

## THE UNITED NATIONS, 1945-1949

When the Charter of the United Nations was being prepared, drafted and signed, and put into operation, in 1944-1945, numerous comments were made in this JOURNAL upon its character, especially in comparison with the League of Nations Covenant, and upon the prospects of effective operation for the Organization set up by it.<sup>1</sup> Now that that Organization has been in operation for four years it may be quite appropriate to reexamine the situation and try to draw some tentative conclusions on the main points involved. It does not appear that any striking changes in the system are imminent or are planned,<sup>2</sup> but this should make an interim appraisal all the more normal.

It hardly needs to be said that the more extreme predictions, of one type and its opposite, by critics of the Dumbarton Oaks Proposals and the Charter—which constituted a great advance over the Proposals—have not been borne out by events. The United Nations has not proven to be either an all-powerful Great Power tyranny or a completely ineffectual hodgepodge. Only a somewhat detailed analysis will show just what has been the outcome and why.

To summarize briefly,<sup>3</sup> it may be said first that the United Nations, including here the Specialized Agencies, has enjoyed a large measure of success (though somewhat inconclusive in character) in the field of economic and social problems, has dealt rather successfully with a considerable number of what may be described as territorial controversies, and has progressed rather satisfactorily on the plane of administrative organization and procedure. It must be immediately added that with respect to non-territorial political problems, such as atomic energy control and security, and with respect to crucial constitutional issues such as the veto and revision of the Charter, almost complete failure has attended the efforts made in these four years. In the development of international law and judicial settlement, of special interest to readers of this JOURNAL, it can be said that the International Court of Justice and the International Law Commission constitute splendid agencies for the purpose, splendidly supported by the Legal Department of the Secretariat, but that the Member States have been somewhat cool toward this aspect of United Nations activity.

The comparison with the experience of the League of Nations during its first four years is almost too obvious to need statement. The League in its first four years also developed rapidly in structure and administration, settled a lot of territorial disputes, and expanded hugely in economic and social fields. It also had little or no success with major political and

<sup>1</sup> This JOURNAL, Vol. 39 (1945), pp. 45, 95, 101, 103, 318, 541, 546, etc.

<sup>2</sup> But see forthcoming Proposals for Reform of the United Nations, by Clyde Eagleton (Foreign Policy Association, 1949).

<sup>3</sup> For fuller detailed descriptions see article by present writer in *World Affairs*, Vol. 112, No. 3 (Fall, 1949), p. 70: "The United Nations Four Years Old."

constitutional issues and was the scene of much hesitation over any juridical treatment of international life. The parallelism is so striking that we cannot help asking for the underlying causes. Incidentally it probably can be said that the United Nations has, in spite of the much more difficult period in which it has been operating, probably been more successful than the League in its first four years, as well in matters where both enjoyed relative success as in matters where both relatively failed.

Of course the reasons for relative success and failure on the part of the United Nations in the different fields mentioned are not very obscure. Some degree of achievement, a seemingly great degree, is not too difficult in economic and social matters; this does not mean necessarily that these matters present no difficulties whatever or are totally unimportant. Territorial disputes simply must be settled to avoid or terminate war or hostilities. Administrative matters—budget, personnel—both must be settled and also can be settled with less difficulty than some other things. It is the crucial constitutional and political problems which come nearest to being insoluble. How important they are depends upon an estimate of their urgency; in one sense they are the most fundamental issues with which the United Nations has to deal, but if there is no real danger of early war or collapse of the effort at coöperation under United Nations auspices, much, if not all, of the other activity can go on in spite of failure to solve the problems of the veto, international police, atomic energy, or revision.

It will be remembered that the cardinal principle on which the framers of the Charter proceeded at San Francisco was that of agreement among the Great Powers, indeed unanimity among the Great Powers. It was argued that nothing could be accomplished by trying to make a Great Power do what it did not wish to do in any important matter. Of course this principle was not respected everywhere in the Charter, for at numerous points action may be taken by less than unanimity. It was also pointed out at the time that any expectation of continued and general unanimity among the Great Powers was too silly an hypothesis to be taken seriously for a moment, and the sequel has all too fully borne out the accuracy of this criticism. Nevertheless, it would be a very superficial oversimplification to ascribe United Nations difficulties in the major issues to the Great Power veto alone or even solely to arbitrary disunity among the Great Powers.

The fact is that both on a quantitative and a qualitative level the present-day world state system—if that term can be used for a situation in itself essentially amorphous if not chaotic—is very unfavorable for the development of international organization. Two Super-Powers (or one Super-Power and an unknown quantity) are surrounded by five superannuated Powers and a large number of miscellany. At least two very sharp politico-spiritual dogmas are involved in bitter conflict, to the accompaniment of an uncertain obligato from another *mystique* which, while somewhat uncertain,

is nevertheless very lively and happens to be espoused by the one unmistakable Super-Power. No wonder the United Nations has had difficulty in dealing with its more serious problems, or, more simply, no wonder the United Nations Members have difficulty in agreeing and coöperating!

But again the conclusion seems to be imposed by the circumstances: there is nothing to do but struggle on along the lines laid down. Any attempt to remedy the situation by conferring on the United Nations drastic powers of legislation and enforcement is totally excluded as a possibility and is undesirable to boot. Any establishment of a powerful organization among states willing to accept it, allowing the dissenting sisters to go their own way, would be disastrous, and probably unacceptable to the United States itself. Any simple abandonment of efforts at organized international coöperation—the United Nations—is unthinkable in absence of something better. It may be possible to improve the United Nations bit by bit and gradually. To repeat, things are certainly in better shape under the United Nations in October, 1949, than they were under the League in December, 1923. Devotees of international law and order, of international peace and progress, have no cause for exaggerated satisfaction on the fourth birthday of the United Nations; they would by no means be justified in giving way to despair.

PITMAN B. POTTER

#### FIRST SESSION OF THE INTERNATIONAL LAW COMMISSION

The International Law Commission was created by General Assembly Resolution 174 (II), of November 21, 1947. Its fifteen members were elected on November 3, 1948, through the same procedure employed for election of judges of the International Court of Justice, as follows:<sup>1</sup>

Ricardo J. Alfaro	(Panama)
Gilberto Amado	(Brazil)
James Leslie Brierly	(United Kingdom)
Roberto Cordova	(Mexico)
J. P. A. François	(Netherlands)
Shuhsi Hsu	(China)
Manley O. Hudson	(United States)
Faris Bey el-Khoury	(Syria)
Vladimir M. Koretsky	(U.S.S.R.)
Sir Benegal Narsing Rau	(India)
A. E. F. Sandström	(Sweden)
Georges Scelle	(France)
Jean Spiropoulos	(Greece)
Jesús M. Yepes	(Colombia)
Jaroslav Zourek	(Czechoslovakia)

<sup>1</sup> The nationality of each member is here given for convenience; members of the International Law Commission are not chosen by, nor do they take instructions from, their respective states.