

# World Peace Through World Law

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## EPILOGUE

## Chapter I A WORLD OF PARADOXES

—Is there no way out?

The world we are living in today is a world of paradoxes. There is on the one hand the fantastic progress of science which enabled us to see for the first time in man's history the other side of the moon in precise photographs. Travel to other planets is henceforth no longer a dream, but a reality attainable within foreseeable future. Man is threatened, on the other hand, with imminent, total or semi-total annihilation, despite, or rather because of, the fantastic progress of science. This is paradox one.

The war-aims of the Allied Powers at the outset of the last World War were “Four Freedoms:—Freedom of Speech, Freedom

of Religion, Freedom from Want and Freedom from Fear". In that war, the Axis Powers lost completely and surrendered unconditionally. Why is it that the major victorious powers which won the war are the victims of Fear today and subjecting their peoples, the city inhabitants particularly, to compulsory exercises of hiding in shelters, exactly as Japan was doing before she entered the fateful Pacific War? This is paradox two.

The United Nations organization created after the dissolution of the League of Nations is the hope of mankind. It is supposed to embody the spirit of unity of all human family and to function solely for peace. How can one explain that that organization for world peace is infested internally with military alliances, pitched up one against another, regarding other nations within the United Nations organization as potential enemies? Cynics say that the organization is "United Nations" in name but "Disunited Nations" in reality. This irony is paradox three.

A dozen other paradoxes with equally sinister implications may be mentioned, sinister because they all suggest that world crisis is acute, almost immediate. Is there no way out of this chaotic situation?

## Chapter II SPREAD OF THE IDEA OF A WORLD WITHOUT WARS

Obviously it is the appearance of the nuclear weapons with appalling powers of destruction which accounts for the increasing

acuteness or imminence of the crisis. It is also plain that Fear is acutest on the part of the powers which possess and are continuing to manufacture the deadly nuclear weapons, against which, as they know best, there is no effective defense. We are all informed that Mr. Eisenhower, the then President of the United States, after witnessing the scenes of manoeuvre of nuclear bombers, said with a sigh: "Under these conditions, all one can do is to pray." What we need when we reached the present state of crisis is nothing less than a world without wars.

The idea of a world without wars is nothing new. In all ages and in all lands, prophets and sages, or men eminent in wisdom have taught how to attain peace. A brief review at this stage of the growth of the idea of peace, or a war-less society, may serve to supply the background of our study of the problems of world federation.

### *Confucius and Mencius*

In the Orient, Confucius who lived in the years 551-479 B.C. was a most outstanding example of a sage who taught the ideal of world peace in the era that China was all torn with wars. According to him, peace under heaven required peace within each state, peace within a state required harmony in each family, and harmony in a family required moral life of each individual constituting the family. In short, to Confucius, morality of the individual was the basic condition of world peace. Mencius, a teacher of the Confucian school, who lived in 372-289 B.C. went further than his master, in stressing the need for Benevolence and Justice for governing a state in peace.

The precepts of Confucius for attaining world peace might well be summarized in the old Roman dictum: *Si vis pacem, para pacem* (If you wish peace, prepare for peace). In the days of Confucius himself in China, however, the dominant political theory was not

to attain peace through the moral life of the individuals or by practicing benevolence as Confucius taught. The war-lords of the battle-age without exception believed in armament as the surest guarantees of security and peace. In this respect, they were more like the rulers of Rome who believed that in order to attain peace, they must have arms. Their precept was embodied in the dictum: *Si vis pacem, para bellum* (If you wish peace, prepare for war). Let us recall the fact that the peace which lasted for four centuries or more under Roman rule, known as "Pax Romana", was a peace enforced preeminently with the military strength of Rome. The famous Roman roads were the most effective media for quickly dispatching the chariots to suppress any rebellion or insurrection at great distances.

On the other hand, the new point stressed by Mencius, namely Justice (or Righteousness), in addition to Benevolence emphasized by his master Confucius was in a way a revision which had its counterpart in another Roman dictum: *Si vis pacem, cole iustitiam* (If you wish peace, cultivate justice). This is the motto of ILO founded in 1919 after World War I.

Space does not permit us to cover earlier ages either in the Orient or in the Occident. We will have to omit any account of the intervening two thousand years and come to the period in Europe where medieval theocracy broke down and the conception was taking shape to substitute for war a permanent and voluntary association of states. Here again, all we can attempt is a very brief sketch of each plan.

#### *"Grand Design" of Henry IV*

First of these is the "Grand Design" of Henry IV (1553-1619). His proposal was to form a grand "Christian Republic" of fifteen states, governed by a council of sixty-four plenipotentiaries holding office for three years. However, at this early stage of development

of modern nations, the proposed "Republic" was to consist, not of peoples, but of the rulers. "*L'état, c'est moi*" was a common idea among the kings in those days. Moreover, to this French monarch, the peace of the world which meant for him a happy *status quo*, was to be installed only after the defeat of his rival, Austria.

### *Project of the Abbé Saint-Pierre*

Next comes the interesting project of the Abbé Saint-Pierre proposed in 1718. It was to form an alliance of sovereigns devoted to the maintenance of things as they were. That is *status quo* again.

The preamble of the project read in part:

"In order to obtain for themselves reciprocally a very considerable diminution of their military expenditure, while increasing at the same time their security.

In order to obtain for themselves reciprocally a very considerable increase of the annual profit which will be produced by the continuity and security of commerce."

The ideas of reciprocity, security, reduction of military expenditure, increase of the annual profit, etc., sound all familiar to our ears of the latter 20th century. The two passages quoted above might be found in exactly the same forms in a document of the 20th century international *pourparler*. According to Saint-Pierre's plan, the states were to pledge never to resort to war to settle disputes, but to resort to mediation or conciliation, and when that failed, to abide by the decision of the general assembly of the plenipotentiaries. In the event of violation of this agreement by a state, all the rest were to unite in war against the delinquent state. Expenses were to be borne *pro rata*. Ordinary questions could be decided by simple majority, but revision of the covenant required unanimity. These are much like the provisions of the Covenant of the League of Nations two hundred years later. One provision in

Saint-Pierre's project which was objected to by Rousseau and others was that the union should "render prompt and adequate assistance to rulers and chief magistrates against seditious persons and rebels."

*William Penn's "Plan for the Peace of Europe"*

Another thought-provoking plan was launched in England a quarter of a century before that of the Abbé Saint-Pierre in France. It was "The Plan for the Peace of Europe" dated 1693 and written by William Penn (1644-1718), the pious Quaker statesman, who was lauded by Montesquieu as "the modern Lycurgus". It was on a lofty motivation and yet practical, being the product of the brains of a man who was a successful man of affairs, though a devout, non-resistant yet unyielding Quaker. Penn expounded the view that peace can be maintained by justice alone and that government is synonymous with the prevention of disorder and the means of securing justice. The purposes of war are three—to keep, to recover, to add and while the last purpose is not allowable, the first two demand adjudgement. Justice requires, therefore, a Parliament of Europe where these cases may be adjudged, with the understanding that all members are to assist, by force, if necessary, in carrying out the sentences of this parliament or court." He took the position that in special circumstances, it might be advisable to enforce reduction of armament. In the recommendations of this remarkable practical Quaker, we find the suggestions for a three-fourths vote, secret ballot, voting power of states to be proportioned to the wealth of each state, etc. It is interesting to note that Penn's proposal was not thrown into the waste basket at once, for, John Bellers, the philanthropist and another Quaker, brought the plan in 1710 before Parliament in the first place.

*"Eternal Peace" by Immanuel Kant*

Next we come to what looks like a climax in the period preceeding World War I in tracing the development of the idea of a war-less world. It is the famous essay on "Eternal Peace" by Immanuel Kant (1724-1804). It is known as "a classic of international government". Less precise in its proposals than either Saint-Pierre or Penn but the Principles set forth in it by Kant are so clear that they may serve as the principles to guide the future peace movements. There are six preliminary articles in his proposal which prohibit: "The secret reservation of material for a future war" in treaties; the transfer of a state without its own consent; the standing army (eventually); the war loan; interference with the internal struggles of other states; and the employment of such methods of hostility as would render future confidence impossible. There are three definitive articles which prescribe: first, that "the civil constitution in every state should be republican;" second, that a federation of free states shall be founded rather than a super-state; and third, that the rights of men as citizens of the world shall be restricted to hospitality.

It should be noted that Kant's recommendations differ from those of his predecessors in that they attack the causes of war rather than providing substitute machinery. Imperialism had not reached the height of its malpractices in Kant's life time. It took a whole century to reach its maturity, but Kant in his "Eternal Peace" showed little sympathy with imperialism. He condemned the inhumane treatment of the natives or aboriginal inhabitants of America, of Africa and in the East Indies by the Europeans who introduced foreign troops and oppressed the natives, instigated the different states to wide-spread wars, famine, sedition, perfidy, and and all the litany of evils that can oppress the human race.

*Jeremy Bentham: A Plan for Universal and Perpetual Peace*

Last to be remembered in this brief survey of the spread of the



idea of a war-less world is "A Plan for Universal and Perpetual Peace" by Jeremy Bentham (1748-1833). The plan, published in part in 1789 contemplated the limitation of armaments by general treaties, the elimination of the colonial system and establishment of a combined legislature and world court which should enforce its decrees "by public opinion through the press and printed manifestos," and as a last resort by putting a state "under the Ban of Europe." We see in this liberal plan the seeds of the schemes which were adopted more than a century later by the League of Nations. In the stormy period in which these ideas were sown, naturally they failed to take root.

In the nineteenth century, the dynastic wars which had harassed Europe in the previous centuries had gradually ceased. Struggles were now for nationality or, later, for imperial power and hegemony. As the result of the structural changes of society which followed Industrial Revolution, there was also the upsurge of working class movement in the nineteenth century and after. The working class internationalism began to bear pressure on international relations. By the time World War I broke out, the working class movement in Europe and America had grown so strong that the governments simply had to yield to the workers' demands for their participation at the peace conferences in laying the bases for durable peace. The story of how the working class came to occupy seats of honor and of responsibility in the tripartite system of ILO is a fascinating one, but space does not permit us to enter into those details.

### *Federal Ideas in More Recent Periods*

We cannot give in this paper more than a cursory mention of the names of the men, either in the Orient or in the Occident, who contributed in one way or another to the development of the idea of a European Union or a world federation. In Japan in the last days of the Tokugawas' shogunate, Satoh Shin-yen (1769-1850)

advocated through his book *Udai Kondo Hisaku* (Private Plans for World Federation) a world federal idea. Later, in the early years of Meiji, Ono Azusa (1852-1886) and Nakae Chomin (1847-1901), who were champions of liberalism and of people's rights, bravely argued that a united world government should be set up.

In Europe, the devastation of the Napoleonic wars supplied the strongest impetus to the growth of the idea of European unity. The ideas formulated by Pitt of England and Czar Alexander of Russia need to be recalled. The sublime and yet deplorably unpractical idealism of the Holy Alliance and how it failed to guarantee peace deserve to be remembered. Castlereagh, Wellington, Goethe, Mazzini, Louis Blanc, Cobden and Clarendon are among a score of the leading men of Europe who contributed to the spread of the thinking which culminated in the grand idea of the Concert of Europe. More recently there is added the name of an Austrian Count, Coudenhove-Kalergi whose mother was a Japanese and who is known for his work "Pan-Europe" (1923). Nor should we fail to give credit to H. G. Wells, the prolific writer of England, to whom a federated Europe was not a mere mirage, but a serious, practical proposal. Still more recently, America has produced a number of men of vision. After that of Clarence Streit who wrote his "Union Now" (1939), we must pay homage to Emery Reeves, author of a book of classic significance: "The Anatomy of Peace" (1943), which all people seriously interested in world federation would be well advised to read through.

## LEAGUE OF NATIONS

The League of Nations, created after World War I, as the brief description in the preceding section has shown, was the consummation, as it were, of the peace-efforts of the hundred years that preceded it. No single nation and no single individual must claim the authorship of the idea. Nevertheless, no one can contest either the credit that is due to Woodrow Wilson, President of the United States, for having given birth to the League of Nations, the first world organ established for maintenance of peace.

An adequate treatment of this vast subject will require much space which we cannot afford to give in the present essay. We must content ourselves with but sketchy survey in order merely to introduce ourselves to the subject of world federation.

*Wilson's "Fourteen Points"*

It may be recalled first that it was Wilson's so-called "Fourteen Points" which not only hastened the termination of World War I but actually created the League of Nations. Point 1 of the Fourteen Points was the call for "Open covenants of peace, openly arrived at" and it was the last of the 14th Points which proposed the setting up of an association of nations to ensure permanent peace in the world. At the Peace Conference at Paris in 1919, this last proposal was embodied in the Peace Treaty, at Wilson's insistence, constituting the first Chapter of the Treaty and all signatories of the Treaty were thereby compelled to be members of the newly organized world system, the League of Nations. The matters stressed in the Fourteen Points were: 1. Abolition of secret diplomacy; 2. Freedom of the seas; 3. Removal of economic barriers; 4. Reduction of armaments; 5. Impartial adjustment of colonial claims; 6. Evacuation of Russian territory; 7. Evacuation and restoration of Belgium;

8. Rendition of Alsace Lorraine ; 9. Readjustment of Italian frontiers along national lines ; 10. Autonomous development of the peoples of Austria-Hungary ; 11. Evacuation of Romania, Serbia and Montenegro ; 12. Autonomous development of nationalities under Turkish rule ; 13. Establishment of an independent Poland with access to the sea and 14. Formation of an association of nations for permanent world peace. There is little doubt that the high promises of the Fourteen Points served to disintegrate the war-worn central powers and hastened the coming of armistice.

*“The Defeat in the Victory”*

It is historically well known that at the Paris Conference of 1919, Wilson, the great idealist who went all the way from Washington with the high hopes to realize his Fourteen Points suffered defeat in dealing, not with the former enemies, but with the wily old statesmen representing the Allied Powers. Wilson, the noble genuine and unsophisticated thinker, believing firmly in the feasibility of durable peace by stressing the principles which were embodied in his Fourteen Points, and totally unacquainted with the tricks of diplomacy of the old world, was simply “bamboozled” at Paris. Clemenceau from France, Lloyd George from Britain, and Orlando from Italy were all senior to Wilson not only in age but in experience of dealing with political affairs of Europe and were such realists that none of them would listen to Wilson. Clemenceau is recorded as having complained: “The trouble with this American professor is that he talks like Jesus Christ!” He is said to have made the remark elsewhere: “Wilson is worse than the Lord. The Lord has only ten (commandments) but Wilson has as many as fourteen.”

The Allies were intent upon crushing or wreaking vengeance on Germany. For recovery from war-damages, the old statesman of the Allied Powers were planning to place entire burden on Germany.

At the conference to lay out the plans for the postwar period, the Allies who had won the war had no intention of allowing the Germans to participate in the conference itself. Their plans were all made *in camera*. Point 1 of the Fourteen Points: "Open covenants of peace openly arrived at" was put aside already at the outset. What happened to most other "Points" can easily be imagined. As the work of the conference progressed, it became increasingly clear that it was not a "peace conference" in the sense of preparing for peace. John Maynard Keynes who accompanied the British delegation saw this. He sent in memos to the chief of his delegation, pointing out the un-wisdom of the wrong emphases laid by the Allied Powers on economic and financial matters. As his repeated advices were unheeded and ignored, Keynes finally resigned. He returned to London and wrote his historic work, "The Economic Consequences of the Peace", which was a warning or prophesy that a war, instead of peace, would be the inevitable consequence of the "Peace Treaty." Another book of ominous significance which appeared after the Paris Conference was "The Defeat in the Victory" by George D. Heron, who had previously been an ardent admirer of Wilson, but who now turned against him and condemned the fateful work or failure of Wilson at Paris.

Despite all the disappointments, however, the Paris conference was not a complete defeat for Wilson, for, of his Fourteen Points, the last, the 14th Point was saved and the League of Nations was brought into being, as an integral part of the Peace of Versailles. All the signatory powers of the Peace Treaty had to and did become the original members of the League of Nations. One exception, a most deplorable and fatal defection for the League of Nations, was the United States. Though it was the President of the United States who sponsored it, the Senate of the United States chose for America not to join this new world organ for peace.

*Machinery and Aims of the League of Nations*

Structurally, the League of Nations, set up for preventing wars and for maintaining world peace, was an extremely simple mechanism considering the size and variety of the task assigned to it. This can be said, particularly when it is compared with the complex mechanism of the United Nations. There were three organs in the structure of the League of Nations: the Assembly, the Council and a permanent Secretariat. There was created also the International Labor Organization (ILO), as part of the League of Nations, to which all members of the League were to belong, the objective of the organization being to deal with all labor questions equitably, on the theory that lasting world peace required the foundation of *social justice* which the ILO is set up to ensure. There was also another world organ created, namely, the Permanent Court of International Justice, to hear and determine any dispute of an international character. That was all.

*The Task assigned* to the new world organization, or its aim, was a grand or grandiose one, as expressed in the Preamble to the Covenant of the League of Nations. It read:

“THE HIGH CONTRACTING PARTIES

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligation not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understanding of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with another, agree to this Covenant of the League of Nations.”

*Membership* in the League was open to all the Signatories of the Peace Treaty and other States named in the Annex and any other fully self-governed state, admitted with agreement of two-thirds of the Assembly.

*The Assembly* would consist of the representatives (three from each state, but with one vote) of the members of the League.

*The Council* was to consist of representatives of the "Principal Allied and Associated Powers" (which were the United States, the British Empire, France, Italy and Japan) together with representatives of four other members of the League selected from time to time by the Assembly. This meant that the above-named five countries were entitled to permanent seats in the Council.

*Voting* "All matters of procedure" of the Assembly or of the Council could be decided by simple majority vote, but the general rule (known as the "Unanimity Rule") was that "decisions at any meeting of the Assembly or of the Council shall require the agreement of all the members of the League represented at the meeting".

*The Secretariat*, set up at Geneva, the seat of the League of Nations was under the direction of the Secretary General. The first appointee to this post as laid down in the Treaty was a Britisher, Sir Eric Drummond.

*The Functions* As a function of primary importance of the League of Nations, *Reduction of armaments* was the first item provided for in the Covenant (Article 8) and in that connection, a *Permanent Military Commission* was to be created to deal effectively with military, naval and air questions generally (Article 9). *Guarantees against Aggression* was the next big item to which many provisions were laid down (Articles 10-11). In case of aggression, or in case of any threat or danger of aggression, the Council was the first organ to advise upon the means to preserve the territorial integrity and political independence of the states. *Arbitration of disputes* was provided for (Articles 13-15); also minute provisions

on *Sanctions* against a state violating the Covenant were laid down (Article 16). As regards the peoples inhabiting the colonies and territories which ceased to be under the rule of certain powers after the war in consequence of the Peace Treaty, it was declared that "the well-being and development of such peoples form a sacred trust of civilization" (Article 22). Those colonies and territories were divided among certain powers as Mandatories on behalf of the League and were assigned the duty of tutelage in the areas under their mandate. Giving effect to this provision, a *Mandatory Commission* was created in the League. Finally there was an article (Article 23) which mentioned the obligation of the members of the League a) to secure *fair and humane conditions of labor*, b) to secure *just treatment of the native inhabitants* of territories under their control, c) to submit to the supervision of the League the *traffic in women and children* and the *traffic* in opium and other *dangerous drugs*, d) to submit to the League's supervision *the traffic in arms and ammunition*, e) to secure *freedom of communications and of transit* and f) to take steps in matters of international concern for the *prevention and control of disease*.

### *Did the League "fail"?*

With these provisions solemnly laid down in the Covenant, did the League of Nations succeed in carrying out its mission? Generally, people are apt to say that the League of Nations was a "failure" and the reason for such a verdict lies almost solely in the fact that the League did not succeed in preventing the outbreak of World War II. Since one of the principal aims; or *the* principal aim, of the League was in the political domain to prevent wars, nobody can deny the failure of the League in the political domain, though the League might deserve high commendations on its achievements in social, humanitarian and perhaps even in international economic spheres. Then, why did the League fail so sadly



in the political domain? In the present essay, we have to dispense with the account of the series of unfortunate events that happened in the course of some twenty years, leading to World War II and to the final collapse of the League of Nations. All we need and can do here is to analyze the causes of the downfall of the League of Nations. This is because what we are primarily interested in is to see next what improvements have been made in the United Nations and what one should warn against in planning for a world federal government if the United Nations is found still inadequate in spite of the multiple improvements made.

#### Chapter IV CAUSES OF "FAILURE" OF THE LEAGUE OF NATIONS

The *immediate causes* of the failure of the League of Nations, almost anyone would say, were the rise of the Axis Powers and the wars of aggression which they waged. However, was that really *the cause* of the downfall of the world peace organ called the League of Nations? Had the Japanese army not entered Manchuria in 1931 or had Germany not dared to rearm by abrogating the Versailles Treaty in 1935 and not broken into Poland in 1939, would the League have succeeded in maintaining peace? This is not to condone or justify the military aggression of Germany, Japan or any other nation that violated the sanctity of international agreements, but simply to remind ourselves of the stern reality that in many cases, a war is a result, rather the cause, of cumulative ills which had not been redressed earlier. Brief references to the

Paris Peace Conference in the preceding pages suggested that the Peace Treaty of Versailles was no treaty for peace, but one germinating another war.

From such a point of view, we analyze below the circumstances which led either directly or indirectly to the weakening and ultimate failure of the League of Nations. "Causes" of the failure is, frankly, an inaccurate and inappropriate expression, but for want of a better term, we will use it. Now, the causes may be roughly divided into two categories. On the one hand, there are those which can be traced back to the errors or misdeeds of the Paris Conference. On the other, there are fatal deficiencies in the constitution or structure of the League of Nations. Neither of these should recur in the plan of the future world organ for peace. We will call the former, the "Remote (or basic) causes" and the latter, the "Constitutional (or structural) causes". Often the two are inseparable, but let us enumerate them below under these two headings:

#### *Remote causes*

##### (1) *Retaliatory Character of the Peace of Versailles*

A peace treaty, for the sake of its permanency, should be as far free as possible from any retaliatory or vindictive sentiment. The severe territorial arrangements, the heavy indemnity imposed on Germany, etc. by the Paris conference, left the impression of a retaliatory treaty which is inconsistent with peace.

(2) *Peace signed too soon* This is closely related to (1) above. The war-psychology of fear and hatred was still rife and had not subsided when the peace was formulated in Paris.

(3) *Sense of "betrayal" on the part of the Vanquished Nations* The high or rosy expectations of the nations defeated in the war which were aroused by Wilson's speeches and by his Fourteen Points were not met in Paris. A sense of "betrayal" by the Allied Powers spread among the defeated nations.

(4) *Un-realism of Wilson and Power Politics of the Allies*

This is closely related to (3). The naive and unrealistic idealism of Wilson expressed in such pronouncements as the principle of "self-determination" of peoples led to the abuse of the principle by the Allied Powers which were pursuing the old fashioned power politics of the 19th century.

(5) *Colonial Imperialism of the Major Allied Powers*

The major Allied Powers were practicing colonial imperialism for themselves while denying it to the defeated nations. This gave rise eventually to the claim, among others, of the "Have-Nots" against the "Haves" by the Axis powers.

(6) *Domination by the big European Powers*

World War I was, despite its name, essentially a war among the European powers. In the peace-scheme of Paris, i. e. the League of Nations, inevitably the more advanced, big European powers played the leading roles, which incidentally led to the domination in the League by the big European Powers, and the resentment by the lesser nations of Europe as well as the non-European powers.

(7) *Racial Inequality*

During the Paris Conference, Japan proposed the establishment of the principle of racial equality, but this was rejected. Although questions of racial discrimination never came to a head at the League of Nations, the need for the establishment of the principle was always present.

(8) *Dependence on the Strength of Arms*

All nations in the early 20th century were unquestionably depending on the strength of arms. The time-honored concept that "might is right" was still the widely accepted precept among the nations. The League of Nations was not completely free from this when it provided for the use of arms as the last resort in both prevention of aggression and sanctions to be applied to a nation adjudged as aggressor by the Council. It may be recalled that Jeremy Bentham, some 130 years before the Paris Conference was advocating a scheme

of enforcement of the decisions of "combined legislature and world court". His proposal was not to resort to arms, but to deal with the cases "by public opinion through the press and printed manifestos" and "as a last resort" to put a state "under the Ban of Europe". Had the world in 1919 advanced or retrogressed since Bentham made his proposal in 1789?

(9) *Primacy of National Interest and Sovereignty*

"My country, right or wrong" was unfortunately the concept or teaching still universally accepted in 1919. Primacy of national interest was uncontested anywhere and in that connection, the extreme idea of absolute national sovereignty prevailed. An independent nation is its own master, dictated by no other authority; it must have its own, autonomous government and it must defend itself. This was a philosophy of the 19th century, fully accepted by the Paris Peace Conference when it formulated the Covenant of the League of Nations. The League of Nations was not a super-state authority. This explains the reason for the "unanimity rule" which paralyzed the League of Nations in times of crises and the League's failure to make any headway for disarmament, whereas universal disarmament was the prerequisite for lasting peace.

(10) Lastly, as the most important basic cause of the failure of the League of Nations, we must mention the *Mutual Mistrust* among the nations. The League lacked any definite policy or comprehensive and effective program to combat the worst enemy of peace—mutual mistrust.

*Constitutional Defections*

Under this heading, we will discuss the deficiencies in the constitution or structure of the League of Nations which led to its final downfall. Some are results of the circumstances traceable back to the Paris Conference while many arise from the lack of or deficiencies in the provisions of the Covenant. Dozens of such items

may be mentioned, but we must content ourselves with mentioning the more outstanding of the defections.

(1) *Lack of universality of membership*

Strange as it may seem, in the early years, the League behaved as if it were reluctant even to admit all nations. Germany at any rate was not admitted to membership till 1926. Soon, however, the League began to feel keenly the need for having all nations join the organization for its effectiveness. The continued refusal of the United States to affiliate was seriously regretted. When Germany, Italy and Japan began to withdraw one after another, it seemed as though the League began to awaken suddenly to the necessity of ensuring universality of membership, for fear that the withdrawal of these major powers might in the end wreck the whole structure. The papers in England began to write about the "League of Some Nations" in Geneva. It was not as a light joke but implying a sense of derision in some ways that such a phrase was used.

(2) *The League as a part of the Versailles system*

Wilson's insisting on the incorporation of the Covenant of the League of Nations in the peace treaty was of course to ensure that all nations, including those that had participated in the war should belong to the organization to ensure a lasting peace. The tragedy lies in that he was naive enough not to realize that the peace of Versailles was in the eyes of many nations, so iniquitous an arrangement that it was destined to be demolished. Despite any good intentions behind the peace organ, it was ill-fated because the nations which were dissatisfied with the Treaty of Versailles were rising before long to overthrow the whole structure. Later events showed that it was a mistake to combine the charter of world organization of the future with a treaty which was to settle the dispute of the past.

(3) *The Unanimity Rule*

As already explained, being formulated at a period in world history

when the concept of national sovereignty was at its height, the scheme of the League of Nations could not be a thing that superseded that preponderant doctrine. Presumably, no nation would have cared to join the new world organization if it were regarded as a super-state, delimiting in some ways the sovereignty of the member states. The consequence of all this was the unanimity rule, which the ensuing events showed was a most fateful rule, which virtually paralyzed the League at crucial periods. It was this rule which enabled Japan to invade Manchuria with impunity or without any effective restraint of the League of Nations.

(4) *Preponderance of the Council and Inadequate Powers of the Assembly*

The Council, consisting largely of the big powers which had won the war, though a small number of nations could occupy seats in the Council by election for a short period, not only gave the impression of being dominated but could in fact not help being dominated by them. Moreover, the Council had more dominant roles to play than did the Assembly in matters of crucial importance. This was resented by the other powers and that was not conducive to the stability of the League of Nations.

(5) *No Policing Power*

The Covenant contained provisions concerning guaranties against aggression affecting territorial integrity and political independence of a nation, provisions concerning action in case of war or threat of war, etc. Actions could be taken upon the "advice" of the Council by the states members of the League, but the League lacked the machinery corresponding to the police force of the various nations. Any action to restrain or resist aggression or other disasters affecting international peace could be taken under the League only by the consent and willing cooperation of each member state after the outbreak of a disaster, or only after the League was notified of the threat of such a disaster. The later experience of the League has shown that this lack of a proper,

permanent policing machinery in the scheme of the League of Nations was almost a fatal defection.

(6) *No resources*

Despite the great trust laid on the possibilities of the League to maintain peace, at Paris, there was no nation willing to endow the new world organization with sufficient material or financial resources to ensure its survival in case of the outbreak of a war lasting for some length of time. Were the drafts men so confident of the efficacy of the new machinery that they believed no war could break out henceforth? Or, that if a war did break out, it could not last any length of time? In any case, as it worked out, the entire machinery of the League of Nations was to be operated with the moneys contributed by the states-members year by year. In other words, to put it bluntly, the League of Nations was living on a "hand-to-mouth" basis. There were not a small number of nations which were not paying their dues for years. Defaulting members could be finally expelled from membership and the result from such a disciplinary action was the weakening of the League of Nations itself.

(7) *A League of Governments*

The name given to the new organization—the "League of Nations"—was a misnomer. It was not a league where the peoples or nations are directly represented as this wording leads one to believe, but an organization consisting of the governments, or of the representatives of the governments in power at the time the various organs of the League met to discuss and decide any questions of international concern. In these matters we need to be realistic and remember that in most countries, except the U.S.S.R. and other totalitarian states, there are usually two or more political parties, often of diametrically opposed tendencies, i. e. one conservative and the other progressive or radical. They are expected to and do take turns. The result is that the stand taken by the representatives of a country at the League of Nations one year may be completely

reversed by the representatives of the same country another year. Often it is the domestic politics in the country concerned which led to the change of the government, and such changes inevitably affect the international situation. Moreover, the representatives of a government do not always reflect the views, or the shades of opinion of the nation. How to redress the errors which result from this is a difficult problem but this problem will have to be borne in mind in planning a world government.

(8) *A Europe-centered organization*

Because European nations were far more advanced industrially and in many other ways than the nations outside of Europe, one might say that it was only natural that the peoples of European nationality should play more important roles than the nationals of the extra-European countries. However, when English and French were adopted as the two official languages first in the International Labor Organization of the League of Nations, it did give rise to some feeling among other nations than the British and French. When it was found out later that in consequence of this rule, in the various bureaus of the organization, there was a great preponderance of the British and French nationals, something like a resentment did arise among the staff members of nationalities other than British or French. Unfortunately, it is these seemingly petty incidents that contributed to hostile sentiments in the organization.

(9) *Machinery too simple*

The experience of the twenty years till the outbreak of the war in Europe showed that the machinery of the League of Nations was all too mechanistic and simple to cope with the highly complex problems of international relations.



## Chapter V THE STRUCTURE AND FUNCTIONS OF THE UNITED NATIONS

As compared with the machinery of the League of Nations, the machinery of the newly created United Nations is exceedingly complex, as is clear from the attached chart. Moreover, the firm determination of the nations which participated in the founding of the United Nations after the dissolution of the League of Nations to save the future generations of man from the disasters of war is clear from the wording of the Preamble to the Charter of the United Nations, which is quoted in full below.

*Preamble to the Charter*

## "CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom

## AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery

for the promotion of the economic, social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present charter of the United Nations and do hereby establish an international organization to be known as the United Nations.”

In the Charter of the United Nations, in comparison with the Covenant of the League of Nations, we find of course, important differences, many of which will be admitted as improvements, although in essence, the Purposes and Principles as laid down in Chapter I of the Charter remain largely the same as in the Covenant. Thus in Article 1, for the maintenance of peace and security, the idea of collective security is stressed; the principle of equal rights and self-determination of peoples is enunciated; special mention is made of the aim to further international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting respect for human rights and for fundamental freedoms for all “without distinction as to race, sex, language or religion”. This last point is particularly interesting as we recall that in the Covenant of the League of Nations, there was no promise of an equal treatment for all races of men. In Article 2, as a guiding principle for the Organization and its members, “the sovereign equality of all its members” is mentioned first. All members are to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state”, but let us recall that in the preamble to the charter quoted above was a passage which

read: "that armed force shall not be used, save in the common interest". This clearly means that the United Nations as a body does not categorically deprecate the resort to arms *per se*. Finally under the Principles of the United Nations as laid down Article 2, there is a provision which reads in part: "Nothing contained in the present Charter shall authorize the United Nations in matters which are essentially within the domestic jurisdiction of any state....".

As regards *Membership* in the United Nations, much like in the Covenant of the League, the Charter has, beside the provisions for adhesion and withdrawal, minute provisions for suspension and expulsion of members as sanctionary measures. Should a world organization whose prestige and power rest on the universality of membership allow its members to withdraw at their own volition? This is a question which requires investigation at the same time as the question on the wisdom of expulsion of a delinquent member, which has the effect of weakening the world organization itself.

A big change in the United Nations as compared with the League of Nations is found in the multiplicity as well as the extent of the functions of the newly created organs. There are six organs of the central importance: 1. The Security Council; 2. The General Assembly; 3. The Economic and Social Council; 4. The Trusteeship Council; 5. The International Court of Justice and 6. The Secretariat. Composition and functions of these organs will be explained briefly, to show particularly what alterations or improvements have been made since the League of Nations.

The *General Assembly's* functions are largely the same as those of the Assembly of the League. One thing which requires special note is Article 12 which reads:

"While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

Plainly this provision places the General Assembly in a position subsidiary to that of the Security Council on crucial matters of a dispute.

As regards the composition of the delegates to the General Assembly from each state-member, it will be recalled that under the Covenant, three delegates were to be sent from each state. In the Charter of the United Nations, the provision is that "Each member shall have not more than five representatives in the General Assembly."

The *Security Council* in the United Nations, consisting of eleven members of the organization, takes the place of Council of the League of Nations, which at first consisted of nine members. The Security Council is composed of five permanent and six elected members. The five permanent members are the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

As regards the Functions and Powers of the Security Council, it is laid down (Article 24) that "in order to ensure prompt and effective action, the members confer on the Security Council primary responsibility for the maintenance of international peace and security, and in carrying out its duties under this responsibility the Security Council acts on their behalf." Further, it is laid down that "the members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." Under these provisions, in the United Nations, the Security Council has powers far above those of the Assembly, as the Council did in the League of Nations.

As regards *Voting*, the Charter of the United Nations has provisions which are peculiar to this organization. Under Article 27, each member of the Council has one vote. Decisions of the Security Council on procedural matters are made by an affirmative vote of any seven, out of the eleven members of the Council. However, decisions of the Security Council on all other matters

must be made by an affirmative vote of seven members including the concurring votes of the permanent members. This meant in practice that any one of the five permanent members could vote against any plan laid before the Council. This is known as the "*veto-system*". This is one of the fateful or fatal provisions which had the effect of paralyzing the whole machinery of the United Nations. The original intention of the draftsmen of the Charter in inserting this provisions was to make sure that no important decision shall be taken by the United Nations without unanimous support of every one of the major powers which constituted the Security Council. No one foresaw, however, that very soon a serious split would occur between the U.S.A. and the U.S.S.R., and that the veto powers would be used, or abused, by one of the two powers, with the result of paralyzing the entire mechanism. The ironical and regrettable thing in this situation is that if anyone proposed to amend the Charter in order to remove this defection (of the abuse of the veto system), the procedure of amendment requires the submission of the text of the proposed amendment to the vote of the General Assembly. It has to be "adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the members of the United Nations, including all the permanent members of the Security Council."

Is there any likelihood of adoption by the Council members of an amendment purporting to remove or restrain the rights of veto of the powers which have been making frequent use of them? The past experience is conclusive in this respect. The likelihood, we must say, is very slight.

Creation of the *Economic and Social Council* as a body separate from the Council is a happy departure from the Covenant of the League of Nations, under which the Council was assigned the impossible task of dealing with the vast variety of international economic and social questions. It consists of eighteen members, a

third of whom are elected every three years by the General Assembly. It creates Commissions in economic and social fields and for the promotion of human rights. It deals with the thirteen or more Specialized Agencies in order to promote international cooperation in the specialized areas. It consults with the scores of the non-governmental organizations which are also working for more fruitful international cooperation. We will have to recognize the great achievements of the United Nations in the various fields covered by those international agencies.

The *Trusteeship Council* has been created in place of the Mandates Commission of the League of Nations. The system elaborately worked out under the United Nations will deserve commendation. There is now more serious work done under the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the trust territories.

*The International Court of Justice* has been established as the principal judicial organ of the United Nations.

Finally like in the League of Nations, a permanent *Secretariat* has been established in New York instead of Geneva. The Secretariat comprises a Secretary General and staff comprising men and women of various nationalities. In the performance of their duties, the Secretary General and the staff must not seek or receive instructions from any government or any other authority external to the organization. In this respect the Secretariat of the United Nations is much like that of the former League of Nations. The work of the late Secretary General Hammersjold and the competent staff under his command has universally been highly regarded.

Now, after this hurried review of the structure and functions of the newly created United Nations, let us proceed to recapitulate the features, or points, which might be regarded as "improvements" of the United Nations as compared with the League of Nations. Incidentally, we might also point out any serious defections which are found at the same time.

Chapter VI. IMPROVEMENTS MADE AND THE PROBLEMS  
STILL SMARTING IN THE UNITED NATIONS (I)*The Basic Improvements and Difficulties*

As we did in the appraisal of the League of Nations, we may now review the main difficulties confronting the United Nations, dividing those difficulties under two categories: one, those difficulties which are basic, rooted more in the past history and perhaps in the very principles on which the organ was conceived and two, those that stem from the structure of the organization. These are the difficulties which remains still despite the many improvements made in the UN which are explained in the same connection.

(1) *Punitive Character of the Peace* We pointed out the "retaliatory character" of the Peace of Versailles. Now, what was the nature of the Peace of San Francisco of 1953? Was there a sense of vengeance or of retaliation on the part of the Allies in the Peace Treaty, which they, under the leadership of the United States, offered to Japan?

Well, as to the punitive character of the Peace of San Francisco, there is not the least doubt, if the terms of the Potsdam Declaration of 26 July 1945 are recalled. The Declaration stipulated emphatically that "the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest" must be "eliminated for all time". Japan must show "convincing proof that Japan's warmaking power is destroyed." Japanese sovereignty henceforth would be limited to the four main islands and only the minor islands adjacent to them. "Stern justice" would be meted out to all war criminals including those who had visited cruelties upon the war prisoners. The Japanese military forces would be completely disarmed. Japan would be permitted to maintain such industries as would sustain her economy and permit the

exaction of just reparations in kind, but not those which would enable her to rearm for war. Japan would be under occupation of the Allied Forces until these objectives have been accomplished.

The above is the gist of the terms for Japan's surrender and the paragraphs which stated the terms (6—18) were prefixed by a paragraph (5) which read: "Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay."

These were the terms of surrender, which of course were humiliating to the military leaders who had led Japan into the war. Hesitancy on their part to accept these terms was clear at least from the delay of Japan's reply which came through the intermediary of the Swiss government to Secretary of State Byrnes of the U. S. on August 10, 1945, after the bombs had been dropped on Hiroshima and Nagasaki. To the acceptance reply of the Japanese government transmitted through the Swiss authority was attached a statement of an "understanding" on the part of the Japanese government concerning the future position of the Emperor. This point will be discussed later.

If the terms of surrender (which were confirmed by the Instrument of Surrender on September 2, 1945) seemed harsh or humiliating to the war-leaders and punitive in general nature, would that necessarily lead to another war, or to the overthrow of the new peace organization, the United Nations? This point will also be examined later.

(2) *Peace signed not too soon, but with fresh problems and anxieties*

The Versailles Treaty was signed too soon, before the frenzied war psychology had had time to subside. Having learned from that experience, this time, the Allies, and more particularly the United States, did not wish to hurry for signing a peace treaty with either Germany or Janpa. The result, however, was that sixteen years after her surrender, Germany has no peace treaty as yet. In the



case of Japan, a peace treaty was offered to Japan under circumstances which were awkward. It seemed to the outside world as though it were the outbreak of a war in Korea in 1950, in which the United States forces were experiencing untold hardships, that awakened the U. S. authorities to the need of suddenly restoring a status of independence to Japan so that the Japanese forces might be used to restore and preserve peace in this area. Such a motive in the offer of a peace treaty to any country might well have been deemed legitimate and uncontested, had it not been for the so-called "MacArthur Constitution" which Japan adopted in 1946 with the blessings of General Douglas MacArthur, Supreme Commander for the Allied Powers. Under that Constitution, Japan renounced war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. Moreover, under this Constitution, Japan would not maintain land, sea or air forces nor any war potential. Young Japanese are dreading Japan's return to militarism. They are opposed to any move that smacks of militarism.

The difficulty in this situation arose from the fact that at the same time as the Peace Treaty, the United States wanted Japan to sign the Mutual Security Pact which in the mind of those who opposed it, was in the nature of a military alliance. How could Japan enter such an alliance without violating the Constitution? It was the question of Japan's participation in such an alliance that split the Socialist party and the national trade union movement into two opposite camps. As the Security Pact had unmistakably the U. S. S. R. as the potential enemy, it was only natural that the U. S. S. R. refused to sign the Peace Treaty which was offered to Japan along with the Security Pact. In other words, by signing the Security Pact with the U. S. A., Japan definitely became a part of the bloc of the Western nations, hostile to the U. S. S. R.

With the alignment of Japan with the western nations which largely resulted from this in the divided world, series of fresh

problems which baffle Japan have arisen.

(3) *No "betrayal" this time*

It is perhaps true that among the nations that were defeated in World War I and amongst those who had had blind faith in the lofty pronouncements of Wilson and in the Fourteen Points, after the Treaty of Versailles, a sense of betrayal did spread. After World War II, one can confidently say that nothing comparable to that happened. There was no Wilson, fortunately or unfortunately. Incidentally, we referred earlier to the communication from the Japanese government on the "understanding" on the part of the Japanese government in accepting the Potsdam Declaration as the condition of surrender. The pertinent passage of the document read: "The Japanese government are ready to accept the terms enumerated in the joint declaration which was issued at Potsdam on July 26, 1945.... with the understanding that the said declaration does not comprise any demand which prejudices the prerogatives of His Majesty as a Sovereign Ruler". The reply to this Japanese offer of surrender addressed by Secretary of State Byrnes on behalf of the Allied Powers and transmitted through the Swiss authority to the Japanese government read in part: "With regard to the Japanese governments' message accepting the terms of the Potsdam Proclamation but containing the statement "with the understanding that....", our position is as follows:

"The ultimate form of government of Japan shall, in accordance with the Potsdam Declaration, be established with the freely expressed will of the Japanese people".

A careful reading of the reply of the Secretary of State above shows that there was no committal of any kind in the reply. The "understanding" of the Japanese government was a unilateral understanding. These points were clarified further by President Truman's statement made on August 14, 1945, which began by declaring: "I have received this afternoon a message from the Japanese government in reply to the message forwarded to that

government by the Secretary of State on August 11. I deem this reply a full acceptance of the Potsdam Declaration which specifies the unconditional surrender of Japan. In the reply there is no qualification....”

It is true that under the new Constitution, the position or the prerogatives of the Emperor have undergone some drastic changes, though Japan remains a constitutional monarchy. Has this given rise anywhere to a sense of “betrayal” by the allies?

(4) *Power Politics and Colonial Imperialism of the Allies*

President Wilson was a unique character in history. Fortunately or unfortunately in World War II, there was no man of the calibre of Woodrow Wilson in a position of comparable responsibility as he was in. In stead of Wilson’s unrealism, there was full measure of realism and practical statesmanship among the major Allied Powers in the postwar period. Does this mean that in practice, the leading statesmen of the major Allied Powers have been engaged in the same power politics as in the prewar period? Perhaps yes.

How about the colonial imperialism which the victors in the war continued to practice while denying it to the vanquished powers after World War I? On this subject, a great deal can be said arguing that colonial imperialism is still continuing in a disguised form or forms, but we may also naively accept the view that by the ever-spreading program of technical assistance to the development of underdeveloped areas, the evils or injustices of the former colonial empires are being mitigated gradually. It is an undeniable fact in any case that there is an increasing number of peoples, who were subject races in the days of the League of Nations, but who are now gaining a dignified status of independent nations. In the days of the League, there were but few independent powers in Africa or Asia. In the postwar period after World War II, under the United Nations, we count over 100 independent nations (103 in November 1961) belonging to that world organization whereas under the League of Nations, there were only 50 or so. Large masses of

inhabitants of Africa and Asia who were the victims of colonialism are being freed today and participating in the United Nations.

(5) *Domination of the Big European Powers Diminishing*

In the prewar period, chief target of criticism or complaint was domination by the British and or French. Can this be said to be continuing still in the United Nations? No. If there happen to be isolated glaring cases of domination at the United Nations gatherings by the nationals of some European powers, they may or may not be the nationals of Britain or France. Positions of high executive responsibility are not preempted in the United Nations by some nationals as they were accused of having been in the League of Nations. In this sense, it can be said that in the United Nations, domination of the big European powers is diminishing, or rather, non-existent.

By the same token, on the matter of racial inequality, we should note that the persons in positions of responsibility in the selection, or the staff in the various organs of the world organization seem to have been conscientious and fair. Discriminatory treatment on account of race or the color of skin, apparently, does not constitute a problem in the United Nations.

In the Covenant of the League of Nations, in the Preamble, it was solemnly declared:

"In order to promote international co-operation and to achieve international peace and security

... by the prescription of open, just and honorable relations between nations ...."

As against this vagueness and ambiguity of the language of the Covenant, the Charter of the United Nations is more explicit and declares (Chapter I. Purposes and Principles Article 1):

"To achieve international cooperation in solving international problems ... and in promoting and encouraging respect for human rights and for fundamental freedom for all without restriction as to race, sex, language or religion; ....."

Further, as regards the marked tendency which was complained of, of the League of Nations to be "Europe-centered", we find a provision in the Charter (Chapter XV Article 101) which reads in part:

"Due regard shall be paid to the importance of recruiting the staff (of the Secretariat) on as wide a geographical basis as possible".

(6) *Dependence on Arms as the Last Resort*

For the prevention of aggression, as the last resort, the United Nations is still depending on the combined strength of the states members as did the League of Nations. That is the very basis of the scheme of collective security. In the present society of the nations which are all armed with vastly varying degrees of armed strength, there is no assurance that the combined strength of the arms of the nations which are called forth by the United Nations will be stronger than and be able to defeat the combined strength of the arms of the nations which disagreed with the official views of the United Nations. The Charter of the United Nations (Article 52) recognizes "regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations." It is only on the philosophy or doctrine of collective security and regional security arrangements that a number of organizations like the North Atlantic Treaty Organization exist. Are these arrangements conducive to pacific settlement of disputes, or ultimately detrimental to the world organization for peace? This is a question which has to be faced candidly. Perhaps we need to be reminded once more of the proposal made, now a hundred and fifty years ago, by Jeremy Bentham to give more weight to public opinion rather than to the brute force of arms as the final arbiter for settlement of disputes.

(7) *Primacy of National interest and sovereignty*

Much as we wish to see the world's peoples progress, we will have to recognize the disparity of progress between natural science and political science. Phenomenal advance has been made in nuclear physics for instance, but in international organization, we fear that not much progress has yet been made since World War I. Primacy of national interest is still the tenet of the men in politics and few nations are willing to surrender any part of their national sovereignty.

(8) Finally, *mutual mistrust* among the nations is still the malady besetting the nations today. Strange as it may seem, remarkably little was done by the League of Nations to cope with this fatal malady. Can any one say that the League of Nations had a carefully worked out, systematic and effective program to cure this illness? Unfortunately, no. As compared with the simple structure of the League of Nations, the machinery of the United Nations proper and of the so-called "Specialized Agencies" will deserve attention. Especially the wide range work steadily undertaken by the UNESCO to promote international understanding must be given due credit, although we have to deplore that the amount of budgetary support which this organization is receiving from the states-members is ridiculously small as compared with the huge amounts expended by the various states individually or collectively for armament.

Chapter VII IMPROVEMENTS MADE AND PROBLEMS STILL  
SMARTING IN THE UNITED NATIONS (II)

*Constitutional or structural problems*

We have already seen that the so-called failure of the League of Nations could in many ways be accounted for by the defects in the structure or constitution of that organization. Let us now see what problems attributable largely to the structure of the UN are confronting the United Nations.

(1) *Lack of universality*

As compared with the League of Nations of the prewar period, the United Nations today is an organization with far wider membership than the League of Nations ever had. The United States which was absent from the League of Nations is in the United Nations, with great enthusiasm. The Soviet Russia is also in it, playing no less vital roles. It has, as already mentioned, 103 states members today. And yet, we must not lose sight of the fact that the people of China representing nearly a fourth of the world's population are still excluded from membership. The U. N. is still far from universal in this respect.

(2) *The Peace Treaty (of San Francisco) is structurally unrelated to the United Nations*

A fateful or fatal structural weakness of the League of Nations, as explained already, was that the League was part of the Treaty of Versailles. Any one will recognize that the situation of the United Nations is different from that of the League in this respect. Credit should be given to the United States which took care in this regard in order to avoid the mistake of the Treaty of Versailles.

(3) *No more unanimity rule, but a Veto system*

We saw that the unanimity rule which paralyzed the League of Nations was the logical product of the idea of absolute sovereignty of every nation which prevailed in the period of nationalism.

Having learned a lesson from this unfortunate experience of the League, the draftsmen of the Charter of the United Nations did not lay down the unanimity rule for the new world organization. Simple abolition of the unanimity rule may be considered to reflect a progress towards a more democratic internationalism, in which the nations agree to abide by the decisions of the majority. However, we have to remember that the unanimity rule was replaced by an arrangement in the Security Council, for example, which required for decisions on *procedural matters* an affirmative vote of any seven members of the Council. On the other hand, however, decisions on any important matter other than the procedural require an affirmative vote of seven members *including the concurring votes of all the five permanent members*. Only exception to this rule is that the parties to a dispute must abstain from voting when the means are being sought for pacific settlement of the dispute by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Abolition of the unanimity rule and the exclusion from voting of the parties to a dispute are sure improvements but the shifting of the veto power to the five big powers (from the former veto by any and every power under the unanimity rule) means the replacement of one evil by another evil.

#### (4) *Preponderance of the Council and Inadequate Powers of the Assembly*

In the United Nations Charter, like in the League, the Security Council again consists primarily of five big powers (although these five in the UN are not the same as the five in the LN) which are permanent members with a number of lesser powers which are elected for brief periods. And as already pointed out, it is the Council which enjoys "primary responsibility for the maintenance of international peace and security" in order to ensure prompt and effective action by the United Nations. Furthermore,



despite the seemingly wide powers given to the General Assembly, the Charter is explicit in limiting the powers of the Assembly vis-a-vis those of the Council as it states, for example: "While the Security Council is, exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly *shall not* make any recommendation with regard to that dispute or situation unless the Security Council so requests." As long as unity prevailed in the Council, presumably such a provision could contribute to effective action for peace, but when disunity among the major powers in the Council began to characterize the organization, it became doubtful whether the primary responsibility given to the Council was conducive to prompt or effective action. When a big power holding the veto power did not feel that it could gain a majority support at the Assembly, it was not likely to agree to transmit a dispute case to the Assembly for settlement. The result was exactly the reverse or contrary to what was originally intended. Obviously the tragedy arose primarily from the big power domination that continues still. However, we should note here that an important improvement came to the General Assembly after the outbreak of the Korean War in 1950. It was the absence of the U.S.S.R.'s representative from the Council that enabled the Council and the Assembly to go ahead, to deal with the Korean situation. The "Uniting For Peace Resolution" adopted by the Assembly in 1950 did not actually revise the charter, but effectively enhanced the authority and power of the Assembly.

#### (5) *Lack of Policing Power*

The lack which was regretted in the League of Nations has remained in the United Nations organization. The draftsmen of the charter did not like the use of armed force for giving effect to the decisions of the organization in order to maintain peace. What did they suggest? Their suggestion read; "The Security Council may decide what measures not involving the use

of armed force are to be employed to give effect to its decision 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" (Article 41). Obviously, there are already measures which are in the nature of a punishment. The Charter provides further: "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 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" (Article 42). What does this mean? A war! A war against a whole nation in effect even though the nation to a considerable extent may have been disapproving the aggressive action of the government.

(6) *No resources*

The United Nations set up after the sad experience of the League of Nations without resources to fall back upon in the event of a prolonged war, strange as it may seem, still lacks the resources necessary for its survival. It is still run on a year to year basis, living a "hand-to-mouth" existence. This deficiency still remains in the United Nations.

(7) *A League of Governments*

"The United Nations" is still a misnomer today just as the League of Nations was. The defections of the League of Nations in this respect have been pointed out earlier. The same remarks will be applicable to the United Nations, except in one respect. It is the role of increasing importance which is played at the United Nations by the Non-governmental Organizations, commonly referred to by the abbreviation "NGO". None of the non-governmental

organizations, no matter how large and influential that particular organization may happen to be, can vote; but the United Nations has come to realize that it is essential to ensure the support of the intelligent and interested peoples in all lands, on all matters of international importance. The NGO is called in regularly to express its views before actions of wide international interest are taken by the United Nations. Nevertheless, legally and essentially, the United Nations is still a League of Governments.

(8) *No longer a Europe-Centered Organization*

The criticism of being "Europe-centered" will no longer apply to the United Nations which has its headquarters not at Geneva, Switzerland, but at New York. Nor can the United Nations be accused of being domineered by either Britain, or France, or any other single European power. The criticism today is not of being so much "Europe-centered" as "U.S.A.-centered". The recent suggestion from the U.S.S.R. to remove the UN Secretariat from New York to some place in Europe may be taken as suggestive of this trend of thought. Is New York, the big business center of the United States necessarily the most suitable site for the headquarters of the world organization? Perhaps this is a question which deserves a careful study.

(9) *Complex mechanism*

When we consider the greatly varied and complex tasks which were expected of the League of Nations to perform, the mechanism set up in Geneva was all too simple and crude. As compared with the simplicity of the League of Nations organization, the mechanism worked out by the United Nations, as shown on the attached sheet on page 86 is amazingly multifaceted and fascinatingly complex.

Lack of space forbids us from any attempt to explain the complex mechanism of the United Nations. Here we must content ourselves with but brief reference to the thirteen "Specialized Agencies" which mark a definite advance from the simple mechanism of the League of Nations. In the League of Nations scheme, with

the exception of the International Labor Organization (ILO) which legally was part of the League of Nations but independent in essence, most tasks of vital importance for maintenance of peace were entrusted to the League of Nations itself. Those tasks covered the fields of commerce and trade, communication and transit, money and banking, food, health, education, science and culture. It was plainly impossible for a single political organization to tackle the variety of problems in these diverse areas adequately. Under the old scheme of the League of Nations, if a state withdrew from the League because of a political dispute, that withdrawal involved severance from the world of cooperation in all those areas of commerce and trade, communication and transit, and all the rest which had the effect of weakening the world organism itself. The creation or designation of these thirteen Specialized Agencies may be said to have mitigated much of the deficiency of the old scheme, although the degree of success achieved by them varies from one to another. The thirteen Specialized Agencies are the following :

ILO—The International Labor Organization (Geneva)\*

FAO—The Food and Agricultural Organization (Geneva)

UNESCO—The United Nations Educational, Scientific and Cultural Organization (Paris)

WHO—The World Health Organization (Geneva)

IMF—The International Monetary Fund (Washington)

IBRD—The International Bank for Reconstruction and Development (Washington)

IFC—The International Finance Cooperation (Washington)

ICAO—The International Civil Aviation Organization (Toronto)

UPU—The Universal Postal Union (Berne)

WMO—The World Meteorological Organization (Geneva)

ITU—The International Telecommunication Union (Geneva)

ITO—The International Trade Organization (not yet started).

Temporarily replaced by :

GATT—General Agreement on Tariffs and Trade

- \* In the parentheses are the names of the cities where the headquarters or international secretariats are located. We should note that beside the ILO, in the prewar period, the UPU existed doing remarkable work. Also, the International Institute of Agriculture at Rome, a predecessor of the FAO, was doing useful work.

Chapter VIII DEVELOPMENT OF THE WORLD MOVEMENT;  
THE "CHICAGO DRAFT" OF WORLD CONSTITUTION

*Founding the World Movement for World Federal Government*  
(WMWFG)

The historic significance of the atomic bomb that exploded over Hiroshima in 1945 can hardly be minimized. Not only did it put an end to World War II, but it awakened the peoples of the world to new awareness of the danger of man's survival. It stirred the conscience of man in Europe, in America, in Asia. Spontaneously a resolution arose in the minds of men that there should be "No more Hiroshima" and that peace and justice must somehow be "enforced" upon the nations if the generations to come were to come and be saved from the scourge of war. This was the spark that gave the start to the movements for a world without wars or a World Federation, in various countries.

In 1946, representatives of the federalist groups in 14 countries met in Luxembourg with the concrete idea to establish a united

and permanent body to promote on an international basis the movement for world federation. The name given to this new body was the "World Movement for World Federal Government" (WMWFG). The national or local groups already existing were to be invited to affiliate with the new organization.

It was in the following year, on August 23-27 1947, that a meeting of historic importance was held at Montreux, Switzerland where delegates of 51 groups or organizations in 23 countries assembled. The meeting adopted a Declaration which laid down the guiding principles for the movement. Some enthusiasts expressed their personal feeling that the meeting at Montreux which adopted the Montreux Declaration for world federation might well be compared to the meeting of the men who assembled in Philadelphia in 1776 and signed the Declaration of Independence. History will show how far such exuberant enthusiasm was justified. The text of the Declaration is given below.

*The Montreux Declaration (1947)*

"The world federalists, meeting in Montreux at the first international congress of the World Movement for World Federal Government, call upon the peoples of the world to join us in our work.

"We are convinced that mankind cannot survive another world conflict.

"Two years have passed since the fighting ended, but Europe and Asia are still strewn with the wreckage of war. The work of rehabilitation is paralyzed; the peoples suffer from lack of shelter, food and clothing, while the nations waste their substance in preparing to destroy each other.

"The second attempt to preserve peace by means of a world organization, the United Nations, is powerless, as at present constituted, to stop the drift to war.

“We world federalists are convinced that the establishment of a world federal government is the crucial problem of our time. Until it is solved, all other issues, whether national or international, will remain unsettled. It is not between free enterprise and planned economy, nor between capitalism and communism that the choice lies, but between federalism and power politics. Federalism alone can assure the survival of man.

“We world federalists affirm that mankind can free itself federalists are convinced that the establishment of a world federal government. Such a federation must be based on the following principles:

- 1) Universal membership: The world federal government must be open to all peoples and nations.
- 2) Limitation of national sovereignty, and the transfer to the world federal government of such legislative, executive and judicial powers as relate to world affairs.
- 3) Enforcement of world law directly on the individual whoever he may be, within the jurisdiction of the world federal government: guarantee of the rights of man, and suppression of all attempts against the security of the federation.
- 4) Creation of supranational armed forces capable of guaranteeing the security of the world federal government and of its member states. Disarmament of member nations to the level of their internal policing requirements.
- 5) Ownership and control by the world federal government of atomic development and of other scientific discoveries capable of mass destruction.
- 6) Power to raise adequate revenues directly and independently of state taxes.

“We propose to make use of any reasonable methods which can contribute to the early achievement of world federal government to prevent another world war.

“We consider that integration of activities at regional and

functional levels is consistent with the true federal approach. The formation of regional federations—insofar as they do not become an end in themselves or run the risk of crystallizing into blocs—can and should contribute to the effective functioning of world federal government. In the same way, the solution of technical, scientific and cultural problems which concern all the peoples of the world, will be made easier by the establishment of specialist functional bodies.

- 1) The mobilization of the peoples of the world to bring pressure on their governments and legislative assemblies to transform the United Nations Organization into a world federal government by increasing its authority and resources and by amending its Charter.
- 2) Unofficial and concerted actions ; in particular the preparation of a world constituent assembly, the plan of campaign for which shall be laid down by the Council of the Movement in close cooperation with the parliamentary groups and federalist movements in the different countries. This assembly, set up in collaboration with organized international groups, shall meet not later than 1950 for the purpose of drawing up a constitution for the world federal government. This plan shall be submitted for ratification, not only to the governments and parliaments, but also to the peoples themselves and every possible effort shall be made to get the world federal government finally established in the shortest possible time.

“Without prejudging the results of these two methods of approach, we must expand our action as quickly as possible, that we may take advantage of any new opportunities which present themselves to the federalist cause. One thing is certain—we shall never realize world federal government unless all the peoples of the world join in the crusade more than ever time presses. And this time we must not fail.”



*Steady growth of the World Movement*

Commencing with the First Congress at Montreux in 1947, the Movement (WMWFG) has held a world congress almost annually. The Second Congress after the one at Montreux was held in Luxembourg in September 1948, where the Luxembourg Declaration was adopted. It was in 1948 that the "Chicago Draft" of World Constitution, explained at length later was published. It was also in 1948 that the Union for World Federal Government (*Sekai Renpo Kensetsu Domei*) of Japan was formed at Hiroshima. The Fourth Congress of WMWFG was held in April 1951 in Rome where it adopted the Rome Declaration. The year 1951 was marked by two other events. One was the interesting conference held at Copenhagen, Denmark by the World Student Federalists. That was in fact the fifth annual meeting of the student movement for world federation, which constitutes the Youth Section of WMWFG. The Congress passed a series of Resolutions stressing the importance of certain definite policies for the movement. For this reason, the resolutions adopted at Copenhagen in August 1951 have come to be known as "Policy Resolutions". The other was the formation in London of the *World Association of Parliamentarians for World Government* (WAPWG). The founding of this association was certainly a matter of high significance. For, of all agencies or institutions in any country today, the parliaments rank unquestionably among the first to make political decisions which mould the destiny of the nations. Events in the following years have shown that the expectation concerning the parts to be played by the parliamentarians was not excessive or exaggerated.

After these events of 1951 in Rome and at Copenhagen, the next significant event occurred outside of Europe, in Hiroshima, Japan in November 1952. It was the First Asian Congress for World Federation organized by the Japanese Union for World

Federal Government. Details of this will be discussed later. In the following year 1953, the World Association of Parliamentarians for World Government held a joint conference with WMWFG at Copenhagen and adopted proposals for United Nations Charter Revision. A year later, in September 1954, the World Association of Parliamentarians met in London and issued what is known as the "London Manifesto", which was followed closely by the joint conference of WMWFG and WAPWG in London. The joint conference addressed to the United Nations again "Proposals for United Nations Charter Revision". This was the second of such proposals after the 1953 congress. At the congress held at Amsterdam in 1956 the long name of WMWFG was changed to the new and simple name "World Association of World Federalists" (WAWF) and the headquarters were moved from Paris where it used to be to Amsterdam in Holland. In 1957, at the joint meeting held in Paris of the Executives of WMWF and WAPWG a third proposal for Charter revision was adopted. In that same year, 1957, the Tenth Anniversary Congress of the World Association of World Federalists held at the Hague, August 26—31, 1957, adopted a "MANIFESTO" and a series of Resolutions concerning United Nations Charter Revision, disarmament, U.N. Police Force, etc.

Space does not allow any further discussion of the events which marked the steady growth of the movement in the world, before we take up the "Chicago Draft" and the developments in Japan.

### *The "Chicago Draft" of World Constitution*

One landmark in the development of the movement for world federation was the publication in 1948 of the "Preliminary Draft of a World Constitution". Result of a serious study and work of two and half years, it is a document of much historic interest, known more commonly now as the "Chicago Draft" because the

drafting work was achieved in Chicago.

### *The Personnel of the Drafting Committee*

The personnel of the eleven men who constituted the committee which drafted the document was impressive, comprising scholars, lawyers, specialists, and men of experience in the field of international relations. It was chaired by the then Chancellor of the University of Chicago, Robert M. Hutchins, known as one of the foremost educators who became President of the University of Chicago at the age of 30. The committee was constituted as follows:

#### *President*

Robert M. Hutchins. Chancellor of the University of Chicago ;  
Chairman of the Board of Editors of the Encyclopaedia  
Britannica ; author of *Education for Freedom*.

#### *Executive Secretary*

G. A. Borgese. Professor in the Division of Humanities,  
University of Chicago ; author of *Goliath* ; co-author of *The  
City of Man*

#### *Members*

Mortimer J. Adler. Professor of the Philosophy of Law, Univ-  
ersity of Chicago ; Associate Editor of the *Great Books of  
the Western World* ; author of *How to Think about War and  
Peace*.

Stringfellow Barr. Former President of St. John's College ;  
author of *Mazzini, Portrait of an Exile*.

Albert Leon Guerard. Professor Emeritus of General Literature,  
Stanford University ; author of *Literature and Society* and  
*Europe Free and United*.

Harold A. Innis. Professor and Chairman of the Department  
of Political Economy, University of Toronto.

Erich Kahler. Visiting Professor at Cornell University, author  
of *Man the Measure*.

Wilber G. Katz. Dean of the Law School, University of Chicago.

Charles H. McIlwain. Professor Emeritus of Science of Government, Harvard University; author of *The Growth of Political Thought in the West* and *Constitutionalism, Ancient and Modern*.

Robert Redfield. Professor and Chairman of the Department of Anthropology, University of Chicago; Member of the Board of the American Council on Race Relations; author of *Tepoztlan* and *The Folk Culture of Yucatan*

Rexford G. Tugwell. Professor of Political Science, University of Chicago; former Governor of Puerto Rico; author of *Battle for Democracy* and *Changing the Colonial Climate*

#### *Basic thought or Attitude*

The basic thought or attitude of the draftsmen of this "Preliminary Draft" is expressed in a few paragraphs which are characterized by modesty, moderation and courage of the draftsmen if these three qualities go together, as indeed they did here. These paragraphs are found at the top of the document, printed in very small print as follows:

"To the Reader.

The members of the Committee to Frame a World Constitution have never thought that they could be remembered some day as the Committee that Framed *the* World Consitution. Their ambition or hope was and is to do their part in taking down to earth or, so to speak, spelling out, the general movement for World Government that has been growing, not always in definite shape, during these years. The problems of world government are hard and intricate. The Committee felt that these problem can best be clarified in a constitutional design, indeed as a concrete picture to show what a Federal Republic of the World, under certain conceivable circum-

stances, *might* look like. Thus visualized in an exact frame of government and law, the Republic of the World does not look so absurd—"utopian" is the world—as defeatism maintains. Neither does it look so self-evident as frivolous optimism would prefer to believe.

That the "conceivable circumstances" for the rise of a World Republic are not at hand, the Committee knows fully well. Paramount among those circumstances should be the willingness of Russia, but not of Russia alone, to surrender sovereignty. To create those circumstances is beyond the power of any individual or group and this Committee is not a guild of miracle makers. It is quite possible that the human race has not suffered enough to learn, and that wisdom should be expected only from the ashes of a conflagration out of which, according to an authoritative American forecast, would emerge not one Rome but two Carthages.

Yet World Government shall come—this is practically the consensus in this generation—whether within five years or fifty, whether without a conflagration or after it. In this perspective the Committee's Constitution is meant, no less humbly than confidently as a proposal to history. History may weigh it today or tomorrow. History certainly, when the proposal is weighed against circumstances and forces which are undisclosed today, will find it wanting. But it is not equally certain that the proposal will be ignored altogether. For a shape of things to come, provided it has a consistency of its own, has a power of attraction on the things to come; or, otherwise stated, a pattern of form born in the mind, if it is to some extent ideal and rational alike, bids for embodiment in the world of the real and quickens, to an unpredictable extent, the historical process of which it is a forerunner.

In any case it will not be immoderate to assume that this constitution should provide usable tracks for further study and discussion of the problem of World Government; which is, basically and ultimately, the problem of World Government; which is,

basically and ultimately, the problem of the atomic age out of whose context no particular problem can find or even reasonably seek a separate solution”.

These paragraphs were dated September 17, 1947. They may be considered as valid today as they were at that time.

### *Gist of the Proposals*

Despite the danger of doing injustice to the carefully drawn draft, we venture to give a brief gist of the concrete proposals contained in this “Preliminary Draft”. It is space limitation under which we dare do this. However, because in the Preamble we see the philosophy clearly spelled out, full text of it is first given below. *Preamble*

“The people of the earth having agreed that the advancement of man in spiritual excellence and physical welfare is the common goal of mankind, that universal peace is the prerequisite for the pursuit of that goal ; that justice in turn is the prerequisite of peace, and peace and justice stand for all together ; that iniquity and war inseparably spring from the competitive anarchy of the national states ; that therefore the age of nations must end, and the era of humanity begin ;

The governments of the nations have decided to order their separate sovereignties in one government of justice, to which they surrender their arms ; and to establish this Constitution as the covenant and fundamental law of the Federal Republic of the World”.

The Draft Constituion consists of eight parts or sections which are : 1. Declaration of Duties and Rights ; 2. Grant of powers ; 3. The Federal Convention, the President, the Legislature ; 4. The Grand Tribunal and the Supreme Court ; 5. Tribune of the People and the World Law ; 6. The Chamber of Guardians ; 7. The Federal Capital and Federal Language and Standards ; 8. The Amending

Power.

Regarding the structure of a world state, even if agreed on the fundamentals, there can be a vast variety of thought. Some people who are relatively unacquainted with the problems involved are apt to assume that when a world state is set up, all independent states will disappear. All border lines will be effaced and a single state without any specific traits will take its place. Closer studies of the existing conditions, however, will convince any one of the unlikelihood of any such state emerging at once. There is but one thing essential to a world state which is the transfer to the world authority of the sovereignty of each individual state, regarding especially the exercise of the power of defense. Wars are being waged in the name of defense by the states. A war-less world must be a world in which the states cease to exercise that power. In the proposed scheme, the functions of the world authority will be divided largely to the legislative, judicial and executive. *In the Declaration of Rights and Duties*, we find the proposition that earth, water, air and energy are the common property of the human race. The golden rule that man should do unto others as he would like others to do unto him and to abstain from violence is the basic teaching of the Constitution. It proposes to save man from want, from fear and from enslavement. It lays down removal of discrimination on account of race, border or breed and emphasizes the basic rights of man and respect for human personality. It seeks thereby to remove the causes of disputes concerning race, immigration, international economy and armaments. In place of each nation, there is to be a *World Police Force*.

The sovereignty in the world state will rest with the people. There will be a *Federal Convention*, held triennially and attended by delegates who are elected on the ratio of one per million people. In order to ensure a fair representation at the Federal Convention, the world will be divided into 9 Electoral Colleges or Regions. From each Region, there will be 29 candidates elected. At the Federal

Convention, in plenary meeting by secret and proportional ballot, 9 Councilmen will be elected from each Region. In addition, there will be 18 additional Councilmen elected by the Convention regardless of origin. Thus, the total membership of the *World Council* will be 99. One interesting feature of the Federal Convention is that the delegates to it vote as individuals and not as members of national or otherwise collective representations. The term of the Council is 3 years. The primary power to initiate and enact legislation for the Federal Republic of the World is vested in the Council.

For the election of the *President* of the Federal Republic of the World, each Region nominates by secret ballot not more than three candidates regardless of the origin. It is the Federal Convention which finally elects the President by secret ballot on a majority of twothirds. The President's term of office is 6 years and not re-eligible. The President and the Council establish three Special Bodies : 1. *A House of Nationalities and States* ; 2. *A Syndical* (or functional) *Senate* ; 3. *An Institute of Science, Education and Culture*. There will also be a Special Body of 21 members called the *Planning Agency* with the functions to envisage the income of the Federal Government, to prepare programs and budgets for expenditures, to plan for improvement of the world's physical facilities for the productive exploitation of resources and inventions.

For judicial ends, there will be a *Grand Tribunal* consisting of 60 Justices and a Supreme Court consisting of 7 members. Another interesting feature of the World Constitution is that it is applied to the individuals like the laws of the various states. Noticeable also is its provision abolishing death penalty. Further, there is the *Tribune of the People* appointed, with the function to defend the natural and civil rights of individuals and groups against violation or neglect by the World Government and to further and demand, as a World Attorney before the World Republic observance of the letter and spirit of the Constitution. In addition to these offices, the President will appoint the *Chamber of Guardians*



which will supervise the armed forces of the Federal Republic of the World.

## Chapter IX WORLD PEACE THROUGH WORLD LAW

### *Background of the authors*

Finally we come to examine briefly the most notable work of two American scholars, entitled WORLD PEACE THROUGH WORLD LAW, the first edition of which came out from Harvard University Press in 1958 and the second revised edition in 1960. It is the joint work of Grenville Clark, a lawyer and Louis Sohn, a Professor at Harvard Law School, a few lines introducing these two scholars here may found helpful.

Grenville Clark graduated the Harvard Law School in 1906 and served in the U. S. Army during World War I. He was closely associated with Elihu Root and also the initiator of the Selective Service Act of 1940. He was consultant to Secretary of War Stimson from 1940 to 1944. Since 1939 he has engaged in research and study of the problems of world order.

Louis B. Sohn was born in Poland, received his LL. B. at John Casimir University, Lwow in 1935 and his LL. M. and S. J. D. from Harvard in 1940 and 1958. Professor Sohn was a legal officer for the United Nations Secretariat and in 1951 joined the faculty of the Harvard Law School, where he now teaches courses in United Nations Law and problems of world order.

*How the monumental work came to be written jointly*

Back in 1940 already, Grenville Clark wrote his *Proposed World Constitution* and privately circulated it among his friends. Ten years after, in 1950, he wrote his first big work: *A Plan for Peace*. It was in October 1945 that he met Prof. Sohn for the first time and commenced the joint study of the problems of world peace, with the idea of achieving a world federation through revisions of the United Nations Charter. In July 1953, they published their first joint work: *Peace through Disarmament and Revision of U. N. Charter*. Three years later in 1956, they published *Supplement to Peace through Disarmament and Revision of U. N. Charter*. These two publications were used by the authors for the purpose of inviting the criticisms and soliciting comments or suggestions from scholars and the leaders of thought in different parts of the world. These publications contained a comprehensive plan of world peace through universal, complete and enforceable disarmament under the control of world law. Three thousand copies of the last named publication were distributed among the interested people and literally hundreds of comments or replies were received. As the authors explained, it was on the basis of these replies that they modified or improved the contents of their proposal, which are contained in the last monumental work *WORLD PEACE THROUGH WORLD LAW*, a volume originally containing 540 pages, published in 1958. In the foreword to their publication, the authors explained further that that their objective was to contribute material for world-wide discussion for establishing an effective world organization for the maintenance of peace. Their attempt was to present a complete plan for genuine peace in a disarmed world, governed by law. They confessed their prudent optimism as to the prospects of success of their plan. The authors are confident of success, because for self-preservation mankind must now find a way for disarmament and world governed by law.

*Underlying Principles*

The second, revised edition published in 1960 is a volume of 441 pages including the Introduction. Though slightly reduced in pages and changed in emphases on minor details in comparison with the 1958 edition, the fundamental premise of the 1960 edition remained the same and incidentally identical with the pronouncement of the President of the United States on October 31, 1956: "There can be no peace without law". In this context, as Grenville Clark stated, "the world law necessarily implied the law of a world authority, i. e. law which would be uniformly applicable to all nations and all individuals in the world and which would definitely forbid violence or the threat of it as a means for dealing with any international dispute. This world law must also be law in the sense of law which is capable of enforcement, as distinguished from a mere set of exhortations or injunctions which it is desirable to observe but for the enforcement of which there is no effective machinery".

Clark was emphasizing the conception that peace cannot be ensured by a continued arms race, nor by an indefinite "balance of terror", nor by diplomatic maneuver, but by universal and complete national disarmament together with the establishment of institutions corresponding in the world field to those which maintain law and order within local communities and nations.

There are seven basic principles by which the authors had been governed in working out detailed plans of a world federation. Those seven are given in rough outlines below.

1) For genuine peace an *effective system of enforceable world law* is necessary. This implies: (a) complete disarmament and (b) simultaneous adoption on a world-wide scale of the *measures essential for maintenance of law and order*. This in turn will mean necessity for clearly stated *law against violence*, courts to apply that law and *police* to enforce it.

2) The world law must *prohibit international violence* definitely

in constitutional and statutory form.

3) *World judicial tribunals* must be set up to interpret and apply the world law. Organs for *conciliation* and *mediation* must be set up; *peaceful adjudication* should take place of violence or threat of it for dealing with international disputes.

4) A *permanent World Police Force* must be created, to forestall or suppress any violation of the world law.

5) *Complete Disarmament* of all nations must be *carried out simultaneously* and in a proportionate manner by carefully verified stages and subject to a well-organized *system of inspection*.

6) Effective world machinery must be set up to *mitigate the vast disparities in economic condition* of various regions of the world.

In addition to the above six principles, there are several matters which the authors thought are no less important than those already mentioned as guiding principles. Those supplementary principles relate to: 1. *Active participation in the world peace authority, universally* by all nations on earth; 2. *Application* of the world law *directly to individuals* as well as to the whole body of the nations; 3. *Guaranteeing of basic rights and duties of all nations* in the constitutional document of the world authority. There should be clear limits laid down on the powers of the various organs of the world authority as a *safeguard against abuse of powers*; 4. The *powers of the world organization* should be *restricted* to matters directly related to the *maintenance of peace*; 5. Any plan proposed for the new world order must be on a level which is *acceptable to this generation*. A plan which is, however ideal in conception, so far ahead of the times as to raise insuperable opposition would be futile; 6. While it is not out of the question to create an entirely new world authority in a completely disarmed world, it seemed to the authors "more normal and sensible make the *necessary revisions of the present United Nations charter*".

*Principal Proposals*

Guided by the principles enumerated above, the authors have made proposals of revision which are set forth in the form of amendments to the present United Nations charter. The proposed revisions are shown in the book, in which the full text of the present charter and the full text of the revised charter are compared in parallel columns. Each proposal for revision is followed by comments which explain the reasons for revision. Beside the revisions proposed on the present Charter which consists of 111 articles, the authors have proposed addition of seven Annexes in order not to demolish the present form of the Charter. It is not possible in this essay to explain the details of the proposed revisions. We can hardly do more than itemize the revisions here. Readers are advised to study the graph entitled "Clark-Sohn Plan for United Nations" on Page 87. Main features of the proposed revision are given below :

## I. Revisions in the Charter itself

1) *Membership*. Universal, compulsory membership is the aim of the proposal.

2) *The General Assembly*. A radical revision is contemplated as to the powers, composition and methods of voting of the Assembly.

3) *The Executive Council*. It is proposed to abolish the security Council and to substitute for it an Executive Council composed of 17 representatives elected by but responsible to and removable by the General Assembly.

4) *Economic and Social Council ; Trusteeship Council*. These two Councils would remain with somewhat larger and different composition than under the present Charter designed to provide a wider and better-balanced representation on these Councils.

5) *The Disarmament Process*. A carefully framed plan for the elimination of all national armaments is contained in Annex I.

6) *A World Police Force*. In Annex II are provisions in detail.

for the proposed United Nations Peace Force. There will be a standing component and a Peace Force Reserve. It is this body which is designed to perform the functions of police force for the United Nations.

7) *The Judicial and Conciliation System* The system is designed to provide for the adjudication or settlement of international disputes peacefully in place of resorting to the use of arms. Minute provisions are found for the International Court of Justice and the World Equity Tribunal.

8) *Enforcement and Penalties* The plan envisages a variety of enforcement measures including the prosecution in the United Nations regional courts of individuals responsible for a violation of the disarmament provisions.

9) *World Development* Establishment of a World Development authority is contemplated for assisting in the economic and social development of the underdeveloped areas of the world.

10) *A United Nations Revenue System* The plan is to provide adequate funds to the world authority. Minute provisions are found in Annex V.

11) *Privileges and Immunities* The provisions in Annex VI are to ensure efficient and effective service of the international civil servants in the various organs of the world authority.

12) *Bill of Rights* In Annex VII is the proposed Bill of Rights, designed to ensure that the strengthened United United Nations shall not violate the basic rights of any individual person in the world.

13) *Ratification* The provision is designed to facilitate the adhesion of the big federal powers such as the U.S.S.R. and the U.S.A. as well as the lesser powers to important agreements among the nations.

14) *Amendment* The reason for the proposal for revision concerning amendment is self-evident. The idea is to facilitate the process of amendment of the charter.

15) *Continued organs and agencies* The proposal is not to dispense with any organization which has been performing useful functions, but to strengthen them so that the United Nations will be fully equipped to accomplish the basic purpose, which is to maintain international peace.

## Chapter X THE WORLD FEDERALIST MOVEMENT IN JAPAN

### *Origin of the Movement in Japan*

The origin of the present world federalist movement in Japan must be traced back to the farsight and wisdom of a statesman, Yukio Ozaki (1859—1950).

“Heaven and Earth have no border nor limit. Whoever built forts and states in it?”

“Between sky and earth unlimited and vast, why must men fight even as beasts do?”

These were the thoughts expressed in Waka (31 syllable poems) by Ozaki who also rebuked mankind for waging wars “in a world created by God for all peoples to live in peace”. Elected already in 1890 to the House of Representatives in the first general election in Japan, Ozaki continued to be reelected without a break for over 42 years in the Diet and championed the cause of civil rights and liberty. For long as the Mayor of Tokyo and also as the Minister of Education, he rendered significant services to the nation for uplifting the level of civic life and education. He was known as “*Kensei no Kamisama*” (Guardian-god of Constitutional

Government). Hereafter, however, Ozaki will be remembered, if for nothing else, as the man who, for the first time in this country, urged the necessity for the nations of the world to give up their arms and federate even as Japan did in the Restoration of Meiji when those 250 or more feudal lords under the Shogun surrendered their arms and fiefs and were replaced by the Prefectural Governors in the united Japan. It was this bold reform action, called *Hai-han Chi-ken* (Abolition of fiefs, Replaced by Prefectures), which enabled Japan to unite and make the phenomenal progress as a new, modern nation. It was for the inspiration and the leadership he gave in this direction that in his last years, when he was well over 89 years of age, Ozaki was elected President of the Union for World Federal Government of Japan in 1948.

*Founding of Sekai Renpo Kensetsu Domei* (Union for World Federal Government)

On August 6, 1948, on the third anniversary day of the atomic bombing of Hiroshima, the Union for World Federal Government (*Sekai Renpo Kensetsu Domei*) of Japan was founded at a national convention held in the city of Hiroshima. There are half a dozen men whose names must remain long. One was the late Toyohiko Kagawa, the world famous Christian evangelist and reformer. Another was the late Yasaburo Shimonaka, a publisher by trade, but who had participated from his youth and for all his life in progressive movements. Still another was Morikatsu Inagaki, who had worked long for the League of Nations Association of Japan and translated into Japanese Emery Reeves' *Anatomy of Peace* which awakened many people to the lofty idea of world peace.

*Asian Conferences convoked by the Japanese Union*

In addition to the annual conventions which the union has held



in Hiroshima, Kyoto, Tokyo, etc. to arouse the public sentiment for peace and to educate the people in the direction of world federalism, the union has convoked so-called *Asian Conferences for World Federation* three times in 1952, 1954 and 1957. The thought behind such actions was that the world federation, an organization of the future, must be built on a firm foundation looking to the future. In Asia and Africa, there are two thirds of the 2.7 billion souls of the earth seething now with new life and new hopes for the future. These peoples of the two continents must be mobilized in this world movement.

To the First Asian Conference held in 1952 in Hiroshima came Redhabinod Pal, Justice of the Supreme Court of India; Abdul Rehman, later the Prime Minister of Malaya and other leaders of some dozen new countries of Asia and Africa. Incidentally, Lord Boyd Orr, the first President of the World Association of World Federalists was also present at this first Asian Conference. The Hiroshima Declaration adopted at that Conference, being of historic interest, is given at length below :

*Hiroshima Declaration* adopted by the First Asian Congress for World Federation November 3-6 1952.

"Today, the whole of mankind, in deadly fear of atomic warfare and abhorring its inhumanity, is searching for means to prevent a third world war ceaselessly threatened by international discord and strife.

"The Asian Congress for World Federation in the atom-bombed Hiroshima, recognizing the historic significance of this Congress, vowing solemnly to work for the abolition of war and in order to strengthen the spirit of brotherhood among men which is basic to world federation, unanimously declares to the entire world its determination to strive for :

- 1) Prohibition of the production as well as the use of atomic weapons;
- 2) Drastic reduction of existing armaments leading to their total abolition in each nation ;

- 3) Elimination of racial discrimination and establishment of fundamental human rights ;
- 4) Removal of religious prejudice and promotion of cooperation among all the faiths of the world ;
- 5) Release in the immediate future of war criminals as well as prisoners of war detained in various countries ;
- 6) Opening up of natural resources for the solution of population problems.

For implementation of the principles enunciated above and the matters agreed upon, we hereby resolve, basing our efforts on Mahatma Ghandi's *Satya Graha* (Power of Truth), to promote with all our strength the movemnet for the establishment of world federation ”.

The Union for World Federal Government in Japan convened in May 1954 a conference called the *United Nations Non-members Conference* in Tokyo. The conference lasted three days, May 2-4, 1954. At the conference, the delegates pointed out in a resolution that the main reason for the worsening of the postwar world situation was the fact that the big powers inside the United Nations had divided the world into two hostile camps and thereby debased the fundamental spirit of the United Nations and made this organization's existence meaningless as an institution for peace and for economic cooperation on a world level. The delegates pointed out further that some 20 nations applying for admission to U. N. had been denied their admission, not because they lacked the necessary qualifications but largely on account of the dispute between the two power blocs. They argued further that an international organization which is nothing more than a league among hostile states could not offer security as to the prevention of war. On these various grounds, the conference adopted a Declaration, in the name of the interested peoples of the states which are not state members of the United Nationg: 1) that the United Nations take effective measures for ensuring universality of the United Nations, 2)

that a world disarmament conference should be convoked, 3) that time had now arrived for establishing a world federal government, and 4) that the forthcoming Tenth Annual Session of the General Assembly of the United Nations should decide on the convocation of a Review Conference with the view to the revision of the charter of the United Nations.

As already mentioned briefly, the Japanese Union for World Federal Government convoked altogether three "Asian" conferences, the second of which was held in Tokyo in November 1954 and the third in Kyoto, October 18-21, 1957. The third one was, to be more precise, called "the A-A Congress for World Federation" because beside the delegates from India and other Asian countries, delegates were expected from a few African countries as well. Mr. Komla Agbeli Gbedemah, Minister of Finance of the new state of Ghana, who had become the President of the World Association of World Federalists, as its third President, came to Japan in March 1953. He had succeeded Mr. Larsen, the Scandinavian airline magnate, who had followed Lord Boyd Orr as the second President of the World Association.

#### *Diet Members' Organization for World Federation*

The movement for world federation in Japan was greatly strengthened when the most influential members of the Diet in both Houses, including members of both the conservative government party (*Jimin To*), and the opposition Party (*Shakai To*) spontaneously organized a body known as *Sekai Renpo Kokkai Inikai* (Diet Members' Committee for World Federation) in May 1951 with a total membership of over 120 at the start.

It is a permanently organized body with its secretariat with in the building of the Diet. Tokutaro Kitamura, former Minister of Finance and Member of the House of Representatives is President

and Setsuo Yamada, member of the House of Councillors, formerly Vice President of *Sodomei* (Japanese Federation of Labor) is Executive Secretary. Among the Advisers of this body are prominent personalities such as Tetsu Katayama, a Christian Socialist and formerly Prime Minister. This body actively cooperates with the Union for World Federal Government in organizing national or international congresses, in sending abroad the representatives of the Japanese movement for world federation to attend events in Europe or America and in generally promoting the movement within and without the country.

*“Mundialized” Prefectures and Cities spreading*

No doubt the word “mundialization” is still largely unfamiliar even to the ears of the intelligentsia in the English speaking world itself. Dictionary shows that it comes originally from the Latin word *mundus* which meant the world, universe or the heavens. It is of the same origin as the English word *mundane*, though the meaning of the two words is almost opposite to each other. The word “mundialization” has been and continues to be used widely in Japan at least, to mean official acceptance of, or turning to the tenets of world federation.

Historically, France was the first country to act officially in this direction. It was in 1946 that the French Chamber of Deputies adopted with the necessary two thirds majority votes a bill which would be called a bill for “mundialization” and inserted in the Constitution of the French Republic on Sept. 28, 1946 a provision which read:

“The French Republic, faithful to its traditions, abides by the rules of international law . . . On condition of reciprocity, France accepts the limitations of sovereignty, necessary to the organization and defense of peace.”

This was totally deleted in the De Gaulist Constitution later.

That was no doubt an inevitable thing under the tight regime of the De Gaule government.

In 1948, the Italian Parliament also revised the Constitution of Italy for a similar purpose. A similar change occurred also in the Danish Constitution around this time. It is remembered too that the Basic Law of West Germany of 1949, which is equivalent to the Constitution of another country contained a similar provision, expressing the readiness of West Germany to accept the authority of a world federation if and when it is organized.

Now in Japan it was on October 13, 1950 that the City of Ayabe took the lead and adopted a resolution in the city assembly, solemnly declaring that "Ayabe is at once a World Federation city and also a Japanese city and Ayabe would do everything with the peoples of the entire earth for the establishment of permanent peace."

The bold start taken by Ayabe city fired the imagination of other cities as well as prefectures. The result has been amazing. City after city and as many as 13 prefectures adopted already a similar resolution so that as of October 31, 1961, there were 15 prefectures and 231 cities or towns which have been solemnly "mundialized". Those mundialized cities and prefectures have organized a national alliance of the mundialized cities and prefectures in order to coordinate and strengthen their activities. It is estimated that the total population of the mundialized cities and prefectures would rise at least to 35 million, representing a fifth of the total population of Japan.

#### *Other Activities of the Japanese Union for World Federal Government*

The Japanese Union for World Federal Government has as its President (Prince) Naruhiko Higashikuni, formerly Prime Minister of Japan. Among the Vice Presidents is Mrs. Sumi Yukawa, wife

of the Nobel Prize Physicist Dr. Hideki Yukawa who is currently the President (the fourth) of the World Association of World Federalists. The Union has its headquarters in Kanda, Tokyo, managed by Masaaki Tanaka, Director. Beside organizing annual congresses and occasional national conventions, the union, usually with the cooperation of the Diet members' committee and the Alliance of Mundialized Cities, conducts activities on both national and international scales. The activities include:

1. Conferences organized—International, national, regional, city and other.
2. Publications issued—Annual, quarterly and weekly, beside monographs occasionally published.
3. Courses or classes conducted—For training leaders of the movement.
4. Study groups organized—Organized at the local chapters of the Union or at universities and colleges.
5. Prize essays offered—Yearly on national scale.
6. Oratorical contests held—Yearly, on inter-university basis.

The Japanese Union for World Federal Government is particularly busy currently in preparation for the 1963 congress of the World Association of World Federalists to be held in Tokyo.

## E P I L O G U E

The people of the entire world were again shocked recently on hearing the announcements of resumption of the tests of the

deadly nuclear explosions. Were the draftsmen of the Chicago Draft of World Constitution after all right when they stated: "It is quite possible that the human race has not yet suffered enough to learn, and that wisdom should be expected only from the ashes of a conflagration out of which, according to an authoritative American forecast, would emerge not one Rome, but two Carthages"? However, to expect either two Carthages or one Rome might in fact be called an unsubstantiated optimism today, for is it not much more likely that when the 50 megaton tests go on, no living creature may remain on this earth at all? Was Shelley forecasting something of this sort when he wrote his *Ozymandias*? With apology for this license, we would like to reproduce below the ghastly picture of his with one word altered:

"I met a traveller from an antique land  
 Who said: "Two vast and trunkless legs of stone  
 Stand in the desert. Near them on the sand,  
 Half sunk, a shattered visage lies, whose frown,  
 And wrinkled lips and sneer of cold command,  
 Tell that its sculptor well those passions read  
 Which yet survive, stamped on these lifeless things,  
 The hand that mocked them, and the heart that fed;  
 And on the pedestal these words appear:  
 "My name is *Nuclear Science*, King of Kings,  
 Look on my works, ye Mighty and despair!"  
 Nothing beside remains. Round the decay  
 Of that colossal wreck, boundless and bare,  
 The lone and level sands stretch far away".

Now the ghastly picture contained in the above quotation, or misquotation, might look like the product of unwholesome pessimism and despair, though the reality the world is facing is a stern one, perhaps warranting all this or even worse. What do we propose

to do in this situation? This reminds us of the words uttered once by Schopenhauer, the pessimist philosopher of the 19th century Germany. "In general", said he, "the wise in all ages have always said the same things and the fools who at all times form the immense majority have in their own way too acted alike and done just the opposite, and so the world will go on. For as Voltaire says, we shall leave the world as foolish and wicked as we found it." But is this true? Was Schopenhauer or Voltaire right? We say, No! No, because we know that in the nuclear age, man's very survival is at stake and we can no longer indulge in the luxury or folly of such a philosophy. We will admit that in the nuclear age, "no problem can find or even reasonably seek a solution divorced from the context of the nuclear age." This is indeed the very reason why we would echo the words of the then President of the United States of America Mr. Eisenhower who said: "What we need more today than a gigantic leap into space is a gigantic leap into PEACE."

In the present short essay, we ventured to point out certain, more apparent deficiencies in the United Nations, some of which are basic in nature and require drastic revisions. We have laid stress on the revision proposals of Grenville Clark and Louis Sohn for a world federation. All of this, because we firmly believe in the immense potentials of the United Nations. We believe, like the men in the American Friends Service Committee that "the United Nations offers leadership both to governments and to individuals, symbolizing as it does, the faith of all men in the development of a peaceful and brotherly world community".\* Such a community, we believe, will come when the world is governed by world law, in a federated world.

After having said this, however, may we conclude by recalling

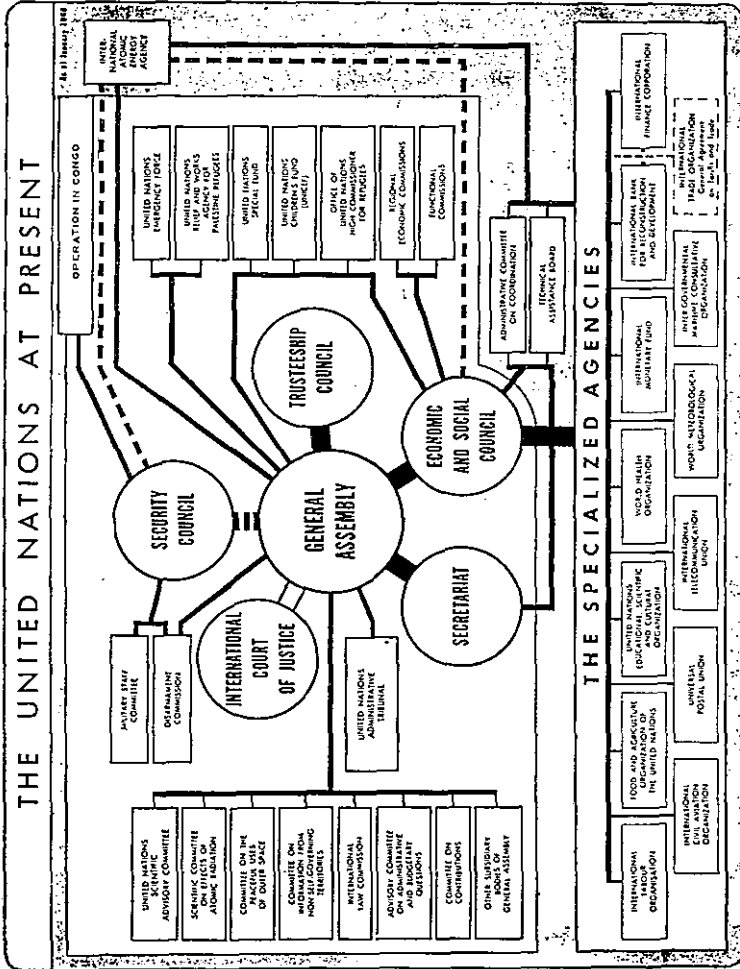
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\*The American Friends Service Committee: THE FUTURE DEVELOPMENT OF THE UNITED NATIONS—Some Observations on Charter Review. A. F. S. C. Philadelphia, 1955.



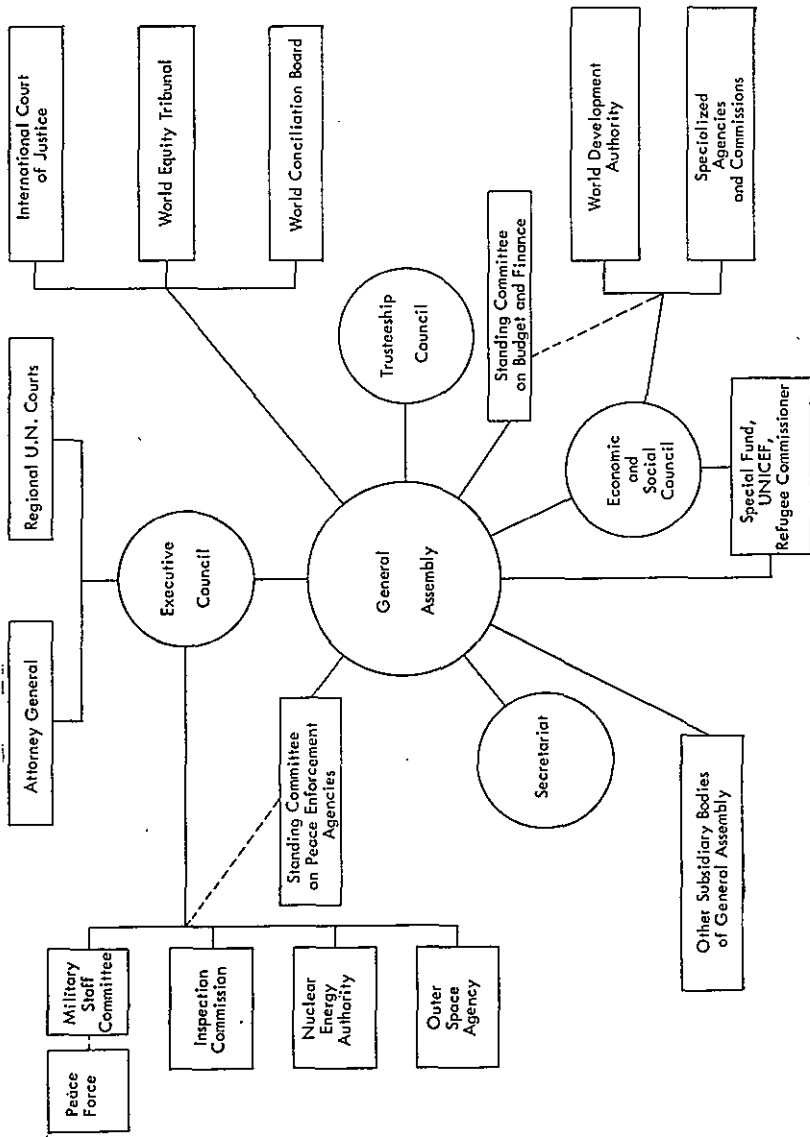
that in man's search for a good and satisfying life, there are two approaches. As is pointed out by Dr. Howard Brinton, the revered Quaker philosopher at Pendle Hill, by the first of those approaches, man attempts to order his environment so that it will satisfy his desires; by the second, he attempts to order his inner life so that happiness and satisfaction are attained independently of the outer world. Personally, we are inclined to follow the latter approach rather than the former. We believe in the tenet of UNESCO, enunciated in the Preamble of their Charter: "Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed". We believe further that the proposal contained in the World Peace Through World Law is "a proposal to history", which, while it does deal with the structure and mechanics, as it were, of the world of tomorrow, is an approach basically of the latter category, requiring faith in man or in one another and involving what Eisenhower called "a gigantic leap into PEACE".

This is a moral challenge in the nuclear age which we believe the enlightened people in all lands must take up.



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# CLARK SOHN PLAN FOR UNITED NATIONS



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