

**PERSPECTIVE:
SECTION TRIBUTE TO THE UNITED NATIONS**

WORKING GROUP ON IMPROVING THE
EFFECTIVENESS OF THE UNITED NATIONS

**Report on Improving the Effectiveness
of the United Nations in Advancing the
Rule of Law in the World**

Introduction

For the past fifty years the American Bar Association has played an active role in supporting the United Nations in its role of promoting international peace and security. In 1943, before the Dumbarton Oaks and San Francisco conferences, Reginald Heber Smith, one of the great leaders of the American Bar Association, arranged a series of conferences of leading lawyers and international law professors throughout the United States and, with the cooperation of the Canadian Bar Association, in Canada. Judge Manley Hudson, assisted by Louis Sohn, conducted these conferences. They resulted in a volume published jointly by the ABA and CBA in 1944, entitled "International Law of the Future," which contained a variety of proposals. Some of the proposals became provisions in the Charter of the United Nations.

Following this tradition, the Section of International Law and Practice prepared this report as a contribution to the fiftieth anniversary of the United Nations in 1995. Five separate working groups were formed to deal with five important issues of international law. (For the membership of these groups, see Appendix A.) These issues are crucial to the maintenance of international

peace, security and justice, and to the fulfillment of Goal VIII of the American Bar Association—to advance the rule of law in the world.

These issues are:

- settlement of international disputes, with emphasis on the preparation by the United States of a draft declaration accepting the jurisdiction of the International Court of Justice;
- establishment of an International Criminal Court for the punishment of individuals responsible for gross violations of international law;
- international protection of human rights, with emphasis on the strengthening of the Office of the United Nations High Commissioner for Human Rights;
- arms control and disarmament, with emphasis on the nonproliferation of nuclear weapons and the banning of all nuclear test explosions;
- peacekeeping, with emphasis on the establishment of a standby military force composed of units from national military forces to be available on call by the Security Council under conditions carefully defined in agreements to be concluded pursuant to article 43 of the United Nations Charter.

The recommendations set forth herein were approved by the House of Delegates at the American Bar Association 1994 Annual Meeting, and accordingly, represent the policy of the American Bar Association.

While certain of the issues discussed in this report have been previously considered by the American Bar Association, it is important at this crucial moment—when the United Nations is starting to plan for the next few decades—to reemphasize a few important issues and to present the United States government with suggestions how they might be solved.

At the same time, it proved necessary to deal only incidentally with some other issues on which the American Bar Association has already adopted basic resolutions. In particular, the issue of U.S. contributions to the expenses of the United Nations has been the subject of several resolutions of the House of Delegates, which, for instance, in August 1992, strongly urged that “the executive and legislative branches of the United States government pay immediately and in full the United States’ debt to the United Nations for its regular and peacekeeping expenses.” Some of the steps proposed in this report might enlarge the expenses of the United Nations. In the long run, however, the result is likely to be that the considerable expenses of the United States for the maintenance of international peace, security, and justice and to advance the rule of law, democracy, and human rights would be taken over by the United Nations, and the external expenses of the United States for these purposes would be drastically diminished, as they would be shared by other developed countries and some rapidly developing third-world countries.

There have been proposals for changing the structure of the Security Council and the General Assembly. The Section is not presenting its views on this subject, but believes that a revision of the Charter is not necessary for that purpose as