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THE UNITED NATIONS AND WORLD UNITY

KENNETH S. CARLSTON*

Many of us have seen those great and massive ranges of mountains we know as the Rockies. Their sharp pinnacles thrust themselves into the sky in a vast convulsion of nature, their serene peaks today only a memorial to the violent and dislocative forces that ages ago created them. We must regard these days in the life of man as a period of similar convulsive change. From the proud heights of a great and sovereign nation of some seventy million inhabitants, possessed of great military power, the German nation has fallen into the depths of a defenseless, divided and occupied territory. That landmark on the European scene has disappeared. The power that once was England has now entered its decline. France is torn with dissension. Today, facing each other over the rubble of Germany, are the two great powers of the United States and Russia.

The United Nations was created when these events awaited their appearance behind the curtain of time. Yet victory was near at hand when the powers warring against the Axis met in San Francisco in April of 1945 to draft the Charter of the United Nations. In those days of high aspirations the United Nations was conceived in the expectation that the cooperation of the Great Powers, which had been so successful on the war front and which has manifested itself so movingly in the drafting of the Charter, would continue after the war. It was assumed that following victory the peace settlements would be reached promptly and upon a basis that would bring to the world real hope that for the years to come the necessary conditions of peace had been established. In those years of peace it was assumed that there would be an effective and coordinated effort to overcome the dislocations and ravages of war and to restore economic prosperity and political stability.

The Preamble of our Declaration of Independence is familiar to all of us and has become a part of our philosophy of government and institutions. The Preamble of the Charter of the United Nations states purposes that are now becoming confused and in danger of loss in the struggle of power politics. We would do well to read and to re-read that Preamble:

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to established conditions under which justice and respect for the ob-

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ligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

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

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

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

The structure of the United Nations Charter reflects certain basic principles. Disputes among nations were to be settled pacifically. Acts of Aggression and threats of war were to be dealt with vigorously, promptly and effectively by the Security Council. The general principles of international cooperation and the maintenance of international peace and security were to be the province of the General Assembly. A broad program of economic and social cooperation was to be carried forward under the leadership of the Economic and Social Council. To the end of preserving a reign of law between States, the International Court of Justice was created. Regional arrangements consistent with the purposes and principles of the United Nations were authorized and the right of self-defense recognized.

Concern was felt by the small nations over the predominant position given to the five Great Powers (China, France, Great Britain, Russia and the United States), who are termed the permanent members of the Security Council, and particularly over what has come to be called the veto power, but which at San Francisco was explained as that of the principle of unanimity. The idea of solidarity rather than the arrogant use of a blocking position was conceived to be its true purpose. In answer to the smaller States, the Great Powers at San Francisco made a solemn declaration (which, however, unfortunately was not made a part of the Charter) that they would not "use the 'veto' power wilfully to obstruct the operation of the Council."¹

The United Nations Charter signed at San Francisco on June 26, 1945, was our blueprint for international cooperation. The form and substance which it would in reality take would depend not upon its words but upon the deeds of its signers. The years following the establishment of the Charter have been years indeed crowded with deeds. The year 1945 may in one phrase be characterized as the Year of De-

1. The United Nations Conference on International Organization, Selected Documents, (Washington, 1946) 753.

cision; the years 1946 and 1947 as the Years of Delay and Division; and the year 1948 as the Year of Disillusionment.

The year 1945 brought the decision of final victory over the Axis. Its evil power was broken. The way was open to the establishment of peace, the restoration of international trade and communication, and the peaceful functioning of the United Nations. Instead, however, the years 1946 and 1947 brought delay in the reaching of the peace settlements and the division of the world into a bi-polar power system in which basic conflicts of interests and power appeared between the nations of the West, on the one hand, and Soviet Russia and its satellite countries, on the other hand. The year 1948 seems to have brought with it disillusionment, a disillusionment in the efficacy of the United Nations under its 1945 structure to deal with problems of today—problems almost of another age. Thus we find that in May of 1948 the House Foreign Affairs Committee held hearings to determine whether and to what extent the United Nations should be strengthened in the light of these changed conditions. What are the accomplishments and shortcomings of the United Nations? Shall it be continued, or shall it be jettisoned in favor of a different structure. What can be done to strengthen the organization?

In the non-political sphere the United Nations is doing much constructive work. The Economic and Social Council has twelve commissions of experts at work. Some of these are studying means for raising the levels of economic life in certain regions of the world. Under the International Trade Organization rules have been agreed upon for increasing international trade. Other agencies are dealing with health problems, food problems, financial problems, problems of human rights and freedom of information.

The immediate and long-range constructive work of the specialized agencies of the United Nations is strikingly illustrated in the accomplishments of the Food and Agriculture Organization. This body has found that in view of population growth during the next twenty-five years, food production must be increased 110% in order to avoid mass starvation. The World Food Council has accordingly been established to call attention to dangerous food situations, to help allocate exportable food surpluses and to promote the mechanization of agriculture. The organization has held international conferences to increase the production of rice, cereals and timber. It has sent missions of agricultural experts to Greece, Poland and Siam to assist in increasing agricultural production in those countries. The Near East, the Far East and Latin America have received its help in specific projects to increase their food supplies. It has undertaken field demonstration schools in Western Europe on hybrid corn, artificial insemination and veterinary techniques.

These are genuine accomplishments, seeking to raise the level of well-being of the peoples of the world, to eliminate starvation and

want and to promote a healthy atmosphere of international trade and communication.

Economic well-being is indissolubly linked with political security and freedom. A healthy atmosphere in our life of international trade is essential to the establishment of a healthy and peaceful atmosphere in the political relationships between States.

In the political sphere the United Nations has to its credit, despite the use of the veto power, a number of accomplishments. The Security Council was successful in bringing about a withdrawal of Russian troops from Iran and British and French troops from Syria and Lebanon. The United Nations has helped to preserve the independence and integrity of Greece, one of its members. India and Pakistan were on the verge of war when they brought their dispute over Kashmir to the Security Council. Recommendations for a peaceful settlement made by the Council kept violence from there spreading.

The conflicts between the Dutch and the Indonesians and between the Arab States and Palestine were at least reduced in their severity by the intervention of the Security Council and a troubled truce achieved. The International Court of Justice now has under consideration a settlement of a dispute between Britain and Albania involving damage by mines to British destroyers and consequent loss of life in the Corfu Channel. The world today is a better place in which to live by virtue of the activities of the United Nations.

The veto power in the Security Council is one of the most serious problems confronting the United Nations today. Under Article 27 no decision on any matter, other than merely a procedural one, can be made without the concurrence of each of the five Great Powers. Thus each of the Great Powers, by failing to go along with a decision otherwise agreed upon by a majority of the members of the Security Council, can in fact exercise a veto upon their decision and render it ineffective under the Charter. This has happened some thirty times in the life of the United Nations. Twenty-nine times the veto was exercised by Soviet Russia, with France joining her in one of these, and once by France acting alone. On the preliminary question of whether a matter should or should not be considered to be procedural, that is, outside or within the sphere of the veto power, the so-called "double veto" has been exercised three times by Soviet Russia. In this way, even a matter which the majority of the Security Council felt to be procedural and, accordingly, outside the veto power, was voted by Soviet Russia to be non-procedural and hence within the veto power. Most of the vetoes related to questions of membership applications arising under Chapter II and questions concerning the pacific settlement of international disputes arising under Chapter VI.

The current, Berlin issue now before the Security Council has been placed before it under the provisions of Chapter VII, relating to

threats to the peace and aggression. This chapter looks to the use of force to give effect to the decisions of the Security Council, though the Council may also request the parties concerned to comply with provisional measures. The Berlin dispute was one which the Western Powers had hoped to handle under Chapter VI, concerning the pacific settlement of international disputes. As a party to the dispute, the Soviet would under this chapter have been denied the right to vote in reaching a decision. Thus it could not have exercised any veto. But by the same token the three Western Powers would be denied the right to vote as a party to the dispute. In these circumstances, four of the eleven members of the Security Council would be denied the right to vote, making unanimity of decision essential as to the remaining seven members, for a majority of at least seven members is required for a decision. Now one of these seven was the Ukraine, whose identity of view with the Soviet Union was a foregone conclusion. Indirectly, therefore, the Soviet Union was able to exercise a veto upon the proceedings of the Council even before it convened.

Since abuse of the veto has chiefly arisen in matters concerning membership applications and issues of pacific settlement, the United States has taken the position that if the right of a permanent member to exercise a veto on such questions were eliminated, the problem of the abuse of the veto would for the most part likely disappear. Its proposal to this effect is now before the Assembly.

The basic problem today, however, is that of the relationship between the East and the West, the principles upon which Russia and its satellite powers can find it possible to live in peace in this world with their neighbors of Western Europe and the Western Hemisphere. This is a problem upon which the *form* of our international organization can have little effect. As Secretary Marshall said before Congress on May 5, 1948: "It is not changes in the *form* of international intercourse which we now require. It is to changes of *substance* that we must look for an improvement of the world situation."²

The real issue is not whether the United Nations Charter shall continue to legalize the use of the veto. The real issue is whether the Soviet Union can find it possible to collaborate with the United Nations in the accomplishment of those tasks and decisions which a majority of the nations have agreed upon. It is a misconception that the major problems dividing the West and the East at this time are bilateral problems between the United States and Soviet Russia alone. They are problems on which a common accord among nations, except for the Soviet Union, has been found. Agreement on the control of atomic energy has been found among fourteen of the seventeen nations represented on the Atomic Energy Commission, excepting only the

2. 18 Department of State Bulletin 625 (May 16, 1948).

Soviet Union, Poland and the Ukraine. Progress on the German and the Japanese peace settlements has been blocked by the Soviet Union.

History is now without a parallel. The United States on its part exercised a silent but equally as effective a veto in the functioning of the League of Nations by its failure to assume the responsibilities and obligations of membership in that predecessor organization of the United Nations. It took the bitter experience of another World War to make us realize our responsibility to the world in the preservation of peace. With that realization on our part, Secretary Marshall, when he first spoke about the plan which became the Marshall Plan, found it entirely "logical that the United States do all it can to help restore economic health to the world, without which political stability and peace cannot be assured." Given the principle that we must shoulder the responsibilities of our position as a world power, it became "logical" that these should be carried out even at the sacrifice of adding to the inflationary burdens of our country and the shipment to Europe of materials that can ill-be-spared in our expanding economy.

Without the realization on the part of Soviet Russia of the interdependency of the countries of the world, without the conviction that its political and economic well-being is inextricably tied up with the political and economic well-being of the other countries of the world, the factual veto of non-cooperation can be expected to persist whether or not the exercise legally of the veto be permitted.

Hence it becomes imperative that the United Nations shall continue its functioning. Its economic, social and technical activities should not be permitted to lapse. Above all the United Nations must be preserved as the last remaining bridge between the East and the West. If we are to achieve a basis of understanding and collaboration between these two, the United Nations provides the means for its accomplishment.

Some would cast it aside altogether in the hope of establishing a World Government. It is evident that the United Nations, even with all its possibilities for the use and abuse of the veto, represents the utmost extent to which the Soviet Union will now go in world collaboration. Any other structure, though it be called a World Government, if it fails to include at least the nominal support and adherence of Soviet Russia, becomes instead a Grand Alliance, a regional pact. It may be that at some future date fear of the policies of Soviet Russia will drive the countries of Western Europe and the United States into a regional pact of a defensive character, but our every effort should be directed not to hastening the process of division but to holding firmly to such means for unification and collaboration as we possess.

In last analysis all governments rest upon consent of the governed and upon the force which they command. As they ignore the will of the governed, in the same measure must they increase their use of

force in the execution of their commands. Intrinsically, that principle is all that distinguishes the democratic state from the police state. A World Government is equally subject to this fundamental rule. Until the peoples of the world are prepared to work and share together toward a common end, until they are prepared to entrust their welfare and security to an authority other than their own national governments, World Government must remain but a hope.

The creation of the so-called Little Assembly has demonstrated the possibility of the growth of the United Nations to meet the changing needs of international society in the same manner as our own constitutional structure adapted itself to the changing needs of our country by a process of extensive interpretation. Although Russia has favored the policy of a strict construction of the Charter, so that it would permit to the utmost extent the unrestricted exercise of the powers of national sovereignty, in establishing the Little Assembly the members of the United Nations have shown that flexibility and opportunity for growth exists within the present structure of their organization.

The need for the Little Assembly arose out of the abuse of the veto power. Amendment of the Charter to deal with that problem seemed fruitless, since the right of veto also applied to the procedure of amendment. But since the veto was limited to action of the Security Council, the Assembly provided the only organ of the United Nations which could function without frustration. True it had only the power to make recommendations, but these recommendations, voicing the considered opinion of a two-thirds majority of the Assembly, had a powerful moral force. The principal difficulty lay in the fact that the Assembly met only annually, save for such special sessions as might be called only in a most cumbersome manner, that is, at the request of the Security Council or of a majority of the members of the United Nations. The creation of an Interim Committee to sit between the annual session of the Assembly furnished the answer. This Committee, which is popularly called the Little Assembly, was given broad powers to consider, reach conclusions and report to the General Assembly on matters referred to it by the General Assembly or duly submitted to the General Assembly for inclusion in its agenda. It was also authorized to conduct investigations and appoint commissions of enquiry within the scope of its duties.

The continuance of the Interim Committee is one of the questions now before the General Assembly in its current session. The Committee is a body possessed of great possibilities in the preservation of peace and security. Its discussions and investigations will enable the world to discover quickly the true facts about any dangerous situation that may confront it. Its conclusions will mobilize world opinion in an effective manner.

In the further development of the United Nations very careful thought and study must be given to improving the means for adjusting political disputes among nations. Mere repression of the use of force, without sincere and wise attempts to alleviate the conditions that give rise to the use of force, is not enough. The negro problem of the South is not solved by the use of "lynch law," designed to prevent the outbreak of violence on the part of the repressed group. Hand in hand with the condemnation of the use of force in the solution of international controversy must go a fully developed technique of scientific and thorough investigation of all the facts relevant to the particular problem and an effort to reach a solution based not on political log-rolling and the influence of various power blocs in the Assembly but rather based on a dispassionate desire to bring about a just and lasting solution, an *adjustment*, of the various tensions involved. The development of this process of the political adjustment of disputes is possibly the most important of the tasks lying before the United Nations.

Out of the disillusionment of this day a greater maturity and wisdom is being born. We realize, as I have said elsewhere,³ that "peace is not static, it is dynamic; it is a nexus of many forces which are constantly shifting and which demand constant effort to preserve their equilibrium. There is a technology of peace as well as a technology of war. The successful waging of war on the technological front demands primarily the skills and knowledge of the physical sciences. The successful waging of peace demands the skills and knowledge of the economist, the political scientist, the lawyer, the psychologist, the geographer, the publicist, even the military scientist, to mention but a few."

We must bend every effort towards strengthening areas of cooperation wherever possible, with Russia if possible, without Russia if not possible, but still *wherever* possible. We must seek to develop in this country an informed public opinion, a public opinion which will realize and accept the responsibility of our position as the most powerful of the world powers, and the necessity of international cooperation. The members of the United Nations must frame their political and economic policies with the realization that the road of national self-sufficiency, the untrammelled exercise of national sovereignty, is the road to destruction, as the Axis powers discovered. We must support a strong United Nations *at all costs*. We must be ready to carry out on our part its recommendations in the matter of the control of the use of atomic energy. We must continue the work of the International Monetary Fund and of the World Bank and assist in the establishment of the International Trade Organization, to the end that international trade and intercourse may be promoted. The painstaking tasks of the

3. Carlston, *International Arbitration in the Past-War World*, 13 *Mo. L. Rev.* 140 (1948).

progressive development and codification of international law must be carried forward. Particularly must we develop and improve the technique for the political adjustment of disputes, as well as the judicial processes for the settlement of disputes. We should continue to work toward a world police force which will make the decisions of the United Nations respected. We have now finally learned that victory *over* war must be earned as well as victory *in* war. Peace is not a condition of status; it is a condition which requires unceasing vigilance and effort on many fronts to attain and preserve. That is the fundamental fact to which this country will have to adjust its foreign policy in the years to come.

In the exercise of our responsibility as a world power we will learn that power alone does not govern the affairs of nations. There is a strength in moral principles, in the values of free institutions and free associations, which is greater than the strength of brute force alone. As we guide the conduct of our foreign relations by enduring moral principles, as we adhere to and make tangible the principles and purposes of the United Nations Charter, in that measure will be establish upon a lasting basis peace among nations.