

July 1962

United Nations Educational, Scientific and Cultural Organization

Walter Ray Phillips

Referee in Bankruptcy, Northern District of Georgia

Follow this and additional works at: <https://scholarship.law.umt.edu/mlr>



Part of the [Law Commons](#)

Recommended Citation

Walter Ray Phillips, *United Nations Educational, Scientific and Cultural Organization*, 24 Mont. L. Rev. (1962).

Available at: <https://scholarship.law.umt.edu/mlr/vol24/iss1/2>

This Article is brought to you for free and open access by The Scholarly Forum @ Montana Law. It has been accepted for inclusion in Montana Law Review by an authorized editor of The Scholarly Forum @ Montana Law.

United Nations Educational, Scientific and Cultural Organization

By **WALTER RAY PHILLIPS***

I. ESTABLISHMENT

The Conference for the Establishment of an Educational, Scientific and Cultural Organization met in London, November 1-16, 1945.¹ It was able to draft the constitution of UNESCO in a little over two weeks. This feat was a tribute to the preparatory work of the Allied Ministers of Education, who had been meeting intermittently in London since 1942;² to extensive preparations made by the governments of France, the United Kingdom and the United States; and to the work of many nongovernmental organizations and groups in these and other countries.³

The Conference resolved a series of difficult issues.⁴ One troublesome area had been settled by preliminary discussions among the Allied Ministers of Education and various foreign offices, including the United States Department of State. The question was whether the new agency should be a temporary organization to meet emergency needs arising out of the war or a permanent organization with long-term objectives. It was determined that it should be a permanent agency.⁵

A basic issue arose over the attempt to define the nature and character of the organization. The French delegation suggested that the new organization should serve above all to facilitate contacts and cooperation among the intellectual leaders of the world.⁶ It should gather the intellectual elite of the various countries and assist them in their search for a peace based "upon the intellectual and moral solidarity of mankind", a phrase taken from the preamble of the constitution of UNESCO. This same concept led the League of Nations Assembly in 1921 to set up the International Committee on Intellectual Cooperation, a decision followed in 1925 by the creation of the International Institute of Intellectual Cooperation in Paris.⁷

Neither the Committee nor the Institute proved singularly successful. The Committee frequently operated at a level beyond the comprehension of the common man or lacked the background and experience to translate its conclusions into practical action. The Institute accomplished useful work in such technical fields as cooperation among libraries and museums,

*B.A., University of North Carolina; LL.B. and LL.M., Emory University; Member of Florida Bar and Georgia Bar; Since July 1, 1961, Referee in Bankruptcy, Northern District of Georgia.

¹U. N. INFORMATION ORGANIZATION, *Allied Plans for Education*, 2 (1945).

²Kotschnig, *Toward an IOECD: Some Major Issues Involved*, EDUCATIONAL RECORD, 259-287 (July 1944).

³U. N. Doc. ECO/CONF., 29 (June 1946).

⁴*Id.* at 33.

⁵Kotschnig, *Toward an IOECD: Some Major Issues Involved*, EDUCATIONAL RECORD, 259-287 (July 1944).

⁶The members of a particular delegation often have divergent views. Each delegation has only one vote however, and this vote will represent the majority view of the delegation.

⁷Kotschnig, *Toward an IOECD: Some Major Issues Involved*, EDUCATIONAL RECORD, 259-287 (July 1944).

the protection of copyrights, and the exchange and free entry of educational films. It attempted, with some success, to develop closer cooperation between the officials in charge of secondary and of higher education. Concern with elementary education was not considered appropriate for an organization interested in the promotion of intellectual cooperation. Efforts were also made to bring about bilateral agreements to eliminate chauvinistic and biased statements from history books.

The protagonists of UNESCO as an organization for the promotion of intellectual cooperation admitted some of the weaknesses and failures of the prewar experience. They pointed out that, except for a few individuals, the English-speaking world had not actively participated in the intellectual cooperation activities of the League, and argued that with their participation and larger resources, past weaknesses could be overcome.

The United States held that UNESCO should be concerned with all of the people—not only the intellectual elite—and that there should be a direct approach to them through education, cultural exchanges and the widest possible use of such mass media as the press, radio and films. This approach met with substantial support in the conference, particularly from those who were concerned with the reconstruction of educational facilities destroyed by the war and with the even more serious damage done by the perversion of education under the Nazi rule. The extent to which the American thesis prevailed is revealed in Article I (2) of the Constitution:

[T]he Organization will:

(a) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) give fresh impulse to popular education and to the spread of culture;

by collaborating with Members, at their request, in the development of educational activities;

by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinction, economic or social; by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) maintain, increase and diffuse knowledge;

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

by encouraging cooperation among the nations in all branches of intellectual activity including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

by initiating methods of international cooperation calculated to

give the people of all countries access to the printed and published materials produced by any of them.⁹

At first blush, the language of this article indicates almost complete acceptance of the concept of UNESCO as an organization of the people and for the people. It stresses "mutual knowledge and understanding of peoples"; it speaks of "popular education" and of "equality of educational opportunity"; and it authorizes the use of "all means of mass communication". At the same time, however, it states that the organization will maintain, increase, and diffuse knowledge and to this end encourage cooperation "in all branches of intellectual activity" including science. To highlight this last addition to the subject matter to be dealt with by the organization, the word "science" was included in the name of the organization.⁹

The result of the compromise achieved—for a compromise it was—was an article of broad and ill-defined scope. It can be interpreted to cover almost any human interest or activity. The article appears to assume—and has been so interpreted¹⁰—that any and all activities in the fields of education, science and culture are equally apt to further "universal respect for justice, for the rule of law, and for human rights and fundamental freedoms" and that any type of knowledge *per se* is bound to advance "the common welfare of mankind".¹¹ These are assumptions that have made it difficult for the organization to develop clear-cut, coordinated programs of work.

Another question, closely related to the controversy over the character and focus of the organization, was the extent that representation in the directing organs of UNESCO should be determined by governments and to what extent by nongovernmental organizations and groups, primarily composed of intellectuals. There was general agreement that the organization should be intergovernmental in that it should be financed by governments. Regarding representation, however, the French government proposed that the General Conference should consist of: (1) a maximum of three delegates of the government of each member state; (2) five delegates of each National Commission of Intellectual Cooperation; and (3) a delegate of each intellectual association of a world-wide character admitted by the General Conference. This proposal was not accepted,¹² and the constitution provides that: "The General Conference shall consist of the representatives of the States Members of the Organization. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies."¹³ Elsewhere in the constitution much emphasis was placed on national commissions or other national cooperating bodies composed of representatives of the principal

⁹U. N. EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, FINAL ACT, CONSTITUTION, RULES OF PROCEDURE OF GENERAL CONFERENCE (1953).

¹⁰The United Kingdom moved the inclusion of science which was supported by scientists in other delegations.

¹¹U. N. Doc. A/4776 (June 14, 1961).

¹²CONSTITUTION, ART. I (1) and PREAMBLE.

¹³U. N. Doc. ECO/CONF., 31 (June 1946).

¹⁴CONSTITUTION, ART. IV, A.

bodies in each country interested in educational, scientific and cultural matters, together with representatives of government. Under Article VII, the organization can communicate directly with such national commissions or cooperating bodies, which "shall function as agencies of liaison in all matters of interest" to the organization. Thus, much was done to minimize the role of governments.

Most important, it was decided that the Executive Board of UNESCO, which acts on behalf of the General Conference between sessions, should be composed of individuals serving in their personal capacities and not as government representatives. These board members were to be selected by the General Conference from among delegates to the conference.¹⁴ This decision led to considerable difficulty as time went on because, under the constitution, the Executive Board was charged with administrative duties and responsibilities that involved commitments on the part of governments.

The Soviet Union did not participate in the London conference.¹⁵ The generally negative attitude of the Soviet Union toward the specialized agencies was undoubtedly accentuated by the fact that the government of the Soviet Union considered education and related matters to be of purely domestic concern, and had little sympathy for the individualistic and liberalistic approach of the protagonists of UNESCO to the problems of peace and human welfare. At the London conference, there was a strong undercurrent in favor of universality of membership, although the memory of the recent holocaust in education, science and culture caused by Nazi and Fascist action prevented writing this principle into the constitution. There was widespread regret that the Soviet Union was not willing to assume membership. UNESCO, however, was among the first of the newly created international organizations to admit to membership such countries as Austria, The Federal Republic of Germany, Italy, Japan and Spain.¹⁶

II. PROGRAMS AND PROBLEMS

Once created, UNESCO rapidly launched a vast number of projects. This action was fully understandable in the light of the broad statement of purposes and functions in the UNESCO constitution, and it was accentuated by the encyclopedic interests of its first Director-General, Julian Huxley.¹⁷ It is impossible to understand fully the development of UNESCO during the first four years of its existence without taking into account his drive and enthusiasm. His exceptional abilities, his catholicity of interests and his knowledge opened up many new lines of action. In speaking at the first General Conference in 1946 about the cultural activities of UNESCO, he said: "We have to think about music and painting, about history and classical studies, about languages and architecture, about theater and ballet, about libraries and museums, and art galleries and zoos, about the history of art and the world's different cultures, about creative writing and about philosophy."¹⁸ Earlier, he had set forth his concept of

¹⁴U. N. INFORMATION ORGANIZATION, *Allied Plans for Education*, 41 (1945).

¹⁵*Id.* at 39.

¹⁶U. N. HANDBOOK, U.N.E.S.C.O., 85 (1961).

¹⁷U. N. EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, FIRST SESSION, PLENARY, *Records of the General Conference, Second Meeting*, 21 (Nov. 20, 1946).

¹⁸*Id.* at 1.

UNESCO in an essay in which he defined a twofold aim for the organization: "In the first place, it is international, and must serve the ends and objects of the United Nations, which in the long perspective are world ends, ends for humanity as a whole. And secondly it must foster and promote all aspects of education, science, and culture, in the widest sense of those words."¹⁹ By promoting all aspects of education, science and culture, Huxley then hoped that UNESCO would help the "emergence of a single world culture".²⁰

Under Huxley's leadership, UNESCO went through a period of rapid development, a pioneering period, with ever new projects taken up, developed and—not infrequently—abandoned. They ranged from substantial efforts to aid in the reconstruction of schools and libraries to ventures in adult education and the teaching of the ideas and ideals of the United Nations; from the development of abstracts, catalogues and bibliographies to proposals for the definition of high "C" in music and the study of biology at high altitudes. This was the great period of the establishment of new learned councils and societies initiated and supported by UNESCO, a period of exhilarating creativeness, which did not, however, result in any cohesive coordinated program.

A variety of requests from the United Nations to UNESCO did nothing to help solidify the program. UNESCO was asked by the General Assembly of the United Nations to consider engaging in a program of translation of the classics and did initiate work in this field.²¹ At its second session, the General Assembly requested the agency to concern itself with the exchange of workers and, in another resolution, with the teaching of United Nations ideals.²² At its third session, the General Assembly referred to UNESCO and to the Economic and Social Council a plan for establishing an international center for training in public administration.²³ A proposal raised in the Economic and Social Council as early as 1946 for the establishment of international scientific research laboratories was also transmitted to UNESCO for action.²⁴

In response to this last request, UNESCO proposed the creation of such laboratories in the following fields: (1) chemistry and biology of self-producing substances, including cancer; (2) nutrition and food technology; (3) life and resources of humid tropic zones; (4) oceanography and fisheries; (5) antarctic research; and (6) ornithological research.²⁵ These proposals overlapped the interests of several other specialized agencies and, in 1949, UNESCO revised the list.²⁶ Priority was given to the creation of an International Computation Center, an International Institute for Research on the Brain, and an International Institute of Social Science. It recom-

¹⁹U. N. EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, PREPARATORY COMMISSION, *UNESCO, Its Purposes and Its Philosophy*, 5 (1946).

²⁰*Id.* at 61.

²¹U. N. GENERAL ASSEMBLY, RES. 60 (I) (Dec. 14, 1946).

²²U. N. GENERAL ASSEMBLY, RES. 133 (II) (Nov. 17, 1947); RES. 137 (II) (Nov. 17, 1947).

²³U. N. GENERAL ASSEMBLY, RES. 246 (III) (Dec. 4, 1948).

²⁴U. N. GENERAL ASSEMBLY, RES. 22 (III) (Oct. 3, 1946).

²⁵U. N. DEPARTMENT OF PUBLIC INFORMATION, *Yearbook of the United Nations*, 556-558 (1947-1948).

²⁶U. N. DEPARTMENT OF PUBLIC INFORMATION, *Yearbook of the United Nations*, 664 (1948-1949).

mended a lower priority list providing for the establishment of an International Laboratory for Arid Zone Research, an International Astronomical Laboratory, an International Institute of the Chemistry of Living Matter, and an International Meteorological Institute.

The plethora of proposals and projects developed by UNESCO in its early years was baffling and irritating, especially to the governments of the major contributing countries, and moves were made repeatedly in the general conferences of UNESCO to bring about a concentration and coordination of effort.²⁷

The fifth conference of UNESCO in 1950, largely under United States leadership, developed a "decatalogue" to cover UNESCO activities under the following priority headings:

- (1) To eliminate illiteracy and encourage fundamental education;
- (2) To obtain for each person an education conforming to his aptitudes and to the needs of society, including technological training and higher education;
- (3) To promote through education respect for human rights throughout all nations;
- (4) To overcome the obstacles to the free flow of persons, ideas and knowledge between the countries of the world;
- (5) To promote the progress and utilization of science for mankind;
- (6) To study the causes of tensions that may lead to war and to fight them through education;
- (7) To demonstrate world cultural interdependence;
- (8) To advance through the press, radio and motion pictures the cause of truth, freedom and peace;
- (9) To bring about better understanding among the peoples of the world and to convince them of the necessity of cooperating loyally with one another in the framework of the United Nations;
- (10) To render clearing-house and exchange services in all its fields of action, together with services in reconstruction and relief assistance.²⁸

This conference resulted in a renewed emphasis on education, the development of mass media in greater freedom, and the promotion of international understanding.²⁹ Its program covered the entire field of the sciences without any limitations, and the tenth point offered an escape clause that permitted an unlimited number of activities so long as they related to education, science and culture. After 1950, the funds at the disposal of UNESCO under the Expanded Programme of Technical Assistance tended to accentuate, within the over-all program of the organization, projects of assistance in the development of underdeveloped countries.

In 1954 the Executive Board submitted, and the General Conference approved, a new approach to program-making, which provided for a divi-

²⁷See Charles S. Ascher, *Program-Making in UNESCO, 1945-51, A Study in the Processes of International Administration* (1951).

²⁸U.N.E.S.C.O., FIFTH SESSION, *Records of the General Conference*, RES. 16 (1950).

²⁹Jaime Torres Bodet had replaced Huxley as Director-General.

sion of the program into "general" and "special" activities.³⁰ General activities were to represent the continuing functions of the organization and to include the collection and exchange of information; assistance to international collaboration among specialists; the preparation of international conventions and regulations; inquiries, research and studies necessary as a basis for the special activities; and similar functions. Special activities meant field projects of limited duration and scope, designed to meet specific needs of member states. These special activities were to be developed in the light of priorities determined by the General Conference. At the same time, the General Conference selected the following as its priorities: free and compulsory education at the primary level; fundamental education; programs relating to racial, social and international tensions; mutual appreciation of Eastern and Western cultural values; and scientific research for the improvement of living conditions.³¹ This new departure in programming shifted emphasis to the field where the needs are greatest. This new approach has been in force since 1958 and seems to be effective.³²

III. DIFFICULTIES OF ORGANIZATION AND MODUS OPERANDI

The secretariat of UNESCO is divided into separate departments, five of which were originally established to supervise the several major programs: education, natural sciences, social sciences, cultural activities and mass communications. A Department of Technical Assistance was later added, and there is within the secretariat an exchange of persons service which does not rank as a department.

There has been complaint that the department for each major substantive area has been an empire unto itself; that the natural scientists boost their own department; that the educators attempt to increase the budget and scope for educational programs; and that the librarians and museum experts, the musicians and artists urge an expansion of the cultural activities of the secretariat. This competition has been fostered not only by "constituents", i.e., representatives of the various disciplines in national delegations at the General Conference and by members of the Executive Board serving in their individual capacities, but also by nongovernmental interest groups and by officials within the secretariat. The latter, frequently men of science or letters, or leaders in education, have considered it their mission to serve what they conceive to be the best interests of their own field—the advancement of their particular discipline. The secretariat lobbies thus, at an early date, became a major element at the UNESCO General Conference. Not infrequently, the pet project of some department head would re-emerge, after rejection by the Director-General in planning his program and budget, as a proposal by one of the delegations on the conference floor.³³

There are great difficulties involved in developing a coordinated program in an organization whose parts in certain respects have less in com-

³⁰U.N.E.S.C.O., EIGHTH SESSION, *Records of the General Conference*, RES. 49, 50 (1954). Luther Evans had replaced Bodet as Director-General.

³¹*Id.* at 50.

³²U.N.E.S.C.O., FIFTEENTH SESSION, *Records of the General Conference*, REVIEW OF PROGRAMS (1961).

³³U.N.E.S.C.O., ELEVENTH SESSION, *Records of the General Conference*, 24 (1957).

mon than the subdivisions of other organizations and whose personnel are probably less accustomed to organizational discipline. For these reasons, UNESCO, perhaps more than any other international organization, requires strong leadership by its Director-General and effective coordinating machinery within the secretariat itself.

Related to this organizational problem is another issue regarding the way in which UNESCO can best carry on its work. Fewer than half of the nine hundred members of the secretariat are professionals.⁸⁴ They are responsible for preparing the numerous publications issued by UNESCO, which as might be expected, is the most productive of the specialized agencies in terms of the written word. Many of these publications fall under the general heading of clearing-house activities. They include science and education abstracts, indexes, bibliographies, current information bulletins, and similar tools of primary interest to scholars and others engaged in research or to technical personnel in libraries and museums.

It is obvious that no one international organization, even with a central staff as large as that of UNESCO, can possibly render such services in all the fields embraced by the constitution of the agency. Furthermore, in order to provide for cross-fertilization of thought and achievement even within a single discipline, it is necessary to establish direct contacts between the individuals working in a given field. From the beginning, therefore, UNESCO has attempted to establish close relations with and to assist professional societies and other organizations operating in areas of interest to the agency. When no such organizations existed, UNESCO started them or offered aid in their creation.

The International Council of Scientific Unions has been the major single beneficiary of UNESCO aid. With its eleven affiliated international societies in such fields as astronomy, pure and applied chemistry, the biological sciences, pure and applied physics and crystallography, the ICSU received a first subvention of \$275,000 in 1947.⁸⁵ The amount was reduced gradually to an annual subvention of approximately \$200,000.⁸⁶ To fill gaps in the pattern of international voluntary organizations in the natural sciences, UNESCO assisted in the foundation and assured, by way of substantial subventions, the existence of a Council of International Organizations of Medical Sciences, a Union of International Engineering Organizations and an International Union for the Protection of Nature.⁸⁷

Because the social scientists were less organized nationally and internationally than the natural sciences, UNESCO made special efforts to sponsor and aid in the creation of international associations of social scientists. In 1949, it helped establish four such organizations: the International Sociological Association, the International Political Science Association, the International Economic Association and the International Committee of Comparative Law.⁸⁸ By 1953, under the impetus of UNESCO, these organizations were linked in an International Social Science Council.⁸⁹

⁸⁴U. N. HANDBOOK, U.N.E.S.C.O., 68 (1961).

⁸⁵I.C.S.U. JOURNAL, 10th YEAR, 56 (1956).

⁸⁶I.C.S.U. JOURNAL, 13th YEAR, 81 (1959).

⁸⁷U.N.E.S.C.O., TENTH SESSION, BUDGET, 6 (1956).

⁸⁸U.N.E.S.C.O., FOURTH SESSION, BUDGET, 11 (1949).

⁸⁹U.N.E.S.C.O., EIGHTH SESSION, *Records of the General Conference*, 126 (1953).

The agency also aided in establishing an International Union of Scientific Psychology. The financial aid given these organizations and a few institutes and associations such as the International Institute of Administrative Sciences, established before UNESCO, rose from \$10,500 in 1950 to nearly \$60,000 in 1953 and to more than \$100,000 in 1961.⁴⁰

Support given to international education associations has been much more modest. This may in part be due to a continuing preoccupation with the needs and aspirations of the scientific elite rather than with mass organizations. Subventions in education rose from \$5,000 in 1950 to a little over \$70,000 in 1961.⁴¹

The list of societies in the cultural field initiated or aided by UNESCO is long and comprehensive. It includes one "umbrella" organization, the International Council for Philosophy and Humanistic Studies, composed of twelve learned societies and, in addition, the International Theater Institute and the International Music Council; the International Council of Museums and the International Council on Archives; the International Association of Plastic Arts and the International Society for Education through Art; and several others. Subventions to these and related organizations have been steadily increasing and in 1961 reached nearly \$240,000, of which \$100,000 was for the International Council for Philosophy and Humanistic Studies.⁴²

Financial support from UNESCO for international voluntary organizations, mostly nongovernmental, is not confined to subventions. Payments are also made on a contractual basis for carrying out specific projects included in the work program. Most of these contracts are for research and special inquiries, or for the organization of symposia, seminars or exhibitions. In 1953, for example, thirty-eight contracts were concluded with twenty-six international nongovernmental organizations for a total of more than \$166,000.⁴³

In total, the funds made available as subventions or contract payments are considerable. Scholars, scientists and others are thereby assisted in developing their international contacts and advancing their studies and research. As they are helped, they assist UNESCO "to maintain, increase and diffuse knowledge".⁴⁴ But there are also serious drawbacks to this policy. A review in 1954 of the employment of subventions by beneficiaries shows that a substantial part of the funds goes toward administrative expenses: the payment of salaries of secretaries and their travel, the administrative costs of organizing conferences and congresses as well as meetings of the administrative organs of the various councils, institutes and organizations.⁴⁵ Another large portion of the funds is used for the publication of the proceedings of such meetings, many of which would appear to be of interest to only a very limited audience.

⁴⁰U.N.E.S.C.O., FIFTEENTH SESSION, *Records of the General Conference*, 68 (1961).

⁴¹*Id.* at 75.

⁴²U.N.E.S.C.O., FIFTEENTH SESSION, BUDGET, 9 (1961).

⁴³U.N.E.S.C.O., SEVENTH SESSION, BUDGET, 20 (1953).

⁴⁴CONSTITUTION, ART. I (2) (c).

⁴⁵UNESCO, GENERAL CONFERENCE, *Quadrennial Review by the Executive Board of the Employment of Subventions Granted to International Non-Governmental Organizations*, Doc. 8C/ADM/20 (August 1954).

Much of this organizational activity and financial help serves to promote international cooperation in fields that are of interest to UNESCO. In some cases however, organizing activities *per se* seems to have become the major purpose rather than creative study and research, or direct contacts among a widening circle of scholars, scientists and practitioners of the arts. Furthermore, the channeling of the subventions through the various umbrella organizations means that, by the time the subventions have been divided among the organizations affiliated with them, minute grants are made available for the specific projects of a most highly specialized type. To those who hold that one of the primary tasks of UNESCO is to promote research—any type of research—this situation may be satisfactory. On the other hand, it certainly does not make for a concentration of resources and effort on major projects and programs.

The most basic objection to the policy of subventions that has been made, both by the United States and others at UNESCO conferences, is that it may prevent the international scientific and professional bodies from developing the strength and self-reliance that is characteristic of the best type of professional organization. UNESCO sponsored and financed a large number of these organizations on the assumption that aid was necessary to get the organization started, but that it would be reduced as they got under way. Subsequent events did not bear out this assumption. In most cases, the original annual subventions were maintained and, in a number of instances, they were increased. In many cases, the UNESCO subvention continues to be practically the sole major source of income. The agency finds itself, therefore, surrounded by a network of organizations many of which would virtually collapse if support were withdrawn.

The United States has repeatedly suggested that one way of meeting the problem would be to shift the emphasis from general subventions to payments made under contract for specific projects undertaken by non-governmental organizations. This would counteract the tendency toward a splintering of projects and a diffusion of funds and would lead to greater self-reliance and viability on the part of the organizations concerned. To date, the idea has not met with sufficient support to carry it in sessions of the UNESCO General Conference. Whether the latest departure in program-making, i.e., the division into "general" and "special" activities, will lend new strength to this idea remains to be seen. The greater emphasis on activities designed to meet specific needs of member states may bring these needs into sharper focus and result in the application of more rigid criteria in granting subventions and in extending the grants under contract.

The national commissions, of which more than sixty have been created in member states, constitute another channel for the promotion of the objectives of UNESCO. There are great variations in the composition and character of these commissions. In some cases they are primarily governmental bodies attached to the ministries of foreign affairs or of education, with all members appointed by the government. More often, they are of mixed composition and are more directly representative of the educational, scientific and cultural life of their countries. Commissions of this latter type appear best suited to the purpose of UNESCO. They can offer representative advice to their governments; carry knowledge and understanding

of UNESCO to their people; help implement programs of the agency through studies and publications and the organization of meetings, festivals and exhibitions; and promote travel and other means of communication with commissions in other countries. In other words, they give body and meaning to the work of UNESCO within their countries.

The agency assists in the development of national commissions by lending to the countries the services of some of its officials, or by enabling the organizers of the commissions to spend short periods at UNESCO headquarters. Despite the fact that a number of the commissions are dormant and only a minority are truly active, the effectiveness of national commissions is increasing.

Another problem of organization—the composition of the Executive Board of UNESCO—came to a head in 1954 at the General Conference in Montevideo. The United States, Australia, Brazil and the United Kingdom introduced a constitutional amendment to make the Executive Board representative of governments. The amendment provided that the General Conference would continue to elect individuals rather than governments, but these individuals, in order to qualify as candidates, would have to be nominated by their governments and, after election, would be subject to the instructions of their governments.⁴⁶ Similar amendments had failed in earlier sessions, and at Montevideo, the issue proved to be the most controversial question of the conference. Those strongly opposed to this amendment, particularly France, argued that the true spirit of UNESCO as an educational, scientific and cultural body would be lost; that political considerations would dominate; and that the intellectual stature of the organization would suffer.

The sponsors of the measure stressed the key role the Executive Board played in UNESCO, and argued that the change would increase the confidence of governments in the organization and their sense of responsibility for it. At the same time, the view was advanced that responsible governments certainly would, in view of the nature of the organization, consult with their national commissions and propose for appointment individuals who were truly representative of the educational, scientific and cultural life of their countries. Despite a last-minute effort to postpone consideration for two years, the constitutional amendment was finally adopted by a vote of 49 to 9.⁴⁷ This change has made the program more responsive to the common aspirations of the free world and improvement may be expected so long as the representative national commissions succeed in impressing their views on their governments.

At the 1954 session the Soviet Union, Byelorussian and the Ukrainian Soviet Socialist Republic were admitted to membership. This move at least brought the two major philosophies together and time, more time than the span from 1954 to date, will tell whether this union will “further universal respect for justice . . . for the human rights and fundamental freedoms which are affirmed . . . by the Charter of the United Nations”.⁴⁸

⁴⁶U.N.E.S.C.O., EIGHTH SESSION, *Records of the General Conference*, RES. 10 (1954).

⁴⁷*Id.* at 177, 178.

⁴⁸CONSTITUTION, ART. I (1).

IV. ACCOMPLISHMENTS

UNESCO has not known an easy existence. In spite of almost overwhelming odds much has been achieved that is positive, constructive and conducive to better relations among the peoples of the world. In the major areas of interest progress is apparent.

A. EDUCATION

In Education there have been four areas of effort: educational reconstruction; fundamental education; formal education; and education for living in a world community.

In the area of reconstruction UNESCO has acted as a catalytic agent rather than as an operating agency. Following the war, it made a survey and made funds available to stimulate broader international action. Most of the work was done by voluntary international groups which were brought together by UNESCO in a Temporary International Council for Educational Reconstruction. Approximately \$160 million was allocated for this work with most of it going to projects in Europe and the Middle East.⁴⁹

UNESCO has never acted as a major operating agency in the field of educational rehabilitation. Its efforts have been toward the provision of limited services which in turn would stimulate and guide reconstruction.

On the other hand, the promotion of fundamental education has emerged as a major function of the agency. With more than half of the world population illiterate, the fundamental education effort has been an attempt to solve a basic problem of human welfare. It is concerned with more than mere literacy. In 1952, the Director-General defined fundamental education as "that kind of minimum and general education which aims to help children and adults, who do not have the advantages of formal education, to understand the problems of their immediate environment and their rights and duties as citizens and individuals, and to participate more effectively in the economic and social progress of their community."⁵⁰

Although still in its experimental stage, the fundamental education program of UNESCO is a pioneering project, full of promise. It is more than an emergency substitute for the absence of formal schools and its impact on human welfare should prove substantial.

Fundamental education, however, cannot take the place of formal systems of education on all levels. The promotion of such systems is another field of primary importance for UNESCO and has gained prominence the over-all program in recent years. Effective aid has become possible as a result of the participation of UNESCO in the Expanded Programme of Technical Assistance and the use by UNESCO of the established methods of that program.

In this area, results are attained slowly. UNESCO has assisted in developing far-reaching plans for education in many underdeveloped countries, but the governments concerned are handicapped by insufficient funds

⁴⁹U.N.E.S.C.O., GENERAL CONFERENCE, FIFTH SESSION, DOC. 5C/OXR/15 (April 20, 1950).

⁵⁰U.N.E.S.C.O., REPORT OF THE DIRECTOR-GENERAL TO THE UNITED NATIONS, 14 (1952).

to implement the plans. This has prompted the underdeveloped countries to urge the establishment of an international education fund. There is little indication that such a fund will be created, but it is hoped that, with the growing awareness in the underdeveloped countries of the need for comprehensive systems of formal schooling, increasing funds will be ready.

UNESCO's program for education for living in a world community has proven to be controversial.⁶¹ As conceived by UNESCO, education for living in a world community means the promotion of respect for the fundamental rights of individuals and cultural groups. If the term "world community" is used, it does not mean the promotion of any form of world government but an appreciation of the interdependence of the countries of the world and an understanding of the international organizations that have become necessary as a result of this interdependence. Above all, education for living in a world community means the promotion of a better understanding of the United Nations.

B. NATURAL SCIENCES

In recent years, particularly in the underdeveloped countries, the teaching and popularization of the sciences have been receiving increasing attention. To this end, teaching aids and expert advice have been made available.⁶² Science clubs have been established in a growing number of countries, and the formation of national associations of science writers has been encouraged. Traveling science exhibits have met with considerable success.

Beyond these services and projects designed to promote science on the broadest possible front, UNESCO has attempted to bring into focus specific fields pre-eminently fitted for international inquiry. None of the proposed international laboratories and institutes is actually functioning.

These failures did not deter the protagonists of international laboratories—a few scientists and a number of governments—from urging the creation of an international institute of oceanography and one for studying the growth of cells, the latter intended to assist in cancer research. The Montevideo Conference in 1954 authorized preliminary exploration into the research facilities in these fields, but past experience and present lack of enthusiasm among governments make early action to establish the laboratories improbable.

C. SOCIAL SCIENCES

In many respects, UNESCO's efforts in the social science area follow the pattern set in the natural science field.

In its efforts to stimulate research in the social sciences, UNESCO has been concentrating fairly consistently on major issues directly related to the improvement of human relations. Considerable time and effort have been expended on the study of tensions between individuals, groups and countries, and their causes. This program has already produced a large number of reports and publications on such subjects as group tensions in India and in other parts of the world; the changing attitudes of Japanese

⁶¹This program is not solely under UNESCO's leadership. Other branches of the Secretariat cooperate in this area.

⁶²See *Peace Corps: Its Purpose*, New York Times, March 19, 1954, p. 6, col. 3.

youth following the war; social structure and personality in the city and in rural communities; and democracy in a world of tensions.

Related to these tension studies are other research activities encouraged by UNESCO, such as research into the social impact of industrialization, particularly in underdeveloped countries.⁵³

Much effort and energy has been expended on a series of reports and monographs on human rights, particularly racial discrimination, beginning with publications on the concept and scientific basis of race and racial differences.⁵⁴ Dealing with issues that are highly sensitive in many parts of the world, some of these publications have proved not only stimulating but also controversial.

D. CULTURAL ACTIVITIES

In its promotion of intercultural relations, UNESCO has in recent years given special attention to furthering mutual appreciation of Oriental and Occidental cultural values.⁵⁵

In an effort to demonstrate the interdependence of nations and cultures and their contributions to the common heritage of mankind, UNESCO is sponsoring the preparation and publication of a scientific and cultural history of mankind.⁵⁶ An international commission of fifteen members has been entrusted with full responsibility in the name of UNESCO for the preparation and execution of the work. The commission in turn has appointed 112 corresponding members and twenty advisers from more than forty countries. This history is to be published in six volumes, but pending its completion individual contributions are published in *The Journal of World History*, a quarterly review, which also reproduces comments on and criticisms of such contributions.

E. MASS COMMUNICATIONS

UNESCO is making a massive contribution to the wide dissemination of written and recorded materials. In addition to all other efforts to inform the world of UNESCO's work there must be added a weekly *World Review* radio-script sent out in Arabic, English, French and Spanish to 103 countries and territories,⁵⁷ a number of films and film strips about the work of the United Nations, the specialized agencies, and various educational, scientific and cultural subjects; the *UNESCO Features*, a bulletin supplying educational, scientific and cultural information to the press; and innumerable periodicals and newsletters.

V. UNRESOLVED ISSUES

There can be no doubt that UNESCO is fully aware of the scope of its responsibilities and opportunities. It considers itself at the heart of the

⁵³Margaret Mead, *Cultural Patterns and Technical Change* (1953).

⁵⁴See *Bibliography of U.N.E.S.C.O. Publications*, 1961.

⁵⁵U.N. ECONOMIC AND SOCIAL COUNCIL, *Report of the United Nations Educational, Scientific and Cultural Organization*, Doc. E/2735.

⁵⁶*Id.* at 41.

⁵⁷U.N. HANDBOOK, U.N.E.S.C.O., 73 (1961).

postwar effort to build, through international cooperation, peace based not on force and armed strength but on mutual understanding and consent.

The major programs of UNESCO are still in the stage of development. The fundamental education program is a great pioneering venture, but the search continues for ways and means to progress beyond studies, pilot projects and national and regional centers. Good foundations, however, are being laid, and it is perhaps only a question of time and greater concentration on the part of UNESCO before this program becomes a living reality throughout the underdeveloped regions of the world. Encouraging headway is being made by the program of education for living in a world community, although this program still lacks a clear focus.

There has been no satisfactory solution to the conflict over UNESCO as an organization for cooperation among intellectuals, on the one hand, or as an organization for the promotion of international understanding and the utilization of the achievements of education, science and culture for the advancement of the general welfare and the enrichment of all. Many well-meaning people distrust UNESCO and the big words and activities that are beyond their understanding. At the same time, there are signs that many of the leading intellectuals, writers and artists are becoming indifferent to the organization and somewhat weary of the feverish activity of those they consider to be scientific and cultural bureaucrats. Persistence and patience may resolve that conflict. Moreover, a concentration on major programs might command the respect and support of both these groups. The scientists need the humanists lest the world become the victim of its own scientific progress; and both they and the educators are essential to the organization if the sights, the level of living and the cultural life of the common man are to be lifted beyond age-old drudgery, tension and prejudice.

MONTANA LAW REVIEW

Member, National Conference of Law Reviews

Volume 24

Fall, 1962

Number 1.

EDITORIAL BOARD

ROBERT G. ANDERSON

Editor in Chief

STEPHEN H. FOSTER

Associate Editor

LEO J. KOTTAS, JR.

Associate Editor

KEITH W. MCCURDY

Associate Editor

JACQUE W. BEST

Associate Editor

RICHARD J. ANDRIOLO

Business Manager

HARRY A. HAINES

MYRON E. PITCH

GORHAM E. SWANBERG

KEMP J. WILSON

JOHN J. TONNSEN, JR.

LARRY M. ELISON

Faculty Adviser

Published semi-annually, Spring and Fall, by students of the School of Law,
Montana State University, Missoula, Montana