every problem of an international character, whether it be the threat of war, the incidence of tuberculosis or illiteracy, the lack of housing, the fostering of human rights, the protection of dependent peoples, or the improvement of the gathering of statistics.

Continuity of effort. The United Nations is on the job every day and every hour; it keeps working at its problems big and little; almost never has it confessed failure; almost never has it refused to grapple with a world problem with which it has had authority to deal.

The most controversial and troubled phase of the work of the United Nations has been in the maintenance of international peace and security, and it is here that its vitality and shortcomings can best be judged. It is in this connection that the notion of the impotence of the organization gained currency among so many people. Time and experience are now beginning to give us perspective; we are ready, I believe, for a sort of interim stock-taking of what the United Nations can and cannot do in the world as it is today.

The Security Council dealt with the presence of Soviet troops in Iran and British and French troops in Lebanon and Syria. The Council was unable to make final decisions, but the moral force of world opinion was behind its deliberations, and today there are no foreign troops in Iran or in Lebanon or Syria.

The Security Council dealt with the Corfu Channel dispute between Albania and Britain. It did not solve the dispute directly, but through its recommendations the International Court of Justice disposed of it through a legal decision.

The Security Council had many a troubled meeting over the question of Indonesia, but its commission kept at the problem with patience and tenacity, and now the question appears well on the way to a just and peaceful solution.

The Security Council has worked long over the problem of Kashmir and the terrible strife between Pakistan and India. The problem is still not settled, but fighting has long since ceased and the slow process of final peacemaking goes on.

The General Assembly and the Security Council labored on the problem of Palestine. There was much criticism of indecision and inconsistency; crises appeared and reappeared. The problem is still not finally settled, but the new state of Israel sits with the nations of the world and a web of armistice agreements holds the peace under the aegis of the United Nations.

These are measureable, perhaps even monumental, achievements for a young organization working under the handicaps of contemporary international life. They demonstrate that, despite the existence of the veto, the system of pacific settlement provided in the Charter is viable. They demonstrate the potency of the voice of international conscience that is embodied in the United Nations. The exact details of the machinery for peaceful settlement were not important. In one case the Court was called upon, in another the Assembly appointed a single individual as mediator reporting to the Council, in other cases commissions composed of governmental representatives worked on the problem.

There was one detail of procedure which proved to be of considerable significance in several of the cases: the tacit agreement that abstention by a permanent member of the Council does not constitute a veto. Lawyers can dispute the strict consistency of this interpretation with the language of Article 27, but it is a fortunate circumstance for the world that it has become firmly embodied in the constitutional practice of the United Nations.

The lesson which these successful efforts teach is more than a lesson in procedure; they show that, whatever the procedure, the essential thing is to keep working. Pacific settlement can only occasionally be achieved by a quasi-judicial judgment handed down by the Security Council after a hearing around the table. Much oftener it needs painstaking scrutiny on the ground, careful, patient, and long-drawn-out negotiations with the parties. Above all, contact between the parties and with the international organization must never be permitted to be broken irrevocably.

These lessons appear also from cases that cannot be called undoubted successes of the United Nations, such as the Greek, Korean, and Berlin questions. These are all cases directly involving the central East-West conflict. The first two are still unsolved, although the intervention of the General Assembly commissions and their constant labors have certainly been an influence in these areas. The Berlin question is perhaps the best illustration of both the scope and limitations of the United Nations machinery and idea

when called upon to deal with a grave and exceedingly dangerous problem.

Here the only resolution on which a majority of the Security Council was able to unite was vetoed by the Soviet Union. Yet the debate in the Council brought the problem from the semidarkness of bilateral negotiation to the light of general international concern. Despite the veto in the Council, the General Assembly was able to secure unanimity for a call to the Great Powers to compose their differences, and the President of the Assembly and the Secretary-General issued a specific appeal under this resolution. The President of the Security Council set up a committee comprising the so-called neutral members of the Council and a representative of the Secretary-General, which over a period of months made a careful study of the currency problem in Berlin. It is true that the final lifting of the blockade was agreed upon outside the United Nations and that the air lift was a prime factor in bringing that about. But it was no casual accident that the decisive conversations were initiated between the Soviet and American delegates to the Security Council and that they began on United Nations premises.

This then is the lesson of Berlin: So long as the Great Powers are deadlocked, the Security Council cannot coerce one or the other into a settlement; when the possibility of agreement exists, the United Nations machinery can focus the attention of the world and provide the way to work out the settlement; above all, the constant application of the principles of conciliation embodied in the Charter can operate to prevent the irrevocable and disastrous rupture of negotiations.

While the United Nations has been able to keep the peace in many corners of the world despite the East-West conflict, that conflict has obviously affected and impeded many facets of the organization's work. Most serious have been the failures to achieve agreement on the control of atomic energy, disarmament, and the creation of armed forces under Article 43 to enforce the decisions of the Security Council. These are real and bitter failures, and the United Nations system will never be complete until these measures have been achieved.

Probably only a few of the delegates at San Francisco could foresee the extraordinary development of the General Assembly. When Senator Vandenberg christened it the "town meeting of the world" it seemed that he had assigned to it a most worthy and difficult role. In a short three years the Assembly has already surpassed and outgrown this fond designation. The size and variety of its agendas have been amazing. The quality of representation (Spaak, Aranha, Arce, and Evatt, to mention only the presidents) has been and remains on a high level. Although it has no power to enact

legislation or make decisions binding upon governments, it is evident that even the most powerful governments consider it an indispensable forum for the debate and consideration of international problems. Indeed the problem now is not whether nations will abstain from bringing matters to the Assembly but how to reduce the number of matters which it is called upon to consider and to shorten the debates.

Not everything the Assembly considers is of vital importance; it must of necessity spend much time on housekeeping details. Yet it has not evaded the most difficult problems. It has dealt with Palestine, Greece, Korea, the world food shortage in 1946, refugees, human rights, the freedom of news transmission, the regulation of armaments, atomic energy, the veto, the fate of the Italian colonies, and dozens of other knotty issues.

There were some who thought that the Charter had set up a grandiose elocution society and that all we would get from the Assembly's rostrum would be a series of windy and eloquent generalities. That certainly has not happened; the speeches may often be too long and repetitious but they are about real things and serious controversies. Moreover, the Assembly has shown itself capable of making decisions on the most intricate matters. Whether one agrees with them or not, the scope and detail of its resolutions on such matters as Palestine, genocide, the Universal Declaration of Human Rights, and refugees are impressive examples of its legislative efficiency.

The Assembly has been a great educational experience, both for the public and for statesmen. It has operated in the open through the traditional democratic processes of debate and compromise. The influence of the Great Powers has not been negligible, but they have not run the Assembly. If this is not quite the international parliament of man, it is something more than a town meeting. Nothing exactly like it has appeared in world history; even the Assembly of the League of Nations was only a shadowy forerunner. There is every indication that the influence and standing of this new world forum will continue to increase.

The Economic and Social Council has also had an active history, influenced also by conditions that were only dimly foreseen when the Charter was written. Not only has this Council work been impeded by the Great Power conflict, it has had to strive for economic stabilization and development at a time when world economic life has been dominated by an overriding problem—the shortage of dollar exchange. Since the United Nations could not possibly command the means to alleviate this shortage, its own economic activities of necessity played a subordinate part. Nonetheless, what has already been done, despite these hardships, by the Council, the Secretariat, and the specialized agencies gives fair promise that, once the imme-

diate postwar problems have been mastered, the international economic agencies will contribute enormously toward maintaining stability and giving impetus to further development.

One can only pick a few specimens out of an immense catalogue: the Annual Economic Surveys prepared by the Secretariat's Department of Economic Affairs, rapidly becoming the standard for over-all analysis of economic trends; the highly practical and ingenious work of the industry committees of the Economic Commissions for Europe and that organization's arduous efforts to restore East-West trade; the rationalization of international statistics; the beginning of large-scale lending by the World Bank; the man-power programs of the International Labor Organization; the far-reaching programs for the restoration of land transport in Europe; the agricultural and nutritional programs of the Food and Agriculture Organization; the starting of regional economic analysis through the Commissions for Latin America and the Far East; the drafting of the Havana Charter and the preparatory work for the International Trade Organization. These are only a sample of the intense, far-reaching, and continuous work which the United Nations system has undertaken in the economic field.

Now these agencies stand before a new opportunity in the projected program of technical assistance for underdeveloped areas. For the first time a co-ordinated effort of international agencies and national governments will tackle the problem of bringing the knowledge and technique of the whole world together for the development of those parts of the earth where the resources of nature have not been put at the service of man.

It is this program which reveals in acute form one of the internal problems of the United Nations system: that of the co-ordination of the specialized agencies with each other and with the central organization. The authors of the Charter deliberately chose to leave the operational tasks to autonomous agencies brought into relationship with the Economic and Social Council by individual agreements. Some progress has been made in co-ordinating aspects of the work of these agencies. No one, I believe, will claim that the problem has been solved. The forthcoming program of technical assistance will furnish the real test of the ability of all parts of the United Nations system to function together smoothly and efficiently.

In the multifarious fields of social endeavor, the United Nations system has built solidly on the foundation of previous international achievement. The international control of narcotics still remains a model of effective world-wide co-operation, and the United Nations has strengthened it. International effort to combat other social evils makes gradual headway. The refugee problem, unbelievably greater than that after the First World War, yields to constant international effort, although remnants of it will be with

us for years to come. UNESCO is solidifying its organization to eradicate illiteracy and enlarge the cultural horizon of men everywhere.

Much of the work of the United Nations can only proceed through slow evolution. This is particularly true of the provisions of the Charter relating to dependent peoples. The Trusteeship Council's functions have been crystallized by the trusteeship agreements approved by the General Assembly. The Council is now engaged in the painstaking analysis of reports and surveillance of the administration of the trust territories. Their inhabitants are the special concern of the international community, and the record will show that the United Nations is fulfilling its responsibilities toward them.

All these are the specific activities to deal with concrete international problems; taken together they mark the continual striving for effective world organization and world community. The authors of the Charter knew, however, that these could not stand alone, that they must be buttressed with a structure of world law. This all-important goal the United Nations is also pursuing with steady and practical purpose. Its great achievement to date has been the Universal Declaration of Human Rights, which while not a binding enactment was proclaimed without dissenting vote as a standard of achievement for all nations and peoples. The process of ratification of the Convention on Genocide has begun; a draft covenant on human rights is now before the Economic and Social Council.

A long-term process of codifying international law is well under way through the International Law Commission set up by the General Assembly. The Commission has already completed a draft declaration on the rights and duties of states. Preparatory work is under way on such diverse subjects as the principles applied in the Nuremberg trials, the law of treaties, and the regime of the high seas.

The International Court of Justice, the principal judicial organ of the world community, is also at work enlarging and strengthening the rule of law. In the Corfu Channel case it laid down important principles of state responsibility. In the advisory opinion on reparations for injuries incurred in the service of the United Nations it upheld the international personality of the United Nations and gave it a firm standing to invoke rights under international law necessary for the fulfillment of its functions.

Thus the United Nations builds the mansions of world organization, world community, and world law stone by stone. It has no magic formula that can cause these walls to rise in a twinkling of an eye. It deals with hard facts in a hard world in which progress can only be made by hard and backbreaking work.

It is a strange paradox that these very virtues are the source of much of

he doubts which have been aroused in the public's mind. A group of scholars drawing up an ideal world constitution and having no responsibility for concrete tasks can promulgate what they want. A United Nations council or commission must deal with actual problems and must seek workable and acceptable solutions. Its operations are under constant public observation and criticism. Even temporary setbacks (as in some phases of the Palestine and Indonesia questions) may make spectacular headlines and lead to exaggerated impressions of failure. Much of the work, as in the economic and social fields and in the realm of world law, is devoted to slow evolution over the years. It is hard for an impatient public in a troubled world to see the significance of these efforts when so many quick and radical remedies for all our ills are proclaimed daily.

I have stressed the basic features of the United Nations system: global membership, interrelation of international problems, and continuity of effort. These are the features that distinguish it particularly from regional arrangements or temporary instruments of international co-operation. In the United Nations, Cuba has a vote on the treatment of Indians in South Africa, and Lebanon has a vote on the report of the Economic Commission for Latin America. The world is looked upon as an essential unit, and all nations have their say on problems of international concern.

Regional arrangements have a definite utility and the Charter makes a specific place for them. No regional arrangement, however, can substitute for the United Nations because by its very nature no regional arrangement could furnish the basic features that a universal organization alone comprehends.

A single example will suffice. When the United Nations deals with Palestine, it can take action not only on the political aspects, it can also deal with the emergency case of refugees, and eventually it can look forward to stimulating through the technical-assistance program the economic development of the Middle Eastern region. In its political decisions it has the moral backing of the whole world, not only the Great Powers or the directly interested parties. In its social and economic activities it can bring together ideas and talents from everywhere.

The United Nations system is still incomplete and it has not yet been able to display its full potentialities. It will not be able to do that until the basic political conflict between East and West is substantially lessened and the peace treaties have been concluded. No one is under any illusion that the United Nations can settle that conflict. By keeping the parties together, by focusing the attention of the peoples of the world, by devoting itself to specific situations that it can resolve, the United Nations

is contributing to the lessening of tension and is preparing the ground for eventual political stabilization.

Four years is no more than a moment in world history, much too short a moment in which to reach a judgment valid for centuries to come on so complex an issue. Yet we have learned several things from the specially difficult circumstances of these years.

We have learned that, while the United Nations depends upon its Member nations for its powers, its resources, and its personnel, the Member nations depend upon the United Nations.

We have learned that while the United Nations is no universal panacea and while it has definite limitations, it has a tremendous scope for effective action.

We have learned that, in the present state of affairs, the United Nations is the only organization capable of giving at least a modicum of order to world affairs, and that any future development toward a stronger international order must be firmly based on its structure and experience.

We have learned that the United Nations is here to stay.

Discussion

MR. EAGLETON remarked that the speech brought out a point which he has often suggested: that the United Nations is developing as a political organ rather than a legal organ and that its success has been of a political order. MR. PAPANEK asked if there were any chance for the United Nations to become truly universal without amending the Charter. He went on to point out that there were several states fulfilling the conditions of Article 4 of the Charter regarding membership which had not been admitted. Could the interpretation of the Charter be extended in such a way that they could be admitted? MR. FELLER thought the United Nations should be universal, but he did not think, as a legal consideration, that improvement with regard to admission of states could be made short of amending the Charter. The pressure of world opinion would eventually lead to the admission of states that wanted to enter the organization. He noted that the Soviet Union is now supporting the position that, if all the applicant states were taken in together, it would vote for them. There is some movement, he thought, in the direction of the breaking down of resistance on the part of certain states. MR. CHAMBERLIN pointed out that the United States position on membership was vetoed by the U.S.S.R. and that later, when the same position was advanced by the U.S.S.R., the United States vetoed it. MR. PAPANEK pointed out that there was a slight difference because the United States had the majority support of the Security Council; so there was no real veto. MR. MASLAND suggested that all this illustrated how the United Nations has become a political agency concerned with the political atmosphere.

MR. VAN WAGENEN was interested in the emphasis on conciliation as

one of the most important functions of the United Nations, and asked whether the restoration of the General Act of September 26, 1928, to its original efficacy would help to strengthen this function of the United Nations. MR. FELLER replied that the General Act would bind only those states adhering to it. He pointed out that there is no way at all to impose on states a system of conciliation they do not want. He stressed the point that, if two states are in dispute, and if they want to settle that dispute and want to compromise, they do not need an elaborate system of conciliation; the real problem of pacific settlement is the problem of two states that do not really want to come to the United Nations, but are influenced by public opinion to do so. The machinery of the United Nations can be effective because no state deliberately wants to flout the Security Council, and because the machinery of the United Nations as it exists never lets go of the disputants. As an example he cited the India-Pakistan case. It was brought to the Security Council by India, which thought that it had a good case but was surprised at the strength of the case made by Pakistan. Judging from the Indian press there were moments when it was critical of the Indian Government for having taken the matter to the Security Council. A commission was appointed, which is proposing solutions, and, if one plan is not acceptable, another is proposed, and so on. This is the type of pacific settlement we have under the Security Council.

MR. PAPANEK wondered if there would be greater chance of achieving positive results if in all cases the Secretariat of the United Nations were more dynamic. He felt that in the Palestine case the Secretariat had worked at full speed, but that in other cases it had been passive. He asked if it would not be possible for the Secretariat to swing many a case, and win over Members by positive action that would carry public opinion.

MR. MASLAND referred to Mr. Feller's statement regarding the successful role of the United Nations in various disputes and asked whether it was not true that it was a new stabilizing force, working both internally and externally, which had brought these nations to the point of wanting a settlement. He asked what specifically the United Nations had been able to do that the nations, given this stabilization, would not have been able to do themselves. MR. FELLER replied that in internal domestic systems a judgment handed down by the central authority of the community can be applied and can change things whether the people want it or not; but in world affairs, given the state system of sovereignty, what the international organization does is to operate to bring about a solution in terms of the disposition of force among the disputants. As an example, he cited Palestine: if the Israeli army had not been so efficient, the situation would be very different from what it is today. Again, in connection with the Berlin case, if it had not been for the air lift, it would not have been solved as it was. An international organization is not the only determining factor. The United Nations represents the ability of the international community to influence a decision, to hasten it, and to try to turn it into just channels, but it cannot of itself actually solve the problem. Its influence varies from situation

to situation. He supposed that if it had not been for the United Nations the Indonesian situation would have been different; and had it not been for the existence of the United Nations, the Jammu and Kashmir states would have acceded to India. Each case must be judged separately. If you are dealing with nations powerful enough to stand out against the force of international opinion, the United Nations is not going to stop them and nobody has thought of a way to stop them.

A gentleman in the audience referred to Clair Wilcox's new book, which he quoted as saying that provisions of the I.T.O. Charter provide that disputes can be taken to the International Court of Justice, and that this will probably be the first instance of its type in international law. MR. FELLER said he thought this was a little exaggerated. What the I.T.O. system will do, he pointed out, is to regularize certain matters. It will have considerable influence in a field in which there is not the same impact of political influence and pressure as in certain other cases. MR. EAGLETON interjected that the novelty of this would be in the field to which it applies. But MR. FELLER felt that the novelty is more than that: the fact is that the Court is given the power to review decisions of the organization rather than of interpreting the Charter, even as the special courts in the United States review actions of the government.

MR. PAPANEK said Mr. Feller emphasized the point of continuity. He had no doubt that there is continuous work going on in the United Nations, but he wondered whether there would not be greater chance for positive achievement if there were to be a continuous General Assembly. At San Francisco it was not conceived to be that type of organ—the day it closed its meeting, it would have nothing to do until the next session. That is one of the shortcomings of the Charter as shown by the development of the Little Assembly, even with its limited functions. Last year, in fact, it did continue; it adjourned in Paris and it had its second part in New York. MR. FELLER pointed out that it is a favorite topic at the United Nations that the Assembly meetings are too long, but he did not believe it would be too much to have two sessions. In a sense it would give better continuity to the Assembly. He said that in the General Assembly it was considered that there should be stationed in Korea and in the Balkans an all-year-round watchdog commission, and in a sense this shows an increasing tendency to establish committees that continue between the sessions. Other such committees were those on the United Nations Guard and on procedures of the General Assembly. In regard to whether a continuous sitting of the General Assembly would contributue to the stabilizing of world affairs, he thought it would if it were at all possible to have it sit continually. But if you tried to extend it throughout the year you would lose the influence of the important figures who attend the Assembly's sessions. MR. CHAMBERLIN interjected that at Dumbarton Oaks the American delegation felt the General Assembly should be in permanent session as was the United States Congress, but the British delegation thought that was not feasible. He pointed out that

the present Charter is a compromise between those two views, in that the Security Council is in continuous session while the Assembly sits in annual sessions. MR. FELLER remarked the Assembly had had two meetings so far every year and that it would probably continue to have two meetings.

A member of the audience asked Mr. Papanek, as a member of the Committee on Administrative and Budgetary Questions, whether the United Nations was growing ever larger and whether the Member states were as enthusiastic in making their contributions as at first. MR. PAPANEK said that every Member pays its dues. Contributions for 1948 were paid up to 95 per cent. He pointed out that for 1949, however, it was different because many of the Member states had their fiscal year ending in June or July, and they would have to wait for the adoption of their national budgets to be able to pay. He said that was why a special working capital fund of $20,000,000 had been put at the disposal of the United Nations, so that whenever the contributions were not paid the United Nations could be financed from this fund. He pointed out that even with the difficulty of getting dollars all Members found enough dollars to pay the United Nations. So far as the specialized agencies were concerned, the Soviet Union had not joined any, except the World Health Organization, and about three or four months ago it withdrew from this organization. MR. EAGLETON interjected that he believed the question was: "Do the Members pay enough?" The questioner commented that the United States was threatening to reduce the percentage it pays to 33⅓. MR. EAGLETON stated that the position taken by the United States is that no one nation should bear such a large per cent of the budget as to endanger the independence of the organization. MR. PAPANEK said that the functions of the United Nations are increasing, and naturally the budget has to grow with it. He stated that when there is one Member paying as much as the United States, naturally it carries greater influence. When discussing the problems of personnel, it is surprising how states emphasize that they should have a specific percentage in the Secretariat. MR. EAGLETON remarked that the contributions resolution is interesting from the point of view of the constitutional law of the United Nations, because it is the only case under the Charter outside the Security Council in which the United Nations has the authority to bind a Member nation without its consent.

A member of the audience said that he thought a lot of bloodshed would have been averted in Israel if the United Nations had sent a small force to that area, and that, if it were possible to have an international police force, a lot of bloodshed would be averted in many cases. He said he thought education should be emphasized and that an international flag and an international emblem should be used. In the long run, he felt, through education more and more co-operation would be brought about. MR. FELLER agreed it was a failure that the armed forces had not been created, but he pointed out that in the emphasis so far on pacific settlement it was easy to gloss over the fact that the Charter does provide for an armed force and thus is a distinct advance over the League

of Nations. He said he had never been of the opinion that the creation of these armed forces, or the conclusion of the agreements under Article 43 of the Charter, was a matter of such difficulty that it should be placed in the same category as atomic energy. It involves no interference with national sovereignty, and he believed that a real good push from public opinion would make it succeed. MR. PAPANEK interjected that the Commission for Conventional Armaments was the most passive organ in the United Nations.

A gentleman from the audience stated that nations have a tendency not to solve their problems according to moral principles and that the selfish interests of the various states seemed to predominate. MR. FELLER said he did not believe that you could get any political organization anywhere that would act solely on moral principles. It is a sign of vitality that the organization does have some of the aspects of actual political life. Many people in drawing up constitutions for a world government spend much time arguing how to arrange for representation of actual political power of states because they cannot conceive of the idea of one state, one vote.

MR. EAGLETON wondered whether people had been propagandized at San Francisco to believe that the United Nations was to be a more powerful organization than it really is. MR. PAPANEK said that in his opinion the main weakness of the United Nations, so far as public opinion is concerned, is that it is generally believed the United Nations was to have prepared the peace. That is not the fact, however, for the peace was to have been concluded outside the United Nations, and the United Nations is only to enforce the peace to make it continuing and lasting. It is generally felt that the United Nations has failed because the peace treaties have not been concluded, but they are not within the competence of the United Nations. He suggested that perhaps the concluding of the peace treaties might eventually come under the jurisdiction of the United Nations, but emphasized that it is not so now.

MR. CHAMBERLIN thought the Department of State could arouse the people to any type of organization it wanted to. He said it had done a wonderful selling job on the Dumbarton Oaks proposals; it had printed many documents and had distributed them widely, and many people thought that the United Nations was an organization to take care of all these things that were referred to. He thought it was a great mistake to make the people believe that the United Nations was such a powerful organization.

A lady from the audience stated that from the citizen's point of view the Department of State gave the people a chance to judge the Dumbarton Oaks proposals, and that she wanted to come to the defense of the Department of State in that it was a good educational job rather than a good selling job. She felt there ought to be more of that sort of thing going on. MR. FELLER stated that on this matter of selling it is quite true there were certain things not sufficiently explained to the public. He said he did not think propaganda was needed for the United Nations, but that it was a matter of stating what was being done well and what badly.

The Secretariat

Role and Functions

Bernard Moore
Permanent Representative of the British Broadcasting Corporation at the United Nations

IT IS fitting, I think, that one of the first in this series of talks on the United Nations should be about the Secretariat. It is too often forgotten that under Article 7 of the Charter there are six principal organs of the United Nations. These are the General Assembly and the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat. The first five meet at intervals of varying length, but the Secretariat has a special importance because, like the poor, it is always with us.

Perhaps it is because they are always with us that so little is said about the men and women of the Secretariat who make the wheels go round. It is true that the layman is occasionally made aware of their existence, but this is usually when they are being criticized for getting too much money or for being given a certain degree of diplomatic immunity such as is enjoyed and has been enjoyed for centuries by persons doing this type of work.

Recently, here in New York, at least one newspaper has been campaigning against the convention which, when it is ratified, will give these privileges the endorsement of law. Much of the campaign has been based on misinformation or at least misconceptions, for the officials of the Secretariat are bound to obey the laws of the United States so long as they are not incompatible with the obligations which all members of the Secretariat have assumed by becoming international civil servants.

It is *not* true, for example, that a United Nations official caught speeding can defy the courts, as many who have paid their fines will testify. And there has been a very good illustration recently of the fact that a member of the Secretariat is not *immune* from legal processes. I refer of course to the case of a United Nations employee who was arrested in New York on charges of espionage. As soon as the charge was known, Mr. Trygve Lie, the Secretary-General, suspended the official concerned, and whatever claims to immunity he might have had were waived with that act.

I am not going to labor this point of diplomatic immunity, but I think that to keep a sense of proportion we ought to remember that the United States Government has some seven thousand employees abroad who enjoy the same or greater privileges than those which are asked for for some eight hundred of the United Nations four thousand-odd employees.

I spoke just now of the Secretariat as an international civil service. As a civil service it has a great many things in common with civil services all over the world. But as an *international* civil service it has problems all its own. Anyone who enters the Secretariat—I am speaking of the best type of international civil servant of course—has to make profound decisions involving not only material and practical factors but questions of conscience, and this is particularly the case in the early years of the United Nations. In the years to come promotion from the lower ranks may become easier. But in these formative years the problem has been to find people who could not only start in straight away in the senior ranks but could develop the international civil service on the lines it should follow and who could train younger people on those lines.

Consider the task—the enormous task—which confronted Mr. Trygve Lie in January 1946 when he was appointed the first Secretary-General. The General Assembly which was meeting then was being serviced mainly by officials who had been lent from government services by the different Members. The rest were recruited on a temporary basis from a very restricted market. And at that time the market was indeed restricted. The war was hardly over. In many countries the national civil services were depleted by war losses, by the serious effect of interrupted education which had cut off the stream of recruitment from below, and by the equally serious interruption of experience.

There has never been, I think, a really satisfactory definition of the perfect international civil servant. But in the senior ranks at least he should have had administrative experience; he should have political sense; he must have the right sort of intellectual yet objective outlook and, perhaps most important of all, the spirit of service without its too frequent accompaniment, fanatical idealism. He needs one or two languages and he—I use the word "he" throughout for the sake of convenience, but of course there are a number of able women in the senior ranks—should also have negotiating ability, the capacity to estimate in advance the attitudes of governments to a wide variety of questions, and the power to persuade national delegations to agree to courses proposed by others.

In a shattered world with nations laboring under gigantic tasks of national reconstruction, it was just that type of person that governments were

seeking themselves in 1946, or if they had already found them they were guarding them as rare and tender plants. So one of Mr. Lie's problems was to beg, borrow—and sometimes, I believe, to steal—these paragons.

But the persons themselves had problems of their own. Because of their qualifications, they were probably on the high road to success in their own national services. They were called upon to expatriate themselves, to gamble on what was still something of an experiment, and in the final analysis they were exposing themselves to the possibility of having to choose between loyalty to their country and loyalty to the international organization.

All these difficulties were apparent when Mr. Lie began selecting his staff in 1946. In a few months the Secretariat swelled from a few hundreds to over three thousand, and do not forget that at that time the United Nations was not alone, even in the international field, in recruitment. The great specialized agencies—the Food and Agriculture Organization and UNESCO, for example—were also looking out for staff. It has been suggested that Mr. Lie might have made haste more slowly, but whether that is the case or not I think the first real General Assembly that met here in 1946 should go down in history as something near a miracle. I remember very well coming here from England to cover it, and on the ship with me were some forty-odd new recruits to the international civil service who had never seen an international conference. They arrived a few days before the Assembly began, and within a week or two were swept up into the running of what is certainly the most complicated form of international meeting it is possible to imagine.

Mr. Lie was clearly aware of the dangers of this somewhat haphazard recruitment because nearly all the contracts were temporary ones. They have been under review for the past two years, and so far only 25 per cent of the Secretariat have been granted and have accepted indeterminate contracts—in other words, are established as permanent international civil servants.

I have spoken of Mr. Lie's appointments. There is of course a Bureau of Personnel which handles appointments on the operational level, but the Secretary-General under the Charter is the chief administrative officer of the organization and it is he who lays down the policy and authorizes what might be called the administrative structure.

The Secretary-General's is a political appointment in the sense that it is made by the General Assembly on a recommendation from the Security Council. In practical terms that means that his nomination has to secure the approval of the five Great Powers—the five permanent members of the Council—and anything that gets agreement from the five Great Powers

is certain to go through. The structure approved by Mr. Lie provides for eight main departments each headed by an Assistant Secretary-General. These appointments are made by the Secretary-General, but they too are semipolitical in the sense that the five Great Powers are by tacit agreement represented among them and by tacit agreement approve the nominees from their particular countries. Thus the eight Assistant Secretaries-General include a Russian in charge of the Department of Security Council Affairs, an Englishman in charge of Economic Affairs, a Frenchman in charge of Social Affairs, an American in charge of Administration and Finance, and a Chinese in charge of the Department of Trusteeship. For the other three, there is a Czech who heads the Department of Legal Affairs, a Chilean in charge of Public Information, and a Dutch national in charge of the Department of Conference and General Services.

I have listed them because later on I shall have something to say on the problem of geographical representation, which plays an important part in selecting the Secretariat. Each of these eight departments is divided into appropriate functional divisions, each in the charge of a director. Of course, each official of the United Nations, whether a janitor or an Assistant Secretary-General, is an international official, but the roles of the departments and their members differ considerably.

A large proportion of the members of the Secretariat are technicians. For example, on the whole, in the Administrative and Financial Department knowledge of accountancy may be more necessary than experience of diplomacy. In other divisions there are many groups of employees whose qualifications need be no more than those of the same nature in similar national services. Again, for example, the Department of Public Information has an important Radio Division which is divided roughly into two parts: the creative or editorial side, and the technical side consisting of radio engineers. In the case of the latter, high standards of technical efficiency of course are required, but not necessarily the peculiar qualifications of the international civil servant in the accepted sense.

In fact a large part of the Secretariat is engaged in the tasks common to national administrations. It maintains the records of United Nations deliberations and decisions; it furnishes the staff, accommodations, and facilities for the organization's meetings; it provides interpreters and translators; it caters to the creature comforts of delegates and of itself; it secures, analyzes, and registers information from all Member states concerning almost every aspect of national and international life. It estimates its own cost, collecting sometimes with some difficulty the contributions assessed by the General Assembly. It describes to the world what the organization is doing. And

finally it is responsible for executing the policy decisions of the other principal organs and for preparing basic material for the deliberations of those organs.

It is these last two functions and the complications arising from them that form the main subject of this talk.

The Charter lays down a general directive to the Secretary-General on the selection of the Secretariat. The paramount consideration, it says, in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. But, says the Charter, due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Now that question of a geographical basis is one of the most difficult and most embarrassing questions facing the Secretary-General. How do you reconcile efficiency and competence with geographical claims? May not there be a danger of creating passengers whose chief claim to their post is their nationality? And if an appointment is made on a geographical basis, may not the official's loyalties tend to be more toward the geographical area he represents rather than toward the organization as a whole?

These are real problems. On the face of it, the greatest technical efficiency would almost certainly be achieved if most appointments were made from countries with the most efficient national services. Comparisons are always invidious, but it is clear that experts in most fields are likely to be more readily available from Russia, France, the United Kingdom, or the United States, for example, than from Liberia, the Yemen, Saudi Arabia, or the Philippines.

But efficiency in itself is not the only goal. A research organization in England called P.E.P.—that stands for Political and Economic Planning—has recently undertaken a study of this question and in a very useful little pamphlet [1] it reaches the conclusion that in the long run—in the long run—geographical distribution and efficiency need not be incompatible. This unit points out that the efficiency of staff from countries with less well-developed national services can be increased by providing training within the international organizations. Moreover, wide distribution enriches a secretariat from the particular experience and culture which each Member state can furnish. P.E.P. suggests that much of the specialized work of a secretariat may call for a close and intimate knowledge of conditions of some part of the world, which may only be possessed by nationals of certain countries.

[1] The pamphlet mentioned by Mr. Moore is Vol. XV, No. 298, in the series "Planning," entitled *U.N. and the Agencies. 1. Staffing Problems.*

And wide geographical distribution may also help to strengthen the smaller powers' sense of participation.

This is, of course, a long-term view, and it has been inevitable in the short term available that most—not all, but most—of the senior posts in the Secretariat are held by nationals of the more highly developed countries. And it is clear that the Secretary-General must have fairly wide powers in interpreting the section of the Charter which after all says only that "due regard" must be paid to the importance of recruiting on as wide a geographical basis as possible.

Attempts have been made to formalize this interpretation. An Advisory Group of Experts suggested in 1946 that the staff should be appointed roughly in proportion to the financial contributions of each Member state. In other words, there should be about 40 per cent Americans, 11½ per cent British, 6 per cent Russians, and so on. A strict application of the rule would have provided for 1½ Afghans, 1¼ Haitians and Yemenites, and so on, in a Secretariat of 3,000. Of course such a strict application is impracticable, and the proposal by the Advisory Group of Experts fortunately, in my opinion, failed to secure the approval of the General Assembly. In fact the scale of contributions is now taken as a *guide,* but the Secretary-General permits himself a deviation of 25 per cent either way so that he can allow for some choice on grounds of qualifications or specialized knowledge. And if you are worried about a 25 per cent deviation either way on 1¼ persons, the accepted rule is that where a country's contribution is too small to be taken as a guide up to three of its nationals may be recruited without this being regarded as overrepresentation.

I mentioned earlier that with geographical representation there might be a tendency for loyalties to be based on the area represented rather than on the international organization itself. And this leads to the question of what balance should be maintained between national and international loyalties and of the relations between members of the Secretariat and their home or national delegations.

Now, of course, these are not new questions in the sense that they arose when the United Nations was created. The United Nations, in fact, has benefited greatly from the experiences of the League of Nations where fundamentally the same problems arose. There is one considerable difference between the United Nations and the League in the composition of its Secretariat. The overwhelming majority of the League's staff was European with only a handful of Americans. Here at Lake Success about one half of the Secretariat are citizens of the United States and although, for obvious reasons, a large number of them are in minor posts the Amer-

ican influence has been apparent in many spheres, especially in administrative methods.

I have spoken of one of the questions which arises—especially with deliberate geographical representation—and that is the relations between members of the Secretariat and their national delegations. To appreciate this problem fully you must imagine that many of the Secretariat officials are former officials of government departments at home. With all the eagerness of expatriates they look forward to the arrival of their fellow countrymen, very often former colleagues, for the various meetings. The temptation to gossip, to tell what is going on, to grumble about methods or developments they do not like is not only human but in all the circumstances considerable, and the tendency of delegations, especially the smaller ones, to assess the organization on the basis of reports they receive from their nationals in the Secretariat can be very dangerous.

This is one of the problems which faced the League of Nations, and a very distinguished international civil servant, Sir Arthur Salter, writing in *The International Character of the League Secretariat,* put it this way:

"A member of the Secretariat," he said, "should in no sense whatever be an Ambassador for his country; he should in no case advocate or try to secure the adoption of a policy because it is the policy of the government of his country. But it is desirable, and in some cases indispensable, that he should actively desire and work for a solution, and a solution which is both possible, having regard to the known policies of the different countries concerned, and of a kind compatible with the general aims and spirit of the League; and that in Secretariat preparations he should bring some special knowledge, not possessed by his colleagues of other nationalities, of the main factors in the policy of his country, for example as to where that policy is likely to be elastic and where rigid, in what directions concession is most possible or least possible."

"It is right," he continued, "and sometimes of great value that such knowledge should be pooled between Secretariat members of different nationalities, and that this pooled knowledge should be available in the Secretariat's preparations. And as a part of these arrangements it is often right, and desirable, that Secretariat members should be in touch with their respective national delegations, and should help future agreement by discussions as to probable reactions of their countries. If the Secretariat is to take any part of value in maintaining the League corporate sense, there *must* be among its members those who fulfil such functions, and those functions must be regarded as legitimate. Of course this does not apply in equal measure to all members and all ranks and offices in the Secretariat. A considerable number need have and should have no such functions. Others who can usefully bring special national knowledge, need only do

so as to objective facts little involved with policies. But a number of the senior officers *must* do more than this."

Now if you substitute "United Nations" for "League of Nations" what Sir Arthur Salter said then largely rules now. A number of the senior officers *must* do more than bring objective facts into the Secretariat's pool of knowledge.

But what can they do or should they do in the field of policy? Should the Secretariat be the servant or the master or the equal of the other five principal organs of the United Nations? Someone—I forget who—once described the officials of the League of Nations as "those masterful children on the shore," the shore of course being that of Lake Geneva. The Secretariat, do not forget, has the advantage I mentioned earlier, of being in permanent session. Delegates may come and go, governments may change bringing new ideas and new policies to the United Nations meetings, but the Secretariat is a constant factor and as such a very powerful one. Although it is undeniable that it is by voting in the Assembly and the councils that final policy lines are laid down, and through the budget are controlled, it is also true that in the direction of events and discussions leading up to the final decision the Secretariat can play a subtle and perhaps decisive part. And in the execution of the approved policy its role is equally important.

Senior officials know the machinery of the United Nations better than most of the government representatives and can often initiate or push through policies that otherwise would be lost. For example, when a new issue comes before one of the organs of the United Nations, it is common practice, and sensible practice, for the appropriate department to prepare a working paper in which the various considerations are set forth and even, perhaps, proposals on method of discussion and different forms of solution. Now such a working paper as the basis of discussion can be a very important factor. Slight overemphasis on one aspect of the problem may result in the thoughts of delegates being directed, from the start, into channels that would benefit interested parties. Well-briefed national delegations are not likely to be fooled on major issues into accepting decisions with which they disagree; but they may well find themselves forced into the position of having to obstruct what might have been at least a modified agreement because the discussion has got out of hand and they have been forced to take a stand on major questions of principle.

That is where the role of the Secretariat can be of high importance. Señor de Madariaga, a high official of the League of Nations and later a

delegate to its meetings, used to tell the story of a delegate who said: "A committee is composed of its chairman and its secretary." "Oh," he was asked, "do you think the chairman is really necessary?" Needless to say Señor de Madariaga told the story when he was an official of the Secretariat, not when he was a delegate, but there is much point to it.

There is no doubt that long-drawn-out meetings, endless repetitions, bickering over side issues, and duplication of work among various bodies of the organization have done much to sap public interest in the United Nations. The fault lies in the main with the delegates, but it is in this very field that the Secretariat has a big responsibility and can play an important role.

An experienced secretary of committee—he is always a senior official—can do much through the chairman to ensure order. He can point out that experience shows that drafting documents has never been done successfully by a large body, he can advise when the moment is ripe to set up a subcommittee, when adjournment is better than continuing a sterile debate, when his department of experts can intervene with a working paper that will reduce order out of chaos. In fact, like the Secretariat as a whole he can guide a meeting by gearing it to past experience and using that as a basis for further progress.

Similarly, the Secretariat can do much in advance by its ability to negotiate with delegations, to assess when policy is likely to be rigid or is likely to be elastic, in order to produce documents that are likely to form the basis of *fruit*ful rather than *fret*ful discussion. The International Labor Organization used to calculate that it took five years to prepare an international labor convention before it was even ripe for discussion. Well, five years is a long time—most of us would think a good deal too long—but some time is essential. A well-developed secretariat by forethought, planning, and consultation and above all awareness of the history behind each question can do much to ensure that agreement, if only limited agreement, is possible, instead of improbable.

Similarly, a secretariat which has unsurpassed information on almost every sphere of life can play a positive part by suggesting new tasks that can be undertaken by the various organs of the United Nations, by embarking on new projects, and exploring new vistas which are not always apparent in the narrower confines of national vision.

But it is here that the greatest difficulty is experienced in differentiating between the permissible and the inadmissible. It is here that the tact and especially the self-discipline which mark the first-rate international civil servant are most required.

There is one aspect of Secretariat activity whose importance cannot be underestimated. That is the preparation of reports and studies which are unrivaled in their scope and value. I spoke earlier of the unsurpassed information which is at the disposal of the organization. Nowhere else, I believe, would it be possible to produce, in the day's work, a survey such as the recently published *World Economic Report for 1948*. No other body is better equipped for the compilation of international statistics. In the archives of the Trusteeship Division is assembled and analyzed information unavailable as a collection anywhere in the world, information concerning not only territories under the United Nations trusteeship system, but colonial and other non-self-governing territories.

And there is another important function the Secretariat performs, one that has a high popular appeal. Not all delegates—in fact very few in these days—have been vouchsafed the gift of tongues. There was a lot to be said for the ancient use of a common language in diplomacy. Before Louis XV, I think, every educated man in Europe at least knew Latin well enough to talk to and negotiate with any foreigner on equal terms so far as language went. After Louis XV, French became the language of diplomacy and no diplomat got far without fluency in it. Indeed French remained the language of diplomacy until the early part of this century.

But today at the United Nations at least five languages are commonly spoken: English, French, Russian, Spanish, and Chinese, and sometimes Arabic, and I suppose we may look forward to a day when Italian and German are added to the list. The first five languages I mentioned—English, French, Russian, Spanish, and Chinese—are official languages and, with the noteworthy exception of the Security Council, are simultaneously interpreted in the organs of the United Nations.

Any delegate has the right to speak in one of these languages, and skillful interpreters follow him sentence by sentence in the other four. I must confess that I have sometimes been a little mystified to hear a Chinese interpreter valiantly rendering into Chinese a speech delivered in English while the only people who could possibly be interested—the Chinese delegation—were listening to the original English version. But there it is; they are the five official languages, and the Secretariat provides them for the benefit of delegates and the benefit of the public.

The two working languages are English and French, which means that all documents are published or should be published in both languages. And where consecutive interpretation is used any one of the other three official languages is given in an English and French version. All this requires of course a large and highly trained staff, not only for the interpre-

tations but for behind-the-scenes translations of the millions of words uttered at headquarters. For the sake of accuracy I should say that at the last Assembly in Paris it was decided that Spanish also should be a working language *during the meetings of the Assembly,* which means a considerable increase in staff, in office space, in work, and of course in expenditure.

I have tried in this talk to give a picture not only of what the Secretariat does but of the complexity of the problem of recruiting, organizing, and above all of getting the best out of an international staff.

Some of you may perhaps feel that I have said too little about the role and function of the Secretariat and too much about the problems of creating and running an international civil service. I have done so deliberately because not enough is known and understood about this principal organ of the United Nations. The staff of a great international organization like this cannot be taken for granted.

At Lake Success at almost any time are probably some two thousand people working on tasks which may be humble tasks or may be in the more exalted sphere of policy making. These men and women come from all parts of the world and speak a variety of languages; they enjoy a multitude of different habits and ideas. Not all of them are consciously engaged in the constant interplay of political and technical necessities. Many of them may well never have seen a meeting of the Security Council or the General Assembly, but they are all a part of one of the principal organs of the United Nations, and functionally, I suppose, its most important organ.

If what I have said has persuaded you that "it is not all quite so simple as you'd think," then this talk has perhaps some useful purpose.

Public Opinion and the United Nations

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(Mr. Cohen's paper was presented by Mr. William Agar, Chief, Headquarters Section, Special Services)

WE ARE particularly pleased to participate in the Institute for Annual Review of United Nations Affairs conducted by New York University, which for the past three years has co-operated closely with the United Nations. We know that our stanchest allies in the good struggle for peace are the teachers, conscious of their fundamental duty to establish the moral foundations upon which enlightened peoples can be helped to understand and take an active part in the work of our organization to make the promise of the San Francisco Charter a reality.

When the United Nations General Assembly met in London, it had before it the report of the Technical Advisory Committee on Information. The report began with a declaration, which was accepted by the Assembly, to the effect that the United Nations could not fulfill its functions unless it had the support of world public opinion. This declaration of principle was rounded off at the Paris Assembly by the inclusion in the Universal Declaration of Human Rights of a new fundamental right, the right to freedom of information. I might define it by saying that it implies not only the right and duty of international organizations to keep the peoples informed but the right and duty of the peoples to know and to be informed of whatever is being done in their name by their representatives to and by intergovernmental international organizations.

For us, at the United Nations, this right and this duty of full and free information are implicit in the opening words of the Charter: "We the peoples." What do these words mean? Why was the usual exordium of traditional treaties—"The Governments" or "The Heads of State" have resolved to do such and such—rejected in favor of "We the peoples"? There can be no doubt that it was because it was desired to make the United Na-

tions less a diplomatic assembly, as in previous international organizations, than a forum of public opinion of the aspirations and the hopes of the peoples. To fulfill the new task entrusted to our organization, it was necessary to go beyond information services of the old style and to break new ground; new, from an international point of view, since much experience had already been gained at the national level, notably by many governments during the late war, when information services were used to explain and justify policies and actions repugnant to the moral conscience of mankind, or transformed by some governments into powerful weapons of persuasion in psychological warfare, as it was called, to enable the peoples to understand why they had to co-operate in the destruction of certain ideologies bent upon attempts to dominate the conscience and the will of the world.

The first decision taken on the basis of the recommendations of the London General Assembly was to establish the principle of full freedom of access to the activities of the United Nations. As you know, previously, most international diplomatic meetings were held behind closed doors; there was a kind of belief that problems vital to international relations could not be discussed in the presence of the public or agencies of information, because the untimely interventions of forces external to the governments themselves might cause serious disturbances that would prevent the agreements desired by all the peoples. The system of secret conferences or meetings behind closed doors resulted in the rise of forms of diplomacy that ignored the will of the peoples and were rather the expression of the temporary interests of particular regimes or the wishes of a few powerful groups within the states concerned.

The moral right of the peoples to know what their representatives in international organizations are doing is a logical consequence of the fact that it is the peoples who are called upon to make sacrifices and even to lay down their lives when international relations are disrupted by the political action of the governments; it is also a natural result of the democratic evolution of the world which has extended to international as well as national life. This process of democratization has given the peoples the opportunity to make their opinions and influence felt, not only in the formulation of domestic policies of their respective governments, but even in the framing of international policy by intergovernmental organizations It is for this very purpose that the United Nations Charter provides that the Economic and Social Council may grant consultative status to non-governmental organizations and that the Trusteeship Council may entertain individual petitions and hear representatives of the inhabitants of trust territories so that the point of view of those populations can be ascertained

Thus it has come about that groups without official status are given a part in the United Nations in the shaping of decisions in certain international matters.

It is for these reasons that, from the earliest days of the United Nations, the above-mentioned policy of the fullest freedom of access to the sources of information about its aims and activities was laid down and put into practice. It was in order to make this freedom of access effective that the Department of Public Information was set up. Its primary function is to facilitate such access for representatives of information mediums—whether press, radio, or screen—and representatives of private organizations co-operating in the building of world peace, as well as individuals who have a personal interest in following the discussions and work of international organizations.

How does the Department of Public Information carry out this essential duty of facilitating access to the work and activities of the organization and of the specialized agencies? Let us look into its operational structure.

There is, first, a Press and Publications Division which sees to the needs of all the correspondents and representatives of news agencies who wish to be kept informed of the work of the United Nations and of the specialized agencies in order to make it known to their readers. Here are some figures to give an idea of what the task involves: during General Assemblies at Lake Success and Flushing, approximately 850 correspondents are accredited, while at the Paris Assembly their number rose to more than 2,000. There are approximately 400 correspondents permanently stationed at Lake Success as representatives of information mediums; that is, press, broadcasting stations and networks, and national broadcasting services and pictorial news services of 35 countries. The attendance of so many representatives of news agencies for the purpose of following the work of the organization makes it possible to distribute fairly comprehensive information of events to all parts of the world, by cable, telephone, and mail.

The same division is responsible for preparing the publications of the Department of Public Information, which, like the fortnightly *Bulletin,* provide authoritative information in English, French, and Spanish, in summary form on the work of the United Nations. There is the weekly clipsheet in English, French, and Spanish which is distributed free, with mats and plastic plates, to 9,000 publications in more than 40 countries, the *United Nations Yearbook,* and a series of informative publications with which most of you must be acquainted and in which use is made not only of the working languages, including Spanish, but also of many others, thus

making it possible to reach a wide public that would otherwise have no access to this material. The languages of more than 20 Member nations are used in such publications.

As an item of interest, I may mention, for example, the series of pamphlets on each of the specialized agencies and on the United Nations explaining what they are, how they work, etc., which have already been translated into more than fifteen languages and which will be translated into still more languages as quickly as our financial resources permit. The same has been done with the text of the United Nations Charter and is being done with the Universal Declaration of Human Rights.

The Press Division, whose duty it is, as I have already said, to look after correspondents, provides them at Lake Success with all the documentation necessary to follow any discussion and background papers concerning any item on the agenda of any meeting of a principal or subsidiary organ of the United Nations. Furthermore, this enormous mass of documentation is distributed not only here at Lake Success. Later I shall explain how the information services of the Department of Public Information also operate through offices away from headquarters.

Next comes the Radio Division. I should point out that for a new service with a stringently reduced budget it has obtained magnificent results. To enable you to judge how limited its resources are, allow me to compare budgets. The budget of the United Nations Radio Division is approximately one eighteenth of that of the overseas services of the B.B.C. in London and one twelfth of that of the "Voice of America." Moreover, the radio service of the Department of Public Information is in operation twenty hours a day in some twenty-four languages and will bear favorable comparison with any of the other great services I have just mentioned. Further, in the little more than two years of its existence, the Radio Division has won an extraordinary degree of public esteem and confidence because the peoples—we may as well admit it—are tired of having news of international events screened so that they get a distorted and insufficient picture of events. As you know, there are very few newspapers, news agencies, radio and newsreel services in a position to maintain their own correspondents and services at United Nations headquarters. The bulk of the news is therefore disseminated by a small group of organizations, some commercial and others semiofficial, which, in selecting material, naturally cannot help stressing what is of interest primarily to their own nations and attaching less importance to the acts and proposals of the delegations of other nations. It is for this reason that the broadcasting services of the

United Nations are now also a source of direct information in many countries and that even in foreign news pages of newspapers you may read despatches with the by-line, United Nations Radio.

Let us see how this service—which does not buy time from any broadcasting station in the world for relay purposes—has succeeded, with the generous co-operation of official and privately owned broadcasting networks and stations, in presenting to the public daily, and at frequent intervals, special programs of value in the objective reporting of news of the United Nations. For example, we now have the "United Nations Today," a program that is transmitted every weekday except Saturday by 170 stations in 34 states of the United States and 20 stations in Canada over the "Peace Network" and in the Pacific, Australian, New Zealand, and South African services. This is the best known of the services broadcast by the English language section. Next we have the "Memo from Lake Success," a weekly program broadcast here in the United States by 96 stations of the Columbia Broadcasting System and by 14 stations of the Trans-Canada System.

Next a weekly half-hour program called "Two Billion Strong," a personal report on the peoples of the United Nations, broadcast over 220 stations of the American Broadcasting Corporation's network in the United States. Another weekly program, already used by numerous stations in the United States, is "U.N. Story." One thousand stations have broadcast the little songs about United Nations. In addition, information materials and program recordings are regularly despatched to a large number of other stations and, since July 25, 275 among the 900 independent broadcasting stations of the United States who asked that we supply them with a special program to be relayed by all member stations are using "U.N. Story," while 185 have requested feature programs and 95 radio news summaries.

Furthermore, special occasional programs are regularly being prepared on numerous topics of great interest, such as human rights, genocide, rights of women, etc. So much for our program and work in the English language.

Let us see what happens in the other languages. A program in Russian is broadcast every day by transmitters made available free of charge by the Canadian Broadcasting Corporation. The Soviet broadcasting services frequently retransmit the program received from Lake Success and are continually requesting special programs for their listeners. We also have programs in Polish, Czech, and Serbo-Croatian.

In order to reach the peoples directly concerned in any issue before the United Nations, such as the debates on the Palestine question, we broadcast in Hebrew and Arabic; to provide news about the discussion on Indo-

nesia there are programs in Malayan and Dutch, and so on. For China we have a daily program in Chinese of one-half hour which is rebroadcast by almost all the broadcasting stations of that great nation. We also have programs in French which are retransmitted by the Radiodiffusion Française and used by many other stations in French-speaking countries. In Latin America we have already a "Peace Network" which makes regular broadcasts over 105 stations in 18 of the 20 countries which lie to the south of the United States in this continent. These stations transmit daily bulletins and special programs in Spanish, and, on a more limited scale, in Portuguese, which, together with the programs in French, provide information for the peoples in 20 of the Member states of the United Nations. The total number of countries where United Nation programs are now relayed has increased to 36.

Next comes the Films and Visual Information Division. I suppose that many of you have seen some of the films produced by the Department of Public Information. A number of new films will soon be available to the public throughout the world. So far we have succeeded in having United Nations films accepted on the same footing as documentaries of commercial origin or produced by national governments. We can safely assert that many of them have had a great influence in providing the public with adequate information about the United Nations Charter and the need for effective international co-operation to establish the peaceful conditions the world so anxiously desires. They have been seen by over 250,000,000 people.

This Division of the Department of Public Information also distributes film strips with model lectures designed for audiences throughout the world, free of charge to anyone who wishes to make use of them. There are already a dozen film strips, which have been presented to audiences numbering several millions in 63 countries and 23 dependent territories. The Division also produces wall posters, visual material, and photographic illustrations of United Nations activities which are used by magazines throughout the world. It also issues a newsreel which presents the work of the United Nations from the point of view of questions of permanent interest rather than from that of sensational events in the political field, to which commercial newsreels usually give priority.

Our work with films is of immense importance in view of the fact that half of the world's population can neither read nor write, and it is impossible to reach this enormous mass of human beings by the written word and equally impossible to make contact with it through the spoken word, since radio receivers are extremely expensive instruments and therefore rare

in most countries of the world. On the other hand, 16-mm. projectors, like film-strip projectors, are very cheap and are now part of the standard educational and information equipment used by numerous governments throughout the world.

Already theaters and cinemas of the world, non-governmental organizations, and others have been enabled to see motion pictures produced by the Films and Visual Information Division telling of international co-operation that has existed throughout the history in scientific and other fields, and how it has been extended and adapted to meet world problems. The Division also makes available posters, photographs, photo spreads, picture stories, photo features, and film strips to all organizations that request such material from Lake Success. It should be noted, however, that films fall into a special category, inasmuch as this information medium is channeled through national distributors by a committee set up by the Films and Visual Information Division, Department of Public Information, in the United States and known as the U.N. National Committee.

The Films and Visual Information Division has now initiated a plan for future distribution of its films that will make them more easily available to users in the United States since they will be available through one central organization, and we hope that the public will write to Lake Success for information about this plan, which was put into operation in the early fall.

Many organizations, schools, and colleges, however, regard film strips as a most important teaching tool, and this medium has also not been neglected by the Division. Nine titles are now available and will be consigned to organizations, free of charge, on application to Lake Success. These titles deal with some of the most important questions and problems that have either been solved or are in the process of being solved by the organs or specialized agencies of the United Nations. One of the most successful of these film strips has been "Atomic Energy—Problems of International Control," and we expect the same success for a film strip on a very vital world problem, "World Food Supply and the United Nations."

Forty-four different posters, photo spreads, and charts are available by application to Lake Success, free of charge, but these will only be supplied to organizations and not to individuals. Picture stories, photo features, and topical news pictures are available also by application to Lake Success for college magazines, newspapers, and other publications.

It is clear from the above that a complete cross section of information is available for those who really wish to know more about the work of the

United Nations through the most important of all fields, that of visual mediums.

If the United Nations should fail in its great work, then disaster unparalleled in the history of man may fall upon our civilization, but the United Nations will not fail if an "informed" peoples of the world give it real support, support that must have an intellectual basis and conviction.

What we call the "Special Services" are an exceptionally important part of the Department of Public Information.

Besides the daily and periodical press, publications, broadcast programs, films and film strips, and visual material of all kinds, which serve to spread authoritative information about the United Nations and the activities of its principal or subsidiary organs and of the specialized agencies, there are exceedingly effective means of affording the peoples an opportunity to take an interest and participate in the dynamic task of promoting international peace and security and raising standards of living for the whole of mankind.

Seen from a distance, or as generally interpreted by most information mediums, the United Nations appears as an organization somewhat unreal or exclusively devoted to serve as a forum for political disagreements. The enormous scope of its task in every field of human interest and the effective operation of its organs cannot be better appreciated than through direct contacts, which give an intelligible picture of the work in progress to the ordinary human being. The feeling of personal participation creates loyalties derived from a more thorough understanding of the problems and from an exchange of ideas with those employed in the day-to-day work wherever organs of the United Nations are in operation.

For this reason we try to attract visitors to our meetings and explain the work of the United Nations to them. It is a fact worthy of mention that those who attend are generally transformed into active supporters and spokesmen of the organization. To enable you to form some idea of the importance of such groups, it will suffice to say that it represents many, many thousands each month.

The same division provides other services, such as liaison, information, and assistance for non-governmental organizations that attend, whether occasionally or regularly, meetings of the United Nations. The work of the Non-Governmental Organizations Section is very large and is typified by the fact that the Section now has more than 220 representatives of international and national non-governmental organizations accredited, representing it is hard to say how many millions of members throughout the world, in addition to 1,500 non-governmental national organizations.

Next comes the Educational Liaison Section whose duty it is to co-operate in carrying out the General Assembly resolution calling on governments to incorporate teaching the aims and purposes of the United Nations in their school curriculums. A group of experts prepares material, co-operates in the organization of institutes, study groups, and United Nations seminars, and maintains contact with universities and other educational institutions throughout the world.

The educational services are active both in the United States of America and in countries overseas through 72 educational information centers and approximately 3,400 educators in various parts of the world, who have asked for our materials and keep in touch with the Section. Their number is constantly increasing and there will soon be correspondents in every country of the world.

Lastly, there is the Lecturers Section, which receives thousands of requests from all parts of the world to supply persons with specialized knowledge of United Nations affairs able to give informative talks or lectures to large audiences of all kinds. Besides operating at Lake Success, this Section has now 222 groups of voluntary speakers in 43 countries. It also provides informative material and keeps in touch with professional lecturers in many countries through a research and liaison committee set up by the lecturers themselves for the purpose. In previous years, it held at least one annual course for lecturers to keep them abreast of the latest developments in the work, plans, and programs of the United Nations.

The dissemination of publications and documents concerning the United Nations is assuming ever-increasing importance because there are many countries where teaching about the United Nations has now ceased to be a mere promise and is already a fact with wide and, in some countries, striking possibilities.

The Library was transferred to the Department of Public Information after its original organization. As you know, for its own work, the Department of Public Information used to maintain information and reference services to enable the representatives of news agencies to obtain without delay any information they might require in preparing their despatches. There was a central library under another department which necessarily duplicated a certain portion of this work. It was decided to unify all the library and documentation services under one authority, and they were added to the Department of Public Information. The Library is active not only at Lake Success, and does not limit its work away from headquarters to the magnificent Geneva library, which was a legacy from the League of Nations, but, through agreements with national or official libraries in Mem-

ber states, it has established depositories providing the most comprehensive possible documentation and publications regarding the United Nations and the specialized agencies. It has also set up reference collections in parliamentary libraries throughout the world, in the principal institutes of international studies, and in the libraries of other important organizations closely interested in the work of the United Nations.

The Research and Survey Sections, temporarily attached to the Library, prepare material for encyclopedias and other works like the *Yearbook* and informational pamphlets and booklets. The Survey of Public Opinion performs the all-important task of ascertaining the views about the United Nations expressed in press editorials, broadcast commentaries and publications, and by non-governmental organizations to make sure that the wishes of the peoples are known by all those engaged in the work under way.

Finally, there is another important activity of the Department of Public Information to which I referred at the beginning of my talk: that of the Information Centers. In view of the special circumstances created by the late war which deprived the press, radio, and other channels of information, in many countries, of the necessary means for securing and disseminating full and adequate information about the activities of international organizations, it was only logical that the Department, besides distributing its important material at the headquarters of the United Nations, should try to make it available to information mediums in as many countries as possible overseas, adapting it in every case to the space and technical resources for reproduction at the disposal of the countries concerned. Thanks to the Centers, and the regular distribution from Lake Success of a weekly newssheet for the use of newspapers throughout the world, and to the possibility of receiving radio transmissions by electronic means or teleprinter, and thanks, further, to the daily reports issued from Lake Success or Geneva, the newspapers in many countries have succeeded in maintaining a relatively satisfactory and up-to-date stream of news regarding the work of the United Nations and the specialized agencies.

We now have fifteen Information Centers. In the Americas there are Centers at Washington, Mexico City, Rio de Janeiro, and Buenos Aires; in Europe, at London, Paris, and Geneva (where the Center has a dual function since it not only passes on information, for which purpose it has radio-transmitting and monitoring facilities, but also originates news, because of the large numbers of meetings held in the former League of Nations offices), and at Copenhagen, Prague, Warsaw, and Moscow; for the Middle East at Cairo; for South Asia at New Delhi; for Australia and New Zealand at Sydney; and for the Far East (China, Siam, the Philippines) at Shang-

hai. A new Center will shortly be opened to serve Iran, Afghanistan, Pakistan, and other neighboring countries.

In their respective regions, these offices carry on the same work as the Department at Lake Success, to the extent required by local conditions. They perform another function to which I should like to draw your attention, since it represents an effort, perhaps the only serious effort now being made, to find out what the peoples are thinking and to transmit their opinions to those responsible for the direction of international organizations. Editorial opinion, the opinion of radio commentators, the views of lecturers and journalists on all the matters being dealt with by the United Nations and the specialized agencies are collected through the Information Centers. With this material, a Survey of Public Opinion is prepared at Lake Success and circulated to United Nations officials, to delegations, and, on condition that they do not quote the source, to the representatives of many information mediums.

I have said that the Department of Public Information endeavors to spread information not only about what happens at Lake Success or in other organs of the United Nations, wherever they may operate, but also about the specialized agencies. I should like to point out that, from the early days of the Department, in accordance with the provisions of the United Nations Charter regarding the co-ordination of administrative or technical services of our organization with those of the specialized agencies, agreements have been concluded providing for close collaboration between the public-information services of all the specialized agencies and the Department of Public Information of the United Nations. This co-ordination is directed by a Consultative Committee on Public Information which meets four times a year and consists of responsible experts from the information services of all the specialized agencies and from the senior staff of the Department of Public Information. The Committee studies, makes suggestions, and solves technical difficulties of co-operation in matters connected with information. It is in this way that all the communications and releases provided by the specialized agencies are issued through the press or radio services of the United Nations, thereby enabling the specialized agencies to use the vast outlets already established throughout the world by the Department of Public Information. For the same reason, there is another organ of interagency co-operation, the United Nations Film Board, which is responsible for co-ordinating activities in the important field of films and visual information.

You see how, in order to fulfill the duty of keeping the peoples properly informed regarding its work and the carrying out of the provisions of the

Charter, the United Nations has established comprehensive services, the importance of which is not always fully understood. In spite of the financial limitations that complicate its work, these services have succeeded in making their influence felt, in carrying to the peoples the words of hope of the United Nations and in telling them the facts about the enormous task it is doing in all parts of the world where organs of international cooperation are in action under the auspices of the organization. Through us, the peoples receive objective, complete, and timely information regarding events. In three years' work, frequently with a shortage of the necessary elements, the objectivity of the information issued by the Department has been questioned in connection with less than one half of one per cent of the enormous mass of material issued.

If you compare the extent to which information was disseminated by the United Nations with that achieved by the League of Nations and other international bodies which preceded it, you will see the enormous difference in favor of our organization. In spite of the doubts and controversies of international life, the United Nations has secured a place in the hearts of the peoples and is the repository of their best hopes.

Without world public opinion, without the support of the peoples, the organization would live in a deadly vacuum capable of shattering to its foundations this new effort that the peoples are making to find agreements for a permanent and lasting peace. Well-informed public opinion is vital to the United Nations. So everything that is done to dispel misunderstandings, due as a rule to general ignorance of our purposes and activities, or to spread the truth about the work of the United Nations helps to build up the support of public opinion without which, as the General Assembly said in London, it would be impossible to carry out the great and noble mission that has been entrusted to us by the peoples.

Discussion

Amplifying certain aspects of Mr. Cohen's paper, MR. AGAR asserted that the Department of Public Information was a vital part of the United Nations, the official source of information about the organization and its specialized agencies. With regard to Information Centers, he said that eventually the United Nations hopes to have one Center in every Member state and also to have them in certain parts of the non-self-governing territories, but this was a long-range aim.

Mr. Agar then remarked that the objectivity of United Nations information could best be understood if one remembered that the Department had 59 bosses. This guaranteed that the information was not slanted. Only a very small por-

tion of the releases of the Department had ever been questioned by any Member nation because of their factual content, which showed how successful the Department had been. The Press and Publications Division, in addition to the publications mentioned by Mr. Cohen, also published an eight-page monthly newsletter, which was originally intended for the membership of non-governmental organizations all over the world. The value of this newsletter was to be appraised by the NGO's at their next meeting in Geneva in order to decide whether or not to continue this service. Mr. Agar also called attention to the *What It Is* and *What the U.N. Is Doing* series of leaflets and pamphlets published by the Division.

He also called attention to *Everyman's United Nations,* a popular summary of the *Yearbook,* which was particularly valuable for teachers and lecturers. Other items published by the Department are a *Question and Answer* series and a *Guide to the Charter.* There is also a newly published illustrated booklet, *How Peoples Work Together,* intended for use in the high schools, and available in English, French, and Spanish. It was so arranged, moreover, that any government wishing to do so could substitute a translated text in place of the original languages.

Like the Press Division (Mr. Agar continued), the Radio Division had two purposes: to assist correspondents and to produce its own broadcasts. Television shows were also being undertaken, and in the New York area one could follow the proceedings of meetings on station WNYC. Printed material was available in limited quantity for the preparation of broadcasts; scripts were also available for high-school broadcasting; and anyone interested could obtain a list of current short-wave broadcasts.

United Nations films were ready for purchase and hire in both 16-mm. and 35-mm. in many languages and with sound, and new offerings were listed in the *United Nations Bulletin.*

Turning to the Library Services, Mr. Agar noted that the facilities at Lake Success were primarily for research, but that documents of the organization could be used in depository libraries throughout the world, while other libraries purchased full or partial sets of United Nations documentation. In the United States, individuals could purchase documents through the International Documents Service of the Columbia University Press.

Mr. Agar also described the Headquarters Section of the Department of Public Information, which arranged for visits of the public and distinguished guests to the United Nations and which encouraged foreign students in the United States to come to headquarters. The Lecturers Section had found the demand for its services greater than its supply, and was sending out about eight hundred to one thousand speakers a year from among Secretariat members and delegations. In this Section there was also a Correspondence Unit which handled letters from the general public. Associated with the Section were two

units furnished by the American Association for the United Nations, one that dealt with correspondence from schools, and another that handled reception in the public lounge at headquarters, conducting briefings and tours for visitors.

MR. MASLAND inquired whether the practice of selecting top United Nations officials upon nomination by governments was not contrary to the Charter principle of selection on merit. MR. MOORE replied that "nomination" was not exactly the word to use, since top officials were selected more by "discussion." For example, in the Sobolev case, it had been agreed in London that the Assistant Secretary-Generalship for Security Council Affairs would be held, at least for the first five years of the organization's life, by a Soviet national. Thus, when Mr. Sobolev resigned, Mr. Lie asked the U.S.S.R. who would be acceptable to them as a replacement, and then consulted the other permanent members of the Security Council about whether they had any objections to the person suggested. No one objected, but what would have happened if someone had Mr. Moore would not venture to guess.

In reply to a question from Mr. Van Wagenen, MR. MOORE said that he did not know whether the establishment of an office of Deputy Secretary-General had been given any serious consideration. The practice of having one Assistant Secretary-General serve as Acting Secretary-General in the absence of Mr. Lie had not created any particular difficulty. However, the experiment of having a ninth Assistant Secretary-General to co-ordinate the work of the other eight had been abandoned because it was not successful. MR. MASLAND added that the attempt at San Francisco to create several Deputy Secretaries-General had been defeated (and he felt rightly so) by the small powers after much heated argument, because they were afraid that these persons would come to represent the "Big Five."

Turning to the subject of internal administration, MR. CHAMBERLIN commented that he had always felt that the American system of checks and balances had been carried out originally to a great extent in the Secretariat. This meant that a system designed for a government of two million national civil servants had been adopted for use in a body of three thousand international civil servants. On the other hand, a guiding principle of European public administration was the large delegation of power to officials. He felt that the United Nations was now trying to combine the best principles of both systems. MR. MOORE mentioned certain analogous situations in the experience of the League of Nations, where Sir Eric Drummond, a British national and the first Secretary-General of the League, had instituted the British system of public administration, with the work flowing from the lower to the higher levels, and being cared for en route on the lowest possible level. Later, however, when M. Avenol became Secretary-General, he brought in the French system where the work flowed from the top down, and higher officials designated the particular office to handle each job, which reversed the order of business that had prevailed for nearly

fifteen years. Mr. Moore agreed that the welding of American and European points of view in administration was occurring.

MR. EAGLETON asked concerning the influence of the Secretariat in getting things done in the United Nations; e.g., in drawing up resolutions, putting in suggestions, or drafting agendas. He knew that the Secretariat was often as afraid of delegates as departments of the United States Government were afraid of congressmen, but those departments did have a recognized influence in drawing up legislation. MR. MOORE replied that this was hard to answer, because the Secretariat was most successful when its influence was unknown and unrecognized. Suggestions do, of course, go to the delegates from the Secretariat in the form of draft resolutions. It is all largely a matter of the thin line between what is permissible and what is inadmissible. The best time for the Secretariat to suggest a draft resolution would be just when agreement was most likely to be reached. MR. AGAR added that the Department of Public Information had the least to do with any such influencing, since those departments directly serving a major organ of the United Nations would have the greatest opportunity for this type of activity. Even in the Department of Public Information, however, personal contact and friendships in the delegations did exercise some influence, though it was not great.

MR. EAGLETON went on to say that the type of thing he had in mind could be illustrated by an example of control of the agenda of the Security Council in the Hyderabad case. At one point the discussion of the question was not completed, and according to the rules of procedure it should have been brought up at the next succeeding meeting of the Council. It was not, however, because, as the Secretariat explained in reply to an inquiry, the Indian delegation had stated that it did not have a speaker available to discuss the subject. The rules state that the Secretariat arranges the agenda in consultation with the president of the organ, and in this case the Secretariat not only controlled the agenda but even disposed of the matter (rightly or wrongly) by not including it for further discussion. Perhaps it was true, as Mr. Moore said, that these things should not be called to public attention, but he felt that the Secretariat should be more influential, because it is the one part of the United Nations which represents the whole community of nations. Every delegate, every member of an organ, represents his state, and therefore it seemed to him that the Secretariat should exercise a great deal of influence.

MR. CHAMBERLIN agreed with Mr. Eagleton, but pointed out that the Secretariat was in a very difficult position. He recalled that in a previous year a committee secretary had tried to gather a majority for a given proposal and was sharply rebuked by the chairman. At a subsequent meeting of the committee, the same chairman told the same secretary to go around and try to get a majority for another proposal. The Secretariat never quite knows what the delegates want and thus it is difficult for them to provide leadership.

MR. MOORE interjected that it was important to realize that not all things

on the agenda of a council need to reach a decision at a given session. Decisions themselves could be tragedies, especially if a minority of the members of a body outside the Security Council voted for a proposal and secured its adoption because a majority had abstained. In fact this meant that the decision was unacceptable. It might, therefore, be as important for the Secretariat to prevent whipped-up majorities as to create them.

MR. MASLAND suggested that perhaps this leadership would come through experience. As the delegates came to respect the Secretariat more, they would lean on its officials more and more for their influence and suggestions in committee meetings. MR. CHAMBERLIN agreed and said that this was already evidenced by the increasing number of resolutions by major organs which called upon the Secretary-General to do something toward their implementation. Gradually, nations were beginning to see that there was great assistance to be had from the Secretariat.

MR. VAN WAGENEN asked Mr. Agar whether he felt the United Nations had been oversold in the United States at the time of the San Francisco Conference, and whether he felt it was now oversold or undersold in the world. MR. AGAR replied that he did not feel the United Nations had ever been oversold except as people may have thought that it was different from what it really was. Some people apparently felt that it was going to be a miracle worker and cure-all, and now were discouraged by the necessarily long processes of discussion. He felt, therefore, that speakers about the United Nations should point out what has been done, always emphasizing the importance of popular support and backing for the organization.

MR. AGAR agreed with Mr. Van Wagenen that if one made extravagant claims for the United Nations, e.g., saying that the United Nations had been responsible for solving the Palestine and Indonesian situations single handed, that would be overselling the United Nations, but it would also not be true. Speakers about the United Nations should always show the background of events and how outside happenings had shaped United Nations actions. The Pakistan-Jammu case was a most important example. It was true that the meetings of the Southeast Asian countries occurring at the time were influential in the settlement, but United Nations mediation had been going on continuously and it was hard to tell which was more important. One can never tell either how "final" a "solution" really is, because we must always expect temporary failures on the road to success.

MR. EAGLETON went on to remark that the Department of State and the United States newspapers at San Francisco described the United Nations as an international security organization, which would be able to put down aggression and prevent war. The delegates, however, had no ideas of taking any action against aggression by any one of the "Big Five." When people realized this, they felt that they had been let down. It is, therefore, important to find out what the United Nations is and what it can do, and to point out its weak

nesses so that people will demand of their national delegations that more be done in its support. He asked whether the Department of Public Information ever made suggestions for strengthening the United Nations. MR. AGAR replied that the Department of Public Information has not felt that its role was to suggest improvements in the organization, but that the Secretary-General has shown what might be done in some instances. Many of the changes called for, he pointed out, are not really changes in the Charter, but merely call for its implementation. The United Nations was supposed to have had an armed force on which it could call if required; but this must come as part of a package, of course, including limitations of armament and control of atomic energy. All these subjects were being worked on, but the efforts had come to nothing because there was in fact no unanimity, but rather a "political rift," as the Secretary-General had called it, which operated above and over the United Nations. People must see that the United Nations now exists and works in a world in which it was not supposed to function. In fact, the living force of the United Nations is demonstrated in that it can function at all in an environment so foreign to it. Thus, he said, often the United Nations action seems equivocal because of the political climate in which it occurs.

Turning to the problems involved in teaching about the United Nations, MR. CHAMBERLIN asked what specific steps were being taken by the Secretariat to facilitate the use of United Nations documentation. He pointed out that New York University, being close to the scene of operations, had a unique advantage in access to United Nations documentation, but, he said, other colleges and universities away from New York did not share this good fortune. Was it possible for teachers in these places to write to the United Nations for lists of documentation or for the documentation itself that they might need in their work? MR. AGAR replied that the Department of Public Information was trying to meet bona fide requests, although there was neither man power nor funds to supply large quantities of documentation to private individuals. Originally, it had been thought that the Department of Public Information should be able to supply to anyone free information as requested, but certain financial problems stood in the way of that beautiful idea. In fact, he said, just now the United Nations was short of funds to buy paper even for its own official documentation. Mr. Agar added that it was very hard to convince the Fifth Committee that the public-information work done by the United Nations was necessary at all. They criticized the attention paid to requests from United States nationals, apparently not realizing that it was natural there would be more of them because the United Nations was located within United States borders.

MR. MASLAND asked Mr. Agar whether the Department of Public Information has ever given consideration to reporting material in the *United Nations Bulletin* in a broader context to make it more meaningful. For instance, in reporting the Indonesian crises, it would have been helpful to know at which

point in the United Nations debates the United States had cut off aid (under the Economic Coöperation Act) to the Netherlands for use in the Netherlands East Indies, or just what the status of military operations was at the time of a given United Nations action. MR. AGAR felt that this would be possible and should be discussed with the editor of the *Bulletin,* who was constantly striving to keep the magazine factual and at the same time interesting and readable.

MR. AGAR replied to a question about letters received that all letters to the United Nations are answered, but those containing suggestions for improvement of the organization are passed on to the writer's national delegation to the United Nations, the writer being advised to address his suggestions to his own delegation in the future. To another question concerning the feasibility of the use of radio and television programs by the United Nations for school audiences, Mr. Agar pointed out that it would cost a great deal until the United Nations acquired its own radio network, which it hoped to do eventually. There were also problems of time zones, personnel, and commercial services. It would be impossible to work out anything like that at present.

MR. MOORE told the audience, in response to a question, that if the Security Council failed to agree on a nomination for Secretary-General there was nothing that could be done except to allow an acting Secretary-General to continue in office. In practice, he said, no Secretary-General who was not satisfactory to all the "Big Five" could be a successful Secretary-General. The organization could continue operation temporarily, he added, without a Secretary-General, even as it does now when Mr. Lie is on holiday.

A member of the audience asked Mr. Agar how the Secretariat could defend the United Nations budget in cases like that in 1947, when Mr. Evatt urged that two million dollars be cut from the budget of the Department of Public Information because it was issuing "propaganda." MR. AGAR replied that each year members of the Secretariat appear before the Fifth Committee to defend their budgets, and that it was a time-consuming task. At that time, they have to produce evidence of the results of their work. The hostility toward the Department of Public Information, he added, seemed inconsistent with repeated emphasis by the General Assembly on the importance of public opinion. Some parties even felt that spreading news about the United Nations was actually the job of national governments, which was, in his opinion, an odd notion because only the United Nations can give really impartial news about the debates in its councils. In the last analysis, however, support for this view would have to come from the peoples of the world through their national delegations.

The next question was from Mr. Swift, who asked whether the Department of Public Information ever urged delegates to include in resolutions specific mandates to the Department to publicize the resolutions themselves and the attendant debates in the areas of the world directly concerned. For instance, one might put the full story of the position of the Union of South Africa on the

Indian question before the people of that dominion. MR. AGAR said the Department of Public Information did not and that it would probably not be possible to obtain South African permission to bring United Nations information experts into the country for that purpose. MR. CHAMBERLIN added that Secretariat officials in general did engage in lobbying with their own delegations. This was not contrary to the Charter, because while Article 100 states that no Member of government shall influence members of the Secretariat there is no statement that members of the Secretariat shall not influence Member governments. MR. MOORE then pointed out that in this connection if a member of the Secretariat, through personal relationships, had contacts with delegates who could wield blocs of votes this was often very important in securing support for budgets.

In reply to a question about what the Department of Public Information was doing to get governments to give up some of their national sovereignty, MR. AGAR stated that the Department of Public Information could not tell governments what or how to teach. The Department of Public Information was trying to furnish information to be used or not, as governments saw fit. The General Assembly had recommended that Member states set up teaching about the United Nations in their school systems, and many were doing just that. UNESCO, however, would help governments set up educational systems where facilities had been destroyed, and they could make more positive suggestions than could the Department of Public Information. MR. VAN WAGENEN added that everything the United Nations does contributes to the elimination of national sovereignty, for every United Nations success helps prove that the United Nations can be trusted and helps governments surrender some authority to the international organization. MR. EAGLETON pointed out that the United States had been one of the leading powers opposed to the surrender of sovereignty. While it was true that the U.S.S.R. blocked resolutions, it was equally true that nothing could be done to strengthen the United Nations without the United States because it had so much wealth and power, and that therefore it was incumbent on this country to take a lead in giving up sovereignty, which it had never done. This point, he felt, could not be stressed sufficiently.

A member of the audience asked whether all language editions of the *United Nations Bulletin* were identical. Mr. Swift, who had worked for a time on the *Bulletin,* said that except for idiomatic changes the contents of the three editions were identical.

How, it was asked, does the Department of Public Information check the effectiveness of its material? MR. AGAR replied that it was difficult to do this. The Department knew that a great many newspapers were receiving its clipsheet, but not a large number in comparison with the number of newspapers in the world. Some small-town papers, he knew, carried nothing on the United Nations, while others carried a great deal. Interest in the schools had risen to such a point, however, that applicants for group visits to the United Nations

were asked to give detailed information about its place in the school program, because some basis for reducing the number of requests had to be found. The number of requests for lectures by a member of the Secretariat was constantly rising, and the United Nations was asking Secretariat people on home leave to make such addresses. These indirect methods are the only ones now available to the organization.

Documentation

Harry N. M. Winton
Chief, Documents Index Unit, Library Services of the United Nations

THE six principal organs of the United Nations are named in Article 7 of the Charter as a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat. All six principal organs and their subsidiary organs issue documents and other publications.

The term "published United Nations documents" will be used here to mean papers published in a series with an official symbol or in the printed *Official Records*. These documents consist primarily of papers submitted to and discussed by the organs, the records of meetings, and the resulting resolutions and reports. The term "other publications" will be used here to cover the growing body of material issued by the Secretariat which is not generally submitted for action by the other organs, e.g., the "United Nations Treaty Series," the substantive studies and technical periodicals authorized by the General Assembly of the councils, and the publications of the Department of Public Information, including press releases. The documents and other publications of the International Court of Justice and the Secretariat will be considered separately because they differ in character from the documents of the four other principal organs.

By the end of 1949 the organization will have completed four years of work since the General Assembly was convened in London in January 1946. The total number of documents produced by the United Nations in these four years will approximate 41,000. This estimate comprises documents in the language of an original draft but does not include editions in one or more of the other working languages of the organization or separately issued corrigenda, addenda, and revisions.

Included in this mass of documents are many reports, memorandums, and other important documents of considerable interest to students in various fields. Students working in the fields of international law, international organization and politics, statistics, and international trade appear to be

better acquainted with the documents of the United Nations than students in other disciplines. For instance, there are a number of interesting papers in the field of social welfare dealing with such subjects as child and youth welfare, the prevention of crime and treatment of offenders, housing, and town and country planning. Other interesting papers deal with such fields as transport and communications, economic development, the dependent peoples in the non-self-governing territories and trust territories, narcotic drugs, freedom of information, and human rights.

The Secretariat is not primarily a research organization, but it acts as the co-ordinator of many programs requiring research, and in the course of its own operations accomplishes a considerable amount of research. The Secretariat serves also as the summarizer of annual reports of governments required by the various conventions or resolutions of the General Assembly and the councils, in such subjects as traffic in women and children, traffic in obscene publications, narcotic-drug control, information concerning non-self-governing territories and trust territories, human rights, demographic problems, and the status of women. The Secretariat is also a clearinghouse for information above all in the field of statistics, as well as population problems and cartographic methods.

Much of the material on the subjects briefly mentioned above is published by the Secretariat and other organs in United Nations documents or other publications, including the technical periodicals.

The *Catalogue of Economic and Social Projects*[1] is the most comprehensive list of the work planned, in progress, or completed by the United Nations and the specialized agencies in the economic and social fields, and will give the most general view so far published on the scope of research programs of the United Nations.

The typical published United Nations document consists of one or more sheets of mimeograph paper, 8 x 12½ inches in size, with a colored top sheet and a printed masthead indicating the organ of issue. The overwhelming majority of the documents discussed by the General Assembly and the three councils and all their numerous subsidiary organs make their initial appearance in this form, and it is in this form that the records of meetings and the reports and resolutions first appear. Eventually, many of these documents are republished in the printed *Official Records* of the General Assembly, the three councils, and the Atomic Energy Commission, but the bulk of the processed material (all the documents of most subsidiary bodies, for instance) remains unprinted.

[1] U.N. publication: *Catalogue of Economic and Social Projects*, No. 1 (Lake Success, 1949 [U.N. pub. sales no. 1949.II.D.1]).

It is important to remember that the vast majority of United Nations documents appear either only or initially in processed form. The number of documents published initially in printed form is increasing, but that number is still very small. The assignment of document series symbols and the arrangements for distribution are still based primarily upon the processed documents. It is expected that greater speed in printing the *Official Records* may be effected, especially by printing in fascicle form the records of meetings and the annexed documents and by producing the *Official Records* in monographic editions. When the interval between the initial processed texts and the final printed texts in the *Official Records* has been sharply reduced, it will be possible to regard the processed texts as working drafts which should be distributed in limited numbers, and the printed *Official Records* as the form in which documents should receive a full or general distribution.

Classification of Documents

For purposes of distribution documents have been classified as unrestricted, restricted, and secret. The "unrestricted" category embraces most documents and has been widely available to all authorized recipients of a given symbol series. The documents in the "restricted" category have been circulated primarily to members of the body of issue and the relevant section of the Secretariat serving it, with "restricted working papers" having a somewhat more narrowly determined circulation. There has been confusion in the use of the "restricted" category because it has been applied both to documents confidential in content and to documents merely ephemeral in nature or of limited interest, and because the practices of the interim headquarters and the overseas offices have been inconsistent. The category "secret" requires the written authorization of the Secretary-General and is normally applied to material in typewritten form only. Documents sent to the depository libraries and to Information Centers and documents available at interim headquarters for public study are "unrestricted" documents.

It has been proposed to the Advisory Committee on Administrative and Budgetary Questions that a revision of the classification system be made, beginning in 1950. According to this proposal, the following categories of distribution would be established:

a) "General," comprising series of documents available to all authorized recipients of a given symbol series

b) "Limited," comprising series of documents (especially technical documents) which are of interest to a limited group, or of documents whose provisional nature makes them unsuitable or unnecessary for immediate general issue (e.g.,

drafts of records of meetings, reports, resolutions, amendments, lists of members, and the like)

c) "Restricted," comprising those series of documents whose content requires that they be held as confidential

d) "Secret," comprising those series of documents which are normally in typescript only and which in any case are issued by the Secretary-General on his personal authority

Declassification

There is not yet established a satisfactory method of declassifying documents from "restricted" to "unrestricted." Declassification of the restricted documents of committees of the Atomic Energy Commission was announced in the information series of the Commission,[2] but no similar step was taken in the case of the fourth volume of the reports of the United Nations Special Committee on Palestine,[3] the only instance of a volume of the *Official Records* which was published as restricted. Restricted documents are reproduced in smaller quantity than unrestricted documents. Announcement of the declassification of a restricted document series does not mean that additional copies will then be reproduced for general distribution.

Symbols

Five families of documents are controlled by the document series symbol scheme established in 1946 and modified in 1947. These families may be referred to by the name of the principal organ appearing on the masthead or by the letter forming the basic series symbol for its documents. The General Assembly or A/ documents appear on white paper, the Security Council or S/ documents appear on yellow paper, the Economic and Social Council or E/ documents on blue paper, the Trusteeship Council or T/ documents on green paper, and the Atomic Energy Commission or AEC/ documents on salmon paper. The covers of the printed *Official Records* of each of these organs follow the same color scheme.

At first, all pages of the processed documents were colored; now, only the covering sheet is likely to be of a distinguishing color, while only the masthead of the Atomic Energy Commission documents is colored. The basic symbol forms the first part of the symbols of all subseries of the main

[2] U.N. document: AEC/INF/5, May 19, 1948.

[3] U.N. document: A/364/Add.3 (*Official Records of the General Assembly*, 2d session, *Supplement No. 11*, Vol. IV).

organ and of all series for any subsidiary bodies established by it. Other components are added to the basic series symbol in order to distinguish these subseries. Because the Economic and Social Council has established (in addition to its own committees and subcommittees) nine functional commissions, five functional subcommissions, three regional economic commissions, has under its wing three special bodies, and has convoked some nine international conferences, it can be easily understood that the E/ family of documents is the most ramified.

Within each of the five general series a document presented to the principal organ for consideration or issued by it is identified by a number following the basic symbol for the organ. Thus, A/109 is the 109th document in the general series of the General Assembly, S/1066 is the 1,066th document in the general series of the Security Council. Document numbers are assigned in a continuous numerical order in the same series in accordance with the order of their registration with the Bureau of Documents. The date of registration should appear immediately below the document symbol.

In addition to the general series of each main organ, there are several other series, each distinguished by an additive symbol designating the subseries, followed by the number of the particular document therein. These other series comprise the following:

"Meeting Records Series"

For verbatim records, the letters PV. and the meeting number are added to the basic symbol. For summary records, the letters SR. and the meeting number are added to the basic symbol. Thus, the published verbatim record of the 182d plenary meeting of the Security Council is identified by the symbol S/PV.182; while the published verbatim record of the 182d plenary meeting of the General Assembly would be designated as A/PV.182 and its summary record as A/SR.182.

Meeting numbers are continuous for the General Assembly, the Security Council, and the Economic and Social Council, but the Trusteeship Council has preferred to renumber its meetings each session from number 1, although the symbol remains continuous, thus the 16th plenary meeting of the fifth session is so designated in the titles of the records of that meeting, but the symbol for the verbatim record is T/PV.180 and the symbol for the summary record is T/SR.180, the meeting being the 180th since the inaugural meeting of the Council.

For reasons of economy, the employment of verbatim reporters has become limited to the plenary meetings of the General Assembly (and meetings

of one of its main committees, usually the First Committee), the plenary meetings of the Security Council and the Atomic Energy Commission, and those plenary meetings of the Trusteeship Council that discuss petitions and the annual reports by the administering authorities. Processed verbatim records are published for these meetings, the stencils being prepared as the verbatim reporters, who work in relays, dictate from their notebooks. Likewise for reasons of economy, the printed *Official Records* of the General Assembly and the Trusteeship Council now, as in the earlier case of the Economic and Social Council, contain only summary records of plenary meetings, so that for these meetings a processed summary records series also appears, subject to correction before being printed. Only processed summary records are issued for the committees and subcommittees of the councils and for the commissions and subcommissions and their committees.

For the agenda of individual meetings, the word "Agenda" and the number of the meeting are added to the basic symbol. Thus, the agenda for the 182d plenary meeting of the General Assembly is A/Agenda.182. The sessional agenda appear among the other documents in the general series of the organ.

Working papers, a restricted category, are drafts of restricted distribution and are indicated by a W-number following the basic series symbol, as E/W.1, E/W.2, etc. Working papers are more numerous among the subsidiary organs.

Documents in the "Information Series" are indicated by the letters INF/ added to the basic symbol. Lists of representatives, lists of document series symbols, check lists of documents, and instructions of various sorts helpful to representatives are issued in an information series for each organ. Thus, the provisional list of representatives to the ninth session of the Economic and Social Council, now in session in Geneva, appeared as document E/INF/26.

Any document in the series described so far may appear in revised form, may be supplemented by addenda published subsequently, or may require correction.

Revisions are indicated by the additive symbols /Rev.1, /Rev.2, /Rev.3, etc., affixed to the original document number. Thus the fifth revision of the list of General Assembly document symbols is designated A/INF/1/Rev.5. A revision is generally considered to be a new version of the same document resulting from amendment in discussion, or from alteration by the submitting delegation or the Secretariat.

Addenda are indicated by the additive symbols /Add.1, /Add.2, etc., affixed to the original document number. Thus, the third addendum to

document A/902 would be document A/902/Add.3. Addenda are generally considered to comprise truly new material not included in the original document, and are particularly likely to be issued when the Secretary-General submits reports summarizing replies of governments to a circular letter, and when reports are published in sections.

Corrigenda are indicated by the additive symbols /Corr.1, /Corr.2, etc. Thus, a corrigendum to document T/189 would be designated T/189/Corr.1, a corrigendum to the summary record of the 189th plenary meeting of the General Assembly would be designated A/SR.189/Corr.1. Corrigenda are generally considered to be corrections of dates, translations, figures, and the like. If the text of the document as first issued is very badly incorrect, the whole corrected text may be reissued as a corrigendum. A corrigendum may apply to all language editions, or separately numbered corrigenda may be issued for separate language editions where errors are peculiar to each language text. Revisions and addenda, alas, may have to be corrected, so that a symbol could read A/189/Rev.1/Corr.1; but it is not considered proper to issue a corrigendum to a corrigendum.

Series of Subsidiary Organs: Committees and Subcommittees

In addition to the series of any main organ described above are the subseries designating the documents of the many subsidiary organs. Each of the main organs appoints committees of its membership to serve during or between sessions. For standing committees, a component made up of the letter C. and the number of the committee is added to the basic symbol for the main organ. Thus, the general series symbol for documents of the Sixth Committee of the General Assembly (its Legal Committee) is A/C.6/ ; the symbol for the Committee on Admission of New Members of the Security Council is S/C.2/ ; the symbol for the Economic and Social Council Committee on Non-Governmental Organizations is E/C.2/ , and so on. For *ad hoc* committees a component comprising the letters AC. and the number of the *ad hoc* committee in the order of its appointment is added to the basic symbol for the main organ. Thus, the identifying symbol for the *ad hoc* Political Committee of the General Assembly, appointed during the third regular session, was A/AC.24/ , and the symbol for the Economic and Social Council *ad hoc* Committee on Genocide was E/AC.2/ , and the like. Subcommittees appointed by committees are designated by the addition of a component made up the letters SC. and the number of the subcommittee in the order of its establishment. All these committees and

subcommittees may have the usual summary record and working paper series.

Series of Subsidiary Organs: Commissions and Subcommissions

There are a number of other subsidiary organs, usually elected by the main organs and serving for definite terms of office. The principal group of these organs comprises the nine functional commissions of the Economic and Social Council and their five subcommissions, and the three regional economic commissions established by the Council. The basic symbol for each of these commissions is made up by the letter E/ followed by the letters CN. and the number of the commission in the order of its establishment. The basic symbol for the Economic Commission for Europe is, however, E/ECE/ instead of E/CN.10/ .

Subcommissions of any of these commissions are indicated by the additive symbols /Sub.1/ , /Sub.2/ , etc., affixed to the basic symbol for the parent commission. The commissions and subcommissions may of course have summary records and working paper subseries and committee subseries. Four bodies elected by the General Assembly have been treated in the same way: Advisory Committee on Administrative and Budgetary Questions (symbol A/CN.1/), Committee on Contributions (A/CN.2), the Board of Auditors (A/CN.3/), and the International Law Commission (A/CN.4/).

Series of Subsidiary Organs: Conferences

Conferences called by the Economic and Social Council are distinguished by the basic symbol E/CONF.1/ , E/CONF.2/ , etc., assigned in the order of calling the conference. The symbol for the United Nations Scientific Conference on the Conservation and Utilization of Resources, which met in Lake Success in August and September 1949, is E/CONF.7/ . Most of these conferences are prepared for by a preparatory committee, indicated by the letters PC, so that E/CONF.7/PC/ is the series symbol for the papers of the Preparatory Committee for UNSCCUR.

Language Editions

The official languages of the United Nations are five in number—English, French, Spanish, Russian, and Chinese. The rules of procedure of the General Assembly designate English, French, and Spanish as working lan-

guages; the rules of procedure of the three councils, the International Court of Justice, Atomic Energy Commission, and the functional commissions of the Economic and Social Council designate English and French as working languages; while the working languages of the Economic Commission for Latin America are English and Spanish. So far as documentation is concerned, this means that processed documents must be issued in the working languages of the organ of issue.

An indication of the original language text submitted to the Bureau of Documents for translation and reproduction appears on each processed document following the date of registration. Thus, a petition to the Trusteeship Council written in Italian should bear the notation, ORIGINAL: ITALIAN, in both the English and French editions, but the document would not be published in Italian.

The rules generally state that important documents are to be issued in all five official languages. It may be assumed, therefore, that the *Official Records* of the General Assembly, the councils, and the Atomic Energy Commission, which are the printed collections of records of meetings and annexed documents considered important by the substantive departments, must appear eventually in all five languages. Until this year, the *Official Records* has generally appeared in bilingual (English-French) editions, followed much later by monolingual editions in the other official languages. The *Official Records* of the fourth session of the General Assembly will be issued in monolingual editions, and in 1950 the *Official Records* of the Economic and Social Council and the Trusteeship Council will also be issued in monolingual editions.

Processed documents appear in the working languages of the issuing organ. Under the rules of procedure, a delegation may, however, request that some documents appear in one of the other official languages. For that reason a considerable number of processed documents have appeared in three or four of the official languages.

Some processed verbatim records have been published in all the official languages, but a verbatim record in Spanish, Russian, or Chinese has usually comprised only the speeches given in the respective language without translations from the four other official languages. Verbatim records in English and French, however, usually comprise both the speeches given in those two languages and the interpretations into them from the other official languages.

From what has been said above, therefore, it should be understood that some documents in the nonworking languages will make their first appearance in the printed *Official Records* as these appear in those languages.

Official Records

The contents of the *Official Records* may be summarized as follows:

General Assembly: (*a*) summary records of plenary meetings and meetings of the General Committee, the six main committees and sessional *ad hoc* committees, all with annexes of documents considered essential to an understanding of the meeting records; (*b*) the resolutions adopted by the session; (*c*) supplements comprising the annual report and the budget estimate of the Secretary-General on the work of the organization, the annual reports of the councils, the reports of the Advisory Committee, of the Committee on Contributions, the Board of Auditors, and the International Law Commission, and the reports of the intersessional committees of investigation.

Security Council: (*a*) verbatim records of plenary meetings; (*b*) supplements containing documents considered essential to an understanding of the meeting records.

Atomic Energy Commission: (*a*) verbatim records of plenary meetings, with annexes of essential documents; (*b*) special supplements comprising the report to the Security Council.

Economic and Social Council: (*a*) summary records of plenary meetings and annexed essential documents; (*b*) resolutions; (*c*) supplements comprising the reports of commissions.

Trusteeship Council: (*a*) summary records of plenary meetings and annexed essential documents; (*b*) resolutions.

The documents which are printed in the *Official Records* as annexes or supplements are selected by agreement with the substantive department serving the organ of issue. Except for those of the General Assembly, the *Official Records* seldom contain committee series documents; and the *Official Records* of the General Assembly do not usually contain intersessional committee documents other than reports. There are no official records for the commissions and subcommissions of the Economic and Social Council or for any other subsidiary organs except the Atomic Energy Commission.

Documents of the International Court of Justice

The documents of the International Court of Justice, which is seated at The Hague, are issued by the Court in printed form, and lie outside the scheme of identification and distribution developed at the interim headquarters of the United Nations. Court documents are printed in Leiden and distributed by the Court. Six series are issued or planned: A. Judgments; B. Advisory Opinions; C. Documents Presented in Cases; D. Stat-

utes and Treaties Governing the Organization of the Court; E. Annual Reports; F. Indexes to the Judgments, etc.

Documents and Other Publications of the Secretariat

The Secretary-General and his staff are of course responsible for many reports and memorandums issued in the series of the other principal organs and their subsidiary organs, and are responsible for the records of meetings. I shall discuss at this point, however, not these documents but the document and other publications issued in its own name or for its own use. Such materials may be considered in three main groups: (*a*) the administrative documents of the Secretariat required for the guidance of the staff; (*b*) the technical studies series and periodicals issued by the Secretariat as authorized by the General Assembly and the councils; (*c*) the publications of the Department of Public Information. Before taking these up briefly, it may be observed that there is no basic series symbol for the Secretariat.

Administrative Documents

The larger part of the administrative papers of the Secretariat (including correspondence and drafts) remains unpublished; that is, they are circulated internally. The published documents include the *Secretary-General's Bulletins* (SGB/ series), the *Information Circulars* (IC/ series), the *Administrative Instructions* (AI/ series), the *Administrative Manual,* the *Monthly Calendar of International Conferences,* the *Orders of the Day,* the *Lists of Delegations,* the *Protocol and Liaison Section Information Bulletins,* the *Check List of United Nations Documents,* and the *Daily List of Documents* (IC/DOCS/ series).

Technical Studies Series and Periodicals

In this group are to be found most of the printed publications other than the *Official Records* which may be acquired by purchase, subscription, or exchange. A notable series is the printed "United Nations Treaty Series," named in the Charter, and continuing the "League of Nations Treaty Series." The series is prepared by the division of the legal department charged with the registering, recording, and filing of treaties and with their publication in the original texts with translations into French and/or English where necessary. The same division issues also a mimeographed monthly *Statement* covering treaties registered, recorded, and filed.

The substantive departments, including the Statistical Office of the United Nations, publish technical studies and series and periodicals as directed by the General Assembly and the councils. A list of the individual publications issued or planned may be conveniently consulted in the catalogue of *Publications, 1945-1948,* issued by the Department of Public Information.[4] It will be enough to note here that there are yearbooks in the fields of human rights and demography, annual reports on world and regional economic conditions, and several statistical series. The following technical periodicals are published:

Monthly Bulletin of Statistics
Transport and Communications Review
Quarterly Bulletin of Timber Statistics
Housing and Town and Country Planning Bulletin

Publications of the Department of Public Information

The Department of Public Information is charged with the duty of informing the peoples of the earth of the work of the United Nations and associated organizations. The Department discharges this task through many mediums of communication. Apart from charts, film strips, motion pictures, and radio scripts, the Department has reached the public eye through some 257 individual publications and serials during 1946, 1947, and 1948. Important among these publications are daily press releases covering all the activities of the United Nations and the specialized agencies, the *United Nations Bulletin,* the *Yearbook of the United Nations,* the series of background papers, the *Handbook of the United Nations and the Specialized Agencies,* surveys of opinion, and many information leaflets and booklets. Much of the material published by the Department is available for free distribution. It is regrettable that there is no single list of both sales and free material available.

Distribution of Documents and Publications

A few remarks may be made here on the distribution of documents and other publications of the United Nations. In a sense, the bulk of the documents of the United Nations are really working drafts as long as they

[4] U.N. publication: *United Nations Publications, 1945-1948* (Lake Success, 1949); free, on request to Sales and Circulation Section, Department of Public Information.

remain in processed form. The organization from the beginning has been very generous in the distribution of its processed material, but the very bulk of such material and the rapid growth and development of the organization have brought with them problems of circulation, filing, and reference control of this mass of papers. It cannot be said that the system of distribution is as yet satisfactory for the requirements of the individual student or institution, particularly with respect to processed documents. It may be expected, however, that in due course the problem can be worked out to the satisfaction of all concerned. Meanwhile, the individual student must rely primarily upon the following materials in libraries: (*a*) printed material, which, of course, can be acquired through any sales agent of the United Nations and is therefore more widely available to both individuals and institutions than the processed documents; (*b*) collections of processed unrestricted documents by series which may be purchased by subscription; and (*c*) collections of all unrestricted United Nations documents and publications in depository libraries.

The catalogue issued by the Sales and Circulation Section, United Nations, Lake Success,[5] lists the sales-number categories for publications other than series for which standing orders may be accepted by any authorized sales agent. The catalogue also includes the classes of subscriptions established for the mimeographed documents for which orders may be received by the sales agents or the Sales and Circulation Section. A list of sales agents of United Nations publications will be found on the back cover of the catalogue.

A network of depositories has been established throughout the world by the Library Services of the United Nations. It is hoped that before long not only each Member state but every state in the world will have within its borders at least one depository of United Nations documents and other publications. Some libraries have been designated as depositories on an exchange basis. Centers of international study may also receive United Nations documents. A list of depository libraries so far established will be found in the "Index Notes" series published by the Documents Index Unit.[6]

The following suggestions are put forward to assist users of collections of United Nations documents and other publications. If these suggestions are followed by librarians and systematic users of documents, it is hoped that the use of these collections will be made easier, particularly in the present period when no complete index or catalogue exists of the materials.

[5] *Ibid.*

[6] U.N. document: Index Note No. 20, July 26, 1949.

Symbol Structure of United Nations Documents. The documents of the United Nations are arranged in series based directly upon the organ of each of the six main organs and their ramifying subsidiary bodies. Apart from the General Assembly, the organs of the United Nations and all of the subsidiary bodies have specific fields of work. Therefore, the knowledge of the structure of the United Nations and of the channels through which its work is directed is a useful clue to the location of material by subject matter.

Document Series Symbols. Lists of documents series symbols for the General Assembly, the councils, and the Atomic Energy Commission and their subsidiary organs are published from time to time in the "Information Series" of each of these organs.[7]

Monthly Calendar of International Conferences.[8] The Conference Division publishes a processed *Monthly Calendar of International Conferences* of the organs of the United Nations, specialized agencies, other intergovernmental organizations and nongovernmental organizations. This calendar is a most useful guide to forthcoming international meetings.

Sessional Agenda. Sessional agenda of each organ and subsidiary organs, published in its "General Series," are clues to the program of work for the particular session.

Reports and Resolutions. The reports and resolutions of the councils, commissions, and subcommissions on each of these sessions, or in the case of the councils their annual reports to the General Assembly, summarize the work of each session and include the resolutions for action. The resolutions of the General Assembly, the Economic and Social Council, and Trusteeship Council are published in collected form as part of the *Official Records.* Both the reports and the collected resolutions are published in the general document series of the body concerned.

Disposition of Agenda Items. A processed document of this title is published at the conclusion of each session of the General Assembly, the Economic and Social Council, and the Trusteeship Council, which serves as an index to the documentation, discussions, and resolutions of each of these bodies. The *Disposition of Agenda Items* is published in the "Information Series" of these bodies.

Reports of the Secretary-General. In the "General Series" of each of the main organs and their subsidiary organs, the Secretary-General and his staff make frequent reports and surveys of considerable value. The Secretary-General reports annually to the General Assembly on the work of the organization.

Index Notes. The "Index Notes Series" published by the Documents Index Unit contains cumulated indexes to the resolutions of the General Assembly and

[7] U.N. documents: A/INF/5/Rev. 5, June 21, 1949; AEC/INF/2/Rev. 2, June 14, 1948; E/INF/1/Rev. 4, May 16, 1949; S/INF/1/Rev. 4, February 2, 1949; T/INF/1/Rev. 3, June 3, 1949.

[8] U.N. Publication: *Monthly Calendar of International Conferences,* Vol. I, No. 1— (June 1949—).

the three councils, and bibliographical information concerning the *Official Records.*

Periodic Lists and Indexes

1. *Daily List of Documents Distributed.* A processed document is issued by the Bureau of Documents daily under the series symbol IC/DOCS/49/ , listing the documents distributed at Lake Success up to 3:00 P.M. of the date of issue. This is the most quickly available list of documents.

2. *United Nations Bulletin.* The *United Nations Bulletin,* which appears fortnightly in English, French, and Spanish editions, reviews the work of the organization and includes information concerning documents in its *United Nations Digest.*

3. *Monthly List of United Nations Documents.* The Publications Board has approved in principle the publication, beginning in 1950, of a *Monthly List* of documents of the United Nations and the specialized agencies. The *Monthly List* will be indexed cumulatively.

4. *Documents of International Organizations: A Selected Bibliography* (World Peace Foundation, Boston). This quarterly bibliography, published by the World Peace Foundation, is one of the most useful listings of the publications of the United Nations, the specialized agencies, and many other intergovernmental organizations.

5. *Check List of United Nations Documents.*[9] The *Check List of United Nations Documents,* four numbers of which have already appeared and three further numbers of which are now in draft form, will be brought closer to current appearance during 1950. The *Check List* is intended to be issued at a reasonable period after the close of the session of each organ and will be, so far as possible, a definitive check list with index and other information of value to users of United Nations documents.

6. *Yearbook of the United Nations.* The *Yearbook of the United Nations* is a very full review of the work of the organization and the specialized agencies with citations of documents, records of meetings, and bibliographical and documentary annexes.

Discussion

Mr. Winton was asked by MR. SWIFT whether the Secretariat was considering making documents of the United Nations available for subscription

[9] U.N. publications: *Check List of United Nations Documents,* Part 4, No. 1, *Trusteeship Council 1947/48, First and Second Sessions* (U.N. pub. sales no. 1949.I.2); Part 4, No. 2, *Trusteeship Council, 1948, Third Session* (U.N. pub. sales no. 1949.I.5); Part 5, No. 1, *Economic and Social Council, 1946-1947, First to Fifth Sessions* (U.N. pub. sales no. 1949.I.4); Part 6H, No. 1, *Fiscal Commission, 1947-1948, First Session* (U.N. pub. sales no. 1949.I.6).

in smaller series than those of the major "families" of which he had spoken; *i.e.,* whether it would be possible to buy only the documents of either the Commission on Human Rights or the International Law Commission separately. MR. WINTON replied that this was not contemplated for the moment. Those documents that are purchasable by "family" are the *Official Records,* which consist of the summary records of the plenary meetings and the annexed documents which make them understandable. Just which documents these are is determined by the substantive department concerned and the editorial staff. They differ from one main organ to another; e.g., for the General Assembly, they are the summary records of the plenary meetings, of the General Committee, the six main committees, and of the Joint Second and Third Committees. The General Assembly also intends to publish the summary records of the *ad hoc* committees appointed during each session, but has no plans for those that work between sessions. Also available are the supplements; e.g., the annual report of the Secretary-General, the reports to the General Assembly of the main councils of the organization, and of the Committee on Contributions, the Board of Auditors, and special bodies like the Korean Commission. For the Economic and Social Council, there is a similar series of documents: summary records of the plenary meetings, and their annexes, together with commission reports issued as supplements.

MR. VAN WAGENEN asked for Mr. Winton's reaction to a proposal to make Russian and Chinese working languages. MR. WINTON said that the obvious primary problems were ones of budget and personnel, but that he personally had no preference one way or another. The section most affected would be the Official Records Section, which already has a backlog because it cannot get all the records out now in English and French, the original working lauguages. His own Index Unit was not equipped to index in all languages, and would never prepare indexes in Chinese inasmuch as it was not an alphabetical language.

MR. PAPANEK asked what was being done to overcome the technical difficulties which had led to an accumulation of documents to be processed and what the policy was on preserving records. MR. WINTON said it was the intention of the organization to preserve all records, regardless of their apparent value, and that the archives were currently microfilming all documents. The chief problem they faced, he said (warning that he did not speak officially for archives), was that of preserving what might be called "subdocuments," dittoed material that is not usually sent to the archives. The value of preserving this material was sometimes questioned. A delegation often submits dittoed documents and then withdraws them because they are apparently not going to receive the support of a majority. In the meantime, however, it is possible that another document will refer to it, and if a copy is in the archives it eliminates considerable work for the Secretariat to have one copy on hand.

The organization was trying to avoid duplication of documents, he said, and

had succeeded to a large extent. They were also trying to standardize the form and language of documents, but this was difficult because of the rapid growth of the United Nations, its many different headquarters locations, and the separation of many of its offices: Geneva, New York, and the many missions, all of which were issuing documents. This made standardization of drafting difficult, but Mr. Winton felt that disorder and confusion had been kept to a minimum.

MR. CHAMBERLIN commented that it was hard for those away from Lake Success to find their way around the voluminous United Nations documentation, and that once again it was the budget that was keeping the United Nations from supplying the proper research tools. He felt every interested party should write the Honorable Warren R. Austin, urging the United States to support the Secretariat request for funds to make these tools available. The United Nations always asks for these funds, he said, but the budget people always cut them out.

Going on to describe the existing tools, Mr. Chamberlin said the best aid available in all official documentation, not excluding that of any national government, was the *Check List of United Nations Documents,* which Mr. Winton had been instrumental in preparing. There was, said Mr. Chamberlin, no comparable aid available either for United States or foreign documents. All teachers needed this check list, but it should be kept current and made available within one or two months of each session of the General Assembly or the Economic and Social Council. With its help, one could readily find out just where in the United Nations documentation any given subject was dealt with. The next most important assistance to researchers was to be found in the "Inf" subseries of documents. These, however, were not published in any form, and one could not get them away from Lake Success. "Index Notes" were next best, but they were still available only in limited distribution. Finally, the sales catalogue, recently published, was a good help, but it would be out of date shortly, and the only way it could be kept up to date was for funds to be authorized the *United Nations Bulletin* to carry a supplement fortnightly.

Co-ordination of the Programs of Specialized Agencies

Nessim Shalom
Special Assistant for Co-ordination, Executive Office of the Secretary-General

I UNDERSTAND that you were talking a while ago about a concrete subject, namely, documentation. My talk will be on the co-ordination of the policies and activities of the United Nations and the specialized agencies, which, far from being a subject easily seen and easily handled, is one of the most elusive and intangible problems with which it has been necessary to deal in the four years of the existence of the United Nations.

Background

The concept itself is a novel one. The present emphasis on co-ordination among international bodies is a new idea, and the term "specialized agencies" used in the Charter of the United Nations was first coined at Dumbarton Oaks. To understand the background and purpose of co-ordination of the programs of the United Nations and the specialized agencies, one should glance back at the development of international organization in the recent past. Experience in international organization is much older than is commonly believed. It dates back to the nineteenth century and has illumined, consciously or unconsciously, our present pattern of international organization. Prior to the war of 1914-1918, a number of international organizations had already been established, which were specialized and technical in character and which dealt with specific points of contact between nations. These organizations may be described as functional organizations. After 1919, an attempt was made by the League of Nations to centralize to a great extent the field of international endeavor. Although the League was primarily conceived for political purposes, it did include economic and social aims, and the international economic and health organizations and even the labor organization, the I.L.O., came within its im-

mediate scope. Functional organizations, however, such as the Universal Postal Union, the Bank for International Settlements, and the International Bureau of Education, which were in existence at that time, had hardly any relations with the League.

Present Structure

It is not therefore by accident that we are confronted today with the existence of international organizations which correspond to diverging institutional concepts. In this respect, there were two conflicting influences manifest at Dumbarton Oaks and San Francisco:

1. The desire to ensure maximum efficiency and economy. This desire found its expression in the suggestions for a highly integrated and centralized machinery which appeared to afford guarantees to that effect.

2. The desire to create international public services flexible enough to cope with the requirements of the technical fields for which they were designed and as free as possible from political influences.

The result, as embodied in the Dumbarton Oaks proposals (October 1944), was later written with little change into the United Nations Charter. It recognizes the existence of various specialized economic, social, and other organizations and agencies and proposes that these "should be brought into relationship with the [United Nations] Organization on terms to be determined by agreement between the Economic and Social Council and the appropriate authorities of the specialized organization or agency, subject to approval by the General Assembly."

In this connection it should be emphasized that, although the structure which emerged from San Francisco was an outgrowth of the latter-day development within the League,[1] the wording of the Charter presents "a wide contrast with the League Covenant, where only three articles dealt with the whole economic and social fields."[2]

A general responsibility is placed upon the United Nations for the ". . . . promotion of the economic and social advancement of all peoples." This responsibility is described in detail in Chapter IX of the Charter. On the side of the specialized agencies a quick glance at the constitutions of the various organizations provides us with the following picture:

[1] See "The Development of International Cooperation in Economic and Social Affairs," Report of the Special Committee (Bruce Report), L. of N. Doc. A.23.1939.

[2] See L. Goodrich, "From League of Nations to U.N.," in *International Organization*, I, No. 1 (1948), 19.

The International Labor Organization aims at improving the conditions of labor by the regulation of the hours of work and of the labor supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury, the protection of young persons and women workers, the provision for old age and injury, the recognition of the principles of freedom of association and of equal remuneration of work of equal value, and the organization of vocational and technical education.

The purpose of the *Food and Agriculture Organization* of the United Nations is to raise the level of nutrition and the standards of living in the world, to secure improvement in the production and distribution of all food and agricultural products, and to better the conditions of rural populations. It promotes scientific, technological, social, and economic research relating to nutrition, food, and agriculture.

The purpose of the *United Nations Educational, Scientific and Cultural Organization* is to contribute to peace and security by promoting collaboration among nations in education, science, and culture, and for that purpose to further the free flow of ideas by word and image, give fresh impulse to popular education and the spread of culture, and maintain, increase, and diffuse knowledge.

The objective of the *World Health Organization* is the attainment by all peoples of the highest possible level of health. To that end, the extension everywhere of the benefits of medical, psychological, and related knowledge is essential as well as an informed opinion and active co-operation on the part of the public.

The International Bank for Reconstruction and Development will assist in the reconstruction and development of territories of members by facilitating the investment of capital and encouraging the development of less developed countries. The Bank will also promote the long-range growth of international trade, thereby assisting in raising productivity, the standard of living, and conditions of labor in these territories.

The purposes of the *International Monetary Fund* are to promote exchange stability, assist in the establishment of a multilateral system of payments in order to facilitate the expansion and balanced growth of international trade, and thereby contribute to the promotion and maintenance of high levels of employment and real income.

The International Trade Organization will be concerned with the avoidance of unemployment or underemployment through the achievement and maintenance in each country of useful employment opportunities and of the demand for goods and services. It is proposed that it should promote industrial and general economic development particularly in underdeveloped countries. It will also be concerned with promoting and facilitating international trade and initiating intergovernmental commodity agreements.

The various *international transport and communications organizations* (five in number) tend to develop international co-operation in their respective well-defined fields. The *International Civil Aviation Organization,* for instance, aims

at developing the principles and techniques of international air navigation and fostering planning and development of international air transport.

This review of the constitutions of the various existing or projected specialized agencies demonstrates that their purposes and objectives are often closely interlocked. They should be looked at in the light of the general responsibility of the United Nations proper in solving problems of a social, cultural, humanitarian, or economic character. When specific problems are considered, it clearly appears that more than one agency and sometimes all of them have some interest or a special competence in their consideration and solution. The ensuring of adequate co-ordination has therefore been deemed imperative and urgent, and the Charter provisions to that effect have had to be implemented with priority and despatch.

Agreements were therefore concluded between the United Nations on the one hand and most of the above-mentioned agencies on the other, in the first two years following San Francisco.[3] These agreements are generally couched in declaratory or permissive terms, and do not attempt to elucidate any of the vagueness of the Charter on the subject of co-ordination.

Outline of Basic Assumptions

From this brief survey of the international organizations operating in the economic and social fields and included in the general structure of the San Francisco Charter, it clearly appears that:

a) These international organizations have a common aim; namely, the furtherance of peace through economic and social improvement.

b) This common aim is pursued by constitutionally independent organizations, whose fields of competence are, however, closely interlocked.

c) In order that the resources for international action should be utilized to the greatest advantage, co-ordination of their policies and activities is envisaged.

d) The basic texts (Charter, constitutions of specialized agencies, agreements) do not give precise directives regarding the manner in which co-ordination shall be achieved. The intention of the founders of the United Nations is plain enough: They wished to establish a decentralized inter-

[3] Agreements are in force with I.L.O., F.A.O., UNESCO, I.C.A.O., W.H.O., Bank, Fund, I.R.O., U.P.U., and I.T.U. Slated for negotiation are agreements with I.M.C.O. and I.T.O. It is not expected that further agreements will be negotiated in the immediate future.

national machinery to function within a loose central framework.[4] They hoped that policies and activities within that framework would be reasonably co-ordinated. I can say right away that after the very few years which have elapsed since San Francisco it is already certain that this hope is being substantially realized.

Having thus uncovered some underlying assumptions and regulating conditions, let us now examine the path which the United Nations and its specialized agencies have traveled in their first steps toward the goal of program co-ordination.

Program Development

As we have seen above, the organ most particularly entrusted with the responsibility of co-ordinating the program of work of the United Nations and specialized agencies is the Economic and Social Council of the United Nations. The General Assembly is given specific responsibilities only in so far as the budgets of the specialized agencies are concerned. As for the rest, it maintains under the Charter a bird's-eye supervisory authority over the Council.

In one's approach to this subject, there is a temptation to think in terms of a towering Economic and Social Council, whose far-reaching orders would determine in great detail how each of the specialized agencies is to tackle the many problems which our world is throwing into its lap, a council that would ruthlessly eliminate any overlapping by ordering the agencies to desist from studying certain problems, or that would recommend that the Assembly trim or enlarge budgets, etc.

The reality, however, as it emerges from the four basic assumptions mentioned above, differs from this imaginary picture. The independent control of each agency's policies and activities, the divergencies in membership, and the fact that a number of agencies are very much older than the

[4] Some of the more potent arguments in favor of retaining the greatest possible measure of functionalism have been mentioned by D. Mitrany in his excellent study of *A Working Peace System* (4th ed.; London: National Peace Council, 1946): "A functional organization does not crack if one of the participants tries political or social experiments of his own. Nor would indeed its existence be in jeopardy, if one of the members were to secede altogether. If the seceding member or members should happen to be pivotal factors in certain activities the result might be serious, but even then only the particular function affected would be endangered, while the others could go on. Some participants could drop out, or some functions could be abandoned without wrecking the system as a whole. Contrariwise, a function could be resumed, or a member might return, without political upheaval. . . . . On the other hand, no one would share in power who did not share in responsibility."

Economic and Social Council have made for a cautious and slow determination of co-ordination procedures.

The development of a program of work by an international organization in any given field involves a number of steps,[5] each of which in succession is usually indispensable for reaching any final decision. Thus in the United Nations, after attention has been called to a subject by a Member government or some other source, the Secretariat is asked to survey all the various aspects and suggest possible action. A group of experts on the subject is perhaps called together to examine, adjust, and amplify the Secretariat's technical report. The adjusted paper then goes to the competent commission of the Economic and Social Council to be given its first semipolitical test.[6] The commission may have a subcommission to advise it within the special field, in which case the study will probably have been referred to the latter in the first place. A report on the subject, containing numerous changes, is then submitted for action to the Economic and Social Council, accompanied by an estimate of the financial implications of such action. Final action is taken only when the General Assembly has approved the budget for the year during which the program is to be implemented.

This pyramid[7] of discussions, technical and wide in scope at the Secretariat and expert level, specific and highly political at the Council and Assembly level, is necessary in order to ensure that all the political consequences of the program will have been fully aired.[8] As a matter of fact, the economic and social developments within the United Nations are much more closely interwoven with political issues than was the case with the League of Nations; this accounts to some extent for the increased complexity of the mechanism.

A similar pyramidal arrangement exists in the discussions of most of

[5] See, for instance, the development of a Universal Declaration of Human Rights and the Covenant on Human Rights. The various measures for the Universal Declaration have covered the full span of three years, and preparatory work on the Covenant is not yet completed.

[6] Members of commissions, although chosen with particular reference to their personal qualifications, act as representatives of their governments and are to that extent influenced by political considerations. See in this connection the article by A. Loveday, "An Unfortunate Decision," in *International Organization,* I, No. 2 (1948), 279-90.

[7] The illustration of this procedure by a three-dimensional figure has been inspired by the complexity of the present-day international machinery. A flat two-dimensional figure to describe its intricate workings would hardly convey the situation.

[8] Sometimes a full-blown technical conference is thrown in for good measure; e.g., Conference on Freedom of Information (Geneva, March 1948) and World Conference on Road Transport (Geneva, August 1949).

the specialized agencies.[9] The "problem" becomes a draft program at the Secretariat level, a committee of experts adds its share, the Executive Board of the agency adjusts the draft program and fits it within the general conspectus of the agency's activities, and final approval is given at the annual conference.

Program Co-ordination

Any major revision of a program entails a repetition of the whole process outlined above. On the face of it, therefore, program co-ordination is hopelessly involved, and since each full process of program development might take a year or two it would seem that the time element would make it theoretically impossible to achieve proper co-ordination. For instance, should an adjustment in the program of one of the agencies be required on the advice of the United Nations, that part of the program would in principle have to go through the several stages of its original elaboration. Since the process that would have led the United Nations to make its suggestion would have taken a year or more, and in its turn the process within the specialized agencies would take just as long, the program would be delayed for endless years, thereby possibly making its execution obsolete by the time it would finally be confirmed.

In view of these difficulties and in order not to paralyze the specialized agencies, the Council has used moderation in exercising its co-ordinating function. In no instance has it resorted to the formal recommendations which, according to the Charter, were to be its instrument in the fulfillment of the function of co-ordination. A great deal has been achieved in the direction of co-ordination merely by approaching the problem *pragmatically*. The Council let more than a year and a half go by without doing more than creating a co-ordination committee, composed of the Secretary-General and the executive heads of the various specialized agencies, to keep a watch "from the inside" on the development of "natural" co-ordination, the kind of co-ordination that takes place when technicians dealing with various aspects of the same subject come together and discuss their work. Even after the General Assembly had given considerable attention to this question

[9] The Bank and the Fund are in a somewhat different position in this as in other respects, since their activities are of an operational nature and are financed by the profits made on their loans. This fact has been recognized in the special character of their agreements with the United Nations. Likewise, I.T.U. and U.P.U. are in a different position, although for other reasons.

at its second session [10] and had prodded the Council into a more thorough consideration of it, the conclusions reached by the Council itself were similar in character.[11] In view of the general similarity of the membership of the United Nations and the specialized agencies, particular stress was laid on the necessity for co-ordination at the national level, in order to achieve co-ordination of policy. A divergence in views on policy between the United Nations and a specialized agency usually implies divergence of views within the Member nations themselves. The General Assembly therefore called upon "members to take measures to ensure on the national level a co-ordinated policy of their delegations to the United Nations and to the different specialized agencies" (General Assembly Resolution 125 [II]).

On the other hand, the fundamental idea of what international "action" in the economic and social fields should consist of is still not quite clear.[12] For organizations which have advisory, informational, research, or quasi-legislative functions, but have no authority to execute their findings except in so far as their own Member governments are concerned, it is difficult to conceive the over-all view that would permit the establishment of priorities among these varied functions.

Actual co-ordination of programs was, to a great extent, entrusted to the various secretariats. Since it is the function of the secretariats to do the preparatory work in the elaboration of programs, each of them is in a position, through early consultations with the other secretariats, to ensure that the activities and plans of the various organizations concerned are taken into account, thus avoiding the necessity of having recourse to the complicated and lengthy processes of program revisions I mentioned earlier. The top-level secretariat body to supervise these intersecretariat relations is the Administrative Committee on Co-ordination. It has been felt that the best possible co-ordination would occur through constant ground-level contact between the various "pyramids." Duplications would be detected at the outset, if it was made certain that technicians working in the same field would keep in direct touch with one another. "Good, general coordination is the aggregate of hundreds of points of contact between the United Nations and the specialized agencies and between the agencies themselves."

The substance of co-ordination goes far beyond the formal texts and

[10] See General Assembly Resolution 125 (II), dated November 20, 1947.

[11] Economic and Social Council Resolution 128 (VI), dated March 5, 1948.

[12] There are exceptions of course, such as the narcotic-drugs-control functions of the United Nations, the financing activities of the Bank, and the conventions of U.P.U. for over seventy years and of the I.L.O. for nearly thirty years.

resolutions to be found in the records. In countless minor ways, each organization is able to assist every other while pursuing its own appointed task, if only by viewing the activities of every other organization as its own contribution to one general, overriding purpose. The innumerable meetings of officials of the various organizations, as they travel on their allotted missions, also promote a better understanding of respective efforts and thus add to a development of the sense of co-operation.

The decision of the Council to rely on the Administrative Committee on Co-ordination for advice on program co-ordination was based on the fact that the essence of good administration is to place responsibility on one organ and to challenge the organ if it goes wrong. "Why take a watch to pieces to see if it's working, if it *is* working all right?"

However, this working-level approach did not exhaust the Council's responsibilities in program co-ordination. The General Assembly had specifically asked the Council to make "recommendations concerning the definition of responsibility for specific projects and concerning priorities for action" (paragraph 4 of Resolution 125 [II]).

In order to satisfy the first of these requests and at the same time to keep a tab on the results of co-ordination at the working level, the Council agreed that certain topics [13] should be selected on which reports about the progress of co-ordination would be submitted, which would include an indication of the division of responsibilities among the agencies concerned with each of these topics. The idea to concentrate on "guinea-pig" subjects had been arrived at partly because the Council was unable to cope with the immense mass of co-ordination documentation submitted to it, and also because the experience in organizing work and assigning specific responsibilities to various organizations in a given field, namely, that of migration, had given excellent results.

As regards the second request, the Council narrowed down the scope of its priority recommendations by limiting itself to the designation of major areas of work that should receive the attention of the specialized agencies in priority over others. Joint as well as separate action to help solve the world food crisis was recommended as one such top priority. More recently, there has been the designation of economic development as the subject most worthy of urgent consideration.

On the other hand, the Council has retained its concern with its responsibility to keep under review the policies and activities of the specialized

[13] The first topics have been housing, fellowships, man power, and technical training problems (see Fourth Report of the Administrative Committee on Co-ordination to the Council, document E/1076, p. 4).

agencies. The Council's Resolution 128 (VI), in paragraphs 3 and 4 of Part A, called each year for "an account of activities and work programmes for the current calendar year, with special reference to any major modifications of work programmes previously transmitted, and as far as possible, an account of the proposed activities and work programs for the subsequent year." The *Comparative Review*,[14] which was prepared on the basis of these reports, and the *Catalogue of the Economic and Social Projects*[15] of the entire United Nations family have provided the Council in the last two years with a complete picture of international action undertaken or to be undertaken. Examination by the Council of the first *Comparative Review* led to the conclusion which had been expected; namely, "that while there are overlapping fields of interest, there is not in fact at the present time actual overlapping in work programmes of the specialized agencies. Periodic review of respective work programmes and their inter-relationships is required, since there is the potentiality of overlap because of broad terms of reference."[16]

This was the authoritative consensus of opinion last year. The situation at present is that the General Assembly at its fourth regular session in September of this year is to review the manner in which co-ordination has progressed up to now. A lengthy report[17] has been prepared, which includes a review of the agreements and the manner in which co-ordination has developed. This report is before the Economic and Social Council and will be forwarded to the General Assembly to serve as a basis for its discussion on the subject. Judgment will be rendered at that time, but up to now we have every indication that co-ordination is proceeding satisfactorily.

After only two or three years of trying out this new approach in international organization—it is indeed a new approach and a new experiment, this central organization, with a number of specialized independent organizations gravitating around it—it does appear that we are going in the right direction. Progress is being made certainly in not an unco-ordinated, but probably in a well-co-ordinated, fashion. Final judgment cannot be rendered now, but will have to await a decade or so. I hope we are working for the centuries, and, as I was saying, I am glad to report that the baby is healthy.

[14] See document E/1351/Rev. 1.

[15] The first issue was published in March 1949.

[16] See Report of the Council Committee on Matters Relating to Coordination, to the Council, E/1038, p. 7.

[17] See document E/1317.

Discussion

The CHAIRMAN called upon Mr. Papanek, who, as a member of the Advisory Committee on Administrative and Budgetary Questions, had had much experience with the topic discussed by Mr. Shalom. MR. PAPANEK stated that although co-ordination between the United Nations and the specialized agencies was only just beginning, the organization was on the right track. To a large extent, however, the efforts being made were more formal than substantial. Still more time was required before the stage called for by the Charter and the agreements between the United Nations and specialized agencies was reached. The Charter, for instance, asks in Article 17 that the budgetary and financial affairs of the specialized agencies be co-ordinated. Today, however, we are still far from it. Although budgets are discussed by the United Nations, the organization does not enter into the merits of the details. There were many reasons for this, Mr. Papanek added; viz.:

1. There was different membership in the specialized agencies and the United Nations. Very few of the Members of the United Nations were members of all the specialized agencies, and several Members of the United Nations were not members of any of the agencies.

2. Some of the specialized agencies have their headquarters in countries other than the United States. This creates currency problems, because the budgets are often prepared on different bases from that of the United Nations.

3. Members do not all pay their contributions to the United Nations and the agencies at the same time. Furthermore, in a co-ordinated budget, one would have to discover a scheme for deciding what part of each contribution went to the United Nations and what to the agencies, a decision that might raise more problems than currently existed.

4. There was no co-ordination on a national basis; *i.e.*, even Members of the United Nations or the specialized agencies did not co-ordinate their own systems within the United Nations system. On particular problems, representatives of the same government in the various organizations often take diverse stands because they represent differing views in various departments of their own government.

5. Some specialized agencies have private budgeting for international purposes; e.g., the International Bank for Reconstruction and Development finances its operations from its financial transactions and, since its administrative budget is not paid for by Members, it does not want its financial transactions considered on the same basis as the other agencies.

6. There is also a conflict of philosophy with regard to operations. The major question was whether the United Nations should only be an over-all supervisory organization and leave operations to the agencies. The United Nations, of course, had already done some operational work on social questions and was considering undertaking more in connection with technical assistance. How far should it go? In any case, it must avoid overlapping with the specialized agencies. The extent

of the problem can be appreciated by realizing that the operational budgets of some agencies were huge. That of the I.R.O. was almost three times that of all the organizations (including the United Nations itself) together, being $165 to $170 million as compared with $65 to $70 million for all others.

Some progress has been made because the United Nations and agencies are adopting similar budgetary procedures, and auditing is going forward at a uniform basis, although just now there still are different interpretations of the meaning of certain terms. Although government and private auditors are used by different organizations, it is possible that there will be established a panel of auditors from which all might choose their assistance.

In answer to a question about the origin of the specialized agencies, MR. SHALOM responded that the Economic and Social Council could establish them under Article 59 of the Charter when it finds the need for so doing. MR. PAPANEK illustrated this point by pointing out that the Economic and Social Council prepared for the I.R.O., which was established in 1947 by agreement with the Assembly, and came into existence after ratification of the agreement by the Member states. It started as a temporary commission, therefore, and then in 1948 became a full-fledged, although temporary, organization, scheduled to die within two years. Next year, 1950, would see no new refugees being taken care of, and then the organization will concentrate on settling those remaining. Primarily, therefore, the establishment of an agency is a problem for the General Assembly and is handled through the Economic and Social Council.

In answer to a question from the audience, MR. PAPANEK said that each organization set up a scale of contributions based on capacity to pay, and in conjunction with the membership of the organization each country is asked to pay a certain percentage of the budget. The United Nations itself has a committee to set up these bases for payment. Some of the agencies used the same scale; others have their own. But each organization adopts its own procedure and each state pays according to this assessment. Under this scheme, the United States paid 38.89 per cent of the expenses of the United Nations, and the remainder was apportioned among the other Member nations.

The General Assembly

Role and Function: Third Regular Session

Andrew W. Cordier
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I AM delighted to be here this evening. I am very much impressed by this panel of questioners and am anxious to get to the period of discussion. In the meantime, I will devote a few minutes to the more formal part of the program and will discuss the organization, the functions, and some of the substantive achievements of the General Assembly.

The annual report of the Secretary-General will come out next month. It is a comprehensive report on the work of the United Nations throughout the past year, and includes a personal appraisal by the Secretary-General of the state of world affairs and of the United Nations. Strong emphasis is laid on the increasingly vital role of the General Assembly in United Nations and world affairs—on the idea that the General Assembly is developing as a powerful force in bringing about the alleviation of tensions and the resolving of conflicts in many parts of the world. The Secretary-General also stresses the role of the General Assembly as a center for harmonizing the sometimes varying interests of nations and calls attention to the valuable work of that organ as a medium for conciliation and mediation. A careful analysis of international events, as reflected in the comprehensive work of the United Nations over the last three years, certainly justifies these conclusions.

The value of the role of the General Assembly might be judged in another way. You will recall that in the weeks and months preceding each session of the Assembly thus far there has been a heavy cloud of gloom in international life. There were, indeed, many prophecies of the inability of the Assembly to cope with the serious problems concerning it. Confirmed pessimists sometimes declared that the United Nations could not survive that particular session. Many such statements were made before the third regular session of the General Assembly convened in Paris. In contradiction

to these negative pre-Assembly prophecies, it is important to observe that the General Assembly, far from giving a dramatic confirmation to the voices of doom, has always terminated its sessions in an atmosphere of provisional hope. This contrast in pre-Assembly and post-Assembly attitudes is a tribute to the substantial work accomplished by the Assembly in the alleviation of world tensions and the promotion of genuine international co-operation.

These achievements are all the more remarkable when we consider that we have had to work against the background of two of the world's greatest disasters—the First World War and the Second World War. The Second World War, particularly, left in its wake a frightening heritage of political problems, of international tensions, of economic, social, and psychological dislocations. This vast complex of man-made problems cannot be dealt with successfully overnight. Mankind, suffering from the conflict, is a kind of global psychopathic patient. It will require time, patience, and perseverance to solve the problems. The General Assembly is making a major contribution to the stabilization of world life against this challenging background.

At the United Nations Conference at San Francisco, the question of how the Assembly would work or what the length of its sessions might be was not debated at length. It was generally assumed that sessions would be similar in length and procedure to those of the League of Nations; *i.e.*, that the Assembly would not last more than five or six weeks. In contrast, during each of the last three years, the General Assembly has been in session from ten to thirteen weeks, or one quarter of the year.

This extraordinary development has led to considerable debate about the organization, procedures, and purposes of the Assembly. Some believe that the present long sessions are desirable because of their tempering effect upon international tensions. As one observer put it: "No war will break out while the General Assembly is in session." The work of the General Assembly, it is contended, is of prime importance to humanity and no apology needs to be made for the amount of time consumed. Others urge that steps should be taken to eliminate "needless debates" and that, this objective achieved, the sessions would not only be shorter but the international prestige of the Assembly would be greater. The protagonists of shorter sessions also argue that principal representatives cannot be away from their capitals for long periods of time and that, hence, longer sessions are inevitably characterized by a lower standard of representation of Member states.

While it is interesting to analyze whether the sessions of the Assembly should be long or short, it is perhaps more important to search for the rea-

sons for the present length of sessions in the organization and agenda of the Assembly itself, as well as in the world setting in which the Assembly must operate.

The agenda of a regular session now as a rule comprises seventy or eighty items. The coming fourth regular session will perhaps have as many as eighty-five items. Why such a lengthy agenda? As I said before, the multiplicity of issues arising out of the Second World War produces much additional work for the United Nations, and such issues are often submitted as items for consideration by the Assembly.

It has been said in certain quarters that the United Nations is weak and is failing in its objectives, but it is of more than passing interest that some of these criticisms originate in those countries which have thrown the most difficult problems into the lap of the United Nations. If an alleged lack of faith in the United Nations should express itself in a failure to submit important and difficult items to the General Assembly, there would be real reason to concern ourselves about the future of the organization. On the contrary, many of the most difficult problems that could not be resolved through other approaches have been presented for solution to the Assembly.

The Palestine question is a good illustration of an infinitely difficult issue that was submitted to the General Assembly when it could not be resolved elsewhere, and it may be said that the United Nations has made very substantial progress in this regard. Tomorrow the last of the armistice agreements—that between Israel and Syria—will be signed, thus completing the series of armistice arrangements between Israel and her neighbors. In the meantime, the United Nations Palestine Conciliation Commission is working on other aspects of the problem.

Another very important and difficult question is that of the former Italian colonies, with which the Assembly will deal again next fall. The Council of Foreign Ministers referred this question to the United Nations. After extensive debate at its spring session, the Assembly was unable to reach agreement, but the issues were at least clarified and the United Nations may be able to achieve success in the coming session.

Again, the problem of Indonesia was submitted to the Security Council and later to the General Assembly. The latter organ did not formulate any positive recommendations, but the discussion of the question that took place there produced a favorable atmosphere which contributed to enlarging areas of agreement between the parties to the dispute.

Thus the United Nations, through the General Assembly, has become a magnet which has attracted to itself the world's most difficult problems. This is the greatest tribute that can be paid to it and to its usefulness, and

indeed its indispensability, in world affairs. The importance and the number of items on its agenda certainly justify the amount of time devoted to Assembly sessions each year.

But there are other explanations for these lengthy sessions which are constitutional in character. Different terms of reference are laid down for the General Assembly and the Security Council in the Charter of the United Nations. In the Covenant of the League of Nations the Council and the Assembly had identical terms of reference, with the result that the League Council acted as an executive body for the Assembly. Many questions were referred in the first instance to the Council, were dealt with by that body, and never reached the agenda of the Assembly. In the United Nations, the differences in the responsibility of the two organs have produced a distinct trend toward a compartmentalization of responsibility between them. Items referred for the consideration of the General Assembly are generally dealt with by it, and items placed on the agenda of the Security Council are seldom referred to the Assembly. Of course, the compartmentalization is not complete but there is at least a vivid contrast between the United Nations and the League of Nations on this point. The League Council was a most important screening organ which in effect held the agenda of the League Assembly to such a level as to enable that organ to complete its work in five or six weeks. The United Nations General Assembly has no preliminary screening body as such that can either deal definitely with items brought before it or can engage in effective preliminary exploration to reduce the need of discussion in the Assembly. The absence of such an executive body has been a subject of much speculation among observers of the Assembly. It was a major contributing factor in the creation of the Interim Committee of the General Assembly which, it was hoped, would perform an important screening service for political items on the agenda of the Assembly. The absence of such an executive organ has also led to much debate on the role of the General Committee of the Assembly, especially by those who feel that that Committee should be given much wider powers to screen agenda items.

In considering the length of Assembly sessions, we must recall that that organ has two major organs directly under its authority: the Economic and Social Council and the Trusteeship Council. This situation again contrasts with that which obtained in the League of Nations where the Assembly had no major organs under its immediate authority. Ten or twelve items on the agenda of the fourth regular session are derived from the work of the Economic and Social Council, some of them of great importance and requiring the earnest attention of the Assembly. The expanded co-opera-

tive program of technical assistance for economic development may readily prove to be the most important achievement of this year's session.

In the political field, the marked differences in the functions of the Security Council and of the General Assembly have led to a great enlargement of the work of the latter. The application of the rule of unanimity of the Great Powers in the Security Council has had the effect of shifting some political questions from the Council to the Assembly. The Assembly thus complements the work of the Security Council politically; it completes it and rounds it out. In fact, recognition of the strength and limitations of the Security Council as revealed in its actual performance during the last three years has strengthened the political role of the Assembly and has produced a new and generally understood relationship between the Council and the Assembly with respect to the achievement of solutions of political problems. On several occasions, the General Assembly, by its resolutions, has set up machinery and procedures for conciliation and has provided that the organs so created shall report to the Security Council. Thus the Security Council, in the Palestine mediation process, became, in part at least, an instrument for the implementation of General Assembly resolutions. The Security Council and the General Assembly have, therefore, within the spirit and letter of the Charter, developed a new procedure of "teamwork" which has produced effective results in the political field. All these developments, of course, have had the effect of increasing the work of the General Assembly.

Let us now look at the General Assembly from the point of view of its internal structure and operation.

The Assembly has been described by Senator Vandenberg as the "town meeting of the world." In a town meeting there is full opportunity for free discussion and a thorough clarification of views which, far from being criticized, should be applauded as a most valuable asset to a democratic society.

Working, as I have, through all the sessions of the General Assembly from the inception of the United Nations, I have never ceased to be grateful for this dramatic expression of an essential condition of a free society. You have only to think back in history to the medieval period to see the sharp antithesis between a society in which there is no freedom of expression and the modern world where we continue, at least in certain quarters of the world, to enjoy this hard-won right of mankind.

In medieval Europe and in England, it was considered revolutionary to express views in opposition to those held by the ruling class, and one very great chapter in the history of the last thousand years has been the struggle

of man, whether individually or collectively, to establish his right to express himself freely or to engage in the active implementation of his views in his relations with his fellow men.

Freedom of opinion was in the past ruthlessly suppressed. Many generations of men lost their lives or suffered serious restrictions of their liberties in order to establish firmly for future generations the right to freedom of speech. It is, therefore, sad to note that the exercise of free discussion, as seen in such a body as the General Assembly, is commented upon in cavalier fashion. Freedom of speech is sacred to civilization and to human life, and in the General Assembly we are helping to perpetuate that heritage.

Having emphasized the importance of freedom of speech, one must underline, at the same time, the parallel obligation to express oneself with a deep sense of responsibility and with a desire to achieve concrete results through free discussion. In this connection, parliamentary procedure plays a significant role in mobilizing free discussion toward proper ends.

Parliamentary procedure in action in such a body as the General Assembly is more fascinating than any sport. It is designed to take into account every legitimate interest of the representatives sitting in the Assembly Hall.

First, it protects each individual. The right of individual self-expression is guaranteed and must be guaranteed in every parliamentary body. This is a sacred right which cannot be denied to one without denying it to all. If, on the contrary, the individual exploits his right of self-expression, he encroaches upon the rights of his colleagues, and parliamentary procedure is in turn designed to curb such situations.

Second, parliamentary procedure protects the minority. The minority has the right to try to convince the majority but, if it fails, it must accede to that will until, under the rules, another opportunity arises to endeavor to change the position of the majority.

Third, parliamentary procedure protects the rights of the majority, whether it be a simple majority, a two-thirds, a three-quarters, or any designated majority. Parliamentary procedure is designed to explore opinion to the point where a majority view emerges. At this point, it becomes the obligation in an orderly society for all the members to comply with the majority decision until such time as the minority may succeed in changing the position of the majority and thereby itself become a majority.

Ideally, all members of the General Assembly would thus comply with all majority decisions. In fact, however, there have been some cases where compliance has not been complete, but the theory of universal response to majority opinion, deeply rooted in long democratic tradition, cannot be

abandoned. The theory and the practice of universal compliance to majority decisions must continue to be supported. Clearly, of course, it is a healthy condition of life in the United Nations if minorities and majorities are not always represented by the same Member nations. Fortunately, the resolutions of the Assembly illustrate that each Member of the United Nations has at one time or another been in the minority, while every Member at one time or another has voted with the majority.

Uniform and mechanical majorities and minorities are not conducive to harmonious relations among the Members of the United Nations. It is a healthy thing for any one nation sometimes to be on the minority side and sometimes to be on the majority side.

Fourth, parliamentary procedure is also designed to provide for the interests of the whole body. The whole body is always the master of its own procedures and can, by the rule of unanimous consent, agree upon a different rule of procedure.

Obviously, the role of chairman is important since he is the person responsible for shaping the conduct of the meeting.

In the Special Committee on Methods and Procedures of the General Assembly this summer there was much debate with regard to the position of the President of the Assembly and the chairmen of committees. Some representatives felt that chairmen could exercise more authority than has been the case in the past, while others held that the rules should be modified to strengthen their parliamentary position.

Two of the existing rules of procedure of the General Assembly in practice operate to the disadvantage of the chairman. Rule 65 provides that the General Assembly may limit the time to be allowed to each speaker and Rule 68 states that a representative may at any time move the closure of the debate. Since the chairman is not explicitly mentioned in these two rules, some chairmen, perhaps too timidly, have assumed that the initiative for the limitation or closure of debate should come from the floor.

It is the function of the chairman, within the limits of the rules of procedure, to expedite the work of the organ over which he presides, to be judicious in his decisions, and to gain effective results. We have had many good chairmen in past sessions of the General Assembly whose conduct of meetings provides many striking illustrations of the effective application of parliamentary procedure.

It must be admitted, and here we speak of the negative aspect of the work of the Assembly, that one of the factors in the length of past sessions is that there has been too much repetition of debate. In fact, I have noted a tendency in the debates of the Assembly to develop a seventh principal

organ, six being provided for in the Charter. There was a peculiar tendency in the last session of the General Assembly to assume that the plenary meeting of the Assembly has a status different from that of the six main committees, with the result that many of the items reported from those committees after the fullest possible debate were discussed once again at great length in the plenary meeting of the General Assembly.

A few minutes ago, I praised the importance of free discussion. I must add, however, that free discussion must be harnessed to effective parliamentary procedure and must have as its corollary the concept that it is an essential function of the General Assembly to conduct business and to achieve effective results.

I think that the experience of the last year or two has twisted the Assembly out of its original pattern of organization and procedure. It was assumed at San Francisco and London that agenda items would be presented by the General Committee for approval to the plenary meeting of the General Assembly, which would allocate them to the main committees, where a full and thorough discussion would culminate in concrete results to be dealt with in turn in businesslike plenary meetings of the General Assembly.

Debates on reports from main committees on items dealt with by those committees should not be repeated *in extenso* in the plenary meeting of the Assembly. It is my ardent hope that we shall be able to correct this abuse in the use of the plenary and restore to it the businesslike role that was envisaged for it.

There are two possible approaches to the achievement of this end. The Special Committee on Methods and Procedures is recommending the modification of Rule 59 to provide that the discussion of a report of a main committee in plenary meeting shall not take place unless one third of the members present and voting at the plenary meeting consider such a discussion to be necessary.

If the coming Assembly accepts the recommended wording of this rule, it will be necessary for the President of the General Assembly, before he introduces a report from a main committee, to ascertain the view of the Assembly on this point. I feel, personally, that it would be desirable to join this rule with another on the actual limitation of debate, whereby each Member would be restricted to fifteen minutes for any speech on a report from a main committee. This would provide ample opportunity for Members to place on record new instructions from their governments, to express new interpretations, or to reserve their positions vis à vis the resolution presented by the main committee to the plenary meeting of the Assembly.

Procedure for limitation of debate at this later stage of Assembly proceedings would, of course, have no bearing upon the full freedom of Members to express themselves fully and completely on all Assembly and world issues during the general debate at the opening of the session.

The main committees have been designed in such a way as to meet three important requirements: first, the right of each Member to be represented on the committee, which thus reflects in its recommendations the views of all Members of the organization; second, admission of the press to meetings so that the views expressed in the committee may be properly recorded in the press of the world; and, third, admission of the public to meetings, thus adding to the democratic character of the committee's deliberations.

In these conditions, each main committee becomes a vital core of the Assembly's proceedings and should make it possible for the subsequent plenaries to be conducted in a thoroughly businesslike way.

I wish now to give a brief résumé of some of the substantive achievements of the General Assembly. Last autumn, the major tension in the world was that between East and West, spearheaded by the Berlin crisis. The Berlin question was referred to the Security Council, but the General Assembly passed unanimously an urgent resolution asking the Great Powers to redouble their efforts to solve their problems by peaceful means.

This resolution was used as a basis for an appeal made by the President of the General Assembly and by the Secretary-General to the Great Powers to engage in new efforts to break the Berlin impasse.

The six nonpermanent members of the Security Council, headed by the President of the Council, tendered their good offices for the solution of the problem. A technical committee of the Council was set up to study the currency question and, while final success was not achieved, many aspects of the problem were reviewed. A very valuable setting was thus created for the subsequent conversations of Ambassadors Jessup and Malik. These men deserve the greatest credit for having brought the deadlock to an end. For this last chapter of events, the United Nations provided the roof under which the conversations could take place.

Some of the discussions took place in the Delegates' Lounge at Lake Success and some in the Secretary-General's home; in this way, either by direct intervention or by its mere existence, the United Nations provided a ready mechanism for the opponents to get together, thus performing a very important function.

With regard to Palestine, the General Assembly adopted a resolution based upon the report of the late Mediator and his successor. The Acting

Mediator will make his final report to the Security Council next week. He has succeeded in concluding armistice agreements between Israel and her neighbors. His authority will now be transferred to the Palestine Conciliation Commission, an organ established by the General Assembly. The Commission is responsible for the development of an international regime for Jerusalem, the settlement of the boundaries question, and the long-range solution of the refugee problem. Progress in these areas has been slow, but not insignificant.

In two cases, the General Assembly has set up commissions to observe conditions in troubled areas of the world—the Balkans and Korea.

The General Assembly created a special committee to facilitate the resumption of diplomatic relations between Greece and her neighbors, to observe the conflict in northern Greece, and to devise measures to bring that conflict to an end. In addition, the President of the General Assembly, with the Secretary-General of the United Nations and the Chairman and Rapporteur of the First Committee, engaged in extensive conversations aiming at the solution of the differences between Greece and her neighbors. These conversations, while not fully succeeding, had a favorable effect upon the relations of the Balkan countries with each other.

In Korea, a United Nations commission established by the Assembly last year supervised the elections by which the Government of Korea came into being, and made it possible, for the first time since the war, for the Korean people to express their views. The impasse between North and South Korea still exists, however, and will be a matter of concern to the representatives at the coming session of the Assembly.

The question of Indonesia has been of permanent concern to the Security Council. The General Assembly, at the second part of its third session, placed the Indonesian question on its agenda. While no action was taken, the mere discussion of the question with the prospect of possible action was enough to facilitate agreement between the parties.

The India-Pakistan case is again a matter of concern to the Security Council, but I pause to note that here again the United Nations succeeded, as in Palestine and in Indonesia, in bringing the war to an end, in establishing a cease-fire and in facilitating measures looking toward a peaceful settlement of the dispute.

The question of the admission of new Members is again on the agenda of the coming session of the Assembly. Israel was admitted early in 1949 as the fifty-ninth Member. There are now fourteen applications, but the prospect of the admission of the applicant countries at the coming session seems slight. The Secretary-General has always believed in universality of

membership and has repeated his conviction in this year's report on the work of the United Nations.

Another important political issue on the agenda of the next session is the question of the disposal of the former Italian colonies. The Secretary-General, in his annual report, proposes a direct United Nations trusteeship, and states that this practical approach to the solution of the problem may diminish the political differences that blocked success last spring.

In the economic and social fields, the most important item on the agenda is the question of technical assistance. The General Assembly approved a modest program of technical assistance last fall in Paris and it is clear that the President of the United States in his inaugural address had this precedent in mind when he proposed Point 4 for an enlarged program of technical assistance to underdeveloped countries. The United Nations has sent a mission to Ecuador to study the social services of the government and to make recommendations with respect to the taking of a census. It has sent another mission to Haiti and one to Iran.

The present modest program of the United Nations in technical assistance in both the economic and social fields is a valuable proving ground for the much larger program which is being planned for the near future. Technical assistance will provide an opportunity for the mobilization of the administrative and scientific skills of the world for the purpose of raising living standards in underdeveloped countries. It will be based upon the principle of mutual helpfulness through exchange of skills and the development of capacities of peoples to help themselves.

One of the most dramatic projects of the United Nations is the International Children's Emergency Fund, which was established several years ago by the General Assembly. It has kept alive and provided a better existence for millions of children in many parts of the world. Its extensive medical program has saved more millions from the ravages of disease. The splendid record of the Children's Fund will be reviewed by the General Assembly at its coming session.

The Paris session of the General Assembly also established arrangements for the feeding of some 750,000 Arab refugees, the victims of hostilities in Palestine. The coming Assembly will continue this program but will strive to develop a parallel program looking toward a permanent solution of the problem through repatriation and resettlement of the refugees.

The Third Committee of the General Assembly devoted eighty-five of its Paris meetings to a consideration of the Universal Declaration of Human Rights. The passage of this Declaration was a major achievement—perhaps the major achievement—of the Paris Assembly. It represents the highest

common denominator of world agreement on a whole series of essential human rights. It is a brilliant expression of the world's conscience on important questions of human relations. It is an effective counterattack upon the widespread cynicism and doubt that followed in the wake of the war with respect to the preservation of traditional human values.

The Sixth Committee paralleled the work of the Third by completing a draft convention on genocide, which would outlaw the Hitlerite brutality of liquidating whole peoples.

The Fifth Committee, the Administrative and Budgetary Committee of the General Assembly, considered at length the numerous housekeeping problems of the United Nations and established the budget which provides the necessary sinews of the work of the organization.

I might summarize by saying that the one hundred forty or more million dollars which the United Nations has spent in its varied activities during the last three years represents by far the best investment that humanity has made through public channels. Without that investment, the world would be faced today with a number of wars, if not a world war.

The United Nations has stopped not a war—but wars. It has prevented wars and it has ended wars. Today, the primary authority in the Middle East is the United Nations. It has restored and is maintaining peace in that area. It has stopped communal conflict in India and Pakistan. It has ended war in Indonesia. It has provided some stability in Korea and in the Balkans. In the fields of relief and rehabilitation and in economic development the United Nations has saved the lives of hundreds of thousands of people. It has alleviated distress. It has checked disease. It has promoted health. It has increased the food supply of the world. It has promoted the economic, social, and political betterment of humanity. The budget of the United Nations is a means to an end. That end is the achievement of the aims as set forth in the Charter and those aims, when achieved, will give the assurance of a more stable world.

The General Assembly thus becomes an increasingly important center for the achievement of the high aims of the peoples of the world through the United Nations.

Discussion

MR. CHAMBERLIN spoke briefly of some procedural problems, such as the method by which the General Assembly votes. There are two ways of voting: one is to raise hands and be counted; the other is to have a roll-call vote. Careful check of the records of the Assembly shows that the Assembly

spent a total of two full days just in voting, for one session alone. It is quite expensive to keep 500 delegates to the Assembly in session for two more days. A system of mechanical voting is now being considered.

A tally has also been made of the length of speeches. They range from two hours, twenty minutes, down to fractions of a minute, not including actual proposals. In the course of debate on one question one delegate spoke 186 times. That is an example of the problem of the right of the majority against the right of the minority. It was a minority representative who spoke 186 times. This question of procedure is really a political question; the man knew he would lose, but the question was most important to his delegation. Should the chairman have stepped in and suggested to the committee that it close debate on this subject? The rules say that a representative may at any time move for closure of debate, but the chairman himself cannot do so. Is the President of the Assembly a representative? One group says he has not been dethroned; others say that because he he is chairman he is no longer a representative in the true meaning of the word.

A very great problem is the problem of agenda—an inclusive agenda as opposed to an exclusive agenda. Some Members of the United Nations are bypassing the Economic and Social Council in order to get their items directly to the General Assembly agenda, because fifty-nine Members will make the decision there, and they do not want to bother with an eighteen-Member group. This adds to the agenda of the General Assembly. Thus there are the following problems: long agenda; limiting debate; the authority of the chairman; the relationship between the committee debate and the plenary debate.

MR. CORDIER agreed with these comments. The chairman could have restricted some of the 186 speeches; he could talk privately with these individuals and resolve some of their problems on the outside.

MR. VAN WAGENEN asked what proportion of the matter from the Economic and Social Council which goes on to the General Assembly could be stopped. MR. CORDIER replied that the Economic and Social Council submits an over-all report to the General Assembly. The General Committee breaks it down so that parts of it go to the Economic Committee of the Assembly, parts go to the Second and Third Committees, parts to the Social Committee. In addition to this general report, there are specific items which the Council will present to the General Assembly; *i.e.*, technical assistance, underdeveloped countries. The Council would save the time of the Assembly if, for example, draft conventions were thoroughly debated and drafted by that Council.

MR. PAPANEK inquired concerning the extent to which resolutions are being carried out and whether it diminishes the importance of the General Assembly when they are not carried out; e.g., the resolutions dealing with Spain and South Africa. Because they were not observed, the Assembly had next time to adapt milder resolutions. Would it not be wiser to limit the decisions and only produce resolutions that would be carried out? MR. CORDIER said it is undesirable to pass a resolution if it is known that it will not be carried out.

The Spanish case furnished a good barometer of the attitude of the world toward Spain; it is a good way to test out feeling. The debate this spring was extremely helpful in discovering the various interests of groups of nations in the Italian colonies question. In South Africa, while the intervention of the United Nations was not successful in the sense that South Africa did not accept, it at least aroused the conscience of South Africa to some extent in regard to Southwest Africa. It is better for such matters to be handled by the United Nations than to be ignored by the United Nations, even if no solution is reached. Another approach to this question is the voting approach. Some say that on issues which require the commitment of all Member governments by the resolution we should not use a simple majority, but a two-thirds majority. The United Nations uses the simple majority much more than the League did. Wherever public opinion is required in order to mobilize support of a large number of countries, it may be desirable to have a two-thirds majority rather than a simple majority. It is obvious that the United Nations cannot afford too many cases of noncompliance with Assembly resolutions, but he thought the record was quite good in most cases. MR. EAGLETON observed that the Assembly might get more support for some of its resolutions if it stayed within the meaning or the spirit of the Charter.

MR. PAPANEK asked whether Members should be forced to vote. MR. CORDIER replied he did not believe so. MR. CHAMBERLIN offered an example of a decision by a minority: Manuilsky of the Ukrainian Republic made a ruling on a vote upon which those who voted yes exceeded those who voted no, but because of the number of abstentions he declared that the motion was lost. One who abstains is not willing to take a stand on an issue. A delegate to the United Nations should be required to vote.

MR. MASLAND suggested that longer Assembly sessions might have a noticeable effect on the quality of delegates coming to meetings, since it is not possible for heads of states to stay away from home so long. MR. CORDIER admitted he might have given the impression that he favored longer sessions, but that actually he favors limitations of debate which would shorten sessions. There is another factor to keep in mind. Boredom has never been helpful to anyone. Repetition in debates should be avoided, though some repetition is inevitably necessary; it is detrimental to moral tone, which is maintained by expeditious conduct of business; and it is also related to the fact that overlong Assembly meetings diminish the quality of delegates. Top representatives cannot stay away from their offices too long, and there is a decline in the quality of representatives at the end of the Assembly. He suggested that they start the *ad hoc* committee at the same time as the Political Committee; thus, by having two political committees operating at the same time, the largest number of political questions would be discussed during the time the top delegates were there.

MR. EAGLETON suggested that the meeting take advantage of this oppor-

tunity to ask about the general problem of co-ordination of the far-flung activities of the United Nations. MR. CORDIER said that the Secretariat is one of the six principal organs of the United Nations and is the administrative organ accountable for carrying out the various responsibilities placed upon the Secretary-General. This includes all resolutions, actions of the various councils, of the Assembly, and of the Court. The staff of the Secretariat is occupied with the implementation of the work of all the councils; it is busy preparing papers and reports requested for the meetings; it services meetings which are taking place and prepares for future meetings. This requires a considerable staff—3,000 from fifty-four different countries. They have been molded into quite an effective working unit, even though so different in backgrounds. He went on to say that there are eight departments in the Secretariat directly related to the various organs. All of this activity, arising from thousands of meetings of various bodies of the United Nations, is serviced by the eight departments of the Secretariat and requires co-ordination. This process takes place in the Secretary-General's office, through the meetings of the top-ranking directors of departments. They are called together once or twice a week to talk over the work, to expedite and co-ordinate the work. Each department reports to Mr. Cordier's office every day, and every evening he reports to the Secretary-General on the top developments. That report is then processed and goes to the top people in each department. Thus, all the departments get the same information on top-level developments within the organization. A similar process of co-ordination is employed for the specialized agencies and for economic and social matters; also in connection with the political missions. Mr. Cordier is also chairman of the Publications Board, which is important in co-ordination because it is the means through which the whole research and publications program of the organization is controlled. Two million dollars a year is spent on the publications program; the United Nations has already produced more documents than the League of Nations did. Control of publications is an important medium of co-ordination.

MR. SWIFT asked about the ninth department, the primary duty of which was to be co-ordination, but which was abolished. MR. CHAMBERLIN replied, because he thought Mr. Cordier might not wish to do so. The decision was made at San Francisco that there would be no Deputy Secretaries-General, but Mr. Lie had found that it was too much for him to carry the administrative load alone and at the same time to carry on the political responsibilities which are his principal duty as Secretary-General. Certain delegations suggested to him that it would be wise to appoint a ninth Assistant Secretary-General to co-ordinate things; thus, the ninth colonel would outrank the other eight, but the other eight were his seniors. His attempts to co-ordinate the activities of his equals got nowhere; each of them claimed to be in charge of his own department and responsible only to the Secretary-General. The ninth Assistant Secretary-Generalship was done away with just before the Assembly last year. The really cohesive

force at Lake Success is Mr. Cordier, and he is doing through conciliation what the ninth Assistant Secretary-General could not do.

A question was asked about the status of the Little Assembly. MR. CORDIER replied that it is an interim committee of the General Assembly, and is engaging in a number of studies pursuant to its work of last year in pacific settlement, such as the practices in the missions, the rules of procedure for the General Assembly in this work, setting up of a panel of persons nominated by Members of the United Nations from which the United Nations could draw for boards of inquiry or conciliation. Belgium has been first to submit a name, and the United States is preparing its list. The committee itself will probably recommend that it be continued for another year at least, and perhaps permanently. What will it do if it is continued? Last year it did very good work. It has made excellent contributions toward preparing more precise procedures of pacific settlement. It may have to co-operate with the International Law Commission in this field.

The Security Council

Role and Procedure

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HAVING such a large subject to treat in a short talk, I will set myself the limited objective of placing the Council's role and procedure in a certain practical political perspective and I will not presume to make any intricate legal analyses. With this purpose I will be obliged to paraphrase some of the sacred articles of the Charter, merely to indicate their substance. I hope that my learned colleagues will forgive these liberties and will not regard them as implying novel interpretations.

Without attempting a complete and detailed account of the Council's role and procedure, the first part of my talk will deal in a general way with some of the central aspects of these questions. In the last part, I should like to place in this general setting a brief analysis of some characteristic developments of procedure and precedent in the Council's day-to-day work.

1. Role of the Security Council as Envisaged in the Charter

a) General Nature of the Security Council

The opening words of the Charter express the determination of the peoples of the United Nations to save succeeding generations from the scourge of war. The Security Council was given the primary responsibility for discharging this central objective of the organization. The basic description of the Council's role is found in Article 24 of the Charter, in which the Members of the United Nations confer on the Council "primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility, the Security Council acts on their behalf."

Because the Security Council has certain executive functions, and because the International Court of Justice has certain judicial functions and the General Assembly is in some ways comparable to a Parliament or Congress, people sometimes regard the United Nations as a sort of superstate. In fact,

of course, the organization derives its existence from the Charter, which is a multilateral treaty between equal and sovereign nations. The organization is explicitly based on the sovereign equality of all its Members and is forbidden to intervene in matters which are essentially within the domestic jurisdiction of any state, provided that this principle is not to prejudice the application of enforcement measures under Chapter VII. With the exception of certain proceedings in the Security Council, the decisions of the organs of the United Nations are recommendations which the Member states may legally apply or disregard. Most United Nations recommendations rely for their effectiveness on their moral force as expressions of general world interests and opinions. Accordingly, it is misleading to carry too far the comparison between organs of the United Nations and national legislatures, executives, and judiciaries which are backed by a comprehensive system of enforcement.

Although the organization is not a superstate, it gives the world community the highest form of organization it has ever had, and it is based on the largest delegation of national sovereignty that has yet been made. The special position of the Security Council is reflected in the fact that it is empowered to adopt resolutions which are binding on Members." It is clear that decisions taken under Chapter VII, which deals with enforcement measures and associated questions, come within the scope of Article 25. It has been argued that Article 25 has a much broader scope: for example, during the debate on the Greek question it was maintained that the Council could take legally binding decisions when ordering an investigation under Article 34.

b) Specific Functions of the Security Council

(i) *Pacific settlement of disputes: Chapter VI*

In the field of pacific settlement of disputes, the Charter directs that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, or other peaceful means of their own choice. When it deems necessary, the Council is to call upon the parties to settle their dispute by these means.

If the parties to such a dispute fail to settle it by these means, the Charter directs them to refer it to the Security Council. If the Council considers that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to recommend appropriate procedures or methods of adjustment or to recommend terms of settlement.

At any stage of a dispute or situation likely to endanger the maintenance of international peace and security, the Council may recommend appropriate procedures or methods of adjustment. The Council may investigate any dispute or any situation which might lead to international friction, or give rise to a dispute, to determine whether its continuance is likely to endanger the maintenance of international peace and security.

It will be noted that all these provisions have been concerned with disputes and situations likely to endanger the maintenance of international peace and security. To give the Council the possibility of action before this serious stage is reached, the Charter also provides that, if all the parties to any dispute, regardless of its character, so request, the Council may make recommendations to the parties with a view toward pacific settlement.

(ii) *Action with respect to threats to the peace, breaches of the peace, and acts of aggression: Chapter VII*

In the field of preventive and enforcement measures, the Charter provides that the Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security. Before adopting these courses, the Council may call upon the parties to take provisional measures without prejudice to their rights or claims; e.g., it may direct them to cease hostilities. Article 41 provides that the Council may call upon Members to apply certain measures not involving the use of armed force to give effect to its decisions; e.g., interruption of economic relations and communications or severance of diplomatic relations. Article 42 provides that, if the Council considers the measures provided for in Article 41 inadequate, it may take action by air, sea, or land forces to maintain or restore international peace and security.

In Article 43, the Members of the United Nations have undertaken to make available to the Security Council armed forces, assistance, and facilities necessary to maintain international peace and security. The Council is to initiate agreements with Members or groups of Members on this subject and make plans for the application of armed force with the assistance of a Military Staff Committee consisting of the Chiefs of Staff of the permanent members of the Council. Until this machinery comes into operation, the permanent members are to consult with one another and, as occasion requires, with other Members, with a view toward such joint action as may be necessary to maintain international peace and security (Article 106).

(iii) *Other functions of the Security Council*

The Security Council has many other functions, some closely associated with its security role and others having an organizational or procedural character.

Article 26 makes the Council responsible for formulating, with the assistance of the Military Staff Committee, plans to be submitted to the members for the establishment of a system for the regulation of armaments.

Article 83 provides that the Security Council shall exercise all functions of the United Nations relating to strategic areas in trust territories.

Chapter VIII of the Charter provides that the Council shall encourage the pacific settlement of local disputes through regional agencies or arrangements and that the Council shall, where appropriate, use regional arrangements or agencies for enforcement action under its authority.

Recommendation by the Security Council is necessary for admission to membership (Article 4) and suspension and expulsion of Members (Articles 5 and 6).

The Council also participates in the appointment of the Secretary-General (Article 97), the election of members of the International Court of Justice (Article 4 of the Statute of the Court), the establishment of conditions under which non-Members of the United Nations may become parties to the Statute of the Court (Article 93), and amendments to the Charter (Articles 108 and 109).

2. Organization of the Security Council

Article 23 provides that the Council shall have eleven members, and that China, France, U.S.S.R., the United Kingdom, and the United States are permanent members. At San Francisco this special position was based on their primary responsibility for and ability to contribute to the maintenance of international peace and security. The six nonpermanent members are elected by the General Assembly for a period of two years, due regard being specially paid in the first instance to the contribution of members to the maintenance of international peace and security and to the other purposes of the organization and also to equitable geographical distribution. The terms of three of the nonpermanent members expire each year.

Under the rules of procedure, the presidency of the Council is held for monthly terms by the members of the Council in the English alphabetical order of their names. Unlike the President of the General Assembly and

the chairman of its main committees, the President of the Council continues to represent his country during his term of office.

The Security Council is assisted by a number of subsidiary organs. Some of these have broad terms of reference covering large fields of the Council's competence; e.g., the Military Staff Committee, the Commission for Conventional Armaments, the Committee on the Admission of New Members, and the Committee of Experts. The Atomic Energy Commission is a similar organ, established by the General Assembly, and directed to report to the Security Council.

Another class of organs was primarily charged with the elucidation of facts; e.g., the subcommittee on the Spanish question, the Commission of Investigation Concerning Greek Frontier Incidents and its subsidiary group.

Other organs are associated with good offices, mediation, truce observation, etc., in relation to particular disputes and situations; e.g., the Committee of Good Offices on the Indonesian question, and the present commission, and the Commission for India and Pakistan.

Finally, there are miscellaneous organs established *ad hoc;* e.g., the committee that conferred with a committee of the Trusteeship Council on the respective functions of the two councils in regard to trusteeship of strategic areas.

3. Security Council Procedure in Dealing with Disputes and Situations

Any Member of the United Nations may bring a dispute or a situation to the Council's attention (Article 35 [1]). Any state that is not a Member may bring to the attention of the Council any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the Charter obligations of pacific settlement (Article 35 [2]). The General Assembly (Articles 11 and 12) and the Secretary-General (Article 99) may also bring matters to the attention of the Security Council.

To ensure that the Council will be able to act promptly, Article 28 provides that it shall be so organized as to be able to function continuously and that each member of the Council shall be represented at all times at the seat of the organization. The rules of procedure provide that the intervals between meetings shall not exceed fourteen days.

After circulation to the representatives on the Council, communications that meet the necessary conditions are included in the provisional agenda, which is drawn up by the Secretary-General and approved by the President. In adopting or amending the provisional agenda, the Council decides whether to consider the communication.

At the San Francisco conference, the representatives of the permanent members agreed that the principle of unanimity would not apply to decisions to admit an item to the agenda or to hear a party to a dispute. As will appear later, the Council has adopted liberal policies in the admission of items to the agenda and in regulating the discussion at this stage.

With one exception, relating to an organizational decision, the rules of procedure provide that the Security Council shall meet in public unless it decides otherwise. In practice, the Council has met in public except for occasional closed sessions to consider technical questions, draft its reports, and make appointments to public offices.

Parties to the dispute and Members of the United Nations whose interests are specially affected are permitted to participate in the debate. The Council usually gives the floor first to the complainant and then to other parties or interested states. After these statements, the representatives on the Security Council participate in the general discussion and put questions to the parties. During the general debate, proposals may be presented by members of the Council or states invited to participate in the discussion. Proposals of nonmembers may be put to the vote only at the request of a member.

The President or a group of representatives sometimes hold private consultations with the parties at this stage. Sometimes, subcommittees are established to enable representatives on the Council to bring their positions closer together or to establish a common text on the basis of several draft resolutions. This was done, for instance, in the Iranian, Spanish, and Greek questions.

If the facts are not established to the Council's satisfaction, it may despatch a commission to investigate on the spot (e.g., Commission of Investigation Concerning Greek Frontier Incidents and Commission for India and Pakistan), or it may set up a subcommittee to assemble information at the seat of the United Nations (e.g., subcommittees on the Spanish question and on the Corfu Channel incidents).

The Council is then in a position to make its recommendations or decisions. As you well know, the Council's voting procedure raises too many complex questions to be examined here. However, the following features of the problem may be noted in passing. With the exception of the election of members of the International Court of Justice, which is governed by an absolute majority of votes, voting procedure in the Security Council is guided by the provisions of Article 27. Decisions of the Security Council on procedural matters are to be made by an affirmative vote of seven members and decisions on all other matters by an affirmative vote of seven mem-

bers including the concurring votes of the permanent members, provided that in decisions under Chapter VI and under Paragraph 3 of Article 52 a party to a dispute shall abstain from voting. Frequently, a preliminary question has been raised whether the question under discussion was procedural or nonprocedural. In all cases, it was decided that the question should be treated as nonprocedural, although some members of the Council have challenged the procedures and interpretations by which this preliminary decision has been reached. Before leaving this subject, we may note an interesting interpretation of the Charter. The permanent members found themselves in a difficult position when they did not agree with a proposal, but did not wish to obstruct the wishes of the majority by voting against it. This problem has been solved by the establishment of the practice (a tacit agreement) that abstention by a permanent member does not prevent the adoption of any resolution, whether it is procedural or nonprocedural. Thus the United Kingdom representative abstained from voting on the Israeli application for admission to membership in the United Nations.

4. The Development of Procedure

a) Introduction

The Security Council's procedures are developing from year to year in reaction to the problems it encounters and the interests represented in it. To illustrate the characteristic methods by which the Council develops its constitutional practice, I should like to examine some recent cases in which a party to a dispute, or a representative on the Council, has denied its jurisdiction.

As a first example of a political situation involving this problem, I may cite differences involving an entity which its opponent contends is not a state. This situation can arise in a dispute involving a former colony or a local administration that maintains its statehood against a neighbor which regards it as a province. The problem may also arise in connection with Article 107, which provides that nothing in the Charter may invalidate or preclude, in relation to an enemy state, action taken or authorized as a result of the Second World War by the governments having responsibility for such action.

Various courses of action were open to the Council when its jurisdiction was denied. It could examine the problem of jurisdiction before or after admitting an item to its agenda. It could determine the question of jurisdiction in priority or reserve its position. It could limit debate on the substance to questions associated with the problem of jurisdiction or adopt a

more liberal position. It could retain the question or submit it to the International Court of Justice. I do not need to emphasize the substantive importance of procedural precedents or the fact that many political battles are waged on procedural issues. The Council's answers to these questions may influence the international status of an administration that is seeking recognition, affect the morale of the contending forces, and have other important practical effects.

The Council's jurisdiction was questioned in a number of its early cases: the first Indonesian question, the Spanish question, the second Greek question, and the Czechoslovak question. In these cases, the question of jurisdiction was never submitted to the Council as a separate issue. It was suggested several times that the opinion of the International Court of Justice be obtained, but this action was never taken. The Council took no effective decision on the substance of these questions. The Council's present practice may be illustrated by an analysis of three recent cases: the Hyderabad, Berlin, and Indonesian questions. The first case may be regarded as one extreme, since the Council merely discussed it, without taking any decision. The last case may be regarded as the other extreme of the Council's action up to the present, since increasingly positive steps were taken.

b) The Hyderabad Question

In August 1948 the Government of Hyderabad, acting under Article 35 (2) of the Charter, brought to the Security Council's attention the dispute that had arisen between Hyderabad and India (S/986). On September 13, the Council was notified that Indian forces had taken action and in a short time the whole of Hyderabad was occupied.

On September 16, the Security Council included this question in its agenda, after several representatives had made the reservation that this action did not prejudge the Council's competence or any of the merits of the case (S/PV.357). The representative of China argued that even admission to the agenda implied a certain view of the juridical status of the parties, but this position was not accepted by the majority. Immediately following the adoption of the agenda, the representative of Hyderabad made a statement on the facts and law and submitted suggestions regarding the action the Council should take. The representative of India maintained that Hyderabad was not competent to bring any question before the Council, that it was not a state and was not independent. Without going into the merits of the case, he indicated the nature of the events which, he said, had obliged the Indian Government to take action.

Shortly after that meeting the Nizam of Hyderabad withdrew the credentials of the delegation which had presented the complaint to the Security Council (S/PV.359, S/1011). The Council's next meetings were largely concerned with the Hyderabad delegation's credentials and rights to further participation (S/PV.360, S/1031). The Indian delegation consistently maintained its position on the question of jurisdiction, and at one stage said that its delegation for this matter had been withdrawn (S/1089, S/1115). However, on December 13, the representative of India sent to the President of the Council, "informally, for . . . . information," a brief factual report on the situation in Hyderabad (S/1124). This information was supplied without prejudice to the question of competence. On December 15, the Council invited the representative of Pakistan to participate in the discussion of this question (S/PV.384).

On the initiative of the Pakistan Minister for Foreign Affairs, the Council's discussion was resumed on May 19 and 24, 1949 (S/PV.425 and 426). The representative of India was given priority to make a fuller analysis of the question of competence. He then went on to describe recent developments and the growing co-operation between the two communities in Hyderabad. He submitted that the recurrent attempts to agitate in the Security Council merely gave opportunities for statements that inflamed communal passions and disturbed India's internal tranquillity. He concluded by asking what useful purpose would be served by keeping this subject on the agenda. The representative of Pakistan replied on the legal issues and said that, if any doubts remained on the question of competence, an advisory opinion should be obtained from the International Court of Justice. Meantime, provisional action should be taken under Article 40, to include arrangements for a general amnesty. He appealed to the Council to take action as soon as possible to rectify a situation that caused unfriendliness between Moslems and Hindus and made it more difficult for the Governments of India and Pakistan to continue friendly relations.

In the absence of initiative by any representative on the Council, there has been no further consideration of this question to date, although it is still in the list of matters of which the Council is seized. While not having decided on the question of its competence, the Council allowed full freedom to the complainant, and later to a sympathetic state, to present its case.

c) The Berlin Question

On September 29, 1948, the Governments of France, the United Kingdom, and the United States called the Security Council's attention to the

situation in Berlin and submitted that the actions of the U.S.S.R. Government had created a threat to the peace within the meaning of Chapter VII (S/1020 and S/1020/Add.1). Inclusion of this question in the Council's agenda gave rise to extensive debate on the question of competence. On the one side it was contended that consideration of this question would involve a direct violation of Article 107, which provided for the solution of questions relating to Germany by the governments responsible for the occupation. On the other side it was argued that Article 107 was not designed to prevent the Council from considering disputes among the victorious powers, but to prevent the former enemy states from interfering with action taken by the victorious powers (S/PV.351 and S/PV.362).

The question was admitted to the agenda and the representatives of the U.S.S.R. and the Ukrainian S.S.R. said that they would not take part in the discussion in view of the violation of Article 107. The representatives of France, the United Kingdom, and the United States presented their views on the substance (S/PV.363 and S/PV.364). In consultation with other representatives, the President requested the representatives of the permanent members to explain certain specific points on the question at issue. The representatives of the Western powers submitted detailed replies, but the representative of the U.S.S.R. recalled that he had not found it possible to participate in the Council's discussions.

On October 22, 1948, six representatives on the Council submitted a draft resolution on the substance of the question (S/1048). This proposal was not adopted, since one of the permanent members voted against it. The Council's formal consideration of the question ended at this point. However, through the efforts of the President, financial experts of the four powers concerned held consultations with a Technical Committee, composed of financial experts nominated by some of the nonpermanent members of the Council and by the Secretary-General. These conversations dealt with the establishment of a single currency in Berlin under four-power control. On February 11, 1949, the Technical Committee reported to the President that it had not been able to arrive at any solution acceptable to both sides.

On May 4, after conversations in New York, the representatives of the three Western powers requested the Secretary-General to bring to the attention of the Council's members the fact that their governments had concluded an agreement on the Berlin question with the Government of the U.S.S.R. (S/1316).

d) The Indonesian Question

On July 30, 1947, the Australian and Indian representatives drew the Council's attention to the hostilities in Indonesia between the armed forces of the Netherlands and the Republic of Indonesia (S/447 and S/449).

These communications were included in the Council's agenda on July 31, the President having ruled that this action would not prejudge the Council's competence or any of the merits of the case (SC OR 2nd Yr., No. 67). The representative of the Netherlands immediately objected to the Council's jurisdiction and has consistently maintained this position. He argued that the Netherlands was sovereign in the region concerned and the Charter was applicable only to relations between sovereign states, and that this matter was solely within the domestic jurisdiction of the Netherlands. Several representatives in the Council also questioned its jurisdiction. The United States representative submitted a proposal calling upon the parties to cease hostilities and to settle their dispute by peaceful means, maintaining that adoption of his proposal would not prejudice the legal position taken by any speaker, including the Netherlands representative. He hoped that the Council would call for cessation of hostilities without becoming involved in interminable arguments on legal questions (SC OR 2nd Yr., No. 68, p. 1668). Several representatives considered that the Council should take a clear decision regarding its competence, but this course was not followed. The representative of France suggested that the United States proposal should also state: "and without in any way deciding the juridical question concerning the competence of the Security Council in this regard." On August 1, 1947, the Council rejected the French amendment and adopted a resolution derived from the United States proposal, calling upon the parties to cease hostilities forthwith [1] and to settle their disputes by arbitration or by other peaceful means (SC OR 2nd Yr., No. 68). A number of representatives made express statements that they did not regard themselves as taking any decision on the question of competence at that time.

Hostilities did not cease immediately after the Council's order, and at its following meetings the Council discussed methods of implementing the resolution of August 1. The discussion in regard to jurisdiction followed much the same lines, and the representative of Belgium submitted a proposal requesting the International Court of Justice, under Article 96, to

[1] It may be noted that the United States representative later interpreted this direction as a provisional measure under Article 40, which did not prejudge the question whether the Republic was an independent state under international law (SC OR 2nd Yr., No. 82, p. 2175).

give an advisory opinion concerning the competence of the Council to deal with the question.

On August 25, before the Belgian proposal was put to the vote, the Council adopted a resolution (S/525 I) establishing a Consular Commission to report on the situation in Indonesia and a resolution (S/525 II) that led to the establishment of a Committee of Good Offices to assist the parties in the pacific settlement of the dispute. The representative of the Netherlands maintained his government's position in regard to the Council's jurisdiction, but believed that the tendency of the resolutions was acceptable.

The Belgian proposal was debated on August 25 and 26 (194th and 195th meetings; SC OR 2nd Yr., Nos. 83 and 84). In favor of the proposal, it was argued that, where the legal position was in doubt, it should be referred to the International Court of Justice as the highest authority on international law. The Court would give an impartial decision in strict accordance with the Charter and a body of rules would eventually be established by which the Council's competence could be judged. The Council should follow the normal practice of treating an issue of competence as a previous question. It should strictly observe the provisions of the Charter and should not endanger its authority by exceeding its jurisdiction.

On the other hand, it was argued that reference to the Court would cause delay, and the situation in Indonesia required urgent action. If reference was made to the Court every time the Council's jurisdiction was challenged, it would never be able to take action. It was submitted that an opinion from the Court might make future proceedings too rigid. Legally, the Council would not be bound, but a serious position would be created if the Court's opinion were not followed. The questions before the Council were not primarily of a technical character, but had grave political implications and affected world security. The Belgian proposal was rejected.[2]

The parties accepted the good offices of the Committee established under the resolution of August 25, and subsequent negotiations resulted in the Renville Settlement of January 17 and 19, 1948, which comprised a truce agreement and an agreement on political principles as a basis of discussion for the settlement of the dispute.

Toward the end of 1948, negotiations were broken off and hostilities recommenced on December 18. On December 20, the representative of the

[2] There was a similar debate during the Council's consideration of the Palestine question, when the representative of Syria submitted a draft resolution (S/894) requesting the International Court of Justice, pursuant to Article 96 of the Charter, to give an advisory opinion in regard to the international status of Palestine after the termination of the mandate (334th to 340th meetings; SC OR 3rd Yr., Nos. 95 to 98).

Netherlands made a statement on the facts and maintained his denial of the Council's jurisdiction (S/PV.388). Several other representatives also considered that the Council's competence had not been established (S/PV.392), but a majority agreed that it was no longer in doubt. On December 24 and 28, the Council adopted resolutions (S/1150 and S/1164) calling upon the parties to cease hostilities forthwith and immediately to release the President of the Republic and other political prisoners arrested since December 18.

The Committee of Good Offices reported that the Council's resolutions had not been implemented, and the Council continued its debate in January 1949 (S/PV.397, to 401 and 406). The representatives of China, Cuba, Norway, and the United States submitted a joint draft resolution providing for the cessation of hostilities, the release of political prisoners, and the return of the Republican Government to Jogjakarta; and reconstituting the Committee as the Commission for Indonesia and giving it a number of additional functions, including the power of recommendation to the parties on certain questions. The draft resolution also recommended the resumption of negotiations toward the establishment of a federal, independent, and sovereign United States of Indonesia and established a time schedule for these negotiations. The Netherlands representative objected to certain parts of this proposal as impracticable and as constituting an interference in the internal affairs of the Netherlands. Nevertheless, the proposal (S/1233) was adopted on January 28. Subsequent negotiations culminated in the agreement of June 22, providing for the restoration of the Republican Government to Jogjakarta and the cessation of hostilities and arranging for a round-table conference at The Hague on the long-term problems.

Thus it will be seen that, in the course of this question, the Council became more and more involved in the substance and took progressively more positive action, although there was never a formal decision on the question of jurisdiction, and one of the parties and several members of the Council consistently questioned the Council's competence.

5. Conclusion

In the previous sections I have tried to present in their practical contexts several areas in which the Council's procedure has developed and to indicate the forces that have shaped it. Some of the issues that arise from denials of jurisdiction are far from settled and precedents will always be modified in changing circumstances, but one can already discern certain tendencies in the Council's practice. Several broad lines of development

were open to the Council when confronted with constitutional problems such as the Indonesian situation in early August 1947. The position taken by the supporters of the Belgian proposal for reference to the Court would have strengthened tendencies in the direction of the United States Constitution. The position in fact taken by the Council has strengthened tendencies in the direction of the British constitution. The general advantages and disadvantages of these two tendencies do not require statement here. In addition to the considerations advanced during the debate and reported above, one may note that the lack of a clear solution to the problem of jurisdiction in the Indonesian question contributed to the decision to establish a Committee of Good Offices rather than a body with a more positive function, and some observers consider that this constitutional position limited the effectiveness of United Nations action. On the other hand, if any action was to be taken, the political and military situations required that it be taken quickly. But the precedents involved in a clear decision of principle on the constitutional issues would be of such importance for the Council's future work that a quick decision could not be taken.

The effective majority opinion has insisted that the Council remain the complete master of its own procedure and practice and that the greatest flexibility be preserved. It has not permitted the political questions coming before it to be diverted to other organs and has sought to keep the political and legal elements of its cases in proper perspective. In seeking to extend its role as conciliator and mediator and to give full effect to the forces of world opinion, the Council has adopted the most liberal practices regarding admission to the agenda and public debate on the substance of matters before it.

Finally, I should like to relate the actual functioning of the Security Council to its constitutional role as envisaged in the Charter and outlined at the beginning of this talk. In the few years of its life and in the existing atmosphere of Great Power differences, the Council has not established the enforcement machinery provided for in Chapter VII. The work of the Atomic Energy Commission and the Commission for Conventional Armaments has also reflected the state of the relations among the Great Powers.

However, I cannot emphasize too strongly the value of the Council's positive achievements during the very period of tension among the permanent members. In the Palestine, Indonesian, India-Pakistan, and other questions, the Council has contributed to the solution of disputes involving vast populations and areas of great strategic and economic importance. In the Berlin question, the efforts of the United Nations eased the tension between

the Great Powers themselves and contributed to the resumption of negotiations on the peace treaties.

It is obvious that, Charter or no Charter, certain objectives cannot be attained without Great Power agreement and this unalterable fact is reflected in a part of the Council's structure. However, other parts of the Council's structure permit it to function regardless of relations between particular states, and it has successfully used its moral power and its processes of good offices, mediation, and conciliation. These processes have required the parties to state their positions in open debate and exposed them to the influence of world opinion and the universal desire for peace. By using these forces, the Council and its subsidiary organs have proved the effectiveness of the Charter machinery for peaceful settlement and have made a notable contribution to the stabilization of the postwar world.

Handling of Disputes

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MR. EAGLETON did his utmost to extract from me a careful manuscript, and I apologize that I am not reading to you a carefully prepared address. In the circumstances I must think aloud on the subject of the handling of disputes. I shall not try to give you detailed information, but rather certain general ideas which I hope you may find of some use in your own thinking about the Security Council. It seems to me important that here we should try to grasp the general nature of the Security Council and the way in which it works, because without general ideas you just get lost in the maze of detail.

Now, in order to give you some kind of guidance toward what I am going to say, I will point out at the start that my observations will be divided into two parts. First of all, I am going to make some general comments about the nature of the Security Council, and to some extent of the General Assembly, when handling disputes. And then, secondly, I shall say something about the methods adopted by the Security Council when it has a dispute before it.

At the outset, I would point out that it is not always easy to relate what the Security Council does to the detailed terms of the Charter. The Security Council has been meeting for more than three years, and it has made a number of decisions. Now lawyers would tend to relate the decisions of the Security Council to this or that particular article of the Charter. In fact, it is very difficult to do so, because the Security Council just does not work in that way—and, in my opinion, quite rightly does not work in that way, and could not work in that way. What the Security Council has to do is to deal with very difficult political problems—problems so acute that it has not been possible to solve them outside the United Nations. When a political problem comes before the Security Council, the Security Council has to find some political expedient or some method whereby it can make progress toward the solution of the problem. The work of the Security

Council is directed toward finding this or that political expedient, this or that procedure, whereby it can make a step in one way or another toward the solution of the problem brought before it. The Security Council is essentially a political body, devising its political methods as it goes along and acting within the broad grant of power that it holds under the Charter.

Now, that leads me to say something briefly about the distinction between Chapter VI and Chapter VII of the Charter. I must be very brief on this, because Dr. Bloch is going to talk to you this afternoon about Chapter VII. But the distinction between Chapter VI and Chapter VII is vital to my subject. I will only point out to you that it is under Chapter VI of the Charter that the Security Council deals with disputes, while under Chapter VII of the Charter the Security Council deals with what, in the language of the Charter, is a "threat to the peace, breach of the peace, or act of aggression." I usually put this in homely language: that if there is a quarrel, if two states are calling one another names over the fence, that is a dispute. That is dealt with under Chapter VI of the Charter. But if the position gets worse, and if the two states are either on the point of coming to blows or have come to blows, then that, in the language of the Charter, would be a "threat to the peace, breach of the peace, or act of aggression." That situation can be dealt with under Chapter VII. I would add that even then the Security Council has usually avoided saying whether it is acting under Chapter VI or under Chapter VII. It avoids doing so because action under Chapter VII can have very grave consequences. And, obviously, if the Security Council can achieve its end by acting under Chapter VI, that is a much safer method. There is no need to coerce if you achieve your ends by conciliation.

I shall confine my remarks to Chapter VI. Under Chapter VI of the Charter, there is general agreement that what the Security Council does is to make recommendations to the parties to a dispute. Under Chapter VII, the Security Council is empowered to give orders. It is my task to talk to you about the recommendations that the Security Council makes under Chapter VI. As I see it, it is exceedingly important to get clear the nature of the recommendations that the Security Council makes under Chapter VI. When I try to put this—the nature of the Security Council's recommendations under Chapter VI—in homely language, then I am doing something that is a little dangerous; I am indicating to you how I see the Security Council and its work. It is necessarily an individual point of view, and it should not be taken in any way as an official statement on the part of the United Nations.

In my own country, if a man and wife are quarrelling and they come to

the court, on the point of divorce, it is quite common for the court to say: "See the court missionary." The court missionary is instructed to speak to the man and his wife, to see whether he cannot find some way of bringing them to agreement and getting them to lead again a happy married life. He explains to the one and to the other that they do not fully understand their respective points of view. In fact, he tries to get them to talk to one another. That is the first important task in clearing up disputes between individuals. Then, when the talking has gone on long enough, the court missionary may find that he is not getting any further forward, because they are not making any direct and helpful suggestions. At that point, he may begin to make suggestions of his own to see whether the two people are prepared to accept his suggestions. What the court missionary does is to try to act on the will of the two persons, to try and help them to find a basis of understanding.

That fundamentally is what the Security Council does with regard to disputes. In my opinion it is a mistake to look at the Security Council when it is working under Chapter VI in any other manner. Chapter VII is a different affair. Under Chapter VII, the Security Council can command, but under Chapter VI, the Security Council persuades; it tries to help states to find their own way toward an understanding.

That leads me to a further comment which turns round the question of the composition of the Council. I suppose there is one thing that every schoolboy knows about the Security Council; namely, that it is composed of the representatives of the five Great Powers and of the representatives of six small powers who are elected by the General Assembly. What fundamentally does that mean when you cease to describe it in terms of numbers—five plus six? It means that the Great Powers are given an opportunity here at Lake Success to come together without the slightest delay to discuss any problem that threatens the peace of the world. That is the keystone and has been the keystone of international organization in the past thirty years—the opportunity for the Great Powers to come together without the slightest delay in order to see whether they can agree themselves on ways out of international problems.

Now I have stressed the role of the Great Powers. But it is a matter of common knowledge that, if the Great Powers discuss questions just among themselves, all the small powers are suspicious, and rightly suspicious. There is plenty of evidence that the Great Powers can often compose their differences at the cost of some small power. The classic example, of course, is Munich, where my own country and Germany did momentarily compose their differences at the cost of a small power, viz., Czechoslovakia.

That kind of memory is never far from the minds of the representatives of the small powers. They do not, therefore, desire to see the Great Powers go away in some corner of their own and arrange something that suits the Great Powers but does not suit the small powers. It is possible that the Great Powers may save the peace of the world at the cost of justice. It is for that reason that the Great Powers need to be associated with the small powers in a body such as the Security Council. The Great Powers cannot take a decision by themselves in the Security Council; they must have the support of at least two small powers.

Now, the Security Council is given very broad powers under the Charter —under Article 24, under Chapter VI, and under Chapter VII. These broad powers the Security Council exercises when it tries to find this or that political expedient toward the solution of international political problems. It means that the Great Powers and the small powers are represented on a body which is permanently in session, a body that works within a framework of international obligation. The framework of international obligation is laid down mainly in the purposes and principles stated in Articles 1 and 2 of the Charter.

So this is the character of the body to which disputes are brought. It is a body that has influence and authority, not only because of the legal terms of the Charter but also because representatives of the Great Powers sit on it with elected representatives of the small powers. It is a body that has power and authority, above all, of course, when the Great Powers speak in unison, which unfortunately is not so frequent. The advice and recommendations of the Security Council are something which no state of the world can easily afford to ignore. I said at the outset that rightly the Security Council is a court missionary under Chapter VI—but a very influential court missionary, because this court missionary that sets out to compose the differences of the world consists of the most influential states. When, therefore, there is advice from the Security Council, when there is a recommendation, this is something that a disputing state cannot afford to ignore.

I have so far concentrated my remarks upon the Security Council. Now I would like in this connection just to make a brief reference to the General Assembly. It is a matter of general observation that certain disputes have been transferred from the Security Council to the General Assembly. The most notable example is the handling of the Greek frontier incidents question. That question was first of all dealt with by the Security Council. When the Security Council was unable to decide on maintaining a commission in the Balkans, the matter was taken to the General Assembly, and the Assembly eventually did what the Security Council had been

unable to agree to do. That step established something of a general trend, and there is not much doubt that the General Assembly has had a much larger role in the handling of disputes than was envisaged at San Francisco in 1945.

But I would stress with regard to the General Assembly that on the whole you do not move forward if the handling of disputes is thought of as the main work of the General Assembly. The Security Council is the body that is certainly primarily charged with responsibility for the handling of disputes. It is organized and equipped to deal with disputes. But this handling of disputes is in a sense the ambulance work of the political world. It is not the constructive work. You do not necessarily make progress in international relations, or indeed in human relations, if all that you do is to wait until people quarrel and then try to do something about it. You have to do what you can to prevent the quarrels from arising. And the purpose of the General Assembly basically is to establish throughout the world political and economic conditions in which these quarrels are less likely to arise.

It is, I think, instructive to look at the character and the range of problems handled by the General Assembly. Some of these problems have been disputes. I have mentioned one example, the Greek frontier incidents question. There are other problems that are special problems because concerned with a particular geographic area. I would suggest that Korea, Palestine, and the question of the Italian colonies are problems of this type. Then there is the third type of problem which comes before the General Assembly: the problems that are not concerned with any single area of the world, and that do not specially affect the interests of just one or two states or a group of states, but that affect equally and directly the world community as a whole. Take, for example, the atomic-energy problem which came before the General Assembly when it first met in London in 1946. This was a new problem, and clearly it was vital to have some world policy formulated on the problem. There was no instrument for formulating it except the United Nations, and especially the General Assembly. And so the General Assembly became the means whereby the international community as a whole began to try to devise some solution for all the difficult problems raised by the utilization of atomic energy.

There are many other examples of problems of this type. Take, for example, the General Assembly resolution on the condemnation of the instigators of a new war. The U.S.S.R. considered that world peace was menaced by people in various countries who were going about saying that a new war was coming, that it would be of such and such a nature. And,

therefore, they put to the Assembly a resolution condemning this type of propaganda.

I think it is very important to distinguish between, on the one hand, the handling of particular disputes, and, on the other hand, the handling of general problems that concern the world community as a whole. These are problems on which you have to try to formulate some general policy on which either the entire international community or the greater part of it is agreed. I mention this mainly because, in a sense, too much attention is paid to the problem of the handling of disputes. Obviously, that is natural. There are plenty of disputes. But the progress of international organization will depend not so much on the handling of the disputes but on the long-term ability, through the medium of the United Nations and the General Assembly in particular, to formulate agreed policies on these major political problems that are of general concern.

Now, I said at the start that, in the first part of my talk, I would make some general observations. I have completed my general observations, and I have endeavored to explain my view of the nature of the General Assembly and of the Security Council. I do not wish to give you the impression that I am in the position to pontificate on this subject. I am not. I am, as I said at the outset, thinking aloud. And, as I have said, it appears to me that if you wish to make head and tail of the work of the United Nations and particularly of its political organs then you must try to see the general trend and the general problem. That leads me on to the second part of what I have to say; namely, the methods adopted by the Security Council in the handling of disputes. Here, again, it seems to me that the really important thing is to try to understand the general pattern the Security Council follows when it has to deal with a dispute.

The Security Council has considered a very wide range of questions. One can lose oneself in the maze presented by the proceedings of the Security Council. So one has to look at this maze to find whether one can see some pattern of procedure that the Security Council adopts when it has to deal with disputes. In this connection, I think it is worth while referring also to the Council of the League of Nations, which had plenty of experience in the handling of disputes. As I see it, it is possible to take all this experience of the past thirty years and study it to try to make of it something of a political science. So what I am going to do is not to describe the proceedings of the Security Council on this particular question or that particular question, but rather to indicate the various types of action the Security Council has taken, and I will illustrate the various types.

The first thing that the Security Council does when a dispute is brought

before it is to engage in a general debate. A dispute is brought to the Security Council under Article 35 of the Charter and is placed on the provisional agenda of the Security Council. The parties involved—they may be two parties or they may be three or four—are invited to come and sit at the Council table. Those who have brought the complaint sit on one side and those against whom the complaint is brought on the other side. Other states may be invited to participate in the discussion if their interests are specially affected. These opening statements usually bring out the main points of the dispute. Then the representatives on the Security Council, one after the other, state their views on the question in the light of instructions received from their respective governments. And so fairly promptly you have an indication in one center, namely, the Security Council, of the attitude taken by the most important states of the world on the particular dispute under consideration.

Now this debate—as Dr. Protitch has already pointed out—is in itself of importance. This debate itself is a means of influencing the parties. One party may feel that on the whole its case has not been very favorably received, and it may very promptly feel it expedient to make concessions, to adjust its position in the light of the views which have been stated by the representatives on the Security Council. Thus the general debate in itself is a method of settling the dispute.

When the debate has come to an end, there are various types of decisions which the Security Council may make. I would roughly divide these types of decisions into two classes. There is the class that on the whole does not involve any further proceedings by the Council; and then there is the class that does involve prolonged proceedings by the Security Council or by a subsidiary organ in the ensuing months.

I deal with the first class—the class which means that on the whole the Security Council has finished with the question and has come to some decision on the basis of the general debate. Often enough, the Security Council will say to the disputants: "You have heard what has been said in the Security Council. Now go back and discuss the matter between yourselves and see if you cannot settle the matter." Bear in mind that this is essentially the spirit of the Charter. The Charter does not say to the world: "Bring all your difficulties before the Security Council"; it says: "Don't bring your disputes before the Security Council if you can settle them outside." That is Article 33 in common language. For under Article 33 of the Charter the Members of the United Nations are bound to try all possible means of settlement devised by themselves before they bring a dispute before the Security Council. And the Security Council is em-

powered under Article 33 to call upon states to make efforts between themselves to settle a dispute.

There are two famous instances in which the Security Council has referred disputes back for direct negotiations. There was the question of Iran in 1946; it was referred back for direct negotiations between the parties, and it was settled in that way. There was the question of Syria and Lebanon also. That was a rather curious case because, when the Security Council had before it a resolution relating to the question of Syria and Lebanon, this resolution was defeated as the result of the objection of a permanent member. The resolution invited Syria and Lebanon and the other states concerned, namely, Great Britain and France, to try to settle the matter amicably now that the Security Council had debated the question. At the end of the debate, Great Britain and France said in effect: "Although technically this resolution has not been carried by the Security Council, because it has been defeated by the veto, we nevertheless will act in the spirit of it." And so, in effect, the resolution of the Security Council was carried out though technically it was not a recommendation of the Council.

Now, when the Security Council refers a dispute back for direct negotiations, it often attaches to its resolution a phrase that looks harmless and innocent. The phrase will vary. Usually the phrase is that the Security Council should be kept informed about the progress of the negotiations or that it should be told what happens at the end of the negotiations. On the face of it, it looks as if the Security Council, when it makes that kind of request in connection with direct negotiations, is just asking for information. That is not the case. By means of this request for information regarding the progress of negotiations, the Security Council indicates its continuing concern with the problem—it indicates that the negotiations are still being carried on under the aegis of the Council, even though they are no longer being carried on at Lake Success. From the point of view of the small state that is particularly important. When a small state has a quarrel with a Great Power, it does not wish to go away to some distant part of the world and quietly discuss the matter with that Great Power. It has more than a feeling that the Great Power will have an unfair advantage in the course of the discussion—that, in short, a discussion between the bull and the hen is not easily conducted on a basis of equality. So the hen requests that the farmer should not entirely wash his hands of what is happening. That is how the Security Council proceeds. It says that the discussions can go on between the bull and the hen, but we wish to know what happens,

because we are still concerned with the purposes and principles of the Charter; we are still concerned to see that justice is done.

There is of course another possibility, which I shall not deal with at length; namely, reference to the International Court of Justice. There was one question—the incidents in the Corfu Channel question—that was referred to the International Court of Justice. Albania and Great Britain took their dispute about the incidents in the Corfu Channel to the International Court, and they did so at the recommendation of the Security Council. The International Court, as you know, has made a finding on the subject.

But it may be that the Security Council is unable to finish with the question after no more than a general debate. The Security Council may feel that the question is very complicated, and that the dispute is so difficult that it is quite useless to ask the disputants just to discuss the matter between themselves. It may feel that the dispute is going to be one which will involve quite long proceedings over the following months. It may feel that it does not have all the facts straight, and that it cannot get all the facts straight just by discussion at Lake Success. In these circumstances, the Security Council sets up a subsidiary organ to handle the dispute on the spot.

The General Assembly has similarly set up subsidiary organs to handle disputes on the spot.

As many as fifteen subsidiary organs have been set up in the past by the Security Council or the General Assembly for the purpose of handling disputes on the spot. I will run rapidly over the list. There was the Greek Frontier Incidents Commission which the Security Council sent out to the Balkans in 1947. There was the Subsidiary Group of that Commission which the Security Council set up in the Balkans when the first Commission proceeded to Geneva. Then—this is number three—there is the United Nations Special Committee on Palestine. That was sent out by the General Assembly to Palestine in 1947 to inquire into the Palestine problem and to come back to the General Assembly with recommendations for its solution. There is, fourthly, the Consular Commission at Batavia. I shall give you some general information about this Commission in a moment. There is the United Nations Committee of Good Offices in Indonesia—now the United Nations Commission for Indonesia—which has been trying over a long period of time to find a basis of understanding between the Dutch and the Indonesians. There is the United Nations Special Commission on the Balkans. This Commission the General Assembly sent out to the Balkans when the Security Council was unable to

decide to send out a commission of that character. There was the United Nations Palestine Commission. This Commission was set up in 1947 to implement the General Assembly's recommendation regarding the destiny of Palestine. There was the United Nations Temporary Commission on Korea which was sent out to Korea to observe elections there and to endeavor to set up a native Korean government. There was the Security Council Truce Commission for Palestine, which was similar to the Consular Commission in Batavia. I will say something about these consular commissions in general in a moment. There was the United Nations Mediator in Palestine, succeeded by the Acting Mediator. Though he was a single person, he was nevertheless a subsidiary organ of the General Assembly. There is the United Nations Commission for India and Pakistan, sent out by the Security Council to try to find a basis of understanding between India and Pakistan on the problem of Kashmir. There is the United Nations Conciliation Commission for Palestine which is at present in existence, trying to make progress in the negotiations between the Arabs and Jews. There is the United Nations Commission on Korea, which was set up last August, to succeed the temporary Korean Commission that I mentioned. Then there is the Plebiscite Administrator for Kashmir who is appointed to see to the holding of a plebiscite in Kashmir when the appropriate time comes.

Well, I think you will agree that this is an impressive list. I think you will realize that this means that the handling of disputes is not only something which takes place at Lake Success, but that the Security Council and, to a lesser extent, the General Assembly have their tentacles in the various parts of the world. These tentacles are important elements in the handling of disputes.

Roughly, one can distinguish among three different functions undertaken by these commissions. Each commission may undertake one function or two functions or even three functions. Therefore, it is rarely possible to say that this commission is of one type and that commission of another type. Most of them are hybrid.[1]

Now first of all there are the commissions of investigation. Bear in mind what I have said, that such commissions are not solely commissions of investigation; they usually have other functions as well. An example is the Greek Frontier Incidents Commission. That was the first one I men-

[1] See U.N. Doc. A/AC.18/SC.6/6, *Study of the Organization and Operation of United Nations Commissions*, prepared by a subcommittee of the Interim Committee. In Section 11 of this document are listed memorandums by the Secretariat concerning eleven commissions. These will appear soon.

tioned in my list. Other commissions charged with the task of investigation have been the United Nations Special Committee on Palestine and the United Nations Special Committee on the Balkans. Obviously these commissions of investigation are of great importance, because it is not much good trying to do anything about a dispute unless you know the facts. And so these commissions are commissions that are sent out to get some authoritative statement of the facts. And usually the commission that is sent out to get the facts is also told to come back and make suggestions regarding what can be done now that the facts are clearer than they were before.

I think few people realize the immense amount of work involved in these commissions of investigation. It is not a matter of a commission going out to Athens or Palestine and solemnly sitting in a comfortable hotel to hear eminent people. The work of UNSCOB in the Balkans can be exceedingly difficult and dangerous work. What a commission of that kind has to do is to send out observers; it organizes observer teams that go out into the unsettled parts of Greece. These teams hear witnesses in regard to what has been going on, and send their reports based on evidence back to the commission. I make this point to indicate to you that a commission of investigation has itself a very complicated organization that is very little appreciated and very little understood.

I turn to the second type of commission. The problem before the Security Council may not be a problem of getting the facts straight, but may be a much more urgent problem. It may be the problem of doing something about fighting that has already started. When, for example, the Indonesian question came up before the Security Council, fighting had already started. There is not much point in just sending out a commission of investigation to investigate all the obscure facts of a dispute if the fighting has already started. The task is then to put an end to the fighting as soon as possible. In such circumstances, the Security Council has usually first of all passed a cease-fire resolution—a resolution in which it calls upon the parties to put an end to the fighting. In these circumstances the Security Council has also set up consular commissions. This step has been taken when fighting has made some immediate step essential and there is no time to send people out from Lake Success. The Council must then make use of the men on the spot. Who are the men on the spot? They are the local consuls. So, in dealing with the Indonesian question, for instance, the Security Council said to the members of the Security Council itself: "Let us form a commission composed of those states which are both members of the Security Council and which have consular representatives

on the spot." Such a commission was the Consular Commission at Batavia. Such a commission also was the Palestine Truce Commission. Such commissions can be set up almost immediately, within a matter of a couple of days. Instructions have to be sent to the local consuls to form themselves into a commission to report to the Security Council about the fighting and usually to try to put an end to the fighting. But the consular commissions usually find themselves in difficulties. They can usually tell the Security Council how difficult the local situation is, but sometimes they cannot do anything more. It may indeed be difficult for them to gather precise information, for if you want to have knowledge of what is going on over a wide area you have to send out observers. So the first problem that a consular commission is faced with is the problem of having a staff of observers —military officers who know something about fighting, who can judge the local situation, and who will go out to the various parts where the fighting is taking place.

I come to my third type of commission—the organ that is given the function of conciliation. The Security Council has discussed the matter at Lake Success; it finds it cannot make progress; it feels that progress can only be made by sending out a subsidiary committee to the scene of the dispute and to tell that subsidiary committee to bring about local negotiations. Thus the Security Council sent out the Committee of Good Offices to Indonesia, which started negotiations between the Dutch and the Indonesians. So, too, the United Nations Commission on India and Pakistan was sent out to start negotiations between India and Pakistan. So, too, the Mediator who was sent out to mediate between the Palestine Jews and Arabs.

The main function of such organs has been to try to bring about some agreement between the parties on the very substance of their dispute. It is at this point that I need to come back to the quesion of steps taken to put an end to fighting. The practice seems to be that when you send out a subsidiary organ to try to bring about negotiations between the parties on the substance of the dispute, that subsidiary organ is also told to arrange a truce. Take, for example, the India-Pakistan Commission. The India-Pakistan Commission was also told to help bring about the restoration of peace in India and Pakistan. The main and the first job of the India-Pakistan Commission was directed not so much toward dealing with the substance of the dispute itself—*i.e.*, the ultimate fate of Kashmir—but with the immediate problem of bringing about a cease-fire. I merely stress this as an example of how frequently the function of conciliation is combined with the function of bringing about a truce and observing its execution.

I have now given you certain generalities which I hope will enable you to see a certain pattern in what the Security Council does. It should give you a key whereby to understand the detailed proceedings of the Council.

On the question of the handling of disputes, I wish to make some last observations. One has good reason to be surprised at the belief which people often entertain that the handling of international disputes is an easy matter. Not infrequently one finds people who assert that if only this change were made in the Security Council then everything would be smooth and easy. I have at several points suggested to you that you think about these problems in homely terms. You need to bear in mind that, if you are faced with a dispute between yourself and another person, often enough that dispute is by no means easy to handle or to solve. Still more, if you are called upon to act as a go-between between two people who have quarreled violently, it requires great tact and ability to get those people who have quarreled to come to any agreement. No one would maintain that disputes between individuals are easy to deal with. Disputes between states are still more difficult to deal with. Therefore, I think it reasonable for one to claim that the work of the Security Council be regarded with sympathy—with criticism, if you like—and the more criticism there is of international organizations and of governments, the better. But let it be constructive and understanding criticism. The kind of criticism that is not helpful is the criticism which assumes that there is some magic formula whereby all these problems can be solved at one blow. If there were such a magic formula, I believe that it would have been applied. As I see it, the handling of disputes between individuals and the handling of disputes between states is something that will face the world at all times, and we will have constantly to exercise our ingenuity and our wisdom to try this method and that method in order to introduce a greater measure of trust and harmony into what is obviously a very disturbed and harassed world.

Discussion

MR. MASLAND pointed out that in connection with equipping and budgeting missions in the field special equipment and special facilities were needed. He asked what progress had been made in these respects. MR. JORDAN replied that a considerable body of experience, for example, had been built up with regard to the need for observers, provision for observers, and their organization and equipment. It had been necessary for the United Nations to build up its own body of experience in the few years of its existence. He observed that he

was not himself sufficiently well informed to speak on such details as the equipment of observers.

MR. EAGLETON asked whether Mr. Jordan intended to imply that under the Charter conciliation is more important than arbitration, as a result of which the Court would have little to do, and whether it was Mr. Jordan's view that it was useless to endeavor to strengthen the provisions of Chapter VI of the Charter so as to give more power to the Security Council to impose decisions for the settlement of disputes, or to widen the compulsory jurisdiction of the Court, or to move at all in the direction of world government. MR. JORDAN replied that more had been read into his words that he intended. He pointed out that it was the duty of international civil servants to do all that could be done within the framework of the Charter, and he had necessarily to be hesitant about discussing changes in the Charter. On the problem of compulsory jurisdiction, he pointed out that the major political disputes concerned Palestine, Kashmir, and Indonesia. It would be a "very bold person" who maintained that such questions were capable of settlement by compulsory jurisdiction. He reiterated his view that the gravest political problems would probably, at all times, require settlement by negotiation and conciliation. The great need was that the Security Council should develop as a real center of authority which could provide proper backing for the processes of conciliation and negotiation. The problem of the creation of a real center of authority in the world would not necessarily be settled by the establishment of the legal forms of world government.

MR. EAGLETON commented that, in practice, the development appeared to be along the lines he had suggested. He realized the difficulties involved in any change in the Charter. What he desired to suggest, however, was that the Security Council might find it useful to distinguish between legal and political disputes. It might refuse to handle certain disputes on the grounds that they were legal disputes which might more appropriately be settled by the Court. The Security Council would then concentrate on political problems. He was concerned at the disregard of legal procedures in the development of the United Nations.

Mr. Jordan was next asked whether the representatives on the Security Council represented their own states, and to what extent decisions reflected a developing "world consciousness." MR. JORDAN replied that naturally representatives on the Security Council took up positions under instructions from their various governments. That was inevitable. For unless they spoke with the backing of their governments the representatives on the Security Council would be speaking only as eleven individuals. Their views were influential in so far as they represented the views of the real centers of power in the world. The essential conception of the Security Council was that the various centers of power in the world should have one place in which they could formulate common views. While the divergencies of attitude in the Security Council necessarily reflected the political climate of the world as a whole, the Security Council represented, in so far as

this was possible in a divided world, the common need to find ways for the maintenance of peace. Given the condition of the world, the Security Council had done more effective work during the last eighteen months than the world in general gave it credit for. It had indeed done more effective work than might have been expected in these difficult circumstances.

A member of the Institute expressed his desire to challenge Mr. Jordan's remarks concerning the relation of the work of the Security Council to its powers under the Charter. The questioner pointed out that, while the Security Council was mainly a political organ, it was nevertheless an organ created by a legal document and subject to legal limitations. If the Security Council continued to overstep the legal limitations imposed by this multilateral treaty, there might be no limit to the actions it might take in the future. The legal limitations of the Charter were binding. MR. JORDAN expressed his appreciation of this observation, but pointed out that it attributed to him views he had not expressed. His observation had been that the Security Council did not base its actions specifically on this or that particular paragraph or subparagraph of the Charter. This was the less necessary since the authority granted to the Security Council under the Charter was very considerable indeed. He recalled that the Covenant of the League had stated precisely what the Council of the League had to do in circumstances laid down with some precision in the Covenant. The Charter was drafted along different lines because its authors were anxious to set up an international organ that could become a real center of authority and an effective instrument of the world's purpose. He suggested that the idea which dominated at the time when the Charter was drafted was flexibility in the working of the Security Council, because it was not possible to foresee with precision all the contingencies which the Security Council would have to face. This idea was conveyed above all in Article 24 of the Charter. Mr. Jordan recalled that, when the Security Council was asked to give a guarantee of the territorial integrity and political independence of Trieste, Article 24 had been invoked. He stressed that the purposes and principles of the Charter were important in this connection: they were intended to ensure that the Security Council should not be in a position to act arbitrarily. The Security Council was required to exercise its powers in accordance with the purposes and principles. Thus, whereas the Council of the League was in the main an organ empowered to take a particular type of action in a particular type of circumstance, the Security Council was a body exercising broad powers under the Charter in accordance with a framework of international obligation. It seemed to him indeed that, if the purpose was to build up a rule of law rather than a rule of arbitrary power, flexibility in the working of an organ such as the Security Council was essential.

The question was asked whether there was not some possibility that the real center of authority would be developed in the General Assembly rather than in the Security Council. In reply Mr. Jordan pointed out that a decision taken in

the General Assembly was not necessarily a decision supported by the Great Powers. A decision taken in the Security Council, however, had to have the five Great Powers behind it. Otherwise, it could not be a decision. Though there might be a tendency for this or that reason to take questions to the Assembly, it would not be possible to escape from the basic problem of agreement among the Great Powers. The Security Council under the Charter was the instrument of such agreement, and he did not consider that there was much likelihood of the Security Council being sidestepped over a long period of time.

Regulation of Armaments and Supply of Forces

General A. G. L. McNaughton
Permanent Delegate of Canada to the United Nations

IT IS a great pleasure for me to have this opportunity of addressing the New York University seminar on the subject of "The Security Council: Regulation of Armaments and Supply of Forces."

I welcome this topic, for it has been my good fortune, as Canada's permanent delegate to the United Nations, to participate in the work that has been and is being done in the General Assembly, the Security Council, the Atomic Energy Commission, and the Commission for Conventional Armaments, in this field of endeavor.

In preparing this paper I have attempted to present in an objective manner an account of the work which has been accomplished in this field through the medium of the United Nations. Although I realize that much of what I am to say is common knowledge, I hope it may serve as a useful summary in your studies of this important and controversial subject.

Historical Background

Before entering upon an examination of the efforts that are presently being made toward the regulation and reduction of armaments (or, as it is commonly called, "disarmament"), it may be well to review briefly a few historical facts about disarmament. I say briefly, as space does not permit the marshaling of the mass of detail necessary to give any comprehensive account of the intensive efforts previously made in this field.

The first real efforts toward world disarmament were made in the latter part of the nineteenth century when, in 1898, the Czar of Russia, taking the initiative, invited the leading world powers to join in a conference to discuss "the most effective means of assuring to all peoples the blessings of

real and lasting peace, and above all to limit the progressive development of existing armaments."

The Czar's proposals, as later enlarged, led to the convoking at The Hague in 1899 of a conference to discuss disarmament. This first conference achieved little by way of concrete results, but it is interesting to note that it led to the creation of a court of judges, titled The Hague Court, to which questions could be submitted for mediation and arbitration.

The lineal successor to this body is the present International Court of Justice, which fills a most important place in the organization of the United Nations. In this case, as so often happens in international affairs, the by-product of some endeavor has become of lasting importance while the original objectives remain unfulfilled or have become lost in the march of events.

A second conference was held at The Hague in 1907 to continue with the work of the first, but it too did not achieve any signal results. Despite their limited success, the Hague conferences brought the question of world disarmament to public notice and perhaps paved the way for future discussions which, unfortunately, were not resumed until the conclusion of the First World War. I think that it is worth while noting that the two Hague conferences held at the instigation of Russia have an interesting parallel in that the discussions on disarmament which were initiated in the United Nations in 1946 were sponsored by Soviet Russia. It is also germane to efforts being carried on today in the field of disarmament to note that at these conferences one of the important issues on which the Russians were unable to agree with a number of other nations related to the technological disadvantages to which they considered they would be placed in the matter of new firearms, new explosives, submarines or similar engines of destruction, warships armed with rams, strategic railways, all of which had become subjects for intense discussion.

I think it is well to remember that, although the Hague conferences failed to place any limitations upon land armaments, the second conference in particular did succeed in extending the provisions of the Geneva Convention to naval warfare; it obtained some limitations on naval weapons; it declared against bombardment of undefended places; and, most indicative of the future, in declaring against the use of poison gas in warfare, it laid the basis for the protocol on gas warfare of 1925.

Immediately following the First World War two methods of approach to the problem of world disarmament were evolved. The first was through a system of articles in the League of Nations Covenant, and the second

through a series of conferences held outside the framework of the League of Nations. Without going into the details of the efforts made to establish a system of disarmament following the First World War, it can be said that the League of Nations, in spite of the purposes for which it was established, did not succeed because it lacked the support of certain major powers (principally the United States of America, which had become isolationist). The fact that the Covenant itself lacked some of the machinery which is now contained in the Charter of the United Nations was, I think, only of secondary importance. Several of the conferences held outside the framework of the League scored limited successes and I will refer briefly to one or two of these efforts in order to draw attention to some of the points which remain of importance in the renewed efforts now underway.

Today, when it is clear that the United Nations is the only international body which possibly can provide the framework for such discussions, it is difficult to understand a state of affairs which in the 1920's and 1930's gave better opportunities for reaching agreement on disarmament outside the League of Nations. The debates in the League resulted in a stalemate. The French, because of their very real fear of a resurgent Germany, demanded that security must precede disarmament. The United Kingdom and others took the opposite view and early lost patience with French preoccupations and anxieties. In the late 1920's, however, a spirit of optimism spread throughout the world when Litvinov for Russia, Kellogg for the United States of America, and Briand for France promoted a treaty to outlaw war, and it seemed for a time that as a consequence of this treaty important reductions in armaments might be effected. We must recall that the Washington, Geneva, and London conferences did achieve very substantial reductions in naval armaments, but these were later nullified when Germany and Japan denounced the treaties.

By the 1930's the optimism in which these efforts had begun had changed to pessimism. The last general disarmament effort began in February 1932 when the conference for reduction and limitation of armaments met at Geneva. This endeavor dragged on until 1936 when Germany's attitude and her repudiation of the League made further efforts senseless.

I should here like to mention one episode in these efforts following the First World War that deserves attention. As I said earlier, a protocol outlawing the use of chemical and bacteriological warfare was signed by twenty-nine nations including the United States in 1925. It was ratified by forty-one nations including the U.S.S.R., France, Germany, and the United Kingdom. The United States and Japan did not ratify. The protocol deserves attention because of its simplicity. It was merely an agreement to

abstain from the use of asphyxiating poison or other gases and bacteriological weapons in war and provided no safeguards and no international system of control. In the Second World War gas was not used by one nation against another, although the Germans used gas in gas chambers to exterminate large numbers of enemy civilians and prisoners. I think it is safe to say that fear of reprisals offered a strong deterrent against the use of gas in war. Certainly also there were very few occasions in which gas might have been used with decisive advantage, and in each of these cases there were substantial tactical and technical reasons against its use. In drawing conclusions from the nonuse of gas in the Second World War we must not forget, however, that all the principal nations engaged had devoted very great attention to development, and new gases of terrible potency were available.

In the discussions at Geneva a special jargon developed which made it very difficult for the general public to follow the debates with understanding. There was competition between the advocates of "qualitative" as contrasted with "quantitative" disarmament; others were advocates of indirect means of limitation such as "budgetary"; some asserted that armaments could be classified as "offensive" or "defensive," and that the former should be eliminated and the latter encouraged; in one phase of the discussions weapons of "peculiarly aggressive character" came in for much debate.

The lesson to be drawn from this experience is, I think, that care must be taken to keep discussions of disarmament to simple, well-understood terms so that the public may know what is going on. It is important also that in discussing these matters the new terms with their special technical meanings should not be allowed to obscure the simple facts and political principles on which in the final analysis acceptance or rejection must rest.

Summarizing the lessons to be drawn from the great efforts in the study of disarmament made from the First World War until the outbreak of the Second World War it would appear to have been proved conclusively that any effective system of disarmament must be general and not unilateral or limited to regions or to a few nations; that it must be enforceable by an international system of collective security; that all nations must participate in good faith; and that any system must be accompanied by adequate and effective safeguards to protect all states against evasions and violations. These safeguards necessarily involve a system of international "security checks" with a corresponding surrender by all nations of some portion of their national sovereignty, or, as I prefer to put it, the creation of an agency to exercise these powers effectively on behalf of all the nations.

Charter of the United Nations

The Charter of the United Nations, though not as detailed in some respects as the League of Nations Covenant on the subject of disarmament, contains several articles that bear examination and which set out the responsibilities of the various organs of the United Nations in that regard. It is well to note that the Charter closely defines the respective responsibilities of the General Assembly and the Security Council in regard to regulation and reduction of armaments and other subjects. The Assembly has the legislative function and the duty and the authority to recommend; the Security Council is the executive with the responsibility to evolve the operative procedures and methods, and it is intended to have the power to enforce where enforcement is needed, which might be after the processes of persuasion and agreement have been shown to be insufficient.

The role of the General Assembly in regard to arms limitation is given specifically in Article 11 of the Charter which authorizes the General Assembly to consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and to make recommendations in regard to such principles to the Members of the United Nations or to the Security Council, or to both.

The Security Council, on the other hand, as an executive organ is vested with "primary responsibility for the maintenance of international peace and security" (Article 24) and under Article 26 it is given specific responsibility for formulating, with the assistance of the Military Staff Committee, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

The authors of the United Nations Charter were acutely aware of the fact that moral authority alone was insufficient to enforce peace, and accordingly a whole chapter—Chapter VII—deals with the authority of the Security Council to enforce peace, and if necessary to achieve this by the use of military force. Under Article 43, Members are obligated to make available to the Security Council armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. Article 47 establishes a Military Staff Committee with the defined role of advising and assisting the Security Council on the military requirements to maintain the peace, the employment of forces placed at its disposal, and the regulation of armaments and possible disarmament. I have mentioned these portions of the United Nations

Charter because they form the framework on which are based the present efforts to regulate and to reduce arms and armaments.

General Assembly Resolution of January 24, 1946, Creating the Atomic Energy Commission

The impact of the discovery of the release of atomic energy and the manufacture of atomic weapons was felt by the world with the release of the first bombs at Nagasaki and Hiroshima. There are few people in the world today who are not aware of the terrible alternatives presented if agreement cannot be reached for the international control of atomic energy and the prohibition of atomic weapons.

The first step toward such an international agreement was made shortly after the termination of the war when the United Kingdom, the United States, and Canada made a declaration issued in Washington on November 15, 1945, which recognized the need for an international agreement and proposed, as a matter of great urgency, the setting up of a commission under the United Nations that would study the problem and make recommendations for the international control of atomic energy.

This declaration was followed by a meeting of the foreign ministers of the United States, the United Kingdom, and the U.S.S.R. in Moscow in December 1945, at which time the Washington proposals were endorsed. These three governments then invited Canada, China, and France to join with them in sponsoring the proposal at the General Assembly. The United Nations Atomic Energy Commission was established by unanimous resolution at the first meeting of the General Assembly on January 24, 1946, in London.

In this resolution the terms of reference of the Commission were laid down. The Commission was instructed to inquire into all phases of the problem of atomic energy and to make recommendations in particular in regard to the following points:

1. the elimination from national armaments of atomic energy and all other weapons of mass destruction;
2. exchange of basic scientific information;
3. control to the extent necessary to ensure the use of atomic energy for peaceful purposes; and
4. provide effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

Before discussing what has been accomplished by this Commission in its three years of work, I would like to mention the steps that were taken at

the same time looking to the control and regulation of the more orthodox weapons of war or, as they came to be called, "conventional armaments."

First General Assembly Resolution on Regulation and Reduction of Armaments, December 14, 1946

Together with the control of atomic energy the General Assembly was faced with the problem of the control of other armaments. This matter became one of the main issues at the Second Part of the First Session of the General Assembly held in New York in October 1946. The discussions were initiated when the Soviet Union in the tradition established by the Czars introduced a resolution couched in general terms, calling for a general reduction in all categories of armaments. The issue was further complicated by the introduction by the U.S.S.R. of a resolution dealing with the presence in foreign countries (other than ex-enemy territories) of armed forces of Member states of the United Nations. The debate on this matter in the Political Committee of the General Assembly immediately preceded the debate on disarmament and later the two issues became confused and were only separated with difficulty. Finally, two resolutions were passed by the General Assembly on December 14, 1946, one on the general regulation and reduction of armaments, and the other calling for the Security Council to determine the information that the Member nations should furnish in regard to their armed forces in order to implement the resolution on armaments. No one had expected that it would be possible for the general membership of the United Nations to agree so early in the life of the United Nations to take such an important first step toward general disarmament. The adoption of the resolution on the general regulation and reduction of armaments by unanimous vote therefore did much to restore confidence in the United Nations as an instrument of world peace and led to a feeling of optimism which later events have shown to be somewhat premature.

Analysis of General Assembly Resolution of December 14, 1946, Including Reference to Problem of Atomic Energy

The resolution on the regulation and reduction of armaments dealt with four related aspects of the disarmament problem:

1. the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction;

2. the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

3. the placing of armed forces at the disposal of the Security Council;

4. the general regulation and reduction of armaments and armed forces.

In so far as the first two aspects are concerned, the resolution reaffirmed the Assembly resolution of January 24, 1946, which set up the Atomic Energy Commission. On the third aspect the General Assembly urged that Article 43 of the Charter be implemented.

With regard to the fourth aspect, concerning general regulation and reduction of armaments, the General Assembly resolution stated four principles for general disarmament:

1. the early general regulation and reduction of armaments and armed forces in order to strengthen international peace and security;

2. practical measures to assure that the regulation and reduction of armaments and armed forces would be observed by all participants and not by some only;

3. practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions;

4. an international convention or conventions on disarmament to create, within the framework of the Security Council, an international system of control and inspection, operating through special organs deriving their powers and status from the convention or conventions.

The resolution set forth four stages that might take place in the process of general disarmament. The first stage was that taken by the General Assembly when it adopted a resolution on the principles which would govern the general regulation and reduction of armaments. The second stage was to be the formulation by the Security Council, under Article 26 of the Charter, of plans for the establishment of a system for the regulation and reduction of armaments. The third stage would be consideration by all Members of the United Nations at a special session of the General Assembly of the plans formulated by the Security Council. The final stage was seen as ratification by the signatory states and the coming into force of disarmament treaties or conventions approved by the General Assembly. The question of general disarmament remains in the second stage; that is, the formulation by the Security Council of plans for the establishment of a system for the regulation and reduction of armaments.

Supply of Forces

I will now comment briefly on the steps that have been taken to give effect to Article 43 of the Charter, by which all Members of the United Nations are obligated to make available to the Security Council, on its call and in accordance with special agreements, armed forces "necessary for the

purpose of maintaining international peace and security." As you are aware, Article 47 of the Charter calls for the establishment of a Military Staff Committee to advise and assist the Security Council on this matter. The Military Staff Committee, under the terms of Article 47 (2), consists of the Chiefs of Staff of the five permanent members of the Security Council or of their representatives.

The Military Staff Committee has been meeting now for some three years but as yet it has not been able to formulate general agreements for the implementation of Article 43 of the Charter. The position of my government on this failure of the Military Staff Committee to make progress was stated by the then Chairman of the Canadian delegation, Mr. St. Laurent, in his opening speech in the General Assembly on October 29, 1946, in the following words:

> We are particularly concerned that the Security Council and the Military Staff Committee have so far failed to make substantial progress towards a conclusion of the special agreements with individual members required to implement Article 43 and those following of the Charter, and thus make armed forces and other facilities available to the Security Council. . . . . Canada therefore urges that the Security Council and the Military Staff Committee go ahead with all possible steps in the constructive work of negotiating the special agreements and of organizing the military and economic measures of enforcement.

This statement was made almost three years ago and the position has largely remained unchanged. Canada is not represented on the Military Staff Committee (as the latter consists only of the five permanent members of the Security Council), and so we do not have firsthand information of the disagreements that have led to the present deadlock. However, it is generally known that these disagreements are mainly concerned with three important points. These are: the size and composition of the forces proposed to be made available by the five permanent members of the Security Council; the location of the United Nations forces; and their right of access to the military bases of Member nations. It should be noted that all members of the Military Staff Committee except the Soviet Union have agreed that the initial over-all contributions should be comparable but that, in view of "the difference in size and composition of national forces of each Permanent Member and in order to further the ability of the Security Council to constitute balanced and effective combat forces for operations, these contributions may differ widely as to the strength of the separate components, land, sea and air." [1]

[1] Report of the Military Staff Committee, Document S/336, April 30, 1947, Chapter IV, Article 11, pp. 9-10.

The position of the U.S.S.R. on this point is that these forces shall be made available "on the *Principle of Equality* regarding the overall strength and the composition of these forces." [2]

The fallacy of the Soviet position on this question seems evident. The obvious result would be that a naval power, such as the United Kingdom, would contribute the same number of ships as, let us say, the Soviet Union, the Chinese would contribute aircraft on a parity with the United States, and so forth; or, rather, that the contributions in any service of any great power would be that of the weakest in that service.

In connection with the location of United Nations forces, the Soviet Union proposes that such forces "shall be garrisoned within the frontiers of the contributing member nations' own territories or territorial waters, except in cases envisaged in Article 106 of the Charter." [3] The viewpoint of the United Kingdom, the United States, and China, on the other hand, is that "Armed Forces made available to the Security Council by Member Nations when not employed by the Security Council will be based at the discretion of Member Nations in any territories or waters to which they have legal right of access."

I do not intend to go into further points of disagreement, as I do not have firsthand knowledge of them. It is now evident, however, that four of the five members of the Military Staff Committee have for some time been in general agreement on the fundamental principles, and that the inability of the Committee to make progress in its work is due largely to the fact that the Soviet Union has consistently disagreed with the position taken by the other four members.

Creation of the Commission for Conventional Armaments, February 13, 1947

On February 13, 1947, the Security Council adopted a resolution creating the Commission for Conventional Armaments. This Commission was given the task of preparing plans for the general regulation and reduction of armaments and was instructed to submit a plan of work to the Security Council. The Commission was established with the same membership as the Security Council.

The first issue debated by this Commission was whether or not the question of the prohibition of atomic weapons should be considered together with the general reduction of armaments and armed forces by the same

[2] *Ibid.*, Chapter IV, Article 11, p. 9.
[3] *Ibid.*, Chapter IX, Article 32, p. 21.

body in drafting plans of disarmament. The Soviet Union desired to have the two matters considered together while the majority of the other members, on the other hand, pointed out that the problems involved in the working out of a plan for the international control of atomic energy involved technical questions which were different from those relating to the question of disarmament involving conventional arms and armaments.

Definition of Conventional Armaments

In view of the differences that became apparent early in the Commission's work, it became important to establish a definition of "conventional armaments."

The Assembly resolution of December 14, 1946, stated that nothing contained in it should alter or limit the resolution of the General Assembly of January 24, 1946, creating the Atomic Energy Commission. Similarly, the Security Council resolution of February 13, 1947, setting up the Commission for Conventional Armaments stated that those matters falling within the competence of the Atomic Energy Commission should be excluded from the jurisdiction of the Commission.

At the first meeting of the Working Committee of the Commission for Conventional Armaments, the United States representative proposed a definition of weapons of mass destruction. This definition was adopted in the Working Committee. The resolution of the Working Committee considered that all armaments and armed forces, except atomic weapons and weapons of mass destruction, should fall within its jurisdiction and that weapons of mass destruction should be defined to include atomic explosives, weapons involving radioactive materials, lethal chemical and biological weapons, and any weapons developed in the future that have characteristics comparable in destructive effect to these weapons. The resolution containing this definition was approved by the Commission and later by the parent body, the Security Council.

Formulation of Positions of the Powers on Conventional Armaments

The Commission for Conventional Armaments next undertook the consideration of general principles that should govern the regulation and reduction of armaments and armed forces. The majority in the Commission was of the opinion that adequate conditions of security must first be established to enable disarmament to proceed safely and equitably. It is interesting to note the similarity in this position and the position of the French

Government in the discussions on disarmament in the League of Nations, which I have previously mentioned: security should precede disarmament.

Starting with this premise the majority of the Commission considered that the following prior conditions were necessary:

1. the completion of agreements under Article 43 of the Charter, calling for the placing of armed forces at the disposal of the Security Council;

2. the establishment of a system of international control over atomic energy;

3. the conclusion of peace settlements with Germany and Japan.

The majority of the members of the Commission emphasized the need to establish an adequate system of international inspection and control, which would give assurance to all nations that disarmament would be on an equitable basis and that no state would be placed in a position which would give it an advantage over the others.

The representative of the U.S.S.R. took the position that an immediate across-the-board reduction of armaments and armed forces would in itself be "an essential condition for the creation of a sense of international confidence and security." He argued that the position of the majority was contrary to the resolution of the General Assembly of December 14, 1946. Concerning the question of international inspection and control, the Soviet representative contended that any control body must be established within the framework of the Security Council. This has been taken to mean by the majority of the Commission that the veto could be exercised in the Security Council by its permanent members; this raised the doubt that it might be used at some stage in their own interest by the U.S.S.R., who had advocated this condition, to prevent the effective inspection and control that is regarded as essential in any real disarmament system.

U.S.S.R. Proposal for Disarmament Made in Paris

At the first part of the Third Session of the General Assembly in Paris in the fall of 1948, Mr. Vishinsky, the representative of the U.S.S.R., proposed that three steps be taken immediately toward general disarmament:

1. the reduction by one third during one year of the present strength of the land, naval, and air forces of the five permanent members of the Security Council;

2. prohibition of atomic weapons intended for "aims of aggression";

3. the establishment within the framework of the Security Council of an international control body for the purpose of supervision and control over the implementation of the above measures.

The main issue centered around the point of whether or not the Soviet Union would permit effective international inspection to be carried out in its territory to determine both quantitatively and qualitatively the armed forces at its disposal. Without an undertaking by all states concerned to open their territories to international inspection, it was clearly impossible to arrive at any plan of disarmament that might be directly related to the needs of international peace and security. The arbitrary arithmetical formula for reduction by one third suggested by the Soviet Union would leave that country in a position of advantage in relation to those countries which had already considerably reduced their armaments and armed forces since the conclusion of the Second World War. In short, in calling for a one-third reduction in the forces of the five permanent members of the Security Council, no regard was paid to whether or not these forces have a proper relationship to one another numerically speaking. During the debate a counterresolution was submitted by the United Kingdom delegation reasserting the principle already taken by the majority of the Commission for Conventional Armaments: that disarmament could only take place in an atmosphere of international confidence and security. During the debate the Canadian representative supported the United Kingdom resolution emphasizing in particular that the problem of inspection, verification, and control was the root of the disarmament problem, and urged that the Soviet representative should declare whether the Soviet Union was prepared to open its territory to international inspection. The Soviet resolution was defeated in the First Committee in Paris, which subsequently adopted a resolution based upon the United Kingdom proposal. This resolution as adopted by the General Assembly on November 19, 1948, contained the following points:

1. it recommended that the Security Council pursue its studies of the regulation in reduction of conventional armaments and armed forces through the agency of the Commission for Conventional Armaments in order to obtain concrete results as soon as possible;

2. it requested the Commission for Conventional Armaments to devote its first attention to formulating proposals for the receipt, checking, and publication by an international organ of control within the framework of the Security Council of full information to be supplied by Member states with regard to their effectives and their conventional armaments; and

3. it laid emphasis on the fact that the Security Council should report on the effect given to its recommendations not later than the next regular session, which is to be held in September 1949.

The resolution also noted that the aim of the reduction of conventional

armaments could only be attained in an atmosphere of real and lasting improvement in international relations, and that such a renewal of confidence would be greatly encouraged if there were an exchange of precise and verified information concerning conventional armaments and armed forces.

The Development of Atomic Energy Discussions from 1946 to 1948

As I mentioned previously, the Atomic Energy Commission was established by a unanimous resolution of the General Assembly on January 24, 1946, which set forth the terms of reference of the Commission. When the Commission first met in June 1946, it was presented with two plans for the international control of atomic energy; one put forward by the United States delegate and the other by the U.S.S.R. The two plans differed fundamentally, and after attempting to find a basis for agreement the Atomic Energy Commission decided to defer consideration of the political aspects of the problem until it had first determined whether control of atomic energy was practicable from a technical and scientific point of view. In this regard a committee composed of scientific and technical advisers examined the problem and in September 1946 reported unanimously that "*we do not find any basis in the available scientific facts for supposing that effective control is not technologically feasible.*"

In its first report to the Security Council in December 1946, the Commission set up a general plan for the international control of atomic energy based upon proposals submitted by the United States Government. These proposals were then developed in detail by the Atomic Energy Commission. The result of this work was the submission to the Security Council in September 1947 of the second report of the Atomic Energy Commission. This report elaborates specific proposals for the international control of atomic energy.

Majority Position

The plan supported by the majority of members of the Atomic Energy Commission calls for the establishment of an international atomic energy authority, which would own all uranium and thorium in trust for the nations of the world from the time these substances are taken from the ground and which would control the mining of all such ores. Production would be strictly related to consumption and there would be no accumulation of stocks to cause anxiety. The authority would own, operate, and

manage all facilities handling dangerous amounts of fissionable material and thus would control directly from the starting point all the atomic energy activities in all nations.

A licensing and inspection system is contemplated under the majority plan for activities of a character less dangerous to international peace, and it is provided that the control authority would foster beneficial uses and research in national or private establishments, or educational institutions, limited to nondangerous quantities. It is proposed that the system of control should be set up by stages, and after it is fully in operation the manufacture of atomic weapons would cease, existing stocks would be disposed of, and the nuclear fuel converted to peaceful uses.

Soviet Position

The plan proposed by the U.S.S.R. for the international control of atomic energy was first presented in June 1946 and subsequently was elaborated in June 1947. It calls for the immediate outlawing of the atomic bomb and the destruction of all existing stocks of weapons "within a three-month period." The Soviet Government has admitted that international inspection is a necessary condition of any plan for international control, but it has been unwilling to accept any proposals providing for *continuous inspection* and has also insisted that inspection be confined to such facilities and materials *as governments may wish to declare*. In addition, the Soviet Government maintains that any international atomic energy authority must be subject to the jurisdiction of the Security Council. This would mean that the permanent members of the Security Council could exercise their veto power in the event that the authority reported a violation of the treaty. The Soviet Government has suggested "special inspections" on grounds of suspicion, but the control organ proposed by the Soviet Government has not been provided with sources of information that would be capable of detecting evasions and violations, and so there could be no suspicion on which to call for a special inspection.

The discussions in the Atomic Energy Commission in 1948 were confined to a detailed examination of the Soviet proposals of June 1947 and to a limited study of the organization of an international control agency.

The exhaustive study of the U.S.S.R. proposals led a majority of the members of the Commission to the conclusion that they were inadequate to provide a basis for effective international control of atomic energy. The opinion of the majority of the Commission is stated in the Commission's third report in the following words:

In the field of atomic energy, the majority of the Commission has been unable to secure the agreement of the Soviet Union to even those elements of effective control considered essential from the technical point of view, let alone their acceptance of the nature and the extent of participation in the world community required of all nations in this field by the first and second reports of the Atomic Energy Commission.

The third report in consequence stated that the differences between the majority of the members of the Atomic Energy Commission and the U.S.S.R. had made it impossible for the Atomic Energy Commission to continue the preparation of a draft treaty for the international control of atomic energy. This report was adopted by the Atomic Energy Commission in May 1948. In submitting its third report to the Security Council, the Atomic Energy Commission recommended approval and also recommended that this report and the two previous reports be transmitted to the General Assembly "as a matter of special concern."

In June 1948, when the third report was before the Security Council for approval, the U.S.S.R., exercising its twenty-sixth veto, voted against its adoption. The Security Council, however, approved a procedural motion proposed by Canada which transmitted the three reports of the Atomic Energy Commission, together with the record of the deliberations of the Security Council on the subject, to the Third Session of the General Assembly "as a matter of special concern." Thus there was created an opportunity to test the conclusions of the majority both regarding their technical correctness and also their acceptability to the Member states of the United Nations.

In the opening meetings of the General Assembly in Paris, the Atomic Energy Commission proposals were given wide support by many nations, but not by the countries of the Soviet bloc.

The Soviet Union presented two proposals. One, to which I have previously referred, concerned an immediate reduction by one third in the conventional armaments of the five permanent members of the Security Council and the prohibition of atomic weapons. The other proposal of the U.S.S.R. introduced the idea of "simultaneous" conventions, one for the prohibition of atomic weapons and the other for what the Soviet Union termed as "effective international control of atomic energy." Both conventions were to be signed and "to enter into force and actual operation simultaneously."

Formerly the Soviet Government had insisted on prohibition and destruction of existing stocks as a prerequisite. They now presented this latest proposal as a great concession in the interests of reaching agreement.

It did not add in the least to the safety of the world to have "simultaneous" control when the elements of that control would lack the character deemed necessary to provide acceptable safeguards which would dispel suspicion and promote co-operation among nations. It was so recognized by a great majority of the General Assembly and decisively rejected. No nation outside the Soviet group voted for it.

The draft resolution submitted by Canada calling for the submission of the three reports of the Atomic Energy Commission to the Assembly formed the framework of the debate, and these reports were duly considered in the First Committee.

The resolution as adopted by the General Assembly on November 4, 1948, approved the general findings of the first report and the specific proposals of the second report "as constituting the necessary basis" of an effective system of international control of atomic energy. The resolution also noted with concern the impasse which had been reached in the work of the Atomic Energy Commission as shown in the third report. It requested the six permanent members of the Atomic Energy Commission to consult together "in order to determine if there exists a basis for agreement on international control" and meanwhile called upon the Atomic Energy Commission "to resume its sessions, to survey its program of work, and to proceed with the further study of such subjects as it considered to be practicable and useful." Such was the position at the conclusion of the Paris session of the General Assembly last winter.

Since the beginning of 1949, the Atomic Energy Commission, in compliance with the General Assembly's wishes, has continued to meet to review its plan of work. The Working Committee of the Atomic Energy Commission has given consideration to a proposal put forward by the Soviet Union substantially the same as the proposal they put forward in Paris, which called for the immediate preparation of draft conventions for the prohibition of atomic weapons and the control of atomic energy, the two conventions to be concluded and put into effect simultaneously. Further discussion revealed that the basic differences persisted, and the representative of China proposed that the Committee conclude that no useful purpose could be served by further discussions. In a draft resolution presented by the Chinese delegation to give effect to this proposal, it was pointed out that the U.S.S.R. proposal had already been considered and rejected as not providing an adequate basis for effective international control. Moreover, the resolution pointed out that no new material had been presented in support of the Soviet proposals. In June, the Committee postponed making a decision on the Chinese resolution and considered the

General Assembly's resolution which had set the Atomic Energy Commission back to work. It shortly became clear, however, that the impasse which existed in the work of the Commission last year remained, and the representative of Cuba in conjunction with the representative of Argentina presented a draft resolution which found that nothing further useful or practicable could be done until the six permanent members of the Atomic Energy Commission had met and reported the existence of a basis for agreement. The Working Committee approved the Chinese draft resolution as well as the joint Cuban-Argentine proposal, and as the Chairman of the Working Committee concluded that the agenda had been exhausted it was agreed that there was no occasion for a further meeting.

I might point out, however, that although the Working Committee and the Commission have been unable to resolve the differences the Commission, upon the suggestion of the representative of Canada, did initiate the preparation of some useful documentation which may prove invaluable in the consultations that are about to take place between the six sponsoring powers of the General Assembly's resolution of 1946.

Present State of Affairs in the Commission for Conventional Armaments

On February 8 of this year, the Security Council commenced discussion on the General Assembly's resolution of November 19, 1948, the main points of which I have already outlined. At this meeting the Soviet delegate reintroduced in almost identic terms the Soviet resolution rejected in Paris. That resolution, you will recall, sought a reduction by one third of the armaments and armed forces of the five permanent members of the Security Council and called for the Atomic Energy Commission to proceed with the preparation of two draft conventions, one on the prohibition of atomic weapons and the other for the control of atomic energy, both conventions to come into effect simultaneously. On February 10 the United States submitted a resolution suggesting the transmittal of the General Assembly resolution of November 19, 1948, to the Commission for Conventional Armaments. The resolution of the U.S.S.R. did not receive acceptance in the Security Council. The United States resolution was adopted.

The Commission for Conventional Armaments next met on February 15 to consider the General Assembly resolution, and on February 25 the United States-sponsored resolution submitting the General Assembly resolution of November 19, 1948, to the Working Committee of the Commission for Conventional Armaments was adopted by nine votes to two.

More recently, in May, the delegation of France submitted a paper in the Working Committee of the Commission for Conventional Armaments outlining a method of carrying out the tasks allotted to the Commission by the General Assembly's resolution of November last.

In June the French representative presented a third section to this paper. This section deals with proposals for the organization of the control organ which would be set up to collect, check, and publish information on the effectives and conventional armaments of Member states. These proposals of the French delegation have received the support of a majority of the members of the Working Committee, which adopted them on July 18 by a vote of eight to three. Both papers were rejected in their entirety by the representatives of the Ukrainian S.S.R. and the U.S.S.R. Egypt also voted against their adoption.

The French proposals, as I have indicated, are divided into three sections, the first section dealing with the general considerations on which the proposals have been based. This section defines the conditions which in the opinion of the French delegation must be met if an effective system for the receipt and verification of information on conventional armaments can be put into force. The second section deals with the scope of the census of armed forces and armaments that should be included in the plan and defines the nature of the forces and the equipment to be verified and the manner in which such verification would be carried out. It is made clear in the first two sections of the paper that "as between disclosure of information and adequate verification, the requirements of verification must be paramount." It is also made clear that the success of the plan would depend upon "the greatest possible freedom of movement and access to data fully depicting the level of conventional armaments and effectives of each state" being made available to the control organ.

Conclusions

It is not my thought in a paper of this kind to attempt to present you with definitive conclusions on matters so complex and so important. I think it must be clear, however, that both the work of the Atomic Energy Commission and the work of the Commission for Conventional Armaments in the field of disarmament have not led to the final results which all of us had hoped would be possible when the United Nations was first established. Nevertheless, those of us who have participated in the work of these two commissions feel that much useful preparatory work has been done. In the Atomic Energy Commission I feel that the pattern which any

effective agreement must take has been evolved and set forth in the majority reports. I think I can speak for my colleagues in this majority when I say that not only do our proposals represent the elements of a proper solution to this grave problem but that we believe they represent the only solution. In the Commission for Conventional Armaments I believe we have taken a most important first step in providing a plan for a survey which, if accepted and carried out, would give the world the information requisite to a useful discussion of this complex subject.

The continuing disagreement between the Communist and non-Communist world which has affected the work of the United Nations as a whole has unquestionably been the principal reason why it has not been possible to reach agreement on disarmament, and the Western powers, in insisting upon the principle that disarmament must follow and not precede the establishment of an effective system of security, have had in mind the costly experience of unilateral disarmament by peace-loving states in the years preceding the Second World War.

I think it is safe to conclude that the Western powers will not agree to accept any system for the prohibition of atomic weapons or the regulation and reduction of conventional armaments and armed forces that does not give assurance of adequate security for all nations. It seems equally clear that the Soviet Union for its part is unwilling at this stage to accept the kind of international control and international inspection that is so obviously necessary for an effective system of control. In particular, the Soviet Union and those countries that think like her are unprepared to open up their frontiers to international inspection on a continuing basis; they insist on national management ownership and control over atomic energy and, likewise in the matter of conventional armaments, they will not agree to disclose their forces and armaments or to allow adequate verification thereof. It is difficult to see, therefore, how it will be possible to reach agreement on these matters until such time as there has been some agreement in the realm of policy that will permit all nations to join in the kind of international co-operative effort which is the only possible way to assure to all nations the kind of security on a universal basis that is envisaged under the United Nations Charter.

Discussion

GENERAL McNAUGHTON, who was due at a Security Council meeting, kindly delayed his departure to answer two or three questions.

He stated, in answer to one question, that the basic issue in the control of

either conventional or atomic weapons was freedom of inspection for the representatives of the control agency.

Asked about the merits of the Quaker proposal, General McNaughton stated that he had not yet had an opportunity to read the original text, and his comments would have to be based on the press reports. He would say, in general, that the majority proposals of the Atomic Energy Commission, made by earnest, hard-thinking men, after working over a period of more than three years, in three to four hundred meetings, still remained not only a practicable course, but the *only* practicable course to follow.

MR. SWIFT asked the speaker two questions: (1) Is the veto as important as it has often been made out to be, inasmuch as any attempt to block inspection by the veto would be tantamount to admitting a violation of the control agreements? (2) Inasmuch as the Soviet Union maintains that the majority plan is a disguised scheme for giving the United States a monopoly of the use of atomic energy for the peacetime development of power, is there not a possibility of breaking the deadlock by spelling out in greater detail the stages of transfer of information?

GENERAL McNAUGHTON replied to the first question that Canada had never assigned great significance to the veto. If the majority proposals were followed in other details, it would be possible to pass information to all nations, upon whom, in the last analysis, any deterrent to the breaking of agreements rested. There would, therefore, be no way of suppressing information of violations or seeming violations, and the veto lost its significance.

In regard to the second question, General McNaughton first made it clear that the Soviet contention was, in his opinion, nonsense. He said that the majority plan definitely established quotas for the allocation of fissionable materials to all the nations of the world, and so all nations would share the available materials. Regarding stages, he said that the Commission had debated the issue carefully and felt it had gone as far as it could go now. Before being more specific it was necessary to get some agreement on the principles behind the entire plan. Different stages would be prepared for different alternatives, and so the alternatives had to be determined first. In any case, it was contemplated that the stages established would provide for the safety of all, and would be fair to all. What it was important to realize was that an impasse existed, and to break it the six permanent members of the Commission would have to do what the General Assembly instructed them to do; namely, discuss the matter to find a basis for further work.

Enforcement Action

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I

THE STUDY of enforcement measures in United Nations experience is a study of doctrine, not of practice. There has not been a single case of enforcement action since the creation of the organization. The body of doctrine is contained in the Charter and only minor details of interpretation have, on occasion, been questioned in Security Council discussions. Wherever enforcement measures were mentioned, whether it was in the case of Franco Spain, Greece, Indonesia, or Palestine, the Council remained far from actual consideration of the mechanics of application. Nevertheless, delegations were ever mindful of the fact that the Council had the right to use enforcement machinery. The story of the above-mentioned case reveals several attempts to bring this machinery into motion. Only in respect of Palestine—and in no other case—was there even a Council decision declaring the existence of a threat to the peace and a formal application of provisional measures. The recommendation of the General Assembly regarding the recall of heads of diplomatic missions from Franco Spain is not an enforcement action under Chapter VII, although it constitutes a form of political pressure.

Security Council action thus remained in the vestibule of enforcement measures, and analysis of actual enforcement action is therefore exclusively a problem of political theory and of international law.

Several interpreters of United Nations enforcement measures have proceeded by a comparative analysis of League of Nations sanctions and United Nations enforcement measures, and have thus aided in demonstrating the process of political evolution.[1]

[1] See, e.g., Leland M. Goodrich and Edvard Hambro, *Charter of the United Nations: Commentary and Documents* (rev. ed.; Boston: World Peace Foundation, 1949), rele-

The machinery of United Nations enforcement measures must be understood within the general framework of the security system provided by the Charter. The basis of this security system is the Security Council, a unique institution in world history characterized by the unique role of the five permanent members. Neither the League of Nations nor any other form of international organization provides a precedent for this type of organization. The United Nations security system must be regarded as a system *sui generis*.

II

In certain areas of the general problem of peace and security, the General Assembly has been accorded by the Charter certain important functions. In practice, it has been active even in the pacific settlement of disputes. As shown in the case of Franco Spain (General Assembly resolution 39 [I]), the General Assembly can exercise political pressure short of enforcement action. While the Security Council recommends suspension or expulsion from United Nations of a Member state that violates the Charter, the General Assembly carries such recommendations out.[2] This is undoubtedly part of the general machinery of sanction.[3]

However, it has been made absolutely clear in San Francisco that formal enforcement measures as defined in the Charter are the exclusive domain of the Security Council. This exclusivism appears to me beyond any form of challenge. Article 24 (1)[4] and the articles of Chapter VII reveal such

(Note 1 continued from page 153)

vant passages; Clyde Eagleton, *International Government* (rev. ed.; New York: Ronald Press, 1948), relevant passages; Grayson Kirk, "The Enforcement of Security," *Yale Law Journal*, LV, No. 5 (1946), 1081-96; W. T. R. Fox, "Collective Enforcement of Peace and Security," in Symposium (arranged by Clyde Eagleton), "The United Nations Peace and Security," *American Political Science Review*, XXXIX (1945), 970-81. An exhaustive treatment of the question of enforcement will appear in L. Leonard, *Dynamics of International Organization* (to be published by McGraw-Hill).

[2] Article 5: "A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council."

Article 6: "A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."

[3] To understand the relationship between suspension and expulsion on one hand and enforcement measures on the other, read Goodrich and Hambro, *op. cit.*, pp. 107-10.

[4] Article 24: "1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

a clear-cut assignment of responsibility to the Security Council that it is not possible to give any interpretation to them which would lead to an assumption that the General Assembly or any other organ has any degree of responsibility in this field. Thus, it can be said that the Security Council has the *monopoly* of regular enforcement action from the very beginning to the very end of the planning and execution of such action, and this applies even to consideration of special problems arising therefrom.

III

Now, while there is no provision for any system of enforcement measures to be undertaken by any organ of United Nations, suborgan, or any grouping of states, there remains one apparent exception. This apparent exception applies only to a transitional condition. It is the taking of measures against states that during the Second World War have been enemies of any signatory of the United Nations Charter, in case such measures are taken or authorized as a result of that war by the governments having responsibility for such action.

Article 107[5] lays down the principle of the exception as part of certain transitional security arrangements. Article 53[6] extends this exception to measures undertaken by virtue of regional arrangements or by regional agencies. While under such arrangements or by such agencies action cannot be taken without the authorization of the Security Council, this does not apply to measures against any enemy states. The provisional character of the exclusion is obvious since the reference is to regional arrangements directed against renewal of aggressive policy on the part of any enemy state *until such time* as the organization may, on request of the govern-

[5] Article 107: "Nothing in the present Charter shall invalidate or preclude action in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action."

[6] Article 53: "1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

"2. The term 'enemy state' as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter."

ments concerned, be charged with the responsibility for preventing further aggression by such a state.

There is no exception to the principle of the Security Council monopoly in the enforcement field in a permanent sense.

IV

It is recognized by the Charter that an armed attack may occur against a Member of United Nations and that the Security Council might not take the measures necessary to maintain international peace and security *without delay*. In such cases, the right of individual or collective self-defense is recognized by Article 51, which provides for what is called the inherent right of self-defense. However, measures taken in the exercise of this right shall immediately be reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council to take at any time such action as it deems necessary to retain or restore international peace and security. It must be noted that this article goes beyond individual self-defense, by authorizing collective self-defense. This particular version serves, in part, to place the system of the American republics into the United Nations scheme.[7]

Although Article 51 forms part of Chapter VII, the implication clearly is that actions of self-defense, whether individual or collective, must not be considered as an ordinary procedure for dealing with an attack. The implication that such measures should be taken only until the Security Council has taken action is clearly indicative of their provisional or, to use the Charter terminology applied in Chapter XVII, "transitional" nature.

Thus, while Article 51 provides for the legitimate exercise of the inherent right of self-defense, it circumscribes it in such a way that it does not interfere with Security Council enforcement measures. All final decisions must rest with the Security Council, and even the attacked state must always bow to the final authority of the Council, even though the inherent right of self-defense is recognized under the Charter for individual states as well as groups of states.

V

Having now stated the basis for the monopoly of the Security Council as a body in the exercise of enforcement measures, we come to the question

[7] See Fox, *loc. cit.*, pp. 977-78. Professor Fox was the Secretariat officer in charge of enforcement-measures problems at San Francisco. His article is based on observation at close range.

of the primary responsibility for this type of action within the Security Council.

The basis for any enforcement action is, of course, the voting procedure in the Security Council. Much debate has taken place regarding the principle of unanimity in Council votes and interpretation of Article 27.[8] Permanent members of the Security Council have disagreed in regard to the exact area of application of the unanimity principle, which has its origin in the so-called Yalta formula. However, up to now, no disagreement has existed among these five members regarding the interpretation of the vote requirements concerning enforcement measures. There is no doubt that all decisions of the Security Council under Chapter VII shall be made by an affirmative vote of seven members, including the concurring votes of the principal members.[9] Thus, the realm of enforcement measures clearly requires unanimity of the five permanent members. This implies the axiom that enforcement measures cannot be taken under the Charter against any of these members. In other words, the Charter concept is based upon peace among these powers, and no use of force against any one of them is even contemplated under the Charter of the United Nations.[10]

[8] Article 27: "1. Each member of the Security Council shall have one vote.

"2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

"3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting."

[9] Article 27, paragraph 3.

[10] Note should be taken of certain United States and United Kingdom views, which can best be understood from a statement of Sir Alexander Cadogan in the Security Council when the question of armed forces was discussed and which dealt with the possibility of aggression by one of the permanent members:

"The only answer—and it is admittedly only a partial answer—is provided by Article 51 of the Charter. If any one of the permanent members, guilty of a breach of the peace or of an act of aggression, were to call a halt to the United Nations force, the remainder of the United Nations would be entitled, under that Article, to take action against that Member. Their forces, already made available to the Security Council, could legitimately be jointly employed to that end for so long as the Security Council failed to take the measures necessary to maintain international peace and security. Thus, the plan which we aim at formulating will, we may hope, go as far as is possible towards organizing against an aggressor the forces of the rest of the United Nations. The absence, at the critical moment, of the contingent of even one of the permanent members, would of course throw plans out of gear to some extent, but we cannot plan to meet every possible emergency, and we must try to provide the greatest measure of security imaginable against circumstances that can neither be foreseen nor wholly averted."

See Security Council *Official Records*, Second Year, No. 43, p. 961. See also for further comments *United States Department of State Documents and State Papers*, I, No. 3 (June 1948), 157.

VI

The responsibility of the five permanent members of the Security Council is thus a primary, though not exclusive, responsibility. We are now going to examine further the character of the primacy of their responsibility.

For the present, and until such time as the Members of the United Nations will have concluded a special agreement or agreements to make available to the Security Council on its call armed forces, assistance, and facilities, including rights of passage necessary for maintaining international peace and security, the responsibility of the five permanent members is especially great. It is written in the Charter, Article 106,[11] that, pending the coming into force of such special agreements as are referred to in Article 43,[12] the five permanent members of the Security Council must consult with one another and, as occasion requires, with other Members of the United Nations, with a view toward such joint action as may be necessary for maintaining international peace and security. Article 106 is part of the pattern for transitional security arrangements. An interesting angle is the fact that the five permanent members are referred to in Article 106 as "the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France." This may be interpreted as meaning that the five nations are charged with these responsibilities independently of their regular Security Council role. This is rather a moot question. The Military Staff Committee is still working on proposals for the implementation of Article 43. There are major

[11] Article 106: "Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security."

[12] Article 43: "1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

"2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

"3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes."

disagreements, however, among the five permanent members themselves regarding the size, organization, and character of the armed forces to be put at the disposal of the United Nations. This does not mean that the Council could not call upon members at any time to make armed forces available for enforcement action, but it does mean that the primary responsibility for such measures rests with the five permanent members for the period of transition when no definite armed-force organization is at the disposal of the Council.

Thus, the special role of the permanent members which has been granted in the Charter at San Francisco and which reaches very far across the whole area of the question of peace and security is particularly clearly defined in the case of enforcement measures and the preparation thereof. In this period of transition, until the conclusion of peace treaties and until the coming into force of special agreements to provide armed forces at the request of the Security Council, this responsibility is even greater than later on when the organization will emerge in a more definite form.

VII

The language of Chapter VII unequivocally impresses upon the reader the idea that enforcement measures in general and military enforcement measures in particular are to be considered as an exception, as a last resort, as an ultimate step, not as a standard operating procedure, not as an initial step, not as an automatic reaction.

While there is no obligation on behalf of the Security Council to consider pacific settlement first, an obligation to do so is put on the parties to a dispute.

The ultimate nature of Chapter VII can best be understood by reading Article 33, of Chapter VI, which states:

> The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

VIII

In spite of the ultimate nature of enforcement measures, the Security Council is free to start with any type of action it chooses once the preliminary question is decided. The preliminary question is contained in Article 39 and constitutes the prerequisite for enforcement action. The Security

Council is the only organ that can determine under Article 39 the existence of any threat to the peace, breach of the peace, or any act of aggression. Once this determination is made, the Security Council shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace or security.

Almost every commentator refers to the fact that there is no definition of what constitutes an act of aggression or breach of the peace in the Charter. At San Francisco, a number of smaller powers, led by Bolivia and the Philippines, attempted to introduce specific criteria of aggression. However, the sponsoring powers have jointly opposed any attempt to limit the discretion of the Council.[13]

IX

The only instance in which the Security Council has used some of its power under Chapter VII of the Charter is in a resolution adopted on July 15, 1948.[14] In that resolution the Council determined that the situation in

[13] See Fox, *loc. cit.*, p. 972. See also UNCIO summary reports of the ninth and tenth meetings of Committee III/3, documents 442, III/3/20, and 502, III/3/22, and Kirk, *loc. cit.*, p. 1088.

[14] Document S/902, July 15, 1948. Resolution on the Palestinian question adopted at the 338th meeting of the Security Council.

"The Security Council

"Taking into consideration that the Provisional Government of Israel has indicated its acceptance in principle of a prolongation of the truce in Palestine; that the States members of the Arab League have rejected successive appeals of the United Nations Mediator, and of the Security Council in its resolution of 7 July 1948, for the prolongation of the truce in Palestine; and that there has consequently developed a renewal of hostilities in Palestine;

"Determines that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter;

"Orders the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to desist from further military action and to this end to issue cease-fire orders to their military and para-military forces, to take effect at a time to be determined by the Mediator, but in any event not later than three days from the date of the adoption of this resolution;

"Declares that failure by any of the Governments or authorities concerned to comply with the preceding paragraph of this resolution would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter requiring immediate consideration by the Security Council with a view to such further action under Chapter VII as may be decided upon by the Council;

"Calls upon all Governments and authorities concerned to continue to co-operate with the Mediator with a view to the maintenance of peace in Palestine in conformity with the resolution adopted by the Security Council on 29 May 1948;

"Orders as a matter of special and urgent necessity an immediate and unconditional cease-fire in the City of Jerusalem to take effect 24 hours from the time of the adoption

Palestine constituted a *threat to the peace* within the meaning of Article 39 of the Charter and, pursuant to Article 40, ordered the government and authorities concerned to issue a cease-fire. The Security Council declared further that failure by any of the governments or authorities concerned to comply with the order would demonstrate the existence of a *breach of the peace* within the meaning of Article 39 of the Charter, requiring immediate consideration by the Security Council with the view toward such further action under Chapter VII as might be decided upon by the Council.

That was a clear-cut case not only of the determination of a threat to the peace but also of the taking of provisional measures. In an earlier instance, it was more difficult to decide whether or not the Council had resorted to provisional measures. It had issued a simple call to the Netherlands and the Republic of Indonesia to cease hostilities and to settle their disputes by arbitration or by other peaceful means.[15] The United States representative,

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(Note 14 continued from page 160)

of this resolution, and instructs the Truce Commission to take any necessary steps to make this cease-fire effective;

"Instructs the Mediator to continue his efforts to bring about the demilitarization of the City of Jerusalem, without prejudice to the future political status of Jerusalem, and to assure the protection of and access to the Holy Places, religious buildings and sites in Palestine;

"Instructs the Mediator to supervise the observance of the truce and to establish procedures for examining alleged breaches of the truce since 11 June 1948, authorizes him to deal with breaches so far as it is within his capacity to do so by appropriate local action, and requests him to keep the Security Council currently informed concerning the operation of the truce and when necessary to take appropriate action;

"Decides that, subject to further decision by the Security Council or the General Assembly, the truce shall remain in force, in accordance with the present resolution and with that of 29 May 1948, until a peaceful adjustment of the future situation of Palestine is reached;

"Reiterates the appeal to the parties contained in the last paragraph of its resolution of 22 May and urges upon the parties that they continue conversations with the Mediator in a spirit of conciliation and mutual concession in order that all points under dispute may be settled peacefully;

"Requests the Secretary-General to provide the Mediator with the necessary staff and facilities to assist in carrying out the functions assigned to him under the resolution of the General Assembly of 14 May, and under this resolution; and

"Requests that the Secretary-General make appropriate arrangements to provide necessary funds to meet the obligations arising from this resolution."

[15] Document S/459, August 1, 1947. Resolution on the Indonesian question adopted by the Security Council at its 173d meeting:

"The Security Council

"Noting with concern the hostilities in progress between the armed forces of the Netherlands and the Republic of Indonesia,

"Calls upon the parties

"(a) to cease hostilities forthwith, and

"(b) to settle their disputes by arbitration or by other peaceful means and keep the Security Council informed about the progress of the settlement."

in a declaration *a posteriori,* interpreted this resolution as a provisional measure under Article 40,[16] although there was no formal reference to that article in the resolution. Other delegates held different views on the matter.

X

It is evident from the above that, in every case where the Security Council had even remotely envisaged consideration of enforcement measures, it has insisted that all possibilities of prevention must first be exhausted.

Article 40, which empowers the Security Council to call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable in order to prevent an aggravation of the situation, contains a caveat. I refer to the explicit statement that provisional measures may be instituted before recommendations are made or decisions taken based on the measures provided for in Article 39.[17] This means that prevention should normally be attempted before coercion is applied. Article 40 clearly has a preventive character. This implies that both Articles 39 and 40 can be considered in two ways. The first alternative is to consider one or both articles as preliminaries to enforcement action, whereby it is understood that only Article 39 is a necessary prerequisite for such action. The other alternative is to consider Article 39, and *a fortiori* Article 40, as a *mise en scène* for the further pursuance of pacific settlement. Both the resolution on Palestine and the resolution on Indonesia referred to above explicitly indicated the intention to promote further pacific settlement.[18]

Article 40 leaves the field wide open for pacific settlement and makes it clear that measures taken under its terms are strictly provisional. In fact these measures are so provisional that the rights, claims, and positions of the parties to a dispute should not be affected by the measures undertaken in conformity with this article. The nature of this limitation has been argued to some extent in the Security Council during the debate on the Indonesian case.[19] However, it is certain that the intent is to safeguard

[16] Security Council O.R. No. 82 (192d and 193d meetings, August 22, 1947), p. 2175.

[17] Article 39: "The Security Council shall determine the existence of any threat of the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

[18] There were a number of occasions when the Council was called upon to consider Article 39 or Article 40 without reference to the possibility of enforcement measures. E.g., U.N. document S/741, referring to an Australian draft resolution on Greece, and document S/1020, entitled "Identic Notifications dated 29 September 1948 from the Governments of the French Republic, United Kingdom, and the United States of America to the Secretary-General."

[19] Security Council O.R. No. 82, August 22, 1947.

the substantive rights of the parties from being affected by compliance with such measures.[20] The nature of provisional measures may include a cease-fire, withdrawal of forces to specified lines or areas, acceptance of policing measures, or termination of retaliatory action.[21] In spite of the fact that Article 40 is in the twilight zone between pacific settlement and enforcement measures, it should not be underestimated or put on the same footing as recommendations under Chapter VI, for it includes a most important warning in its final phrase: "The Council shall duly take account of failure to comply with such provisional measures."

XI

The articles dealing with enforcement measures as such are divided into two sections. The first, Article 41, deals with enforcement measures short of military action, and the second, Article 42, deals with military enforcement measures. These are the articles that specify the measures contemplated once Article 39 is invoked; *i.e.*, once the Council has determined the existence of a threat to or breach of the peace or an act of aggression.

The Council is not prohibited from applying military enforcement measures immediately. Nevertheless, the language of Articles 41[22] and 42[23] is such that the intent of applying all nonmilitary measures first is evident.

Article 41 specifies the categories of nonmilitary enforcement measures the Council may undertake. The list is intended to be selective, not comprehensive. The measures mentioned particularly are complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communications, and the severance of diplomatic relations.

The Article makes it clear that the Council may call upon the Members of the United Nations to apply such measures. The compulsory nature of

[20] Goodrich and Hambro, *op. cit.*, p. 276.

[21] *Ibid.*, p. 273. Refer also to the official United Nations documentation on the Indonesia and Palestine questions.

[22] Article 41: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations."

[23] Article 42: "Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations."

this call is stated specifically in Article 48,[24] which says that the decisions of the Security Council for the maintenance of international peace and security shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members, and more generally in Article 25 in which Members agree to accept and carry out the decisions of the Security Council in accordance with the Charter.

With the exception of severance of diplomatic relations, measures that may be taken under Article 41 are within the realm of action where the Economic and Social Council shall assist the Security Council upon the latter's request in accordance with Article 65[25] of the Charter.

It is understood that no international agreement may prevent a state from complying with its Charter obligations. In case there is a conflict, Article 103 of the Charter makes it a principle of international law that the Charter shall always prevail.[26]

In the negotiations of agreements between the United Nations and specialized agencies, provisions have been made to ensure that agencies would render such assistance to the Security Council as that Council might request, including carrying out decisions for the maintenance or restoration of international peace and security.[27]

The impact of economic measures against an aggressor may have ramifications on states other than the nation against which they are directed. In case such a problem occurs, the Security Council may be consulted by the affected state with regard to a solution of the difficulties.[28]

[24] Article 48: "1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

"2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members."

[25] Article 65: "The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request."

[26] Article 103: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

[27] See *inter alia* Article 6 of the Agreement with the Food and Agriculture Organization and with the International Labour Organization, Article 7 of the Agreement with the International Civil Aviation Organization, and Article 8 of the Agreement with UNESCO.

[28] Article 50: "If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems."

Note that even the incidental effects of preventive or enforcement measures, although they be of a purely economic character, are to be considered by the Security Council. Here is another indication of the Council's exclusive competence in this entire field.

XII

Military enforcement measures are to be applied if the Council considers that the nonmilitary measures "would be inadequate or have proved to be inadequate." This wording in Article 42 authorizes the Council to proceed directly to order military measures without passing through a preliminary stage of nonmilitary action. Yet it appears clearly that the Council is compelled to consider at least hypothetically the adequacy of nonmilitary enforcement measures before embarking upon a military operation. In Article 42 military actions are said to include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations. The reader will observe that this indicates a gamut of increasing severity, which, however, is definitely not a compulsory sequence although it may be interpreted as a preferential order of actions.

The compulsory nature of participation by Member states in military action by the Council is derived from the general provisions of Articles 48 and 25 of the Charter. Article 49 strengthens this obligation by providing that Member states shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

While no special agreements are foreseen for economic or diplomatic enforcement measures, military action is dependent to some extent upon conclusion of agreements under Article 43. These agreements shall specify the numbers and types of forces, their degree of readiness and general location, and the nature of assistance to be provided. This problem has been discussed in this symposium by General McNaughton and it exceeds the scope of the topic assigned to me. I have indicated earlier that, pending the coming into force of such a special agreement, consideration of joint action is the special responsibility of the five permanent members. Thus, the Security Council must not be regarded as impotent because of the absence of the agreements.

All plans for the application of force shall be made by the Security Council with the assistance of the Military Staff Committee. This provision, which is laid down in Article 46, leaves no doubt that the Council's competence, even in the strategic field, is supreme.

In case the Council calls upon a Member, not represented on the Council,

for military assistance and such a Member requests to participate in decisions affecting the use of its own forces, the Security Council must invite it to do so. This is in accordance with Article 44, which gives a certain guarantee to Member states to be heard when they are called upon to furnish armed aid.

United Nations action as opposed to recommendation is of the exclusive competence within the Security Council's authority. While the Security Council's authority is supreme, no supernational force has been contemplated. At all levels the military action contemplated refers to national contingents (Articles 43 and 45, the latter dealing with air-force contingents) under the direction of the Security Council.

If enforcement measures are ever to be undertaken, they will be directed by the Security Council with the assistance of such United Nations organs, specialized agencies, Member states or groups of states as the Council, in its wisdom, may determine.

Fortunately, for the peace of the world, analysis of enforcement measures has been so far a study of blueprints. Such blueprints will not become reality except *in extremis* when the peace of this world is seriously threatened.

Discussion

MR. MASLAND asked Mr. Bloch whether he intended to include among means of political pressure outside of enforcement measures such things as moral force and public opinion. MR. BLOCH replied by stating first that he wanted to make it clear that he was a "peaceful character," and that his position as head of the Enforcement Measures Section was "purely accidental." He has a high opinion of moral force and public opinion, and feels that the use of military force by the United Nations would be repulsive, even to the military, because it would be used only as a last resort. There were indeed political pressures outside of enforcement measures, and the only reason he had not stressed them was that they were not included in his subject matter. Moral and spiritual forces, he felt, were very important, and should be used before any other. Military force was a solution *in extremis* only.

MR. CHAMBERLIN asked whether in the Palestine case there was anything in the Charter that would have prevented the General Assembly from sending armed forces to Palestine. MR. BLOCH stated that in his opinion the General Assembly should never recommend the use of armed force. He felt that Article 46 gave exclusive jurisdiction over the making of all military plans to the Security Council. This, he made clear, was *not an official statement,* but rather *only a personal opinion.* MR. CHAMBERLIN disagreed, but did not wish to

pursue the matter. MR. EAGLETON asked whether the General Assembly had not taken enforcement action when it recommended a break of diplomatic relations with Spain. MR. BLOCH replied that he drew a distinct line between a "recommendation" and "action" of any sort.

MR. VAN WAGENEN asked whether Mr. Bloch did not feel that Article 39 led naturally to Articles 40, 41, and 42, in that order, psychologically, regardless of the thesis presented in his talk. MR. BLOCH stated that logic dictated an affirmative answer, except for one thing; namely, that Article 40 says that the Security Council may (not must), *before* acting under Article 39, call on the parties concerned to comply with certain provisional measures. This would lead one to prefer Article 40 before Article 39.

MR. VAN WAGENEN then asked whether the world at large did not think that, once the Security Council had "put its neck out," it should continue to put it out further all the time. MR. BLOCH replied that Articles 39 and 40 were intertwined. In the Palestine case, for example, Article 39 was cited first, and Article 40 was really considered as being derived from Article 39 because at first there was a threat to the peace. Then provisional measures were taken, and they would have been followed by a judgment of "breach of the peace" if the provisional measures had not been obeyed, which would seem to prove Mr. Van Wagenen's implied point. If you do not read the paragraphs, Mr. Bloch continued, you are naturally inclined to follow the numbers, since 39 is before 40. Considering the caveat in Article 40, however, puts it psychologically before 39, although both of them were very closely connected. Certainly 41 and 42 follow 39, but it is logical to go: 39, 41, 42, or it could be 40, 39, 41, 42; or 39, 40, and 40, 39 and then jump back to 33.

In response to a question about the relationship of the exclusive jurisdiction of the Security Council in the enforcement field and the proposed atomic control authority, Mr. Bloch was quite emphatic in stating that, under the Charter, no international force was contemplated over and above nations. All talk was of individual, national contingents. The question of the United Nations Field Force was entirely separate, and whatever its use (of which he heartily approved) it was not enforcement. The Atomic Energy Commission has been concerned with violations of its agreements, but all sanctions were considered within the framework of the Security Council. No one, said Mr. Bloch, has ever thought that a serious violation of the atomic agreements should be considered outside the Security Council, although this is not true for minor violations.

He suspected that the Security Council would say that certain violations in the atomic field were equivalent to aggression. Actual enforcement starts only with Articles 41 and 42, for there is no other form of enforcement. There had been talk of determining a violation outside the veto, but real enforcement action (which starts with Articles 41 and 42) and safeguarding machinery were always intended to be within the Security Council.

Asked if the Security Council ever established its own jurisdiction in disputed

cases, Mr. Bloch replied that one could hardly question the jurisdiction of the Council because of its wide discretion. In the Spanish question, which was cited, he said there never was an issue of a domestic question. The action taken by the United Nations in the Spanish case was taken solely on the grounds that Spain had helped the Axis Powers, and not on the basis of the nature of the Spanish Government.

Trusteeship and Non-Self-Governing Territories

Role and Procedure

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ABOUT two hundred million people, representing approximately ten per cent of the world's population, live in non-self-governing territories. They inhabit one sixth of the world's land area.

The term "non-self-governing territories" in its broader sense comprises all colonies, dependencies, and overseas possessions whose peoples have not yet attained a full measure of self-government. This term, coined at San Francisco and used in the United Nations Charter, covers also territories placed under the International Trusteeship System. For practical purposes, the United Nations considers as "non-self-governing territories" those which are recognized as such by the Member states administering them.

Article 73 of the Charter contains a declaration of principles applying to the administration of all non-self-governing territories by Member nations. Of the basic principles enumerated, the most important and significant are, first, that the interests of the inhabitants of these territories are paramount, and, second, that all Members of the United Nations accept as a sacred trust the obligation to promote the well-being of these inhabitants and to develop their self-government. For the first time in history, such guiding principles of colonial policy are given universal recognition in an international document, as distinct from isolated instances of policy pronouncements by individual governments. The well-being and development of all the non-self-governing peoples have now become matters of international concern. The principle of "international accountability" for the administration of non-self-governing territories, often proclaimed even before the establishment of the United Nations, has thus found in the Charter its most solemn consecration.

The evolution of colonial policy has passed through several stages of development. During the initial phase, in the sixteenth and seventeenth centuries, colonizers were concerned exclusively with the exploitation of

conquered areas for their own benefit. International law was held to apply only as between Christian states and therefore afforded no protection whatever to colonial peoples. In the eighteenth and nineteenth centuries, the growth of humanitarian sentiment led to gradual change in colonial practices, resulting in the abolition of slavery and in the signing of international agreements applying to a limited number of colonies, such as the General Act of Berlin of 1885 and the General Act of Brussels of 1890. By the beginning of the twentieth century, the idea of tutelage had begun to emerge, although as late as 1913 Franz von Liszt's treatise on *International Law* could still state that "in its relations with semi-civilized and uncivilized states, the international community of nations can avail itself of its *de facto* power, bound only by moral principles."

After the First World War, the concept of tutelage under a higher authority found expression in the Mandates System of the League of Nations. The fifth of President Wilson's Fourteen Points, however, still spoke of the interests of indigenous inhabitants as being only "of equal weight with the equitable claims of the Government with title to the territory concerned." Article 22 of the League Covenant stated the principle of mandates in terms of a sacred trust of "civilization," indicating a condescending attitude on the part of the administering powers. Moreover, the specific application of this principle was confined only to those territories that were placed under the Mandates System; *i.e.,* colonies detached from enemy powers. Now, the relevant articles of the United Nations Charter apply to all territories whose peoples have not yet attained a full measure of self-government and recognize the paramountcy of their interests, thus constituting a major landmark in the advancement of dependent peoples.

In the terminology of the United Nations, non-self-governing territories are divided into two categories; namely, non-self-governing territories proper and trust territories. Although the basic principles governing these two types of territories are the same, the function of the United Nations with regard to them differs, inasmuch as the rights of the United Nations as well as the obligations of administering powers toward the United Nations are not the same for the two categories of territories. In the case of trust territories, United Nations supervision is far more direct and more specific than for non-self-governing territories proper.

I will deal now exclusively with trust territories, since another paper to be presented deals more particularly with the other non-self-governing territories.

Trust territories are those non-self-governing territories that have been placed under the International Trusteeship System. This International

Trusteeship System has been established by the United Nations Charter in place of the Mandates System of the League of Nations. It is a system of administration, either under the supervision of the United Nations or by the United Nations itself, of certain non-self-governing territories called trust territories, which may be territories formerly under mandate, or detached from ex-enemy states as a result of the Second World War, or voluntarily placed under the Trusteeship System by the administering powers concerned. The functions of the United Nations in relation to trust territories are outlined in Chapters XII and XIII of the Charter, which set forth the basic objectives of the Trusteeship System and provide for the establishment of the Trusteeship Council.

The most important objectives of the Trusteeship System, as laid down in Article 76 of Chapter XII, consist of:

1. furthering international peace and security;

2. promoting the political, economic, social, and educational advancement of the inhabitants of trust territories and their progressive development toward self-government or independence;

3. encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. ensuring equal treatment of Members of the United Nations and of their nationals in trust territories.

In other words, the ultimate aim of the Trusteeship System is to give self-government or independence to the peoples in trust territories. Pending the achievement of this aim, the Member states administering these territories are pledged to promote the progressive development of these peoples in this direction.

The supervision of the United Nations over the administration of trust territories is carried out in the following way:

1. The General Assembly must first approve a trusteeship agreement for each trust territory before it can come into effect. This trusteeship agreement sets forth the terms of trusteeship for each trust territory. These terms must be agreed upon by the "states directly concerned," including the mandatory power in the case of territories formerly under mandate. Any alteration or amendment of the trusteeship agreement must also be agreed to by the states directly concerned and approved by the General Assembly. There may be designated, in any trusteeship agreement, a strategic area or areas, which may include part or all of the trust territory to which the agreement applies. In such a case, all functions of the United Nations, including the approval of the terms or amendments of trusteeship

agreements, are exercised by the Security Council and not by the General Assembly.

The Charter does not specify who has to submit the trusteeship agreement for the approval of the United Nations, but the trusteeship agreements for the present trust territories were submitted by the countries now administering them. The language of the Charter, however, does not exclude the possibility of a trusteeship agreement being worked out by the United Nations itself and, in fact, when the fate of former Italian colonies was discussed in the General Assembly, proposals to that effect were made.

When a trusteeship agreement is submitted, any Member state may suggest amendments to its terms. Although the trusteeship agreements vary, each of them contains certain basic provisions defining the obligations of the administering authority to administer the territory in order to achieve the fundamental principles of trusteeship laid down by the Charter and specifying the rights of the administering authority, which usually include full powers of legislation, administration, and jurisdiction in the territory. After a general debate on the terms of trusteeship, the trusteeship agreement and the amendments suggested must receive a two-thirds majority vote of the General Assembly, while approval of the trusteeship agreement for a strategic area requires seven affirmative votes in the Security Council, including those of the five permanent members.

2. Under the authority of the General Assembly, or in the case of strategic areas under the authority of the Security Council, the Trusteeship Council carries out all the functions and powers that relate to the operation of the International Trusteeship System. One of its early tasks is to formulate a questionnaire to serve as a basis for the annual reports which the administering authority concerned must submit to the United Nations concerning each trust territory. For this purpose, the Trusteeship Council has adopted a provisional questionnaire containing more than two hundred detailed questions concerning the political, economic, social, and educational advancement of the inhabitants of all trust territories. A statistical appendix to the questionnaire calls for additional statistical data. The Council is required to formulate a questionnaire for each trust territory but, so far, the same provisional questionnaire is still in use for all territories, and administering authorities have been invited to make suggestions for the improvement of the questionnaire. The Trusteeship Council has also asked the Economic and Social Council and the specialized agencies of the United Nations for their suggestions on matters of concern to them. Since all these suggestions have not yet been transmitted to the Council, definitive revisions of the questionnaire have not been made, and the provisional questionnaire

is still in use as the basis of annual reports from administering authorities.

3. The Trusteeship Council examines the annual reports which the administering authorities must submit to the United Nations on each trust territory once a year and formulates observations, conclusions, and recommendations on them.

The procedure for examination of these reports by the Council was elaborated and improved during the past year. The present procedure begins with an opening statement dealing with the affairs and problems of the territory by a special representative of the administering authority. Written questions are then put to the special representative by Council members in order to elicit additional information about conditions in the territories. The special representative gives written replies to those questions, and supplementary oral questioning follows in the Council. When the members of the Council have obtained in this manner that supplementary information which the special representative is able to supply, a general debate takes place during which the members express their own views, conclusions, and recommendations on the conditions in the territory. These are studied subsequently by a drafting committee which formulates the conclusions and recommendations to be submitted to the Council. Finally, the Council considers the drafting committee's report which, when approved, is incorporated in its own report to the General Assembly.

Each of the reports on trust territories examined by the Council is in three parts. Part I consists of a factual outline of conditions in the trust territory; Part II contains the conclusions of the Council and its recommendations to the administering authority concerned; and Part III contains individual observations of members of the Council. Thus, the report contains the findings of the Council as a whole, as well as the individual views of its members.

The conclusions of the Council, while taking into account the positive achievements of the administering authority, may contain constructive criticism of conditions and policies. The recommendations of the Council are intended to assist the administering authorities to promote the well-being and advancement of the inhabitants of trust territories in accordance with the Charter. During the past year, the Trusteeship Council devised a procedure for collaborating with the specialized agencies in matters of common concern in order to take advantage of their specialized knowledge.

4. One of the principal functions of the Council is to accept and examine petitions relating to trust territories. According to the Council's rules of procedure, petitions may be submitted in writing or, in certain circumstances, orally. They may be submitted from any source, provided they deal

with matters concerning actual trust territories. They may be submitted either through the administering authority or a visiting mission, or directly through the Secretary-General of the United Nations. In all cases, the administering authority concerned is free to present its observations on the petitions. The Council may grant the petitioners or their representatives an opportunity to appear before it to make an oral presentation of their case, and after considering a petition the Council decides on the action to be taken thereon. In some cases, it may decide that action already taken by the administering authority concerned is adequate and that no action on the Council's part is necessary. In other cases, the Council may make appropriate recommendations to the administering authority concerned. The decision taken by the Council in each case is communicated in due course to the petitioner.

The subject matter of petitions may be a request for redress of personal grievances or a complaint against general conditions or policies affecting a section or the entire population of a trust territory.

An example of the action the Council may take as a result of its consideration of petitions is the sending of a special mission of the Council to Western Samoa, which resulted in the granting to that territory by New Zealand of a greater measure of self-government.

5. Another function of the Council is the sending of periodic visiting missions to the trust territories, in order to observe conditions at firsthand. The power of sending visiting missions particularly distinguishes the Trusteeship System from the old Mandates System. The first of the Council's regular visiting missions was sent out last year to East Africa, and another is scheduled to visit West Africa later this year. The Council has decided to arrange visits to a group of trust territories each year, in order that each territory may be visited as often as once every three years.

A visiting mission is usually composed of four members of the Council. As a rule, members of the Council serve on visiting missions in turn so that each member may have an opportunity of visiting trust territories.

The terms of reference of each visiting mission are established by the Trusteeship Council and may include, in addition to its normal functions, special assignments to study specific problems of the territory visited.

Upon its return, the mission submits a report to the Council, in accordance with its terms of reference, which contains its observations and recommendations. The administering authority may make its observation on the report, which the Council discusses and then acts upon. In the case of the first mission to East Africa, the Council decided to take into account all recommendations of the mission when it examines the annual report.

At the same time, it recommended that the administering authorities concerned give consideration to the observations and recommendations of the visiting mission.

The composition of the Trusteeship Council is fixed by the Charter. Its members are equally divided between those who administer trust territories and those who do not. All the administering states who are Members of the United Nations are *ipso facto* members of the Trusteeship Council. The five permanent members of the Security Council are also *ipso facto* members of the Trusteeship Council. The remaining members are elected by the General Assembly. The principle of equal representation of administering and nonadministering powers on the Trusteeship Council has a very important effect on the decisions of that Council. Since its decisions have to be taken by a majority vote, no decision can be adopted if there is equal voting for and against a proposal. On matters of substance, instances of equal voting have tended to follow the division between administering and nonadministering members. The Charter clearly provides for equal representation in the Trusteeship Council in order to secure the collaboration of both the administering and nonadministering powers, since an equal vote prevents the Council from taking any action. The report of the Council is, however, discussed in the General Assembly, which may take action thereon independently of the actual voting in the Council. Nevertheless, it should be noted that decisions relating to the operation of the Trusteeship System require a two-thirds majority of the General Assembly. Experience has shown that such a majority is difficult to obtain in the face of opposition by the administering powers.

At present there are twelve members in the Trusteeship Council: six administering members (Australia, Belgium, France, New Zealand, the United Kingdom, and the United States) and six nonadministering members (China and the Soviet Union as permanent members of the Security Council, and Costa Rica, Iraq, Mexico, and the Philippines, elected for three years). The present number of trust territories is ten. They are: Tanganyika, Togoland, and the Cameroons under the United Kingdom administration; Togoland and the Cameroons under French administration; Ruanda-Urundi under Belgian administration; Western Samoa under New Zealand administration; New Guinea under Australian administration; Nauru under the joint administration of Australia, New Zealand, and the United Kingdom; and, finally, the former Japanese-mandated Pacific Islands now under United States administration, which have been designated as a strategic area.

The total area of these territories is approximately 700,000 square miles

and the population approximately 15,000,000 inhabitants. All these trust territories were formerly mandated territories.

According to the Charter, a trust territory can be administered by one state, by several states, or by the United Nations itself. Proposals have been made to place the former Italian colonies under direct United Nations trusteeship, but this question has not yet been settled. Each of the present territories is administered by one state except Nauru, which is under the joint administration of Australia, New Zealand, and the United Kingdom, but, even here, it is really Australia alone that administers it by agreement of all the three states concerned.

The operation of the Trusteeship System will, undoubtedly, improve as more experience is gained. The objectives are clear, for they are set forth in the Charter.

Future developments will depend on the willingness of all Member states to give effect to their obligations under the Charter. It is in the interest of every nation that there should be a square deal for dependent peoples. There cannot be peace and security in the world if several hundreds of millions of dependent peoples are denied the rights which the Charter ensures to every human being. It rests with every Member of the United Nations to insist that the Charter does not become a dead letter or merely a pious expression of intentions.

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C. United Nations Documents

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Non-Self-Governing Territories: Summaries and Analysis of Information transmitted to the Secretary-General.

Rules of Procedure of the Trusteeship Council.

Official Records of the General Assembly and of its Fourth Committee.

D. Articles

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Discussion

MR. MASLAND asked whether there were specific examples of instances where a Trusteeship Council decision had brought an alteration in the policy and practice of any trust territory. MR. HOO replied that in the case of Western Samoa chiefs of the territory had petitioned for more self-government. New Zealand had asked that a commission be sent, and the Commission in its report suggested measures by which New Zealand could give more self-government to the inhabitants. Most of these measures have since been adopted. This was an example, therefore, of direct influence.

MR. VAN WAGENEN asked whether the objective of the Trusteeship System was self-government *and* independence, or self-government *or* independence, and just how the distinction was to be made. MR. HOO distinguished between the trust territories and the non-self-governing territories. Chapter XI of the Charter, he said, applied to both, and there "self-government" alone was mentioned. Article 76 concerning the trust territories only, however, talked of independence as well: self-government or independence. A trust territory, therefore, can go farther than a non-self-governing territory, for Article 73, dealing with non-self-governing territories mentions only self-government, because it was thought that some non-self-governing territories were too small ever to be independent. Depending upon the trust territory concerned, therefore, its size, stage of development, and resources, it can be either self-governing or independent. To date the distinction was academic, since no trust territory was close to a stage of independence, and so the argument about which should apply has not arisen.

MR. CHAMBERLIN asked just how the United Nations could proceed in the case of the Union of South Africa and the Southwest African Mandate, inasmuch as Article 77 does not require any mandatory power to place its Mandates under the Trusteeship System. MR. HOO replied that, while he was no prophet and could not predict what the General Assembly might do in the fall, he could point out that there is a fundamental difference in the interpretation of the word "may" in that Article. Some feel that it means that a state may or may not put a Mandate under the Trusteeship System, and that consequently the Article meant to give a choice to the powers concerned. Others say "may" means that a territory under a Mandate may either be placed under the System or be made independent, and that there is no choice *not* to follow one of these courses. Mr. Hoo also pointed out that, since any Assembly resolution dealing

with this subject would require a two-thirds vote to pass, its terms might be modified by the need to get such a large majority.

A member of the audience asked where sovereignty lay in the case of Southwest Africa. MR. HOO replied that this was a difficult question which had never been satisfactorily solved, though it had been raised several times by delegates. It was generally agreed, however, that sovereignty did not lie with the administering authority. Some felt that it lay with the people of the trust territory, but there was no general agreement on this. In any case, he said in reply to a further question that it was a "ticklish question" whether the United Nations could force any Member nation to do anything it did not wish to do.

Asked about the petition system, Mr. Hoo replied that herein lay the chief distinction between the Mandate and Trusteeship Systems. In the former, the petitions came to the League of Nations through the administering authority, but now they can come directly to the Secretary-General, although they may still be sent via the administering authority. In any case, the administering authority always has the right to present its observations. Another difference between the League of Nations and United Nations systems is the right under the present system to send visiting missions, which may accept petitions to the United Nations.

A member of the audience then asked if the Trusteeship Council or the General Assembly could take any action if the administering authority did not comply with the recommendations of either body. MR. HOO replied again that whether or not the United Nations could force any Member nation to do anything it did not want to do was a "ticklish question." If a Member nation did not comply with a resolution, it was to be expected that other Members would bring up the matter, and the Trusteeship Council and General Assembly could both adopt stronger resolutions. The main means of "forcing" an administering authority to comply with a resolution, however, was public opinion.

MR. EAGLETON asked Mr. Hoo to comment on the role of ECOSOC in the work of the Trusteeship Council. MR. HOO stated that procedures had been established to help co-ordination between the two bodies. Many economic problems concerned both Councils, he said; e.g., slavery in trust territories was discussed recently in the Economic and Social Council; technical assistance in the underdeveloped territories had also been discussed. Co-operation was needed to further the economic development of the trust territories and to avoid duplication of effort. The two Councils necessarily dealt co-operatively at every session.

One member of the audience asked about the interpretation of the phrase, "states directly concerned," in Article 79. MR. HOO stated that this was a most controversial matter and had set off a long discussion in the General Assembly which approved the first trusteeship agreements. No definition had been found that was satisfactory to all. One Member, for instance, stated that not only did the phrase mean neighboring states, but also all those countries with

inhabitants of the same race and religion as the territory in question. At present, the Council operates with a *modus vivendi* to the effect that, since all the trust agreements received the required majority to go into effect, it appeared that all "states directly concerned" had approved.

Another member of the audience asked to what extent the desires of the Trusteeship peoples were considered in selecting an administering authority. MR. HOO replied that this had come up in relation to the Italian colonies in 1949; many delegations of the peoples concerned appeared and expressed their views. They were heard, and their desires will be taken into consideration in the final solution.

Asked whether he felt that the United States request for a strategic area trusteeship over the Pacific Islands had been intended to weaken the Trusteeship Council, MR. HOO declined to be drawn into a discussion of unexpressed motives, but he pointed out that the Pacific Islands had a generally recognized strategic value to the United States. Under the arrangements now existing, the United States had the right to close the area to the inspection of a visiting mission, which was stipulated in the agreement with the United Nations, and this was the chief difference between a strategic and nonstrategic trust territory.

The final question called upon Mr. Hoo to say whether the refusal of an administering authority to comply with a Trusteeship Council decision would be sufficient cause for action by the Security Council or for transfer of the Trusteeship to a different administering authority. This, replied MR. HOO, depends upon the nature of the refusal to comply. If such a refusal were to lead to serious disturbances of the peace, the matter could go to the Security Council, just as would any matter threatening a breach of the peace. As for changing the administering authority, this was a more delicate problem because a trusteeship agreement, to be effective, had to be approved by the "states directly concerned," among whom was certainly numbered the current administering authority. Changes in the authority, therefore, would also require a change in the agreement, and it was not probable that any administering authority would accept a change, which under the Charter he would have to do before the change could be made.

Current Activities

John Fletcher-Cooke
Alternate United Kingdom Representative on the Trusteeship Council

I HAVE been asked to speak to you this morning about the current activities of the Trusteeship Council. Dr. Victor Hoo, the Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories, has already given you an account of the Trusteeship System and of the role that the Trusteeship Council plays at the United Nations. I shall therefore confine myself to an account of the Trusteeship Council's activities during the past year.

As you know, the membership of the Council falls into three classes. First there are the administering authorities, namely, the powers who have accepted trusteeship in respect of one or more territories, and in this class we find Australia, Belgium, France, New Zealand, the United Kingdom, and the United States. The second class consists of the two great powers, China and the U.S.S.R., who, though not administering powers, since they have not accepted trusteeship in respect of any territories, are nevertheless permanent members of the Council. The other four members are elected for a period of three years by the General Assembly, and are at present Costa Rica, Iraq, Mexico, and the Philippines. Iraq and Mexico will cease to be members of the Council on December 31 of this year, and their places will be taken by two states to be elected at the next session of the General Assembly, which opens at Lake Success in September.

By a convention that is growing up in the Council, the Presidency and the Vice-Presidency alternate between representatives of the administering and the nonadministering powers respectively; thus for the Fourth Session which was held during the months of January, February, and March of this year, the President of the Council was Ambassador Liu Chieh of China and the Vice-President, Sir Alan Burns of the United Kingdom. At the elections that were held at the beginning of the current session in the middle of June, Ambassador Garreau of France was elected President and Ambassador Pavilla Nervo of Mexico Vice-President.

As you probably know, the six administering authorities to which I have already referred are responsible to the Council for the administration of ten trust territories. The largest of these is Tanganyika under British administration with a population of over seven million, and the smallest is the island of Nauru with a population of about three thousand which is administered by the Government of Australia on behalf of the three governments that signed the trusteeship agreement; namely, the governments of the United Kingdom, Australia, and New Zealand. In all, the peoples of the trust territories number approximately fifteen millions.

The affairs of these peoples come before the Council for consideration and study in three ways. First as a result of the annual reports that every administering authority is required to send in to the United Nations under the terms of the respective trusteeship agreements; second as a result of petitions relating to the trust territories addressed to the Trusteeship Council; and third as a result of the visiting missions which the Council may send out to these territories at times agreed upon with the administering authority in accordance with Article 87 (c) of the Charter. It might perhaps be said that there is a fourth source of initiative in these matters, namely, the General Assembly itself since as a result of the debates and discussions which occur in the Fourth Committee of the General Assembly the Assembly itself frequently requests the Council to undertake studies relating to particular matters and to make recommendations thereon.

Let us take first the annual reports. At the Council's session during the early part of this year the reports of five territories were considered: namely, Western Samoa, which is under the administration of New Zealand, and the four West African territories, British and French Cameroons and British and French Togoland. I should perhaps explain that these reports take the form of replies to a number of questions prepared by the Trusteeship Council and sent out to the administering authorities concerned. At the present time, the Council is still using the provisional questionnaire that was drawn up and adopted when the Council first met, but steps have already been taken to prepare a revision of this questionnaire, and various other organs of the United Nations, together with the administering authorities concerned, have been asked to submit to the Council their suggestions and recommendations for a revision. There is naturally a tendency for every organ or suborgan of the United Nations and for every specialized agency to consider that its own particular field of work is the most important; and each one of these bodies is naturally anxious to collate as much information as possible relating to the subjects in which it is particularly interested. Nevertheless, the administering authorities feel

that the present questionnaire is already far too long and complicated, and that further additions to the questions to be answered will impose such a strain on those working in these trust territories that they will spend all their time answering these questions and will have very little opportunity for getting on with the job of administration and development. As all the replies of the various interested parties have not as yet been collated, the Council has decided to defer the revision of this questionnaire until next year.

To return to the particular reports which were considered earlier this year, it may give you some idea of the Council's "findings" on the administration of Western Samoa if I indicate very briefly the resolutions which they approved. In the first place, the Council noted with satisfaction the reception given by the Samoan population to the constitutional changes introduced by the Samoa Amendment Act, 1947, and expressed the hope that a loyal and sincere collaboration would give the recent reforms an opportunity to produce their full effects. At the same time, the Council recommended that consideration should be given to the introduction of a system of universal suffrage applicable to all the inhabitants of Western Samoa so that the basis of representation in the Legislative Council might be progressively broadened. The Council also passed resolutions referring to the training of Samoans for the Civil Service; the protection of the economy of the territory against a fall in the world prices by diversifying production, by introducing secondary industries into the territory, and by any other measures which might be found possible. Other resolutions covered improvements in health and social services, increasing opportunities of higher education, and encouragement to the development of a national culture and the true national art of the indigenous inhabitants.

Resolutions dealing with these and other subjects were also passed in respect of the West African trust territories to which I have already referred, but in the case of French Togoland the Council was unable to agree about what should be included in a certain part of the report, and since it is provided that a tie vote (if repeated twice) of six for and six against means the rejection of a proposal, no report on French Togoland was adopted at the last session. At the current session, however, the Council decided to review the position as regards the French Togoland report, and eventually the original report prepared by the Drafting Committee, together with certain additions proposed by the French Delegation, was approved by the Council as a whole.

At the current session, the attention of the Council has been focused on the Far East, and it has been considering the reports submitted in respect

of New Guinea and Nauru, both under Australian administration, and the first report submitted by the United States Government in respect of the Pacific Islands.

The normal procedure in dealing with these reports can be considered as falling into six parts. Having read the report (or at least we hope they have!), delegates submit written questions to the special representative from the territory concerned, in which they ask for clarification of statements in the report and, in some cases, for supplementary information. That is the first stage. Then the special representative makes an introductory statement in which he refers generally to the more important developments in the territory during the year under review. That is the second stage. The third stage consists of oral questioning of the special representative. The fourth stage is a general discussion during which members of the Council record their views on the various pieces of information which have emerged during the preceding stages, and they make their suggestions concerning the line the Council should take in pronouncing itself upon the report. The fifth stage is behind the scenes, namely, the work of the drafting committee, which is responsible for submitting to the full Council a document which, amended as the Council may see fit, will form the Council's report to the General Assembly on that particular territory. The sixth and last stage is the discussion of that draft report in the full Council. When it is finally approved, if it is approved, it goes forward to the Assembly.

In all these matters the Council is dealing with questions of a general character, but when we come to petitions we are frequently faced by what might be called "human interest" stories. The Council always has a large crop of petitions on its plate. Some of these raise general questions, in which case they are usually considered at the same time as the annual reports, or sometimes with the reports of visiting missions, who are instructed to look into them. Sometimes they deal with very personal matters. For example, the Council was recently faced with a petition which included a charge that an eighty-year-old king in the Cameroons was keeping a harem of 600 wives. The British representative on the Council pointed out that, in fact, the King's wives numbered not 600 but 100, that in any case His Majesty's Government did not view this custom with favor, and that they were endeavoring to put an end to it. It was also pointed out that the custom was a traditional one, and was based on the strongest superstitious belief. If it were ended abruptly the people would fear some dreadful supernatural calamity as a result. The British Government therefore considered that it would be wiser to achieve a gradual modification of the

custom, largely through the work and efforts of the missionaries, and at the same time to ensure that individual hardship and cruelty were prevented.

Although at first sight this petition seemed to have thrown the limelight upon a strange custom which was shocking to Christian sentiment, the Council accepted the view that it was not a matter in which immediate action could be taken.

At the last session, a resident of the French Cameroons asked the Council to help him recover his wife, who, it was alleged, had run off with another man while the husband was fighting in France under General de Gaulle. The Council was unable to take any action in this matter. Another petition urged that any uranium deposits which might be found in Tanganyika or Ruanda-Urundi should be held in trust by the Council for the ultimate benefit of the inhabitants.

From Tanganyika the Council frequently receives petitions from former German and Italian residents, many of whom had been interned during the war, requesting the Council to prevent their repatriation to Germany and Italy. In such cases, the British representative has given assurances to the Council that no German or Italian is repatriated solely on account of his nationality, but only where he had at some time held Nazi or Fascist sympathies, or where he was otherwise personally undesirable as a resident in the territory. The Council has expressed its general approval of the policy followed by the British authorities in these circumstances.

Other petitions received by the Council have dealt with such varied questions as the establishment of a Jewish state in Tanganyika; the international control and administration of the Polar regions; the international control of production and distribution of strategic raw materials, and so on.

It would be impossible to give an account of all the petitions which have come before the Council in recent months, but I hope that I have given you some indication of the field that is covered in these petitions.

I come now to the question of visiting missions. This is a most important question, because it is one of the principal ways in which the Trusteeship System differs from the old Mandates System. During the present session the Council has been concerned with three visiting missions. The first was a visiting mission that went to East Africa, to the territories of Ruanda-Urundi under Belgian administration and Tanganyika under British administration during the latter part of 1948. This mission consisted of representatives of France, Australia, Costa Rica, and China, and the Council has been considering its findings. Representatives of the administering authorities have made two points in connection with this visiting mission. First, that it is only fair that the report of such a mission

should not be given widespread publicity until the comments and observations of the administering authority concerned are available for release at the same time. Second, they have expressed the view that in many cases the mission, which had to face great difficulties in the sense that it could only spend a very limited time in the territory concerned and had an even shorter time in which to draft its report, made definitive pronouncements on certain aspects of the administration which a closer study or a more leisurely examination of the facts would have corrected. Eventually the Council, having considered the findings of the East African visiting mission, and also the observations of the two administering authorities concerned, decided to content itself with taking note of these two documents, which it would bear in mind in considering future annual reports from Tanganyika and Ruanda-Urundi.

Against this background of the so-called East African visiting mission's report, the Council has been considering arrangements for another mission —this time to visit the four West African territories, British and French Togoland and British and French Cameroons. This time the mission will consist of representatives of the United States, Belgium, Iraq, and Mexico, and you will observe that once again the members are equally balanced—that is, two nonadministering and two administering powers. This principle has been followed in both cases and reflects the parity which exists on the Trusteeship Council. Before completing its current session, the Council appointed Mr. Awni Khalidy, the Iraqi representative, as Chairman of the Visiting Mission to West Africa.

In 1950 the Council will send out yet another mission, this time to the Far East. The mission is expected to visit New Guinea, Western Samoa, Nauru, and the Pacific Islands. The Council has invited the Governments of China, France, the Philippines, and the United Kingdom to suggest nominations for the approval of the Council. Prior to this, the Governments of the U.S.S.R. and New Zealand (who have not as yet been represented on visiting missions) were invited to suggest nominations, but the Government of the U.S.S.R., through their representative on the Council, Mr. A. Soldatov, said that they did not wish to be represented on this mission to the Far East, while Sir Carl Berendsen, on behalf of the Government of New Zealand, explained that in the particular circumstances of this mission, which will be visiting a trust territory (namely, Western Samoa) for the administration of which his government is responsible, the New Zealand Government felt that it would be more appropriate if they did not suggest a name of a representative for the Council's approval. Before the final adjournment, the Government of the United Kingdom

notified the Council that it wished to nominate Sir Alan Burns, and the Council duly approved this nomination.

The visiting mission to the Far East will have to cover very great distances, and it is expected that their task will take between three and four months. There seems, however, to be general agreement that, irrespective of the merits of a visiting mission's findings, the educative value for the members of the mission themselves is of inestimable benefit to the Council as a background against which the affairs of these territories can be discussed more realistically.

You will recall that I mentioned that discussions in the Council are initiated not only as a result of matters raised in annual reports, petitions, and reports of visiting missions, but also following upon discussions in the General Assembly. This year the Council has given particular attention to two matters which were considered at the meeting of the General Assembly in Paris last autumn. The first of these concerns what has come to be known as "Administrative Unions." Broadly speaking, the administering authorities have found it convenient to associate the trust territories, for certain limited purposes, with neighboring colonial territories for the administration of which they are responsible. Provision is made for this in the respective trusteeship agreements, and the General Assembly has asked the Council to satisfy itself that these arrangements are in accordance with the provisions of the trusteeship agreements and of the Charter, and that they will not impair the international status under the Trusteeship System of the territory concerned. The Council set up a committee to consider this question, and the administering authorities supplied that committee with a large mass of information, and the Council has been considering the committee's report.

The Council, without expressing a definite opinion in the matter, appears to have come to the conclusion that the present arrangements are not in conflict with the provisions of the trusteeship agreements and of the Charter, and it has informed the General Assembly that it will continue to study this question as and when the annual reports are considered, in order to ensure that no such conflict arises.

The other question raised in the General Assembly related to higher education in the African trust territories. There was at one time a suggestion that a special university should be set up to meet the needs of the inhabitants of all the six African trust territories, but the Committee has come to the conclusion that this would neither be practical nor desirable at the present time, and that it would be far better to press on with the arrangements already made by the administering authorities for dealing with

higher education, and to strengthen the existing institutions which provide such facilities. As far as the United Kingdom is concerned, for example, we now have two universities in West Africa and one in East Africa, to which students from our trust territories may go for higher study.

In conclusion, I should say that the Trusteeship Council does an immense amount of work during the year. It reads and studies innumerable documents. It prepares and listens to innumerable speeches. It drafts and redrafts innumerable reports. It is a matter of opinion whether or not this great effort is producing those beneficial results in the trust territories themselves which must be the sole criterion for any assessment of the Council's success or failure in terms of the high hopes which those who inaugurated the system at San Francisco had in their minds. It would be inappropriate for me as one who has been closely associated with the work of the Council during the past year to attempt to express an opinion on this point. I cannot, however, refrain from saying that my own government feels that the Council frequently approaches the many and difficult problems with which it has to deal in a spirit which, although for the most part full of good will and a genuine desire to improve conditions, fails to take account of the realities of the situation. In short, the Trusteeship Council has great possibilities, but they have not as yet been realized.

Non-Self-Governing Territories

Wilfrid Benson
Director, Division of Non-Self-Governing Territories

CHAPTER XI of the Charter of the United Nations comprises the declaration regarding non-self-governing territories. By it, the members responsible for the administration of territories whose peoples have not yet attained a full measure of self-government recognize certain principles and objectives. They undertake to co-operate with one another and with the specialized international bodies with a view to the achievement of these objectives. They undertake to transmit regularly to the Secretary-General information on economic and social conditions in the non-self-governing territories.

Chapter XI is a challenging section of the Charter. For the first time the colonial powers placed on record in a general treaty their principles of policy. By so recording these principles they made the whole colonial system a subject for international consideration. Chapter XI is also a challenge to other states. By it, they recognize that the metropolitan governments are entrusted with administrative responsibility. Accordingly, in the decisions which they can take by their majority votes in the General Assembly, it is for them to see that their recommendations are realistic in view of these recognized responsibilities. The chapter is a challenge to the leaders of all communities that are striving for self-government. It indicates that progress is not only political but must also be achieved in the economic, social, and educational fields.

But perhaps the most challenging feature of Chapter XI is the responsibility that it places on the Secretariat under the Secretary-General. By recognizing that there are potential national communities which are not represented in the United Nations, by providing that information on their conditions shall be transmitted to the Secretary-General, the Secretariat is entrusted with a developing task of placing non-self-governing territories in the international picture and securing that international programs of value to them have a reasonable chance of application.

Yet, the chapter suffers some disadvantages. It has too frequently been

regarded as an introduction to the International Trusteeship System in its narrower sense; and the ties that exist between so-called colonial powers and a number of their so-called colonies, territories, or possessions are underrated. Yet, Chapter XI can stand by itself. It applies to nearly two hundred million people. The path to self-government does not necessarily lead and in most cases should not lead from a colonial status to a trust status, and thence to independence. Chapter XI is an active inducement toward self-government for countries which are already so advanced that to them the application of the Trusteeship System might be a retrograde step.

A second disadvantage is the term "non-self-governing territory." The word "colony" was unsuitable because its meaning has varied greatly throughout history and because in law it covers only a portion of the countries envisaged. Previously in international practice the term "dependent territory" was often used, and a new term still in use is that of "nonmetropolitan territory." Either is better than non-self-governing territory which, without further explanation, is inaccurate and may be regarded as derogatory to peoples who exercise many powers of self-government.

In spite of these and other drawbacks, the history of Chapter XI since San Francisco is significant. It is a case in which the words of the Charter have proved dynamic and by argument, resolution, and convention created a system which is already a vital international force.

An examination of the place of Chapter XI within not only the Charter but also within the growing pattern of international relations calls for an answer to the following questions:

What is the international problem with which Chapter XI is concerned?

What were the immediate reasons for the inclusion of Chapter XI in the Charter?

In what general world situation does it operate?

What progress has been made toward giving a reality to the words it contains?

What problems remain?

What can be its future?

The first question, though it deserves detailed consideration in itself, may perhaps be dealt with briefly by an American group. The political dominance of one state over another community with national aspirations of its own is not merely a problem between the two groups; it is also a problem of general international significance. The dependent group may appeal to the sympathies of other countries. By its geographical position it may be a strategic threat or a strategic weakness to other countries. By its economic dependence on the metropolitan country it may affect and prejudice

the trade opportunities of other countries. There is, in short, an international colonial problem. There is an international interest in putting an end to any past evils of colonial systems which may persist and in seeking the liquidation of such aspects of the system which produce these evils. There is an international interest in the fight against poverty and ignorance wherever they may exist.

The imperative reasons for the consideration of the colonial system at San Francisco could have been foreseen from the early days of the Second World War. The First World War destroyed the predominance of western Europe in the world. In colonial relations, one of its consequences was that it gave new prominence to the doctrine of the self-determination of peoples. If the Mandates System, which was a symptom of the changing order, hardly affected the general structure of colonial administration, it was a precursor of a recognition of the essentially international character of the colonial problem. With the Second World War colonial territory was lost in much of Asia, national aspirations expanded universally, and on one side of the Atlantic there was a reluctance to fight to restore colonial imperialism, and on the other to accept the liquidations of empires at what might be thought to be the command of those unaware of actual problems.

The ideological controversy was by no means only between national attitudes. The Anti-Slavery Society of London produced proposals for an international convention that would have placed all colonies under international supervision. The British Labour Party in its official policy in 1943 suggested the creation of a colonial commission to see that the administering powers carried out a number of obligations in colonial administration and to report and inspect. If any administering power was not carrying out its obligations, the matter should be brought before the International Court of Justice and the international authority would be entitled to make new arrangements for the administration of the territory. Later when the San Francisco Conference was meeting, Mr. Creech-Jones advocated the creation of an international colonial commission that would be instructed to take account of the conditions of all colonial and all backward peoples and to recommend practical aid for their development.

Other countries were vitally concerned. Australia had been faced with her vulnerability. For reasons of strategy as well as sentiment, Australia had no wish to perpetuate a situation in which the continent would be an outpost of Western domination facing a continent in revolt against colonial situations.

It was in these circumstances that the San Francisco Conference approached the colonial question. No clear distinction was drawn until the

final stages between what was to become the International Trusteeship System under Chapters XII and XIII of the Charter and the declaration regarding non-self-governing territories which figures in Chapter XI. As regards Chapter XI there are three principal claims to sponsorship. The United Kingdom proposed a text that would have inserted in the Charter for all colonies the mandate principles of Article 22 of the Covenant of the League of Nations. This would have been an introduction to the trusteeship provisions to be applied to special territories but without machinery for implementation. A more drastic proposal came from Australia. The General Assembly was to specify the territories in which it would be the duty of the states responsible for administration to carry out a number of specific obligations and to furnish annual reports to the United Nations upon economic, social, and political development. Before specifying any such territories the General Assembly would convene a conference of the states responsible for the administration of territories inhabited by peoples not yet able to stand alone under the strenuous conditions of the modern world.

Eventually, through the efforts of the United States, a working paper was produced that covered the whole field of non-self-governing territories and made the distinction that exists in the Charter between the territories which were to come under the supervision of the United Nations as trust territories and the other territories for which, as non-self-governing territories, a number of general obligations would be accepted.

Before approaching these obligations and seeing whether progress has been made in giving substance to them, changes in the world situation which are of a permanent character should be noted.

The colonial system, which was under consideration at San Francisco, may roughly be described as that phase of imperialism by which from the mid-nineteenth-century Western powers, particularly European powers, had established both political and economic control over 90 per cent of Africa, all of non-European Oceania and much of Asia, while retaining most of the remaining footholds in the Americas.

The whole system was falling in pieces by the time of San Francisco, but it has only since been possible to judge the strength of three elements that will determine the shape of things to come in replacement of the old colonial system. These three elements are world communism, local nationalism, and the force of an Americanism whose nature is not yet clearly determined.

By communism colonialism stands condemned as the last phase and the fatal weakness in the capitalist system. However moderate might be the foreign policy of communist countries, the basic doctrines of communism would still demand a constant and critical attitude toward the colonial

system on the part of communist representatives. When the United Nations is criticized because of a communist versus anti-communist theme in many of the discussions on non-self-governing territories, it is being criticized for the inadequate reason that in its treatment of the colonial problem it realistically reflects a world situation and a legitimate conflict of opinion on the causes of world changes.

The second element, evident at San Francisco, but growing from strength to strength, is the growth of nationalist movements. To the most genuinely benevolent and to the constructive representatives of welfare colonialism, there is something of a classic tragedy in the present situation. Much that has been accomplished through Western influence should rank high in human achievement, but the greater the achievement the more rapidly have come new problems and the human reaction against the foreign agents of past progress.

One example of great efforts creating problems may be taken from a speech by Mr. Ryckmans of Belgium. He was replying to a Polish charge that in Ruanda-Urundi there are only thirty-five doctors, and half the children do not attend school.

"What could have been said," he retorted, "is that there are already 35 doctors and a medical organization in Ruanda-Urundi; already half the children attend school." He pointed out that the first Europeans reached the territories only in 1892 and 1894, and that, as late as 1910, the plains were completely depopulated by sleeping sickness, and cattle disease reduced the herds to one tenth every two years.

But, as Mr. Ryckmans would readily admit, the health situation is unsatisfactory, education is inadequate, and there is a struggle against poverty and overpopulation where once there was a similar struggle against poverty and depopulation.

Java's population increased from five million in 1815 to nearly fifty million in 1940. The population of Puerto Rico doubled between 1899 and 1940. In many places the consequence of success has been a still greater struggle for a living which is more than bare survival.

Against the resulting conditions have risen new leaders with deep political convictions. It is important to understand that these are so often men of wide culture who have imbibed most deeply of Western philosophy and ethics and have understandably claimed for their own countries and their own peoples the human rights to which to some degree contact with the West introduced them.

The result is that almost everywhere the most plausible doctrines of gradualism have lost their truth. The question is no longer can this or that

people govern themselves, but what is the most rapid and therefore the safest way for them to attain self-government with an enlightened responsibility for the progress of all their peoples.

In this psychological situation where new social disciplines are required to replace the compulsions of the past, there is a practical situation of extensive poverty where three great faiths are working out a synthesis or preparing for conflict. Colonial imperialism remains a force, particularly through trade relations, but has now to seek its allies in something more vital than the tribal loyalties of primitive peoples or the unsupported strength of a greatly weakened western Europe.

All this is very close to the essence of the problems of Chapter XI of the Charter, though it may seem distant from the struggle over forms and procedures, through which the significance or insignificance of the text has been developed and shaped.

For trust territories the Charter laid down a detailed system of implementation, provided that by trusteeship agreements separate international obligations would be defined in each case, and established a principal organ of the United Nations to supervise the whole machinery. In Chapter XI the presentation is general, and the only obligation of a clearly specific character, Article 73 (e), might be read more as a series of reservations than as a statement of what information should be supplied, when, how, and for what purposes.

In these circumstances it was not surprising that when at Lake Success in 1946 the first attempt was made to seek meaning in Article 73 (e), a deadlock threatened. It was symptomatic, if a little more surprising, that in relation to the General Assembly's very moderate decision to set up a committee to follow procedures for the next year, it was feared that the Charter was being amended by indirect means.

A less tense atmosphere, however, may be traced each year. This has in large part been due to the fact that in 1946 the General Assembly found a means toward a steady examination of the constitutional issues involved. It has also been due to a statesmanlike realization in the delegations of the reality of the forces behind Chapter XI and at the same time of the national rights of the countries entrusted with the administration of the territories.

These years have brought to light three problems: the transmission of information, its consideration in the United Nations, and the purpose of transmission and consideration.

By Article 73 (e) the Members undertook to "transmit regularly . . . . statistical and other information of a technical nature relating to economic, social and educational conditions." If this had been interpreted to mean the

routine supply of statistical information such as the United Nations receives from all countries, or as such information plus a few supplementary notes, Chapter XI would have been stillborn. Instead, step by step, there has been obtained the annual transmission according to a standard form of a wide range of current material from the territories, supplemented by authority to the Secretary-General to draw far more widely on other official information. Credit should here be given to the metropolitan powers, which after perhaps an initial hesitation, have accepted a broad interpretation of the rights of the Secretary-General in this respect.

There remain two deadlocks. Article 73 (e) does not speak of political information. Some governments supply such information voluntarily; some refuse. Some countries maintain that the whole of Article 73 should be reported upon and therefore political information should be included. The second conflict is that the information is exclusively from the governments. Yet the Secretary-General receives a number of representations of protest from other sources. Here again the colonial powers insist that government information alone is to be considered, and others move for the consideration of petitions and the like from non-self-governing territories.

But the information that is received is the widest and most detailed ever placed before international consideration. It is in many cases more detailed information on economic and social conditions than has ever been prepared for any form of publication.

Effective progress had also been made in establishing the right of the United Nations to discuss the information that is received. Chapter XI of the Charter here again left a question unanswered. The information is transmitted for information purposes. In early months, it was suggested in some quarters that the purpose of this phrase was to exclude any right on the part of the United Nations to discuss the information; against this contention, legal arguments, common sense, and a spirit of concession prevailed. Article 10 of the Charter empowers the General Assembly to discuss any questions or any matters within the scope of the Charter, clearly giving the Assembly competence in respect to Chapter XI. It was equally a matter of common sense, and recognized as such by a number of spokesmen, that one value of Chapter XI was the facts would be made available for the information of the whole world.

In the light of these considerations, year by year, in the face of some (but decreasing) objections, a special committee has been appointed by the General Assembly and has been authorized to make substantive recommendations on economic, social, and educational matters. This is subject to the reservation that the recommendations should not be directed at particular

territories, a concession which recognizes the argument that, in respect of non-self-governing territories, the United Nations has not the detailed powers of supervision which exist in the case of trust territories.

The third aspect of this work which has been taking shape over the last three years is some understanding of the basic purposes of this procedure of transmission, discussion, and recommendation. In the broader sense, this purpose is political. Chapter XI operates in such a way as to keep before international consideration the progress of many countries toward self-government. It also may be said both to protect progressive colonial administrations from inaccurate charges made against them and to encourage among them a certain spirit of emulation in overcoming previous shortcomings.

It can hardly as yet be maintained with confidence that the United Nations has found the means of making concrete policy recommendations for the improvement of conditions in non-self-governing territories. Such an advance should by no means be difficult, now that so many problems of procedure have been solved. So far, attention has mainly been directed to Article 73 (e) of the Charter. There is another paragraph which certainly contains a positive obligation. It is Article 73 (d) by which the Members concerned undertake to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes of Article 73. On the whole, information is now being transmitted in satisfactory detail and reservations are no longer made in regard to the discussion of this information, except in relation to purely political matters. In the light of the Article 73 (e) information, the time is approaching when the United Nations should examine the substantive questions of what is being done and what more can be done to remedy various unsatisfactory general conditions, and thus to hasten full self-government by removing the primary causes of dependency.

For this purpose, there must develop within the United Nations an authoritative body which, with technical knowledge and diplomatic skill, can ask concrete questions on the programs undertaken to prevent soil erosion, to encourage industry, to obtain fair trade conditions, to reduce disease, to overcome illiteracy, and to provide reasonable remuneration for peasants and wage earners. Responsibility for the execution of these programs will rest with the administering authorities, but it will be a part of their responsibility to see that the operations of specialized agencies are extended to the non-self-governing territories, both for the technical reason that the best available international advice should be provided through these

agencies and in order to accustom the technical leaders of the territories themselves to co-operate in the international field.

In elaborating a policy of this nature, certain difficulties remain. The term "non-self-governing territory" has not been defined. It has been interpreted in the old sense as those colonies, possessions, and outlying territories for which certain countries had assumed certain responsibilities in the past period of colonialism. The question might well be approached anew. Apart from the different racial or cultural groups within a given community whose destiny and aspirations are to form a full and equal part of that community, there are many peoples who by geography or aspiration are not a part of the country in which they are incorporated. They deserve respect for their cultures and for their right to develop equally with the inhabitants of the sixty-three territories which are now covered by Chapter XI. A second problem is whether, while avoiding the barrier of national sovereignty, access can be granted in international discussions for the genuinely representative leaders of territories which are already in large part directing their own administrations.

If these problems can be met and attention directed to Article 73 (d) of the Charter, Chapter XI in its old sense should operate as rapidly self-liquidating. The future will then be whether the change will be one of substance or of form. The change will be one of form if, in a world demanding closer integration, tiny countries spring up with a nominal independence through which world economic and strategic interests exercise their power. On the other hand, if with growing self-government the new communities have the experience of facing their responsibilities through genuine international assistance under Chapter XI of the Charter, a spirit of interdependence may well develop. It may even be that countries which are in no way colonial may see ways of using that chapter in order to obtain co-operative international assistance in developing the community life of their own outlying areas with local cultures deserving of preservation and development.

Such a prospect may well appear nebulous at present. Nevertheless, the stage has been reached in the machinery and procedures of the United Nations in which the very general terms of Chapter XI have begun to function. The practical results must soon come under assessment and may be anticipated with considerable confidence.

Reading List

United Nations Publications

1. *Summaries and Analyses of Information Transmitted to the Secretary-General during 1947* (Sales No. 1948. VI. B.1). Part I: Origins and Problems of Chapter XI of the Charter.
2. *Summaries of Analyses of Information Transmitted to the Secretary-General during 1948* (Sales No. 1949. VI. B.1). Part I: General Survey; Appendix II: Resolutions Relating to Nonself-Governing Territories Adopted by the General Assembly; Appendix III: Extracts from the Report of the Special Committee on Information Transmitted under Article 73 (e) of the Charter.
3. *What the United Nations Is Doing: For Non-Self-Governing Territories* (Sales No. 1948 I.14).

Other Publications (Chronological Order)

1. British Labour Party. *The Colonies.* London: British Labour Party, 1943.
   ———. *The Labour Party's Post-War Policy for the African and Pacific Colonies.* London: British Labour Party, 1943.
2. Anti-Slavery and Aborigines Protection Society. *An International Colonial Convention.* London: Anti-Slavery and Aborigines Protection Society, 1943.
3. Institute of Pacific Relations. *Security in the Pacific.* New York: Institute of Pacific Relations, 1945. Chap. V.
   ———. *The Future of Dependent Areas.* New York: Institute of Pacific Relations, 1945.
4. Gilchrist, Huntington. *Trusteeship and the Colonial System.* New York: Academy of Political Science, Columbia University, 1946.
5. Benson, Wilfrid. "International Organization and Non-Self-Governing Territories," *Journal of Negro Education,* XV, No. 3 (Summer 1946), 300-10.
6. International Conciliation. *The Advancement of Dependent Peoples.* New York: Carnegie Endowment for International Peace, 1947.
   ———. *The United Nations and Non-Self-Governing Territories.* New York: Carnegie Endowment for International Peace, 1947.
7. United Kingdom Colonial Office. *Information on Non-Self-Governing Territories.* London: United Kingdom Colonial Office, 1948.
8. Hall, Duncan H. *Mandates, Dependencies and Trusteeship.* New York: Carnegie Endowment for International Peace, 1948.
9. Logan, Rayford W. "The Bold New Program: Point IV and the Backward Areas," *American Perspective,* III, No. 2 (May 1949), 66-72.
10. Mathiot, André. *Les Territories Non Autonomes et La Charte des Nations Unies.* Paris: Librairie Générale de Droit et de Jurisprudence, 1949.

Discussion

MR. MASLAND asked whether in the voting on reports the votes in the Trusteeship Council usually split along the lines of administering and non-administering powers. MR. FLETCHER-COOKE replied that the reports passed by the Council were in three parts: a summary of the facts in the report of the administering authority; the recommendations, observations, and conclusions reached by the Trusteeship Council (by a majority vote); and a summary of the Council debate. In the case he had cited in his talk, the question was whether or not statements made by France in writing (and outside the

Council meetings) in reply to remarks of the Soviet Union (made during a meeting) should be allowed to go into Part III. The administering powers said yes; the nonadministering powers said no. The former felt that, without the statement, the report would give too much weight to the uncorrected views of the Soviet Union, and they refused to accept Part III (in a six to six vote) without the French statement. The nonadministering powers then decided that without Part III they would not approve the report. It was significant that the disagreement was not on recommendations of the Council and that all those in the report received the required majority. The question was whether the views of an individual delegation should go into the report.

MR. CHAMBERLIN then inquired how Mr. Fletcher-Cooke felt one could reconcile the need for adequate factual information with the limited staff available to the administering authorities. MR. FLETCHER-COOKE responded that there were two principal difficulties. In the first place, many territories lacked statisticians accustomed to handling figures and sending them to the United Nations in the required form. The larger trust areas, he said, have statistical departments, but these did not equal the facilities of a Member nation by any means. A Member state therefore can give information more easily than a trust territory. Furthermore, the experts in the territories have their hands full with the day-to-day job of administration, and cannot get the desired information without interfering with their other work. A happy mean, therefore, was needed. The United Nations and the Trusteeship Council, Mr. Fletcher-Cooke felt, had a right to get information and all the authorities could do was to answer as many questions as they could. He felt, though, that the United Nations should realize that the authority might not always be able to give all the information desired because of the effort it might require from the staff concerned.

MR. BENSON added that, in the case of a trust territory where the United Nations was required by the Charter to supervise, particular and detailed questions were inevitable. In the case of non-self-governing territories, however, he said, the United Nations had devised a standard form, which was not a detailed questionnaire, but rather headings of types of information, which was to be supplied by the administering authority, having in mind the state of his statistical and reporting services.

The Economic and Social Council

Economic Activities

Sidney Dell
Department of Economic Affairs

(In the absence of Mr. Dell, his paper was presented by Mr. Jerome Pintos, Economic Affairs Officer, Division of Economic Development and Stability)

THE ECONOMIC and Social Council is now meeting in its ninth session at Geneva at a critical stage in postwar economic history. The Council's attention has been drawn to the dangers in the present economic situation by the second annual survey of world economic conditions and trends prepared by the Department of Economic Affairs and published under the title *World Economic Report, 1948*.[1]

This survey aims to provide the Council with a thorough analysis of the current economic background against which the economic items on its agenda must be considered. The most important conclusion of the survey is: "The second half of 1948 and the beginning of 1949 appear to represent a turning point in post-war economic developments." This is a conclusion of considerable moment for the Council and, indeed, for the world. Since the end of the war there has been, on the whole, a steady upward trend in world production and trade. Employment levels have been high, and, except in one or two countries, unemployment figures low. Reconstruction and reconversion have for the most part been completed, and many countries show striking advances over the low levels of economic activity characteristic of the early postwar years.

During the latter part of 1948 and the first half of 1949, however, there were signs that postwar progress might be coming to a halt. For the first time since the end of the war there was a slight decline in the index of world industrial production in the first quarter of 1949. This decline was attributable primarily to a drop in United States production, but there was a slackening of the rate of increase of production in a number of other countries as well. There was also some increase in unemployment figures

[1] United Nations Publications Sales Number: 1949.II.C.3.

in several countries, and, though in most cases unemployment levels are still low in relation to corresponding levels before the war, the upward trend gives some cause for concern. There has been evidence of insufficient consumer demand in a number of important countries, and the prices of many commodities have consequently tended to fall.

This situation represents a challenge to national governments and to international economic agencies alike. The question which at once arises is this: Is the United Nations at this time equipped to resist and counteract the onset of a recession in economic activity, or are countries as powerless as they were before the war to deal with depression, unemployment, and the economic retrogression invariably associated with them?

A further and related question is the following: Can we afford a decline in economic activity at a time when the world's supply of goods is still inadequate to meet the requirements of the growing world population? Even in Europe and the United States, let alone in the underdeveloped areas of Africa, Asia, and Latin America, countries are very far from having exhausted the possibilities for raising the standards of living of their peoples.

The problems thus sketched in outline are being considered by the Economic and Social Council at its current session, and any statement here and now must necessarily be provisional in that the outcome of that session is not yet known. It is nevertheless possible to indicate how far the Council is, at the present time, in a position to handle problems of this kind effectively.

The Council has established two kinds of commissions to assist it in its work, known as functional and regional commissions, respectively. The functional commissions are bodies of governmental experts whose task it is to advise the Council on world economic problems in their global aspects. Thus, for example, the Economic and Employment Commission is responsible for advising the Council on matters concerning the maintenance of full employment and the promotion of economic development in underdeveloped areas. Other functional commissions include the Fiscal Commission, the Transport and Communications Commission, and the Statistical Commission. All these commissions deal with the world-wide implications of problems in their respective spheres, and the Council has progress reports from them all for consideration at its current session.[2]

In contrast to these functional commissions there are the regional economic commissions, composed of governmental representatives, which

[2] See documents E/1104 (Fiscal), E/1311 (Transport and Communications), E/1312 (Statistical), E/1356 (Economic and Employment).

were established by the Council in order to take measures for economic reconstruction and development in specific areas of the world having certain kinds of economic problems in common. Thus, for example, the Economic Commission for Europe was established to take co-ordinated action for the reconstruction of war-devastated areas in Europe. Similar commissions are in being for Asia and the Far East, and Latin America, and the Council has under consideration the creation of an economic commission for the Middle East.

How far, then, has the Council, with this functional and regional machinery at its disposal, been able to approach the solution of the significant economic problems of our time?

The most important of the functional commissions, from our present point of view, is the Economic and Employment Commission, which is itself advised by two Subcommissions, on Economic Stability and on Economic Development. The Commission has reported to the current session of the Council that:

> While the Commission has not been able (for a number of reasons) to develop a specific program of recommended measures, domestic or international, which might be undertaken in the event the existing trends continue, it suggests that the Council urge Member Governments to prepare measures of an expansive rather than of contracting types to counter recession and have them ready for immediate use if the situation should deteriorate. It further believes that this subject will be given serious consideration by the Economic and Social Council in connexion with the Report of this Commission, and that as part of that discussion the representatives of governments will be prepared to review both (a) the measures which their governments now have authority to use, if and when found necessary to counter recession and maintain an expanding economy, and (b) the additional expansive measures which they plan to seek legislative authority to use, if found necessary.

Thus the Commission points to the need for governments to review the measures which the current situation requires but is unable at present to make any specific recommendations for international action. The need for expediting the consideration of measures to be taken against any impending economic decline has been brought very much to the fore in recent months by the warning signs of slackened economic activity to which reference has already been made. Any delay in effective action, both domestic and international, increases the risk of a downward economic spiral of gathering momentum.

Limited progress has already been made toward the solution of problems of full employment since prewar years. Perhaps the most significant ad-

vance has been the recognition by all the fifty-nine governments which have signed the United Nations Charter that it is their responsibility to take measures for the maintenance of full employment. Thus Article 55 of the Charter provides that the United Nations shall promote, among other things, "higher standards of living, full employment, and conditions of economic and social progress and development."

This may seem obvious enough to many of us nowadays. But it will be recalled that in the twenties and thirties it was widely believed that government "interference" could do little or nothing to overcome depressions and might make them worse. Considerable progress has been made since those days. The Department of Economic Affairs, on behalf of the Council, recently despatched a comprehensive questionnaire to Member governments enquiring what methods would be employed by them to counter a recession. The very acceptance of such an enquiry indicates a marked change in the public attitude toward governmental responsibility in this sphere. This investigation, moreover, may have had a salutary and stimulating effect upon the preparation by governments of adequate full-employment programs, since no country will wish to be regarded as falling short of implementing its obligations under the Charter when these programs are examined in public by the Economic and Social Council and its subsidiary organs.

The Department of Economic Affairs has received a large number of replies to the full-employment questionnaire,[3] and an analysis of them is now before the Council. Thus, for example, many governments have stated that in the event of an economic setback they would increase governmental expenditures on public works and development projects and, in countries whose economies include substantial nationalized sectors, on investment by existing publicly owned enterprises. Many governments have stressed their intention to encourage domestic investment by facilitating the extension of credit, especially to small business and agriculture. Several countries have pointed out that automatic economic stabilizers exist such as social-security benefits and guarantees to farmers. Most of them have also stated that it would be the object of governmental policy to encourage the expansion of exports by improving the competitive position of their goods in international markets.

The following typical passage comes from the United States Government's reply to the full-employment questionnaire:

[3] See document E/1111, Addenda 1-6.

Under the terms of the Employment Act, it is the responsibility of the President to recommend legislation not only to counteract unemployment once it has developed, but also to minimize fluctuations in the economy so that large unemployment can be prevented if possible. The President's Economic Report to Congress must set forth "current and foreseeable trends in the development of employment, production, and purchasing power" in order to detect as promptly as possible dangers to the employment situation and the need for remedial Government programmes.[4]

We may therefore sum up the present situation in respect to progress toward the solution of problems of full employment. Governments have committed themselves, under the United Nations Charter, to maintain full employment and combat depression, and some of them now have concrete domestic plans and programs ready to go into action to this end. Little progress has yet been made, however, toward achieving agreement on specific international measures in this field, and the Council has a serious problem confronting it in this respect.

A second main preoccupation of the Council at its current session is with the promotion of economic development. The Economic and Employment Commission, in its report to which reference has already been made,[5] pointed out that current economic problems can be solved only within the framework of general world economic expansion. One of the most important features of postwar economic developments has been the extreme unevenness of progress in different parts of the world. The prewar disparity in economic development between, say, the industrialized countries of Europe and the United States and the underdeveloped countries of the Far East has increased. It has become a commonplace to say that in this world of ours prosperity is indivisible. Poverty anywhere is a danger to economic well-being everywhere. Radical measures are required in the immediate future for the solution of the problems of the world's continuously depressed areas.

The United Nations has taken certain important steps for rendering assistance of various kinds to underdeveloped countries in their economic development. At its current session the Economic and Social Council has before it a document [6] summarizing what has so far been done by international agencies and governments in this field. The measures taken include the sending of technical missions to countries seeking advice on methods of promoting economic development, the provision of other forms of tech-

[4] Document E/1111.
[5] Document E/1356.
[6] Document E/1345.

nical assistance and training, the holding of international conferences and seminars, and the granting of loans and other financial assistance by the International Bank for Reconstruction and Development and certain national governments, particularly the United States.

The report of the Economic and Employment Commission to the current session of the Economic and Social Council [7] indicates that many problems concerning the economic development of underdeveloped areas are still unsolved. Although the Commission agreed with certain of the general principles of economic development put forward by its Subcommission which deals with this subject, it felt bound to take issue with some of the conclusions reached by that Subcommission. For example, although the Commission agreed that some form of industrialization is essential to economic development in practically all cases, it felt that too much emphasis had been given to heavy industry, and the Commission believed that the patterns of economic development must necessarily vary over a wide range among countries and areas.

The international agency concerned with the financing of economic development is, of course, the International Bank for Reconstruction and Development. The total commitments of the International Bank to December 31, 1948, included two development loans, totalling $16 million, for hydroelectric equipment and agricultural machinery in Chile; the loans became effective, however, only at the beginning of 1949 so that no disbursements for development were made by the Bank in 1948. Early in 1949, loan agreements were signed with Mexico for $34.1 million for hydroelectric development and with Brazil for $75 million for the same purpose and for telephone expansion as well. At the same time, negotiations were in progress with a number of other underdeveloped countries.

Some criticism has been voiced from time to time, particularly by the delegations of underdeveloped countries, of the relatively small loans made thus far by the International Bank for the purpose of economic development. It has been pointed out that by far the larger part of the Bank's disbursements to date has consisted of loans to developed countries in Europe. Although the Economic and Employment Commission felt that there was no need for the creation of a new international agency in the field of international finance, there were certain members of the Commission who felt that there was a need to fill the gap which, in their opinion, now exists in respect to the international machinery for financing development; in particular there was a need to aid underdeveloped areas to finance develop-

[7] Document E/1356.

mental projects that could not satisfy the conditions required by the Bank, carry the interest charges involved, or be liquidated within the customary period.

The total amount of long-term funds, grants, and donations moving from different sources into underdeveloped areas, including grants for purposes of reconstruction in the Far East, is estimated by the International Bank to have been in the neighborhood of $1,500 million in each of the years 1947 and 1948. The most important source of these funds was the United States, but a number of other countries, including certain western European countries and the U.S.S.R., have supplied lesser amounts. It will readily be seen that these over-all amounts are small in relation not only to the magnitude of the development problems of underdeveloped areas but also to the volume of funds that have been available to highly developed countries for the purposes of postwar reconstruction. On the other hand, it has been pointed out frequently that many underdeveloped countries do not appear as yet to have proceeded very far, or in sufficient practical detail, with the elaboration of projects which might serve to attract foreign capital.

Although foreign loans and technical assistance can play an important supplementary role in economic development, it has been pointed out by the Economic and Employment Commission that the most important phases of development programs depend upon effective action by the governments themselves. No international action can replace measures by underdeveloped countries for organizing their resources and, in particular, for stimulating the flow of savings and directing those savings to their most productive end uses. In many cases, measures are required to enable agricultural workers to be transferred to industrial employment, while agricultural productivity is greatly increased to permit food-consumption levels to be raised. Much remains to be done in most underdeveloped countries in taking the kinds of measures which are needed to create a favorable economic climate for development.

Some modification of attitude is also needed in the industrial countries, many of which have tended to view economic development in underdeveloped areas as involving a danger to their own industrial pre-eminence. The industrial countries have hitherto regarded the underdeveloped areas primarily as a source of raw materials, as a field for investment, and as a market for finished manufactures. Within the framework of this conception, relatively little progress has been made by the underdeveloped countries toward narrowing the gap between their standards of living and those of advanced industrial countries. Nothing less than a reorientation of economic thinking is needed in this sphere. Clearer recognition needs to be

given to the simple fact that the advanced, as well as the economically backward, countries stand to gain from the industrialization of underdeveloped areas. It is true that the market for such commodities as textiles in Asia and Latin America is likely to continue to shrink, because these areas are becoming increasingly self-sufficient in the production of essential consumer goods. But this is not to say, by any means, that economic development means smaller trade between industrial and underdeveloped countries. It is pointed out in the World Economic Report for 1948 that industrial countries may expect, if there is no contraction in world economic activity, to be called upon to supply the growing demand of underdeveloped countries for the capital equipment required for industrialization. It would be extremely shortsighted to resist this trend. There is sufficient potential demand in the vast underdeveloped areas of the globe for the materials required for economic development to keep the highly industrialized countries fully occupied for as far ahead as can be seen at this time.

I turn now to the activities of the regional economic commissions of the Council, the economic commissions for Europe, Asia and the Far East, and Latin America.[8] These commissions were established by the Council on a temporary basis, and their terms of reference relate entirely to emergency problems facing certain areas of the world during the aftermath of the war. The Council is to consider, not later than 1951, the question of whether a need still exists for these regional commissions. Clearly, in the longer term, certain problems of constitutional relationships are posed by the coexistence of functional and regional commissions, the functional commissions dealing with specialized problems on a world-wide basis and the regional commissions dealing with all economic problems on a regional basis. I shall have occasion to refer to this relationship again later on.

While the regional economic commissions, unlike the functional commissions, are operating within a specific time period, they have, in fact, a broader discretion than the functional commissions of the Council. This arises largely from the fact that their members are governmental representatives, whereas the members of the functional commissions are experts who are, indeed, nominated by their governments, but who do not in principle have the power to commit their governments to any specific course of action. Thus the regional economic commissions are empowered to make recommendations directly to Member governments within their respective fields of competence without seeking the prior approval of the Council. The functional commissions, on the other hand, can only advise the Coun-

[8] For reports of these commissions, see documents E/1328 (Europe), E/1329 (Asia and the Far East), E/1330 (Latin America).

cil regarding the recommendations which it should make to Member governments.

It is perhaps preferable to give an extended account of one of the regional commissions, rather than attempt to cover them all sketchily. I therefore propose to concentrate upon the activities of the Economic Commission for Europe. The economic problems of Europe, of course, are not in any way more important than those of Asia or Latin America. On the contrary, it could fairly be argued that the magnitude of the reconstruction and development problems facing countries of Asia and the Far East are far greater than those of Europe and certainly affect a much larger proportion of the world's population. Nevertheless, the commissions for Asia and Latin America are inevitably in the stage of studying the problems with which they are confronted as a preliminary to effective action. It is impossible to devise solutions until the problems are clearly understood, and the collection and analysis of data on those problems are therefore among the most important immediate tasks of these commissions. The Economic Commission for Europe, on the other hand, starting from a more advanced understanding of the problems of the area, and possessing a richer background of regional co-operation, already has a considerable record of positive action, and the Commission is therefore of great interest from the point of view of the development of international economic relations.

The Economic Commission for Europe is responsible for initiating and participating in measures for facilitating concerted action for the reconstruction of Europe, for raising the level of European economic activity, and for maintaining and strengthening the economic relations of the European countries both among themselves and with other countries of the world.

The Commission has the advantage that its members include all European governments, with the exception of Spain. The United States is also a full participating member. In order that the problems of Europe might be dealt with comprehensively, the countries participating in the Commission include several that are not members of the United Nations. These are Albania, Austria, Bulgaria, Finland, Hungary, Ireland, Italy, Portugal, Rumania, and Switzerland. In addition, the delegations of the four occupying powers speak for the authorities of the occupation zones of Germany. Only Member states of the United Nations have voting rights in the Commission, but since Commission decisions are taken as often as possible by unanimous affirmation the distinction between Members and non-Members of the United Nations is reduced to a minimum.

The Commission offers a forum in which countries can make known

the character of their most urgent reconstruction requirements, and the contributions which they themselves can make to the recovery of others. For this purpose the Commission is organized into a number of technical committees that deal with the most critical shortages hampering European production. During 1947 and to a lesser extent during 1948, European recovery was impeded by certain commodity shortages, or "bottle-necks," as they have been called, particularly in coal, steel, and certain other raw materials. During this period, therefore, the Commission's activities were concentrated upon increasing the flow of fuel and materials to industry.

The European Commission has, in fact, probably been the most successful of all United Nations bodies in developing international economic co-operation, especially between East and West. Let us take a specific example of this co-operation. In the prevailing coal shortage in Europe during 1948, it was extremely important that coal and coke should be used in those countries and for those purposes in which they could make the maximum possible contribution to European recovery in general. The Commission therefore undertook the allocation of certain exportable surpluses of coal in accordance with programs devised by the participating Member governments acting together in unanimous agreement, and the words "unanimous agreement" should here be stressed. Countries that shared in these coal supplies included Belgium, Czechoslovakia, Finland, France, French North Africa, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, and Yugoslavia. The main European-supplying countries were Poland, the United Kingdom, and the Bizone of Germany. The United States was also a major supplying country.

This type of concrete action in marrying the supplies and requirements of European countries on internationally agreed principles is a most important and helpful sign for the future. What the Economic Commission for Europe has demonstrated beyond doubt is that, if political considerations are left in the background, and countries are prepared to negotiate with one another on a straightforward economic and technical basis, considerable progress can be made in the economic sphere notwithstanding the prevailing international political tensions.

Many more examples of action taken by the Commission to overcome critical commodity shortages in Europe could be cited. The Commission's Steel Committee, for example, has taken steps that contributed to the expansion in the European output of steel during 1948. The Electric Power Committee has investigated methods of developing Europe's potential for the production of electrical energy. A number of other committees have

taken similar action designed to increase the supply of materials and goods required for Europe to become economically self-supporting once again.

By the end of 1948 and the beginning of 1949 most of these so-called "bottle-neck" problems had virtually been solved. Although coal production was not yet back to prewar levels, it sufficed to permit a large expansion in over-all European production. Excluding Germany, European output of steel in 1948 was about one sixth higher than in 1938, and still greater increases were characteristic of the chemical and engineering industries.

In these circumstances, the attention of the Commission has tended to move to the other main problem confronting Europe at the present time, namely, the problem of trade and balance of payments. In 1948 western Europe reduced its adverse trade balance with the United States by a large margin, but the import surplus continued to be very large and was financed by grants and loans from the United States since European foreign exchange reserves had been run down to dangerously low levels. But the countries of western Europe cannot act on the assumption that United States aid can continue indefinitely, and it is therefore necessary for these countries to seek alternative sources of supply of food and raw materials for their industries.

It was one of the most significant features of the European economic situation in 1948 that the western European countries were very much more dependent than before the war on imports from overseas, particularly from the United States, while on the other hand imports from eastern Europe were little more than 40 per cent of the level of 1938. This was due in part to the severe devastation in the East that prevented exports being made to western Europe on the prewar scale. In the course of 1948, however, East-West trade tended to rise, and it is one of the most important problems confronting the Economic Commission for Europe in the period ahead to find the means whereby western Europe can satisfy a higher proportion of its requirements from European sources, thus reducing its dependence on the United States. The nature of the possibilities in this direction is indicated by recent trends in trade relations between East and West. The United Kingdom, for example, has been importing bread and coarse grains from the U.S.S.R., dairy products from Poland, and nonferrous metals from Yugoslavia. France has been importing coal from Poland. Some of the world's largest reserves of crude bauxite used in the production of aluminum exist in such countries as Hungary, Rumania, and Yugoslavia. The U.S.S.R. is the largest world producer of such com-

modities as manganese, flax, and hemp. There are large timber resources in the U.S.S.R., Finland, Poland, Czechoslovakia, and Yugoslavia. Against supplies of these commodities, western Europe has been furnishing equipment not only for increasing the supplies of exportable raw materials but also to help in the realization of eastern Europe's programs of economic development.

By such means, and with the aid of discussions in the Trade Committee of the Economic Commission for Europe, European countries will be enabled to reduce their dependence on the gifts and loans provided by the United States in order to tide over the emergency postwar period when the paralysis of European economic activity prevented normal intra-European trade relations from being re-established. Recent trends toward a deterioration in Europe's balance-of-payments position and the critical situation confronting the United Kingdom in particular serve to emphasize the importance of this aspect of the European Commission's work.

Thus far the activities of the functional and regional commissions have been discussed separately, without any consideration of the relations between them. It must be borne in mind that the original conception of the operations of the Economic and Social Council, as expressed at the San Francisco Conference, made no provision for regional economic commissions. Chapter VIII of the United Nations Charter, which deals with regional arrangements, is concerned entirely with regional agencies for the maintenance of peace and security. Chapters IX and X of the Charter, dealing with economic and social questions, contain no mention of economic arrangements on a regional basis though Article 68 does enable the Economic and Social Council to set up, in addition to the functional commissions, "such other commissions as may be required."

The regional commissions were established some time after the functional commissions and, as already noted, their existence is to be reviewed not later than 1951. The Council has made no clear definition of the relationship between the functional and regional commissions except such as is implied in their respective terms of reference. As long as the regional commissions are primarily occupied with strictly emergency postwar problems, no overlapping is likely to arise. But as soon as the reconstruction and reconversion period is over—and in most areas this has probably already happened—the regional commissions are bound to become increasingly concerned with longer term problems such as the functional commissions were originally intended to study. For example, if the unemployment problem in Europe were to reach important proportions, it would undoubtedly come before the Economic Commission for Europe in some

form or other as well as before the Economic and Employment Commission. There is still an unresolved constitutional problem here, and the likely outcome is not yet clear. Some delegations consider that the regional economic commissions are necessarily limited in outlook and tend to ignore the world-wide implications of their activities. Moreover, certain countries are not as yet represented in any regional commission. On the other hand, the opinion has been expressed that the regional commissions have demonstrated a greater usefulness in practice than have the functional commissions. The concrete, practical achievements of the Economic Commission for Europe are, on this view, in striking contrast with the inability of some of the functional commissions to do little beyond engaging in indecisive political and economic debate. These opposing views will undoubtedly be voiced when the Council comes to reconsider its organizational structure.

Dissatisfaction with existing functional machinery has already given rise to suggestions in some quarters that more powerful functional organs of the Council are required, able to measure up to the scale and importance of current problems. The Economic and Employment Commission itself has recommended the abolition of its two Subcommissions on Stability and Development, and the suggestion has been made that the character of the Commission itself should be carefully reconsidered in the near future.

It should be emphasized here that certain of the functional commissions have had considerable success in dealing with technical questions in which their character as expert bodies has been of great advantage. Thus, for example, widespread satisfaction has been expressed with the work of the Statistical Commission in securing international agreement on such matters as the establishment of statistical standards and comparability. To the extent, however, that functional commissions have been confronted with problems of major economic policy, often bordering on highly controversial political issues, much less success has been achieved.

These, however, are problems of machinery that can be solved easily enough in due course through the light of experience. Of more importance is the general political atmosphere in the Economic and Social Council which has been partly responsible for the difficulties in reaching solutions of outstanding current problems. A beginning has recently been made in overcoming the political obstacles to international economic co-operation. I refer to the easing in international political tension following upon the partial solution of a number of problems by the foreign ministers of the Four Powers at Paris. Although, as has been indicated, considerable economic progress has been made by the United Nations even during the period of greatest international friction, it would be idle to maintain that

those who are working in the economic sphere at the United Nations are not affected by political difficulties among the Great Powers. Economic problems cannot be isolated from their political context.

You will recall that the Four Power agreement at Paris provides in the case of Germany for: "An expansion of trade and development of the financial and economic relations between the Western zones and the Eastern zone and between Berlin and the Zones."

Hopes are being widely expressed in influential quarters in the United States and Europe that this limited agreement will be accompanied by a more general enlargement of trade between East and West which could be of considerable mutual benefit as has already been noted: to the East in obtaining the capital goods required for economic development; to western Europe and the United States in helping to maintain high levels of production and employment.

An improved political atmosphere may yield quite striking results in the economic sphere within a measurable period ahead, while, on the other hand, friendlier economic relations among nations may lead to some further easing of current political tensions. The United Nations constitutes the appropriate machinery for the achievement of these purposes. It depends upon the governments, and the peoples whom they represent, whether the fullest possible use is made of that machinery, and in good time.

Technical Assistance For Economic Development

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THE SUBJECT of technical assistance for economic development now looms large on the United Nations horizon as a result of its dramatic emphasis and wide publicity as Point Four in President Truman's inaugural address in January of this year. It should be recognized, however, that this has been a continuing and important part of United Nations activity during the greater part of its four years of existence.

When at the first part of its Third Session the General Assembly adopted General Resolution 200 (III) on Technical Assistance for Economic Development and in connection with it appropriated almost $300,000 for the purpose of providing such assistance to Member governments, it was giving formal shape and expression to a problem that had been the concern and study of various organs of the United Nations and of the Secretariat. Thus, in one form or another, the question of providing technical assistance through the United Nations and its specialized agencies had been before the Economic and Social Council since 1946. This is evidenced by a whole series of resolutions. I refer you in particular to Resolutions 27, 41, and 51 of the Council's Fourth Session, to Resolution 96 of its Fifth Session, and to Resolutions 139A and 149C of its Seventh Session. Let us look at the background of this development.

After the Economic and Employment Commission was created by the Economic and Social Council, the Commission during its First Session in January 1947 requested its Subcommission on Economic Development to make recommendations to it relevant to

> the furnishing of such technical assistance within the resources available, as members of the United Nations may request, relating to production and development; and to the organization, in co-operation with the governments concerned, of such missions as may be needed to perform this function.

The Commission further stated that

> pending recommendations from the Sub-Commission on Economic Development . . . . the Commission urges that except for specialized requests received from Member Governments clearly within the scope of the several specialized agencies the Secretary-General make appropriate arrangements in co-operation with the specialized agencies concerned, for the provision of such technical advice as may be requested by Member Governments and as possible within the resources available, and as will enable them to plan and carry out a balanced development programme as speedily and competently as possible. (E/255)

At its First Session in November 1947 the Subcommission on Economic Development adopted a report which dealt, among other things, with the problems of technical education and technical assistance. On this subject it came to the conclusion that in view of a number of considerations, including the existence of technical facilities within the specialized agencies of the United Nations, as well as the international political aspects involved, intergovernmental technical assistance "would be best secured by organizing the assistance under United Nations auspices." (E/CN.1/47)

The Economic and Employment Commission at its Third Session took note of the Subcommission's recommendations on general principles and, commending the Subcommission for its decision "to devote more time at its future sessions to more specific problems," suggested that

> one of the fields of activity which requires urgent consideration is that concerning the mobilization of the under-developed countries' domestic resources, human, natural, financial and technological, and that studies in this field should be undertaken forthwith so that the technical assistance which may be rendered at the request of Member countries by the United Nations and its specialized agencies toward the mobilization of these resources can be utilized most effectively. (E/790)

At its Second Session in June 1948 the Subcommission on Economic Development devoted almost its entire efforts to the study of technical assistance. Part V of its report (E/CN.1/61) contains a series of recommendations concerning this matter, especially concerning the fields in which action is required and the policies under which such action might be carried out. Although there was not time for this report to be studied either by the Commission or by the Economic and Social Council, it was a public document, available to all Member governments, and had important effects. The governments of Burma, Chile, Egypt, Haiti, and Peru in effect adopted many of the recommendations of the Subcommission and embodied them in a draft resolution which they presented to the General Assembly at its

recent session in Paris. This resolution, after some amendments, was adopted on December 4, 1948, as Resolution 200 (III).

In this Resolution the General Assembly laid down certain policies under which technical assistance for economic development should be extended by the United Nations and authorized the Secretary-General to carry out the following functions, when requested to do so by Member governments, and, where appropriate, in co-operation with the specialized agencies:

(a) arrange for the organization of international teams consisting of experts provided by or through the United Nations and the specialized agencies for the purpose of advising those Governments in connexion with their economic development programmes, the organization of such teams, of course, not to preclude the invitation of individuals, or groups of, experts from the United Nations or from specialized agencies in connexion with problems in the field of those specialized agencies;

(b) arrange for facilities for the training abroad of experts of under-developed countries through the provision of fellowships for study in those countries or institutions which, in the particular fields of study, have achieved an advanced level of technical competence;

(c) arrange for the training of local technicians within the under-developed countries themselves by promoting visits of experts in various aspects of economic development for the purpose of instructing local personnel and for assisting in the organization of technical institutions;

(d) provide facilities designed to assist Governments to obtain technical personnel, equipment and supplies, and to arrange for the organization of such other services as may be appropriate in the promotion of economic development, including the organization of seminars on special problems of economic development, and the exchange of current information concerning technical problems of economic development.

There is one part of Resolution 200 (III) to which I would like to draw your attention. I refer, in particular, to paragraph 4, which sets out certain of the basic policies governing the provision of technical assistance. This paragraph provides that:

The technical assistance furnished shall:

(i) not be a means of foreign economic and political interference in the internal affairs of the country concerned and shall not be accompanied by any considerations of a political nature;

(ii) be given only to or through Governments;

(iii) be designed to meet the needs of the country concerned;

(iv) be provided, as far as possible, in the form which that country desires;

(v) be of high quality and technical competence.

It should be noted that in the middle of last year, even before the adoption of Resolution 200 (III), the Government of Haiti, taking advantage of the facilities for expert assistance offered through the Economic and Social Council Resolution 51 (IV), referred to above, requested the Secretary-General to arrange for a technical mission to advise it on problems related to the economic development of Haiti. After mutually agreed terms of reference for the United Nations mission to Haiti were framed, a team of experts was set up in consultation with a number of the specialized agencies that were requested to invite experts who could participate in the mission as such. Several members of the mission, including its chief, were drawn from the Secretariat of the United Nations. The mission, as a whole, proceeded to Haiti in the middle of October 1948, where it spent two months in intensive investigation of that country's development problems. The report of the mission will be available for public distribution within the near future.

Several steps have been taken to date by the Secretary-General to implement the four main parts of the operative section of Resolution 200 (III).

Request from Government of Ecuador. The Secretary-General was formally requested by the Government of Ecuador on March 29, 1949, to provide a group of experts to assist that government in its efforts at economic development by advising it in its preparations for the reorganization of its governmental administrative services and public finance systems, laws, and administration and for the organization of the forthcoming general census of the population of Ecuador. Assistance from the experts is sought in particular with regard to:

(i) improvement of the civil service of the Republic through reform of relevant laws, regulations, practices, and administrative arrangements, including rules and arrangements concerning recruitment, functions, rights and obligations, emoluments, promotion, retirement, or dismissal of staff;

(ii) improvement of the budget system and budget procedures, the tax structure and tax legislation, the methods of revenue collection, the handling of public funds, the government accountancy methods, the methods and arrangements for control of receipts and expenditures, and the organizational improvement of the fiscal administration with a view to achieving greater efficiency as well as economy in the spending of the taxpayers' money;

(iii) review and reform of the tariff legislation, the tariff nomenclature, and the customs administration;

(iv) review and reform of the system of local government administration and finance—including budget procedures, revenues and expenditures, utilities

and services, public works, accountancy methods, and municipal administration—with a view to its rationalization and effective co-ordination with the central government system of administration and finance;

(v) technical preparation and administrative organization of the 1950 population census, the first official census to be taken in Ecuador.

It is estimated that the cost of this expert assistance requested by the Government of Ecuador will involve an expenditure by the United Nations of approximately $45,000. The Government for its part will defray the costs of full subsistence for the experts while in Ecuador, including medical care, office space and facilities, secretarial help, travel within Ecuador, and certain other specified expenses. The Secretary-General has received confirmation of the Government of Ecuador's agreement with terms of reference, conditions, and arrangements. Most of the members of the mission arrived in Ecuador at the beginning of July 1949.

Request from Government of Guatemala. On April 29, 1949, the Secretary-General received a formal request from the Government of Guatemala to send a comprehensive economic mission to study the economic situation in Guatemala and advise the Government of that country in connection with its program of economic development. Discussions between representatives of the Secretary-General and the Government of Guatemala regarding the details of the nature of the mission, its terms of reference and composition, financing, etc., are still proceeding. It is expected that several specialized agencies will bear some part of its cost, and the estimate of the cost to the United Nations is approximately $35,000.

Request from Government of Mexico. On May 10, 1949, the Secretary-General received a preliminary enquiry from the Mexican delegation to the United Nations requesting experts to advise the Bank of Mexico's Office of Industrial Research, in the first instance, in technical and economic problems relating to the Mexican iron and steel industry, the heavy chemical industry, and the development and organization of primary industries based on agriculture. The Mexican delegation also made inquiries regarding the possibility of obtaining experts to assist at a seminar which it proposes to organize in 1950 on problems of industrial development with particular reference to Latin-American experience in the development of heavy basic industries and industries based on agriculture. Negotiations with the Mexican authorities are at an early stage. It is expected that a substantial part of the total cost of this expert assistance would be borne by the Bank of Mexico, and it is estimated that the cost to the United Nations would amount to approximately $10,000.

Request from Government of Burma. On May 13, 1949, the Secretary-

General received a request from the representative of the Government of Burma for the services of an economic statistician to assist that Government in organizing a system of collecting and analyzing statistical data bearing on the country's resources and, in general, to assist in the establishment of a modern statistical department. It is believed that an expert would arrive in Rangoon in connection with this request in August of this year.

Request from Government of the Philippines. On May 23 the Secretary-General received a request from the Government of the Philippines for expert assistance toward a reconstruction and development of its Institute of Science with particular reference to the important role of that body in the economic development of the Philippines. At this time the matter is still under discussion with the Philippine authorities.

Fellowship Program

Acting in accordance with paragraph 3 (b) of Resolution 200 (III), quoted above, the Secretary-General sent a letter and memorandum to all Member governments on February 18, 1949, indicating that there would be about sixty fellowships available during 1949 and explaining the procedure which governments should follow if they wished to make requests for fellowships for their nationals. This communication also set out the qualifications required of candidates and the general conditions applicable to fellowships.

Fellowships are open to men and women who already have considerable experience in activities related to the economic development of their countries and in allied technical fields and preferably to those who are now engaged in such activities, and who, after completion of the period of study, would return to those fields in their countries. Subject to agreement between the United Nations and the government concerned, the United Nations will provide: a monthly living allowance of two hundred to three hundred dollars; travel in connection with his studies within the country in which the fellowship is tenable, up to a limit which will be specified in each case; a limited sum for the purchase of technical publications; and travel from and to the fellow's home country (in the currency of his country). The government will provide or ensure that satisfactory arrangements are made to provide: all expenses of travel within the fellow's home country incidental to travel abroad, including the expenditures for passport, visa, etc.; any advances necessary to enable the fellow to make such other preparations in his home country as may be necessary before he leaves; and such other expenses as may be paid in the currency of his own country.

The United Nations cannot assume financial responsibility for such expenses as may be incurred by the fellow for medical care or other emergencies.

As of July 12, 1949, the Secretary-General has received formal communications from twenty-one Member governments who have nominated one hundred and fifty-six candidates for fellowships under this paragraph of the resolution. The proposed fields of study of the candidates nominated by these governments include power development, techniques of water control and utilization, transport and communications techniques, industrial processes, mining techniques, promotion and planning of economic development, combined resources development, modern fiscal methods, and techniques of public administration related to economic development.

Of these one hundred and fifty-six applications, awards have been recommended in forty-three cases.

Notification of awards will not be made until it has been ascertained that facilities for the fellowship holder's proposed study and observation can be made available within the more highly developed countries where the appropriate facilities exist. In the Secretary-General's memorandum of February 18, 1949, it was stated that the success of the fellowship program depended on the full co-operation of Member governments that were able to arrange host facilities in public or private institutions and organizations where it would be possible for an expert from an underdeveloped country to study and observe some general or specific aspect of economic development. Placement arrangements covering a number of awards are about to be completed in the United States. Communications have been received from the governments of Australia, Belgium, Canada, Denmark, France, India, New Zealand, Norway, Sweden, and the United States, indicating the desire of these governments to make host facilities available to holders of United Nations fellowships and, in certain cases, listing specific facilities that are now available. The facilities generously offered by these governments cover a wide range of fields, and it seems clear that the availability of proper training facilities will not be a deterrent to the expansion of this type of training activity in the future.

Training within Underdeveloped Countries

The principal activity under paragraph 3 (c) of Resolution 200 (III) has thus far been undertaken by the Statistical Office of the United Nations in connection with technical assistance to Member governments in planning national censuses to be taken in 1950 and 1951. This activity was recommended with a high priority by the Statistical Commission at its Third

Session and was approved by the Economic and Social Council during its Seventh Session. In view of the fact that comprehensive surveys of people and land are essential for the planning of economic development, the Secretary-General arranged for tentative programs in this field amounting to about $48,000 in 1949. These arrangements were facilitated by the preparatory work that had already been done for technical advice on population censuses during 1950 and 1951.

In accordance with these decisions, the Statistical Office co-operated in a training institute on population censuses recently held in Guatemala. The institute was organized by the Guatemalan Government with the co-operation of the Inter-American Statistical Institute and other agencies. The Statistical Office is also actively participating with the United Nations Food and Agriculture Organization, regional economic commissions of the United Nations, and Member governments in the organization and conduct of three similar additional institutes in 1949. The first two will be held in New Delhi and in Cairo, beginning in September, on the subject of agricultural and population censuses. The third will be held in Paris in October, on censuses of population, agriculture, and industry. Negotiations are proceeding on requests received from a number of other Member governments for similar types of assistance.

Since statistical training of local technicians will be greatly facilitated by the use of manuals of instruction specially written for the purpose, the Statistical Office is preparing a series of such manuals on various statistical subjects. Work is under way on two of these manuals, namely, "A Handbook of Population Census Methods" and "A Manual for Compiling and Reporting National Income Statistics."

Assistance to Governments in Obtaining Personnel, Equipment, Supplies, and Technical Information

Under paragraph 3 (d) of Resolution 200 (III) the Secretary-General has begun to set up modest facilities designed to disseminate technical information when requested by Member governments for services appropriate to the promotion of their economic development as specified in this paragraph.

Arrangements have been made to commence the publication of technical handbooks dealing with specific problems of special interest to underdeveloped countries. The first of these handbooks is in course of preparation and will deal with the construction, organization, and operation of small-scale iron foundries suitable for small agricultural communities in connec-

tion with the production of agricultural implements. A second handbook is planned that will describe the setting up, operation, and maintenance of small plants for the preparation of antimalarial insecticides with particular emphasis on the preparation of basic DDT in forms suitable for immediate application. The purpose of these handbooks is to adopt the technology of developed economies to the particular conditions prevailing in underdeveloped countries.

To facilitate work in connection with requests and anticipated requests from Latin-American countries, arrangements have been made to collect material bearing on the technical needs of Latin America and available sources of technical assistance.

The initial steps have also been taken to commence the publication of a periodical bulletin specifically devoted to problems of economic development. The first issues of this bulletin will be of an experimental nature in order to determine the most suitable content and form. The main emphasis will be on the substantive economic aspects of economic development, but it will include news on the activities of the United Nations and the specialized agencies in the field of economic development, as well as data relating to the application of technology to the particular industrial problems which are prevalent in underdeveloped countries.

Arrangements are also being made to set up a clearinghouse within the Secretariat for information regarding available technical services and equipment. Although the United Nations is not in a position to supply directly answers to most questions concerning industrial equipment and supplies or other services available from various public organizations or private firms and laboratories, it can act as a clearinghouse and direct requests to the proper places. In addition, it can, in certain instances, provide bibliographies, abstracts or copies of technical literature on specific problems, as well as information concerning the availability of technical films and film strips and advice concerning their procurement.

Under Resolution 200 (III) the Secretary-General has the responsibility of reporting to each session of the Economic and Social Council on the steps taken by him to implement the Resolution. To date he has made two such reports in Documents E/1174 and E/1335 and its addenda. The information I have just given you is based largely on these reports.

The General Assembly, in paragraph 6 of this Resolution, recommended to the Economic and Social Council that it "review at each session the actions taken under the present resolution and, when necessary, formulate recommendations concerning policy and budgetary action required by the General Assembly to carry on the functions instituted by the present resolu-

tion." To assist the Council in this request, the Secretary-General submitted a report to the Council on the program of technical assistance proposed for 1950 (Doc. E/1335/Add. 1). In this report he sets out his suggestions concerning an increase in the scale of activities which he believed to be warranted as a minimum by requests for technical assistance thus far made by Member governments.

What I have been telling you is in large measure the background and earth from which sprang early this year what has been called "the Bold New Program." The United Nations side of this picture looks somewhat as follows:

Following on Point Four in President Truman's inaugural address, the United States representative in February of this year introduced a resolution in the Economic and Social Council requesting the Secretary-General, in consultation with the heads of the specialized agencies, to prepare a report on a comprehensive plan for an expanded co-operative program of technical assistance for economic development through the United Nations and its specialized agencies. This report (Doc. E/1327/Add. 1), which is the result of months of work on the part of the Secretariats of the United Nations and eight specialized agencies, is now being considered by the Ninth Session of the Economic and Social Council, meeting in Geneva. Thus, it should be emphasized that at present it is a blueprint and not an operating program.

The report stresses that progress in economic development must be measured in decades rather than in years and that the technical assistance projects described in the program are merely a patent for future action. It does not claim to provide an overnight solution to the economic problems of underdeveloped countries. The proposed technical assistance activities are intended to help these countries to help themselves in developing their resources and their productive capacity, and its success in the long run will depend in large measure upon the support given to it by the underdeveloped countries themselves. Throughout the process, the domestic contribution by countries receiving technical assistance will have to be much larger than any external aid that may be given.

Discussion

MR. FEIS, after some criticism of the paper read by Mr. Pintos, presented a few facts on the present condition of international economic life. He pointed out that within many national states things of importance and promise were being done; they were important beginnings for the world. International eco-

nomic life, however, is a backward movement toward confusion. If one were to compare the volume of international trade with the volume of production, he would find that it is smaller now than at any time in the last one hundred and fifty years and probably getting smaller. If one compared the amount of true international capital movement, *i.e.,* the number of people making legitimate investments in other countries, he would probably find it also was smaller proportionately than in many decades. This was leaving aside, of course, assistance work like that of the Economic Cooperation Administration. It was fairly conclusive, therefore, that people of different nations were not dealing with each other more frequently, more generously, or more constructively than before, but rather the reverse was true. We are in the grip still, said Mr. Feis, of selfish and internally minded nationalism. So far, the Economic and Social Council is finding it too much to deal with despite the valiant efforts it has made.

A few months back, when a marked world decline seemed apparent, ECOSOC decided to consider whether or not it could do something about it through the joint co-operative effort of the nations. Mr. Feis felt that the answer clearly was that it could not because national governments have not given it the funds for the purpose; it did not have the power, for it could not tell any government what line to pursue, what assistance to give to another nation. ECOSOC had a very moderate amount of influence, mainly expressed by the type of paper Mr. Dell has prepared and which Mr. Pintos has read: a paper which, like so many others, was destined to travel from floor to floor in the various ministries and from committee to subcommittee, completely unread. ECOSOC has not the means, the power, and perhaps the knowledge, to deal with world problems. We are, in fact, most uncertain whether we know enough in any particular complex of circumstances about what causes economic ups and downs to deal with them. But we do know more than we are using. How can ECOSOC do anything to prevent world-wide declines in economic activity when governments are not ready, and peoples are not ready to make the governments become ready, to join in a true international effort. Let us provide ECOSOC with the means and authority, and something can be done. In the meantime, much can be done to help governments find their way along the lines of national plans as outlined in the paper by Mr. Henson. Mr. Feis was particularly pleased that Mr. Henson had pointed out that, regardless of how well selected the projects themselves are, regardless of the enthusiasm of the governments and regardless of the qualifications of the experts, none of these things will come to much unless other attendant and important things are done. There was still a danger of our falling lazy victims of phrases like "underdeveloped countries," the conception of which, he felt, is by no means simple. It was rather a term that should be used less and thought about more.

The problems to be found in these projects were great, continued Mr. Feis. Most, not all, of the areas concerned were areas of bad health; the people could

not do as much or as effective work as was needed. They were areas of bad climate, of difficult social situations, a birth rate too high to satisfy the demand; they lacked capital of their own, and what they have, they keep hidden. They have bad governments too. Where there was good government, the country was developed; where the governments were bad, there were undeveloped countries.

In conclusion, Mr. Feis said that the situation was not entirely hopeless, and he felt that these efforts should continue. He did feel, however, that the authorities should show more care in examining, describing, and defining the task before the world.

MR. PINTOS reminded Mr. Feis that, though his statements about the relation between trade and production were correct, these "melancholy" facts might well be attributed to the fact that in Europe four years ago there had been a very devastating war. This huge destruction in human lives, values, capital goods, and equipment made the reports of the Economic Commission for Europe seem amazing to him, especially in that despite all this destruction the world was recovering. This alone was enough to give one hope. In Europe people had been feeling it would take decades to straighten out the postwar chaos, but now it seemed as though there was no longer a need to talk about reconstruction. Europe has in effect been reconstructed and is now talking of the problems which, during the war, were not expected to emerge within such a short period.

Furthermore, in international organizations, the only way one could deal with problems was through committees, subcommittees, and reports to major organs. Governments recognized as sovereign equals must sit in committees that will set up subcommittees, regardless of one's distaste for the elaborate machinery. The committee reports and meetings might in fact bore Mr. Feis, but they bored the Secretariat even more, and that body would indeed welcome any suggestions in regard to how international organizations might function without them.

Mr. Pintos said that even such an important field as technical assistance required preliminary organizational work. In the Far East, the Far Eastern Commission had set up committees—what else could they do?—to deal with floods. It took two years to reach this stage because the matter had to go to a commission and then to ECOSOC, and then administrative machinery had to be approved separately by ECOSOC. Next, the Committee on Administrative and Budgetary Questions had to pass the budget, and it was only as he was speaking, one and one-half years later, that the body had just begun to get specialists to go and deal with the problem itself. All things in international life had to undergo growth to reach maturity, added Mr. Pintos, and he felt that the maturity that ECOSOC and the United Nations had achieved in these four years would be proved by their efficiency in the four years to come. For these reasons, he himself was not in complete despair regarding the economic situation of the world.

MR. CHAMBERLIN remarked that in his opinion the most concrete aspect

of the work of the League of Nations and the United Nations had taken place in the statistical offices. The League did not go, and the United Nations had not yet gone, beyond the stage of acquiring information. The problem of getting comparable statistics, therefore, was a significant one, for without them one could not see the significance of the economic work today.

MR. HENSON commented that statistics were important and that the United Nations was expending a great effort to gather them. In underdeveloped areas of the world, however, there were at present no bases for statistics. In some places the number of people was unknown, for there had been no censuses, the amount of acreage was uncertain, and the amount of goods and agricultural products in the country was not known, although with port controls it was possible to get information about imports and exports. Unfortunately, though we need statistics to do intelligent work, the problems of developing these areas could not wait until suitable statistical controls had been established, and development work had to go forward even where they were not available.

MR. FEIS said that he was in favor of the collection of more knowledge, organized knowledge, and he felt that this was an important and proper task for ECOSOC. He asserted, however, that it was not a sufficient task, unless, he added facetiously, it was to be taken up as the only remedy for depression that ECOSOC could devise; namely, engaging the whole world in the gathering of statistics. When Mr. Chamberlin protested that Mr. Feis was twisting his words, Mr. Feis acknowledged that he thought he was doing just that.

MR. MASLAND asked how missions of the United Nations in the economic and social field were recruited. MR. HENSON replied that when a government requested a mission the Secretariat worked out an agreement with it that laid down the terms setting forth the work that each will do and where government and United Nations funds will be used. Then the Secretariat would get advice and guidance from various technicians wherever they were in the world. If a man was to be borrowed from a specialized agency, the United Nations would ask that that man be of a quality suitable for the mission, though if a specialized agency was concerned it usually placed its own man in that field of activity. Personnel was largely recruited through loans from governments. The United Nations is able to hire them in some instances from private consulting firms and hopes to be able to expand this kind of recruitment in the future. At present, however, the principal source of personnel is out of the United Nations knowledge of what experts there are in its own service and that of governments. The United Nations hopes, however, that eventually governments will provide technical groups to help outline programs for students going to study in their countries and to recommend nationals to fill positions in United Nations missions. These panels are planned but have not yet been established, and so the United Nations now goes directly to governments.

MR. VAN WAGENEN asked how the United Nations planned to avoid the "pork barrel" in its technical assistance programs. Who will select the projects

and on what basis? MR. PINTOS replied that he had already pointed out that the political atmosphere would influence the effectiveness of the work of the Economic and Social Council. He added, however, that one must distinguish between the formal and substantive aspects of the problem. ECOSOC would decide on what would be done, along lines laid down generally by the General Assembly, and these decisions would be made by majority votes like any other decisions of the Council. The General Assembly had entrusted ECOSOC with these decisions, and it would make them. If the political atmosphere was tense, this would be reflected in those decisions; if there was an atmosphere of international understanding, this, too, would be reflected. If, therefore, we arrive at better economic understanding, it would ease the political tension, and, if there were less tension, there would be better economic co-operation.

MR. HENSON added that no money was given to a country under these programs, but rather technical services were offered. Usually countries had to do things that cost them as much as it cost the United Nations. The "pork barrel," therefore, did not quite apply in these cases.

A member of the audience then asked whether, since in the past economic betterment had caused the population to rise and left the ratio of population to resources as bad as before or worse, it could be said that technical assistance was for the benefit of the world or of a particular country and, if the former, if the population increase was going to be taken into consideration. MR. HENSON replied that all technical assistance personnel realized that their work might disturb the ordinary relationships between people and land. They hoped, however, that a healthy striving for good conditions would lead to mass production. Furthermore, he felt the questioner's premise could not be proved: that provision for the general welfare always led to overpopulation in relation to food. He was not convinced that things already done had actually decreased the food ratio for there were counter influences. By way of example, he stated that UNRRA had taken hybrid corn into Italy, where there was already ample corn, but none so good. The hybrid corn, once introduced, led to greater food production and so could be said to have compensated for any increases in population that may have resulted for the work of the agency. Food production can go up; population can too, but that was really more a problem in the social field. The United Nations, he said, had no formulas, except that as people seemed to achieve higher social status the number of persons per family seemed to drop.

One member of the audience complained that figures in some United Nations reports, primarily in those from the Soviet Union, were given in comparison with previous years' production, but no base figures were given. MR. PINTOS replied that the United Nations could only publish figures given by national governments, and those from the Soviet Union and many eastern European countries were only expressed in certain percentages of prewar production.

MR. CHAMBERLIN referred to Mr. Feis's earlier remarks about the dilatory

nature of the committee process and asked how, in a democracy, national or international, one could operate without committees. MR. FEIS took the opportunity to state first that he agreed with Mr. Pintos that European recovery had been very great, though of course nothing along this line would have been possible without United States aid, and that, to that extent, the aid had been along national lines which was his primary contention. As for Mr. Chamberlin's question, Mr. Feis stated that no other system than the committee system could be used in international groups, and he did not know whether better results than had been achieved to date might be achieved through the use of committees. He did feel, however, that more straightforward speaking and writing would be helpful, even if it resulted in as few as 10 per cent of the number of reports being issued currently, especially if the 10 per cent published were read. In conclusion, he said, if these slow systems were in fact the inescapable difficulties of international organizations, if they indeed depended on the will of the national governments, he felt his impatience was in order for, since he did not have to struggle with it, he was in a position to say that the world should get on faster with its work.

Social Activities

Mrs. Alva Myrdal
Director, Department of Social Affairs

WE WHO work in the United Nations undoubtedly labor under the frustration that we do not, at least not often, see immediate, practical results of our work. In saying this, I do not mean to imply that people are right when they label the United Nations as one great machinery for just talk.

As the Economic and Social Council itself is an intermediary station between numerous commissions and the General Assembly as well as between specialized agencies and the General Assembly, it necessarily involves some repetition of discussion. ECOSOC has, during this year, started to avoid some of this duplication or triplication; e.g., by sending straight to the General Assembly from the respective commissions the Draft Convention on Freedom of Information as well as the Draft Convention for the Suppression of the Traffic in Persons and on the Exploitation of the Prostitution of Others. It remains a great problem, however, how the Economic and Social Council will be able to dedicate itself to its *main* function, that of co-ordination among the various commissions and among the specialized agencies, to assure as much as possible a *concerted* approach to solving the outstanding social problems of this globe.

The reason for frustration is, however, a very different one. The needs for building up this world are so much greater than the resources. The challenge to the United Nations organs specializing in social questions is no less than overcoming all glaring imperfections and giving a fairer share to the great multitudes who suffer from social ills. However, no *international* organ can go straight ahead and do what it preaches. The Economic and Social Council and its departments are supposed to survey and to plan, but all consequent action that is to be taken must be taken by the various nations themselves with all their independence preserved and all their great variations respected.

The Department of Social Affairs, which is a service organ to several

commissions, to the Economic and Social Council, to the Third Committee of the General Assembly, and, in the final instance, to the General Assembly itself, might, to a certain extent, be compared with what in the national structures is a *ministry*. But it must be remembered that the Department exists as a ministry without power and even without direct relation with any administration. For anyone familiar with work for social advancement within a national framework, it will immediately stand out how different this situation is. I have tried in another context (*The Annals of the American Academy of Political and Social Science,* July 1949) to *systematize* what types of approaches for *international* action are appropriate when the social problems remain national problems and the remedies must be national remedies:

> Five main patterns for international activity against social ills stand out, and I want to list them in the order of the frequency with which they are resorted to by United Nations: (1) international *clearing of information,* (2) international *sharing of technological knowledge* or "technical assistance," (3) international *recommendations* on desirable standards, (4) international *conventions* controlling undesirable effects from spreading among countries, (5) *joint operations on a world-wide scale.*

United Nations work in the social field has been going along during the year according to most of these main avenues as you will find exemplified in the following presentation. It will, however, rather be a review according to the *fields* of action and thus corresponds in the main to the report to be given by the Secretary-General to the General Assembly.

In reviewing the fields, it must be remembered over what broad areas the social activities of the Economic and Social Council stretch. The Department of Social Affairs is thus servicing no less than five commissions and two main subcommissions: Population Commission, Social Commission, Commission on Human Rights, Commission on the Status of Women, Commission on Narcotic Drugs, Sub-Commission on the Freedom of Information and of the Press, Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

Population Problems

The world's population is estimated to increase each year by some twenty million persons. As this increase proceeds according to different rates of increase, the structure of the population in various parts of the world and the balance between these parts are also changing. This international prob-

lem ought to have been studied scientifically long ago; it has been an outstanding task since the days of Malthus. But the United Nations Population Commission is the first permanent intergovernmental organization entrusted with the task of studying demographic questions from an international point of view. The Commission, at its last session of May 1949, established high priority for a study of the interrelationship of economic, social, and population factors, which may be said to be the basic problem of all social development. National governments are invited to start intensive studies of these problems. The Population Division, in the Department of Social Affairs, may help even in direct-area studies. For this purpose, a preliminary survey and classification of the principal types of demographic conditions have been completed.

In its earlier phases, special emphasis was given to methodological studies. Detailed recommendations have been drawn up by the Population Division, and studies of census technique have been made available to governments, in order that results of the census to be held in many countries in 1950 may show a marked advance in the field of population statistics. Other specialized studies have been carried on to render demographic statistics more comparable. This was accomplished in collaboration with the Statistical Commission. Existing data were collected for the first time in the United Nations *Demographic Yearbook*, the first volume of which was published in 1949.

The present world-wide concern about less developed areas is mirrored in some further demographic studies which are being published in 1949. They concern the trust territories of Tanganyika and Ruanda-Urundi. These studies provide summaries of the basic facts of population characteristics and population dynamics in each territory, with an interpretation of these facts in reference to outstanding social and economic problems. The studies were compiled with a view to assisting the Economic and Social Council and Trusteeship Council in promoting the advancement of the trust territories.

International Migration

Migration movements are but a more specific international aspect of world demographic developments. International migration statistics have thus to be studied and improved. A number of problems, related particularly to immigration, are under study, often in co-operation with other organs interested, e.g., United Nations Department of Economic Affairs and the I.L.O.

In closer relation to social-welfare studies some fundamental work is undertaken on the social position of immigrants, their rights and privileges, particularly the rights and the measures for their relief in case of indigence, their family and community relations. In this field it is foreseen that conventions may be drafted, e.g., on the duties of states with regard to the enforcement of maintenance obligations, a question that is very important for the families whose heads emigrated and left them without means of subsistence. This most important convention is being prepared with the help of the International Institute for the Unification of Private Law. Another study is being made on the administrative practices of governments in connection with the public assistance given to indigent foreigners. This study is based on a questionnaire that has been sent to governments, and it might result in a modification of an existing model convention on this matter or in finding other possibilities of alleviating the difficult position of foreigners.

Standards of Living

The whole of the economic and social factors constituting the background of the living conditions of people are comprised under the term, "standards of living," as employed by several ECOSOC resolutions calling for studies in this field. The study of these living conditions is a long-term project; it is, in fact, nothing less than the study of economic conditions, social provisions, etc., from the point of view of the consumer. But the study of the actual living conditions would also constitute the basis for all actions in the social field, be it technical assistance for changed living conditions, be it plans for social legislation to safeguard basic needs or to redistribute burdens of maintenance.

So far, the Social Commission has stressed two special approaches: the problems of the underdeveloped areas and the problems of families. In accordance with this, the Secretariat has undertaken a series of preliminary studies on standards of living.

The groundwork had to be laid by scrutinizing the methods available for such surveys that cannot rely on perfect statistical recording. The methodology of field surveys for less developed areas will be set out in two publications: *The Handbook of Information on Field Inquiries into the Living Conditions of Selected Social Groups in Africa, Asia, Middle and South America and the Pacific,* and a *Survey of the Organization and Methodology of Field Inquiries* prepared in co-operation with the specialized agencies concerned. The publications will take into account the work

of the Sub-Commission on Statistical Sampling, will indicate the best methods of studying the standards of living with particular emphasis on the less developed areas, and will include an annotated list of institutions and experts specializing in the investigation of living conditions in such areas, as well as a report on methods used in past and current experiments in providing international advice and assistance in improving living conditions. (Other studies, administratively kept together under a section, "Standards of Living," will be considered below in the appropriate categories of family welfare and housing.)

Family, Youth, and Child Welfare

The *living conditions of the family* are basic items for study. The United Nations is examining the legislative and administrative measures in force in the economic field in the various countries, comprising into one system the various benefits derived from housing schemes, school meals, family allowances, etc. In accordance with the instructions of the Social Commission, a report will also be submitted on the information obtained from the specialized agencies concerned and from other sources on the protection afforded against losses of family income due to unemployment, illness, incapacity, old age, and death.

Another kind of basic information is to be derived from Member governments reporting what they are actually achieving and attempting in the fields of family, youth, and child welfare. The League of Nations had started such a series of annual reports, and the United Nations has decided to continue it, gradually improving its presentation so that the series can give maximum information about planned improvement in different countries. On the basis of information received from thirty-two governments, the first volume of summaries of annual reports on child and youth welfare was published in November 1948.

The United Nations is also responsible for laying down principles for guidance, in general, of international child-welfare activities. One of the first tasks has been to undertake the drafting of a "Declaration of the Rights of the Child," as this item has been specifically requested.

In the studies on child welfare, special attention is paid to children who are homeless and victims of the war in their own countries; UNESCO is studying those that are international charges. Exchange of information on best methods to deal with these children of broken homes promises to become highly valuable.

Housing

United Nations has a major responsibility in the field of housing. An integrated program embracing also the specialized agencies has been submitted for discussion to the Social Commission. In the meantime, a groundwork for exchange of information is laid by the regular publication of a quarterly, *Housing and Town and Country Planning Bulletin.* Housing standards will be the subject of a "Digest of Legislation on Occupancy and Fitness for Habitation of Urban Dwellings." Some more specialized aspects have also been broached. The United Nations has given special attention to the question of housing in tropical regions. The Social Commission has recommended that a tropical region be chosen for a meeting of experts in 1950 to carry on the work started at Caracas in 1947. There the task will be to ascertain the best methods of solving the housing problem in the tropics.

Social Defense

The importance of the prevention of crime and the treatment of offenders and the leading part that should be taken by the United Nations in the action of the international and national organizations in this field were reaffirmed in a resolution adopted by the Economic and Social Council on August 13, 1948.

The first assignment has been given: to publish an international survey of criminal statistics; further, to make comparative analyses of the system of probation and of the treatment of juvenile delinquency.

In its work, the Section of Social Defense has splendid recourse to expert advice. All the specialized agencies, the intergovernmental and non-governmental organizations occupied with aspects of the problem, gathered in Paris in November 1948 in order to co-ordinate their efforts. A group of internationally recognized experts met at Lake Success in August 1949 to guide the United Nations Secretariat in its work. And national working groups are aiding by specialized studies.

The United Nations is also responsible for the enforcement and possible amendment of the various international instruments in force relating to the suppression of the traffic in women and children, the suppression of obscene publications, and the suppression of the exploitation of the prostitution of others. Considerable progress has been made in revising the text of a draft convention for the suppression of the "traffic in persons" and the exploita-

tion of the prostitution of others. It is now ready to be presented to the General Assembly of 1949.

Narcotic Drugs and Their International Control

In addition to its continuing responsibilities under the international instruments for the control of narcotics, the United Nations has devoted its main attention to measures for strengthening and simplifying the international control machinery in the future. A reduction in drug addiction has been obtained by improvements in social conditions, by the raising of the standard of living, and by better education. But international action is also instrumental.

The most important event in the field of international control of narcotic drugs within the past twelve months has been the adoption of a protocol which considerably enlarges the scope of this work. Instead of defining drugs according to their chemical formulas, the new convention covers all drugs capable of producing addiction. This is of particular importance in view of the constant discovery of new synthetic drugs. The magnitude and scope of this social problem may be judged from the fact that the plenipotentiaries of forty-seven nations attended the ceremony of signing this important international instrument in Paris on November 19, 1948.

Of great interest is the more active "field work" which the Narcotics Commission is starting. An *ad hoc* committee of the Commission composed of the representatives of the principal opium-producing countries will convene in the autumn of 1949 in Turkey to study the possibility of concluding an interim agreement to limit the production of opium to medical and scientific needs. A commission of inquiry is going to South America to investigate the effects of the chewing of the coca leaf.

The Secretary-General was asked to transmit to Member governments all documentation available to him regarding the methods of determining the origin of opium by chemical and physical methods. It was then found that a number of governments would be prepared to co-operate in an international program of research on the problem, and the United States made a laboratory available. Thus, a much more active phase in this work is entered upon.

Social-Welfare Services

From the beginning of the United Nations work great stress has been laid on providing information on the more specialized social services as well as on the administration of them and training for them.

Among special groups that have lately been included in the social program of the United Nations are the aged and the handicapped. A brief survey of the available documentation of provisions for the aged people—and not only through social insurance but through a number of measures aiding their housing, medical care, etc.—is being prepared for a forthcoming session of the Economic and Social Council. Social rehabilitation of the handicapped is on the program, though fairly little has as yet been started within the Secretariat in this field. Demonstration projects for social rehabilitation of handicapped people are under discussion by the Social Commission.

A lot can be learned from country to country about administration of social-welfare services. The United Nations has made a beginning to furnish such comparative information. One study gives an analysis of methods of furnishing information or advisers to assist governments in organizing the administration of their social services. Another study deals with the establishment of international fellowships for the training of social-welfare personnel. These studies will assist the various agencies in establishing similar methods of effecting exchanges of personnel, an important factor in any technical assistance program.

On the basis of information received in answer to questionnaires sent to the various governments, the United Nations published in March 1949 the *International List of Schools of Social Work and Other Education Institutions Offering Social Welfare Training.* A comparative study of methods employed in such training will follow.

Program of Advisory Social-Welfare Functions

The Department of Social Affairs is, however, not confined to studies. As a matter of fact, the most important work of technical assistance to Member states has, as yet, been the program of "Advisory Social Welfare Functions" which was initiated in 1947 under General Assembly Resolution 58 (I). It has now operated for three years and achieved a considerable record. The increasing number of requests received from countries from year to year indicates the interest taken in various aspects of this program that includes the sending of social-welfare advisers to governments at their request, fellowship exchanges, the dispatch of demonstration equipment for the study of prosthetic appliances, the dispatch of technical publications and films, and the organization of regional seminars.

Some figures for the activities in 1949 may be given as examples: Requests by the middle of the year had been received from 35 countries for 39 consultants and 245 fellowships as well as other services. Thirty-one of

the requests for consultants have been met, and 178 fellowships have been granted. The scale of operation has been constantly increasing in spite of the fact that the sums allotted to this program have remained the same each year. This has been possible because of the increasing financial participation of the interested countries. The Economic and Social Council has this year recommended that the General Assembly decide to establish this program on a permanent basis.

The 1949 services also include a seminar in the Middle East for the Arab countries and another in France for the countries of Europe. The film activities are being continued with a film on the treatment of juvenile delinquency which is being produced by the United Nations in Mexico. The distribution of the previous films, *First Steps* and *India—the Village, the Mother, the Child, and the Community,* is continuing, as well as a general bibliographical service about social-welfare literature.

Relations with Non-Governmental Organizations

A very important factor should not be overlooked in this picture—the co-operation with the citizen's organizations.

The consultative non-governmental organizations have submitted nearly a hundred communications that have been distributed in the form of documents of the Economic and Social Council.

The following items proposed by organizations were accepted by the Council for the agenda of its Seventh and Eighth Sessions: (1) survey of forced labor and measures for its abolition (item proposed by the American Federation of Labor), (2) infringements of trade-union rights (item proposed by the World Federation of Trade Unions), (3) creation of a central publication for the promotion of and advising on development projects (item proposed by the American Federation of Labor).

A *Handbook of Consultative Non-Governmental Organizations* now being prepared contains a description of each of the eighty-three consultative organizations under the following headings: historical background, purpose, constitution, membership, officers, finance, relations with intergovernmental organizations and non-governmental organizations, activities, and publications.

I cannot stress enough the importance of these relations with the organizations of *the peoples.* One of the main differences between the League of Nations and the United Nations lies right here. We have, of course, not yet learned enough how to benefit from the will to co-operate, so prevalent

in civic organizations. But it will come. And we should never forget that through it we reach directly millions of citizens all over the world.

This review of our activities must cause a slight dizziness, as it moves over such a wide field. A more secure feeling of solid ground under our feet may be obtained if we try to summarize the achievements of the Economic and Social Council, under the five main headings I gave in the beginning:

1. *Exchange of Information*

The international clearinghouse functions are the most important ones for the Department of Social Affairs. In fields like those of housing and population, that approach may perhaps best be illustrated.

2. *Technical Assistance*

Under what we term Resolution 58 (I), a special budget of $675,000 for 1949 has been available. Advisers to governments, fellowships, seminars, and films have been made possible. In addition, the Secretariat is preparing participation in the new technical assistance program for economic development.

3. *Recommendations for Desirable Standards*

No such recommendation has been agreed upon this year. The study undertaken on housing requirements, enforceable under penalty of law, might lead to a recommendation. But this method, so significant for I.L.O. work, has not yet been made use of in the United Nations.

4. *International Conventions*

Here the task is, in general, to modernize the heritage from the League of Nations. The harvest of this year is a unified draft convention on the suppression of traffic in persons and the exploitation of prostitution of others. There has also been taken a decision to prepare a unified convention instead of the existing eight different ones in the field of narcotics.

5. *Large-Scale Operations of an International Character*

In this category belong no activities of the Department of Social Affairs itself, but two major United Nations ones, closely related to our fields of interest; namely, those of UNICEF and for Palestine refugees.

We who are engaged in this work are not only filled with the conviction that *all* we do is necessary but also that there remains so infinitely much more to be done. What we see is as yet only a beginning. The social imperfections are tremendous. But all governments work on improvements. And the social services of the United Nations are there to study these improvements, to transmit the information about them to the rest of the world, and to help, if wanted, with specialized aid, ranging from comparative studies to individual consultants to Member governments.

Human Rights

Lin Mousheng
Deputy Chief of Research Section, Human Rights Division

> "The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress towards a true respect for the individual. Even the Chinese philosopher was wise enough to regard the individual as the basis of the empire. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take one step further towards recognizing and organizing the rights of man? There will never be a really free and enlightened State until the State comes to recognize the individual as a high and independent power, from which all its own power and authority are derived, and treats him accordingly."—From *Civil Disobedience* by Henry David Thoreau.

THE FIRST Article of the United Nations Charter declares that one of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction in regard to race, sex, language, or religion. To implement this provision, the United Nations has taken the first step, to use Thoreau's expression, "toward recognizing and organizing the rights of man" in the proclamation of the Universal Declaration of Human Rights.

There are, of course, deep spiritual and historical sources of inspiration that have led the United Nations to dedicate itself to the promotion of the respect for and the observance of human rights and fundamental freedoms.

There is the doctrine of the law of nature, which is characterized as eternal or divine and conceived as being anterior and superior to the positive law of the state. There is the notion of the inherent and inalienable rights of man which constitute a higher law than the "general will" or the "sovereign will" and which are not relinquished to the state in the social contract. There is the theory that the state is created for man, not man for

the state. There is the idea that men are born free and equal. There is the concept of the dignity and value of the human person. There is, finally, the moral postulate that man is an end in himself. These are some of the spiritual sources of inspiration that are to be found in the writings of philosophers and moralists and jurists in many lands and cultures throughout the ages.

Then again there are certain historical sources of inspiration. One may refer especially to the Liberal movement of the eighteenth century which culminated in the American Declaration of Independence in 1776 and the French Declaration of the Rights of Man and of the Citizen in 1789 and to the Socialist and Communist movement of the nineteenth century which crystallized in the Soviet Declaration of the Rights of the Toiling and Exploited Peoples in 1918. The Liberal movement stressed the importance of personal, civil, and political rights of man, while the Socialist and Communist movement underlined the concepts of social and economic rights.

During the recent decades when the power of the Leviathan has been raised to the nth degree, when man has been treated as a mere tool in the complex apparatus of the state, and when the dignity and value of the human person has been contemptuously disregarded, there has been at the same time a renaissance of the doctrine of the law of nature, a revival of the notion of the natural rights of man, and a demand that fundamental human rights be protected not only by national legislation but also by international action.

It was President Roosevelt who, in one of the darkest moments of history, visualized the advent of a world in which human beings would everywhere enjoy freedom of speech, freedom of belief, freedom from want, and freedom from fear.

Today the United Nations is endeavoring to realize these human aspirations. The United Nations is not an end in itself; it is a means, a machine with which the peoples of the world may strive to bring about (to use a Churchillian expression) "the enthronement of human rights."

At its very beginning the United Nations Preparatory Commission recommended that a Commission on Human Rights be created under the Economic and Social Council to formulate an international bill of human rights and a series of international declarations and conventions on such matters as civil liberties, freedom of information, status of women, etc.

The Commission on Human Rights has decided that the International Bill of Human Rights should consist of three parts, a universal declaration of human rights, a covenant on human rights, and measures of implementation. Up to this time a Universal Declaration of Human Rights has been

adopted by the General Assembly and the other two parts are under study and consideration by the Commission.

Leaving the Universal Declaration of Human Rights for fuller consideration later on, I might mention at this point some other phases of work in the field of human rights. The General Assembly has adopted a Convention on Genocide, which is now open for ratification or accession. It has approved a Convention on the Gathering and International Transmission of News and the Right of Correction and will likely adopt a convention on the freedom of information when it meets in the fall.

The General Assembly, the Economic and Social Council, the Commission on Human Rights and its two Sub-Commissions, the Sub-Commission on the Freedom of Information and of the Press and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, and the Commission on the Status of Women have requested the Secretariat to make a large number of studies. I shall mention some of them: the question of statelessness; the question of political asylum; the possibility of a declaration on the rights of the child; the possibility of a declaration of old-age rights; the question of trade-union rights; the question of forced labor; the question of slavery; causes and patterns of discrimination and methods of preventing discrimination; definition and classification of minorities and methods of protecting minority rights; a world-wide study of press laws, information agencies, and questions concerning freedom of information; a comprehensive survey of the legal status of women, both in public law and in private law; the possibility of a convention on the granting of political rights to women; the possibility of a convention on the nationality of married women; and last but not least the general question of international protection of human rights.

Each of these questions has to go through a long process before it comes to a definite conclusion. The Secretariat, in the first place, has to gather authentic information from Member governments; it has to do a great deal of research work on its own initiative; it will then submit a study on the question to the Sub-Commission or the Commission. The Sub-Commission or the Commission will study it, make its own proposals and suggestions, and refer it to the Economic and Social Council. The Council in turn may make its own proposals and suggestions. The matter may then be submitted to Member governments and to specialized agencies for comments. On the basis of such comments, the Secretariat, the Sub-Commission or the Commission, and the Economic and Social Council will reconsider the question. Eventually, if the Council approves a draft convention or declaration or resolution, it submits it to the General Assembly, which will take

final action. It must be emphasized that the matter is far from being disposed of at this stage; in fact, this stage is only the end of the beginning. Having obtained international agreement, the United Nations naturally wishes to see that the convention or declaration or resolution, as the case may be, does not remain a scrap of paper and a pious wish. A convention has to be signed and ratified by a state in order to become an integral part of the supreme law of its land. A declaration has to be solemnly undertaken or signed, and the principles and objectives embodied therein have to be progressively realized by Member states. A resolution will be a dead letter if no Member state intends to carry it out. There you see the difficulty of international action in the promotion of human rights and fundamental freedoms.

I shall now turn back to the Universal Declaration of Human Rights. Being a human document, not a divine revelation, the Declaration is not perfect. It is perhaps not even elegant in style or inspiring in language. It contains certain *a priori* assumptions that may be metaphysically or scientifically challengeable. Nevertheless, the Declaration is a great document. It reflects the views and aspirations of the entire people of the world.

I would like to quote the Preamble and the thirty Articles of the Universal Declaration, but I shall not do so. I shall, however, briefly indicate the substance of the Declaration.

The Preamble sets forth the *raison d'être* of the Declaration and proclaims it as "a common standard of achievement for all peoples and all nations."

Article 1 contains what may be called the first principles of the Declaration. It reads: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." One may argue that these principles are philosophically or scientifically absurd, and that they are the beliefs of another age and should not be taken for granted by the modern man. It is, however, a historical fact that these principles—whether philosophically or scientifically tenable—are the principles accepted by the Members of the United Nations either as eternal principles or as moral assumptions or as legal fictions or simply as working hypotheses. And that historical fact is of immense significance.

Article 2 reaffirms the principle that all human beings, regardless of race, sex, language, or religion, regardless of opinion and position, regardless of the status of the territories in which they happen to be, are entitled to the rights and freedom set forth in the Declaration.

Articles 3 to 21 spell out the personal, civil, and political rights, such as

the right to a fair trial, the right to vote, and freedom of speech and belief, which are to be found in most modern bills of rights.

Articles 21 to 27 enumerate the social, economic, and cultural rights, such as the right to work, the right to social security, and the right to education which have been embodied in recent democratic constitutions.

Article 28 speaks of a social and international order in which human rights can be fully realized. And the last two articles enjoin every individual to fulfill his duties to the community and to realize that, whatever rights he possesses, he has no right to destroy the rights of others.

Such then is the gist of the Declaration. In the words of Dr. Herbert V. Evatt, President of the General Assembly, the Universal Declaration is "a first step in a great evolutionary process. It is the first action in which an organized community of nations has made a declaration of human rights and fundamental freedoms; it has the authority of the body of opinion of the United Nations as a whole, and millions of people—men, women and children all over the world, many miles from Paris and New York—will turn for help, guidance, and inspiration to this document."

Mrs. Roosevelt, Chairman of the Commission on Human Rights, expressed the opinion that the Declaration might "well become the international Magna Carta of all men everywhere." "We hope," she said, "that its proclamation by the General Assembly will be an event comparable to the proclamation of the Declaration of the Rights of Man by the French people in 1789, the adoption of the Bill of Rights by the people of the United States, and the adoption of comparable declarations at different times in other countries."

There has been considerable discussion whether the Universal Declaration of Human Rights is legally binding upon all Member states of the United Nations or is merely a moral document. It has been pointed out that the Preamble states clearly that the Declaration is "a common standard of achievement"; therefore it can have only moral force and no legal force. I wish, however, to make two points: In the first place, the Declaration may be considered as an authentic and authoritative interpretation by the General Assembly of the provisions of the United Nations Charter relating to human rights. As such, the Declaration at least has certain derivative authority from the Charter. In the second place, the Declaration may be considered to contain "general principles of law recognized by civilized nations," to use the expression of Article 38 of the Statute of the International Court of Justice, and may very well be regarded as a source of international law.

It is recognized that the Declaration is not sufficient in itself. As indi-

cated above, the International Bill of Human Rights will consist of three parts, a declaration, a covenant, and measures of implementation. The Commission on Human Rights has already prepared a draft covenant on human rights, which will be submitted to Member states for comment. It has also studied measures of implementation and will submit a questionnaire thereon to Member states. The Commission expects to meet again early in 1950 and to complete both the covenant and the measures of implementation. It is hoped that the General Assembly will be in a position to take action with regard to the covenant and the measures of implementation before the end of 1950.

The covenant, once signed and ratified by Member states, will of course become a legally binding instrument. Under the covenant, signatories will be obligated to adopt laws and procedures for the safeguarding of the rights and freedoms set forth therein. The draft which the Commission has prepared is not complete as yet. The present draft contains a series of personal, civil, and political rights. There are proposals concerning social, economic, and educational rights, which have not yet been embodied. There are two schools of thought. One school holds the view that governments can guarantee personal, civil, and political rights, but are in a position only to promote, not to guarantee, social, economic, and educational rights. The other school is of the opinion that the traditional rights are formal in character and empty in substance without the guarantee of the new social, economic, and educational rights.

As to measures of implementation, a great many questions remain to be settled. Should there be an international machinery to supervise the observance of human rights everywhere in the world? If so, what kind of machinery? An international court of human rights? An international conciliation commission? Should there be regional committees on human rights? What would be their functions and powers? Should governments alone be authorized to present cases of violations of human rights to any international or regional machinery that may be established? Or should intergovernmental and non-governmental organizations be so authorized too? Should individuals have the right of petition to any international or regional authority? Or, one may ask, are questions of human rights matters of exclusively domestic jurisdiction? These are serious and grave questions not only of jurisprudence and administration but also of politics.

At the present stage we may say that questions of human rights are no longer exclusively questions of domestic concern; they are questions of international concern. In the General Assembly of the United Nations three questions of human rights, which were argued very ably and force-

fully by a number of delegates as matters essentially within the domestic jurisdiction of states, were placed on the agenda, and resolutions were adopted in respect thereof. These were questions of:

1. the treatment of Indians in the Union of South Africa;
2. the alleged violation by the U.S.S.R. of fundamental human rights;
3. the observance in Bulgaria and Hungary of human rights and fundamental freedoms, including questions of civil and religious liberties, with special reference to recent trials of church leaders.

Of course, these precedents do not mean that questions of human rights are no longer within the domestic jurisdiction of states, but they do clearly mean that such questions are of international concern and are within the scope of the United Nations Charter.

It is no historical accident that the Covenant of the League of Nations does not contain provisions concerning human rights (excepting Articles 22 and 23 which refer to certain rights of the indigenous peoples in the mandated territories), while the Charter of the United Nations contains seven clauses relating to human rights.

Hitherto individuals have had a rather uncertain status in international law. In theory and in practice it has long been held that only states are subjects of international law, the view of Hugo Grotius, father of international law, notwithstanding.

The Charter of the United Nations in a sense revives the old theory of Grotius that international law confers rights and imposes obligations upon individuals as well as states. The Charter is not merely a treaty governing interstate relations; it is applicable, to some extent, to relations between individual and individual, between group and group, and between the individual or group and the state. This is particularly true as regards the provisions of the Charter concerning human rights. I shall cite two recent cases which have come to my notice:

1. In the case *in re* Drummond Wren,[1] which came before the Supreme Court of Ontario, Canada, Mr. Justice J. K. Mackay used the provisions of the United Nations Charter to reach a decision in the private law of Canada—a decision that invalidated a restrictive covenant that discriminated against Jews. Justice Mackay said: "Under Articles 1 and 55 of this Charter Canada is pledged to promote 'universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.'"

[1] 4 D.L.R. 674, 1945 O.R. 778.

2. In the case *in re* Oyama v. California,[2] Mr. Justice Hugo Black of the United States Supreme Court, in a concurring opinion, stated: "We have recently pledged ourselves to cooperate with the United Nations to 'promote . . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.' How can this nation be faithful to this international pledge if state laws which bar land ownership and occupancy by aliens on account of race are permitted?"

In pursuance of the United Nations purpose of promoting respect for and observance of human rights, a number of international agreements and treaties have made provisions concerning human rights. Thus the ten trusteeship agreements which have so far been concluded have each contained general as well as specific provisions concerning human rights. The peace treaties thus far concluded have also stipulated certain provisions concerning the recognition and protection of human rights.

Furthermore, the International Law Commision of the United Nations has recently adopted a Draft Declaration of the Rights and Duties of States, Article 6 of which reads: "Every State has the duty to treat all persons under its jurisdiction with respect for human rights and fundamental freedoms without distinction as to race, sex, language, or religion."

In the light of these and other events, one can hardly deny that there is a developing jurisprudence toward the recognition and protection of human rights through international action and toward making the individual a subject of international law.

The world is made up of different societies and cultures. Human evolution has reached a stage at which no society is an island, sufficient unto itself, and no culture can remain in splendid isolation. Although there still are and there will always be different forms of society and varying patterns of culture, the world today is witnessing an intermingling of societies and a cross-fertilization of cultures. Whatever the destiny of man, a world society has emerged, and a world culture is developing.

The emergence of a world society and a world culture has been brought into clear relief in the proclamation of the Universal Declaration of Human Rights. That Declaration is "a common standard of achievement for all peoples and all nations." It is a synthesis of different and, at times, antithetical ideas and ideals of many societies and cultures. It is a harmonious syncretization of the world's social and cultural values. It constitutes a universal system of human valuation. It defines a set of conditions under which man may live as a moral and rational being and as an end in him-

[2] 332 U.S. 633, 68 Sup. Ct. 269, 92 L. ed. (Adv. Op.) 257.

self. It is a yardstick by which the human situation may be appraised and human progress measured. It is the ultimate goal toward which the world must move.

The Universal Declaration is, in my humble opinion, a great landmark on man's road from the kingdom of necessity to the kingdom of freedom.

Discussion

MR. PAPANEK said that he was glad Mrs. Myrdal had mentioned one point concerning the United Nations which was very important for its future development. Although it is an organization of equal sovereign states, there is one break through which the common people can enter and influence it directly; namely, through the non-governmental organizations associated with the United Nations. Through these bodies there is a possibility to get vitally important items on the agenda of the United Nations without any agreement among governments, e.g., the problem of forced labor. He said he doubted that any of the Member nations would have had the courage to put it on the agenda of the United Nations, but today it is being discussed. This sort of break-through will give us the chance to develop the organization. He said also that he wished to ask Mrs. Myrdal if she could tell the group from which countries the fellows are recruited and to which countries the consultants are going. He thought it would be interesting to know how they move from one country to the other, and that we could draw our own conclusions about which countries are progressive and which ones need some help.

MRS. MYRDAL said that she could not give a complete list. She stated, however, that, although only twelve countries had asked for help in the first year, there were now thirty-five countries. Practically all types of countries participate, although the United States has not asked for any fellows to be sent here. Any country could ask for this kind of assistance without having to be classified as devastated or backward, and countries from western Europe which are fairly well off have started to receive fellows. In the beginning they came particularly from the United States, largely because of the great number of UNRRA personnel in the United States. Countries do not have to be Member nations in this particular program, so people can be sent to Italy or Austria, and the United Nations can use consultants from Switzerland. In general, it is a very flexible program, although the Anglo-western countries tend to move within their region and the Slav-speaking countries in theirs.

MR. CHAMBERLIN stated that I.L.O. was working on housing for the working man, that W.H.O. was concerned with healthy housing, the Bank provides finances for housing, F.A.O. deals with farmers' housing, and UNESCO discusses various types of housing, and he asked what this left Social Affairs to do with regard to housing? MRS. MYRDAL said that it leaves a great deal to do because no organization does very much for planned housing. The W.H.O.

must advise on certain types of housing; I.L.O. is interested in housing for workers, but they are working on I.L.O. projects—not general housing, but some phase where the job requires a particular type of housing; it is specialized. It was foreseen that everyone would have an interest in housing, and a "technical group" had established collaboration among secretariat people. There is, moreover, a skeleton program outlining what these agencies should do. The United Nations Secretariat and the Economic and Social Council undertake all the co-ordination. Mrs. Myrdal felt that there should not be such a marked division of labor, and if one organization has a job to do it should be allowed to do it. It would be frustrating if co-ordination were to take all of the time.

MR. MASLAND asked if future developments would be within the present framework, or whether there would be an additional commission. MRS. MYRDAL stated that it is hard for a member of an international organization to say anything about this when the power belongs in the hands of governments. A member of the Institute remarked that he disliked the phrase "without regard to race, sex, religion, etc.," in documents like the Declaration on Human Rights. He said that "tolerance" has gone out of fashion because of its connotation of condescension. He felt that a phrase "with respect for all races, creeds, and colors" would use the positive rather than the negative approach.

Another member stated that the Declaration was signed by the U.S.S.R. as well. He asked if this meant that the United Nations as a whole considers the U.S.S.R. (and its presently controlled areas) as countries in which human rights are observed. Or if this was not the case, what action was being taken by the United Nations to make the Declaration of Human Rights a reality. LIN MOUSHENG said he thought that the U.S.S.R. had abstained from voting in the case of the Declaration of Human Rights. MR. EAGLETON said he thought this was the case, and pointed out that the United States also was a country in which not all of the human rights were observed.

The Court and Legal Problems

The Court, Its Jurisdiction and Work

Green H. Hackworth
Judge, International Court of Justice, The Hague

THE International Court of Justice came into existence on February 6, 1946, when its fifteen members were elected by the General Assembly and the Security Council. It held its first meeting at The Hague, beginning April 3, 1946. At that session the Judges made the solemn declaration in open court to exercise their powers impartially and conscientiously, elected a President, a Vice-President, a Registrar, and a Deputy-Registrar, prepared and adopted rules of Court, established a Chamber for Summary Procedure, etc. The Court held its second session in February and March 1947. This session was devoted primarily to administrative matters, no case having yet been presented for adjudication.

Jurisdiction

It is perhaps well to state at the outset a word regarding the jurisdiction of the Court. Contrary to the impression of some people, the Court does not have jurisdiction over cases between private litigants, nor does it have appellate jurisdiction in the sense in which the term is generally understood. It is the only Court whose decisions are in all respects final and subject to review by no other authority. Only states may be parties to cases before the Court. Article 36 of the Statute states that the Court's jurisdiction comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

The Court may give decisions in contentious cases brought before it by the parties and it may give advisory opinions on legal questions at the request of the General Assembly, the Security Council, and such other organs of the United Nations and specialized agencies as may be authorized by the General Assembly to request them.

This last-mentioned jurisdiction relates to the "matters specially provided for in the Charter," referred to in the Statute.

There are many instances of the acceptance of the jurisdiction of the Court by treaty and convention. A recent and noteworthy example is the Treaty on Pacific Settlement, signed at the Bogotá Conference in 1948, by twenty-one American Republics.[1]

Compulsory jurisdiction does not exist except to the extent and under the conditions that it has been accepted by the respective states. It is gratifying to note, however, that a very large number of states have accepted compulsory jurisdiction under the optional provisions of Article 36 of the Statute; and that by Article 31 of the Treaty on Pacific Settlement to which I have just referred the High Contracting Parties declare that they recognize, "in relation to any other American State, the jurisdiction of the Court as compulsory *ipso facto,* without the necessity of any special agreement" in certain categories of disputes of a juridical nature that arise among them.

These categories of disputes are indentical with those stated in the optional provisions of Article 36 of the Statute.

Corfu Channel Case

Scarcely had the Court adjourned its second session in March 1947, when the Security Council, on April 9, 1947, adopted a resolution recommending that the United Kingdom and Albania refer to the Court a dispute between them which had been engaging the attention of the Council. The dispute arose out of an incident that occurred in the Corfu Channel on October 22, 1946, when two British destroyers struck mines in Albanian territorial waters, resulting in serious damage to the ships and heavy loss of life. The channel in which the explosions occurred had been used by the Germans during the war and had been swept in 1944 and check-swept in 1945 by the British Navy and declared to be safe.

On May 22, 1947, the British Government, referring to the Security Council's resolution, filed with the Court an application dated May 13 instituting proceedings against Albania, charging the Albanian Government with responsibility for the incident and with liability under international law.

A copy of the application was forwarded by the Registrar of the Court to the Albanian Government, and on July 23 that government filed with

[1] Pan-American Union, Law and Treaty Series, No. 24 (1948), Articles 31-37; Ninth International Conference of American States, Bogotá, Colombia, March 30–May 2, 1948 (Department of State Publication 3263, 1948) pp. 186, 192-93.

the Court a letter, dated July 2, in which it denied the British charges and complained of irregularity of procedure on the part of the United Kingdom in instituting proceedings before the Court. It stated that in the absence of an acceptance by Albania of Article 36 of the Statute or of any other instrument of international law whereby the Albanian Government might have accepted compulsory jurisdiction of the Court, the United Kingdom was not entitled to refer the dispute to the Court by unilateral application; that under the terms of the Security Council's recommendation the United Kingdom should have reached an understanding with Albania regarding the conditions under which the two parties should submit their dispute to the Court; but that being convinced of the justice of its case and resolved to neglect no opportunity of giving evidence of its devotion to the principles of pacific settlement of disputes, it was prepared, notwithstanding this irregularity in the action taken by the British Government, to appear before the Court, making nevertheless "the most explicit reservations respecting the manner in which the Government of the United Kingdom has brought the case before the Court."

The communication was closed with the statement that Albania had appointed its agent, in accordance with Article 35, paragraph 3, of the Rules of the Court.

On the basis that this constituted a complete acceptance of the jurisdiction of the Court, the President issued an order on July 31, 1947, fixing October 1 as the time limit within which the United Kingdom should file a memorial, and December 10 as the time limit within which a counter memorial should be filed by Albania.

The memorial was filed within the prescribed time, but Albania, instead of filing a counter memorial, submitted, on December 9, a preliminary objection to the application of the United Kingdom of May 13, 1947. It referred to the reservations made in the letter of July 2, 1947, again attacked the procedure followed by the British Government, and asked the Court to declare the application inadmissible. This was the first intimation that the Court had received that Albania was not prepared to answer on the merits.

On the following day the President issued an order, giving the United Kingdom until January 20, 1948, for the filing of observations on the preliminary objection. Such observations were filed and the case came on for oral arguments in late February. There being no judge of Albanian nationality on the bench, the Albanian Government availed itself of the right provided by the statute and designated Dr. Igor Daxner, President of a Chamber of the Supreme Court of Czechoslovakia, as judge *ad hoc*.

The Court gave its judgment at a public sitting on March 25, 1948, rejecting, fifteen votes to one (Dr. Daxner dissenting), the preliminary objection and holding that the letter dated July 2, 1947, constituted an acceptance of the Court's jurisdiction on the merits and that Albania could not thereafter dispute such jurisdiction on the basis of an earlier irregularity of procedure.

There was a separate opinion by Judges Basdevant, Alvarez, Winiarski, Zoricic, De Visscher, Badawi Pasha, and Krylov, who, although concurring in the judgment of the Court, desired to express their disagreement with the British contention that, under certain provisions of the Charter and the Statute, this was a case of compulsory jurisdiction.

By its judgment the Court fixed time limits for completion of the written pleadings, namely, a counter memorial by Albania, a reply by the United Kingdom, and a rejoinder by Albania.

Immediately following the reading of the decision by the Court the agents for the two parties announced in open court the signing by them only a few hours previously of a special agreement for submitting the case. By this agreement they asked the Court to decide the following questions:

(1) Is Albania responsible under international law for the explosions which occurred on the 22nd October 1946 in Albanian waters and for the damage and loss of human life which resulted from them and is there any duty to pay compensation?

(2) Has the United Kingdom under international law violated the sovereignty of the Albania People's Republic by reason of the acts of the Royal Navy in Albanian waters on the 22nd October and on the 12th and 13th November 1946 and is there any duty to give satisfaction?

The date last mentioned is the one on which United Kingdom minesweepers swept the North Corfu Channel and cut some twenty-two moored mines in what was said to be a freshly laid minefield in the locality in which the two destroyers had come to grief some three weeks earlier.

On March 26, 1948, the Court issued an order in which it took notice of the special agreement as constituting the basis of further proceedings and stated that the time limits for the filing of further pleadings as fixed by the Court's judgment of March 25 would be maintained.

The written pleadings were filed within these time limits, and the oral proceedings were scheduled to begin on November 5, 1948. On October 28 the Registrar was informed that the judge *ad hoc,* Judge Daxner, was prevented by reason of his health from sitting on the day fixed. The Court,

on November 2, decided to allow Albania until November 7 for the designation of a judge *ad hoc* in place of Dr. Daxner and to postpone the opening of the hearings until November 9. Albania designated M. Bohuslav Ecer, Doctor of Law and Professor in the Faculty of Law at Brno.

Public sittings were held from November 9, 1948, to December 17, and from January 17 to 22, 1949. During this time the Court heard arguments by agents and counsel on both sides and testimony of witnesses and experts.

As is to be expected in such cases, there was a wide difference between the parties on both the law and the essential facts. Many of the factual matters were of a highly technical nature, such, for example, as the kind of mines encountered by the British ships; *i.e.,* whether they were floating mines that had broken away from an old minefield, whether they were moored mines, magnetic ground mines, or magnetic moored mines; whether they were German GY mines as contended by the British or were German GR mines as argued by the Albanians. There were also such questions concerning whether or not the type of mines struck by the ships was the same as the type later cut by the British minesweepers and constituted part of that minefield; whether Albania could have laid such mines; whether they could have been laid surreptitiously without her knowledge having in mind such factors as the proximity of the minefield to the coast, possible weather conditions at the time of the supposed laying—visibility and audibility—lookout posts along the shore; the length of time the mines had been in the water, etc.

The Court promptly recognized that in its search for the truth neutral expert advice would be needed. Accordingly, on December 17, 1948, after witnesses and experts produced by the parties had been heard, the Court submitted a list of questions to a committee of experts of its own selection. This committee was composed of Commodore J. Bull, of the Royal Norwegian Navy, Commodore S. A. Forshell, of the Royal Swedish Navy, and Lieutenant-Commander S. J. W. Elfferich, of the Royal Netherlands Navy.

The first report submitted by these experts was not regarded as entirely conclusive on some of the questions. Accordingly, on January 17, 1949, the Court instructed them to proceed to Sibenik in Yugoslavia and Saranda in Albania and to make on the land and in the waters adjacent to these places any investigations and any experiments that they might consider useful with a view to verifying, completing, and, if necessary, modifying the answers given in their report of January 8. This was done. Observations were made, and experiments were carried out on the spot in the

presence of the experts of the parties and a second report was filed on February 8.

On April 9, 1949, the Court gave its judgment.

On the first question stated in the special agreement it decided by eleven votes to five that the People's Republic of Albania was responsible under international law for the explosions that occurred on October 22, 1946, in Albanian waters and for the damage and loss of life that resulted therefrom.

By ten votes to six it reserved for further consideration the assessment of the amount of compensation to be paid by Albania to the United Kingdom.

On the second question stated in the special agreement it decided by fourteen votes to two that the United Kingdom did not violate the sovereignty of the People's Republic of Albania by reason of the acts of the British Navy in Albanian waters on October 22, 1946. It unanimously decided that by reason of the acts of the British Navy in Albanian waters in the course of the sweeping operation of November 13, 1946, the United Kingdom violated the sovereignty of Albania. This declaration, the Court stated, constituted in itself appropriate satisfaction.

Judges Winiarski, Badawi Pasha, Krylov, Azevedo, and Ecer, the judge *ad hoc,* filed dissenting opinions.

Development of International Law

The following statements by the Court are among those that may be of interest to teachers and students of international law, and in connection with the provisions of Article 13 of the Charter concerning progressive development of international law and its codification:

(1) that the Albanian authorities were under obligations to publicize, for the benefit of shipping in general, the existence of a minefield in Albanian territorial waters and to warn approaching British ships of the imminent danger to which they were exposed by the minefield;

(2) that such obligations were based, not on Hague Convention No. VIII of 1907, applicable in time of war, but on certain "general and well-recognized principles, namely: elementary considerations of humanity . . . ; the principles of the freedom of maritime communication; and every State's obligation not to allow knowingly its territory to be used for acts contrary to the rights of other States";

(3) that states in time of peace "have a right to send their warships through straits used for international navigation between two parts of the

high seas without the previous authorization of a coastal State, provided that the passage is *innocent*";

(4) that "unless otherwise prescribed in an international convention, there is no right for a coastal State to prohibit such passage through straits in time of peace";

(5) that, regarding Albania's contention that the North Corfu Channel is only of secondary importance and does not belong to the class of international highways through which a right of passage exists, "the decisive criterion is rather its geographical situation as connecting two parts of the high seas and the fact of its being used for international navigation";

(6) that the fact that the strait is not a necessary route between two parts of the high seas, but only an alternative passage between the Aegean and the Adriatic Seas, was not decisive;

(7) that the North Corfu Channel "should be considered as belonging to the class of international highways through which passage cannot be prohibited by a coastal State in time of peace";

(8) that in view of the strained relations between Greece and Albania, the two coastal states, "Albania would have been justified in issuing regulations in respect of the passage of warships through the Strait, but not in prohibiting such passage or in subjecting it to the requirement of special authorization";

(9) that passage carried out in accordance with international law is not deprived of its innocent character, nor is local sovereignty violated, merely because the sending of the ships through the strait was not only to carry out a passage for navigation purposes, but was also to test the littoral state's attitude, *i.e.*, "to affirm a right which had been unjustly denied."

The much-mooted question, and one that was debated at length by the parties, about whether states have the right under international law to send their warships, in time of peace, through foreign territorial waters not included in straits was not believed to be germane to the issues and was not passed upon by the Court.

Assessment of Damages

On the same day that the judgment was delivered, the Court issued an Order fixing time limits for the submission of written statements relating to the amount of damage to be allowed. The Order provided that Albania should submit observations on the amount demanded from it, £875,000, by June 25, 1949; that the United Kingdom should reply by July 25 and that Albania should have until August 25 to answer the British reply.

Advisory Opinions

The Court also has rendered two advisory opinions, as follows:

(1) On November 17, 1947, the General Assembly passed a resolution asking the Court for an opinion on the admission of a state to membership in the United Nations. Specifically the Court was asked to state whether a Member of the United Nations which is called upon in virtue of Article 4 of the Charter to pronounce itself by its vote in the Security Council or the General Assembly, on the admission of a state to membership, is juridically entitled to make its consent to admission "dependent on conditions not expressly provided by paragraph 1 of the said Article?" and, in particular, whether such a Member, "while it recognizes the conditions set forth in that provision to be fulfilled by the State concerned, may subject its affirmative vote to the additional condition that other States be admitted to membership . . . . together with that State?"

The resolution had its origin in an exchange of views that had taken place in the Security Council relating to the admission of certain states.

It will be recalled that Article 4 of the Charter states that:

> 1. Membership . . . . is open to all . . . . peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
>
> 2. The admission of any such state to membership . . . will be effected by a decision of the General Assembly upon recommendation of the Security Council.

Written observations were submitted to the Court by some fifteen governments. The Governments of Belgium, Czechoslovakia, France, Poland, and Yugoslavia were represented at the sittings of the Court on April 22, 23, and 24, 1948, and a factual statement was presented at the opening of the hearings by Mr. Kerno, Assistant Secretary-General of the United Nations, in charge of the Legal Department.

On May 28, 1948, the Court announced its opinion. By nine votes to six, it held that a Member of the United Nations is not juridically entitled to make its consent to the admission of an applicant state dependent on conditions not expressly provided by paragraph 1 of Article 4; and that, in particular, it cannot, while recognizing the conditions set forth in that provision to be fulfilled by the state concerned, subject its affirmative vote to the additional condition that other states be admitted together with that state.

Judges Basdevant, Winiarski, McNair, Read, Zoricic, and Krylov dissented.

(2) The second advisory opinion, given April 11, 1949, was in response to a resolution of the General Assembly of December 3, 1948. The questions presented were divided into two parts:

1. whether in the event of an agent of the United Nations suffering an injury in the performance of his duties in circumstances involving the responsibility of a state, the United Nations, as an organization, has the capacity to bring an international claim against the responsible government with a view to obtaining the reparation due in respect of the damage caused (a) to the United Nations, (b) to the victim or to persons entitled through him?

2. in the event of an affirmative answer to point 1 (b), how action by the United Nations is to be reconciled with such rights as may be possessed by the state of which the victim is a national?

Written statements were received from India, China, the United States of America, the United Kingdom, and France. Public hearings were held on March 7, 8, and 9 at which oral statements were submitted: on behalf of the Secretary-General of the United Nations by Mr. Kerno, Assistant Secretary-General in charge of the Legal Department, and Mr. Feller, Principal Director of that Department; on behalf of Belgium by M. Georges Kaeckenbeeck, Minister Plenipotentiary of His Majesty the King of the Belgians, etc.; on behalf of the Government of France by M. Charles Chaumont, Professor of Public International Law at the Faculty of Law at Nancy and Legal Adviser to the Ministry for Foreign Affairs; and on behalf of the Government of the United Kingdom by Mr. G. G. Fitzmaurice, Second Legal Adviser of the Foreign Office.

The Court was unanimous on question 1(a), that is to say, that the United Nations as an organization has the capacity to bring an international claim against a responsible state for reparation due in respect of damage suffered by it in the circumstances related.

As to question 1(b), namely, whether the organization has capacity to bring an international claim on account of damage caused to the victim or to persons entitled through him, the Court was divided. Eleven judges were of the opinion that the organization has such capacity, and four were of opinion that no such capacity exists. The minority considered that under international law such claims fall to be dealt with between states on the basis of nationality of the private claimant, and that to give the United Nations authority in this field an international agreement would be needed.

On question 2, *i.e.*, concerning how, in the event of an affirmative answer

to point 1(b), action by the United Nations is to be reconciled with such right as may be possessed by the state of which the victim is a national, the Court was divided ten to five.

The majority were of opinion that, since the organization in bringing a claim for damage caused to its agent could do so only by basing the claim upon a breach of obligations due to itself, respect for this rule should usually prevent a conflict between the action of the organization and such rights as the agent's national state may possess. They thought that in this fashion "reconciliation" between the claims would be brought about. "This," they stated, "must depend upon considerations applicable to each particular case, and upon agreements to be made between the Organization and individual States, either generally or in each case."

The questions are sometimes asked regarding what cases are pending before the Court and how many cases have been heard. Well, I have answered those questions as of the moment in what has been stated above. The matter of the extent to which the Court is used in international disputes is, of course, of interest to friends of the judicial process and to the Court itself.

It is not without interest, however, to recall something of the early history of our own Supreme Court.

The Judiciary Act, approved September 24, 1789, provided for a Supreme Court to consist of a Chief Justice and five associate justices. The Court was to have two sessions a year, one commencing the first Monday in February, and the other the first Monday in August.

The first meeting was held in temporary quarters in the Exchange Building in New York City, February 1, 1790. That session was devoted to organizational work. At neither the August term in 1790 nor the February term 1791 was there any business before the Court. At the three terms following only cases involving matters of practice were considered, and it was not until the August term in 1792 that the first controversy of any importance came before the Court, and even that case was never decided, Congress meanwhile having passed an act rendering a decision unnecessary.

Even at the time of Marshall's appointment in 1801, "the Chief Justiceship was said to be a sinecure. In that year only ten cases were brought before the Court." [2]

The August term of the Court was discontinued in 1802.

The International Court of Justice is one of the principal organs of the

[2] Charles Evans Hughes, *The Supreme Court of the United States* (New York: Columbia University Press, 1928), p. 55.

United Nations. It is destined to play an important part among the agencies for the maintenance of peace and security. It stands to reason that, as nations become accustomed to the settlement of their differences by the application of rules of law and of reason, the chances of resort to arbitrary action and hence to force will diminish proportionately. World history has adequately demonstrated that the judicial method for adjusting disputes and controversies has constituted an excellent barometer of the progress made in advancing civilization. Courts of law are no less essential to a well-organized society than the police officers who protect our persons and homes from lawless elements that may invade our communities. These are truisms that need no elaboration.

Discussion

In response to a question from MR. PAPANEK, asking how the Court could enforce its decisions, JUDGE HACKWORTH pointed out that under the United Nations Charter if a party to a dispute fails to carry out a decision the other party or parties may appeal to the Security Council, which decides on the action to be taken. We have the assurance, however, that no decision of the present court or of the Permanent Court of International Justice has been flouted, and the Judge anticipated no difficulty on this point.

MR. VAN WAGENEN asked why the United Kingdom did not argue as part of the Corfu case the amount of damages to be assessed against Yugoslavia at the same time that they argued other aspects of the case. JUDGE HACKWORTH admitted that this was puzzling. The United Kingdom did include in its memorial a statement of damages and an explanation of the method used in arriving at its figures. They referred to it in the course of their argument, but did not elaborate, and it went by default. The Court felt, therefore, that further hearings were needed. The Court felt, further, that if it said that it had not been asked to determine the amount of the damages, but only the responsibility for them, this would have been incomplete treatment of the case. The parties to the dispute might then have resumed their argument and taken the case again to the Security Council. For that reason, the Court felt it should go ahead and finish the case, since it already had jurisdiction.

In reply to a question from MR. MASLAND, THE JUDGE stated that the Judges were not required to remain at The Hague when the pressure of business did not call for their presence. So far, he himself had been there about 50 per cent of the time. The Justices were always on call, however, and the President of the Court remained in residence to call them back at any time they were needed.

MR. PAPANEK asked whether there was not a danger under the Charter provision for Security Council enforcement of Court decisions that the Court

would lose authority because of the veto if such enforcement were necessary. JUDGE HACKWORTH replied that the provision was only a safety valve, which had not been in the Permanent Court's Statute, and which had been added to the Charter because the small powers at San Francisco wanted it as a guarantee of enforcement. He supposed, however, that there might never be occasion to use that right.

A member of the audience asked the Judge what the validity was of the Court's advisory opinion on admission of new members, inasmuch as the Big Five could still use their veto against applicants for membership. JUDGE HACKWORTH stated that membership applications could not now be rejected for the reasons barred by the Court. States need give no reason for their votes, of course, and the Court naturally did not go into this aspect of the question, which was essentially political.

In reply to another question from the audience about the Court's role in bringing order into the "chaos" of international law, the Judge replied that the Court was not intended to go into this problem. Rather it was to adjudicate according to international law the questions submitted to it, and to use in this connection treaties, conventions, customary international law, and the teachings of jurists and writers on the subject. These are the guides it uses in finding the rule of law to apply to a given case. The Court merely sets the rule as it sees it, and others who work on the progressive development of international law and its codification determine how far they wish to use the pronouncements of the Court in that direction.

Asked by MR. SWIFT whether he was dismayed by Article 31 of the Court's Statute, requiring the seating of a Judge of the same nationality as that of any disputant not already "represented" on the bench, JUDGE HACKWORTH replied that he was not. The Justices are not, he said, the representatives of their countries, but rather are international people, and they must put themselves in that position. They must think of themselves as representatives of the community of nations, not of one country, and must administer law as they understand it. Many do feel that the *ad hoc* judges are a bad provision, but Judge Hackworth said that he had no conviction on the matter. MR. EAGLETON pointed out that Manley Hudson's treatise on the World Court discussed quite thoroughly the reasons for putting *ad hoc* judges on the Court.

A member of the audience then asked whether the Court had gone beyond the terms of the Statute when it gave an advisory opinion regarding the right of the United Nations to press an international claim on its own. According to Article 34, pointed out the questioner, only states can be parties to disputes before the Court, and the United Nations is not a state in this sense. JUDGE HACKWORTH responded that both the General Assembly and Security Council are authorized to request advisory opinions of the courts, and this particular request came from the General Assembly, which was wrestling with the problems of international claims. It was advice, and not a decision in

a contentious case, so there was no question here of the United Nations being a state. The Court, in fact, said specifically that the United Nations was not a state, and particularly not a "super-state."

Another questioner wished to know whether Judge Hackworth would favor compulsory jurisdiction for the Court in all disputes involving any legal considerations whatsoever, because the settlement of these might help the consideration of other issues. THE JUSTICE replied that the acceptance of the Court's compulsory jurisdiction was a political question, into which he would not go. The United States, of course, had accepted the compulsory jurisdiction with certain reservations, with which some disagreed. In April 1945, however, the Committee of Jurists in Washington, D.C., had debated the whole issue. Many states felt that, since the world was well acquainted with the nature of the World Court and had had experience with it for over twenty years, compulsory jurisdiction should be required of all immediately. Others felt that this was moving too fast, and that since the optional clause in Article 36 could be used by all states that so desired there was no reason to force compulsory jurisdiction on all states. In San Francisco, there was still more debate on the subject, and the latter procedure was followed. The most recent, outstanding case of acceptance of the optional clause was, he pointed out, in the Pact of Bogotá when, at the Conference of American States, the twenty-one American states agreed to submit any questions arising under their treaty to the Court. Thus, he felt that compulsory jurisdiction was making some progress.

A member of the audience asked whether a state could press a claim on behalf of one of its nationals who was an agent of the United Nations if the United Nations had already made representations in his behalf. JUDGE HACKWORTH said that the Court had not attempted to decide this question. The General Assembly had recognized a state's right to press such a claim, and the Court had felt that there should be either general or specific agreements made to provide that, if the United Nations should bring such claims, the national state would waive its own.

As a concluding thought that he felt called for no comment at the time, MR. EAGLETON asked the audience to consider what might happen if one of two Great Powers which had accepted the optional clause should bring a complaint against the other on the grounds that its veto in a vote on admission of a new Member had been based on some reason not in the Charter. Would the Court consider the complaint? And if it decided against the offending power, would that veto be counted in the Security Council?

International Law Questions

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I PROPOSE to consider the questions which I think fall within my subject from three points of view. First, I shall discuss briefly the relation of the Charter of the United Nations to international law, particularly from the point of view of the development of international law. Secondly, I shall outline the active efforts now being made by the United Nations, in virtue of Article 13, 1(a) of the Charter, to promote the progressive development and codification of international law. Thirdly, I shall touch on the rather controversial question whether all differences in the United Nations should be solved, or their solution sought, by the judicial process, or whether a balance cannot be achieved between the exclusive application of legal rules and the employment of other methods of settlement of disputes as provided in the Charter. In other words, I shall attempt to examine whether a certain flexibility should not be allowed in the political organs of the United Nations and whether an important role should not be assigned to what is traditionally known as mediation or conciliation. I may at once say in parenthesis that to my mind the methods employed in the Security Council, for example, are primarily those of mediation or conciliation. These methods may, for the sake of convenience, be called political settlement in the strict sense.

First, regarding the place of international law in the Charter, I have advanced the view[1] that, on the one hand, the Charter itself is the embodiment of the traditional rules of international law which have been declared primarily in Article 2 to be the principles of the United Nations. In particular, there is to be found in these principles the injunction against the use of force and the obligation of pacific settlement. On the other hand, one may regard the Charter as being a basis for affording better organiza-

[1] See the writer, "Legal Basis of International Relations," *Annals of the American Academy of Political and Social Science*, CCLV (1948), 23-25.

tion to the institutions of international law. It is true that some authors questioned whether the League Covenant did not provide better institutions or whether the Charter is the more effective instrument. A number of international lawyers argue that the Charter marks no progress over the League Covenant; but that is a question which we cannot enter into here.

In the organs of the United Nations, international law has been developing consistently and, I might say, spontaneously. No better example of the truth of this statement is afforded than by the lecture[2] given by Senator Warren Austin to the American Society of International Law at its annual meeting in 1948, in which he analyzed the impact of the practice of the United Nations on the development of international law by reference to the topics of international law. For instance, he discussed what had been the practice of the United Nations in the matter of the birth of states, recognition, intervention, state succession, and the interpretation of treaties. In the same way he took various other topics of international law and surveyed them from that particular point of view. Since the several organs of the United Nations, in tackling the questions before them, have to proceed, in the first instance, to an examination, express or implicit, of the powers they themselves possess and have also been in the habit of abiding generally by legal standards in the course of the handling of these questions, a number of precedents has been created, and these precedents naturally go to help make new international law.

Secondly, I want to say a few words about the active efforts of the United Nations to develop and codify international law. This is an obligation laid upon the General Assembly by Article 13 of the Charter. Paragraph 1 of that Article provides that the General Assembly shall initiate studies and make recommendations for the purpose of "(a) promoting international cooperation in the political field and encouraging the progressive development of international law and its codification." This provision is pregnant with meaning in that it changes the traditional view that the law must be allowed to develop of itself. "Law must grow; it cannot be made." This is a view which is held particularly by the states whose own law is unwritten. It is difficult to persuade an average English or an American lawyer that there is advantage in codifying or systematizing the age-old common-law institutions. Here I should like to pay a tribute to the New York University School of Law, which organized a David Dudley Field centenary

[2] Warren R. Austin, "Development of International Law by the United Nations," *Proceedings* of the American Society of International Law at Its Forty-second Annual Meeting (1948), p. 132.

last year. David Dudley Field was one of the few American lawyers who saw certain advantage in codification. I do not think he ever proposed to codify the whole body of American common law, but he made very laudable efforts in the direction of codification of certain parts of it. While I would not characterize this approach as a panacea for the uncertainties of law, it is certainly conducive to the development of legal institutions and is, in the opinion of Dean Roscoe Pound, an example of the juridical activism which has been a very salutary tendency since the beginning of the century. International law stands in more need of such efforts than municipal law, which has greater historical continuity in most countries and which is better developed by reason of its being integrated with the other public institutions of the state. This may be one of the principal reasons which prompted the authors of the Charter to make the provision for the progressive development of international law and its codification. In implementation of this provision, the General Assembly established the International Law Commission, which held its first session from April 12 to June 9 this year.

The International Law Commission has two tasks; namely, the progressive development and the codification of international law. In the first task, it is to assist the General Assembly in the field of international legislation. International legislation may be a formidable expression, but those who have followed the movement see in it only the conscious attempt of the international community to extend international law over new fields of international activity. It really means the making of multilateral conventions which are concluded among states with a view to reducing the domain reserved to each of them and extending the reign of international law over activities it has not hitherto regulated. As a very prominent example of international legislation of most recent date I might mention the Convention on the Prevention and Punishment of Genocide, adopted by the General Assembly during the first part of its third session last year. Another such example is the Universal Declaration of Human Rights, also adopted by the General Assembly during the same session, although it may be observed that, as a declaration, this was not intended to have the same binding force as a convention or treaty would have.

Besides promoting the development of international law through international legislation, the International Law Commission has the other function of promoting the codification of international law. Here it has to be recognized that codification by way of conventions and through the technique of international conferences has not usually been too satisfactory. It is satisfactory where there is a close-knit international community and there

are homogeneous views on most of the subjects of international law. The codification movement has been going on in the Pan-American world for many decades, and the success of these conferences has been exhibited in the number of conventions concluded by the Montevideo, Havana, and the Rio de Janeiro Conferences. But the League of Nations codification conference at The Hague was not successful because delegates went to it armed with governmental instructions. Governments are understandably reluctant to pledge beforehand what their view of international law is going to be on any particular subject matter. They would rather reserve to themselves freedom of judgment until an actual case arises between two states. The Hague Conference was unsuccessful principally for this reason. But that does not alter the fact that a large body of international law exists, and this body of international law cannot be changed by the dissenting voices of a few governments.

In order that this part of international law can be made more systematic, more certain, and more clear, the International Law Commission has undertaken as the first phase of its work the codification in the form of restatements of three subjects; namely, treaties, regime of the high seas, and arbitral procedure.[3] The results of the labors of the Commission will be presented to the General Assembly as concise formulations accompanied by a detailed commentary. Those of us who are familiar with the work of the Harvard Law School Research in International Law will be very glad to see that the work of the International Law Commission is to be along the same lines. Of course, the Harvard Research is a national endeavor; the work of the International Law Commission on similar lines will be an international endeavor.

In addition to its plans for the codification of international law, the International Law Commission, at its first session, also performed some special tasks at the specific requests of the General Assembly. In the first place, the Commission prepared a draft Declaration on the Rights and Duties of States. This draft Declaration will be submitted to the General Assembly at its next session for its consideration and adoption. It declares certain basic rights and duties of states, to quote the Preamble, "in the light of new developments of international law and in harmony with the Charter of the United Nations."

Of the fourteen articles in the draft Declaration, four define rights of states. These are (1) the right of independence, comprehending the right

[3] For the work of the International Law Commission during its first session, see Report of the International Law Commission, General Assembly *Official Records:* Fourth Session, Supplement No. 10 (A/925).

of the state to exercise freely all its legal powers, including the choice of its form of government; (2) the right of jurisdiction over state territory in accordance with international law; (3) the right of equality in law; and (4) the right of self-defense, individual or collective, against armed attack.

The duties of states were set forth in ten other articles in the draft declaration. Every state has the following duties: (1) the duty to refrain from intervention in the internal or external affairs of any other state; (2) the duty to refrain from fomenting civil strife in the territory of other states and to prevent the organization within its territory of activities calculated to foment such civil strife; (3) the duty to treat all persons under its jurisdiction with respect for human rights and fundamental freedoms, without distinction as to race, sex, language, or religion; (4) the duty to ensure that conditions prevailing in its territory do not menace international peace and order; (5) the duty to settle its disputes with other states by peaceful means; (6) the duty to refrain from resorting to war and from other illegal use of force; (7) the duty to refrain from giving assistance to any state that is resorting to war or other illegal use of force or to any state against which the United Nations is taking preventive or enforcement action; (8) the duty of refraining from recognizing any territorial acquisition resulting from war or other illegal use of force; (9) the duty to carry out in good faith obligations arising from treaties and other sources of international law; and, finally, (10) the duty to conduct its relations with other states in accordance with international law and with the principle that the sovereignty of each state is subject to the supremacy of international law.

A second task referred to the Commission by the General Assembly was the formulation of the principles of international law recognized in the Charter and Judgment of the Nuremberg Tribunal and the preparation of a draft code of offenses against the peace and security of mankind, indicating clearly the place to be accorded therein to the Nuremberg principles. The Commission carefully considered the Nuremberg principles and formulated them in a provisional draft. It was of the opinion, however, that this task was so closely connected with that of preparing a draft code of offenses that it would be premature to adopt a final formulation before work on the draft code had been further advanced. The Commission, therefore, elected a rapporteur for these subjects with the understanding that he would prepare a report on the Nuremberg principles and a working paper on the draft code for submission to the second session of the Commission which is to be held in Geneva in the summer of 1950.

I will pass on from this rapid survey of the activities of the United Nations to promote the development and codification of international law to what I may call the question of the relation of legal and political questions

in the organs of the United Nations. This is an intricate subject with which I can only deal in a preliminary and summary fashion for the present. As Judge Hackworth has indicated, the International Court of Justice has decided one contentious case, the Corfu Channel case, and has given two advisory opinions, one on the admission of new Members into the United Nations, *i.e.*, the interpretation of Article 4 of the Charter, and the other on reparations for injuries suffered by agents of the United Nations. It should be pointed out that, besides these last two questions, there were many others, largely having to do with the interpretation of the Charter, in regard to which proposals had, on various occasions, been made to refer them to the Court for an advisory opinion. One of these questions was that of the competence of the organ concerned, which is considered to be a legal question. As may be apparent to any observer of the proceedings of the organs of the United Nations, the first line of defense of a state against which a case is brought is to raise the question whether the organ concerned is competent to deal with the matter, just as in a litigation in a municipal court a defendant is wont to challenge in the first instance the jurisdiction of the court. If it is found that the court has no jurisdiction, the case is thrown out altogether, and the defendant does not have to argue on the merits. The same has been conceived to be true with questions before the Security Council and other organs of the United Nations. We recollect, for instance, the question of treatment of Indians in South Africa, the Indonesian question, the Hyderabad question, and the case of Cardinal Mindszenty, and so forth. In each of these cases, the question of competence or jurisdiction was raised and the suggestion was made to refer that question to the Court for an advisory opinion.

The argument in favor of such a procedure was that the question involved a legal issue and that the political organ could not go further until the legal issue was resolved. On the other hand, it was argued that each organ of the United Nations was authorized to interpret the Charter and was the judge of its own competence, and that in doing so it could not but reach its conclusions on the bases of legal considerations. It was further pointed out that the Security Council or the General Assembly, as the case may be, had the responsibility of using the methods of mediation or conciliation to bring the parties to a settlement satisfactory both to them and to the international community, and that from this point of view these organs could not be content with a merely legal solution. Moreover, it was contended, each organ had full discretion whether or not to request an advisory opinion; there was no obligation to make such a request in all cases.

If one analyzes the various cases in which the suggestion was made to

request an advisory opinion, one would find that the issue of domestic jurisdiction (Article 2, paragraph 7, of the Charter), in particular, was raised with respect to a number of subjects, including the following: (1) the taking notice by the United Nations of quasi-international agreements, for instance, the Capetown Agreement between the Union of South Africa and India in the case of the treatment of Indians in South Africa and the Linggadjati Agreement in the case of Indonesia; (2) the effect of *de facto* recognition of communities seeking independence, for instance, in the case of Indonesia; (3) the conduct of repressive measures against independence movements, for instance, in the case of Indonesia, wherein the Netherlands contended that the measures taken were police measures; (4) the discriminatory treatment of racial groups in the case of treatment of Indians in South Africa; (5) the maintenance of a particular form of government, as in the case of the Franco regime of Spain; (6) the adoption of a form of government modeled on that of a foreign state, as in the Czechoslovak question. All of these questions have been urged as belonging to the domestic jurisdiction of a state, and a determination of the matter by the International Court of Justice in the form of an advisory opinion has been advocated.

Then there are other types of legal questions such as the legal status of a particular community, e.g., Indonesia and Palestine; the status of treaties the revision of which is desired by one party, as in the dispute between the United Kingdom and Egypt; and the impact of the human rights provisions of the Charter with respect to (*a*) the refusal to allow a native-born wife to join a foreign spouse abroad, as in the Chilean complaint against the Soviet Union; and (*b*) the conduct of the trial of religious leaders, as in the Cardinal Mindszenty case. On the last two questions, the plea of domestic jurisdiction was also raised. Proposals to seek the advisory opinion of the International Court on such questions have also been made.

While there were legal factors inherent in all these cases, it cannot be denied that their background was highly political. When a request for an advisory opinion of the Court was suggested, it raised at once the question regarding the place of the International Court of Justice within the system of the United Nations or concerning what may be termed the relation between the operation of United Nations organs and the operation of the international judicial process.

It is often said that the Charter thrusts international law into the background. That was largely true when the Dumbarton Oaks proposals were drawn up. If one scrutinizes the Dumbarton Oaks proposals, one finds that international law is nowhere referred to except in the paragraph con-

cerning domestic jurisdiction, where international law was proposed as the standard to determine whether a certain question is a matter of domestic jurisdiction or not. In the Charter as adopted in San Francisco, one finds more references to international law. That has been taken as signalizing a return to legal conceptions which, together with other conceptions, should underlie the Charter. But it has never been made very clear exactly what role judicial determination should play when a concrete question comes before an organ of the United Nations, in spite of the provision in the Charter that the purpose of the United Nations is, among others, the bringing about by peaceful means and in conformity with justice and international law the adjustment or settlement of international disputes or situations. There is no doubt that the organs of the United Nations, in reaching a decision regarding a dispute or a situation, are bound to observe international law, and there has been no case where it was ever suggested that legal considerations should yield to those of expediency. The point at issue is whether, apart from the examination of legal questions by the organs themselves, these questions should invariably be referred to the International Court for advisory opinion.[4] In 1947 the Australian delegation at the General Assembly proposed that greater use should be made of the International Court and that the organs of the United Nations should make it a practice to request advisory opinions from the Court on questions of law. That proposal, in spite of some opposition, was adopted by the General Assembly.[5] It raised the question once more regarding the relative part to be played by legal determination and by political settlement in questions before United Nations organs.

The controversy involving the difference between a political question and a legal question is centuries old. There are those who urge that every political question is a legal question, and there are others who urge that every legal question is a political question. I do not think, despite the many subjective criteria which have been propounded,[6] that there can be a hard and fast distinction. A case like the Corfu Channel case, I would say, is more legal

[4] Article 96 of the Charter provides: 1. The General Assembly or the Security Council *may* request the International Court to give an advisory opinion on any legal question. (Italics added.)

[5] Resolution 171(II), adopted by the General Assembly during the second session, on November 14, 1947. See the writer, "Interpretation of the Charter and Greater Use of the International Court of Justice," *American Journal of International Law*, XLII (1948), 439.

[6] A convenient summary of these criteria is contained in H. W. Briggs, *Law of Nations: Cases, Documents and Notes* (New York: Appleton-Century-Croft, Inc., 1938), pp. 671, 672.

than political; and I am content that the Security Council and the parties concerned should have taken this view and that the case actually went to the Court. Also, in regard to the question of reparation for injuries suffered by a United Nations agent, I would say that this is preponderantly a legal question, and the case was, without a dissenting voice in the General Assembly, submitted to the International Court for an advisory opinion. In reference to the question of the admission of new Members, I would say it is more political than legal, though there were legal aspects which, by the way, were very accurately described by Judge Hackworth in his answer to one of the questions asked at this meeting. As he said, the Court was not concerned with the question of the actual vote cast by a member of the Security Council; it was only concerned with the fact that a certain reason was advanced for denying United Nations membership to certain applicant states. The task of the Court was to determine whether that reason was in accordance with the Charter or not.

Now, what are the reasons that might be cited against the conversion of every political question into a legal question? The first is one that has never been very conclusively countered despite its able and exhaustive treatment by Professor H. Lauterpacht in his book *Function of Law in the International Community*. The question, for our purpose, is whether, when a matter is brought before an organ of the United Nations, say, the Security Council, it can be conceived exclusively as a matter to be decided by a court. If you take the view that the Security Council is a court, it is obvious that a succession of decisions based upon strict law would be necessary. But we know that the Council is not a court; it is a quasi-judicial organ only in certain respects. In the ascertainment of facts you have to employ a kind of quasi-judicial procedure of inquiry. But the real reason for the distinction between legal and political questions is that international law is, in comparison with the most advanced legal systems of the world, relatively inadequate, and it is especially inadequate in the sense that its operation has to be based upon existing law or rules that can be derived from existing law. In a state, there is the process of legislation, and that is an effective means for curing the defects of existing law. But the process of international legislation is a very slow one, and it cannot always keep pace with the developing needs of the international community. Therefore, to decide every political or quasi-political question exclusively on legal grounds would in many instances be to do injustice because existing law is not adequate. That was the reason why in the inter-war years attempts were made, such as the proposal for an International Equity Tribunal, to rectify the inadequacies of existing international law.

The second reason against the conversion of every political dispute into a legal dispute is that under the Charter both political settlement and legal determination are provided for, and that to rely upon legal determination alone would tend to minimize the importance of using mediation or conciliation as a means of settling disputes [7] in which political aspects override legal ones and to precipitate decisions that would not conduce to their ultimate settlement. Take some of the cases referred to above. Assuming these cases had been carried to the International Court of Justice in the form of requests for advisory opinion and the Court had pronounced itself one way or the other, the opinions would not have resolved these disputes and might even prejudice further efforts at settlement.

There was one point raised in the earlier discussion at this meeting concerning what would happen if one of the parties should fail to comply with a decision of the International Court of Justice, as required by Article 94 of the Charter. According to the prevailing interpretation of this Article (an interpretation which is controversial), such a case comes within the jurisdiction of the Security Council only if the dispute or situation, in consequence of noncompliance with the decision, develops to be one threatening international peace and security. I remember that Judge Hackworth gave testimony [8] in the hearings before the United States Senate stating that this was the understanding in San Francisco. It would therefore seem that a mere passive attitude in regard to a decision of the International Court would not come within the jurisdiction of the Security Council. This may be surprising to those accustomed to the inexorable enforcement of judgments in municipal courts. Regarding the advisory opinions of the International Court, they are by definition advisory only, though they are usually followed by the organs which have sought them, notably in the making of recommendations to the parties. These opinions carry great weight as authoritative legal pronouncements, but it is uncertain how decisively they can influence the actual settlement of a dispute before the political organ of the United Nations.

All this goes to show that there are limitations on the efficacy of the judicial process in present-day international relations and to furnish support for the view that the judicial process is not a panacea and that the deciding

[7] For comments on this view, see H. Lauterpacht, *Function of Law in the International Community* (New York: Oxford University Press, 1933), pp. 267, 268, and footnote p. 268.

[8] See *Hearings* before the Committee on Foreign Relations, United States Senate, 79th Congress, first session, on the Charter of the United Nations, 1945, p. 331.

of a preponderantly political question on a strictly legal basis does not, in many cases, contribute to a final settlement. However, where there is a genuine desire or a large measure of agreement on the part of the parties for the judicial clarification of certain aspects of a dispute, just as where there is agreement in the making of provisions for the investigation of the facts of a dispute, such a procedure is eminently useful and its results will incidentally enrich the content of international law.[9]

In conclusion, I wish to refer to two opposing views, both enunciated by distinguished international lawyers on this question. One eminent American international lawyer said in 1947: "It is disappointing to one primarily interested in the development of international law and international judicial process to note that in neither the South African case nor in the Albanian case did the organs of the United Nations choose to refer the legal issues to the International Court of Justice for an advisory opinion."[10] That is one view.

The other view, advanced by no less an eminent authority, is: "Yet it is to be borne in mind that in some disputes the legal relations of the parties are subordinate to the political considerations involved, that in some cases it may be a disservice to the Court to urge that such disputes be handled by judges on the bench. If the Court is to serve as the chief judicial organ of organized international society, if it is to maintain the prestige which is essential to its functioning as such, it must not be pressed to assume political functions, and it cannot be made a substitute for effective political agencies. Some of the current insistence on more frequent resort to the advisory function of the Court is dangerously near to ignoring this basic consideration."[11]

These are the two opposite views, both of which are entitled to serious reflection. My own submission is that, when there is harmonious co-operation between nations, then the question concerning the priority of political settle-

[9] An apt example is the case of Tunis-Morocco Nationality Decrees, where France and Great Britain agreed in advance to accept the advisory opinion of the Permanent Court of International Justice as having binding effect.

[10] Philip C. Jessup, "The International Court of Justice and Legal Matters," *Illinois Law Review*, XLII (1947), 289. See also Herbert W. Briggs, "The United Nations and Political Decision of Legal Questions," *Proceedings* of the American Society of International Law (1948), p. 42.

[11] Manley O. Hudson, "The Twenty-Sixth Year of the World Court," *American Journal of International Law*, LXII (1948), 15, 16. See also Charles de Visscher, "Justice et médiation internationale," *Revue de Droit Internationale et de Législation Comparée*, IX (1928), 33 and 243, in which the author discusses a similar problem in the League of Nations.

ment or legal determination in regard to a particular case will not arise in a very acute form. In its absence, one method might be given undue weight at the expense of the other, and proposals for the adoption of one in preference to the other would, in certain cases, only amount to the maneuvering of positions in a debate. Strictly speaking, as I have suggested, in a dispute or a question where legal aspects are preponderant they may advantageously be submitted to the International Court for determination, and the results hitherto achieved by the International Court in the cases decided are encouraging. But, on the other hand, for a political organ to abdicate the responsibility for mediation at first blush and try to shuffle a dispute or a question on to the International Court, to ask for a legal determination which, admittedly, will not be conducive to a final solution, can only be detrimental to the eventual settlement and in the long run to the effective functioning of the principal judicial organ of the United Nations. Happily, the experience in the Security Council and in the General Assembly leads one to believe that these organs have a full realization of this responsibility and have hitherto pursued a policy of caution.

Discussion

MR. PAPANEK asked whether the registration of treaties under Article 102 would influence the codification or development of international law. Are Members of the United Nations, he continued, giving up their interpretations of paragraph 7 of Article 2 of the Charter, or is "domestic jurisdiction" being accentuated? MR. LIANG replied that in the long view treaties registered with the Secretariat influenced the development of international law. He stressed "in the long view," because the content of most treaties registered dealt with isolated subjects only. The larger part of customary international law would need codification. But the publication and registration of the treaties, besides implementing the idea of "open diplomacy," made the evidence of international law more accessible to the general public.

As to the second question, he said that no organ of the United Nations ever had to pass directly on whether a question was within a Member's domestic jurisdiction or not. The matter was, however, under study by a subgroup of the Interim Committee. He recalled that there had been attempts at the restrictive interpretation of domestic jurisdiction under Article 2, paragraph 7, but it was a question whether such an interpretation could be accepted by all Members of the United Nations.

MR. EAGLETON interposed that several bodies of the United Nations, including the General Assembly, had passed resolutions over protests that they

violated Article 2, paragraph 7. These bodies, therefore, implied that they had a right to deal with the subject, and thus had really decided the issue of domestic jurisdiction. MR. LIANG replied that he was drawing a distinction between these implied decisions and direct decisions in regard to whether questions were or were not within a state's domestic jurisdiction. Many actions of the United Nations had without a doubt touched on this paragraph of Article 2, and some recommendations of the General Assembly might indeed be considered as containing the conclusion that certain questions were not within a state's domestic jurisdiction.

A member of the audience asked whether the Declaration of Human Rights was anything more than a pious wish. MR. LIANG replied that the Declaration was not in his province, but he felt that it was more than a pious wish, since it was professedly a standard of conduct, as was stated in the Preamble. Thus it had "persuasive authority," not in a strict legal sense, and not amounting to a treaty obligation, but it would make it very embarrassing for a Member state to question the content of an article after its adoption, inasmuch as the burden would rest upon the state to show that the General Assembly had improperly adopted the article.

Another questioner posed the problem whether the Court, as the legal unit within the United Nations, would be able to resist the trend toward "politicalization of the United Nations" if it was given many cases like the advisory opinion concerning admission of new Members, which arose from the conflict between the "legal ideal of the United Nations" and the "political realities of the world." MR. LIANG did not agree that this particular case arose from such a conflict. He felt rather that it illustrated simply the legal aspects of a political controversy, and the Court had disposed of the legal side. Nor did he feel that there was a trend toward "politicalization." The Court could only decide the contentious cases submitted to it, and the extent of this activity depended in the last analysis upon the will of the states. For one organ of the United Nations, the General Assembly or the Security Council, to give to the Court the problem of solving a given legal controversy is only to discharge part of its task, and may not be the most important part. There is no question here of a tendency either to the political or legal.

A member of the audience inquired whether one might compare the Declaration of Human Rights to the Declaration of Independence, which had stated the pious wish that all men were created equal, a wish later made law in the Bill of Rights of the American Constitution. If so, what would give concrete form to the Declaration? MR. EAGLETON suggested that one might view inclusion of the rights in the Declaration in the forthcoming Covenant of Human Rights as the next step.

Another questioner asked whether regional areas, like the Brussels or the North Atlantic Pact powers, would be regarded by the Court as judicial entities. JUDGE HACKWORTH declined to comment on the grounds that such a ques-

tion might arise before the Court. MR. EAGLETON added that only the Court could answer the question, and MR. PAPANEK suggested that they might have the right to appear before the Court as entities if they had previously received the approval of the General Assembly, even as the specialized agencies have received that right.

Trends for the Future

The Organization of American States

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A GREAT change has come over the relations between the United States and the twenty Latin-American states. In the past twenty years there has been a complete transformation, not merely in the machinery of inter-American relations, but in the fundamental attitudes of the American states toward one another. I remember very well in the days when Professor Eagleton and I worked together to try to make the American public realize the responsibility of the United States in world affairs, to try to push the American public into joining the League of Nations, which they could not see was to their own national interest—there was a conference at Havana in 1928, the Sixth International Conference of American States. For those of you who may have come from distant countries and are not familiar with our inter-American system, I may say that the first of the great inter-American conferences, technically called "International Conference of American States," took place in 1890 and after that at successive periods down to the Sixth International Conference of American States at Havana in 1928. I think it is not an unfair criticism to say of the Sixth International Conference at Havana that it failed in its purpose. Its superficial record was very impressive: a long succession of resolutions and recommendations followed by a series of treaties on different subjects of international law. Those of you who want the details can find them in the first of two volumes called *International Conferences of American States.* Why do I say that the conference at Havana in 1928 was not a success in spite of its formidable record? The answer is that the United States was still under the dominance of the idea that the Monroe Doctrine, to use the language of Secretary Hughes, was our doctrine. We promulgated it; we would interpret it; we would apply it as we thought best. That did not go well with our Latin-American friends. I suppose one can say that the first seventy-five years of the Monroe Doctrine went well enough. So long as the United States was concerned with keeping Europe on its side of the

ocean, with keeping this great Atlantic barrier of defense, the Latin-American states appreciated what the Doctrine did for them. But when President Theodore Roosevelt in 1904 added the Roosevelt corollary to the Monroe Doctrine, namely, that when there was disturbance in this hemisphere somebody must keep order; that in cases of chronic misgovernment the United States was to exercise an international police power, exercising that police power according to our own judgment; we would decide where we had to intervene and keep law and order, that was another matter.

It was the policy of the Big Stick, and there is no question whatever that it was resented in Latin America, and quite properly. I think it is fair to say, if you study the records, that what the United States actually did was not much open to criticism. It was more the manner in which we did it, and all of you know that there is a vast difference between doing a right thing in a wrong way and doing a right thing in a right way. The wrong way was that we took the law into our own hands; we acted arbitrarily; we used our judgment and went ahead without consulting anybody. In 1928, at Havana—and I think possibly one of our distinguished guests today, a Judge of the International Court of Justice at The Hague, may have been a delegate on that occasion—the conference at Havana was full of tensions because the Latin-American states were trying to bring the United States down from its high arbitrary position of acting on its own individual account, and Secretary Hughes would not come down off the mountain. Three or four years later, President Roosevelt announced the policy of the Good Neighbor, and slowly a great psychological change took place.

There was nothing really new in the policy of the Good Neighbor; it was, rather, that President Roosevelt had caught up a happy phrase. Sometimes a happy phrase will go a long way if followed by deeds, and this phrase was followed by deeds. When we canceled the Platt Amendment in our treaty with Cuba, when we withdrew troops from Haiti and the Dominican Republic, we gave definite proof that the policy of the Good Neighbor was more than a policy of words. In 1936 came the great psychological change forecast by the announcement of the policy of the Good Neighbor.

We met at Buenos Aires that year in a special conference, not one of the regular conferences, and that special conference was primarily called to offer on the part of the United States to share the Monroe Doctrine with the rest of the American states. We call it the "continentalization" of the Monroe Doctrine. I suspect the distinguished guest we have here helped to draft the treaty which was presented to the American delegates on the

ship on the way down to Buenos Aires. The original treaty prepared in the Department of State used the language of the Monroe Doctrine. When we got to Buenos Aires we found that this very language of which we were so proud was anathema to the Argentine Foreign Minister. He would not have anything to do with what he called "Monroeism." In spite of the fact that we were making a magnificent gesture intended to win over the American states, he would have nothing to do with any language that suggested this Monroe Doctrine.

That shows how embittered some of the Latin-American statesmen were with our traditional unilateral arbitrary application of the Monroe Doctrine. We changed the words of the proposed treaty. We drafted what is probably one of the worst drafted treaties in our history, from the point of view of legal commitments. In the event of a threat to the peace the American republics, the high contracting parties, would consult individually to determine whether to consult collectively to determine whether to do anything about it. That is the treaty. I have never known a weaker treaty from the point of view of technical, concise, binding character. But vague as the drafting of that treaty was, it had a tremendous psychological effect.

The relations of the United States with the Latin-American states turned a corner in 1936. The Good Neighbor Policy is now taking expression in the form that it might have taken one hundred years before, had communications permitted it—in the form of consultation. And there is a vast difference, I keep repeating, between doing the right thing in an arbitrary, almost despotic way, without consulting anybody, and doing that same thing after you have been sitting around the council table, after there has been give and take among the delegates of the twenty-one American republics. That was the dramatic conference of 1936.

I have been asked on various occasions, "Can the United States get along with Argentina?" Fantastic question, of course, proposed by someone who does not know the Argentine. I shall never forget the arrival of President Roosevelt in Buenos Aires about ten days after the conference had opened. Such a demonstration of enthusiasm, of warmth, of tremendous response to the honor shown to Argentina by the presence of the President of the United States. I have never known such a demonstration. You felt as if the whole population was out, a million people, with flowers in such abundance—you cannot imagine. I have never known such a tremendous welcome. Do not ever think of the Argentines as anything else than potentially our best friends, whatever minor differences may arise from time to time from misunderstanding.

In 1936, then, we adopted the principle of continentalizing the Monroe

Doctrine, of offering the Doctrine to all American states by the process of common consultation. Two years later, in 1938, we met at Lima in a regular conference, the Eighth International Conference of American States, and at Lima the dark clouds of the coming war in Europe were already on the horizon. We could all see what was coming except a number of Senators and a large part of the American public who still thought it was possible to keep neutral, still thought we could hide on this side of the Atlantic, still thought that it did not matter to us which side won. They said that it was not possible to tell the difference between right or wrong. That was neutrality, Professor Eagleton, and no one fought more valiantly than you against that immoral idea that it was not possible to tell the difference between right and wrong in international relations. The mere thought of it rouses in me something of the old fighting spirit we had when we tried to eliminate the conception of neutrality and failed—yes, and failed! We tried to get rid of the neutrality laws which gave Hitler the green light. "Go ahead," our laws said to Hitler, "we do not know the difference between right and wrong over here. At any rate, it is none of our business." And Hitler went ahead.

We met in Lima in 1938 at the Eighth International Conference of American States, and there in the presence of the coming storm, which the Latin Americans saw approaching much better than we did, we drew up what was called the Declaration of Lima. The Declaration of Lima reaffirmed the principle of continental solidarity in the event of a threat to the peace and set forth the procedure of consultation to be followed. There was very little in the Declaration of Lima of 1938 that was not implicit in the treaty of 1936, but the obligations were more specific than those of 1936, and the machinery of consultation, by a meeting of Foreign Ministers of the American Republics, was better organized.

Our policy of 1936 and 1938 paid good dividends. War broke out in 1939, and by July 1940 Germany had won the war. Germany had invaded Norway and Denmark and Holland and Belgium, defeated France, was about to invade England. The war was won, except that the British, not having sense enough to surrender when they were beaten, held out. Thank God, there were men with backbone when we over here were wobbling with our neutrality and thinking that we could keep the Atlantic our barrier of protection. Thank God, there were some to fight.

In 1940, then, at Havana we met in a special meeting of foreign ministers, and there they adopted the famous Resolution XV. Resolution XV is very simple in its legal principles: An attack upon one shall be considered as an attack upon all. The principle of collective security, the principle that was beginning to take shape at Buenos Aires in 1936, that

took a little more definite form at Lima in 1938, was now clear; an attack upon one was to be considered as an attack upon all the states who signed the resolution. Take off your hat to the American states—to Brazil, Colombia, Venezuela, Cuba, to all the American states. When they signed that resolution it looked very much as if Hitler could come over and take Brazil without great effort, and it took courage on the part of the Brazilians to say that an attack upon the United States would be an attack upon them, and they would so regard it. It took a great deal of courage at Havana to do what they did, courage that I am not sure is appreciated up here in the United States.

The war came and the United States was in it, and our friends in Latin America came forward. All honor to the Brazilians who offered us their co-operation and let us build bases one after another on the coast at the point where Brazil lies farthest to the east, at Natal and other adjacent areas. It was practically an American army of occupation that took over. I once said to a Brazilian, "You don't seem worried about the American army of occupation." The answer was, "If they are all like those who have already come, as many more as want to come can come." Brazil co-operated to the limit. Dividends were paid on the policy of the Good Neighbor. Dividends were paid on the policy of sharing the Monroe Doctrine by the procedure of consultation.

1944 came, and we were on the eve of victory. The State Department was planning the great scheme of world organization that was to follow the war. Here it is. You are sitting in its building. The State Department was planning, and my friend, Professor Eagleton, took a much larger part in the preparation of that plan than the formal record of it would indicate. There was Dumbarton Oaks. Progessor Eagleton, who was invited to Dumbarton Oaks? You took part in it and you went out there every day—just name the participants for me—the United States, the Soviet Union, the United Kingdom, and separately, at a later discussion, China. Where were our friends, Brazil, Venezuela, Chile, Uruguay? Why was it that the American states were not there? I do not want to embarrass Professor Eagleton. It was not his responsibility; it was the responsibility of officers in the State Department who had too little interest in the co-operation of the Latin-American states. They were not invited to plan for the great new international organization that was to replace the League of Nations. What an extraordinary attitude that the United States, which was not even a member of the League of Nations and did not lift a finger to help the League succeed, should undertake to plan the new international organization and not consult Latin America.

That, I think, was an unfortunate mistake, but the Latin-American states

took it well. Our Inter-American Juridical Committee formulated a variety of suggestions with respect to Dumbarton Oaks, one or two of which we feel now were very fundamental. Our condemnation of the veto system might well have had more publicity at that time, but I speak cautiously of that in your sacred precincts. We have no veto system in Latin America. Put that down on the record. We make it possible for a group of states to act, and no one of them can veto what the others want to do.

All right—San Francisco follows. Here is the new world organization. Professor Eagleton, please do not get the impression that I am being at all unsympathetic. But, after all, if you had worked for the inter-American regional group and tried to promote ideals of co-operation down there, and then you had come to San Francisco and had seen this great new organization threatening to absorb your regional group and put an end to all the activities of the past years, you might have been a little alarmed. The Latin-American states were a little alarmed, but through the efforts of a number of their delegates they insisted upon the elaboration of Articles 52, 53, and 54 of the Charter of the United Nations to protect regional groups within the larger United Nations.

Then there is Article 51. Professor Eagleton could tell you better than I the story of Article 51, which protects the right of individual and collective self-defense in the event that the Security Council of the United Nations cannot or does not meet a situation involving a threat to the peace. Hats off to Senator Vandenberg and others who collaborated with the Latin-American states in the drafting of that Article, which does strengthen our position as a regional group. The United Nations Charter, then, respects regional groups within its larger organization.

And then the time came for the American states to meet and draft the solemn treaty which they had planned at Mexico City a few months before the meeting of the United Nations at San Francisco. 1947, then, is our next date, September 2, the signature of the Inter-American Treaty of Reciprocal Assistance. That treaty—the Rio Treaty, they call it—constitutes the inter-American regional collective-security system. By that treaty of 1947—you would almost think, if you had been reading the *New York Times* this morning, that I was reading from the North Atlantic Treaty just approved by the Senate—by that treaty, the high contracting parties agree that an armed attack by any state against an American state shall be considered as an attack against all the American states, and consequently each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

Please note that this treaty is more comprehensive than the Declaration of Lima of 1938 or the resolution of Havana in 1940. This says an armed attack by any state—not by a non-American state—by any state. The inter-American regional system, therefore, is a step beyond the earlier conception of the Monroe Doctrine collectivized or continentalized. It is not only directed against an attack by a non-American state, whether from Europe or Asia; it is directed against the possibility of an attack by one American state upon another. That was inserted very reluctantly, a number of the delegates feeling that in view of the existing situation it was not very courteous to suggest that an American state could attack another.

Article 6 of the treaty deals with situations that do not quite come to the point of an armed attack or maybe fall considerably short of it. The language is a little vague. If the inviolability of the territory or the sovereignty or political independence of any American state should be affected by an aggression which is not an armed attack, or by an extracontinental or intracontinental conflict, or by any other fact or situation which might endanger the peace of America, in such a case the organ of consultation will meet to decide what is to be done about it.

That is our treaty, then, of inter-American collective security: resistance to an armed attack and an obligation by each state to act on its own account to the extent that it can act to resist that attack. And then, a less exacting obligation, that in the event of a threat to the peace we shall all consult to decide upon what measures to take. The obligation, therefore, is quite explicit if there is an armed attack. There is no explicit obligation if there is merely a threat to the peace. In the case of a threat to the peace we meet in common council; we decide in common council what decision to take and then act.

An interesting feature of this treaty is the article which provides for a 2/3 vote. The organ of consultation, which is the meeting of foreign ministers, shall take its decisions by a vote of 2/3 of the signatory states that have ratified the treaty. Up to the Rio Treaty the Latin-American states have never obligated a state to take specific action unless it agreed in the particular instance to do so. Here is an obligation that can be incurred by a 2/3 vote. But please note that the obligation is merely with respect to the decision regarding an act of aggression. Is there or is there not, under the circumstances presented, an act of aggression? The decision of 2/3 will decide if there is an act of aggression. All are bound to accept the decision and to take the measures agreed upon by the organ of consultation, with the sole exception that no state shall be obliged to use armed force without its consent. That was to protect the right of each state to declare war

in accordance with the provisions of its own constitution. By Article 20, decisions that require the application of the measures specified in Article 8 shall be binding upon all the parties, with the sole exception that no state shall be required to use armed force without its consent. I doubt if the United States Senate would have approved of the ratification of this treaty unless that clause had been put into it. I maintain, Professor Eagleton, that Article 20 is little more than a formality if the situation mentioned in Article 3 should arise. Congress has the right to declare war, but the whole history of the United States shows that a declaration of war may be practically forced upon Congress by certain situations created by the Executive Department. So, if an American state should be attacked, it is not to be thought that Congress, under an obligation to assist the state, would refuse to declare war in its behalf.

Who created the conditions for the War of 1812? Opponents of that war called it Mr. Madison's war. President Madison took a stand against the capture of our ships by Great Britain, and Congress declared war. Who set the stage for war with Mexico? The Executive Department did, and Congress supported the President. Who set the stage for war with Spain in 1898? Well, in that case, public opinion did. Who set the stage for war in 1917 with Germany? When Germany decided to continue the submarine warfare in spite of the President's protests, Congress had practically no choice but to declare war. And in 1941, when Japan attacked us at Pearl Harbor, who had set the stage? The negotiations had been carried on by the State Department with Japan, and if we had indicated to Japan, "you can do just what you please—walk all over us, gentlemen, we will not resist," why, of course, there would have been no war. But the United States still had backbone, and we were unwilling to allow Japan to do in China what she wanted to do, and war came. So that this Article 20, Professor Eagleton, does not really protect any practical right of Congress to declare war. We have to recognize that under modern conditions the Executive Department sets the stage and it is very difficult for Congress to hold back under the conditions presented. In Article 3 we agree that if there is an armed attack against an American state we will undertake to assist in meeting the attack. If an armed attack occurred against Brazil, for example, is it conceivable that the United States, with the navy, the air force, the army, at its disposal, would look on and say, "It is true I said I would assist you, but then I also said I would have to get Congress' consent." With any backbone, with any red blood in us, we would go ahead and assist, and Congress would vote a declaration of war without more ado.

We come now to the Bogotá Conference of 1948. The story is a long one, and I think in view of the fact that I have gone up to the limit of my time we had better leave what was done at Bogotá for discussion. It is all familiar to you. Nothing happened at Bogotá from the point of collective security, except to repeat the obligations of the Rio Treaty of the preceding year. The chapter on collective security of the new Charter of the American states merely refers back to treaties in force. The American states by the new Charter of Bogotá are now the same organization they were before with relatively minor changes, but we now have a formal constitution. Up to 1948 at Bogotá we were acting only on the basis of resolutions, custom, and tradition. Incidentally, this Charter of Bogotá is not yet legally in force, but a resolution was adopted at Bogotá that, pending the ratification of the Charter by the necessary number of states—two thirds—the Charter would actually be put into effect, and that is the situation today in Washington. The Council of the Organization of American States meets regularly at the Pan American Union in Washington. The old Governing Board of the Pan American Union has disappeared. The new Secretary General of the Organization sits in Washington, and the whole of the Pan American Union has been reorganized in accordance with the Charter. The Charter is therefore in practical effect.

Now, I would like to say a word, just before the discussion, about the close relationship between the Rio Treaty and the North Atlantic Treaty, approval of which was given yesterday in the Senate. The new North Atlantic Treaty draws very heavily upon the Rio Treaty. The language in many places is almost the same. Article 3 of the Rio Treaty is reproduced in Article 5 of the North Atlantic Treaty: The high contracting parties agree that an armed attack against one or more of them shall be considered an attack against them all, and each of them will assist the party so attacked by taking forthwith, individually, and in concert with the other party, such actions as it deems necessary. The words could almost be quoted.

We have great reason to be encouraged in our inter-American relations. We have gone forward in twenty years so far that I feel we can confidently look to a future of even closer co-operation. The suspicion and distrust of twenty years ago has largely disappeared. There are traces of it here and there; you cannot expect that people who over so many years felt a deep-seated resentment against certain policies of the United States should suddenly forget all that past, but there is a new spirit of confidence.

Six months ago Costa Rica and Nicaragua had a dispute with which you are all familiar. That dispute would have possibly resulted in war twenty

years ago. There was no war. Around the council table in Washington we discussed the situation. We appointed a committee to go to San José. We appointed a committee to go to Nicaragua to investigate the facts. That committee came back and reported, and later we sent a committee of military observers. A draft of a treaty was drawn up, and Costa Rica and Nicaragua signed that pact of amity in Washington, and only about five days ago it was formally ratified by the second of the two states, Nicaragua.

A small affair, yes, but highly important in its demonstration of the new machinery which was created in 1938 at Lima and of the new spirit of mutual confidence. I am confident that the sad war between Bolivia and Paraguay fifteen years ago, the so-called war in the Gran Chaco, which went on and on and on because there was no machinery to stop it, would not have taken place if we had had the machinery we have today, if we had had the spirit of collective action that has now been developed. There is every reason to take hope for the future. There is every reason to be proud, if I may say so, in the presence of many who may not be citizens of the United States, of the record of the United States. Mistakes we have made in the past, yes, in our relations with our Latin-American friends, but our record today is, I think, something to be proud of; something to give us every reason to forget the past and look to the years ahead.

Discussion

MR. VAN WAGENEN asked Mr. Fenwick whether he felt the spirit or the machinery of the inter-American system was more important, and whether one could be of avail without the other. MR. FENWICK replied that, as was implied in the question, both were essential. All the spirit of collaboration and good will would do no good if there was no machinery for consultation and action, and, similarly, consultation and action machinery would not help without some degree of good will. At present, both exist together. He felt that the continentalization of the Monroe Doctrine and the abandonment by the United States of the "right" to decide under what circumstances it was to be invoked had created the psychological situation that made possible this collaboration. The machinery was perfectly simple and could have been started twenty or thirty years ago; there was nothing elaborate in it, but it now exists, and there was a definite commitment to use it. The Council meets in Washington to decide if there is sufficient urgency to have a meeting of the Foreign Ministers. In the case of the Costa Rica-Nicaragua affair, he felt that while the Council had said that there should be such a meeting it had very wisely neglected to set a date for it because it felt that, if left alone, it could settle the matter itself before the Ministers would have to meet. Under the Treaty of Rio, the Council

acts as a Provisional Organ of Consultation and need not call the Foreign Ministers together. In reply to a further question, Mr. Fenwick said that he definitely did not believe that between friends one did not need a constitution, especially in a world where the friends were as widely scattered as are the Foreign Ministers. If they were all in one city, it might be a different story, he added.

MR. MASLAND asked Mr. Fenwick to comment further on the voting arrangements of the Rio Treaty. There had been, he said, some comment on the abandonment of the veto. One group felt that it would be a most unusual day when the United States could not swing a two-thirds vote in the meetings and that therefore the abandonment was not significant; others denied this, and felt that great progress had been made in an idealistic direction.

MR. FENWICK replied that he felt the two-thirds rule highly desirable, although it was true that we could probably count on a two-thirds majority if we were pursuing the proper course. He felt that it was a step forward to have a two-thirds vote determine whether an act of aggression was being committed, and thus do away with the feeling that a state can be either responsible or not, as it chooses. The two-thirds decision makes it necessary for the other third to accept the decision that a given state is responsible. What is to be done in the event of a finding of aggression is left to each state, but even this is not wholly a veto because of the principle that no one state can prevent the others from acting, even though it may stand aloof itself. In the Security Council, on the other hand, one state can prevent others from action, which is a prime difference between the voting in the Security Council and in the inter-American system.

The United States had insisted on the veto at San Francisco, added MR. MASLAND, because the delegates of the United States said that this country could not be committed against its own will to use its armed forces. He asked Mr. Fenwick whether it was not unlikely that under the Rio pact a situation would develop where two-thirds of the American states would ever call for action against an aggressor when the United States was opposed to such action.

MR. FENWICK replied that Article 20 would protect us in any case, since our consent was still needed for our forces to be used, and we could always say that Article 3 is to be interpreted in light of Article 20. Another point to remember is that, although the inter-American system stresses the equality of states, the Latin-American states have good judgment and would not vote to use force against an aggressor if the United States were opposed to such action. They know that the United States will have to take most of the action necessary, and as a practical matter would not vote for such action if the United States were opposed, although they do have the legal right to do so.

The North Atlantic Treaty

The Honorable John C. Ross
Deputy to the United States Representative to the United Nations

THE SUBJECT assigned to me for today's session, "The North Atlantic Treaty," is hot off the Senate griddle. The heat of debate has warmed the platter, to say the least, but I believe we can handle it without too much fumbling. I certainly think we can agree at the outset that the Senate by its vote of 82 to 13 has taken a historic decision. It is a decision that demonstrates our political maturity in international affairs. It is a demonstration of our willingness to assume the responsibilities that inevitably accompany constructive leadership.

I am very well aware—Clyde Eagleton has not let me forget it—that I am addressing my remarks today to a group of people whose interest in the United Nations and world affairs in general has already led to thorough consideration of the Treaty and its place in United States policy. And I am sure that you have given a great deal of thought to its impact on the policies of other countries.

As a matter of fact, one of the most significant aspects of the Treaty is that throughout the world both before and after signature it has been subject to the most intense public scrutiny and debate. We are entering into it with our eyes wide open. This is the way of democracy, at least as we understand the term. The peoples whose destinies are so closely wrapped up in the Treaty have participated fully in its formulation; it is not the product of secret deals by a small group of willful, cynical, unscrupulous men.

A political decision of this magnitude which did not rise out of a genuine ground swell would disappear into the mist. And if it did not lead us toward firmer ground, it would be aimless waste. Thus, the Senate's action provides us with a convenient opportunity to view the Treaty in perspective and then to turn our eyes toward less easily discernible horizons.

To assess the Treaty in perspective is not altogether easy. The political scientist and the government official share with the doctor, the lawyer, the

businessman, the farmer, the engineer, the working man, and the housewife all the difficulties inherent in seeking integration in an age of specialization. Each specialist is constantly challenged by the need to comprehend and react intelligently and effectively to the ramifications and interrelationships of new developments which, in themselves, are exceedingly complex and broad in scope.

I have heard these interrelationships referred to by the former Chief of Staff and Secretary of State, General Marshall, as the "complex *pattern* of foreign relations." It is characteristic of his precision to suggest so much so succinctly.

It is quite possible, although certainly not easy, to know a great deal about the United Nations, *or* the North Atlantic Treaty, *or* the Military Assistance Program, *or* the European Recovery Program, *or,* to cite still another example, the Point Four Program for Technical Assistance in Underdeveloped Areas. It is far more difficult to comprehend how all these matters affect each other, how they are tied in with one another, and how these relationships constitute a consistent, though complex, pattern of foreign policy.

We all try to follow and become well informed on each of these various matters as it comes along. But this by itself is such a formidable task that we rarely have the opportunity, or take the time, to sit back and try to see how the various parts fit into the whole pattern. We may be too close to the scene to be able to render valid judgment, but we can at least begin our effort by looking at some of the developments of the last few years that seem to have broad historical significance and that have had a dominant influence on the development of our policies.

The principles of the Atlantic Charter, proclaimed from a battleship riding at anchor off Newfoundland, were an inspiration to the peoples carrying on the struggle against the totalitarian aggression of Hitler, Mussolini, and Hirohito. The twenty-six countries joining in the subsequent Declaration by the United Nations subscribed to a common program of purposes and principles embodied in that document. These two events marked the beginning of the succession of international conferences that led to the founding of the United Nations.

The Charter of the United Nations was a detailed definition of the Atlantic Charter's generalities. And it established an organization to breathe life into details and generalities alike. Such swift action led us to expect sincere postwar co-operation by all the signatories in the march toward lasting peace and economic prosperity.

Unfortunately, that expectation was ill founded. It became apparent quite early that one of the great powers, the Soviet Union, was not wholly pre-

pared to implement the principles and purposes of the United Nations Charter.

We may recall how, even during the San Francisco Conference, we were discovering how difficult it was to secure implementation of the pledge made at Yalta to allow free elections in Poland. This was just the beginning of a disheartening procession of acts demonstrating that the Soviet Union had no intention of allowing such fundamental human rights as freedom of speech, freedom of the press, freedom of assembly, and so on to impede the installation of governments completely subservient to the will of the Soviet Union in countries under its military domination.

For some time it was not apparent how complete this subservience must be. The relatively mute compliance with Soviet instructions by the Governments of Rumania, Bulgaria, Hungary, and Poland and the ruthlessly efficient liquidation of opposition in those countries had the effect of lessening the impact of this political upheaval on world opinion. The more recent coup in Czechoslovakia shook much of the world into a new awareness, reminding us of the events of 1938. The full revelation of what Moscow demands of its satellites was withheld, however, until the development of the Cominform-Tito controversy.

The desire to impose new codes of ethics, morals, and allegiances upon other peoples, regardless of their wishes, was not limited to the areas dominated by the Soviet Army. At various points we faced the prospect of further expansion into other nations by techniques of indirect aggression through channels of economic chaos and the scourge of fear. In the wake of a horribly destructive war the tide of revolutionary opportunity was in full flow. The pledges contained in the Charter were millstones around the necks of those who wished to ride the crest of this tide.

Progress toward economic reconstruction, conclusion of the peace treaties, and more effective machinery for the peaceful settlement of disputes was obstructed. Positive action was called for to turn the tide in defense of the principles for which the war was fought—principles which were set forth in clear terms in the United Nations Charter. Action in support of the Charter was required notwithstanding the fact that it was not always possible or advisable, in taking action, to employ all the mechanisms created by the Charter.

We were faced with the urgent necessity of supporting the efforts and ability of independent peoples to decide their own destiny. This was the case with Iran, threatened by external aggression in violation of the Charter. This was the case in Greece where Communist rebels supported by Soviet satellite states were attempting forcibly to seize control of the country from

a government freely elected under on-the-spot international observation. This was the case with Turkey under pressure by an overwhelmingly powerful neighbor.

In the case of Iran, United Nations machinery was used and, despite the Soviet veto, proved effective. In the Greek case, despite many roadblocks, United Nations machinery is likewise proving its effectiveness. In the Turkish case, resort to United Nations machinery has not been necessary.

The Greek and Turkish cases are an interesting and important example of consistency in the developing pattern of our foreign relations. On the one hand, the United States has fully supported and now participates in the machinery established by the United Nations for resolving the differences between Greece and her neighbors. On the other hand, the United States has responded as generously as our circumstances have permitted to requests by the Greek and Turkish Governments for military and economic aid.

If we have any faith at all in the existence of an orderly, civilized world we can hardly have been expected to respond less generously to the urgent appeals of our fellow Members of the United Nations. And it is quite apparent, to be realistic about it, that if the United States had *not* responded as it did we would have marked at that time the beginning of the end for the United Nations. The United Nations could not long endure if its Members were to fall, one by one, by the wayside.

I think it has been clear from the beginning, and I am confident that history will bear me out, that our Greek and Turkish military- and economic-aid programs are wholly consistent with the purposes and principles of the United Nations Charter. I look upon these programs as action parallel and complementary to the efforts we consistently have been making, on a wide front, to develop the United Nations into the kind of organization its founders intended it to be.

Our purpose of supporting the United Nations is implicit in the parallel action which we have taken, both inside and outside the United Nations, in the Greek and Turkish cases. But, as though to remove even the slightest shadow or suspicion of doubt in the matter, Congress insisted on making the implicit purpose unmistakably explicit. The so-called Vandenberg amendments to the Greek-Turkish aid legislation underscored the point that the intent and purpose of a particular action is more important than the precise machinery used. It was furthermore dramatically apparent that the American people, through their elected representatives, were determined that our international conduct should conform to and recognize the prior

authority of, the purposes and principles of, the United Nations Charter. These points were not, of course, forgotten in the months that followed the enactment of the Greek-Turkish Aid Program.

In the midst of what has been labeled the Soviet "peace offensive," it is easy to forget the deep concern with which we recently watched election campaigns in France and Italy. The time is not long past when it looked as if Communist-type totalitarian governments would gain control in such important western European countries as these.

The power of the Communist parties at the ballot box stemmed from a variety of causes. In part, it reflected an appreciation of the military achievements of the Soviet Union in the struggle against Hitlerism and of the vigorous conduct of underground warfare by Communist-led groups in the occupied area. In part, too, it evidenced an understandable reaction to sweeping promises of a better life on the part of war-weary people whose economic and social ills were immeasurably aggravated by the dislocation, disintegration, and destruction of the war. Personal hardships and hunger blacked out any sympathetic understanding of the enormous difficulties besetting national governments. And, in great measure, it arose from a pervading fear that the menace from the East would expand into complete domination of all Europe and that the path to individual self-preservation lay in advance indication of sympathy toward Communism.

It was apparent in this situation that the western European members of the United Nations, as in the case of Greece and Turkey, were in grave danger of losing their independence and freedom. Could it be imagined that the United Nations would be able to survive the consequences? Could it be imagined that this organization would continue to be an effective instrument for the maintenance of international peace and security, for the solution of international problems of an economic or related character, for the promotion of human rights and fundamental freedoms, if the sovereign equality of so many of its Members was destroyed?

Clearly not, in my view. The domination of western Europe by predatory Communism would, in turn, have destroyed the United Nations.

If the United Nations was to be preserved, it was essential that effective means be devised to relieve the peoples of Europe of the terrible burden of economic need that bred the chaos upon which Communism feeds, to help them to help themselves, to give them a chance freely to work out their destinies in their own way.

In a speech at Cleveland, Mississippi, on May 8, 1947, Dean Acheson, then Under Secretary of State, pointed out "that until the various countries of the world get on their feet and become self-supporting there can be no

political or economic stability in the world and no lasting peace or prosperity for any of us." Recognizing the need for further United States aid, but at the same time recognizing the limitations of our own resources, the Secretary pledged that our emergency assistance would be concentrated in areas where it would be "most effective in building world political and economic stability, in promoting human freedom and democratic institutions, in fostering liberal trading policies, and in strengthening the authority of the United Nations."

Shortly thereafter the Marshall Plan and the Organization for European Economic Cooperation were devised to meet the need referred to by Secretary Acheson. The President and General Marshall, as well as the European governments which had taken the initiative in organizing the O.E.E.C., all made it clear that this far-seeing plan was not exclusive; that is, it was not limited to the countries of western Europe.

But the Communist parties, by their response, quickly revealed their vested interest in continued chaos and gave us new cause for continued grave concern. Not only were the satellites forbidden to join in the recovery program, but an open declaration of war against it was issued by the Cominform.

In the face of this response the European Recovery Program and its implementation were thoroughly debated. Once again, our people and their representatives in Congress asked themselves whether or not this program supported the aims of the United Nations, whether it did or did not help to create conditions in which the United Nations could operate more effectively. Again, the answer was "Yes."

The wisdom of that decision has become persuasively apparent. Our interest in E.C.A. production graphs tends to divert our attention from the United Nations political barometer. But it has registered some highly significant changes in the international climate. At the General Assembly in Paris, the most vigorous declarations against Soviet totalitarianism came from European spokesmen.

The Prime Minister of Belgium, Paul Henri Spaak, in a reply to a speech by Mr. Vishinsky, said: "I must answer you. I think I am the one to do it, because no one could consider that Belgium is trying to be provocative against the Soviet Union. We are afraid," he said, "because by your conduct you have rendered this organization ineffective. We are afraid because the problems before this Assembly have remained unsolved; because even when a solution is proposed by a majority of the United Nations you have refused to adhere to this solution. We are afraid because we have placed all our hopes and confidence in the defensive organization of the United Na-

tions; and through the policy you have pursued, you are forbidding us to seek our security and our salvation within the framework of this organization, but making us seek it within the framework of a regional arrangement. We are afraid of you because, in every country represented here, you are maintaining a fifth column, beside which the Hitlerite fifth column is nothing but a boy scout organization, if I might say so. There is not a single spot in the world," said Mr. Spaak, "whether in Asia, whether in Europe, or whether in Africa, where a government represented here fails to find difficulties, and these difficulties are being still further aggravated by you . . . ."

Such frankness would not perhaps have been politically possible a year earlier, before the European Recovery Program had begun its operations. The growing confidence among the peoples of western Europe that economic recovery was possible gave their spokesmen courage and vigor which infused the United Nations with new vitality. It was a positive demonstration of the intimate relationship between economic recovery and political progress.

But evidence was accumulating that action on the economic front was not enough if peaceful progress toward economic and political stability and freedom was to be safeguarded. Strikes with purely political objectives were accompanied by threats of violent seizure of power. The record made it impossible to ignore either the fear-inciting tactics or the threats.

One had only to look at Czechoslovakia. With Soviet Army units on three sides, Moscow-trained Czech Communist leaders seized the government with the support of an armed and disciplined minority loyal to them. Czechoslovakia was no former enemy state. Its government was not hostile to the Soviet Union. In fact, it was as co-operative and as friendly as any government short of a wholly Communist regime could be. That was the point—and the lesson was clear. Where the Soviet Army was dominant, and the possibility of outside assistance from other sources relatively remote, the installation of a regime completely subject to Moscow's control must be accomplished by force if elections failed.

The wave of alarm that swept over the free peoples of Europe threatened to submerge the hope and confidence in the future that had been rising with the help of the E.R.P. The countries of western Europe watched these developments with an apprehension sharpened by a fresh recollection of the success of the Nazi's "divide and conquer policy." They therefore sought protection through collective self-defense.

On March 17, 1948, five western European states joined together in the Brussels Pact to manifest plainly to any potential aggressor that plans to

digest them would have to anticipate not five little nips with the front teeth but a full-mouthed bite that might cause some pain. In a sense, this joining of forces amounted to whistling in the dark, because at that time the total military strength of these five countries would not have supported resistance to a major attack for more than a few days. This fact, however, did not prevent the immediate outbreak of a chorus of protest from Communist sources which described the Brussels agreement as "aggressive" and "provocative." The use of the same words by the same sources in connection with the North Atlantic Treaty has the same hollow ring of insincerity and untruth.

The debate in our Senate—and indeed the debates in all the other parliaments that have considered the North Atlantic Treaty—have made clear that the whole conception and character of the Treaty is defensive. It is a shield and not a sword, as Ambassador Austin expressed it. Far from being provocative, the Treaty is one of the major causes for the current relaxation in international tension. The Soviet Union did not feel it necessary to launch a "peace offensive" even in a propaganda sense until faced with this evidence of collective action.

Soviet outcries against the Brussels agreement were the negative side of its important political repercussions. On the positive side, the lift to the morale of fear-gripped western Europe was of special significance. But it was clear that this healthy reaction could not be sustained unless the hope for security through collective action was given more substance. The five Brussels powers, in the process of reaching their agreement and in analyzing its potentialities and needs, reached the conclusion that a collective defense arrangement among all the states of the North Atlantic community was the logical and the necessary next step. Uppermost in their minds was the need for assurance that the power of the United States could be counted upon to come to their assistance in the event of attack. One of the major motivations behind this desire was the feeling that such an assurance, if sufficiently definite and positive, would make the risk of attack so great that it would not be attempted.

These objectives were encompassed in the draft of the Treaty which emerged from lengthy negotiations. It binds together twelve countries with common traditions in the struggle for human freedom. All these countries are faced with the threat that they may not be able to develop their freedoms within their own borders and in voluntary association with others. This threat arises from the close proximity of huge military forces, dedicated to the support of a totalitarian ideology that would cut off the struggle for freedom and that rejects belief in the dignity of man.

The North Atlantic Treaty is a bold answer to this mortal challenge, but I do not believe that it represents a great departure from American tradition. Instead, I regard it as an extension of principles firmly grounded in our history. As colonies, we recognized the necessity of combining our forces for defense.

Then, in the early nineteenth century, when it was feared that our own security would be jeopardized by European attempts to decide matters in the New World arbitrarily by force, we enunciated the Monroe Doctrine. We did not hesitate to indicate where our interest lay and to assert that our physical resources would be utilized in their protection. The Rio Treaty, about which I believe you heard earlier this afternoon, transformed the principle of the Monroe Doctrine from a unilateral to a multilateral declaration and provided for its implementation through the assumption of collective responsibility.

At this point, I would like to cite to you the simple but sharp expression on this point that was contained in the letter written this week to the two Senators from New York, the Honorable Irving Ives and the Honorable John Foster Dulles, by one of the great statesmen of our time, Secretary Stimson.

"The Monroe Doctrine," he wrote, "was a doctrine for the Americas. But, with the growth of modern scientific and industrial capacity, we have learned that the defense of freedom here cannot be limited merely to the shores of the Americas. In two great wars we have been forced to recognize that the freedom and security of America are dependent upon the maintenance of freedom and security in Western Europe and the whole of the North Atlantic area.

"It is our recognition of this broader responsibility which has led us since 1945 to adopt a firm policy of cooperation with Western Europe. This policy has taken its economic form in the Marshall Plan. Its political and military form, foreshadowed by the notable resolution which fittingly bears the name of Senator Vandenberg, is now embodied in the North Atlantic Treaty."

The Senate's action yesterday gives point to the various measures I have referred to, including the Treaty, which taken all together are the surest means of restoring economic and political stability to the North Atlantic community and, to a very large degree, ensuring the community against the risks of aggression. But these measures by themselves and, in particular, the Treaty by itself do not yet, in my opinion, constitute adequate insurance. Another element, based on the principle of self-help and mutual aid that underlies the Treaty, is needed. I refer, of course, to the Military

Assistance Program which, according to the morning press, is soon to be placed before Congress.

During the debate in the Senate on the Treaty this subject has already been considered to some extent and ham-stringing amendments were defeated. The subject of military aid has likewise been very widely discussed over the past months in the public press and by a large number and variety of organizations interested in our foreign relations. I am glad to note that public support has been growing for the principle that a deterrent is not a deterrent unless its implementing power is plain. We can and should debate how much assistance is required to constitute an effective deterrent, but the principle involved should be established clearly. Nations fearfully aware of their own weakness will hardly be strengthened by rejection of the first effort to implement the pledge of self-help and mutual aid.

In a press statement dated April 8 the Secretary of State commented on communications which had been exchanged with the Brussels Treaty Powers and with Norway, Denmark, and Italy concerning the provision by the United States of military assistance to those countries. Mr. Acheson indicated that the requests received from those governments were not a product of the Pact and that "even without the existence of the North Atlantic Pact, the need for assistance and the recommended response of this Government would be the same."

In his testimony on the Treaty before the Senate Foreign Relations Committee on April 27, the Secretary again referred to the Military Assistance Program. He said, among other things, that Article 3 of the Treaty "does not bind the United States to the proposed military assistance program" but that "it does bind the United States to the principle of self-help and mutual aid." Indicating that "within this principle each party to the pact must exercise its own honest judgment as to what it can and should do," Mr. Acheson went on to say that in the judgment of the Executive Branch "the United States can and should provide military assistance to assist the other countries in the pact to maintain their collective security."

Following his return from the meeting of the Council of Foreign Ministers at Paris, the Secretary re-emphasized to the Senate Foreign Relations and House Foreign Affairs Committees the utmost importance attached to passage of the Military Assistance Program at this session of Congress.

Public discussion of the Military Assistance Program over the past few months has brought out rather clearly, I believe, that the American people support the views expressed by the Secretary of State. Since this question will be widely discussed in the immediate future it may be well to examine briefly a few of the arguments that have been advanced *against* the program.

One argument which is likely to be advanced by prophets of gloom and despair is that the Military Assistance Program will cost us too much, that we cannot afford it. Now if a man has a certain limited amount of money and is faced with the necessity of using that money either to buy a new motor car or to provide urgently needed medical care for a member of his family, he will let the motor car go for a while until the member of his family is restored to health. The proposed cost of the military-aid program for the first year, something over a billion dollars, will be a drain on our economy, but it is a necessary and urgent expense, and if we have to sacrifice a small, a very small, part of our relatively high standard of living to meet this expense we should do so quite ungrudgingly. We will be buying with that sacrifice premium insurance against the risk of another war. Armed aggression in Europe would exact infinitely greater toll in lives and money from all the peoples of the North Atlantic community.

It has also been argued that the military-aid program will impair the efforts for economic recovery in Europe. The Secretary of State has recognized that economic recovery must be given first priority. But all the parties to the North Atlantic Treaty are already required under existing circumstances and as an elemental act in application of the principle of self-preservation to divert a substantial proportion of their national incomes to rearmament. They would all like the smallest possible diversion for armaments of their human and economic resources. But since money must be spent, how much more sensible it is that it be spent in an orderly, co-operative, systematic way. And is it not reasonable to suppose that in the end less money will be spent than would be the case if the parties were all to go their separate ways?

There are perhaps some who feel that the provision of military aid will promote an arms race and be provocative to the Soviet Union, thereby increasing tension in the world. Those who feel that way, I think, have swallowed the Soviet propaganda bait, hook, line, and sinker. The men in the Kremlin know perfectly well that there is nothing in the slightest degree provocative in the contemplated aid program, that it is not anywhere near the magnitude that would be required if its sponsors, as the Soviets falsely charge, harbored aggressive designs against the Soviet Union.

On the other hand, they also know perfectly well that the aid program will, as it develops, provide tangible sinews that will greatly facilitate, should the need arise, effective implementation of the collective defense Treaty. For this reason adequate provision of military assistance on the basis of self-help and mutual aid will reduce, not increase, tension.

In his April 8 statement Mr. Acheson said: "The Military Assistance

Program, like the Atlantic Pact, is part of a policy which is entirely defensive in its scope. It could not be otherwise. Aggression is contrary to the basic traditions, instincts, and fundamental policies of the nations involved. There can be no doubt that the Atlantic Pact countries have much to lose and nothing to gain from war. By the very fact of our democratic systems of Government, we can never conspire to undertake aggressive action. The public discussions in this country and abroad which will take place concerning the North Atlantic Pact and the proposed Military Assistance Program are clear guarantees that we are not preparing for an aggressive war."

What is the relation of the Treaty and the Military Assistance Program to the United Nations? I think the relationship is intimate and fundamental. There is a close relationship between progress toward effective defense and progress toward recovery. There is a close relationship between economic recovery and political stability. All three of these—defense, recovery, and stability—help to remove the threat of war. Elimination of or the reduction of fear of war will make it possible for the young United Nations to grow in strength and effectiveness.

At the opening of your session Mr. A. H. Feller, the General Counsel of the United Nations, told you that while the Security Council cannot coerce a great power into a settlement, when "the possibility of agreement exists, the United Nations machinery can focus the attention of the world and provide the way to work out the settlement." In my mind, one of the major benefits of the North Atlantic Treaty will be to hasten the day "when the possibility of agreement exists."

We would have preferred, of course, that the possibility of agreement had existed from the outset. If that had been the case we should be well on the road toward the conclusion of peace treaties, toward the establishment of United Nations Peace Forces in accordance with Article 43 of the Charter, and toward the establishment of a United Nations agency owning, controlling, and managing the world's atomic-energy resources. As the Soviet Union comes to realize that it cannot successfully continue to pursue an aggressive course, we may at least hope that it will appreciate that its own security and welfare depend upon its loyal and co-operative participation in United Nations efforts for peace.

Meanwhile, we have had to take a somewhat different road than we anticipated four years ago at San Francisco, but our destination remains the same. Our destination continues to be a universal system of collective security—a united, peaceful, and productive world community under the aegis of the United Nations.

If I thought the North Atlantic Treaty and the Military Assistance Program represented new objectives, replacing our belief in the support of the United Nations, I should be against them. It is because I believe they are well-conceived efforts to blaze a new trail around the unexpected barriers encountered by the United Nations that I am for them.

The text of the Treaty makes clear that its intent is to support the United Nations. The Treaty not only reiterates United Nations principles, but its individual provisions are phrased with language taken directly from the Charter. This is not only significant in itself, but it gives evidence that the signatories in strengthening the defense of a particular area are also aware of their general obligations to the United Nations.

The spirit manifested in the similarities of language is precisely and directly reflected in the commitments themselves. Each signatory reiterates its determination to abide by the principles and to pursue the objectives of the United Nations. Collectively, these states, through the medium of the Treaty, manifest their determination that armed force must not be brandished or employed to frustrate the attainment of United Nations objectives. Each participant specifically pledges to seek the settlement of disputes in accordance with the principles expressed in the Charter and to refrain from the "threat or use of force in any manner inconsistent with the purposes of the United Nations." The Treaty flatly asserts that it "does not affect and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security."

The intent of the Treaty to support the United Nations has been emphasized by all responsible officials, from the President and Secretary of State on down, and was consciously and specifically underscored by the Senate Foreign Relations Committee in recommending its ratification to the Senate. The Committee emphasized that the United Nations remained the cornerstone of our foreign policy. It asserted that consultation on measures to be taken to meet threatened attack, as provided in Article 4, "should not be sought unless the United Nations, for some reason, is prevented from dealing with the situation." And the Committee expressly stated that there should be "no duplication of United Nations machinery."

The Treaty and its interpretation by the Senate Foreign Relations Committee clearly mark the direction in which the Treaty is headed. But, in the last analysis, its course will be guided by the attitudes of our people toward it, toward the United Nations, and toward the multiplicity of actions that will be required along the way.

Here, again, we are faced with the fact of the interrelationship of individual acts and policies. President Truman placed the main streams of our foreign policy in bold relief in his inaugural address, and, in so doing, also underlined their interrelated character. They are: first, to support and strengthen the United Nations; second, to continue our programs for world economic recovery; third, to strengthen free nations against the dangers of aggression; and, fourth, to undertake a program to improve the living conditions of the people of underdeveloped areas through the use of modern technology.

Today I have touched upon the second and dealt at length upon the third. Progress upon the fourth will be stimulated greatly by progress on the second and third. And all three will contribute to the first—the strengthening of the United Nations.

In this complex world, peace and security will be the product of many individual acts: of UNESCO attacks on ignorance, of F.A.O. attacks on hunger, of W.H.O. attacks on disease, and of effective collective action to reduce the fear and possibility of war in the region that has been the scene of two devastating world conflicts. The establishment of priorities is difficult and must remain under constant review. But at this particular moment of history I regard the North Atlantic Pact and the Military Assistance Program as the most necessary and the most effective steps we can take toward the ultimate creation of One World.

Discussion

MR. PAPANEK asked how the North Atlantic Pact would affect the machinery of the five members of the alliance who were also signatories of the Brussels Pact. MR. ROSS said that he personally had not given the matter much thought, but that there might be some overlapping. He felt that the Brussels machinery would continue in operation, but that the two apparatuses may be integrated in the immediate future. He added that this was just his own guess.

MR. MASLAND stated that many who accepted Mr. Ross's interpretation of Soviet behavior may still point critically to policies of the United States which, while professing to support the United Nations, had initiated actions outside it. He mentioned as examples the Truman Doctrine announcement and the Marshall Plan, which did not use existing economic machinery on the continent. Although it was true that the Soviet Union was derelict in its responsibilities, this did not seem to these people to be an excuse for the United States to ignore the United Nations.

MR. ROSS frankly admitted that the United States had acted outside the United Nations, but he added that in his opinion these actions had not been

inconsistent with the United States obligations under the Charter. Many who felt that the United States had not lived up to its obligations under the Charter because of actions taken outside it oversimplified the case. They assumed that the creation of the United Nations provided the morally perfect instrument, the human institution, and a form of world government through, by, and under which we might conduct all our foreign relations. This, he said, was a misconception. We do business in the United States, for instance, under the Federal Constitution, but we also do a great deal of business under state constitutions and municipal charters, and we make special arrangements among states for interstate affairs. The particular mechanism, he said, was not as important as the intent and objective of the action. As Secretary of State Acheson had said on April 8, our intent has been made perfectly clear: to further the principles, purposes, and objectives of the United Nations Charter. Some may say that a declaration of intent was not sufficient, but Mr. Ross felt that groups like the Institute, which met throughout the year, exercised an influence on foreign policy and helped guarantee that the United States would live up to its objectives.

MR. CHAMBERLIN stated that he had been teaching his classes that one cannot separate substance from procedure in politics. He averred that Mr. Ross had unwittingly destroyed his thesis by his statement above. He agreed with Mr. Masland that the United States could have achieved what it wanted through the United Nations, strengthened it, and received United Nations support for everything it wanted to do.

MR. ROSS stated that the United States felt that it did have the support of the majority of the United Nations for what it was trying to do, and he disavowed any intention of disproving Mr. Chamberlin's thesis. It was indeed difficult to divorce substance and procedure, but in urgent cases, which he felt the Truman Doctrine, the Marshall Plan, and the North Atlantic Pact were, the United States had to choose the quickest and most efficient instrument available. As much as he supported the United Nations, he did not feel that it was always the best instrument to use, and he felt it had a long way to go before it could be so used. One difficulty in the United Nations was the obstructionism of the U.S.S.R. and its supporters. The United States was not precluded from taking bi- and multi-lateral actions if the results were to be achieved more quickly, more efficiently, and without impairing the United Nations. In such cases, in fact, it was common sense to use alternative methods.

MR. CHAMBERLIN pointed out that Mr. Truman had announced the Truman Doctrine only two weeks before the opening of a Special Assembly, which he felt disproved the argument that the need for quick action called for moves outside the United Nations. He felt that, just as a tactic, the United States could have done exactly what it did through the General Assembly and received seven-eighth's support formally from the United Nations, which would have strengthened our position and that of the United Nations as well.

MR. ROSS stated that the Special Assembly had been called for the Palestine problem only; that he disagreed that the United Nations could have acted as fast as did the United States alone; and that one must recognize the fact that Congress, thinking of the UNRRA experience, was not interested in seeing us involved in an international activity over which we would not have full control. MR. CHAMBERLIN noted that the last reason was the one he wished to hear stated.

MR. VAN WAGENEN asked whether Mr. Spaak was referring in his speech to the North Atlantic Pact. MR. ROSS said it was not a prepared speech; the context was fuzzy; and he may only have been referring to the Brussels Pact. Mr. Spaak had used the words "regional arrangement," and the whole matter was quite puzzling.

MR. VAN WAGENEN then asked whether any steps had been taken to keep the Security Council informed of actions taken under the North Atlantic Pact, in accordance with Article 54 of the Charter. MR. ROSS replied that the Treaty was not yet in existence and that there had been no consultations as yet. He did not know what was contemplated after both these events had occurred. The question always arose, of course, about whether the Pact was a regional treaty within the meaning of the Charter. He offered only a *personal view* of this matter, namely, that discussion of this question was beside the point. The essential matter is that the treaty is a collective self-defense arrangement under Article 51. Leaving aside the "legal niceties" the Pact was a regional arrangement but in a different sense from that intended in the Charter, even as was the Brussels arrangement.

MR. VAN WAGENEN then noted that the U.S.S.R. stated that the Pact violated the Charter, but Mr. Ross pointed out that even they had never maintained that it was not a defense arrangement under Article 51. They did say it was not a regional pact, but the State Department had never said specifically that it was one. MR. EAGLETON pointed out that it was a question, moreover, of who was to say whether or not it was a regional agreement: Could the Security Council say it was? Or could the Pact powers deny that they were linked in a regional arrangement?

A member of the audience asked whether the Pact might not lead the U.S.S.R. to attack an area not included in it—e.g., the Middle East or Southeast Asia—and, secondly, what the effect of the Pact would be on European union. MR. ROSS said that the answer to the first question was that, as regards areas outside the Pact, the United States had by no means abandoned the machinery of the United Nations. As for the Middle East, the United Nations had done a good job there. As for Southeast Asia, he would not venture any statement, except that the United States would have to deal with each problem as it arose. As for European union, he felt that the Pact was really an extension of the Council of Europe, in so far as the Council dealt with economic and social

matters and not political ones of an international character. He felt that the Pact would help the cause of union.

MR. SWIFT asked the last question of Mr. Ross, whether there were sufficient military or political reasons for restricting the signatories of the Atlantic Pact to those few who were selected, rather than opening it for accession by all Members of the United Nations who wished to undertake the obligations. MR. ROSS replied that the value of any arrangement lay in the anticipation of the loyalty and co-operative spirit which the participants would put into carrying it out. The group of twelve signatories, he felt, would work loyally and efficiently together. If the Pact were open to any who might come in he felt that we might find the co-operation and loyal basis would not last long, and the purpose and value of the Pact would be diffused, if not destroyed.

A member of the audience then asked Mr. Fenwick whether he did not feel that the constitutional power of Congress to declare war was not a bar to a pledge to use United States armed forces against aggression even in case the United States representative voted with the Latin-American countries to use force. MR. FENWICK replied that there appeared to be a paradox between Articles 3 and 20 of the Treaty but that he felt it would be without practical effect. Under Article 3 the United States had pledged to assist in certain circumstances, but Article 20 stated that each country might determine whether or not it would use force. Since we are pledged to assist, however, Mr. Fenwick maintained, we will assist, and with military force if it is required. As a practical matter, if conditions outlined in the treaty should arise, if military assistance were to be required, and if that aid which the President could supply without a declaration of war was not adequate, then Congress would deliver the declaration. The legal paradox of the inconsistencies would not deter us, he felt. The President as Commander-in-Chief of the armed forces can dispose of the Army and Navy, and can create conditions which might lead a foreign government to declare war on us and thus practically bring on war. If such acts occurred, Mr. Fenwick felt sure Congress would respond.

A member of the audience attacked Mr. Fenwick's "rosy picture" of mutual Latin-American friendship and of friendship toward the United States. He cited Ecuador's having been "swallowed" by Peru regardless of the efforts of the Pan American Union; Argentina's refusal to come to the aid of the United States in 1941 and 1942 despite cheering for Roosevelt in 1936; Brazil's not entering the war until her ships were sunk, regardless of her friendship for the United States, and similar behavior on the part of Colombia.

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