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**THE
FUTURE DEVELOPMENT
OF THE
UNITED NATIONS**



*Some Observations
on Charter Review*



A study prepared for
The American Friends Service Committee

FOREWORD

THE FUTURE DEVELOPMENT
OF THE
UNITED NATIONS

*Some Observations on
Charter Review*



A STUDY PREPARED
FOR THE
AMERICAN FRIENDS SERVICE COMMITTEE

1955

FOREWORD

Throughout its history the Religious Society of Friends has emphasized the importance of the right ordering of the inward personal life. The central feature of the "inward way" is believed to be man's relationship to God. Out of this spiritual junction flow the currents which shape the ordered personal life and which nurture right relationships with others.

But Quakers have also sought to keep sensitive to the manner in which institutions and governments have imposed patterns inhibiting the development of the spiritually centered life. Sometimes by themselves, but more often in association with others, Friends have attempted to improve the social and political environment. These efforts of individual Quakers, and at times of the full Religious Society, have occasionally brought Friends in opposition to the government under which they lived. These experiences have often led Friends to make suggestions for improving governmental or inter-governmental machinery.

The issues of war and peace have now become so engrossing, and these questions have merged so fully into problems of governmental policy and international organization, that a present-day Quaker concern in this area needs no special apology.

William Penn in his "Essay Towards the Present and Future Peace of Europe . . ." suggested that "peace is maintained by justice, which is a fruit of government . . ." In discussing the establishment of a government for Europe, he considered problems of weighted representation, methods of voting, and the type of housing and architectural design that would facilitate the conduct of inter-governmental business. He believed that international war was a scourge which could be eliminated only by international organization.

Many of the questions with which William Penn wrestled are still unsolved. But today they appear against a grimmer backdrop. The compulsion to seek and find solutions now draws on a deep foreboding that the issues are nothing less than those of human survival.

Ever since the founding of the United Nations in 1945, Quakers have been actively interested in it. Official observers in New York,

Geneva, and Paris, appointed by the Friends World Committee for Consultation, have kept in touch with various aspects of the U.N. and its Specialized Agencies. In world-wide practical service the American Friends Service Committee frequently has found itself working in close relation with the United Nations, helping Arab, German, and Korean refugees, or meeting other needs of body and spirit in cooperation with UNRRA, UNICEF, and other U.N. agencies.

The United Nations has already figured in previous AFSC studies—*The United States and the Soviet Union* (1949), *Steps to Peace* (1952), and *Toward Security Through Disarmament* (1952). Another study published in 1955, *Speak Truth to Power*, instead of proposing specific next steps to reduce tension, explores some general alternatives to violence in international conflict.

This present study has been prepared largely by members of the Quaker staff at the United Nations in New York and of the Quaker International Center in Geneva. Background studies were first prepared dealing with three aspects of U.N.'s work with which Friends have had considerable experience: economic and social affairs, the peaceful settlement of disputes, and disarmament. At an early stage these papers were reviewed by panels nominated by the Regional Offices of the American Friends Service Committee in the United States. The general analysis and the conclusions grow out of these background studies. The studies themselves have been included for the benefit of those readers who would like to go more deeply into the issues involved.

Like the preceding reports, this one has been approved for publication by the AFSC Executive Board, not as an official pronouncement, but in the interest of stimulating public discussion of the issues raised, and in the hope that such discussion will contribute to the formation of policies that will bring peace.

No proposals for improvement in governmental or inter-governmental machinery, even if accepted, will by themselves bring the world to the external peace it seeks. Peace is a spiritual condition which reflects man's relationship both to God and to his fellow men. But suggestions such as we have made, might, if accepted, be useful in lightening man's burden and aiding his search for the road to peace. It is in this spirit that the proposals are offered.

TABLE OF CONTENTS

| | |
|--|-----|
| FOREWORD | iii |
| I. HOW CAN THE EFFECTIVENESS OF THE UNITED NATIONS BE INCREASED? | 1 |
| II. CONCLUSIONS ON CHARTER REVIEW | 13 |
| III. THREE BACKGROUND STUDIES | 17 |
| a. Economic and Social Affairs | 17 |
| b. Peaceful Settlement of Disputes | 28 |
| c. Disarmament | 42 |
| ARTICLES OF U.N. CHARTER ON AMENDMENT PROCEDURE | 53 |
| SELECTED READINGS AND SOURCE MATERIALS | 54 |
| STATEMENT OF THE AMERICAN FRIENDS SERVICE COMMITTEE ON THE TENTH ANNIVERSARY OF THE UNITED NATIONS | 58 |

TABLE OF CONTENTS

"There are two ways by which mankind has sought a good and satisfying life. The first requires a change in the world around us; the second, a change within ourselves. By the first we attempt to order our environment so that it will satisfy our desires; by the second we attempt to order our inner life so that happiness and satisfaction are attained independently of the outer world."

—Howard Brinton
"Where Two Ways Meet," *Critique By Eternity*,
Pendle Hill, 1943.

I

HOW CAN THE EFFECTIVENESS OF THE UNITED NATIONS BE INCREASED?

The United Nations has now ended its first decade of existence and a time of stock-taking approaches. The representatives at San Francisco in 1945 realized that they were not creating a perfect instrument and provided that in its Tenth Session the General Assembly should at least consider whether or not to call a conference to review the Charter in the light of experience. Thus, in 1955 the United Nations faces this problem.

There is now much discussion of a Review Conference. The United States has indicated that it favors calling such a conference. A number of other states including several of the leading European countries are known to be doubtful. The U.S.S.R. has thus far expressed opposition. Since a majority vote of the members of the Tenth General Assembly, or a two-thirds vote of any subsequent General Assembly, supplemented by the vote of any seven members of the Security Council, will be sufficient to call the conference, there is at least a good possibility that it will be held.

To What Extent Has the United Nations Been Successful?

Much of the present interest in Charter review stems from the fact that not all the original hopes for the U.N. have been realized, and it is natural to ask whether this is due to defects in the Charter.

First of all, it is necessary to establish the standards by which success is to be judged. Probably the best criteria are the purposes for which the Organization was avowedly created. The Charter states them in Article I.

1. To maintain international peace and security.
2. To develop friendly relations among nations.
3. To help solve international problems of an economic, social, cultural, or humanitarian character and to promote human rights and freedoms for all.
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

What are some of the accomplishments of the U.N. which should be recognized in evaluating its success?

Briefly, it serves as a focus for the aspirations of most peoples of the world for the establishment of world order. It provides a meeting place—a forum in which nations can be heard. It has survived “cold war” tensions for nearly a decade and continues to work toward improvement of the lot of underdeveloped peoples. The actions of States which administer trust territories (and of States which report to the U.N. on their administration of territories whose inhabitants are not yet self-governing) are subject to increasing scrutiny by world public opinion through an international body.

In the economic and social area the accomplishments of the Specialized Agencies and of the U.N. Technical Assistance Program are important—though not so well known as they should be. Levels of health and standards of living are being improved. Refugees have been given temporary maintenance and in some areas considerable progress has been made in their resettlement.

Further, the U.N. has played an important part in bringing an end to fighting in Kashmir, Indonesia, and Palestine. It has contributed to a political settlement in Indonesia, and to political pacification in Iran, northern Greece, Palestine, and Korea, though it must be recognized that in many of these situations permanent solutions have not yet been achieved.

On the other hand, assured world peace seems far in the future, with war still a distinct threat. Effective cooperation among nations is incomplete. Members have not lived up to their pledges, for example, to reject war as a method of settling international disputes. In Palestine, while an uncertain truce has been arranged, it is constantly being broken and little real reconciliation has been achieved. In Korea, prolonged war has devastated a country which is still divided. A final example may be drawn from the field of disarmament, where nothing can yet be recorded in the way of tangible accomplishment, though recent developments appear more promising.

Thus we see that U.N.'s successes in achieving its first two purposes have been limited although some accomplishments have been recorded. The third purpose has been partially achieved, but even here there is much more to do. The fourth purpose has been met in so far as the U.N. has succeeded in serving its other purposes.

While the United Nations has survived the pressures and the strains put upon it, the gravity and the complexity of the problems

confronting the world have increased. It would appear likely, therefore, that if the United Nations is to prove adequate to the issues confronting the world in the next decade, some changes in its structure and functioning will need to be made.

In What Directions Should the U.N. Be Encouraged to Develop?

What changes in structure or functioning would enable the United Nations to become a more effective instrument? Interested groups and individuals have given a great deal of attention to this matter and many proposals have been made. These proposals range all the way from those which would remove from the U.N. much of the political power it presently possesses to the very substantial changes proposed by the World Federalists, who see a solution to the present world problem in the creation of a world federation capable of making and enforcing world law.

This pamphlet will not attempt to examine a wide variety of proposals but will take a slightly different approach, dealing with three areas in which Friends have traditionally been interested: the development of U.N.'s economic and social activities, the peaceful settlement of disputes, and disarmament. Three "background" studies have been prepared which deal with these subjects. In each case we have examined U.N. experience and have suggested changes which appear to us to need consideration.

Some of the suggested improvements merely affect practice or procedure, requiring no changes in structure. Some depend upon structural or organizational changes, but do not necessarily call for changes in the Charter itself. In cases of this sort methods of evolutionary change might be used. We may find, however, that some changes in the Charter would be unavoidable if certain suggestions are to be implemented. In these cases it would be necessary to seek amendment of the Charter, though this need not be in connection with a full Charter Review Conference. Such changes might be accomplished through the regular amendment procedure provided for in Article 108.

Before taking up proposals which might suggest the need for Charter amendment, let us look at an area of U.N.'s work in which evolutionary change has taken place—U.N.'s approach to dependent peoples.

An Example of Evolutionary Change—The Colonial Field: Members of the U.N. who administer territories whose people have not yet attained a full measure of self-government declare in the Charter that the interests of the inhabitants of such territories are paramount, and that they accept as a sacred trust the obligation to promote the well-being of the inhabitants. They agree to assist in creating free political institutions and to develop self-government. This declaration, in contrast with the Trusteeship chapters of the Charter, does not give the U.N. any right to supervise the administration of colonial territories. The only obligation specifically assumed by the colonial powers is "to transmit regularly to the Secretary-General [of the United Nations] for information purposes . . . statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories."

The rising tide of anti-colonialism since the Charter was drafted ten years ago has led to an extension of the strict terms of the Charter. The General Assembly has set up a committee to examine the information transmitted by the colonial powers. Then, by debating this committee's reports, the U.N. in fact debates conditions in colonial territories. Moreover, the avowed purpose of these debates is not to engage in an academic discussion on statistical information transmitted by colonial powers, but to influence the administration of colonies. Finally, although there is no obligation to transmit information on political conditions in colonial territories, it has been impossible in practice to keep political considerations out of the debates.

In much of this evolution the colonial powers themselves have participated, though with reluctance and some reservations. They have placed at the disposal of the United Nations information broader in character than a restrictive interpretation of the Charter would suggest; they have shared in the discussion of colonial conditions; on occasion they have implemented recommendations of the General Assembly, though they would probably say that they have only done so when these recommendations have corresponded with their existing policies.

There are different views about the wisdom of the developments referred to, but there is no disputing the fact that the developments have taken place. Moreover, it is quite possible for further developments to take place in this field without amendment of the Charter. One way this could be achieved would be by voluntary action on the part of Member States. A colonial power, for example, could

decide to transmit political information to the U.N. (as some already do) although the Charter contains no specific obligation to do this. A colonial power could decide to place some or all of its dependencies under the Trusteeship System, thus assuming increased obligations to the United Nations. A Member State could decide that part of its territory, though not a colony in the accepted sense, is nevertheless a territory whose people have not yet attained a full measure of self-government and that therefore there is an obligation to transmit information on the territory to the U.N.

It would also be possible for the U.N. to extend its functions without such voluntary action by Member States. The U.N. could undertake comparative studies of regions of the world in which there are both colonies and sovereign states, to see if there is any experience of sovereign states which would be of value to colonial territories, and *vice versa*. The Committee on Information from Non-Self-Governing Territories might consider it desirable and within its terms of reference, for example, to secure information on measures taken in pursuance of General Assembly resolutions not only from governments and Specialized Agencies but also from qualified non-governmental organizations having consultative status with the Economic and Social Council. A more extensive change, which might be acceptable through agreement in the Assembly, would be to permit non-governmental organizations with special colonial interest to participate in an expert capacity in the discussions of the Committee on Information from Non-Self-Governing Territories.

Let us turn now to U.N.'s economic and social activities to see if there are desirable changes that would improve the work of the Organization and, if so, how these changes should be brought about.

Economic and Social Activities: The accomplishments during the past ten years of the United Nations in this field are very substantial. The Technical Assistance Program has sought to raise the standard of living in some 100 countries and territories. Over 3000 technical experts have been recruited and an even larger number of fellowships granted. Seventy-six governments and the Vatican have contributed some \$85,000,000 to this program.

The United Nations Children's Fund (UNICEF), financed entirely by voluntary contributions from governments and private individuals, is working currently in over 90 countries and territories in an effort to improve the health and welfare of children and their mothers. It works closely with the World Health Organization and

the Food and Agricultural Organization. The Children's Fund is said to be reaching now some 20,000,000 additional children every year through its health centers, its provision of insecticides, vaccines and antibiotics, and its supplying of powdered milk to combat malnutrition.

The Specialized Agencies of the United Nations work through the expanded program of Technical Assistance. During the year 1954 alone, they aided governments in 80 countries and territories by sending experts to the field and giving advanced training to over 300 technicians.

Our background study suggests that U.N.'s work in this field has reached out into so many areas that a large amount of the time of the Economic and Social Council has inevitably been devoted to questions of co-ordination. The Council has already undertaken a review of its activities to see if its work could be focused more effectively and if its procedures could be improved. The Secretary-General has also made certain recommendations for the "streamlining" of secretariat activities in these areas. The Council has been experimenting with a plan under which it has held three or four sessions of shorter length in a year—though this experience has not been wholly successful.

Three additional problems are of special importance.

The first relates to the need for governmental contributions to the programs under the supervision of the Council to be projected on a basis which will permit more orderly planning. This is a special need in the Technical Assistance Programs but the principle applies equally to all.

Secondly, there is a need for governments (and this applies especially to the United States) to channel through the United Nations a greater proportion of the funds they have available for economic development. The U.N. Technical Assistance Program is efficient and well-managed and funds should be available permitting its expansion.

The third problem concerns the tendency, in view of the limited representation of the underdeveloped countries in ECOSOC, for debates in the Council of special interest to those countries to be reproduced later in the Second and Third Committees of the General Assembly where these countries have, relatively, a stronger voice. This practice detracts from decision-making in the Council. Various proposals have been made for meeting this problem, including sug-

gestions that the membership of ECOSOC be increased. But in view of the need for the General Assembly to approve many of the basic decisions taken in the Council and of the need for establishing priorities in the Council's work rather than extending it, the suggestion for enlarging the Council has not met with general favor.

If the membership of the Economic and Social Council were to be increased, this would require Charter amendment. Otherwise, it would appear that the proposals for improvement in the handling of U.N. economic and social affairs would not require any Charter change. The Council has the power to restrict and set its own agenda, to regulate the time and length of its meetings, and to determine the types of subordinate organs it establishes. It can also take any action which appears desirable to improve its consultative relationships with non-governmental organizations. The evolutionary process, supplemented by new supporting action by national governments, is likely to prove adequate as the means of developing the economic and social functions of the United Nations.

The Peaceful Settlement of Disputes: While the United Nations has had some success in settling international conflicts, serious limitations in its work in this field have also been apparent. Some people attribute these limitations largely to the conflicts of the "cold war" and to the recurring use of the veto in the Security Council. Others believe that U.N.'s principal work in the political field should be the peaceful settlement of disputes and that this work is handicapped by being so closely related in the Charter to the provisions for enforcement powers.

A glance back over the past ten years suggests that the United Nations has not done too badly in bringing armed hostilities to an end where military action has broken out. The record is not unimpressive in Indonesia, Kashmir, and Palestine. While opinions differ as to U.N.'s responsibility for the final truce in Korea, it is clear that resolutions of the General Assembly provided the framework within which the ultimate truce terms were agreed upon. The United Nations provided the facilities for the conference in Geneva in April and May 1954, at which the Indo-China truce was achieved, and for the four-power meeting in July, 1955.

The United Nations' record is less clear in the achievement of political settlements. Undoubtedly, the fact that these have been earnestly sought in many conflict areas has either made possible the achievement of a truce or has prevented military conflict from again

breaking out. But it is only in the Indonesian and Iranian conflicts that political settlements were finally achieved; and in the case of Indonesia, the future of West New Guinea (West Irian) remains a matter of dispute.

To what extent can U.N.'s work in the pacific settlement of disputes be improved?

In the background study on peaceful settlement it is suggested that there is a useful trend in the U.N. toward a more informal (and less legislative) approach to conflict settlement. This development might be accelerated if more initiative were taken by the Secretary-General or by the President of the General Assembly. There might be less initial emphasis in the Security Council, or in the General Assembly, on passing a resolution. Already we have seen the development in the Security Council of the practice of taking a "consensus of views" (Quakers would call it taking "the sense of the meeting") instead of always taking a formal vote. The resource of able and experienced people available to the Council and Assembly for detailed negotiations might be increased by reconstituting the International Panel on Inquiry and Conciliation. This is a panel of persons nominated by governments with a view to their availability for missions of fact-finding or conciliation.

None of these suggestions can take the place of a firm determination on the part of governments to make greater use of United Nations facilities in the settlement of disputes, or, if they are a party to a conflict, to give the most careful consideration to U.N. proposals for adjustment. But a review of experience does indicate that in these areas the means already lie at hand for improving U.N.'s approach.

Only three of the proposals advanced in the background study involve any questions of Charter change. The study suggests that a new effort should be made to restrict the use of the veto on matters relating to the peaceful settlement of disputes. It also suggests that universal membership in U.N. might enhance the organization's work. Some people take the position that if the U.S.S.R. and the other Permanent Members of the Security Council were willing to agree to any limitations on the use of the veto on questions of peaceful settlement, or on questions of membership, it would be easier to get agreement to a modification *in practice*—with the Charter provisions remaining intact. These persons point to the "understanding" that now exists in the Security Council that an abstention on the part of a Permanent Member is not considered as

a veto. They suggest that these Members of the Council might also agree, formally or informally, that on the two questions of peaceful settlement and membership the unanimity rule would be set aside. This would permit the Security Council to act on peaceful settlement questions on the vote of any seven Members and would permit new Members of the U.N. to be elected by the General Assembly with the concurring vote of any seven Members of the Security Council.

While it is possible that an agreement might be secured under which the Security Council could discharge its obligation on membership questions by a vote of any seven Members, it is much less likely that such an agreement could be secured covering all questions of peaceful settlement. The U.S.S.R. would likely insist on any change so fundamental being reconciled with Article 27, paragraph 3—in which the unanimity rule is laid down. Indeed, it is probable that the U.S.S.R. would not be willing to consider so basic a change without its being linked to some new developments in the security field—such as a disarmament agreement.

The background study further suggests that the wording of Article 37 be amended to eliminate the restriction on recommendations of terms of settlement to disputes “likely to endanger the maintenance of international peace and security.” It points out that the freedom to recommend settlement terms is an important power in the hands of a negotiating body.

Our conclusion, therefore, is that United Nations work in the peaceful settlement of disputes would be enhanced by three changes. Two of these changes might be secured by agreement among the Permanent Members of the Security Council to modify the use of the veto. It is probable, however, that such an agreement might be reached more easily if it were sought in the context of a Review Conference where it could be linked with other developments in the security field. Whether the three changes would in fact be easier to achieve if they were pursued in the form of Charter amendments would probably depend upon whether other security proposals would be likely to have the support of the major powers.

We come thus to the disarmament field without having found in U.N.’s economic and social activities the need for changes that call for Charter Revision. In U.N.’s work to settle disputes three changes are needed, but whether two of these should be sought through amendment would depend upon the other security and disarmament proposals being made.

Disarmament: Disarmament discussions in the United Nations have thus far centered around four major problems:

1. *Levels of national armies and military budgets.*

There is agreement that national armies should be reduced, that the reductions should be substantial, and that disarmament should be in stages. The first move would be a "freezing" or "standstill" in armies and weapons as of an agreed date.

The U.S.S.R. and the Western powers have been in dispute as to the levels to which reductions would be made. The U.S.S.R. has wanted reductions by one-third. The Western powers have held that a plan of this nature, if accompanied by a prohibition of atomic weapons, would give Russia with her large land armies a great military advantage. The Western powers have wanted reductions to levels which would provide a balance of military power without reference to nuclear weapons. As a result of the negotiations in London in April and May of 1955, it would appear that the U.S.S.R. and the Western powers are now much closer together, and that there is general agreement on levels of from 1,000,000 to 1,500,000 men each for the U.S., U.S.S.R., and China, and 650,000 men each for the United Kingdom and France.

Both the U.S.S.R. and the West suggest that these reductions should be a prelude to further disarmament to levels considered essential for internal security and to meet obligations under the United Nations Charter.

2. *Weapons of mass destruction.*

It seems to be agreed that the manufacture, possession and use of these weapons should be prohibited, although agreement is lacking on the exact timetable under which the prohibition would be put into operation.

3. *Inspection.*

There is agreement that the inspection system would be international and permanent and that inspection would be "continuous." Violations or suspected violations would be reported to a United Nations organ.

4. *Enforcement.*

Disagreement has continued over the procedure which would follow a report by inspectors that a violation, or suspected violation, of the disarmament agreement had taken place.

In the background study we have suggested that the international inspection force should have unhindered access to arms manu-

facturing plants and to possible military staging points, and complete freedom in reporting to the central inspection authorities. We suggest the establishment of a Disarmament Authority, which would supervise the carrying out of disarmament under the general agreement or treaty and to which the inspection force would be responsible. This Authority should operate by majority vote. It should have the power to verify inspection reports, to attempt through its regular channels to get compliance or cooperation, to take cases of suspected violations to judicial review, and, if all other agreed means fail or are inadequate, to report violations or alleged violations of the disarmament treaty to the Security Council, to the General Assembly, and to all signatories of the disarmament treaty.

We have suggested that the problems of inspection, verification and compliance lend themselves better to judicial treatment than to political treatment. A major effort should therefore be made to get the agreement, especially of the Permanent Members of the Security Council, to an extension of the international legal system to cover enforcement problems. This might necessitate revision of the Statute of the present International Court, or it might necessitate establishment of a new court which would deal only with disarmament problems.

A development of this kind would call for a very precise spelling out of international judicial relationships in the disarmament treaty. It would need, for instance, to be quite clear who the juridical "parties" were against which the Disarmament Authority could seek restraining orders. The need for an equal precision, however, seems already to be called for in defining the freedom of movement and investigation of the international inspection authorities. Countries covered by the disarmament treaty would need either to agree in the treaty that the work of the inspection force did not constitute interference in their domestic affairs, or an amendment of the domestic affairs clause in the Charter (Article 2 (7)) would need to be made. At the same time that these juridical questions were being spelled out in detail in relation to the inspection system, it would not seem unreasonable for parallel juridical provisions to be made in connection with enforcement provisions.

While it is impossible at this stage to project the details of a politically possible disarmament agreement, it appears most unlikely that any agreement could be secured which would completely eliminate the veto in the Security Council on enforcement action against

any Member State believed to be violating the agreement. We have suggested, however, that the Disarmament Authority report both to the Security Council and to the General Assembly, where the veto does not apply. But more importantly, we have suggested that the enforcement system be based first upon an administrative effort to get correction and secure compliance, and second upon a judicial effort. We believe this method of handling suspected violations would be more conducive to settlement. If properly devised, it should be adequate for all but major violations.

II

CONCLUSIONS ON CHARTER REVIEW

How Should Further Development of the United Nations Be Fostered?

There appear to be five general approaches to the question of U.N. development. These attitudes may be summarized as follows:

1. The United Nations has already been given too much power. What is needed is a return to traditional diplomacy and to a reliance on national strength.
2. The Charter is good enough. What is needed is for the members to live up to it and use it properly.
3. Changes and improvements in U.N. are needed, but the evolutionary process has already brought important changes. We should rely on these evolutionary processes, supplemented by "interpretation" of existing Charter provisions.
4. Changes and improvements are needed. Let us make use of evolutionary development and Charter interpretation, but also let us seek other changes through the regular amendment procedure—without taking on the risks which might be involved in a full Charter Review Conference.
5. The changes required in the U.N. Charter are so substantial that a Charter Review Conference should be voted by the Tenth or by some subsequent Session of the General Assembly.

The first approach reflects a nostalgic desire to turn back the clock of history and to ignore the degree to which modern communications have made the world interdependent. This pamphlet suggests that we have little in common with it.

Nor would it appear that the second approach is adequate to the problems with which the U.N. and the world are now faced. Those persons who take the second position usually put the emphasis on work for a settlement of cold war tensions, rapprochement of the major powers, and a re-dedication to the principles of the Charter. These things are good. If the Permanent Members of the Security Council *could* be brought to cooperate with one another and to observe the existing provisions of the Charter, the risk of war would

certainly decline. Admonitions to live up to certain parts of the Charter are frequently useful and necessary but such advice also serves to remind U.N. members of other parts of the Charter which have become obsolete. Our studies have suggested the desirability of evolution and change. Thus any exclusive pursuit of the second approach has distinct limitations.

With regard to the third approach (evolution plus interpretation) it has been suggested that in the economic and social field the evolutionary approach is likely to be adequate and that in this area Charter amendment is not required. We have also considered the U.N.'s responsibility for dependent peoples, and have shown how development has taken place, and can take place in the future, without Charter amendment. It could be argued convincingly that the evolutionary method is adequate to secure more radical changes in this field. Though we have not in fact discussed the question in this pamphlet, we do not see the necessity in this area for radical changes.

In the peaceful settlement of disputes, three changes were suggested which could involve Charter amendment. These were the elimination of the veto on the peaceful settlement of disputes and on membership, and the elimination of the restriction in Article 37 on recommending terms of settlement to "disputes likely to endanger the maintenance of international peace and security." These three changes might be brought about through the regular amendment procedure (Article 108). It was suggested that these amendments should be brought into a Charter Review Conference only if new developments in the disarmament and security field would appear to justify the holding of such a conference. It is possible that in such a setting, agreement to restrict the use of the veto and to amend Article 37 might be easier to secure.

The review of the disarmament problem brought no clear conviction that Charter amendments were an indispensable accompaniment to genuine progress. Substantial additional powers for the United Nations would need to be spelled out in the disarmament treaty. The signatories might agree that the provisions of the treaty represented an interpretation of certain sections of the Charter. Any final assessment of the need for Charter change in this area must await, however, a more precise knowledge than we now have as to the over-all requirements of a disarmament plan.

Should a Charter Review Conference Be Held?

The real questions appear to be:

1. Would it be easier to secure any useful Charter changes if they were grouped together for consideration in a Review Conference?
2. Would the political forces (including that of public opinion) that would surround the preparation for, and the holding of, such a conference be such as to make more likely the achievement of our revision goals?
3. Would the likelihood of approval for these Charter changes by Member States be enhanced by their being linked in such a conference with final agreement on a disarmament treaty—even if the disarmament plan itself did not require Charter revision?

If any changes in the Charter are to be made there is much to be said for their being agreed upon, and for their being submitted to the Member States for ratification, as one inter-related group of amendments. However, for this approach to be successful and for it to lead to an actual strengthening of the United Nations, it would need to be based upon certain favorable conditions, including:

1. The existence of sufficient world public opinion in favor of strengthening the United Nations and of *certain specific proposals for Charter change* to steady the political context in which a Review Conference was held.
2. The willingness of the U.S.S.R. and the other major powers at least to give serious consideration to the proposed Charter changes. Before they can become effective, Charter amendments require ratification by two-thirds of the Members of the United Nations, including the five Permanent Members of the Security Council.

We believe that the further development and strengthening of the United Nations must be accompanied by disarmament. If any doubt remained, the experience in Korea should have impressed us all with the inadequacy and the danger of reliance on a collective security system in a world being competitively rearmed. It is, we believe, only in the context of world disarmament that world political security can be achieved. We believe that this is becoming increasingly evident to both the U.S.S.R. and to the West. While we

believe that disarmament to the levels being considered in the present negotiations would represent a tremendous advance, we would like to see more substantial goals firmly set.

We think it likely that even the minor Charter amendments suggested in this study would not be accepted in the absence of some form of disarmament agreement. We conclude that a prerequisite to a firm General Assembly decision to hold a Charter Review Conference must be sufficient progress on disarmament to give reasonable assurance that a disarmament agreement could precede such a conference—or that final approval of such an agreement could be secured at such a conference.

While a Review Conference can be called by the Tenth Session of the General Assembly, by a majority vote and by a vote of any seven Members of the Security Council, such a conference can be called by *any* session of the General Assembly by a two-thirds vote and by a vote of any seven Members of the Security Council. If, therefore, there is any serious question at the Tenth Session as to the imminence of a disarmament agreement, it might be wiser to postpone the decision on the holding of the conference until such an agreement was more nearly assured.

If there are good reasons for holding such a conference, the difference between a majority vote at the Tenth Session of the General Assembly for holding it and a two-thirds vote at a later session is not likely to be a major hurdle. Indeed we might suggest that a two-thirds vote of the Members of the United Nations for the holding of a Review Conference would be one important indication that it would be a useful and significant occasion.

III

THREE BACKGROUND STUDIES

III a—ECONOMIC AND SOCIAL AFFAIRS

The U.N. Charter recognizes the relation between political problems and economic and social conditions. One of the purposes of the U.N., stated in the Charter, is to help solve international problems of an economic, social, cultural, or humanitarian character and to promote human rights and freedoms for all. The Charter thus reflects the belief that economic and social injustice are among the most important causes of war and regards peace not as a period of inactive truce but as the energetic pursuit of the common good of all mankind. This was not a new ideal discovered for the first time at San Francisco. The Covenant of the League of Nations expressed the same ideal. In fact, much of the existing machinery of which U.N. is justly proud is to be found in embryonic form in the organization of the League. On the whole those parts of the U.N. machinery which function most effectively are those which inherited the tradition and experience of the older organization. At the same time it has to be recognized that much of the League's work in this field was tentative, experimental, and relatively insignificant.

The greater stress which United Nations places on the economic and social aspects of peace-making is exemplified in the existence of a special Council on Economic and Social Affairs (ECOSOC). The League had no organ corresponding to ECOSOC, and consequently its social and economic activities tended to be treated much more as side issues than is the case with the U.N. today. ECOSOC consists of 18 Member Governments, six elected by the General Assembly each year for a three-year term. Though there is no stipulation in the Charter as to membership of the Council, in practice the five great powers have been permanent members. In addition, the membership reflects so far as possible the various interests and the geographic spread of the total membership of the U.N.

The functions and powers of ECOSOC are defined in Articles 62 to 66 of the Charter. These empower the Council to ". . . make or

initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and . . . make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned." ECOSOC may also "coordinate the activities of the specialized agencies," "take appropriate steps to obtain regular reports from the specialized agencies," and "communicate its observations on these reports to the General Assembly." Finally, ECOSOC "shall perform such functions as fall within its competence in connection with the carrying out of recommendations of the General Assembly" and may "perform services at the request of members of the United Nations and . . . of specialized agencies."

ECOSOC's field of activity is thus a very wide one and not covered simply by summoning the delegates of 18 nations to two sessions annually, each lasting from six to eight weeks. As is the case with the General Assembly, the committee method has to be adopted to get through the agenda. The Council has two committees corresponding to the main committees of the Assembly and dealing respectively with economic and social matters. A third committee, the Technical Assistance Committee (TAC), has been established to supervise the expanded technical assistance program. As with the main committees of the Assembly, all of the 18 Members are represented on these three ECOSOC committees.

More continuous study of some of the matters for which the Council is responsible is undertaken by the eight Functional Commissions. These Commissions have a membership of 15 or 18 governments—not individuals, though in fact governments have wisely avoided changing their representative more often than has been absolutely necessary. The Commission on Human Rights, which is perhaps the best known of these Functional Commissions, has been meeting regularly for several years and has at last produced draft covenants for the consideration of the Council and subsequently of the General Assembly. The membership of the Commission has of course changed as certain governments withdrew at the end of their three-year terms, but a core of its members now know one another extremely well and can conduct their debates with considerable freedom and informality. The Human Rights Commission has established a Subcommission on the Prevention of Discrimination and the Protection of Minorities. This consists of twelve members who serve as individuals and not as representatives of governments.

ECOSOC has also established three Regional Economic Commissions: for Europe (ECE), for Asia and the Far East (ECAFE), and for Latin America (ECLA). These economic commissions have their own staffs and hold annual meetings of Members and Associate Members in their respective areas. Their headquarters are at Geneva, Bangkok, and Santiago de Chile.

The ten Specialized Agencies* are not so integral a part of the ECOSOC structure as are the various Commissions already referred to. ECOSOC, however, is empowered to bring the Specialized Agencies into relationship with the United Nations and to co-ordinate their activities. Hitherto co-ordination has been exercised mainly in the field of technical assistance, a program in which all the Specialized Agencies are concerned. The Technical Assistance Board (TAB) provides co-ordination at the executive and administrative level and reports to ECOSOC's Technical Assistance Committee.

Certain other inter-governmental agencies have a special relationship to ECOSOC and submit reports to it. Some, such as the Permanent Central Opium Board, have a long history going back to the days of the League of Nations; others, such as the Children's Fund (UNICEF), were established to meet particular circumstances and have already acquired a more or less independent existence.

Article 71 of the Charter empowers the Council to make arrangements for consultation with Non-Governmental Organizations (NGOs) which are concerned with matters within its competence. ECOSOC's Committee on Non-Governmental Organizations approves or rejects requests from organizations wishing to enjoy consultative status with the Council. A small number of NGOs have the right to address the Council direct if the Council so approves. Other organizations, numbering some 250, may present their views to the Council's Committee on NGOs.

* The Specialized Agencies are as follows:

- International Labour Organization (ILO), Geneva
- Food and Agriculture Organization (FAO), Rome
- U.N. Educational, Scientific and Cultural Organization (UNESCO), Paris
- World Health Organization (WHO), Geneva
- International Bank for Reconstruction and Development (World Bank), Washington
- International Monetary Fund (FUND), Washington
- International Civil Aviation Organization (ICAO), Toronto
- Universal Postal Union (UPU), Berne
- International Telecommunications Union (ITU), Geneva
- World Meteorological Organization (WMO), Geneva

Two additional Specialized Agencies are in process of formation: the Intergovernmental Maritime Consultative Organization, and the International Trade Organization.

How ECOSOC Has Functioned Hitherto

From many points of view the annual sessions of the Council, totaling perhaps 15 weeks in the year, are too short to cope with the large and varied agenda. A glance at the list of items discussed at Geneva during the 18th Session of the Council will show how varied and miscellaneous this agenda can be. There were reports from eight of the Specialized Agencies and from UNICEF, from three of the functional Commissions, and from one regional Economic Commission. This might be regarded as routine work and for the most part was so treated, but unless a report can be given at least one day's consideration it seems hardly worth making. The other items on the agenda of the 18th Session ranged from "The World Economic Situation" (including the question of full employment, on which documentation ran to nearly 1000 pages) to "World Calendar Reform"; from "Technical Assistance" to "Conference on Customs Formalities for the Temporary Importation of Private Road Vehicles and for Tourism." Clearly the items were not all of equal importance and, in fact, the delegates did not so treat them. The items of less importance had to have some discussion if at all possible, and their inclusion on the agenda of a six-weeks' session contributed to the sense of rush and shortage of time which most ECOSOC delegates feel.

Faced with the necessity of getting through its agenda somehow, the Council not surprisingly adopts the useful but humble role of a post office. Since something must be done about the matters brought to its consideration, the easiest thing for the Council to do is to pass them on to someone else. Some items, including the World Calendar, were sent to Member Nations for comment, but the favorite destination is of course the General Assembly. There are several reasons why the Council should tend to act as a forwarding agency between other U.N. organs and the Assembly. Pressure on the Council to act in this way frequently comes from the underdeveloped countries who command a much larger voting strength in the Assembly than they do in the Council. If they feel that the Council is not giving proper attention to their demands for assistance, they have reason to hope that in one of the committees of the General Assembly they will receive more sympathetic treatment.

ECOSOC is under another form of pressure to send matters on to the Assembly without wasting too much time upon them. Its 18 Members are empowered to act on behalf of the U.N., but they realize, and are sometimes reminded, that there are 42 other Member States who may have views on the matters under discussion. The 18th Session, for instance, was presented with the draft Covenants on Human Rights, the final product of five years' labor by the Human Rights Commission. To have debated the substance of these Covenants in the course of the session would have been quite impossible and in any case futile, since the Covenants are of importance to *all* U.N. members and even to States which do not yet belong. On this matter, therefore, ECOSOC's 18th Session merely discussed the wording of the covering letter to accompany the Covenants to the Assembly.

Action of this kind makes the Council appear to be a somewhat insignificant center of the complex organization which it is supposed to control. It might, in fact, be said that the parts are greater than the whole. This is not only true of the Specialized Agencies, which have their own constitutions, membership (often larger than the membership of U.N.), and budgets; it is also the case with some of the subsidiary organs of the Council such as ECE, whose annual session is often attended by delegates of higher rank than those whom governments normally send to ECOSOC sessions. This is not altogether surprising since the ECE session has a limited and clear-cut agenda and lasts only two weeks. One may expect a Minister of Finance or Trade to attend such a meeting and thus to lend importance to the debate. One cannot expect cabinet ministers to attend a session, taking six weeks, in which important items are intermingled with matters which would never come before a national cabinet. All these factors contribute to the situations described by Mr. Loveday in the following terms: "It [ECOSOC] is, unfortunately for it, both the leader and the led, and the best proof that it is not fulfilling the role of leader lies in the fact that on the one hand it has constantly found its agenda overcharged, and on the other, it is not being used for problems of major importance."¹

¹ Loveday, A. *Suggestions for the Reform of the U.N. Economic and Social Machinery*, International Organization, August 1953 (40 Mount Vernon St., Boston, Mass.).

Reform and the Future

Delegates and members of the secretariat who have had long experience of ECOSOC are well aware of the Council's shortcomings. ECOSOC has not proceeded to an immediate reform of the World Calendar but it has adjusted its own calendar in the hope of making sessions more effective. An attempt is to be made to grade items according to their importance and to devote one of the ECOSOC sessions to a full debate on a few matters of outstanding importance. It is hoped that government delegates of high rank will be sent to a session if it is known beforehand that the debates will concentrate on major questions (e.g., the world economic situation) and will not be interrupted for the consideration of secondary matters. If possible this major ECOSOC session should be held at a time when the rest of the U.N. program is relatively quiet. This would enable ECOSOC to enjoy a little more of the limelight. Though this would have its dangers, these are probably outweighed by the advantages.

While ECOSOC has been considering reforming its own procedure, the U.N. Secretary General has been busy with a process described as "streamlining." It was felt that the activities of the U.N. in the social and economic field had become too diffuse and that concentration on selected subjects would produce better results.

These developments are good. We believe that the U.N. as a whole will operate more effectively if ECOSOC concentrates on important projects. ECOSOC's role in co-ordinating the Specialized Agencies should continue to be emphasized and should find expression in its agenda. Governments should be encouraged by NGOs and others to take more important policy questions in international economic and social affairs to ECOSOC.

It would be foolish to expect that changes of this kind will bear immediate fruit. Greater impetus and clarity of purpose may emerge, but it must be remembered that there are limits to the process of co-ordination. Though it is true that the debates in ECOSOC are often conducted in an atmosphere of greater harmony than those in the General Assembly, it is nevertheless doubtful whether agreement will be reached in the immediate future on an over-all U.N. program in the economic and social field—and perhaps this is just as well.

There is little reason to suppose that even a reformed ECOSOC would cease to be used from time to time as a propaganda platform. The division between economic and political issues is not a hard and fast or a very clear one, so that the various "cold wars" will no doubt continue to invade an ECOSOC session as they have done in the past. Members who can amicably discuss the technical assistance program become less friendly when questions such as forced labor or Arab refugees are brought to their notice. Sometimes controversial items are introduced into the agenda in order to score points in the propaganda war, but this should not blind us to the fact that in economic and social as in political matters there are profound differences in outlook and feelings. No reform of ECOSOC, however far-reaching, will bring a speedy end to a debate between a free and a planned economy.

It would be useful if ECOSOC and its subordinate organs could make increasing use of independent technical experts in initiating and conducting studies. This has been done in the case of the Subcommittee on the Prevention of Discrimination and the Protection of Minorities, the Permanent Central Opium Board, some of the subsidiary organs of the regional Economic Commissions, and the recent meeting of experts on the proposed Special U.N. Fund for Economic Development. Independent experts find it easier than governmental representatives to concentrate on technical questions and minimize political considerations. Related to this is the possibility of making greater use of "working parties" meeting in private during ECOSOC sessions in a search for agreement away from the glare of publicity.

In one respect the changes which we have suggested might increase rather than diminish the tension in ECOSOC debates. Representatives of a higher caliber would bring more public attention—in itself a desirable thing—to the work of the Council. This in its turn would increase the propaganda value of the meetings. There is much value in a high-level debate on the relative merits of industrialization and rural community development, but the public and the press seem at times to prefer a scrap. However, this is not necessarily a vicious circle. Recent debates on economic and social matters (both at ECOSOC and the General Assembly) have revealed a new alignment of parties in which the underdeveloped countries, if not from China at any rate from India to Peru, show a wonderful unanimity in trying to force the industrialized nations of the West to

come to their aid. So far the communist countries have been interested spectators of this battle. If the underdeveloped countries can continue to press their claims with the force and good sense that they have shown so far, they may be able to induce capitalists and communists to compete for the privilege of helping them.

It has also to be remembered that international action in the economic and social fields is not hampered by a history of failure as has been the case in the field of disarmament. Action may hitherto have been modest but this is due as much to the low priority given to it as to failure to agree on any action at all. In principle everyone supports the purposes of U.N. in this field; in practice the implementation of these purposes is postponed. The history of the expanded program of technical assistance shows what can be done when the nations are agreed on a course of action and are fired with enthusiasm for carrying it out. This program also shows how important it is to secure international cooperation, since the defection of one important contributor may easily discourage the rest. Other fields in which agreement and cooperation have been achieved are for the most part technical and scientific ones. It would appear that governments are more ready to accept a scientist's view of what is good for the world than to follow the advice of economists or sociologists. It is not impossible, however, that a strong lead in one of the more controversial fields would win a response.

Finally, we think that the NGOs can do more than they have done in the past to strengthen ECOSOC's work. NGOs have a special relationship to ECOSOC and have the right to present their views on items of the Council's agenda. Some NGOs have not been entirely satisfied with the machinery which ECOSOC has provided for this aspect of their consultative status. Improved methods of obtaining the views of NGOs have been discussed, and some are likely to be adopted by the Council Committee on NGOs. If NGOs are thus afforded better opportunities to make their views and experience known to the Council, it is incumbent upon them to perform more adequately their task of making the work of the Council better known.

The effectiveness of NGOs as supporters of ECOSOC has been somewhat impaired by their tendency to group themselves into supporters of UNICEF or WHO or some other single aspect of the social and economic work of U.N. Thus the size and breadth of the ECOSOC agenda divides the NGOs into small and sometimes com-

peting groups. It is another case of the parts being greater or stronger than the whole. It may be asking rather a lot to expect a children's organization to take an intelligent interest in full employment; nevertheless, consideration might be given to adopting more widely an arrangement recently established in London. The Standing Conference on the Economic and Social Work of the United Nations (SCESWUN!) brings together a large number of NGOs in Britain and has adopted the practice of issuing resolutions over the names of supporting organizations. Groupings of this kind should prove effective in expressing unofficial opinion to national governments. NGO representatives at New York or Geneva sometimes tend to forget that ECOSOC is made up of government delegates who often arrive bound by the instructions of their Ministries. More effort is needed in the national capitals to see that these instructions are favorable to making ECOSOC a more effective instrument.

One point which NGOs could stress with their national governments is the importance of providing for international social and economic work to be planned on a long-term basis. So far nearly all this work has depended on annual budgets whose renewal is far from assured. The recent experience of the technical assistance program shows how precarious this situation may be. Dr. Brock Chisholm, former Director General of WHO, has expressed this difficulty in the following terms:

“. . . it must be recognized that progress in changing obsolete practices has been extremely slow. As an example of difficulty in adapting procedures to international needs is the inability of most countries to make financial commitments for more than the current fiscal year. The programs of international agencies cannot be efficiently planned over so short a span. Procurement of materials alone usually requires six to nine months. Budget-making begins of necessity two to three years in advance in view of the numerous essential discussions, clearances and training of local personnel . . .”

NGOs should continue to urge greater support of United Nations programs. They should urge that this support, in so far as possible, be scheduled further in advance. Nations no doubt have good reasons to be proud of their own efforts on behalf of refugees or underdeveloped countries, but they should not make these efforts an excuse for failing to contribute to U.N. work. Nations which have declined to contribute to the Special U.N. Fund for Economic De-

velopment (SUNFED) have based their refusal on prior commitments to national programs. Frequently they are spending on these national programs far more than they would be expected to contribute to an international one. It might be supposed in consequence that the international program would not make any significant difference to the work already being done. In fact, however, experience shows that U.N. technical assistance is often more readily accepted than assistance coming from one nation only, especially if that nation happens to be a great power. Furthermore, even a relatively small outlay such as SUNFED may demand from each Member Nation would contribute enormously to the effectiveness, authority, and prestige of U.N.

This brings us to a more general and perhaps more intractable problem, that of increasing the international outlook among men everywhere. We are still living within the walls of national communities and concentrating on the defense of these communities against real or imagined human enemies. It will be an extremely difficult task to wean men from their customary thinking in and on behalf of national groups and to transmit their energies into an attack on ignorance, poverty, and disease. Nevertheless, the successful completion of the social and economic tasks of U.N. demand this sort of transformation in men's thinking.

Summary of Suggestions

1. Governments should be encouraged (by non-governmental groups and by others) to take more important policy questions in international social and economic affairs to the Economic and Social Council.
2. In order to avoid overlong sessions, the agenda items are being classified and certain sessions devoted to a few important questions of world-wide interest. The value of the debates on these important questions would be greatly enhanced if governments were represented by delegates of a high rank.
3. If possible the ECOSOC session at which high ranking officials discuss important matters should be held at a time when the U.N. program is otherwise fairly quiet. This would enable ECOSOC to enjoy a little more of the limelight. The dangers involved in this are clear, but the advantages might outweigh them.
4. In the initiation of studies by ECOSOC, greater use should be made of independent technical experts and less use made of inter-governmental commissions. As a rule agreement on technical considerations is easier if political considerations can be left out of

account. Subsequent political agreement which cannot easily be dispensed with may be facilitated if the experts have first agreed on the technical aspects of the matter under discussion.

5. NGOs should seek more effective ways of making ECOSOC's activities better known. They should avoid as much as possible becoming partisans of limited aspects of ECOSOC's work but, singly and cooperatively, should encourage governments to support steps to make ECOSOC a more effective instrument. They should urge governments to supplement national programs of aid with financial and other support for international U.N. programs. They should urge that, in so far as possible, governments schedule contributions further in advance to permit more orderly program planning.

III b—PEACEFUL SETTLEMENT OF DISPUTES

Is there enough power undergirding the efforts of the United Nations to settle political disputes? If not, what types of additional power, or authority, would contribute to the effectiveness of the U.N.'s peaceful settlement work?

These questions are basic to the considerations surrounding any Charter review conference. There is no reason, however, for these questions to be any easier to answer in the field of international disputes than would similar questions which might be asked in the field of labor-management disputes—or indeed in any form of conflict settlement. Every dispute has its own characteristics and its own human equation. The general field of dispute settlement has always been one in which generalization is hazardous. But with a Charter review conference in prospect, some analysis should be attempted. Before venturing on this uneasy ground let us look briefly at the general setting in which the U.N.'s more specific mediation and conciliation work takes place.

Buttressing the special efforts of the United Nations to settle particular conflicts such as those in Palestine, Indonesia, Kashmir, and South Africa has been the general work of the organization in the economic, social, and trusteeship fields. By the constant adjustment of conflicting economic interests, by stimulating economic-development programs through the provision of technical assistance, by helping to establish common objectives in the social field, and by providing a framework through which dependent peoples can progress toward self-government, the United Nations is helping to channel into patterns of orderly evolution a multiplicity of problems—many of which would otherwise develop into threats to peace. This is peaceful settlement at its best—in the early stages and on a preventive basis.

No less important is the general political work of the General Assembly. Here, at the beginning of each Assembly, each national delegation has the opportunity to air its grievances, to state its concerns, and to make its contribution to the climate of opinion in which the succeeding political business will be conducted. While more and more specific disputes are being brought to the attention of the Gen-

eral Assembly, the Assembly is especially well adapted to the transaction of what might be called "general political business of international interest."

The Assembly is the town meeting of the world. Thus to refer to it is not to deprecate its power—as anyone familiar with a New England town meeting should know. Trial balloons are sent up—and brought down! Log-rolling and block voting take place. But beneath it all essential fact-finding and fact-assessing take place. Influences of conciliation and mediation are brought to bear. Important principles are delineated and agreed upon. Adjustments and compromises take place. This is essential international political business in the modern world—conducted as it must be in a common setting. It would be difficult to maintain that the General Assembly would be any less effective if its membership were universal. On the contrary its prestige and effectiveness as an organ of conciliation would, we believe, be enhanced if there were a prompt move toward universality.

If the Assembly is to play an increasingly effective role in the peaceful settlement of disputes, either directly or through subsidiary bodies, must it be given more legal power through a Charter review (or revision) conference?

Scope and Powers of the General Assembly

While the United Nations Charter conferred upon the Security Council special responsibilities in the maintenance of international peace and security, substantial responsibilities were also given to the General Assembly. Under the Charter the General Assembly may (1) "discuss any questions or any matters within the scope of the present Charter . . .";¹ (2) "consider the general principles of cooperation in the maintenance of international peace and security . . .";² (3) "discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations . . .";³ (4) "initiate studies and make recommendations for the purpose of . . . promoting inter-

¹ Art. 10.

² Art. 11, par. 1.

³ Art. 11, par. 2.

national cooperation in the political field. . . .”⁴ “Subject to the provisions of Article 12 [consideration by the Security Council], the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.”⁵

It would be difficult, if not impossible, to distinguish any problem of peaceful settlement which would be excluded from General Assembly consideration under these broad provisions. Excepted only are questions under consideration by the Security Council. A means for the orderly and vetoless transfer of any of these problems to the General Assembly “if the Security Council is failing to exercise its function of maintaining international peace and security” is provided by the “Uniting for Peace” resolution adopted by the General Assembly in 1950, following the outbreak of the Korean War.

If the General Assembly has sufficient scope to consider any problems which might arise, what of its power to deal with this wide range of issues?

There are two principal aspects to this felt need for more power in the United Nations. The first concern is for an organization with sufficient moral, economic, political, and police strength for would-be adventurers to be deterred by this combined strength (and by predictable consequences) from embarking upon, or continuing, a course of action leading to the disruption of the international public order. A second concern is for the authority and prestige to deal with political disputes—if possible before they become threats to the peace.

The United Nations Charter distinguishes, in general, between the functions of the Organization in handling threats to the peace, breaches of the peace, or acts of aggression (Chapter VII) and the settlement of the background political disputes which may have caused the disruption of public order (Chapter VI). In the former case the Organization may make recommendations for (or, in the case of the Security Council, decide upon) measures, including the use of armed force, to maintain or restore international peace and security. In its efforts, however, to get a settlement of the political issues which may have caused the dispute, the primary reliance is

⁴ Art. 13, par. 1.

⁵ Art. 14.

upon the methods of investigation, conciliation, and mediation. In dealing with threats to the peace, breaches of the peace, or acts of aggression under Chapter VII it is even suggested that, in calling upon the parties to a dispute to comply with provisional measures, these measures might well be "without prejudice to the rights, claims, or position of the parties concerned."⁶ In its work under Chapter VI the Security Council may go so far as to recommend terms of settlement if it "deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security."⁷ Otherwise, while the Council may recommend or initiate appropriate methods or procedures of adjustment, it may make recommendations with regard to terms of settlement only on the request of the parties.⁸

It is evident that those who framed the Charter believed that the full power of the United Nations should be used to restrain threats to the peace and, if a breach of the peace or an act of aggression had already occurred, to restore international peace and security. While they were not prepared to have this same power used to enforce a particular form of political settlement, the Security Council was empowered to recommend terms of settlement if the Council concluded that international peace and security were "likely to be endangered." A similar power appears now to reside in the General Assembly under the "Uniting for Peace" resolution.

In other types of conflict settlement a public recommendation by the mediating body has often proved an effective means of securing agreement. The fact that even this limited power of recommendation has been used so infrequently by the U.N. suggests that Charter limitations may not at the present time be a major handicap to the development of the U.N.'s peaceful settlement activities. If the members of the United Nations have been reluctant to encourage the use of that power which the Organization now possesses, it is even more unlikely that they would, barring a drastic alteration in international legal relationships, take the further step of bringing some form of compulsory arbitration more into the forefront of the U.N.'s peaceful settlement work.

Not all the advocates of more power for the General Assembly are seeking an increase in its legal power. Mr. John Foster Dulles, in his speech of January 18, 1954, before the Subcommittee on the

⁶ Art. 40.

⁷ Art. 37.

⁸ Art. 38.

United Nations Charter of the Senate Committee on Foreign Relations, said:

“In the General Assembly, each nation has one vote—is this the best arrangement? If the General Assembly is to assume greater responsibilities, then should there not be some form of weighted voting, so that nations which are themselves unable to assume serious military or financial responsibilities cannot put those responsibilities on other nations? Should there be, in some matters, a combination vote whereby affirmative action requires both a majority of all the members, on the basis of sovereign equality, and also a majority vote, on a weighted basis, which takes into account population, resources, etc.?”

The Secretary obviously had in mind the exploration of possible Charter changes which might give more practical *political* power to the General Assembly. It is difficult in theory to argue against Charter modifications which it might at some future time be possible to achieve along these lines. The present voting system does exert certain restraints on the large powers. This makes for a system in which at times the full scope of the diplomatic resources of these powers has been used in the search for support on certain issues. While there are some countries that would look with favor on voting changes in the Assembly, it seems likely that if the United States were to emphasize such revision as one of its principal objectives in a Charter review conference, many of the small countries would lose some of their interest in such a conference. They are not likely to look with favor on revisions which would reduce their power. Even a simple majority vote on the holding of such a conference might under these circumstances be very difficult to obtain.

Creating an Instrument of Trust

In questions of the settlement of international disputes, the essential problem is not that of the legal power of the United Nations. The problem is that of creating out of the United Nations an instrument of trust which can be relied upon to render effective service in the peaceful settlement field. While certain minor adjustments in the Charter might facilitate the creation of such an instrument, the basic problem is not the formal enabling powers of the Charter. It is a question of assembling within this area of U.N. activity persons who because of their political wisdom and experience, their insight into

contemporary issues, and their personal integrity inspire confidence that the vital national interests with which they deal will be handled with resourcefulness, patience, and care. It is also a question of establishing a more effective means through which certain lessons can be drawn from past experience—experience both inside and outside the United Nations.

Let us look first at this question of past experience. The United Nations staff is now engaged in the assembling of a general repertory of Security Council experience and of general experience under the Charter. But not since the Interim Committee was, for all practical purposes, laid to rest in 1950 have the members of the United Nations made any sustained effort to draw lessons from the U.N.'s past work in dispute settlement. Luis Padilla Nervo of Mexico in September 1952, on the occasion of his turning over the presidency of the General Assembly to Lester B. Pearson of Canada, suggested that the General Assembly establish a committee to concern itself with the development of the U.N.'s peaceful settlement work and that this committee operate parallel to the Collective Measures Committee. This apparently useful suggestion was not taken up by the General Assembly.

What new approaches might a review of past experience suggest?

While different disputes call for different handling there has been a general trend in recent years away from extensive debate and "instructed" commissions toward a more flexible and informal use of the United Nations' peaceful settlement facilities. It is easy to understand the reluctance of states to turn to the United Nations for help in a dispute in which they are a party if the U.N.'s first move is to be a public debate in the Security Council or in the General Assembly. The debate is certain to bring new political influences into the situation, some of them extraneous and many of them unpredictable. The general debate has the possibility of aggravating the dispute and sometimes of making its ultimate solution more difficult. Thus a state's decision to submit a dispute to the United Nations is usually based on its estimate of the possibilities of picking up support for its case.

But suppose it were possible for the United Nations to provide, initially, a more informal (and less legislative) type of aid to the disputants. Might there not under these circumstances be a freer turning to the United Nations and a freer use of its facilities?

The Secretary-General's Key Role

The initial point of regular informal political contact in the United Nations is the office of the Secretary-General. It would appear to have been the intention of the framers of the present Charter that the office of the Secretary-General should, in its political functions, be developed over and above that of the comparable office in the League of Nations. Under Article 99 of the United Nations Charter, "the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security."

It is apparent that both the first Secretary-General and the present one have conceived of their role as being a broad one. Probably no single individual connected with the U.N.'s peaceful settlement work can have as much influence as the Secretary-General in building confidence in the United Nations' political work and in making the organization a "trusted instrument." In order, however, to fulfill effectively his ofttimes quiet and backstage role, the Secretary-General must have a group of senior officers in the political field who can keep him constantly apprised of important developments in all major geographical regions with which he must deal. The method through which this skilled political advice is made available is less important than that it should be available within the Organization as a whole. The dictates of good administration would appear to suggest that such a staff should either be located in the Department of Political and Security Council Affairs or attached to the Executive Office of the Secretary-General.

Supplemental to those on his own staff on whom he can call, the Secretary-General has two other principal sources of political and diplomatic experience to which he can turn—for either informal or formal assistance.

The heads of the 60 permanent delegations to the U.N. are continuously available. Some of them have had extensive diplomatic experience and many of them can be focal points of conciliation as issues are weighed and negotiated both before and during consideration by the Security Council or the General Assembly. The representatives of certain countries are often able, for reasons both of geography and interest, to be of special assistance to the Secretary-General on an informal basis. In making the United Nations a

trusted instrument of political negotiation there can be no substitute for the closest diplomatic relationship between the Secretary-General and the heads of the delegations representing the Member States.

The Secretary-General and the principal officers of the General Assembly and the Security Council have another diplomatic resource which could be much more fully used. On April 28, 1949, the General Assembly established a Panel for Inquiry and Conciliation. The international Panel was to be composed of persons who "by reason of their training, experience, character and standing, are deemed to be well fitted to serve as members of commissions of inquiry or of conciliation and who would be disposed to serve in that capacity." Each Member State was permitted to designate five persons. The Panel was to be available to the Security Council and the General Assembly, to their subsidiary organs, or to Member States involved in controversies. The method of selection was to be determined in each case by the appointing organ. Upon the joint request of the parties to a controversy, appointment could be by the Secretary-General, the President of the General Assembly, or the chairman of the Interim Committee. The administration of the Panel was lodged with the Secretary-General.

The theory behind the Panel was an eminently good one. It was believed that it would facilitate the U.N.'s dispute settlement work to have in being a roster of persons well qualified for service as members of mediation or conciliation commissions—persons who in accepting designation had entered into certain informal undertakings as to availability and interest and who were of sufficient eminence to have been designated by their own governments. Initial designations were for five years. These five years have elapsed, and the time has now come for the Panel to be reconstituted.

The United Nations Charter encourages parties to a dispute to attempt to settle the conflict themselves before bringing it to the United Nations. Should not disputing parties at times be encouraged to turn to the international Panel and by agreement to secure the services of one of its members as a mediator and conciliator? Following the lead given by other types of contracts or commercial agreements, treaties between states might provide for certain types of disputes under the treaty to be subjected to mediation or to arbitration by a qualified person selected from the Panel by the two parties or by the Secretary-General. The Panel has to date been used only once—in the selection by the Security Council of Dr. Frank P.

Graham as mediator in the India-Pakistan dispute over Kashmir. The Panel constitutes a resource for peaceful settlement which could be more fully used by the United Nations.

The trend toward a more informal type of political negotiation is further indicated in the increasing use which has been made of the office of the President of the General Assembly. At the first part of the third session of the General Assembly, held in Paris in 1948, Mr. Evatt of Australia was associated with an effort, authorized by the Assembly, to conciliate the dispute over the Greek children. In 1950, as President of the Assembly, Mr. Entezam of Iran served as chairman of two different good offices commissions set up by the General Assembly in an effort to seek a solution of the Korean conflict. During the fall of 1951 Mr. Padilla Nervo of Mexico, as President of the Assembly, served as the chairman of a closed conference of the principal powers concerned which made an effort, during the Assembly, to break the disarmament deadlock. Mr. Pearson of Canada during his presidency of the General Assembly in the fall of 1952 was deeply involved in efforts to achieve an armistice in Korea.

The articles relating to the composition and use of the Panel for Inquiry and Conciliation permit the President of the Assembly and the Secretary-General to appoint persons from the Panel to undertake tasks of inquiry or conciliation when requested to do so by a treaty or by the parties to a dispute. There would appear to be no reason, however, why the President of the General Assembly and the Secretary-General could not, if they so desired, associate some member of the Panel with them in any informal conciliatory work in which they were engaged. Both men are free to appoint such assistants as they require. Through such informal association, experience could be gained against the time when formal appointment might be made by conflicting parties or some special responsibility assigned by the Security Council or the General Assembly. Persons from the reconstituted Panel could be asked occasionally to serve as rapporteur of the Security Council, in keeping with the recommendation of the Interim Committee in April 1949.

The history of international mediation has been a history of the search for the impartial and effective third party. We have commented on the importance of having readily available, competent, and impartial individuals who are in a position to use their good offices in disputes previous to or during the more formal consideration of these questions by one of the established organs of the United

Nations. Let us now turn to alternative methods that might be employed by the Security Council, the General Assembly, or a subsidiary organ in the consideration of disputes.

Privacy in Negotiation

It has been suggested that a rapporteur might be appointed to negotiate with the parties following the opening statements by the parties in the Security Council or in the General Assembly. The President of the Security Council has at times performed this function. There are times when it is desirable for the opening statements of the parties to be followed by statements on the part of other members which reveal the degree to which sentiment exists for peaceful settlement—or for a particular type of settlement. To allow the debate to go on to the passage of a resolution frequently results, however, in a hardening of positions and an exacerbation of the conflict.

It has been suggested, therefore, that the Security Council and possibly even the General Assembly should experiment with a plan under which, in certain cases, it would terminate debate following the principal statements on the part of all interested parties and at that point turn the negotiation over to a more private treatment. This suggestion is well worth exploring. The Security Council has already begun to experiment with a variant of this approach in occasionally taking a “consensus of views” rather than calling for a formal vote. We have mentioned the working party approach as used on the disarmament question at the 1951 session of the General Assembly in Paris, when the debate in the Political Committee was adjourned to permit a ten-day closed conference of the countries principally concerned to meet under the chairmanship of Mr. Padilla Nervo, the President of the Assembly. A similar approach was used by the Second Committee during the 1953 session, when a subcommittee met in closed session under the chairmanship of Mr. Mates of Yugoslavia in an effort to reach agreement on the Special United Nations Fund for Economic Development.

Perhaps enough has been said to indicate that the United Nations has by no means exhausted the possibilities of further shaping its procedures and its personnel in ways which could aid it in gaining the confidence and trust of its members in its work in peaceful settlement. It is not so much by reaching after the spectacular as by

“month to month” gains in these areas that the U.N.’s reputation will eventually be built.

Power to Recommend Terms of Settlement

Let us return now to the question of the power of the Security Council or of the General Assembly, or of one of their subsidiary organs, to recommend terms of settlement to parties in dispute. We have indicated that this was a power which the United Nations has thus far been reluctant to use. Mediators or conciliation commissions have frequently urged the parties in private to accept particular terms of settlement, but the Council and the General Assembly have been chary of attempting to go on record on behalf of such detailed terms. The veto is a constant hazard in the Security Council, and the General Assembly because of its size is hardly adapted to the detailed consideration required in these matters. Furthermore, such resolutions tend to freeze the situation and reduce possibilities of later compromise. There are, therefore, substantial arguments against more frequent attempts by the Security Council or the General Assembly to recommend specific terms of settlement.

Could not a case be made, however, for subsidiary negotiating organs, appointed either by the Security Council or the General Assembly, to have more freedom to make recommendations for settlement, and to release these recommendations if they felt that public consideration of them might promote a settlement? It seems likely that if the negotiating organs had the power to publicize recommendations, the disputing parties might take these recommendations more seriously in the preceding private negotiations. We have suggested that this has been the experience in other types of conflict settlement. It is the usual practice for the parent body to retain its freedom of action, but public discussion of recommendations made by a subsidiary body enables both parties to assess more accurately their respective positions—and the needs and possibilities of compromise.

It would undoubtedly be very much easier for U.N. commissions and mediators to develop and use recommendations if, as proposed by the Vandenberg resolution adopted by the Senate in June 1948, the veto could be removed by voluntary agreement from “all questions involving peaceful settlement of international disputes and

situations." The Security Council would then be able by simple majority vote to fix flexible terms of reference for its subsidiary negotiating bodies. It would also be freed to give more active support to such bodies, including, if it appeared in order, support to either general or specific recommendations for settlement.

To what extent is Article 37 of the Charter a handicap to the development of this procedure? This article permits the Security Council to make recommendations on terms of settlement in cases in which the Council decides "that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security." The General Assembly has not been given such powers explicitly, but it would be difficult, following the series of Assembly resolutions on Palestine and the subsequent passage of the "Uniting for Peace" resolution, to maintain that such powers were lacking.

There is an understandable reluctance among states to have disputes to which they are a party deemed a danger to the peace. The words of Article 37, however, are mild ones—"likely to endanger." It would be difficult in this anxious and frequently trembling world to conclude that any dispute between two countries of sufficient importance to be put on the agenda of the Security Council or the General Assembly did not in fact fall into this category. There may be times, however, in which it is not politic or conducive to a prompt settlement to say so. It might thus be wise, at some time when other Charter revisions are being made, for Article 37 to be redrafted. In the meantime, in an international situation in which we are in much need of plain speaking about the importance of avoiding disturbances to the peace, this Article should not be a serious handicap to the development and use of the power to recommend terms of settlement.

In a world so unsteady by the ever-present possibility of the misuse of unprecedented power, who is there among us to say that our intergovernmental institutions would not serve us better if they could, with common consent, be substantially altered? But any such common consent will only flow from a much clearer conviction than appears now to be evident that our principal difficulty lies in Charter limitations. Any general sampling among those reasonably well versed in United Nations affairs would, we believe, show an overwhelming conviction that we are not making effective use of the legal instrument we now have. Greater use can be made of the offices of the Secretary-General and the President of the General Assembly.

The Panel for Inquiry and Conciliation can be reconstituted. Further use can be made of the power to make public recommendations. While we seek opportunities and agreements to perfect the Charter, let us realize that in creating an institution of trust, it is the human equation that makes the greatest difference.

Note: This background study in substantially the same form appeared in the November 1954 issue of the *Annals* of the American Academy of Political and Social Science under the title "Developing the Peaceful Settlement Functions of the United Nations." This issue of the *Annals* dealt with the future of the United Nations.

Summary of Suggestions

1. The conciliatory work of the General Assembly would be enhanced if there were a prompt move toward universality of U.N. membership.
2. The Security Council should put less emphasis on passing resolutions. It should experiment more frequently with turning disputes over for some form of private negotiation after the interested parties have expressed their views.
3. The General Assembly has, on several recent occasions, suspended debate and turned issues over temporarily to "working parties" with instructions to the smaller group to see if they could find an acceptable compromise. This technique should be used more frequently during the General Assembly and occasionally, on the instructions of the Assembly, in an effort to make progress on issues between regular sessions or while the Assembly is in adjournment.
4. In view of the trend away from extended and formal debate of political disputes, and toward a more informal use of United Nations facilities for peaceful settlement, greater emphasis should be placed on conciliatory moves which might be initiated by the Secretary-General and by the President of the General Assembly.
5. In April 1949 the General Assembly established an International Panel on Inquiry and Conciliation. The Panel was to be composed of persons from U.N. member countries qualified to serve the United Nations in fact-finding or conciliatory missions. Those persons nominated by governments were to serve for five years. The membership of this Panel should now be reconstituted. Persons serving on the Panel should be used more frequently in U.N.'s dispute settlement work.
6. The dispute settlement work of the Security Council is subject to the veto of any Permanent Member (U.S., U.S.S.R., U.K., France, China). A new effort should be made to eliminate the veto in all questions relating to the peaceful settlement of disputes.

7. The Security Council now has the power in international disputes to recommend terms of settlement if it "deems that the continuance of the dispute is, in fact, likely to endanger the maintenance of international peace and security" (Article 37, (2)), or "if all the parties to any dispute so request" (Article 38). The General Assembly has such powers of recommendation under Article 11. Greater use should be made of these powers.
8. At some time when Charter changes are being made, the language of Article 37 (see 7, above) should be altered to eliminate the restriction on recommendations of terms of settlement to situations "likely to endanger the maintenance of international peace and security."

III c—DISARMAMENT

Throughout its history the Society of Friends has maintained a testimony against war. This conviction as to the evil of war has led Quakers into special efforts to remove the economic and social causes of conflict and to promote the settlement of international disputes by peaceful means. It has also promoted direct efforts to secure the abolition of war as an institution and, through disarmament, to restrict the means by which nations might make war on one another.

The States which are members of the United Nations have in the Charter pledged themselves to "settle their international disputes by peaceful means" and to "refrain in their international relations from the threat or use of force" (Article 2). But despite these undertakings, Members have found it impossible to act as though they had renounced war as a means of settling their disputes. States have continued to place their primary reliance upon either their own armed strength or upon regional defense systems. The arms race has accelerated. Weapons of war have become progressively more destructive and the competition in weapons of planet-destroying potentiality has clearly led to the point where only some radically new approach is likely to give us the security we seek.

There are those who would rely on the horror of the new weapons as the principal safeguard against their use. To thoughtful and sensitive political and military leaders a revulsion against the probable results of using these weapons is undoubtedly a powerful deterrent. But the general concern with which the disarmament negotiations in the United Nations are being followed suggests that an increasing number of people are looking for a security system which would remove the principal weapons of war and not be so dependent on a balance of power or on the forces of self-restraint.

An agreement on disarmament has been exceedingly difficult to attain. Any such agreement is obviously related to the lessening of political tensions and to the achievement of political agreements, especially over Germany and Formosa. Settlement of issues aggra-

vated by the "cold war" would facilitate agreement on disarmament. But it is equally true that a workable disarmament scheme would, if adopted, greatly facilitate settlement of the other problems which so deeply divide the major powers. Even the serious discussion of disarmament programs can contribute to the general lessening of tensions.

Although it is not directly part of a disarmament plan, the move in the United Nations toward international cooperation to develop the peaceful uses of atomic energy is an example of the type of international arrangement which could eventually facilitate agreement on disarmament. Delegates have referred in U.N. General Assembly debates and in the meetings of the U.N. Disarmament Sub-commission to the importance of developing plans for using atomic energy constructively as an accompaniment to a program for controlling the destructive uses of atomic power. There is cause for considerable optimism in the achievements of the Ninth General Assembly, which voted unanimously in favor of the establishment of an International Atomic Energy Agency to facilitate world-wide use of atomic energy for peaceful purposes. This Assembly also supported unanimously the calling of an international conference to consider means of developing the peaceful uses of atomic energy through international cooperation. Success in this area may well help to create a climate in international relations which would permit significant progress in the disarmament field.

The main purpose of this background study is to examine the manner in which disarmament might affect, or be affected by, the structure and functioning of the United Nations. The essential features of a disarmament program will be brought out by considering several questions some of them still controversial. These questions will need to be considered at great length by experts as well as by the general public, but as a basis for discussion of U.N. Charter revision brief answers are suggested here.

What Should Be the Purpose of Disarmament?

The purpose should be not merely to ease tax burdens or to make war more humane; it should be to eliminate the possibility that war will occur.

Should a World Disarmament Plan Provide for a Partial Reduction of Armaments or for Their Complete Elimination, with the Exception of Such Arms as Would Be Necessary to Preserve Internal Order and to Fulfill Charter Obligations?

The United Nations Charter apparently does not envisage complete disarmament, but arms limitation and regulation. The Charter makes reference to disarmament and the regulation of armaments. For example, the General Assembly is given the power to discuss the general principles governing these matters and to make recommendations to the Security Council (Article 11). The Security Council is charged with the responsibility of formulating plans to be submitted to Member States "for the establishment of a system for the regulation of armaments" (Article 26). The Charter provides for military forces to be put at the disposition of the Security Council for the purpose of suppressing aggression.

The present efforts in the United Nations Disarmament Commission are directed to the early limitation of national armies down to agreed levels and the abolition and control of weapons of mass destruction. Various governmental statements have been made suggesting an ultimate goal of disarmament down to levels needed for internal national policing and to fulfill U.N. Charter obligations. There are good reasons why this ultimate goal should be given much more thorough consideration as an immediate objective. Both practical and moral reasons may be advanced in favor of such substantial disarmament. Attempts to determine the quantities of armaments, the types of weapons, the number of men under arms, etc., to be allowed for almost 100 states would inevitably lead to prolonged disagreement. Agreement on the first steps might actually be easier to reach in the context of a much larger plan which provided for the fixing of the internal policing levels eventually to be reached in proportion to national population and similar factors. Moreover, inspection and enforcement are likely to be more difficult if nations retain some offensive weapons and the forces capable of employing them. We believe any disarmament scheme should provide for the ultimate elimination of all armed forces, all armaments, and all weapons except for such forces and small arms as might be necessary for maintaining order within each country and fulfilling U.N. Charter obligations.

Should a Disarmament Plan Be Universal, Applying to All Nations?

It is clear that any politically possible disarmament plan would need to include all the major powers, including the People's Republic of China. It might be essential that the eventual agreement include all countries. At some point those countries not represented in the United Nations must be brought into the negotiations. While any agreement among the major powers would likely be considered first in the United Nations General Assembly, a United Nations sponsored General Disarmament Conference might possibly be the place to seek the formal approval of the wider U.N. Membership.

Should Conventional Weapons and Weapons of Mass Destruction Be Covered by the Same Disarmament Plan and Controlled by the Same Machinery?

It would probably be most practical to have a single system to cover all types of armaments. Conventional and nuclear weapons are apparently too interrelated in their use to permit effective control of one unless co-ordinated with control of the other. The U.N. recognized this when it formed a single Disarmament Commission to replace the two which had formerly been working separately on atomic matters and conventional weapons.

What Should Be the Nature of an Inspection Agency—Its Powers, Functions and Procedures?

The powers of an inspectorate should include authority to examine documents relating to military budgets; to enter each country and to move to any point within the country at will; to maintain observers at strategic points to watch for dangerous concentrations of armed forces or weapons; to enter any factory or installation (with the exceptions to be specified); to secure pertinent information by whatever means it deemed best, such as questioning managers or employees, observing processes, counting, weighing, or measuring materials, or consulting records; and to assemble and communicate the results of its inquiries to appropriate headquarters. It should not be given authority to undertake any correction of conditions based on its discoveries but would report its findings to a U.N. organ. It

should be a technically competent civilian force and should not be armed. The inspectorate would be under the general direction of an International Control Agency or a Disarmament Authority.

These powers are suggested in the belief that the duty of the inspectorate would be to observe and certify the destruction or other disposition of armaments in all countries and, thereafter, to detect any attempt to manufacture or accumulate arms or train soldiers which had been restricted by international agreement. Inspection to accomplish this end would have to be unfettered and continuous. It would be necessary to guard against abuse of this power and interference with the peaceful economic facilities of the countries in which the inspectorate was working. However, since its purpose would be to detect illegal activities, the inspectorate should not be so limited that such activities could escape detection. Complaints about improper exercise of authority by inspectors would be lodged with the Disarmament Authority for consideration and action.

In view of the uncertainty that now prevails as to whether any inspection force could, in fact, be assured that all atomic and hydrogen weapons had been rendered useless for destructive purposes, the inspection force should concern itself with the various possibilities that exist for the delivery of such weapons.

How Should the Problem of Compliance Be Handled?

This is one of the most difficult aspects of the disarmament problem. We have suggested earlier that disarmament down to agreed levels for national armies, while no doubt a desirable first step, represents an inadequate goal. While inspection machinery could be established for such a disarmament plan, effective means of dealing with violations would be difficult in the face of still substantial national armies. Violations or suspected violations of the disarmament treaty could be taken by the Disarmament Authority to the United Nations Security Council or to the General Assembly or both, and the issues could be debated and the force of world public opinion brought to bear. Special investigating commissions could be established to weigh the facts. Under the Uniting for Peace Resolution, the General Assembly could recommend economic, political, or military measures against the country believed to be violating the disarmament agreement. But these measures all carry the weakness

with which the United Nations is already beset. They do not give assurance of getting beyond the use of war as a sanction. Our sights need to be on a more viable security system.

A second approach is disarmament of national armies down to the levels needed for internal policing and the creation of a United Nations armed police force. There are many people who believe that during the period required for any step-by-step reduction of national armaments, there should be in existence a United Nations armed force capable of balancing out any temporary inequities or disequilibrium which might develop in progressive disarmament under an agreed plan. The efforts, however, to make the Military Staff Committee an effective instrument of the United Nations foundered on the conflicts inherent in the "cold war." It does not seem likely that at the present time the U.S.S.R. would take kindly to a move now to create any new United Nations armed force capable of acting against either armed or partially armed States and free from the veto. The tensions of the East-West conflict will probably force those concerned with disarmament questions to seek other solutions than the two which we have discussed thus far.

A third approach would be to give the U.N. or one of its organs authority to deal directly by judicial process with individuals (rather than governments) found guilty of violating the disarmament agreement. Some advocates of limited world federation maintain that any disarmament plan, if it is to be effective, must provide for this degree of direct action upon individuals. If this procedure were adopted, the disarmament treaty would presumably provide that the domestic jurisdiction provisions of the Charter did not apply in such cases. It would establish procedures under which such persons would be apprehended and brought before an international court which would apply the "disarmament law."

There is a great need for extending the rule of law in the international community. There would be many reasons for questioning the effectiveness of the present collective security system, even in a partially disarmed world. Many people believe that a disarmament treaty can provide the occasion for new and important developments in international law, but few people are clear as to just what these should be.

It would seem likely that the types of inspection, verification and compliance problems which would arise under a disarmament treaty would be better handled within the general pattern of ad-

ministrative law than they would be in the present pattern of political action by the United Nations. To move in this direction would mean a major extension of the international legal system and in all likelihood the modification of the Statute of the present International Court or the creation of a new court to deal with disarmament problems. It would not necessarily mean the application of "disarmament law" to individuals. National law provides for legal action against corporations, against municipalities, and even against political bodies. While officers of these bodies are sometimes held personally responsible, it is usually the organized unit against which the legal or enforcement action is taken.

The pattern of international legal development would obviously have to be built on the special requirements of the disarmament-security problem. It would need to be related effectively to differing patterns of national jurisprudence. The development should be such, however, that it deals as directly as possible with the "parties" believed responsible for violations of the treaty. In view of the gravity of the security problem now faced by the international community, it should be possible to accompany disarmament with an enforcement pattern which minimizes action against major political units. This is an area in which an enormous amount of legal work needs to be done.

A general enforcement pattern of this kind would mean that, in cases of suspected violation of the disarmament agreement, following the verification of the inspector's report by the central inspection authorities, an attempt would first be made by the Disarmament Authority through regular administrative channels to get compliance or cooperation. If this failed, the facts would be made public. If defiance continued, the case would be taken to the proper international court to get a restraining order against the responsible "party" or unit.

It would be only those cases that defied settlement by legal means or major and flagrant violations of the agreement that would be taken to a political organ of the United Nations.

We thus have two major suggestions as to how the problems of enforcement can be handled. First, the more substantial the extent of agreed disarmament, the easier it will be to ensure that the agreement is enforced. Second, that increasing emphasis should be placed on the non-political aspects of disarmament enforcement. Inspection is a technical function. The U.N. machinery for dealing with threats

to or breaches of the peace is a political function. Between these two there should be a middle stage—so developed as to constitute the primary reliance. It would be based upon fact-finding and conciliation, and would culminate in a judicial process. It is possible that all except major and flagrant breaches of a disarmament agreement could be handled in this way without involving the present U.N. machinery for dealing with threats to or breaches of the peace.

What Should Be the Timing of the Various Steps in Carrying Out Disarmament?

The question of timing has been one on which wide disagreement formerly existed between the Soviet and Western powers. From the inception of disarmament discussions within the U.N. until 1954 the U.S.S.R. insisted upon a complete and unconditional ban on weapons of mass destruction as the first step to disarmament. The Western powers suspected that the Soviet Union was attempting to neutralize their most important weapons in order to leave itself in a position to dominate the West with its stronger conventional armaments.

At the meetings of the Disarmament Subcommittee in London in 1954, France and the United Kingdom submitted a proposal for timing, the most noteworthy feature of which was a provision for a conditional ban on *the use of* weapons of mass destruction as the first step. Under such an agreement, all powers would agree not to use the prohibited weapons except in defense against aggression. Although little progress toward agreement was apparent in the London discussions in 1954, optimism was generated during the Ninth Session of the General Assembly later in the year. At that time the Soviet Union agreed to accept the Anglo-French proposals as a basis of discussion at further meetings of the Disarmament Subcommittee. It now seems that agreement on this difficult question may be in sight.

Disarmament and the United Nations

How would a disarmament plan relate to the United Nations?

We have already touched on this question. Before considering it further let us first summarize a few of the thoughts developed in

the preceding discussion concerning the nature of an effective disarmament plan. The plan should:

1. Be based upon agreement among the major powers.
2. Be framed in a treaty applying to all nations, which should if possible be accepted by the vast majority of the world's nations, including of course the major powers.
3. Cover both conventional weapons and weapons of mass destruction.
4. Express the agreed-upon basis for disarmament.
 - a) The extent to which disarmament was to be carried.
 - b) The stages through which the elimination of armaments and armed forces would proceed.
 - c) A timetable for the accomplishment of the various stages.
5. Provide for progression from stage to stage.
6. Establish an international inspection force and define its duties, authority, procedures, and relationships to a Disarmament Authority.
7. Define the relationships of the Disarmament Authority to the United Nations and to its organs.

It is hard to imagine effective arguments for creating a disarmament plan separate from the United Nations. Indeed, several considerations suggest that the disarmament machinery be made an integral part of the United Nations. First, the United Nations would be strengthened by being able to make real progress toward one of its major objectives—the maintenance of peace; second, existing machinery, personnel, and facilities of the United Nations could be used in connection with the plan, thus avoiding duplication; third, co-ordination with other activities of the United Nations would be easier.

We have suggested the desirability of an enforcement system which would be based upon new developments in the international judicial system. The Disarmament Authority to be created as a special organ of the United Nations in the disarmament treaty would report to the Security Council, the General Assembly, and all signatories of the treaty. It is obvious that the Authority must be free to operate by majority vote. The General Assembly would be in a position to act if a veto threatened in the Security Council.

The Charter disclaims any right of the United Nations to interfere in matters which are essentially within the domestic jurisdiction

of any State. Inasmuch as an inspectorate would be required to enter and move freely within each nation and report on what it discovered, a disarmament treaty would need to provide that these inspection activities did not constitute an infringement of domestic jurisdiction or it would need to relate this question to Article 2 (7)¹ and to Chapter VII by protocol. Otherwise some change in Article 2 (7) would be required.

Articles of the Charter dealing with representation, membership, admission of new members, suspension, and expulsion of members would need to be re-examined. Since the disarmament plan ought to cover all the nations and since it should be implemented through the United Nations, the U.N. should move promptly toward universality of membership. This means a new effort to eliminate the veto on questions of membership. There should probably be no expulsion allowed, although suspension, as envisaged in Article 5, might be continued. It is possible that some changes would be required in Chapter VII of the Charter, in which is defined the role of the Security Council in handling threats to the peace, breaches of the peace, or acts of aggression. Indeed, Article 47 of that Chapter, dealing with a Military Staff Committee, is a dead letter at the present time. In Chapter VIII, "Regional Arrangements," some changes in wording might be required to put the Charter in harmony with the more important changes in earlier sections.

Finally, some Articles of the Charter, such as 53 and 107, should probably be changed to eliminate references to "enemy states," which are put by the original wording of the Charter in a special category. Such provisions would no longer be realistic or necessary if a universal disarmament plan were adopted.

How can the "will to disarmament," essential to carrying any program through, be created? We have referred earlier in this background study to the pressures growing out of the competition in atomic and hydrogen arms. We are now faced with nothing less than the question of the survival of the human race. Nor should we forget the new schools, the new hospitals, the new homes, the new opportunities for producing food and clothing, the better life which

¹ Article 2 (7) states, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; *but this principle shall not prejudice the application of enforcement measures under Chapter VII.*" (italics ours)

could result for us and for others the world over if there were an end of the arms race. To these things we could add the deep satisfaction which would rightly be ours from having brought under control man's greatest and most impressive problem.

Summary of Suggestions

1. Disarmament should be universal. It is essential that any agreement include all the major powers. It should eventually include all countries. This means that at an early date all the major powers must be brought into the negotiations and that, at a later stage, all countries must participate in the negotiations.
2. Disarmament should be carried out through the United Nations. This would be facilitated if all nations were Members. A new effort should thus be made to eliminate the veto as it applies to membership.
3. If agreement on disarmament were reached, an entirely new administrative and supervisory organ would need to be created to exercise control over the agreement or the treaty and to administer the inspection system. This agency might be called the Disarmament Authority. It should be an organ of the United Nations.
4. The Disarmament Authority should report to the Security Council and the General Assembly, as well as to all States adhering to the treaty. It should be free to make decisions by majority vote.
5. The international inspection force must have unhindered access to all arms-producing facilities and all military staging points. They must have complete freedom to report.
6. The enforcement provisions of the disarmament treaty should be based upon prompt judicial review of, and action on, suspected violations.
7. The Charter prohibition against interference in the domestic affairs of Member States (Article 2 (7)) would need to be qualified by amendment, or by having the nations agree in any disarmament treaty that inspection and enforcement activities do not constitute such "interference," or by special protocol relating the disarmament agreement to Article 2 (7) and to Chapter VII.
8. Since provision should be made for the German people and for Italy and Japan to attain membership in the U.N. and to be covered by the disarmament agreement, Articles 53 and 107 (which refer to "enemy states") would need to be amended.
9. That part of the Charter which deals with regional arrangements (Chapter VIII) would need to be harmonized with any other changes made.

ARTICLES OF U.N. CHARTER ON AMENDMENT PROCEDURE

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been 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.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when 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.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

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STATEMENT OF THE AMERICAN FRIENDS SERVICE COMMITTEE ON THE TENTH ANNIVERSARY OF THE UNITED NATIONS

The American Friends Service Committee wishes to express to the United Nations, on the occasion of its Tenth Anniversary, a message of gratitude and hope—gratitude for the first decade of accomplishments and confident hope in its future.

Even though governments have not yet been willing fully to explore its potential for peace, the United Nations is an instrument of great value for the settlement of international conflicts. We pledge our cooperation, along with others of like mind, to the promotion of peace through the United Nations.

In the joint effort of nations to cope with the basic social and economic problems of the world, the United Nations has made an invaluable contribution. We are gratified to have been able to cooperate in its work for refugees, in Korean rehabilitation, and in various social and technical assistance programs. The Committee will continue to offer its services as opportunity affords within the limit of its resources.

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.

*Adopted by the Executive Board
on June 1, 1955*

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