CHANGING PATTERNS OF POWER AND INFLUENCE IN THE UNITED NATIONS

ABSTRACT

Thesis Submitted for the Degree of Doctor of Philosophy in POLITICAL SCIENCE

BY

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ALIGARH (INDIA)
1988
ABSTRACT

Twice in the twentieth century the scourge of war brought untold sorrow to mankind and after each war mankind pledged to establish conditions which would ensure a better world order — a world in which violence could be reduced significantly; peace and security could be ensured; and conditions for economic welfare, social justice and respect for human rights and fundamental freedoms could be created. Thus, the League of Nations came into existence after the First World War, which, unfortunately, failed and then came the United Nations, a revised version of the League — undoubtedly, improved in many respects and representing a fresh approach to the world problems with the purpose to maintain international peace and security; to develop friendly relations among nations; and to cooperate internationally in solving international problems of economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all.

The Security Council has been given the primary responsibility for the maintenance of international peace and security and the Member-States of the United Nations have agreed to accept and carry on the decisions of the Security Council. But due to excessive use of veto, the Security Council had been unable to decide matters relating to international peace and security.
It may be pointed out that the creation of the Unified Command in Korea by the Security Council was possible solely because of the fortuitous absence of the Soviet representative. Hence, it was realized by the General Assembly that to prevent matters relating to peace and security from being "frozen" on the Security Council agenda which reduced to "impotence" the organization as a whole, it should assume some of the responsibility of the council. Consequently, the General Assembly adopted three closely connected resolutions, the first of which is usually termed the "Uniting for Peace Resolution." Its intention was to create a nucleus of collective security outside the Security Council.

The adoption of the Uniting for Peace Resolution was virtually an amendment of the Charter making an additional provision as it were to Chapter VII, providing for the contingency of the failure by the Security Council to exercise its primary responsibility by reason of the lack of the unanimity of the Permanent members.

Thus, the importance of the Security had been lowered in the eyes of the nations and the General Assembly became the only hope for maintaining world order.

The General Assembly of the United Nations has become over the years the predominant political body of the world organization. The frequent inability of the Security Council to discharge its functions assigned to it by the Charter has brought
a change in the relative powers of the Security Council and the General Assembly. Member-states have increasingly extended the Assembly's role in questions involving the maintenance or restoration of international peace and security and many of them have looked with ever widening hope to this organ for the solution of their problems. Assembly resolution, moreover, while technically only recommendations, have been viewed by some member countries, with regard to certain matters and within certain limits as legally binding decisions.

The important changes in the priorities of the United Nations, too, have significant consequences for the role of its organs, particularly the General Assembly. The organization has come to give higher priority to economic and social development, decolonization and the elimination of racial discrimination than to the maintenance of international peace and security and the matters to which the highest priority is given, is primarily the responsibility of the General Assembly.

The shift of emphasis from the Security Council to the General Assembly has naturally changed the balance of power and influence. The Big Five do not enjoy the same privileged position which they have in the Security Council. This logically weakens their grip over the organization. Furthermore, as the result of the expansion of the membership of the General Assembly it has
grown from a body of fifty-one (51) members to one hundred fifty-nine (159) because the "Universality" not "Selectivity" was to guide the principle of admission into the United Nations. The majority of which is non-Western, underdeveloped and who have gained their independence recently. Roughly three fifths of the total membership belongs to the Afro-Asian regions. Many of them belong to the Third World including ministates which are underdeveloped and the product of the decolonization process. They view full-membership in the organization as the final stamp of approval on their independence. In addition, the Third-World majority feels that further ministate membership would add to their preponderance in the United Nations as their voting behaviour reveals an anti-western attitude. It may be of interest to describe briefly the change in voting behaviour in the General Assembly since its establishment. In fact, the United States Commanded an "automatic majority" or an "automatic two-third majority" in the General Assembly during the years before 1955 and this exercised nearly complete control over the Assembly's decisions. In the following years, from 1955 to 1960, the newly admitted members behaviour lessened America's control but the United States position was still strong. Finally, the considerable increase in membership since 1960, it is said, has ended America's dominance. Undoubtedly, so far as the voting results of the General Assembly are concerned, the position of the USA is weakened.
after 1960 but in comparison to the USSR on the combined categories of cold-war, peace-keeping, arms control and disarmament issues, the United States continued to be generally unsuccessful. However, anti-Western attitude of Third World - (which includes microstates) has been a source of irritant for Western nations. Naturally, it is a source of irritant to the Big Powers. Because the Third World states now became more prominent framework of the United Nations. Hence, the Big Powers become day-by-day disinterested in the functioning of the United Nations. Then there is a need of structural and functional changes of the United Nations Organs. Consequently, the amendment of the Charter in such a way as to satisfy all - Big and Small - is needed.

The suggested amendments are summarised as follows:

(1) The idea of weighted voting has been suggested to arrest or reverse the voting behaviour in the United Nations (General Assembly) and for the survival of the United Nations one-nation-one vote formula has to be changed.

(2) Universality not Selectivity should be the guiding principle of admission in the United Nations. All peace-loving nations are to be admitted. Consequently, the admission-process needs amendment so that the admission of the peace-loving nations could not be prevented unnecessarily.
(3) The privileged position of the permanent members in the Security Council enjoying veto power has also come in sharp criticism. The power is given to them. But this power should be amended in such a way that it is not unnecessarily abused.

(4) Article 2(7) i.e. provision for noninterference in domestic affairs have been suggested for amendment as under the pretext "domestic jurisdictions" nations try to prevent the UN to impose upon them some sort of amiable solution.

(5) The international court of justice lacks compulsory jurisdiction. Consequently, an international legal order through the judicial process is difficult to give the court. compulsory jurisdiction to make it an authoritative interpreter of the Charter, so the Charter needs amendment.

(6) In addition, provision for the establishment of Permanent International Military Force is essential to help innocent states to rearm them in time to take on the aggressor. Hence, for this purpose the Charter needs amendment.

But seeking amendment of the Charter means opening a pandora's box and some of it may even lead to the questioning of the basic postulates of the Charter and Big Powers hegemony.
Hence any attempt to compel the Big Powers to agree with what they disagree will certainly not be in the interest of international community. A very cautious approach is therefore, required.

Changes in the United Nations system may come about in a variety of ways other than by amending the Charter. The Charter has been profoundly influenced by interpretation, custom and usage, the failure on the part of member states to implement certain articles, the conclusion of various treaties or agreements including regional defence pacts, and by the changed conditions in international situation. Furthermore, if the United Nations Charter is viewed as a "constitution" that creates a "government", it may be interpreted gradually changed by custom, and subject to a process of growth similar to that which has taken place with respect to the constitution of the most sovereign states. But if the Charter is viewed as a "treaty" or a "contract" it is not a flexible instrument and is not subject to the informal change in a fundamental sense. It is of course, virtually impossible, to draft any instrument whether it be called a treaty, a contract, or a constitution, that does not have some element of flexibility about it. A document such as the United Nations Charter is unavoidably more flexible in nature than many other written instruments.
Consequently, if the United Nations is to develop without amendment to the Charter, it is necessary to strike a balance somewhere between the extreme positions of loose and strict constitution. The idea that the Charter in an instrument so flexible that, if an amendment is not feasible, the same result may be obtained by interpretation or by the passage of special resolution, may be dangerous not only for individual member states but for the organization itself - even without the area of balance between two extremes of loose and strict construction there is considerable room for gradual growth and development. But this must be an evolutionary process accepted by the great majority of members. It is essential in considering the proposals that the techniques of change not endanger the proposals themselves.

However, from the above arguments we reach to the conclusion that the amendment of the Charter is not the course likely to further the cause of world peace at present time. Since the nations of the world are entirely not ready now any more than in 1945, to turn the United Nations into a Super-national body, endowed with the military and economic power to enforce its decision upon unwilling members, it would be pointless to make alterations in the legal structure which did not correspond to the realities of the world community.
Any amendment of the Charter cannot prove a helpful method for strengthening the United Nations. Any change in the functions and operations of the United Nations should come about by way of convention and precedent. This is a slow process and in many ways an unsatisfactory limitations beyond which it cannot be used effectively; and to the extent that it creates a divergence between what the Charter says and what in practice the members presume it means, if makes for uncertainty, if not actual dishonesty, and weakens the effectiveness of the Charter as the fundamental law. Nonetheless, it is a process with which all constitutional states are familiar, and which indeed is essential if the constitution is to process the necessary flexibility, in adoption to the changing need of modern international society. So long as the process enables the United Nations to carry out more effectively its basic purposes, it will be a method through which its evolution can proceed in harmony with the development of world opinion, the ultimate foundation on which the United Nations must rest.

No analysis of the United Nations Charter and its operation in practice and no positive suggestions can lead to any substantial improvement in the work of the organization so long as there is suspicion and lack of good will and understanding among its members particularly amongst major powers. Even if the member states were able to reach agreement on important matters such as the limitation of armaments, world stability will remain precarious
until there is a change of heart. But the member states forget that under the provision of the Charter, it is the duty of the member states of the United Nations to endeavour to remove causes of international friction; not increase them by answering one unjustified threat to the peace with another. Moreover, it should be at once help to cease tension and reduce bitterness in the United Nations now proceeding, and give real cause for hope that cooperation between all powers, great or small, will be achieved on a basis not of mere tolerance, but of real comradeship. So that the United Nations could be in a position to work effectively for peace and progress and there will be a healthy, happy and prosperous international society.

Fortunately, the present international situation is very hopeful. For the Super powers, owing to statesmanship of Reagan and Gorbachev, the UN is no more a talking shop or debating club. The UN is acknowledged, once again, an instrument of peace rather than a platform of dissention. Therefore, the necessary amendments in this relaxed international situation, could be possibly made with the consent of the two Super-powers, of course necessarily to the satisfaction of the Third-World states, who, undoubtedly need the UN more than anyone else.
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THESIS SECTION
This is to certify that the thesis entitled "Changing Patterns of Power and Influence in the United Nations" is the original research work of Ms Nuzhat Ishtiaq. She has completed all the requirements of attendance and residence etc and has done her M.Phil. In my opinion, this work is fit for submission for the degree of Doctorate in Political Science in the Aligarh Muslim University.

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Supervisor
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INTRODUCTION

The United Nations is established for the purpose of maintaining international peace and security; to develop friendly relations among nations and to cooperate in solving international problems of economic, social, cultural, humanitarian character and encouraging respect for human rights and fundamental freedom.

The Security Council has been given the primary responsibility for the maintenance of international peace and security but the Security Council, due to excessive use of veto failed; and the General Assembly which was primarily a deliberative body with power of discussion, investigation, review and supervision in relation to the work of entire United Nations system became the only hope of maintaining world order. Consequently, Uniting for Peace Resolution was passed. The adoption of Uniting for Peace Resolution greatly enlarged the functions and competence of the General Assembly.

The study deals with the important changes on the priorities of the United Nations, which have significant consequences for the role of its organs, particularly the General Assembly. The argument of the present study is that the General Assembly has become a predominant political body and is now being treated as the central organ of the United Nations. The growing importance of the
General Assembly with its increased membership worries the Big powers as they have no veto there.

The changing pattern of power and influence in the United Nations, demands some amendments. In this context, some contemplated structural changes have been dealt with. The desirability of any change in the functions and structures of various organs of the United Nations by way of conventions and precedent is not to be ignored.

The present study is an attempt to focus upon the above issue.

For the completion of this work, I am highly grateful to Dr. Akhtar Majeed for supervising the entire project from its beginning. It is due to his able and intellectual guidance, constant help that the work could be completed in time. My gratitude to him is unbounded.

I am thankful also to the Faculty members, in particular, Professor A.F. Usmani, Chairman, Department of Political Science, AMU, for the keen interest he has shown in my research. I am equally grateful to Professor A.P. Sharma and all members of the Department of Political Science, AMU for their concrete and enlightened suggestions on the subject.
I also feel obliged to the staff of the Maulana Azad Library, AMU, Aligarh; the Indian Council of World Affairs Library, Sapru House, New Delhi and the National Social Science Documentation Centre, Indian Council of Social Science Research for their assistance in finding out relevant material.

I acknowledge my indebtedness to Mr. S.M. Qamar Alam for fair and precise typing and to Mr. Mehboob Beg for his assistance.
CHAPTER - I

DECLINE OF THE SECURITY COUNCIL’S AUTHORITY
Decline of the Security Council's Authority

The aims of the United Nations are diverse, generous and ambitious. They range from the feeding of starving peoples to the development of self-government in backward territories. But the keystone of the whole structure is the maintenance of peace. Without peace, there can be no economic or social progress; there can be no raising of the stature of mankind; none of the noble purposes set out in the opening words of the charter can possibly be achieved. Indeed the two terrible wars through which we have lately passed not only obstructed humanity's natural progress but set civilization back many years; and in any future war in which atomic weapons were used, civilization itself might easily go under. Peace then, must be the first and most essential objective of the United Nations.

However, the principal organ established by the United Nations to preserve peace and security is the security council which consists of fifteen members - five permanent and ten non permanent. The number of members has been increased from 11 to 15 (5+10). It is the organ that is given primary

2. Ibid,
responsibility by the Charter for the maintenance of interna­
tional peace and security and the Member-States of the United
Nations have agreed to accept and carry on the decisions of the
Security Council. Article 24(1) provides:

"In order to ensure prompt and effective action
by the United Nations, its members confer on the
Security Council primary responsibility for the
maintenance of international peace and security,
and agree that in carrying out its duties under
this responsibility the Security Council acts on
their behalf.

Hence, the Security Council is not allowed to wait
until somebody else points out a menacing situation to it. It
can at any time, decide to consider a threat to the peace at
the request of one of its members, or of any other state, or
of the General Assembly, or of the Secretary General; but it
is clearly the intention of the Charter that the Security
Council itself must always be on the watch for signs of trouble.

3. Falk, A. Richard and Mendlovitz H. Saul, The United
4. Brownlie Ian (Ed.) Basic Documents in International Law,
and it is presumably for this reason that the Secretary-General, who as an international official should be free from the natural reluctance of anyone nation to involve itself or others in unpleasantness, is empowered to draw the attention of the Security Council which in his opinion may threaten the maintenance of international peace and security. The United Nations Charter places all the authority firmly in the hands of the Security Council. The Security Council has complete discretion in determining whether peace is threatened. It does not have to decide whether the Charter is being violated, which could involve all sorts of quibblings over the interpretation of the text. It has only to decide the simple question: does a threat to, or breach of, the peace exist? It deals with "dispute" or "situation" likely to endanger peace and recommends appropriate methods of settlement. Article 33 to 51 lay down their appropriate methods which the Security Council may adopt to maintain international peace, such as "negotiation", "inquiry", "mediation", conciliation "arbitration", "judicial settlement" and setting the matter through regional arrangements.

5. Boyd Andrew, op.cit., p. 58. See also Article 99 of the Charter.

6. Ibid., p. 59.
A country may use any other way of settling the dispute peacefully that it likes.

Furthermore, a considerable portion of the UN Charter is directed towards the establishment and maintenance of a system of collective security (collective security means collective action taken by the security Council) and in effect particularly all the rest of it may be regarded as ancillary to this over all objectives. The main provisions in Chapter VI and VII are devoted respectively to the pacific settlement of disputes and to measures designed towards of threats to the peace to supress aggression. The Charter assigns primary responsibility for all actions that may require enforcement, including the use of arm force to the Security Council, and the members of the United Nations obligate themselves to join in carrying out of the decisions of the Security Council in this respect. The Charter also gives priority to the Security Council in the handling of disputes or situation likely to endanger international peace and security. It has the authority to investigate disputes or situations likely to endanger international peace and security to call on the parties to settle them by peaceful means - as all members are pledged to do - and to take over, when the parties to a dispute fail to

settle it, and recommend "such terms of settlement as it may consider appropriate". The General Assembly is debarred from making recommendations on any dispute or situation while the Security Council is occupied with it except at the Security Council's request.

It is worthy of note that little attention has been given to the "enforcement" provisions set out in Chapter VII, although particularly all of them make suggestions, proposals, and comments bearing on the pacific settlement of disputes. In the early years of the United Nations, there was much controversy among the major powers over the interpretation and implementation of the provisions of Chapter VII—especially over the designation of armed forces that members were to make available to the United Nations and for the marshalling and direction of these forces to preserve the peace or prevent aggression.

According to the theory of the Charter, should the Security Council fail to halt the progress of a threat to or breach of peace, it is then expected to employ some form of

9. Ibid., p. 85.
enforcement action. The decision on the collective measures to be taken, is binding on all members of the United Nations since they, in Article 25, 'agree to accept and carry on the decisions of the Security Council in accordance with the present Charter. The Council may also make recommendations on the measures which should be adopted, as it did in Korea such recommendation is not binding and leaves to each member the ultimate decision whether to proceed with collective measures.

Consequently, power is conferred on the Security Council in such cases to recommend appropriate procedures or methods of adjustment. Should the parties to the dispute fail to settle it by the means indicated by the Security Council, they shall refer it to the Security Council, which may recommend such terms of settlement as it may consider appropriate. Chapter VII confers jurisdiction on the Security Council to "determine the existence of any threat to the peace, breach of peace, or act of aggression and shall make recommendations, or decide what measures shall be taken with Articles 41 and 42, to maintain or restore international peace and security". It is empowered, in order to prevent an aggravation

of the situation before making its recommendations or deciding upon the measures provided for in Article 39, to call upon measures as it deems necessary or desirable.

However, Article 41 empowers the Security Council to decide upon measures not involving the use of armed force to give effect to its decisions. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and of other means of communication, and the severance of diplomatic relations.

Sanctions in this category are to be exercised by the members themselves since the council is authorized only to "call upon the members of the United Nations to apply such measures. These may be as effective as the use of armed force. An economic boycott can be particularly severe and destroy or seriously weaken the military establishment of a state. Once sanctions have been ordered, even if they are non-military only, the duty of the council has been fulfilled. It is not obligated to go beyond such measures.

And Article 42, empowers the Security Council, should it consider that measures provided for in Article 41 would be inadequate, to take such action by air, sea or land forces as may be necessary to maintain or restore International peace and security. Such action may include demonstration, blockade, and other operations by air, sea or land forces of Members of the United Nations.

By Article 43, All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage necessary for the purpose of maintaining international peace and security. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and members or between the Security Council and groups of members and shall be subject to ratification by the signatory states in accordance with their

respective constitutional process.

Furthermore, Article 46 provides that "plans for the application of armed forces shall be made by the Security Council with the assistance of the military staff committee". And Article 47 provides for the establishment of a military committees to advise and assist the Security Council on all questions relating to the Council's military requirements for the maintenance of international peace and security. It also provides for its constitution and its responsibilities. The "teeth" of the Security Council are to be found in Articles 41 to 59 of the Charter. These articles not only empower the Security Council to use effective force in the event of a threat to the peace; they also give it every facility for making its preparations, so that the force will be ready at an instant's notice if an emergency arises. It is proved that the over-riding authority of the Security Council is the most striking feature of the Security System.

17. Boyed Andrew, op.cit., p. 60.
Though these provisions in Chapter VII do not contain any specific power entitling the Security Council to establish a force of the United Nations itself, it contains large powers to take enforcement measures to deal with threats to the peace, breaches of the peace and acts of aggression. The Council has exercised the powers under Chapter VI and VII on a number of occasions with significant success in the cause of international peace. By reason, however, of the dissensions among its permanent Members, it has failed to act at several critical junctures, particularly when the action called for is in respect of the threats to, or breaches of, the peace by one of the 18 Permanent Members. Even in relation to the Security Council and enforcement action, certain aspects of the Dumbarton Oaks proposals were open to serious objection. Firstly, it was necessary to lay down at San Francisco that action by the Security Council should be based not upon political considerations but upon accepted principle of just international behaviour. Secondly, under the voting formula agreed upon at Yalta, the Big Five were given a privileged position in the Security Council not only in being made permanent members of the Security Council they were also given the right of individual

"veto" on all questions of substance; thirdly, no provisions were made in Chapter VIII, section C of the Dumbarton Oaks draft (regional arrangements) which clearly protected the right of individual or collective self-defence if a country were attacked and the Security Council failed to take action. Fourthly, while situations or disputes arising out of matters which by International Law are solely within the domestic jurisdiction of the state concerned were excluded from the operation of Chapter VIII section A (pacific settlement), there was no corresponding exception in Chapter VIII, section B (enforcement action).

However, as written at San Fransisco, after a lengthy process of elaboration in which the United States played a leading role, the Charter set the maintenance of international peace and security as the first purpose of the organization. It prescribed two principle approaches to the achievement of this purpose: Colective measures for preventing or removing threats to the peace or breaches of the peace, and adjustment or settlement of international disputes or situation by peaceful means. The regulation of armaments was made a subsidiary approaches with emphasis upon agreements to make armed forces

and facilities available to the Security Council and upon achieving "the least diversion for armaments of the world's human and economic resources" consistent with the assured maintenance of international peace and security.

The primary responsibility for doing these things was placed on the Security Council and with voting procedures so defined that no decision other than a procedural one could be taken except with concurrence of the Big Five. This gave assurance that no action could be taken against a permanent members or without his consent. The powers given to the Security Council were such as to give assurance that once the permanent members were in agreement and had the support of two other members - which would in all likelihood not be difficult to achieve effective action could be taken to maintain peace and security. The requirement of unanimity, moreover, was regarded as assurance that the coercive power vested in the Security Council would not be abased. Thus, in effect, the maintenance of international peace and security was to be made the responsibility of a "concert of the permanent members.

21. Ibid.
# Now four members.
Hence, the Great Powers realised that every nation has an equal interest in the maintenance of peace and security, the main burden of maintaining that peace ultimately and necessarily would fall upon their shoulders. They also know that political decisions could be reached and implemented only to the event that they corresponded to the political realities and that important international decisions would be taken mostly in the context of prevailing power. In other words, they were conceived the United Nations more as a political then as a legal or doctrine instrument for the presentation of peace and security.

The framers of the Charter of the United Nations gave up the traditional unanimity rule that had been observed in the covenant of the League of Nations, except in the case of Big Five (the U.S.A., U.K., U.S.S.R., France and the People's Republic of China) of the Security Council. Since they felt that peace required the unanimity or not all powers but only of those who had the means of maintaining it, they recognized in the scheme of the organization the special role to be played by the permanent members and modified the principle of the sovereign quality of states on which the organization was based by granting them special voting privileges in the Security Council. In this connection Article 27 of the Charter provides

23. Ibid.
that:

1. Each member of the Security Council shall have one vote
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members, provided that in decisions under Chapter VI, and under paragraph 3 of article 52, a party to a dispute shall abstain from voting.

   procedural questions may be decided by an affirmative vote of any seven members of the Council.

On any point of substance a permanent member of the Security Council, can therefore block a decision which is distasteful to him. This "veto power" has been fiercely criticized over since it was agreed upon by President Roosevelt, Marshall Stallin and Churchil at the Yalta Conference in February 1945. It was attacked at San Francisco, during the General Assembly's London session, and in some of the first

meetings of the Security Council itself. To justify it, some of the creators of the United Nations point out that the Big Five will in any case have to play the main parts in preventing any future aggression, and their armed forces will be the Security Council's real weapon; that these powers would not adhere to the United Nations if they were thereby liable to lose control of their armed forces; and that it is essential to the very existence of the organization that the great powers should not leave it as they left the league. Their opponents reply that the veto gives the powers an implicit right to violate the Charter when they please, and protects them from the consequences.

Furthermore, the "veto" described as the use of negative vote by a permanent members to prevent the adoption of a proposal which has received the required number of affirmative votes. But decisions regarding the preliminary questions as to whether a matter is procedural or not, must be taken by the vote of nine members including the concurring vote of Five Permanent members. It means that a permanent members can prevent any matter to be


classified as procedural against it will. It is here "Double veto" operates.

This is open to abuse. However there is a way out. The president of the Security Council has the power to rule whether a matter is procedural or not and the president ruling stand unless reversed by a majority of nine members. Thus, in this way the double veto can be by-passed. Members who seek to restrict the application of the so-called "double veto" stress the applicability of Rule 30 and argue that if the President rules that a particular vote is procedural, his ruling stands unless overruled by a procedural vote. Following the vote on the proposal to invite a representative of the complaint of armed invasion of Taiwan, the President declared the proposal adopted even though a permanent member voted against it. After the representative of the Republic of China invoked the San Francisco statement, the President asked the Council to vote on the question whether the vote taken was procedural. The vote was 90 to 1 (China) With one abstention in favour of the procedural nature of the proposal. The President declared the proposal adopted and then, interpreting the Chinese representative's statement as a challenge to this ruling, he put the challenge to a vote under Rule 30. There were no votes in favour.

no votes against, and no abstentions. The President then declared that his decision stood. However, great care is to be taken by the President while giving this ruling because all the Big Five want to retain veto power and misuse of the power by the President may undermine the principle of Great power hegemony upon which the Council and the Charter is based.

The Charter makes explicit provision for only in the case of Security Council decisions under Chapter VI and Article 52(3), when a party to the dispute must abstain from voting. Neither the Charter nor the council's provisional Rules of procedure contain any provisions explicitly defining the effect to be given to an abstention or an absence in Security Council voting. However, voluntary abstention is not interpreted as veto. Absence is also not a veto. The Security Council has adopted a number of decisions in the absence of a permanent member. This occurred in 1946 when the Soviet representative withdrew in protest against the Council's decision to keep the


Iranian complaint on its agenda and in 1950 when the Soviet representative was absent for a period of seven months in protest against the seating of the representative of Nationalist China. During the first period, the decisions taken by the Security Council were not so clearly of a non-procedural character as to constitute firm precedents, and, furthermore, it could be that, even if present, the Soviet Union would have been obligated as a party to the dispute to abstain. During the second period, however, a number of important decisions were taken by the Security Council in respect to the complaint of aggression against the Republic of Korea that were indubitably non-procedural and came under the provisions of Chapter VII. The great majority of the United Nations members viewed these as valid decisions and thereby treated an absence, like an abstention, as not constituting a veto. Consequently, the absence of a permanent member from the Security Council precipitated even more serious problems for the smooth functioning of the Security Council.

However, due to Article 27 of the United Nations Charter which provides the right of veto for the Big Five became the political pivot of the system, although it did not spell out

what would happen in the event of the Five Pillars of Peace and security using the right of veto to neutralize one another. The veto was a weapon powerful enough against small and middle powers but impotent against the Super powers. This impotence was a natural consequence of the internal schism and enmity obtaining among the great powers themselves. Furthermore, the development of the cold war, however, doomed the continued collaboration among the great powers that was necessary for effective security council action. Growing disagreement manifested itself in the increasing use of veto by the Soviet Union in stalemate in trying to agree on effective measures for Security Council action, and in the use of special sessions and other devices by which peace and security questions could be transferred to the General Assembly. The nadir of Security Council activity was reached in 1959 when that body met only five times. In recent years the Security Council's role and activity have somewhat reviewed in part to the east-West detente and the common interests of the United States and the Soviet Union in resisting mounting pressures of small, underdeveloped, nations that can, and often do, dominate voting in the General Assembly. In spite of this recent trend, the Security Council has not measured up to its anticipated prominent role in the
However, in the performance of the primary function that the Security Council had achieved a considerable measure of success in dealing with those situations where its permanent members, for whatever reasons, have had a sufficient interest in the maintenance of international peace and security to agree on a common course of action. In the course of doing so, the following cases will be cited:

The Indonesian Case:

The situation in Indonesia created by Dutch "Police" action to re-establish the authority of the Netherlands in Indonesia, the Security Council was able eventually to get the parties to agree to the cessation of hostilities leading to an acceptable political settlement. It must be recognized however, the Security Council action alone might not have been effective without strong supporting action of an economic nature by the United States and certain Asian States. The major powers were unwilling however, to use military force to achieve their purpose.


In dealing with the Palestine question during the initial period of crisis the Security Council achieved considerable success. After having refused to accept the General Assembly's invitation to assist in the implementation of its recommendations of November 30, 1947, for the settlement of the Palestine question, the Security Council by a series of progressively insistent requests contributed to including Israel and the Arab states to accept a cease-fire and, with the assistance of a UN mediator, to conclude armistic agreements. By a decision of the Security Council the United Nations Truce supervision Organization (UNTSO) was established with a corps of UN observers, thus providing a precedent and experience personnel for the United Nations Emergency Force (UNEF) which was established in 1956. UNTSO, in close collaboration with the four mixed Armistic Commissions established by agreements of the parties has provided procedures for continuous observation and the orderly consideration of the armistic terms, initially by the commissions and then by the Security Council on appeal. These initial arrangement, reinforced at a later time by UNEF, have succeeded well in keeping violence under control. Success in the early year especially was due largely to the common interest of the major powers in preventing the situation from
getting out of hand it for no other reason that to avoid giving a rival power an excuse to intervene militarily in the area.

Success in controlling the use of violence in Palestine was not accompanied by a corresponding measure of success in achieving the settlement of basic issues in the conflict between Israel and the Arab states. At an early stage it was concluded that the work of the acting mediator in assisting the parties in the conclusion of armistic agreements was compromised by the exercise of mediatory functions in the political dispute. Consequently, the function of peaceful settlement was given to the UN conciliation commission for Palestine established by the General Assembly in December 1948. All the efforts of commission to achieve agreed settlement of the issues separating the parties have been marked by failure.


Only under exceptional conditions, the Security Council has been effective in dealing with threats to or breaches of the peace where the vital interest of the permanent members have been directly in conflict. When following the communist coup in Czechoslovakia in February 1948, the complaint of Soviet intervention in that country was brought before the Council, any action, even the appointment of a committee to study the situation, was prevented by Soviet vetoes. It is difficult to see how an effective action could have been taken in any case, even if the right of veto had not existed, unless the Western powers were willing to risk the unleashing of a general war.

In September 1948, the Security Council was asked to consider the situation resulting from the Soviet Blockade of Berlin. The Soviet Union, by its veto, prevented any action from being taken. Again it is difficult to see what the Security Council could have done, even without the veto, without risking a general war, other than provide, as it did, the occasion for representatives of the interested parties to meet and negotiate.

39. Ibid.
Furthermore, the Security Council has the power to appoint and send observation groups and sub-committees to fulfill its primary function of international peace and security. However, as under Article 29 the Security Council has an express power "to establish such subsidiary organs as it deems necessary for the performance of its functions". The most notable examples of the use of this power have been sub-committees created to carry out the Security Council's investigating function under Article 34. For example as in Greece case. It started with the civil war following the ending of German occupation. Again it was first brought to the Security Council in January 1946 by the Ukraine with a complaint that the presence of British troops constituted interference in Greece internal affairs likely to endanger peace and security. The question was removed from the agenda after the president of the Security Council took note of British and Greek declarations denying any such interference. British Foreign Secretary Ernest Bevin overoptimistically said: "The case of Greece is finished".


It was back within a year (December 1946). This time on the complaint of Greece that the Greek insurgents were receiving aid from Greece's northern neighbours, Yougoslavia, Bulgaria and Albania. The Security Council established a commission of investigation which conducted extensive observation and hearings on the spot and reported, by a majority vote, generally upholding the Greek charges.

A more ambitious "subsidiary organ was the observer group set up in Lebanon. In 1958, the Lebanese government accused the UAR of "massive, illegal, and unprovoked intervention, threatening its national security. On the proposal of Sweden, the Security Council decided to send on "observation group" to Lebanon "to ensure that there is no illegal infiltration of personnel or supply of arms or other, material across the Lebanese borders".

In July, 1960, the breakdown of internal law and order only a few days after the Congo became independent, brought a telegram from the Congolese President and the Prime Minister

42. Feller, A.H., op.cit., p. 54.
requesting the 'urgent dispatch of military assistance". The Security Council adopted a resolution authorising "the Secretary-General to take the necessary steps, in consultation with the government of the Republic of the Congo, to provide the government with such military assistance as may be necessary, until, through the efforts of the Congolese government with the technical assistance of the United Nations, the national security force may be able, in the opinion of the government, to meet fully their tasks". The force comprised troops from a number of African, Asian and European states supported by services (notably the airlift of contingents and supplies) provided by European states and the United States. It was clearly of a military nature, but, it had of its primary task the restoration of internal order within a state. Even when authority was finally given by the Security Council for ONUC to use force in the face of constant harassment by rebel troops of the province of Katanga which had purported to recede from the Congolese Republic, the authority was couched in the most cautious terms. The resolution concerned urged the United Nations to "take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of
clashes, and the use of force, if necessary, in the last resort."

The Congo operation was controversial because there was no clear mandate for the ONUC or the chaotic internal conditions in the Congo for their own ends. The Secretary-General Hammerskjald attempted to follow a noninterventionist course in restoring order and in assisting a Congo government to acquire the capability for handling its own political, economic, and social problems. But in the process they were attacked by self-seeking internal and external spokesman and were denied the financial support to keep the United Nations solvent.

The Security Council tried its best and passed many resolutions from time to time for peace and order and the unity and territorial integrity of the Congo.

Later, by September, 1960, the Unanimity of the great powers could no longer be obtained. Following the veto of a resolution sponsored by Tunisia and Ceylon, an emergency special session of the General Assembly was called under the uniting

44. Greig, D.W., op.cit., p. 566.
for Peace procedure. The countries of the Soviet bloc attacked Hammerskjold's handling of the Congo operation, but the Assembly voted by 70 votes to none (the Soviet bloc, France, and South Africa abstaining) to confirm and strengthen the Secretary-General's mandate. Hence, on this way the Congo operation was transferred from the Security Council to the General Assembly.

In Suez Canal dispute, the security council formulated certain principles or courses of action and recommended them to the disputants - or even set up machinery for implementing them itself. Thus, in relation to the canal dispute the Security Council laid down that any settlement should meet various requirements, such as freedom for users from all discrimination, respect for the sovereignty of Egypt, and the allocation of a fair proportion of the dues to the development. Few tasks are harder for the Security Council than the framing of such recommendations. They must conform to the Charter's standards of justice and the principles of International Law, at the same time, since they depend for their effect primarily on the parties' willingness to implement them, they must be framed either with a realistic eye to this practicability or as a kind of long-term

investment in *Piaj Justitia*. *ruat coelum*. The veto generally prevents the Security Council (by contrast with the General Assembly) from too ready a resort to the later procedure, but often at the price of the Security Council's being unable to make an agreed recommendation at all. Consequently, however, due to the use of veto the major handling of questions like Hungry and Suez Canal etc. were shifted from the security Council to the General Assembly.

When the North Korean forces attacked the Republic Korea on June 25, 1950, the Security Council was presented with a unique opportunity to take action in a situation involving the conflicting vital interest of the permanent members. A unified command under the UN flag with General Mac Arthur of the US supreme commander was sent to assist the South Korea against the North Korea. It may be pointed out that the creation of the Unified command in Korea by the Security Council was possible solely because of the fortuitous absence of the Soviet representative in protest against the seating of the Chinese

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representative appointed by the Nationalist government. Hence, it was realized by the General Assembly that to prevent matters relating to peace and security from being "frozen" on the Security Council agenda, which reduced to "impotence" the organization as a whole, it should assume some of the responsibility of the Security Council. Consequently the General Assembly adopted three closely connected resolutions, the first of which is usually termed the "uniting for Peace Resolution". Its intention was to create a nucleus of collective security outside the Security Council. It provides:

"If the Security Council because of the lack of the unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breaches of the peace or act of aggression, the General Assembly will consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace..."

or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time the General Assembly may meet in an emergency special session within twenty-four hours of the request therefor ...".

However, Andrew G. Vyshinsky the Soviet representative vehemently criticized all the three resolutions. Vyshinsky said that "the Secretary-General then would be the commander-in-chief of the armed-forces of the General Assembly ... riding on a white horse...".

The adoption of the Uniting for Peace Resolution, Setalvad points out, "was virtually an amendment of the Charter, making an additional provision as it were to Chapter VII, providing for the contingency of the failure by the Security Council to exercise its primary responsibility by reason of the lack of the unanimity of the Permanent members...".


58. Setalvad, M.C., op.cit., p. 32.
This transfer-device greatly enlarged the functions and competence of the General Assembly. It is the important shift of emergency power from the Veto-ridden Security Council to the Veto-less General Assembly.

However, a vital development in the functioning of the organization, which has caused deep controversy, has been the declining role of the security council and the growing importance of the General Assembly even in matters concerning International peace and security. This phenomenon is the direct outcome of the disagreement that arose between the Allies in the Second World War. The writers of the Charter envisioned complete agreement among the Five Permanent members of the Security Council, who would be collectively responsible for keeping the peace by supplying arms and men in certain contemplated situations. These situations, however, did not come about. History took a new turn; the Security Council could not act in the manner it was intended to act, and the General Assembly assumed, or has had to assume, certain function not originally contemplated in the Charter. This epitomizes the real cause of the relative change in the functions of these two organs of the United Nations. The very basis on which the founding fathers of the

59. Trygve Lie, op.cit., p. 344.
Chatter built their scheme of collective security failed to work. In important matters the Security Council found itself unable to function and there were deadlocks. The members tried boldly to fill the gap by making the General Assembly the Supreme body, and made it assume functions which really did not belong to it under the Charter. Parties to the controversy have put reliance on the language of different Articles of the Charter either to deprecate the new role assumed by the General Assembly or to justify it. This, however, is not too much purpose. The stark fact remains that the General Assembly has stepped in because the Security Council has failed to act.

However, it is true that the excessive use of the veto has been the cause of the Security Council's failure. Hence, after the Indonesian affair in 1947 (in which there was unanimity and until the Congo crisis of July 1960, there had been no occasion on the Security Council effectively used its powers under Chapter VII, except that of Korea in 1950, and this only due to the frontiers absence of the USSR. The successive crisis of Berlin, Palestine, Indo-China, Hungary and Suez, to pick random examples have all involved the East-West

conflict of interests and, therefore, the Security Council has never used its enforcement powers. The East-West conflict destroyed the principle of unanimity upon which the whole structure of Chapter VII (and indeed the United Nations Organization itself) depends for its ability to work as intended under the Charter.

A secondary but important function of the Security Council is its participation in the elective process that it shares with the General Assembly. Before the General Assembly can admit a state as a new member of the United Nations, the Security Council must recommend admission. Since admission of a state is a substantive matter, any permanent member of the Security Council may bloc admission by a negative vote. The process of selecting a Secretary-General is identical to the requirements for admission of members and is, therefore, also subject to the veto. The only instance in which a majority vote of the Security Council is sufficient for a decision is in the selection of the judges of the International Court of Justice. The judges are elected by an absolute majority vote of the General Assembly and of the Security Council proceeding independently of each other.

Throughout the history of the United Nations the prestige of the Security Council has fluctuated greatly. From an optimistic beginning, through a period of growing frustration manifested by frequent exercise of the veto and the use of the Security Council as an East-West propaganda arena, the Security Council sank in world esteem to a low point in the 1950s. As disillusionment with the effectiveness of the Security Council grew, attempts were made to strengthen the General Assembly or to utilize the initiative of the Secretary General to fill the gap. In the 1960s some sign of revivification of the role of the Security Council began to appear. Meetings were more frequent, and stalemate was avoided by the increased use of abstentions, restraint in the exercise of the veto, and efforts accommodate conflicting views in the formulation of resolutions before they were brought to vote. The effectiveness of the Security Council is inextricably tied to the utility of the whole of the United Nations, and that utility ultimately depends on the attitude and cooperation of the member governments.

Clearly the Security Council has failed to discharge its Charter responsibilities in the manner and with the degree

of effectiveness which the authors of the Charter envisaged. Furthermore, there can be little doubt that the Security Council has declined greatly in prestige and has seemed to most members of United Nations less useful than in the beginning. This decline has been accompanied by a corresponding increase in the prestige and use of the General Assembly.

From the above discussion we can say that the following factors have helped the Security Council's failure:

1. The one reason upon which most people would seem to agree is the "veto". It is common to cite the number of vetoes cast and to draw the conclusion that the excessive use of veto has been the cause of the Security Council's failure.

2. The primary cause of the decline of the Security Council and especially of its role in relation to the General Assembly must be sought in the breakdown since 1945 of wartime alliance of the Soviet Union, the United Kingdom, and the United States - the alliance whose continuation

was the assumption upon which the idea of the Security Council as the guarantor of peace was constructed. The rivalry among the major powers induced them in many cases to use the Security Council as a tool for propaganda purposes to advance their divergent political objectives rather than to harmonize the action of nations in the attainment of common purposes, as intended by the authors of the Charter. Furthermore, these same powers discovered that for the purpose of appealing to world opinion, and gaining support for their respective policies and programmes in the cold war the General Assembly provided a more effective forum than the Security Council. Hence, the work of the Security Council has been hampered by the conflicts among the former Allied powers over the peace settlement.

3. Another cause contributing to the diminishing role of the Security Council has been the post-war emergence of numerous new nations in Asia and Africa, their crucial role in the world balance of power, and their general preference for the General Assembly than the Security Council for beginning their influence to bear in connection with the issues of colonialism, human rights and
disarmament. The anxiety of the major powers to win resounding political victories by the support of these newly independent states has helped the General Assembly to gain further importance.

However, the failure of the Security Council to fulfill its primary purpose of maintaining international peace and security has led to two major developments which are as follows:

1. The first is the assumption by the General Assembly of a role which was certainly never intended for it, namely that of determining a breach of peace or an act of aggression, and recommending action by members, including the use of armed forces.

2. The second is the development of powerful regional security systems of alliances outside the United Nations, such as NATO or the Warsaw Treaty Organization, a development symptomatic of the breach of Unity between the permanent members and the lack of confidence in the efficacy of the general collective security based on the Security Council.

CHAPTER - II

THE GENERAL ASSEMBLY'S STRENGTHENED POSITION
In judging the work of the United Nations organization it should always be stressed that the General Assembly has no legislative or executive powers. It is not a world government, run in accordance with a party system, with one party in power responsible to a world electorate having a common basic approach to the international problems under consideration. It is a world forum where diverse views are publicly expressed. Its strength lies in open discussion, in persuasion in the molding of public opinion. At the most, the General Assembly can only make recommendations to member governments or to the other organs of the United Nations. The moral force of such recommendation is of course very great but the General Assembly has no means of enforcing direct compliance with its requests. So, however, it was for the first importance to ensure that the most democratic organ of the United Nations, the General Assembly, should have the widest possible powers of discussion and recommendation, so that the pressure of world public opinion could be brought to bear upon countries not living up to their international obligations.

2. Ibid., p. 19.
Yet the General Assembly has already acquired an atmosphere of its own, and the long and difficult process of building up a common, corporate spirit is well under way. If anyone doubts whether the United Nations Organization has a future, he should remember that the mere existence of this complex International machinery is itself a fact of great importance. It is much harder to start to move a heavy object than to keep it moving; indeed, once started, it may in some circumstances be difficult to stop. The creation of the United Nations is thus not only a splendid achievement in itself; there is also some guarantee of continuance. For a machine, once created and started to tends to keep on working. It acquires a certain inertia or even stability. Positive action to stop or destroy it.

However, if the work of the Security Council since the establishment of the United Nations has been largely frustrated, leading to a sense of disappointment and pessimism, the work of the General Assembly, on the other hand, has been successful. By and large, however, no one who has participated in the debates which have taken place in the Assembly and in its main

committee will deny that the Assembly has in fact become a vital world forum, where all subjects within the scope of the Charter can be and is being kept fully informed on the international problems of the day. Not only does the Assembly help to shape world opinion. It is itself shaped by world opinion. It is the most democratic organ of the United Nations, and it can and does act as a watch dog. If the other organs are working badly, the Assembly soon recommend action to deal with the situation.

Hence the growing strength of the United Nations reads an official report "is due to the evolution of the General Assembly into one of the strongest force for peace that the world has ever seen". The General Assembly has also been described as the supreme source of International initiative. However, the General Assembly writes prof. Schuman, "is no more a legislative body than any other conference of diplomats. Its delegates talk, listen, support, study, discuss, purpose, vote etc what they do not, and in the nature of the case cannot do is to make rules of law binding on individuals. Apart from moral persuasion neither can they make rules binding on any government which declines to approve".

Consequently, the Security Council has been given the primary responsibility for the maintenance of International peace and security and the member-states of the United Nations have agreed to accept and carry on the decisions of the Security Council. Article 24(1) provides: "In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of International peace and Security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

The important function which the Security Council has been assigned to discharge "gives the impression that it is the central organ of the United Nations" and, in fact, it has been, though Setalvad emphatically argues that the pivotal organ of the United Nations is the General Assembly (undoubtedly it has become now). He says, "a look at the Charter is in my view, enough to show that having regard to the multitude of very important functions entrusted to it, all designed to ensure lessening the possibilities of war, it is the General Assembly which is the pivotal organ of the United Nations".


8. Ibid.
Apart from the functions assigned to the General Assembly, the frequent inability of the Security Council to decide matters relating to international peace and security owing to excessive use of veto, the importance of the Security Council has been lowered in the eyes of the nations and the General Assembly became the only hope of maintaining world order.

However, the use of veto has been widely considered as very frequent and this was quickly identified as the prime reason for the inefficiency of the Security Council in discharging its primary responsibility for the maintenance of peace and Security. Consequently, the secondary responsibility of the General Assembly has been pressed into service to remedy the situation. Furthermore, the need for the increasing participation of the General Assembly in the maintenance of world peace felt as early as 1945 and efforts were made to the effect at the San Francisco conference while drafting the Charter of the United nations. The US Department of States proposal of 1944 for a general international organization suggested a strict separation of the respective roles of the General Assembly.


Assembly and the Security Council in the management of post-war problems of international order. The tentative proposals of the United States submitted for the consideration of the other participants of the Dumbarton Oaks. The Conference of 1944 gave the Council the prime responsibility for the peaceful settlement of international disputes, for the prevention of threats to peace and breaches of peace, and for such other activities as might be necessary for the maintenance of international peace and security, and empowered the assembly to deal with matters not allocated to other organs. The proposal specified that the assembly was:

(a) to make on its own initiative or on request of a member-state, reports on, and recommendation for the peaceful adjustment of any situation or controversy, the continuation of which it deems likely to impair the general welfare,

(b) to assist to executive council, upon its request, in listing the cooperation under consideration in or decided upon by the Council with respect to:
1. The settlement of a dispute the continuation of which is likely to endanger security or to lead to breach of the peace.

2. The maintenance or restoration of peace.

3. Any other matter within the jurisdiction of the Council.

The Dumbarton Oak proposal of 1944 clearly demarcated the respective powers of the General Assembly and the Security Council on questions of peace and Security - and assigned to the Security Council a greater sphere of activity, limiting the powers of the General Assembly to discussion and recommendation on any matter relating to the maintenance of peace and security that was being dealt with by the Security Council.

This meant wide scope for the deliberation of the General Assembly but a limited, spontaneous role for the General Assembly in matters of peace. It means the Assembly infusing itself just to those aspects of peace-keeping, which involved long-range rather than immediate problems.

11. Post-War Foreign Policy Preparation Department of State publication, 3580, pp. 596-608.

However, at the San Francisco Conference, systematic and vigorous attempts were made by the smaller powers for an enlarged role in the General Assembly and for a veto-free Security Council at least. Under the leadership of H.V. Evatt of Australia, the smaller powers made concerted efforts at San Francisco to enlarge the role of General Assembly in the maintenance of peace and security and make it comparable that of League Assembly. Paul, K. Walp observed that the small states decided to work together in order to convince the great powers that the Assembly should be given specific powers.

The small states proposed many changes and additions to the Dumbarton Oaks proposal in order to confer on the General Assembly adequate powers to make it a centre of activity. The Mexican delegate said that "the Assembly should have all the powers that ought to belong to it in a democratic system."

13. I11/1 Documentary 486 (English)
15. UN Conference on International Organization, UN Docs., Vol. 9, p. 271.
The representative of Philippines added "... if the security Council by reason of non-concurrence of one permanent member fails to arrive at a decision ... the matter in question be submitted to the General Assembly for final decision. Decision of the General Assembly on matters submitted to it by the Security Council should be made by an affirmative vote of three fourths of all the members.

But the great powers did not accede to demands of smaller powers. The US representative thus explained the viewpoint of his country. The Security Council was to be a representative body of the assembly, just as the assembly was to be a representative body of various countries, and pleaded, that the assembly should not encroach on the Council, since it was inconceivable that any action of the Council would be contrary to the wishes of the majority of the Assembly.

All proposals to confer on the General Assembly a status equal to that of the Security Council in the performance of the task of maintaining peace and security were, therefore, rejected by the great powers.

17. UN Docs, Vol. 12, p. 316.
Australlia tabled a proposal which ran as follows: 
"the General Assembly should be authorised to consider any matter within the sphere of international relations' and "that the Assembly should not be barred from making a recommendation on the matter as the functions assigned to it".

Though this proposal was supported by most of the smaller powers and endorsed by the British and US delegation, it came to nothing on account of the opposition of the Soviet Union.

A.A. Gromyko of the Soviet Union insisted on keeping the scope of the Assembly's authority limited, and agreed that the world "within the sphere of international relations", afforded the Assembly such a wide range of discussion and recommendation as to interfere with "the principle of sovereignty of nations which has been agreed to us fundamental to the organization. The Soviet Union therefore rejected the Australian proposal.

The representative of Australia then proposed a modification of the proposal which runs as follows: "the General Assembly should be authorized to consider any matter which effects

18. UN Docs. Vol. 9, p. 266.
the maintenance of international peace and security”.

This changed revision was also not acceptable by the Soviet delegate. However, after a prolonged discussion a compromise was reached. Thus at San Francisco the jurisdiction of the General Assembly in the field of peace and Security was enlarged by the inclusion of article 10 and 14 along with article 11. After the inclusion of these articles the Assembly's powers in relation to international peace and security become very broad. However, Article 10 runs as follows:

"The General Assembly may discuss any question within the scope of the Charter or relating to the powers and functions of any organs provided for in the present Charter, and except as provided in Article 12, may make recommendations to the member of the United Nations or to the Security Council or to both any such question or matters”.

And Article 11 provides:

1. The General Assembly may consider the general principles of cooperation in the maintenance of International peace and security, including the principles
governing disarmament and may make recommendations with regard to such principles to the members of the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of International peace and Security before it by any matter of the United Nations or by the Security Council, or by a state which is not a member of the United Nations in accordance with Article 35, paragraph 2 and except as provided in Article 12, may make recommendations with regard to such questions to the state or states concerned or to the Security Council or to both. Any such question, on which action is necessary, shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situation which are likely to endanger International peace and Security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 20.
Not only thanks to the efforts of the smaller powers many other articles were added to the UN Charter such as Article 2(7), 44, 51, etc.

Thus the main concern of the San Francisco Conference was the "separation of powers" between the General Assembly and the Security Council of United Nations. This separation of powers "was in either contrast with the practice of the League of Nations. This separation of powers "was in either contrast with the practice of the League of Nations, for the League Covenant provided for concurrent jurisdiction to both the Assembly and the Council as regards the scope of their activities. Professor H.F. Haviland, Jr. observes that in economic and social affairs the assembly was made supreme, and that in the exercise of force under the United Nations the Security Council was made supreme.

However, it may be pointed out that Security Council failed in its primary responsibilities in maintaining peace and security owing to the frequent use of veto by the Big

20. Brownlie Ian (Ed.), op.cit., p. 6;  
Five powers and was unable to resolve the deadlock in the military staff committee over the "principles of equality" in the organization of an international force "to provide teeth" to the United Nations. Evatt, therefore, suggested that the use of the right of veto should be restricted only to the Chapter VII and that it should have no application to Chapter VI of the Charter. The Representative of Cuba submitted a proposal for "the calling of a general conference of the members of the United Nations in accordance with Article 109 of the Charter in order to modify Article 27 of the Charter in order to eliminate the so called veto privilege". But the Soviet Union opposed the suggestion vehemently. Gormyko said that the abolition of the veto would mean the end of the United Nations. A.Y. Vyshinsky asserted that power of veto constituted the cornerstone of the United Nations. He further quoted from the document submitted by President Franklin D. Roosevelt at Yalta under the heading "Analysis of

23. UN Year Book, 1947, p. 131.
the American proposal "in which he had said "that the right of veto is in complete conformity with the special responsibility of the great powers to maintain world peace. Further, he quoted from a speech made by the US Secretary of State in 1944 to the effect that the government would not remain one day in the United Nations without retaining the veto power. In the light of these criticism, therefore, John Foster Dulles, the representative of United States, felt that no amendment of the Charter could be effected without the arrangement of the Five Permanent Members and that the Assembly would have to act very cautiously. However, the general consensus was thus inclined to the view that no amendment was possible in Article 27.

This deadlock in the Security Council passed the way for two developments within the framework of the United Nations. The first of these two developments was the establishment of regional organization under the provision of self-defence within the UN Charter and the second was the US proposal to establish an "Interim committee" of the General Assembly. The deliberative life of the Interim Committee ended when in

25. GAOR, Session 1, plen. mtg 69, p. 1237.
26. GAOR, Session 2, First cilee mtg. 113, p. 485.
1950 "the Uniting for Peace Resolution secured a broader role for the General Assembly.

Right at the outset the United Nations became a casualty of the East-West conflict. This is brought out by the election of the non-permanent members of the Security Council and the controversy over the participation of the new regime of Poland in the activities of the organization. The Security Council failed to act even on the very first issue that came up before it "the Iranian complaint against the USSR", the Soviet Union felt that the Iranian complaint had been cooked up by the Western powers. As a retaliatory measure, it complained to the Security Council against the presence of British troops in Greece and the problem of Indonesia. The Security Council was failed to solve these problems. Further, India also preferred to knock at the door of the General Assembly rather than the Security Council on the issue of the treatment of Indians in the Union of South Africa. Consequently, it is significant to note that in the first half of 1946 the Security Council dealt with eight political issues, whereas the General Assembly discussed only two. But in the next twelve months the General

27. UN Doc. A/c. 1/196.
Assembly considered as many as eighteen problems. Whereas the Security Council only five. Thus the General Assembly though only Secondary in the matters of international peace and security, afforded a better chance for the implementation of the idea of collective Security. Hence it fell to the General Assembly to consider the main problems of international peace and security and there are a few instances when the General Assembly performed acts similar to those permitted the Security Council under Article 39 and 40 before the passage of the "Uniting For Peace Resolution". Some such questions are as follows:

Spanish Questions:

The Cold war which can be said to have begun after the Conference in February 1946, widened the gulf between the Soviet Union and the West. At Potsdam in July 1945, J.V. Stalin the then Prime Minister of the Soviet Union, brought up the question of Sapin. He proposed that the three governments - the government of Britain, the Soviet Union, and the United States ... should break of diplomatic relations with Franco's Spain because, in his views, "the Spain government" was a danger to the peace.

settlement. This proposal was rejected by the American President and the British Prime Minister. The reason was obvious, "The Blue Division" of Spain had helped the German forces on the Eastern front against the Soviet Union. At the same time Spain had played a very delicate game against Axis encroachment through its policy of neutrality, and this policy had observed the allied cause well. Even if Spain had openly entered the war on their side, the Allies would not have gained so much. By not consenting to the occupation of Gibraltar by the Axis forces, Spain had enabled the allies to keep the Mediterranean open. Though seemingly Axis-oriented Spain had acted in a manner favourable to allied victory. Besides Franco's hatred of communism was an open fact. Britain and the United States, therefore, did not wish to alienate Franco's Spain. Also, they could hardly ignore the geopolitical importance of Spain. A hostile Spain might well tilt the balance against West in the East-West conflict. The Security Council failed to tackle the issue.

Franco Regime was a direct threat to the World Peace "because of the conflicting stands taken by Britain and Soviet


30. Ibid.
Union. On November 4, 1946, the Security Council unanimously decided to remove the "situation in Spain" from its agenda and to place all records and documents relating to it at the disposal of the General Assembly.

A General Assembly included the "situation in Spain" in its agenda as "Relations between Spain and the United Nations". The first committee and the General Assembly discussed the issue of international peace and security and reached the conclusion that the Fascist government of Spain headed by Franco was a government imposed by force upon the Spanish people with the aid of axis powers and that it not represent the Spanish people, they, therefore recommended that if within a reasonable time, there is not established a government which derives its authority from the consent of the government committed to respect freedom of speech, religion and assembly and to prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council would consider adequate measures to be taken in order to remedy the situation.

31. General Assembly Resolution 39(1)
The General Assembly adopted this far-reaching resolution and called upon all the members of the United Nations immediately to recall their Ambassadors and Ministers plenipotentiary accredited there.

The representative of Argentina, Bolivia, Colombia the Sominian Republic, Ecuador, Egypt, Ed Salvador, Peru and the Union of South Africa were of the opinion that the resolution violated Article 2(7) of the Charter. Argentina sent its Ambassador to Spain and defended its action on the ground that the United Nations was not authorized to intervene in matters within the domestic jurisdiction of any state. The Indian delegate criticized this act as undermining the prestige of the United Nations.

When the question came up again for discussion in the second session of the General Assembly, the proposal to reaffirm the General Assembly's earlier action was defeated. The General Assembly United itself to expressing confidence that the Security Council would "exercise its responsibilities". In the same meeting, it also rejected the Polish draft resolution demanding

32. General Assembly Resolution 39(1).
34. UN Documentary, A/860.
that all member-states should cease to export arms, ammunition, and strategic material to Spain and also refrain from entering into an agreement with the Franco regime. On the other hand, it was argued that the demand for economic sanctions went beyond the competence of the General Assembly and was exclusively a matter for the Security Council.

The Western powers, under the pressure of the cold war, realized the strategic importance of Spain in any future war. A friendly Spain was essential to the effectiveness of the North Atlantic defence system as it held the key to an effective control of the Mediterranean area. The delegates of Peru and the Dominican Republic, therefore, requested the General Assembly to consider General Assembly resolution 39(1). The Communist group of states opposed the idea. They said that they found no valid reason for a change in the basic position that the General Assembly had taken earlier. However, the General Assembly reversed its position in the height of Article 35 2(7) by adopting another resolution on November 4, 1950. By this resolution it left its members free to maintain diplomatic and other relations with Spain. It also authorized the specialized Agencies of the organization to decide for themselves

35. General Assembly Resolution 386(v).
whether Spain should be allowed to participate in their work. The sixth session of the General Assembly did not even discuss the Spanish question. The Fascist regime in Spain thus escaped unscattered because of power politics in the United Nations.

The Palestine Question:

After the first World War Palestine was placed under the League of Nations mandate with Great Britain as the mandatory power. When the country was placed under the mandate, the majority of the population consisted of Palestinian Arabs. Under the mandatory system, however, large number of Jews migrated to Palestine from every corner of the World. Jews migrated on a mass scale because under the Balfour Declaration, the British government had committed itself to the establishment of national home for Jews in Palestine. The massive Jews influx gave rise to tensions between the Arabs and the Jews. The British failed to bring about a compromise between the Arabs and the Jews. On April 2, 1947, they brought the problem of Palestine before the General Assembly of the United Nations. The General Assembly held its first special session to deal with the "Palestine question". It appointed a Special Committee (UNSCOP) to investigate the problem, to examine its pros and cons, and to submit

36. General Assembly Resolution 386(v).

* Balfour Declaration of 1914 for creation of national home for Jews in Palestine.
proposals for a solution of the dispute. The Arab countries wanted the immediate "Termination of the mandate over Palestine and declaration of its independence" to be included in the agenda of the General Assembly Under the provision of Article 38 18(2). But their demand was not accepted by the UNSCOP. The UNSCOP submitted two reports on August 31, 1947. One was a minority report submitted by the representatives of India, Iran, and Yugoslavia recommended a "bi-national federal state". The other was the majority report containing a plan for "partition of Palestine" into Jews and Arab states with economic union.

The General Assembly created an adhoc political committee to consider the report of UNSCOP. On November 29, 1947 in its second special session, it adopted recommendation of the Adhoc Committee for the partition plan recommended in the majority 40 report. It put Jerusalem under a special international regime to be administered by the United Nations.

37. UN Documentary A/364.
38. Article 18, Para 2.
39. UN Documentary A/364.
40. General Assembly Resolution 181(11)
41. Ibid.
The General Assembly also established a Palestine Commission to implement the Palestine Plan and requested the Security Council to assist the implementation of the plan. In doing so it invoked Article 10 as well as Article 14. In the Preamble of the General Assembly resolution 181(11), it was the language of Article 14 that was used. The authority of the General Assembly to carry out partition was therefore, challenged by the Arab countries. S.E.M. Faris Alkhoury of Syria said:

"What is the capacity of the General Assembly regarding mandated territories? We turn to the Chapter XII of the Charter. All the Articles concerning mandated territories are there. Let us look at the Chapter XII of the Charter. In the United Nations entitled in its General Assembly, or its committees, to make recommendations to the mandatory power, and to what extent and within what limits? Recommendations would be made to the mandatory power either to terminate the mandate
and recognize the independence of the mandated territory, or submitted a trusteeship agreement. There is no other way in which the General Assembly could make recommendations. It was argued that if the General Assembly recommended a partition of the country, it would be ultra-vires and that it would not be Binding from the legal point of view".

The Palestine commission failed to implement the General Assembly resolution because the Security Council was not able to give it the armed forces it needed to execute the plan. It soon became clear that the plan was unfeasible. The Arab attitude was hostile and uncompromising to the partition idea, although the Jews expressed their willingness to assist in the implementation of the plan. Also the United Kingdom plainly informed the Palestine commissioned that it would not transfer any authority to it till the date of termination of the mandate, i.e. May 15, 1948. The Palestine Commission was not, therefore, able to enter Palestine, and it informed the Security Council that there was a strong likelihood

42. GAOR, Session 1, plen. mtg. 70, p. 22.
of the collapse of the Security ... on the termination of the mandate unless adequate means are made available to the commission for the exercise of its authority. The Security Council found itself unable to translate into practice this political decision of the General Assembly. On April 1948, it approved the UN resolution requesting the Security-General to convene a special session of the General Assembly to consider further the question of the future government of Palestine.

Accordingly a second special session of the General Assembly was called on April 16, 1948. The General Assembly also failed to approve a trusteeship or any other solution of the problem. The Palestine Commission was thereupon relieved of further responsibility. The General Assembly recommended that a UN mediator be appointed in Palestine by the Five Great Powers. The Soviet Representative said:

"Palestine consists of two people, the Arabs and the Jews. Both have historical roots in Palestine and each of which plays an important part in the

43. UN Documentary, A/AC. 21/9.
44. Ibid., S/705
The solution of the problem lies in a single Arab-Jewish state with equal rights. If it is not possible, then the partition of the Palestine was a necessary condition of peace into two autonomous states, one Jewish and one Arab.

But the Arabs and the Western powers were inclined to work the scheme just a few hours before the decision of the Security Council in favour of the Partition of Palestine. The British government laid down its mandate in that country. Before the United Nations could move in and implement its partition plan, the Jewish agency proclaimed an independent state of Israel within the boundaries recommended by the General Assembly. The US government immediately recognized the new state of Israel. The armed forces of Egypt, Iraq, Transjordan and Syria, and the Lebanon crossed the frontiers of Israel, and widespread fighting broke out. The Security Council called for an immediate cease-fire. The United Nations Truce Supervision Organization (UNTSO) was created at that time to supervise the

45. GA Resolution 186(S-11)
armistice. From 1949 until 1956 an uneasy truce existed with many complaints to the Security Council concerning incidents and clashes. The refugee situation was also acute and defied solution. However, the Security Council was able through its agency UNTSO, to arrange for armistice agreements between the Arab and Israel. These arrangements worked till the Suez crisis in 1956.

**The Greek Question:**

After the second world war, pro-Soviet governments were established in East European countries. These were regarded as a political danger to the Western world in the Balkan region. The communist party of Greece also started a guerrilla movement against the military dictatorship of its country, with the help of Albania, Bulgaria and Yugoslavia. This was unacceptable to the Western powers. The result was the proclamation of the Truman Doctrine. On December 1946, the Greek government made a complaint against their communist neighbour to the Security Council. But despite a long and heated debate the Security Council was unable to solve the problem. Then the United States proposed that the "Greek question" should be

47. UN Documentary, S/137.
transferred to the General Assembly under the heading "threats to the political independence and territorial integrity of Greece". Despite the opposition of the Soviet bloc, the General Assembly established a United Nations special committee on the Balkans (UNSCOB) to assist in bringing about a peaceful settlement of the problem. UNSCOB reported in 1948, and was upheld by the third Assembly, that the continued support of guerrilla activity by Albania, Bulgaria and Yugoslavia constituted a threat to the political independence and territorial integrity of Greece and to peace in the Balkans. However, in 1951 the situation was clarified and large-scale guerilla fighting had ceased, due largely to the defection of Yugoslavia from the Soviet bloc. The UNSCOB was dissolved in 1951 and the following year the Peace Observation Commission (established by the 'uniting for Peace' resolution) created a sub-commission on the Balkans at the request of the General Assembly. It continued to observe the frontier situation until its dissolution in 1954.

48. UN Documentary, A/344.

The General Assembly and its machinery of observation and conciliation performed adequately throughout its first real political undertaking inspite of Soviet obstructionism. The UNSCOB offered multilateral comfort and support to Greece and provided substantial on the spot frontier reports for several years to the General Assembly.

The General Assembly of the United Nations, as observed by a keen analyst of the United Nations system has become over the years the predominant political body of the world organization. The frequent inability of the Security Council to discharge functions assigned to it by the Charter has brought a change in the relative powers of the Security Council and the General Assembly Member-States have increasingly extended the General Assembly's role in questions involving the maintenance or restoration of international peace and security and many of them have looked with ever widening hope to this organ for solution of their problems. General Assembly resolution, moreover, while technically only recommendations have been viewed by some member countries, with regard to certain matters and within certain limits, as legally binding decisions.

51. Falk and Mendlovitz (edt.) op.cit., p. 227.
It may be pointed out that the creation of the Unified command in Korea by the Security Council was possible solely because of the fortuitous absence of the Soviet representative. Hence, it was realized by the General Assembly that to prevent matters relating to peace and security from being "frozen" on the security Council Agenda. Which reduced to "impotence" the Organization as a whole, it should assume some of the responsibility of the Council. Consequently, the General Assembly adopted three closely connected resolutions, the first of which is usually termed the 'Uniting for Peace Resolution'. Its intention was to create a nucleus of collective security outside the Security Council. No wonder, the Soviet Union opposed the resolution vehemently. The Resolution empowered the General Assembly that:

"If the Security Council because of the lack of the unanimity of the Permanent members fail to exercise its primary responsibility for the

maintenance of international peace and security
in any act of aggression, the General Assembly will
consider the matter immediately with a view to
making appropriate recommendations to members for
collective measures, including in the case of a
breach of the peace or act of aggression, the use
of armed force when necessary, to maintain or restore
international peace and security. If not in session
at the time, the General Assembly may meet in an
emergency special session within twenty-four hours
of the request therefore..."

Furthermore, the resolution provided for the following
six changes in the organization and procedure:

1. The authority to transfer a peace and security issue
to the General Assembly if the Security Council was
blocked by veto.

2. The capacity to call emergency session of the General
Assembly if necessary for the purpose.

see Goodrich, I.M., Edward and Simons, A.P., Charter of the
United Nations; Commentary at Documents, Columbia University
p. 32; Nicholas H.C., United Nations as a political Institu-
3. A recommendation to member-states that each member maintain within its national armed forces elements trained for service as a UN Unit.

4. A peace observation Committee.

5. A panel of military experts.

6. A collective measures committee.

Thus, the adoption of the 'Uniting for Peace Resolution' was the logical culmination of series of efforts to increase the political authority of the General Assembly for which the Korean context provided the immediate occasion.

The adoption of the Uniting for Peace Resolution, Setalvad points out, "was virtually an amendment of the Charter, making an additional provision as it were to Chapter VII, providing for the contingency of the failure by the Security Council to exercise its primary responsibility by reason of the lack of unanimity of the permanent members".


58. Ibid., p. 32.
However, Andrew G. Vyshinsky criticized all the three resolutions. Vyshinsky said that the Secretary-General then would be the commander-in-chief of the armed forces of the General Assembly ... riding on a white horse ..." and definitely the resolutions strengthened the position of the General Assembly.

In addition to this transfer-device greatly enlarged the functions and competence of the General Assembly. It is the important shift of emergency power from veto-ridden security council to the veto-less General Assembly. Thus the General Assembly played an important role in the matter of peace and security as an alternative body of the Security Council. The validity of the famous resolution and its impact on the organization will be evaluated by reference to some cases in which the Uniting for Peace Resolution was invoked: The first application of the Uniting for Peace Resolution followed soon after, when on February 1, 1951 the General Assembly passed a resolution finding "that the Central People's Government of the People's Republic of China, by giving direct/thand assistance to those who are already committing aggression in Korea and by engaging in hostilities against the UN forces there.

60. Ibid., 347.
has itself engaged in hostilities against the UN forces there, 61
has itself engaged in aggression in Korea. The General
Assembly adopted on February 1, 1951, the following resolution.

"Noting that the Security Council, because of the lack of
the unanimity of the Permanent members, has failed to
exercise its primary responsibility for the maintenance of
international peace and security in regard to the Chinese
communist intervention in Korea,

"Noting that the Central People's Republic of China has
not accepted United Nations proposals to bring about a cessation
of hostilities in Korea with a view to peaceful settlement, and
that its armed forces continue their invasion of Korea and their
large-scale attack upon United Nations forces there,

"1 Finds that the Central People's Government of the
People's Republic of China, by giving direct and assistance to those who were already committing
aggression in Korea and by engaging in hostilities

against United Nations forces there has itself engaged in aggression in Korea;

"2 Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw in Korea;

"3 Affirms the determination of the United Nations to continue action in Korea to meet the aggression;

"4 Calls upon all states and authorities to continue to lend every assistance to the United Nations action in Korea;

"5 Calls upon all states and authorities to refrain from giving any assistance to the aggression in Korea".

By passing this resolution, the General Assembly took a further step forward. It took upon itself the determination of the existence of an act of aggression which was under Article 39, declared by the Charter to be the function of the Security Council. For Article 39 provides:

63. Setalvad, M.C., op.cit., p. 38.
"The Security Council shall determine the existence of any threat to the peace, breach of peace, act of aggression and shall make recommendation, or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security."

However, an important point about the Korean war calls for comment. It was the first war in history to be fought in the name of the world organization and for the first time the concept of collective security, as envisaged in the UN Charter, was put to test. Western leaders hailed the event as "a historical progress towards the establishment of a viable system of collective security" demonstrating the fact that the United Nations is adoptable to the role of enforcement as well as that of conciliation.

A dispassionate study of the whole Korean episode, however, will make it clear that Korean conflict did not so much mark a turning point towards collective security as showed

64. Brownlie, I., op.cit., p. 12.

hardening of the attitude on the part of the Western powers and the communist bloc alike. The two giants clashed to have a trial of brute strength and separated without getting their respective superiority decided. The two could realize the strength of each other and since neither of them was strong enough to subdue the other they agreed on an armistice neither side allowed to spread its domination.

The UN intervention in Korea succeeded in repelling the Communists from South Korea but it failed to settle the dispute; on the other hand the conflict and the way in which armistic agreement bringing the war to the position of a belligerent and lowered its prestige as an effective world organization.

While the Korean operation were still continued, a crisis arose in the Middle East when Israel invaded in the Sinai Peninsula of Egypt. This was followed by the Anglo-French attack on Egypt, so that the Arab-Israeli conflict and the problem of the Suez canal became a mixed and complicated problem. Egypt's vital importance was due to the Suez canal connecting the Red Sea and Mediterranean sea. Suez canal had been owned and run by an international company with French and Ottoman interest in control. Actually, the British have never owned the canal. It

67. Ibid., p. 60.
68. Setalvad, M.C., op.cit., p. 39.
has continued to be owned and operated by the Suez Canal Company, an International joint stock concern with an Egyptian Charter and a lease which was valid until 1968. At the time, the Canal was legally scheduled to be turned over, free to the Egyptian government. Most of the Stockholders are French and its directors are principally British and French. The Administrative head office was located in Paris. But with 44 percent of the Stock, the British government has always been the largest single shareholder and, as a result, has had a strong voice in the operation of the canal and has received a major share of company's proceeds. The status of the canal was established by the Constantinople convention of 1988 which was signed by Austria-Hungary, France, Germany, Great Britain, Italy, the Netherlands, the Ottoman Empire, Russia and Spain.69

On July 26, 1956 President Camal Abdel Nasser of Egypt announced the nationalization of the canal and a plan to finance the dam from income derived from Egyptian operation of the canal. Since more than half of the oil needed for the economy of Western Europe proceed through the Canal, reaction to the seizure was immediate. So the incident of the Egyptian nationalization of the Suez Canal was brought before the Security Council on

September 23, 1956 at the request of France and the United Kingdom. The Security Council met immediately placed the item on the agenda, and proceeded to examine the situation in the usual manner. But the Security Council was failed to exercise its responsibility to maintain international peace and security due to the "lack of the unanimity of the permanent members - that is because of a "veto" and "the matter was transferred to an emergency meeting of the General Assembly under the 'Uniting for Peace' Resolution."

On November 1, 1956, the General Assembly began its first emergency special session with the subject matter limited to the Suez crisis. On the following day a resolution was adopted calling for a cease-fire, a withdrawal of forces, and prompt action towards re-opening the canal. The British and the French indicated that they would comply only if a United Nations force moved into the area to ensure the carrying out of details concerning the armistice and the re-opening of the canal. The General Assembly requested the Secretary-General to observe and report promptly on the effect of the resolution.

The next emergency meeting of the General Assembly took place covering a plan for a United Nations Emergency Force (UNEF). The General Assembly adopted the resolution "establishing a United Nations Command for the force, headed by General Burns, who was to recruit officers ... who shall be nationals of countries having permanent members in Security Council". The U.K. French Paratroops had already begun to drop in the canal zone, and it seemed at one time that France and the United Kingdom were not inclined to accept the cease-fire. However, Soviet threats of intervention and pressure from various countries including those of the commonwealth and, more than anything else, the pressure from the United States resulted in the announcement that although UK-French troops had landed in Egypt, France and the United Kingdom would comply with the cease-fire resolution. The General Assembly, however, continued its steps for the establishment of the UNEF. The basic function given to the UNEF was to supervise the cessation of hostilities in accordance with the General Assembly resolution of November 2, 1956. Inspite of the best effort of the General Assembly through UNEF the crisis of Suez canal has not been solved. The significant question of what would happen should UNEF be requested

74. Setalvad, M.C., op.cit., p. 42.
to leave Egyptian territory was unanswered. Egyptian reparation demands from Israel, Britain and France remained unsolved. An ominous note was injected into the unsettled situation with the sale of Soviet submarines to Egypt in 1957. Consequently, the United Nations continue to face grave problems in this area.

On October 23, 1956 a peaceful demonstration took place in Budapest. One of the principal demands was the removal of the Soviet troops stationed in Hungary. However, in order to quell the disturbances, the Soviet Union moved into Hungary a large units of armed forces. The Soviet tanks joined with the police inflicting heavy casualties on Hungarian citizens. Hungarian authorities wanted to negotiate with the USSR for the withdrawal of Soviet troops. But the result was unsuccessful and the fighting continued. The United States, the United Kingdom and France requested the summoning of an urgent meeting of the Security Council to discuss "the situation created by the foreign military forces in Hungary violently repressing the rights of Hungarian people". Inspite of Soviet protest the matter was adopted on the agenda of the Security Council.

75. Goodspeed, S.S., op.cit., p. 266.

76. Setalvad, M.C., op.cit., p. 44, See also Goodspeed, S.S., op.cit., p. 266.
The Security Council discussed the situation fully. However, on November 3, 1956 the United States introduced under this draft resolution which would have called upon the Soviet Union to "desist forthwith from any kind of intervention" in Hungary, and to withdraw its armed forces without delay". It also affirmed the right of Hungarian people to a government responsive to its independence and well-being dedicated to its independence and well-being. The Soviet Union, however, cast a negative vote while other Council's member voted in its favour. So the Security Council could not take decision on Hungarian situation. The Security Council then by a procedure of vote which did not require the unanimity of the Permanent members, decided to call a special session of the General Assembly to "make appropriate recommendations concerning the situation in Hungary" since the Security Council had been unable to exercise its responsibility for the maintenance of international peace and security. The Soviet Union of course, protested both the original inscription of the Hungarian item on the agenda of the Security Council and its subsequent transfer to the General Assembly. However, the General Assembly met in an emergency session and passed the US Resolution. The Secretary

General was requested to observe the situation directly "through representatives appointed by him to report thereon to the General Assembly and as soon as possible suggest methods to bring an end to the foreign intervention in Hungary ..."

On November 9, 1956 the General Assembly again called upon the Soviet Union to withdraw its forces from Hungary and recommended that free elections should be held in Hungary under United Nation auspices, and built their own form of government which they want to establish.

Further, the emergency special session of the General Assembly transferred the Hungarian situation to the agenda of the Assemblies regular session. During both the emergency and regular session the Soviet Union opposed the United Nations intervention in Hungary on the ground that it is domestic matter which under the Charter the General Assembly could not enter into. From time to time the General Assembly appoint observer committees and passed certain resolution for the withdrawal of Soviet troops from Hungary. But in spite of such resolution the General Assembly was unsuccessful and the Soviet troops still remained in Hungary. The General Assembly thereafter established a five member committee (Australia, Ceylon, Denmark, Tunisia and Uruguay) to investigate the Soviet-crush Hungarian revolt. At

one of its session the General Assembly endorsed the report of the Committee. Among other things the General Assembly resolution noted that the events which took place in October and November 1956, constituted a spontaneous national uprising; that the present Hungarian regime had been imposed upon the Hungarian People by the armed intervention of the USSR, that the human rights and freedoms guaranteed by the treaty of Peace with Hungary, and that the Soviet Union had carried out mass deportations of Hungarian citizens to the USSR. In addition, the resolution called upon the USSR and the Hungarian authorities to desist from repressive measures against the Hungarian Population, to respect that country's liberty and independence, and ensure the return of the deportees. The report itself had indicated clearly that there was no evidence to support the Soviet charge that the uprising was fomented and helped by reactionary circles in Hungary and 'Western impartialists'.

However, the action of the General Assembly proved fruitless in the matter of Hungarian crisis. Inspite of all its efforts because the action complained against one of the Permanent member and none of the Permanent members were prepared to

take the risk of fighting a war with the Soviet Union over Hungary.

In July 1960 due to the break down of internal law and order only a few days latter after the Congo became independent brought a telegram from the Congolese President and the Prime Minister requesting the Secretary-General of the United Nations "to an urgent dispatch of military assistance". The Secretary-General reported the matter to the Security Council. The Security Council adopted a resolution authorising the Secretary-General "to take necessary steps, in consultations with the government of the Congo, to provide the government with such military assistance as may be necessary, until, through the efforts of the Congolese government with the technical assistance of the United Nations, the national security force may be able, in the opinion of the Government, to meet fully their tasks'.

Within the Republic of the Congo, there were three rival political groups - the Presidential group, Prime Minister's group and army led by the chief of the staff. In these circumstances, the Security-General was confronted with the problem of

80. Setalvad, M.C., op.cit., p. 47.
how to implement his mandate and to whom to give the assistance stipulated in the decision of the Security Council. As Dag Hammerskjold himself said, "the Congo crisis ... put the Secretariat under the heaviest strain which it has ever had to face." So, however, Hammerskjold himself requested on 13th July meeting of the Security Council, for the first time for the recommendation of the creation of ONUC (from the French title, 'For de l' organization des Nations Unies au Congo') and Hammerskjold himself said later, that "the only additional guidance was provided by a set of principles ... which had been evolved during the experience of the United Nations Emergency for e" (UNEF) and which he had told the Security Council would again adopt. On July 22, 1960, the Security Council approved the UN Congo operation (ONUC), along the lines of the UNEF. On August 9, 1960, the Security Council approved another resolution confirming the authority given to the Secretary-General "will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise", and called upon all members to accept and carry out the decisions of the Security Council and afford mutual

assistance in carrying out the measures decided upon by it. However, as the Security Council did not explicitly say that it was acting under Chapter VII and was taking enforcement measures under it, the Secretary-General assumed that his own powers were limited to the moral and legal weight attached to the Security Council's resolution.

Consequently, the situation of the Congo was further deteriorated and the Security Council lapsed into inactivity. An emergency special session of the General Assembly was called under the "Uniting for Peace" Resolution on September 17, 1960. The General Assembly supported the operative resolution of the Security Council and called upon the Secretary General to take vigorous action in the restoration of the maintenance of law and order throughout the Congo and to safeguard its unity, its territorial integrity, and its political independence in the interests of international peace and security.

Further, in April 1961, the Central government in the Congo announced its willingness to cooperate with the United Nations on the basis of the Security Council's resolution.

85. Ibid., p. 53.
Meanwhile the General Assembly also approved three resolutions dealing with the actual conduct of the operation in the Secretary-General's conduct of the operations. The Soviet Union became increasingly jealous of his handling of the Congo crisis and declared bluntly that the Soviet Union, however, and its allies no longer trusted Hammerskjold and on his to resign. Later, Khruschev pleaded for the dismissal of the Secretary General Dag Hammerskjold. The Soviet Union, however, wanted more than the removal of Hammerskjold and proposed a collective executive body of the United Nations (Troika) comprising three equal Secretary General - one representing the East, one the West and one representing the non-aligned countries. But the General Assembly passed a resolution that expressed a tangible evidence of its basic confidence in the Secretary General's Congo policies by appropriating 100 million dollars to finance the Congo operation. Partially because of financial problems and partially because of its principal mandate had been achieved, the ONUC was withdrawn from the Congo by July 30, 1964. Ernest W. Lefever concluding in his study of the Congo operation, quoted by A.L. Bennet summarizes his overall

87. H.G. Nicholas, op.cit., p. 185.
assessment of its shortcomings and success as follows:

"The Congo peacekeeping efforts was a novel, controversial, and a less-than-efficient enterprise. It sometimes fumbled. It made many small mistakes. It was assailed on all sides. It precipitated a financial crisis for the United Nations. But in the final analysis, the UN force must be judged by its contribution to international stability, regardless of what other interest it might have served. So judged, the mission succeeded. It contributed to peace and security in Central Africa and in the Wider World.

As the largest and most complex internationally authorized and administered operation in history, the Congo peacekeeping efforts is rich in lessons and warnings for the future.

Hence, in the Congo operation both the Security Council and the General Assembly took part in the decisions that were taken from time to time, and the General Assembly tried to act whenever the Security Council was inactive or failed to take

A look at the peacekeeping operations by the 'Uniting for Peace' resolution will reveal that what the Security Council had not been able to achieve because of the lack of the unanimity of the Permanent members and the consequent use of 'veto'. The General Assembly could easily do and on several occasions served the world from disaster. Some Assembly resolutions have affected the means at the disposal of states in their relations by creating new peacekeeping techniques to isolate clashes between smaller nations or within a smaller nations from the largest East-West struggle. The communist retreat from South Korea in 1951; French and British evacuation of Egypt in 1956, the US withdrawal from Lebanon in 1958, the Soviet retreat from the Congo after the fall of Lumumba were surely furthered by these techniques. However, these operations had themselves been a source of crisis and the entire United Nations system was threatened as it did not serve the Big Powers interests.

89. Setalvad, M.C., op.cit., p. 55.

The nineteenth session of the General Assembly was virtually paralyzed by what is commonly referred to as the financing crisis. The financing crisis, (the Expenses case) provided the opponents an opportunity to warn that the United Nations is a "sinking ship unworthy of further trust of mankind" and the friends of the United Nations worried that it might not survive. In fact, the crisis which had paralyzed the organization, was the product of many factors but the most salient was the persistent refusal of the Soviet Union and France to pay their shares of major peace-keeping operations carried on the Suez and the Congo. The crisis was not really about money. The amount involved were very minor. It was political. It was the crisis that has paralyzed the organization as a consequence of political default by France and the Soviet Union without either contention of financial hardship by the defaulting states, or actual inability. Thereupon, the General Assembly under Article 17(2) requested the International Court of Justice to advise whether the expenses of the two forces constitute


the expenses of the organization within the meaning of the Charter. Article 17(2) of the Charter provides:

"The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly".

The opinion of the Court was delivered on July 20, 1962. By a vote of 9 to 5 the Court agreed that the financing of UNEF and ONUC "constituted 'expenses of the organization' within the meaning of Article 17(2)", thereby confirming the authority of the General Assembly to make the controversial assessment.

The opinion of the majority is of importance because it constitutes, the "express judicial approval of the practical transfer of responsibility for the maintenance of peace and security from the Security Council to the General Assembly". It has also been observed: This opinion of the Court is of crucial importance for more than one reason. It involved not only the organization but also the future of the organization in the maintenance of international peace and security. That the Court,

the principal judicial organ of the United Nations Organizations, has discharged its responsibility effectively is clear beyond any doubt. Until recently, fear was expressed in some quarters whether the court's opinion would get a favourable reception in the General Assembly of the United Nations. These doubts are dispelled now. The General Assembly has accepted the advisory opinion of the International Court of Justice. However, the Soviet Union and France referred to pay even after the advisory opinion. Thereupon, the USA and its allies threatened to invoke Article 19 of the Charter which provides:

"A Member of the United Nations which is in arrears in the payment of its financial contribution to the organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of its contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to the conditions beyond the control of the members ."


The Soviet Union threatened to leave the organization if it was deprived of its vote in the General Assembly. Eventually in August 1965, the USA and its allies gave way and agreed not to invoke Article 19; in return, the Soviet Union promised to make a voluntary contribution towards the expenses of the two forces.

The shift of emphasis from the Security Council to the General Assembly has aroused concern and "even in the absence of an organized superior Power to compel obedience, a government in the General Assembly forum will not easily ignore the conduct and attitudes of the majority of the UN members. It must consider with case the possible reaction of other states to a defiance of an Assembly resolution. It must weigh not only the immediate reaction of the nations, which would be most affected by such a breach, but also the effect on world public opinion.

The shift of emphasis from Security Council to the General Assembly has naturally changed the balance of Power and influence. The Big Five do not enjoy in the General Assembly the same

privilege position which they have in the Security Council. This logically weakens their grip over the Organization.

Furthermore, as the result of the expansion of the membership of the General Assembly, it has grown from a body of fifty one to one of one hundred of fifty-nine (159), the majority of which is non-Western, underdeveloped, and who have gained their independence recently. Roughly three-fifths of the total membership belongs to the Afro-Asian regions. Many of them are mini states which are products of decolonization process. They view full membership in the organization as the final stamp of approval on their independence.

In addition, the Third World majority feels that further mini state membership would add to their preponderance in the United Nations, as their voting behaviour reveals an anti-Western attitude. It may be of interest to describe briefly the change in voting behaviour in the General Assembly, since its establishment. In fact, the United States command an "automatic majority" or an "automatic two-third majority" in the General Assembly during the years before 1955 and thus exercised nearly complete


control over the Assembly's decision. In the following years, from 1955 to 1960, the newly admitted members' behaviour lessened America's control but the United States position was still strong. Finally, the considerable increase in membership since 1960, it is said, has ended America's dominance. Undoubtedly, so far as the voting result of the General Assembly are concerned, the position of the USA is weakened after 1960 but in comparison to the USSR, on the combined categories of cold-war, peace-keeping, arms control and disarmament issues, the United States continued to be generally successful and the Soviet Union to be unsuccessful. Thus, the strengthening of the General Assembly's position and anti-Western attitude of the Third-World - (which includes microstates) has been a source of irritant of Western nations.

The strengthened position of the General Assembly with its increased membership almost all of them being underdeveloped (including mini states) has made the Super power reluctant to entrust real power to a body where they do not have a veto. To avoid a confrontation with the majority within the General Assembly, the idea of weighted voting has been suggested to

103. Rowe, Edward, T., Changing
arrest or reverse the voting behaviour in the General Assembly. The schemes for weighted voting are especially relevant to the workability of the Uniting for Peace Resolution and other Peace-keeping approaches.

The important changes in the priorities of the United Nations, too, have significant consequences for the role of its organs, particularly the General Assembly. The organization has come to give higher priority to economic and social development, (it has been decided to appoint a Director-General for development and, International Economic Cooperation, a high level official, with a rank just lower than the Secretary-General, to provide leadership in the field of development and international economic cooperation. The Director-General will be appointed by the Secretary General), decolonization and the elimination of racial discrimination than to the maintenance of international peace and security and the matters to which the highest priority is given, is primarily the responsibility of the General Assembly.


After all, the General Assembly occupies a key position in the network of the United Nations. It was given important responsibilities within the UN structure, notably with respect to Economic and Social Council, The Trusteeship Council and the Specialized agencies. It elects the non-permanent members of the Security Council, the Economic and Social Council and the non-designated, members of the Trusteeship Council. It considers and approves the budget of the United Nations. The "Power of Purse" is universally recognized as the one of the most effective means by which an assembly can exercise control over an executive. The General Assembly is essentially a deliberative, supervisory, and reviewing body. It has become a world platform for multilateral diplomacy. Politically, the Assembly's predominance is assumed by the fact that it is only the principal organ in which all member states participate on an equal basis. As the only permanent political body in which all the states are represented the General Assembly helps assume the performance of all their functions in international


system. Of all the United Nations bodies the General Assembly above all stands for a conception of the World as a true 'Comity of Nations' rather than a mere conglomeration of regional blocs or hegemonial spheres. It is not ignorable one.


CHAPTER III

RISE OF THE THIRD WORLD: THREATS TO BIGS HEGEMONY
Chapter-III

Rise of the Third World: Threats to Bigs Hegemony

By the end of World War Second anti-colonialist movement had, to some extent, gained momentum and desire to independence had reached stupendous proportions, and the old colonialism, based on territorial dominance, had nearly ended. The velocity of the anti-colonialist movement was so strong that when the UN Charter was written in 1945, the principle of Right of all peoples to choose their forms of government according to freely expressed wishes of the people concerned was acceptable.

So, the United Nations has declared in its Charter and in its delegate bodies, its interest in the movement to self-government. This interest is exercised along two dimensions - that of trusteeship and that of decolonization. Of these two, decolonization has made up the bulk of the movement since the number of the trust territories and their population represented only the tip of the colonial

iceberg. Since the establishment of the United Nations owing to decolonization process under the two systems (Trusteeship in Chapter XII and XIII and Non-self governing territories in Chapter XI, the membership of the United Nations has increased due to decolonization process. It is now 159 though in the beginning the membership was 51. Most of them belong to the Third World. The term 'Third World was coined in 1952 by Alfred Sauvy at the height of the cold war and applied to the developing countries that remained outside the two Power blocs but belonged to the non-communist world. Angelopoulos himself uses the phrase in a specific sense, namely, to describe the group of developing countries in the early 1970s. However, it may be that in the 1970s the phrase Tiers Monde was used more in the sense of 'third Force' rather than 'third World', indicating 'non-alignment' rather than underdevelopment. It is interesting to note in this respect that William Safire in his the New Language of Politics (1972) does not include the 'third world' but in the


discussion of 'third Force' points out, strictly speaking, the phrase in English should be "third World" following the French tires Monde but "third Force" is used more frequently. He argues that tires Monde was originally popularized in France during the period of 1947-49 to describe the political parties that took their stand between Gaullist and others.

With the lessening of the tension of the cold war and the creation of many new independent states throughout 1960s the Phrase tires Monde seems to have taken on a new meaning which however retained something of the original:

(a) The confrontation was now seen as between the 'rich nations' and the 'poor nations' the rich nations also being referred to as 'industrialized or developed;

(b) the East-West confrontation was supplemented by a 'North-South' confrontation, the majority of the tires-monde bring in the Southern hemisphere;

(c) the original confrontation of the East and the West was retained in the adoption of 'First World' to denote the industrialized market-economy countries (the capitalist

countries or the Western world' to indicate the centrally directed countries of the COMECON countries) the public sector and the role of the state in the overall economic system is a much more important factors in "third world" economics rather than in traditional Western economics... 6

The Third World, which consists very largely of former colonies of European or American empires, conflict between them has often involved or engaged the interests of the former metropolitan great power or powers. During the post world war II period, the 'First World' (Western, industrialised, non-communist states) and the 'Second World' (Communist States) developed their own confrontation and competition for influence and power and such confrontation and competition were also quickly translated to the Third World in its weakness, with or without invitation. 7


The Third World was not born as a free and fully autonomous entity. The process of colonian and imperial rule was in the nature of a big melting pot into which the Third World societies were sucked and moulded. They emerged out of this melting pot with hybrid structures and distorted personalities. But this was not all the colonial metropolis, while granting independence to a particular Third World country or region. The past-colonial behaviour of a Third World country or region, therefore, cannot be understood except in the context of this melting pot process. The continuing involvement of the great powers in the Third World stemmed out of this process as a massive and, perhaps, inevitable legacy.

The term and its various characteristics which add up to make a country a part of the Third World is one that encompasses in its totality the feeling of deprivation, both in terms of the recent past as well as the current situation, among a large section of the World's population vis-à-vis the privileged few (in relative numerical terms). Although there are concrete indicators - economic, military and

technological – which bear out of this thesis of deprivation and colonial and neo-colonial exploitation. What binds the Third World together – in an emotional and psychological sense – is the perception of having been at the 'receiving end' for the last 300 to 400 years, i.e. at the 'receiving end', economically, militarily, politically and the corresponding desire to change this state of affairs and to regain a degree of autonomy within the basically hierarchical international system that gives a certain amount of unity to the Third World – despite its diverse nature and its own internal problems—particularly vis-à-vis the dominant powers within the international system. And it is this interplay of the Third World's quest for autonomy on the one hand with the great powers' desire to control and manage the international system on the other that provides the major contradiction within the international system as it is organised today.

However, there is great inequality in power, again in all its manifestations, including the economic, military and political, between the great powers of North (and particularly the Super powers) on the one hand and the countries of the

Third on the other. This inequality is, in fact, quantitatively so great that it tends to take on a qualitative dimension as well. This is particularly true of the Third World's relationship not only with the two superpowers, the US and the USSR, but also in its relationship with the economic giants, West Germany and Japan as well as the countries of the EEC collectively. It is this inequality which renders the Third World - or large parts of the great powers - militarily, economically and politically - and thus renders the Third World's aspiration for autonomy from these managers of the international system so difficult to achieve.

Bennet wrote that "Although self determination and self-rule are attractive goals for politically dominated peoples, independence is no panacea, and the problems following political liberation may seem greater than those previously surmounted". Most of the Third World countries are economically underdeveloped and must face the dilemmas of gradually overcoming poverty, disease, hunger and literacy. Both outside aid and internal savings are required to build a self-generating economy. Without population control gains in total production may be partially or completely wiped out on a per capita basis.

Mini-states lack the economic base to build a viable economic structure independent of heavy reliance on others. Frustrations and impatience with slow progress are almost certain to accompany the struggle for development. The international community may seem deaf to the appeals of the poor nations for special concessions to help them escape from poverty. The self-interest of the rich are not likely to identify strongly with the welfare of impoverished peoples nor to be outweighed by humanitarian compassion.

Once the unifying force of the common goal of independence has been removed, the political vitality of the new state must also be strengthened. The development of political consciousness of nation building must be undertaken. The struggle for self-government is a revolution that has nearly run its course. But out of that struggle has emerged the new North-South confrontation of which the world is increasingly conscious. Whether the nations of the globe with the aid of international machinery and cooperative efforts can successfully resolve the new challenges remains to be proven. At this stage it seems certain that the new problems are no less formidable than the old*.

After the post Second World War, the hierarchical nature of the international economic order put the two Super powers at the apex of this order and the Third World countries despite the euphoria following formal decolonisation in the 1950s and 1960s, have by and large remained, although with certain relatively significant exceptions, are at the bottom of the international pecking order. So the Third World countries faced the hardships and frustrations of economic, social and political disequilibrium.

Due to disequilibrium the regional conflicts arose in the Third World countries and the great powers intervention became relevant and important. The role of the great powers particularly the Super Powers, in the international system has been primarily one of conflict management and, quite often, of conflict-exacerbation, rather than helping in the resolution of regional conflicts. As Sisis Gupta argued that:

"Although the relation between Super Powers have been stabilized, there has been a perceptible rise in the level of permisibility of chaos, conflict and violence in those regions of the world which are peripheral for the purposes of the Central balance. The evident fact that conflicts and clashes among the states of these regions provide the great powers with a high degree of leverage on them and a great opportunity to increase their influence over the parties in such a conflict must be appearing to them as a matter of some advantage, though as status quo states they cannot but be interested in maintaining a minimum degree of stability even in the remote regions of the world."

Further, not only the roots of these regional conflicts in the Third World today traceable in substantial measure to the acts of omission and commission performed by the European colonial powers - the great powers and conflict managers of earlier days— but that during and after the period of the former decolonisation they have been exacerbated by the policies, strategies and

activities of those who currently hold great, and particularly super, power status. Not only have these antagonisms been allowed to fester because low-level peripheral tension suited the interests of the super powers once the central balance had become stabilised, but, in fact, many of them were actively encouraged, particularly by means of arms transfer, by those who aspired to manage the post World War international system. In addition a new phase of gunboat diplomacy on the part of the great powers now threatens to erode if not completely destroy the incipient political autonomy of the Third World countries. It is ironic that while negotiations about a New International Economic Order are in progress, the international political order seems to be moving in a retrogressive direction which, if it is not reversed, will led to increasing control of the Third World's political activities - conflictual or otherwise - by the managers of the International system and thus stifle all demands for political justice in the Third World - at the level of individual, social stratum, class, nation or region. This in essence, would perpetuate global inequality in the guise of preserving World Order - an order imposed and controlled by the big few (and particularly by the big two) for their own benefit.

The urge for economic emancipation and democratization of international economic relations also lies at the heart of the demand for the establishment of a New International Economic order (NIEO). The call for an NIEO was not just a call for an "income redistribution from the rich to the poor". It was according to the UN resolution on the subject (1 May 1974), a call for a restructuring of international economic relations on the basis of:

"equity, sovereign equality, interdependence, common interests, and co-operation among all states irrespective of their economic and social system ... (the NIEO) shall correct inequalities and redress injustice, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for the present and future generations."

Naturally to transform it into a just economic order became the goal of the struggle of the Third World against colonialism neo-colonial exploitation, and the structures of economic dominance.

However, the Third World countries have held many conferences "to discuss and agree upon the most effective measures" to remove the hindrances in way to economic and social development. Such a conference met in Cairo in July 1962. With the Cairo Conference of July 1962, the Third World launched concerted efforts in the United Nations which led eventually to the establishment of the United Nations Conference on Trade and Development (UNCTAD). The UNCTAD held its first meeting in Geneva from 23 March to 16 June 1964. The UNCTAD and the group of 77 have since become the principal forum and instrument respectively of the Third World's struggle for a NIEO.

19. Declaration of the Head of the State or government of Non-aligned countries, Belgrade, 1961, Paragraph 22.
There is a tendency on the part of some Western scholars to describe the military of the Third World as a product of action taken by the organization of Petroleum—Exporting countries (OPEC) in 1973 as regards oil prices and the alleged objective of political power of the leaders of the Third World. It is true that the OPEC action improved the bargaining strength of the Third World and put teeth into its struggle for an NIEO. The sixth and seventh special session of the General Assembly showed how the developed countries themselves were persuaded to negotiate with the third world on all the aspects of an NIEO. However, the hike in petroleum prices hit the oil importing developing countries too hard. So much so that special efforts were made to preserve the solidarity and unity of purpose of the countries of the Third World by neutralizing the adverse side-effects of the hike in petroleum prices on the developmental prospects of the most seriously affected countries.

Further, in the aftermath of the OPEC action, the non-aligned countries pledged their solidarity with the OPEC "in the face of the campaign of threats, blackmail and reprisals".

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mainly from the West. They also hailed the OPEC action for "changing the direction of the financial resources."

However, the OPEC action would undoubtedly have lost much of its force and effectiveness. The overall approach of the Third World may be seen as following either or both of the two conflicting stands, viz antarky and delinking on the one hand and integration and real interdependence on the other.

Furthermore, "the special session of the General Assembly of the United Nations in 1980 should review the implementation of the NIEO and take effective measures to promote its establishment". Hence, the struggle of the Third World is too pessimistic and counterproductive and has resolved equally serious economic crisis in the past and opened up new frontiers of progress and perfection.

There are possibilities of action on the part of the Third World at various levels. For one thing, the sovereign of the third World have accepted in principle the need to rationalize the economic structures of their societies. They


25. Ibid., p. 152.
must demonstrate political will and display administrative capabilities adequately to carry out this much-needed rationalization.

Secondly, at the level of the Third World as a group, the concept of collective self-reliance is largely theoretical. Sustained efforts are needed to exploit the avenues of cooperation identified and to harness the potentials of growth and development.

Thirdly, in negotiating with the developed countries on the subject of a NIEO, the Third World needs to build up an adequate fund of knowledge and information, as also to develop the face of attempts to divide and work up intermediate solutions to reach agreed goals.

And lastly, sincere and dispassionate attempts should be made by both the North and the South to harmonize, as much as possible, their perceptions of a NIEO. One way to do this is to redefine the goals of development. An attempt was made to conceptualize basic needs, but it appeared as though it was meant only for the Third World. There may be possibility of

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redefining the concept of "basic needs" as just needs" that are equally applicable to the North and the South. If it is conceded that there are natural and ecological limits to development, then the task of finding a median between subject poverty and unrestrained affluence becomes inescapable.

Consequently, the demand of the New International Economic Order by the Third World is the more equitable distribution of wealth between the rich and the poor nations to which the rich are not prepared. They assert in all conferences for their rights of equal share in the economic resources whether available on land or at sea. But unfortunately they have neither money nor technology and for this they are dependent upon the Super Powers. The Law of the Sea Conference demonstrated the divisions that could appear on particular issues. The long-coast and broad margin states in Africa and Latin America got their regions to endorse the 200-miles zone concept despite the fact the more numerous land-locked and short-coast states would get little. An alliance of Western and Third World land-based mineral producing states secured agreement to production ceilings on deep seabed mining that assured greatly reduced

revenues and hence greatly reduced sums for distribution to Third World members of the proposed seabed authority.

In addition, there is more indirect impact of regionalism on world economic policies which is expressed in the work of the United Nations and its associated agencies. This impact can best be described as 'regional pressure group activity. Moreover, the result of its work has unambiguously been helpful to economic welfare in the Third World, as compared to earlier ways of approaching world trade and financial questions. It is beyond dispute that the grudging recognition on the part of the industrialised states that massive redistributive policies are in order would not have developed in the absence of this regional pressure group activity. However, to creating new institutions capable of generating pressure for new policies and programmes aiming at redistribution, the Third World blocs have also succeeded in forcing changes in global trade and financial institution.

The era into which the world is moving appears to be characterised by these features. Military blocs are losing


cohesion. The two Military bloc leaders can no longer on the obedience of their allies and will therefore resort to more direct contacts and to more unilateral behaviour. Economic blocs will gain in cohesion. Western Europe will move towards unity on matters of defence and foreign policy. The global stalemate will respect to nuclear weapons will continue whether or not there is a comprehensive arms control agreement. The proliferation of nuclear capability will also continue, though the qualitative differences between nuclear latecomers and the two superpowers will not disappear. More effort will go into redistributive policies designed to make the Third world catch up economically and socially. A consciousness towards safeguarding world ecological and environmental values will grow. The two superpowers will show less willingness towards military and ideological self-assertion and other groupings will show more. Nationalism in the West will wane but it will intensify in Third World. With the completion of the decolonization process there will be less global consensus on basic political and human rights and values. The World will be divided into many unifying and overlapping blocs lacking clearly defined leaders and military/diplomatic power will be distributed in a way in which some groups will have disproportionate shares in some
domains, and other groups in other domains. In short, the ensemble will be a multi-bloc asymmetric system. However, most of the Third World nations have refused to join either of the bloc (the US bloc and the Soviet bloc) and have decided to be nonaligned - another source of irritant to the former colonial powers.

The United Nations which had been gathering a store of experience, a power of analysis and a slowly increasing treasury of real wisdom in the first five years of its labours. Much constituent work was being put behind them that was to prepare the way for important developments of future history. But after the emergence of the Third World there was a sudden change in the order of events, and the world was given a visible and unwelcome example of instant history. The two controlling coalitions have existed in the United Nations. From late 1947 until 1955 the United Nations was controlled by a coalition composed of Western European, Latin American and Commonwealth states led by the United States. This coalition was particularly united on any issue that involved or could be presented as involving, cold war competition with the Soviet Union. It also


usually stayed together on issues of human rights, social
concerns and internal UN administration. However, there were
sharp disagreements on colonial and economic question which
could be prepared over only with difficulty. Though this
coalition worked well, it was not a cohesive group. It might
best be compared to a multiparty coalition in a national
legislature, where power is kept by concessions concerning
that none of the parties defects to the opposition. None will
get everything it wants, but each has to be given enough to be
kept satisfied. In international terms, the US-led majority
was a very mixed group. Led by a super power, it included
several temporarily weakened but still rather powerful states,
a number of states large enough to be at least regional that
would always be weak. The inclusion of the strong states meant
the coalition had ample material resources for putting ideas
into action, but the division between weak and strong was a
source of tension as the weaker members wanted more attention
paid to norms protecting weak states while the strong wanted
to pursue conflict with other strong powers.

At first the cold war was sufficiently intense to keep
the coalition together; the decolonization brought to the
United Nations a number of new African and Asian states less

interested in cold war and more interested in decolonization and economic development. As the UN membership slowly rose, the US-led coalition began eroding. The influx of African and Asian members in the early 1960s, simply overwhelmed a weakened US-led majority in two ways: First, it increased the pre-existing tensions between colonial and anticolonial states and between industrial and developing states. Second, the new members were less tied to the United States and often frankly anti-western close observers of the numbers realized even in the mid 1950s that the US-led coalition was having trouble raising two-thirds majorities; after 1960 it was clear to all the US-led coalition could not even muster a simple majority. The late 1950s and early 1960s were thus a time of exploration. Alone, the Africans and Asians almost constituted a majority and the United Nations has been controlled by a stable coalition of African, Asian and Latin American states known as collectively as the Third World. In 1964 this coalition consisted entirely of weak states. The Third World coalition is interested in using the United Nations to create norms and rules protecting the weak from the strong and to advance group demands for changes in international regimes perceived as working to Third World in disadvantage. It is particularly interested in ending colonialism, attacking all other forms of imperialism,
promoting development and creating new rules for international activity ensuring the Third World as a whole a greater share of material benefits and decision-making power. Even today the Third World majority does not always have the material resources encourages compromise on material questions, but also greater resort to symbolic politics on matters that are, or can be presented as, mainly moral issues.

Yet differences among members in level of economic development, basic structure of the economy regional situations, individual interests and orientations in super power conflicts are creating some strong internal tensions. So far, the Third World majority has been able to manage these tensions by using two devices: First, proposals are kept at a broad level of generality and tend to consist of loading everyone demands together. Second, the coalition devotes much attention to issues on which all can agree, such as the eradication of racist regimes in Southern Africa, the promotion of Palestinian claims of statehood, the advancement of economic development and the promotion of Third World influence in international decision-making.

The main contrasts between the two controlling coalitions lie in their access to material power and their goals. The US-led coalition had access to ample material power and used the United Nation as one of many fora for affirming and refining the goal of an open and universalistic system allowing scope for individual and other non-state actors that had been stated during the Second World War. The Third World coalition has access to rather limited material power but wishes to challenge many of the existing international norms and regimes. For it, the United Nation is one of the major fora available for any purpose and one of the few places where those with the power to make changes can be forced to pay attention to the whole range of the Third World demands. Further, it finds in the UN’s modest resources a significant addition to its own. The Third World Coalition thus uses the United Nation more intensively than did the US-led coalition, but its relative lack of power has exposed more clearly the limits on the United Nations control over outcomes in World Politics.

The goals of different coalitions, their relative power outside the United Nations and their mechanisms for maintaining coherence all influence the way in which the United Nations

decisions are used. A coalition of strong states with status quo or reformist goals need not rely very heavily on symbolic politics. To the extent that it does, symbols are used to keep coalition members together, to encourage active roles in implementation and to pre-empt criticism by opponents. This does not mean that such a coalition will content itself with mild appeals. Though its goals are modest, its rhetoric may be immodest when it feels deeply threatened. The US-led coalition provides an excellent example of such a coalition. Its modest goals allowed it to use the United Nations relatively sparingly. This is not to say that the US-led coalition had no vision of the World other than protecting the status quo. In certain areas all or most of its members sought to change traditional features of international relations. US policymakers shared the goal of creating an international system that would encourage democracy and free enterprise in a community of independent but mutually cooperative states. Most members agreed that ending colonialism was necessary to a just international order, but saw this as a gradual process in which the peoples of individual colonies would first be reached for independence. Additionally they expected that the smaller colonies would usually opt for local self-government within a continued relation to the metropole rather than independence. This
ending of colonialism would mean global acceptance of self-determination, a major normative change as compared to the nineteenth century. The concept of self-determination, for example, has been used primarily as an instrument of political pressure for the emancipation of colonies from Western rule. The Declaration on the Granting of Independence to colonial countries and peoples affirms that "all peoples have the right to self-determination", but is clearly directed against the remnants of Western colonialism, and has been invoked in this sense in subsequent Assembly resolutions. "Self-determination" has also been invoked in the drive of the less developed nation for reaffirmation of their sovereignty in the economic sphere. In 1955, largely by the votes of these nations and over the opposition of many European states, the Assembly's Third Committee adopted, for inclusion as part of Article 1 in both draft covenants on Human Rights, the following provision:

"All peoples have the right of self-determination. By virtue of this right they freely determine their political status and freely pursue their economic

social and cultural development. The peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

However, the US-led coalition sought to change the traditional presumption that, massacre aside, the way in which governments treated their own people was a domestic affair. This general notion that peace and democracy depend on respect for human rights received great impetus from the Axis, whose conduct appeared to prove once and for all the proposition that there was a strong link between suppression of the people at home and aggression abroad. Both the UN Charter and the Assembly decisions were used to promote new norms in this area.

The US-led coalition did employ some strident rhetoric on occasion. Most was inspired by cold war conflict with the Soviet bloc, which offered a different and uncongenial vision of

37. GAOR: 10 Sess, 1955, Annexes, Agenda item 28-1 (A/30 77, para 77)
38. Peterson, M.J., op.cit., p. 188.
the World. Whether this vision is seen as an attack on democracy or continued capitalist domination. It represented challenge to the basic tenets of international order held by the US-led coalition. This meant that Soviet efforts to advance their vision had to be combated with symbolic as well as material means. Assembly rhetoric provided part of the symbolic contribution.

A coalition of weak states with far-reaching goals must rely very heavily on symbolic politics. To the extent that its goals cannot be obtained with its own resources, such a coalition must persuade others to use their resources. Symbolic politics are used, then, to persuade others that they ought to share the goals and help attain them. Such efforts can take any or all of three forms: showing how norms professed by the others mandate accepting the weak coalition's goals, appealing to the others' self-interest, or instilling guilty feelings. The Third World coalition has used all three approaches to varying degrees. Western governments and individuals who profess any form of socialism or Marxism tend to be very sympathetic to Third World leaders professing similar ideas. On occasion Third World analysts and governments have echoed the

views of Western analysts who see international economics as a positive-sum game in which all can benefit from cooperative activity and certain changes in the rules. Such arguments have not been prominent in Third World group rhetoric. Westerners are not now attracted by argument that the Third World's current lack of development is West's fault. Worse, such arguments tend to backfire, fear that making any concession will be seen as acceptance of the guilty verdict has slowed down some Western governments responses.

Further, the different rate of economic progress among Third World states suggest that some of the blame for current Third World governments—a point advanced by the Japanese for sometime and more recently by Secretary General Perez de Cuellar. Whatever their difficulties in making decisions because of outside pressure, a growing number of Third World governments are beginning to admit that they have the main responsibility for dealing with their own problems.

A rational-actor suggests that Third World governments should drop the guilt arguments and focus instead on common

42. Peterson, M.J., op.cit., p. 190.
norms and interests. However, a number of factors maintain the prominence of guilt rhetoric. First, the slowness of Western response leads to extreme frustration and encourages its continued use. Second, both the Nonaligned and Group of 77 were built on an anticolonial ideology that cannot be abandoned too quickly. Third, the normal tendency of the organizations to modify their ideologies slowly is powerfully reinforced by the necessities of coalition maintenance and the internal workings of those groupings. The US-led coalition however held together far longer on cold war issues than on any other because of this phenomenon; the Third World coalition now uses calls for a New International Economic order and campaign against Israel and South Africa in the same way. Finally, the inherited anticolonial ideology, plus the fact that Western countries happen to be on the other side of the issues of the greatest concern to the Third World, allows the more radical members of both the Group of 77 and the Non-aligned to campaign for continued attacks on the West. Until lately, the radicals were more organized than the moderates and able to push both the Group of 77 and Non-aligned in a more anti-western direction than set by the existing organizational ideology.

The Third World coalition used the United Nations to legitimize its own views, but also used fairly strident rhetoric because it wanted to overturn or greatly revise the previously existing international order. An alliance between the Soviet bloc, Third World Marxist-Leninist states and other radical elements of the Non-aligned would, if they ever became sufficiently, the United Nation would be used to provide the doctrinal justifications for actions the majority was tackling to revamp the world.

Though there would still be some competition for influence between the two coalitions - the US-led coalition and the Third World, this would be less intense than in the current ideology-fueled competition between the Super powers. The United Nations then work as an institution for mediating conflict and encouraging cooperation much like the San Francisco conference hoped. If, however, the strong wanted greater changes, the weak would have considerable difficulty protecting themselves. The General Assembly would be used to legitimize weak state views, but would be pitiful shield against a concerted programme of revolution or revisionism sponsored by a coalition of

44. Peterson, M.J., op.cit., p. 191.
strong states. The Third World coalition realizes this intuitively; hence some members fear of "super power condominium" when the United States and the Soviet Union moved into a period of relatively good relations and began cooperating on a wider variety of issues in the mid-1970s. The Third World coalition views its situation very differently. Lacking very many other advantages in World Politics, it has tended to place a very high value on controlling the General Assembly and, if possible, the Wider UN system. This requires sticking together. The dynamics of coalition maintenance have led leaders of the Third World coalition to adopt a very different pattern of linkage in the General Assembly, which consists of aggregating many individual abstract propositions into a larger overall package. This process not only produces grand packages, such as the New International Economic Order or the New World Communications and information order but inflates their individual components as well. Development of the concept of "Permanent Sovereignty over natural resources" provides a good example. The notion of the "Permanent Sovereignty" was first advanced in the late 1950s.\footnote{Peterson, M.J., op. cit., p. 193.} The efforts to promote the idea of
permanent sovereignty was continued. Hence the General Assembly decided at its seventeenth session to study certain principles of international law concerning friendly relations and cooperation among states, it included the principle of sovereign equality. The special committee established at the Assembly's eighteenth session to prepare a report was able to reach agreement on the following "points of consensus":

1. All states enjoy sovereign equality. As subjects of international law they have equal rights and duties.

2. In particular, sovereign equality includes the following elements:

   (a) States are juridically equal.
   (b) Each state enjoys the rights inherent in full sovereignty.
   (c) Each state has the duty to respect the personality of other states.
   (d) The territorial integrity and the political independence of the states are inviolable.

46. GA Res. 1815 (XVII), December 21, 1962.
47. GA Res. 1966 (XVIII), December 16, 1963.
(e) Each state has the right freely to choose and develop its political, social, economic, and cultural systems.

(f) Each state has the duty to comply fully and in good faith with its international obligations and to live in peace with other states.

Among the points on which there was lack of agreement was whether a state has the right to dispose freely of its natural wealth resources. Some maintained that an absolute right exists. Others felt that any statement to that effect should be balanced by a reference to the General Assembly's resolution of December 14, 1962, which recognized the international law standard as governing compensation for expropriation of private property.

However, in the Charter of Economic Rights and Duties of States Resolution 2381 (xxix), adopted in 1974, the concept had been broadened to include other forms of wealth, and the idea of host-state control over foreign investment strengthened.

Article 2(1) of the Chapter II said that every state has and shall freely exercise full permanent sovereignty, including possession, use, and disposal, over all its wealth, natural resources and economic activities”. The rest of Article 2 then set out a wide-ranging definition of the mechanisms for exercising this “full permanent sovereignty”.

The United Nations, however, as stated in the Charter itself is based on “the sovereign equality of all its members” and as stated in its preamble, is established to reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and nations large and small...” The desired goal of the organization is therefore to achieve universal membership. Consequently, frequent references in the debates of the General Assembly and Security Council, in favour of universal membership, have been made. A number of resolutions in favour of universality too, have been adopted. It is evident from the debates that it was never intended to make the United Nations a club of like-minded states; neither was it intended to prevent membership of states having different

52. Ibid., p. 2.
(and undesirable) ideologies and different economic and political systems.

Under the Charter the membership of the United Nations is based on the principle of "Universality" not "selectivity". Members are required to be "like-minded", at least to the extent that all must support the purposes and principles of the Charter and fulfill their obligations thereunder. According to Article 4(A) "Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and in the judgement of the organization, are able and willing to carry out these obligations".

A state, which fulfills the criteria stated above, is free to seek, and would be and has been generally admitted to the United Nations membership has been rejected on the ground that the applicant country, though independent, is too small or poor to support the burdens of the membership. Naturally, there is an enormous increase in the membership of the United Nations. Furthermore, as the result of the expansion of the


55. Ibid., p. 85; Brownlie, I., op. cit., p. 4.

membership of the United Nations, it has grown from a body of fifty-one members to one hundred fifty-nine (159); the majority of which is non-Western, underdeveloped, and who have gained their independence recently. Roughly three fifths of the total membership belongs to the Afro-Asian regions. Many of them are mini states which are the product of the decolonization process. They view full membership in the organization as the final stamp of approval on their independence. In addition, the Third World majority feels that further ministate membership would add to their preponderance in the United Nations.

However, the increasing number of ministates in the United Nations has become a matter of concern to many. L.M. Goodrich has pointed out the concern as follows:

"Fears have been expressed that the admission of ministates to the United Nations will strain the physical and financial resources of the organization, overload the already heavy agenda of its principal organs, and further reduce the credibility and influence of the General Assembly resolutions".


He further points out that:

"the burdens of the membership are often beyond what these small new states can carry. This applies both to the financial costs and the need of making available for UN service and participation in various United Nations meetings personnel that is needed for domestic purposes".

Those supporting the ministates right to membership in the United Nations argue that these are exaggerated. They believe that the interest of popular and wealthy states are protected by the basic fact that the General Assembly can make recommendations only rather than make decisions that are legally binding on governments. Furthermore, the influence of these states in General Assembly decision-making is not measured by the votes that process. Proponents emphasize that ministates require services which the United Nations is best equipped to provide. The ministates on the other hand, view their admission to the United Nations as "a necessary certificate of sovereignty"

and "most economical or convenient form of multiple diplomatic representation. Through the United Nations, the ministates could secure a wide range of essential technical assistance. In addition, the United Nations can give the statement of small countries the political experience they need to conduct their international relations effectively. Hence, opposition to their membership would be "easily equated to neoimperialism, an onus no one wanted to bear".

However, the ministate problem exists and would continue to exists in the year ahead as with their increasing number, they would be and are in a position to change the balance of power in the United Nations, warns a keen analyst of International Organization. In his article, entitled "Microstates in World Affairs", published on May 9, 1971, by American Enterprise Institute for Public Research, Elmer Pliske, Professor of Government and Politics, at the University of Maryland, points out that the rapid proliferation of the tiny countries in the world community are being considered as a source of erosion of their

61. Boyce, P.J., "Microstates and Their Role in International Affairs", Australian Foreign Affairs Record, Vol. 48, No. 1, Jan, 1944, p. 23.


influence in the international community. "Like it or not", Plischke asserts, "microstates proliferation is eroding the equilibrium in the community of nations; corrective actions are available and sooner or later hard decisions will have to be made". The only practical alternative”, he suggests is "to retard and manage the future proliferation of states and delimit microstate participation in forms and affairs". Unchecked increase of the ministates”, Plischke maintains "is likely to effect the existing international system" and express doubts at to "whether the change can be endured by the World community". According to him, in the years ahead, 50 to 100 or even more states may gain independence and if unchecked, will join the United Nations; two out of every five then would be microstates. He has treated those states as microstates whose population is fewer than 300,000 people. Many eminent scholars of international organization and persons associated with the United Nations have questioned seriously the Wisdom of admitting ministates, to full membership. But legally their objections to the admission of ministates is not tenable.

However, many new states are being admitted as full members in the United Nations (e.g. Seychelles) and they are

behaving in as responsible manner as their 'big brethren'? The American apprehension about their conduct or role in the United Nations seems to be based on wrong presumptions. Any endeavour to reopen the issue would not be in the best interest of the international community. Moreover, seeking amendment of the Charter means opening a Pandora's box and some of it may even lead to the questioning of the basic postulates of the Charter such as 'big power' hegemony in the Security Council, the veto etc. and even if consensus is arrived at about the "special", associate membership for the ministates, the international community would be faced with another problem, perhaps, very unflattering and unpleasant one, namely, the financial implications arising out of the tow-tier membership, all the more so if a large number of member-nations decided to have the benefits without their share of financial burden.

Would the organization then continue to be a world organization both in the name and spirit or be converted more or less into a Rich Nations Club? Moreover, the United Nations can help these new and emerging states to find their place in the world. Secretary-General Hammerskjold often referred to the important role of the United Nations during this period of transition.

65. Ahmad, Ishtiaq, op.cit., p. 132.
"The United Nations is now, or will be their organization. The United Nations can give them a framework for their young national life which gives a deeper sense and greater weight to independence*.

However, the increasing number of Membership in the United Nations almost all of them being underdeveloped (including the ministates) has made the Big Five reluctant to entrust the real power to a body where they do not have a veto. This increase has upset the voting behaviour in the United Nations - the change as noticed was anti-American. This changed in the voting behaviour caused anxiety in American and Western circle. Which consequently affects the decision-making in the United Nations General Assembly. Which worries the Western powers and makes the Third World happy. In fact, the United States commanded an "automatic majority" or an "automatic two-third majority" in the General Assembly during the years before 1955 and thus exercised nearly complete control over the General Assembly's decision. In the following years, from 1955 to 1960, the newly admitted members behaviour lessened America's control but the

United States position was still strong. Finally, the considerable increase in the membership since 1960, it is said, has ended America's dominance. Undoubtedly, so far as the voting results of the General Assembly are concerned, the position of the USA is weakened after 1960 but in comparison to the USSR, on combined categories of cold war, peace-keeping, arms control and disarmament issues, the United States continued to be generally successful and the Soviet Union to be unsuccessful. Even the anti-Western attitude of the Third World - (which includes microstates) has been a source of irritant for Western nations.

Furthermore, of all the organs of the United Nations, the General Assembly has received the greatest impact from the increase in the number of sovereign states which would have made the General Assembly something of a real world forum. The balance of the organization has, of course, drastically shifted. Whereas the majority of the original members were European and American the majority now are African and Asian. This has brought in its train a shift in the concerns and in the character of the


68. Baily, D. Sydney, op.cit., p. 239.
The US-led coalition split on the issue in 1950. The Soviet bloc was then able to make common cause with African, Asian and Latin American members and with their help steer greater attention to group and economic rights in the mid-1950s. Thus even before the Third World coalition had coalesced Assembly discussions were emphasizing group and economic rights over individual and political ones.

The dynamics of coalition formation and maintenance affect the symbolic content of decisions and so influence addresses' response to them. The US-led coalition held together by disaggregating issues. Its leading members' tendency to prefer disaggregation was reinforced by the fact that only by keeping things separate could the long-rolling that held the coalition together continue. Except on cold war issues, where an all-out ideological contest with the Soviet bloc mandated strident rhetoric, the symbolic appeals were universalistic but measured. Nothing encouraged supporters or opponents to feel urgency except when warfare had broken out and UN mechanisms were being used to control or stop it. However, the Third World


70. Peterson, M.J., op.cit., p. 198.
coalition had a very different style both its leading members' philosophical preferences and the coalition's internal dynamics encourage linking issues. Not only do individual issues, but it also linked to the grand overchanging concepts of anti colonialism and a New International Economic Order. The appeals remain universalistic, but it was opposed by the United States and the other Western countries. The Soviet bloc, too, has found elements to oppose in Third World demands. Whereas the Soviet bloc supports general calls for a new international economic order but is happiest about those parts emphasizing the role of state guidance in the economy and least happy about those parts entailing new demands on the UN's regular budget.

Unless there is a strong confrontation between the super powers and the Third World governments. But the Third World governments are generally happy with the amount of time allocated to various issues in the General Assembly. Collectively they control the agenda, and individually they can "tune out" by adopting the group position or failing to amend meetings. The industrial countries, particularly of the west, feel the effects of reallocation more since the dynamics of Assembly activity pull them in the position of responding on most issues. The norms

of the Third World solidarity is sufficiently strong, however, that the less enthusiastic as well as those who might oppose can be put under severe pressure with accusations of betrayal. For instance, Antigua and Barbuda has invoked it in efforts to secure wide agreement to bring Antarctica to the General Assembly as a North-South issue. It has tried to deal with the inconvenient fact that several Third World states participate in the very regime it wants to replace by such things as:

"What is sad about this connivance between the Eastern and Western industrialized nations is that a handful of Third World countries are active participants with them in efforts to exclude other Third World nations." 72

Historically the General Assembly has known two stable controlling coalitions: the US-led coalition of 1947-55 and the Third World that has controlled the General Assembly since 1964. The two coalitions have had different goals. Members of the US-led coalition had created the UN and the wider post war international order. Consequently, the US-led coalition used the

General Assembly, like the rest of the UN, to legitimize and strengthen the postwar order, to continue certain reform efforts begun in the Charter - such as elaboration of the notion of human rights - and to defend it against the alternative vision promoted by the Soviet bloc. Most members of the Third World coalition attained independence after post war order was created. Even in areas where their substantive complaints are mild, this fact leads many to desire change simply because they do not like living in a system they had no role in creating. However, the members range from mildly revisionist frankly revolutionary in their preferred visions of the international order. They agree on several broad propositions, such as the need to end all remanants of colonialism in international relations. Even so, the Third World coalition still uses the General Assembly and the rest of the UN system to challenge many aspects of the current international order. Both the US-led and the Third World coalitions have faced problems of maintaining coherence. It is difficult to say that one's problems were more severe than the other's, though circumstances have allowed the Third World coalition a longer period of dominance. Both coalitions have faced the problem of having to maintain a relatively large size - two-thirds of the UN membership - in order to have the fullest control over activities and decisions. Each
Each coalition has faced different problems in maintaining control over two-thirds of vetoes, and has used different methods to do so. These in turn have affected Assembly proceedings and decisions in varying ways.

Initially the Third World coalition had a far easier time maintaining itself. All members were relatively weak in global terms, though some were regional powers. All members were also developing states. Most had experienced colonial rule and/or racial discrimination. Many also faced serious challenges to building an effective state apparatus and instilling a positive sense of national identity among their populations. The Afro-Asian members also desired to remain outside superpower conflicts. However, while the coalition would often change position when it began disagreement among Third World states because the coordination mechanisms were used to ensure that potentially divisive questions did not appear on the Assembly's effective agenda. The next few years are likely to see the Third World coalition limp along and the issues that Unite the Third World are those where the contrast with Western position is greatest. Once the discussion

gets beyond generalities to specifics, intra-Third World
divisions surface. This can be seen in such matters as
comprehensive North-South negotiations, the law of the sea,
or UN restructuring, where intra-Third World differences are
at least as responsible for the results (or lack of results)
as West-South confrontations. By 1985 this trend had proceeded
for enough that coalition formation in the Assembly was a more
fluid process than it had been five years before, though not
so fluid as to duplicate the situation between 1955 and 1964.

The Third World coalition took over the precedents for
Assembly importance created by the US-led coalition, but
attempted to use the Assembly for ambitions goals it lacked the
capability to attain. Most group progress came from playing the
United States off against the Soviet Union wherever the
super powers saw influence in the Third World as important to
their general competition, appealing to sympathetic segments of
Western opinion able to sway their governments' policies.

Whatever the future of the Third World coalition, then
the General Assembly will continue to have considerable influence
over the agenda of World politics. It will continue to be used
for producing a set of decisions that commit UN bodies to

particular activities and attempt to move member states in directions preferred by a majority. Though it will continue to make many decisions, the impact of these decisions on the actual outcomes of political interactions in the international system will remain weak. Again, whatever the future of the Third World coalition, the treatment of different types of issue will not change too much. Most decisions will still deal with internal UN questions. Side-taking will remain easier than conflict management in a body of almost 159 members as long as those members remain seriously divided by ideology and different degrees of happiness or unhappiness with the international status quo. Assembly debates will continue to be more useful for focussing on global issues and general points rather than on local questions or details of specific interactions. The Assembly will also continue to reinforce the position of states as central actors in World politics though its global conferences will provide new opportunities for lobbying by non-governmental organizations. However, some aspects of Assembly politics will change as coalitions evolve. Both the content of decisions and the strength of attempts to use the Assembly as a revisionist force in world politics will change if the Third World coalitions continues to fragment. It may even turn out in retrospect that the neo-conservative-isolationist alliance now directing United States policy towards hostility and confrontation in the United
Nations is a lagged response, more relevant to the Third World rhetoric and activities of the mid-1970s than to those of the 1980s. Yet that alliance may help perpetuate the very habits it deplores by providing the fragmenting Third World with rallying points that help it maintain cohesion with longer.

However, with the demise of European imperialism and the rise of Asian and African peoples to full statehood, the World has become politically, culturally and ideologically increasingly fragmented. To some extent the process of fragmentation has been paralleled by forces which have made for integration. There has, therefore, been a process of integration as well as of fragmentation. Integration psychologically and technologically fragmentation; politically, culturally and ideologically. Further, Professor Goodwin points out that the world in which the organization has existed has been marked by both fragmentation and integration; these world pressures being reflected in the changing relations between the United Nations principal organs. It is against this background that he looks at power and responsibility within the United Nations and investigates such problems as the impact of its expanded membership voting patterns and the cost.

75. Peterson, M.J., op.cit., 263-64.
of universality. Naturally it is a source of irritant to the Big Powers. Because the Third World states now became more prominent framework of the United Nations. The Third World States now demanding the revision of entire International Law. The present International Law, in the opinion of the Third World nations, is framed by the Western colonialist to suit their need. However, it should be admitted without reservation, that the importance of the United Nations role in the years ahead and its effectiveness in dealing with the questions brought before it will be largely determined by the leadership and support of the superpowers which guides and will continue to guide the destiny of the world. The peaceful utilization of atomic energy, the proper use of the sea and the sea-bed, protection of environment against pollutions, preservation of limited natural resources for present and future generation need leadership and support by super powers. Hence, any attempt to compel the major powers to agree with what they disagree will certainly not be in the interest of international community. For a happy and healthy international society, the Big Fives to be conceded a leading role in international relations.

CHAPTER - IV

AMENDMENT OF THE CHARTER:
PROBLEMS AND PROSPECTS
"Twice in our life time", the scourge of war has brought untold sorrow to mankind and, after each war, mankind pledged to establish conditions which would ensure a better world-order—a world in which violence could be reduced significantly; peace and security could be ensured; and conditions for economic welfare, social justice and respect for human rights and fundamental freedoms could be created. Thus, the League of Nations came into existence after the first World War, which unfortunately, failed and then came the United Nations -- a revised version of the League — undoubtedly improved in many respect and representing a fresh approach to the world problems with the purpose "to maintain International peace and security; to develop friendly relations among nations", and to cooperate internationally in solving "international problem of economic, social, cultural or


humanitarian character, and in promoting respect for human rights and fundamental freedoms for all.

The Charter of the United Nations was established as a consequence of the United Nations Conference on International organization held at San Francisco and was brought into force on 26 June 1945. It is a truism that the text of the Charter gives a quite misleading picture of the United Nations as it is today. Those provisions of the Charter which were claimed by its authors to provide the new organization with teeth that the League of Nations did not have, either have never been used or have in practice been of little importance. New emphasis and new methods have been developed through the liberal interpretation of Charter provisions. There have not always been acceptable to all members; however, the process of adoption and development continues.

The goal of the organization has been "to save succeeding generations from the scourge of war" but Hammerskjold noted that its ability to realize this goal of peace was dependent upon its...

3. Brownlie, I., op.cit., p. 3.
4. Ibid., p. 1.
its ability to promote five principles or objectives which are contained in purposes and principles of the Charter. Hammerskjold defined these objectives as the prevention of armed conflict through negotiation, the prohibition of the use of force "save in the common interest", equal economic opportunity, political equality, and the rule of Law or justice.

Dag Hammerskjold made it quite clear that these principles are interdependent principles of a total approach to the relationship of human beings - whether between individuals in a state or between people grouped into states. He viewed the attempt on the part of the international community to establish its relations along the lines of these principles as an extension of a movement which had been taking place for centuries to realize the principles of western civilization in the World. Politically they were the standards of liberal democracy which had been gaining ascendancy within many states over the past several centuries. He viewed their adoption by the United Nations as "the first step towards the establishment of an international democracy of peoples, bringing all nations - irrespective of history, size or wealth - together on an equal

an equal basis of pastness in the vast venture of creating a true world community.

To a large extent, the rules reflect standards accepted as binding for life within states. Thus, they appear, in the main, as a projection into the international arena and international community of purposes and principles already accepted as being of national validity. In this sense the Charter takes a first step in the direction of organized international community.

Andrew W. Cordier, the former executive Assistant to the Secretary-General remarked that Hammerskjold "had almost a religious respect for the Charter" and by a statement of his own that the United Nations represented "a secular 'Church' of ideals and principles in international affairs.

Hammerskjold's other three goals of equal economic opportunity, political equality, and the rule of law are directed at removing the underlying causes of international conflict and

8. Ibid., p. 23.
9. Ibid.
at building a more peaceful world order. Their realization is sought interalia in order to help eliminate the concurrence of international disputes and violence and hence the need for employing means of easing tensions, settling disputes and controlling the use of force. The operational meaning of these three principles are quite clear in that their respective purposes are:

(1) to promote greater equality in economic standards among the peoples of the world;

(2) to secure a voice for all nations in international decision-making in addition to protecting the political independence of all nations; and

(3) to expand the number of questions of international concern which are covered by international agreements and to promote the settlement of disputes and the creation of cooperative endeavours in accordance with legal procedure and substantive law.

Furthermore, the responsibilities which the Charter requires of the member states are bases of power of the organization in that, as obligations, they can be invoked by the members or one of the principal organ to include certain members
to conform to a certain time of action. The most basic responsibility incumbent upon the members was that they act in accordance with the principles and purposes of the Charter. The other responsibility was that the members comply with those decisions of the United Nations organ which were meant to be binding in the Charter and that they give serious consideration to those decisions which were only recommendations.

A responsibility that states assumed in adhering to the Charter was to submit conflicts and tensions to the organization for solution, sometimes even when these were alternative methods for solving them. From the above points Hammerskjold thought that states had an obligation to use it as much as possible in order to strengthen the United Nations effectiveness. Hammerskjold once wrote:

"to fail to use the United Nations machinery on these occasions when the Charter plainly means that it should be used, to improvise other arrangements without overriding practical and political reasons — this may tend to weaken the position of the organization and reduce its influence and effectiveness, even when the ultimate

purpose is a United Nations purpose".

Hammerskjold also said that there was an "interest of the member Governments in strengthening the institutions which they have endowed with a primary responsibility for world peace ...".

However, the members would lead to a gradual atrophy of and loss of respect for the United Nations as an instrument for cooperation and peace— and the confrontation had developed between the East and the West — particularly between the Soviet Union, United States and the United Kingdom — and this was hardly conducive to the fall implementation and carrying out of the Charter provision for keeping the peace. The two power blocs of conflicting ideologies trying for world domination terribly shook the very cornerstone of the United Nations. Every international problem that arose was judged by the two power blocs in the process of world strategy and they took their guard in the arena of United Nations accordingly. The real issue dwindled into insignificance and the United Nations

12. Ibid., p. 27.
13. Ibid.
itself became the pawn of the world strategy and failed to deal
with the situation effectively.

However, the United Nations is the beginning of a world
community and its Charter the beginning of world law. It is,
in fact, "our only hope", certainly our only present hope for
achieving the grand objectives of peace, economic well-being and
social advancement. At the same time, the community is riven
with dissension, the law fragmentary, and the underlying interna-
tional situation fraught with conflict.

Consequently, the United Nations has broad purposes and
principles which have been mentioned in the Charter. The first
two articles of the Charter state the principles and aims to which
the United Nations and its members are dedicated. The primary
objective of the United Nations is to maintain International
peace and Security which was built up around the concept of
collective security - that security of one nation is the concern
of all, that the nations breaking the law will be resisted

15. Parsad, Krishan, The United Nations and Power Politics,
    Seal Publication Center, Om Niwas, Agra, 1956, pp. 129-30.
16. Feller, A.H., United Nations and World Community, Little
    Organization, Oxford University, New York, 1959, p. 111.
collectively by the armed forces of all member states, such military operations being conducted by the Security Council through its military staff committee (Art. 41 to 49).

At all times the organization is to develop friendly relations among nations based on respect for principle of equal rights and self-determination of people. Paragraph 3 of Article 1 spells out additional aims of the United Nations. Economic equality and social progress are not only conditions favourable to a durable peace but are themselves worthy objectives of an international organization. Thus the members of the United Nations are pledged to cooperate not only in solving international problems of an economic, social, cultural or humanitarian character but also in promoting and encouraging respect for human rights and fundamental freedoms for all without distinctions as to race, sex, language, or religion. To be a centre for harmonizing the actions of nations in the attainment of the common ends.


Immediately following the primary statement of purposes, the Charter, in Article 2, establishes the basic rules of conduct or principles upon which the United Nations is founded and, it is hoped upon which it will operate. The first and probably the most fundamental principle is the sovereign equality of all members. However, it is a cornerstone upon which the United Nations is constructed. After the postulate of the sovereign equality of all members is express, each is reminded of the importance of honouring its obligations assumed through membership in the United Nations. A fundamental stipulation is the use of peaceful settlement for all disputes of an international character. Once a dangerous conflict develops, each member must utilize peaceful means to resolve it, even if the problem concerns a non-member of the organization. In the case of non-members, the United Nations 'shall ensure that they act in accordance with those principles so far as may be necessary for the maintenance of international peace and security. Although the threat or use of force is not eliminated by the Charter, due to the possible use of collective measures and self-defence, all members are obliged to forego such action that is 'in consistent with the purposes of the United Nations'. The list of principles in Article 2 of

the Charter concludes with a severe limitation upon United Nations authority. This limitation is the "domestic jurisdiction" clause which forbids the United Nations "to intervene in matters which are essentially within the domestic jurisdiction of any state. Whether it is a member of the organization or not". But an exception to the application of the domestic jurisdiction principle is granted in the last clause of Article 2 in which the Security Council is authorized to take enforcement action under Chapter VII of the Charter without restriction by the domestic jurisdiction rule. Chapter VII deals with the most drastic measures that the Security Council may apply with respect to threat to peace, breaches of peace, or act of aggression.

In addition to this list of article 2, several other general rules are scattered throughout the Charter particularly those with respect to the preservation of peace. Although the principles of justice and self-determination are specifically referred to as objectives, they are not covered in any article.

Consequently, however, for the fulfilment of these purposes and principles, the unity of the Great Powers is essential

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23. Ibid., p. 48.; also see Goodspeed, S.S., op.cit., p. 112.
as it is the key to the success of a universal international organization composed of sovereign states joined together by voluntary decision.

But the United Nations was unable to exercise these purposes and principles effectively due to the confrontation between East and West and other problems such as veto problem, increasing number of membership, question of Domestic jurisdiction, lack of compulsory jurisdiction in ICJ and increase in the United Nations Peace force. Hence, there is a need for the amendment of the charter in such a way as to satisfy all. Goodspeed wrote in his book that "many people who have watched the organization muddle along on a serious problems are convinced that the only way out of apparent impass is to adopt amendments that would, in their view, strengthen the Charter provisions and bring them into with existing conditions, in the world. It is argued that the development of nuclear weapons altered the traditional concepts of peace and security upon which the United Nations was built. Most of them thinking along these lines involves the reconstitution of the United Nations into some form of world government.

25. Ibid., p. 611.
Goodspeed also wrote that the other suggestions for revision include those that would limit its present authority in economic and social questions and in the field of collective security or drastically change the nature of the organization by eliminating certain of its members and joining the remainder into a huge military alliance. Then there are proposals which seek to improve the functioning of the Charter on certain matters by expanding mechanisms for the maintenance of peace and overhauling some of its existing machinery. But after all it is suggested that the Charter of the United Nations should be amended. Clark and Sohn also proposed a comprehensive plan for the amendment of the Charter.

Hence, any written document, however, carefully drafted is bound to require a change in the course of the time and in the light of its working experience. Thus, the UN Charter, too cannot escape amendment and procedure of revision laid down in the Charter itself. At San Francisco Conference two methods of amending the Charter were argued upon. One is Article 108 and the other in Article 109.

However, the most important specific features of the proposal for the amendment of the Charter are as follows:

After the outbreak of the Cold War the world finds itself divided not into two blocs but into three: the uncommitted world—the part of the world which has stood out boldly and stubbornly for its independence inspite of political, economic and military pressures—is at least as large as either of the two power blocs. However, it is the most significant development in the United Nations is the emergence of what might be called a "Third World". Almost all of them are neutral. They do not join any of the bloc—the East and the West. Hence a great danger exists in a bipolar world, with all countries linked up on opposing sides in the East West conflict. Such a situation involves two gigantic blocs, mutually hostile to each other and with little room for the operation of conciliating influences. If, however, these are members of the United Nations which would throw their weight against any aggressor, a better chance may be achieved.

The United Nations however, as states in the Charter it is based on "the sovereign equality of all its members" and as stated in the preamble, is established to reaffirm faith

27. BrownLie, I., op.cit., p. 3.
in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and of nations large and small...". The desired goal of the organization is therefore to achieve universal membership. Consequently, frequent references in the debates of the General Assembly and the Security Council, in favour of universal membership has been made. A number of resolutions in favour of universality too, have been adopted. It is evident from the debates that it was never intended to make the United Nations a club of like-minded states; neither was it intended to prevent membership of states having different (and undesirable) ideologies and different economic and political systems.

"Universality" not "selectivity" was to guide the principle of admission into the United Nations. The principle of "like-mindedness" is applicable "only to the extent that all must support the purposes and principles of the Charter and fulfil their obligations thereunder. According to Article 4(1) "Membership of the organization is open to all peace-loving states, which accept the obligations contained in the Charter and in the


judgement of the organization, are able and willing to carry out these obligations.

A state which fulfills the criteria stated above, is free to seek, and would be and has been generally admitted to the United Nations. Consequently, no application for the United Nations membership, has been rejected on the ground that the applicant country, though independent, is too small or poor to support the burdens of the membership. Naturally, there is an enormous increase in the membership of the United Nations. It has grown from a body of 51 members to one fifty nine; the majority of which are the product of decolonization process; many of them are microstates and underdeveloped. Owing to their colonial past, their attitudes in most of the cases but definitely not in all the cases, are anti-Western. However, the United Nations is about to achieve total universality in the near future if the criteria for the membership remained unchanged. It is expected that in the near future the remaining colonial territories mostly small and insular will gain independence and apply for admission ...".


A suggestion that a distinction be made between the right of independence and the question of full membership of ministates in the United Nations also could not materialize because of constitutional difficulties. A committee of Experts (The Ministate Committee) to study the problem was established. Two substantive proposals, one by the United States for the establishment of a category of associate membership, enjoying all rights except to vote and hold office and bearing the obligation of a member except the obligation to pay financial assessments, and the other British proposal, advocating for voluntary renunciation of certain rights and obligations upon admission as full member (renunciation) of the right to vote and to hold office and understanding that the assessment of the financial contribution would be at minimal level), when referred to the UN Legal Counsel were rejected on the ground that the US proposal needs amendment of the Charter as Article 4 of the Charter, which defines conditions for admitting new members to the UN, makes no reference to associate membership and the British proposal, the Council contended, though does not need amendment of the Charter, is against the spirit of the article 18 which asserts that "Each member of the General Assembly shall have one vote". Furthermore, equality is the principle of the UN and a member renouncing its right to vote
voluntarily may remain "sovereign" but hardly remains "equal" the problems remain unsolved. However, the membership of the United Nations should be for all intense and purposes universal. Politics should not enter into the question of the new members — whether they are under-developed or ministates. Consequently, the Charter is to be amended in such a way as to remove hindrance in the way of admission of the peace-loving nation.

A radical revision is proposed in the major organs of the United Nations — the Security Council and the General Assembly.

The United Nations however was built up around the concept of collective security — that security of one nation is the concern of all, that the nations breaking the law will be resisted collectively by the armed forces of all member states; such military operations being conducted by the Security Council through its military staff committee (Article 41 to 49). The important function which the Security Council has been assigned to discharge "gives the impression that it is the central organ of the United Nations". However, the frequent inability of the Security Council to decide matters relating to international

peace and security owing to excessive use of veto the importance of the Security Council had been lowered in the eyes of the nations. The veto power which gives the privileged position of the permanent members in the Security Council, has come to sharp criticism. The 'veto' implies that no decision by the United Nations against the wishes of anyone of the Big Five, can be taken even if the power is an aggressor.

Throughout the history of the United Nations, the prestige of the Security Council has fluctuated greatly. In fact, due to excessive use of veto important matters are often "frozen" in the Security Council agenda. For example the Communist coup in Czechoslovakia (February 1948) the Soviet Blockade of Berlin (September 1948) and many other issues which were brought before the Security Council but they were vetoed by the Big Five particularly by Soviet Russia. Only once the Security Council was able to take action when North Korea attacked on the Republic of Korea on June 25, 1950. It may be pointed out that the "creation of the unified command in Korea by the Security Council was possible solely because of the fortuitous absence

of the Soviet representative. Hence, it was realized by the General Assembly that to prevent matters relating to peace and Security from being "frozen" on the Security Council Agenda which reduced to impotence the organization as a whole, should assume some of the responsibility of the Council. Consequently, the General Assembly adopted three closely connected resolutions, the first of which is usually termed the 'uniting for peace resolution. Under the unifying for Peace resolution the responsibility of maintaining peace and Security has been transferred from the Security Council to the General Assembly.

The frequent exercise of the "veto" by the Soviet Union was technically consistent with Charter provisions but was claimed by the West to be an "abuse" since according to the Four-Power statement at San-Francisco, it was not to be assumed—that the permanent members, any more than the non-permanent members, would use their 'veto' power wilfully to obstruct the operation of the Council.

Consequently, there has been general resentment against the use of veto on questions of peace and security and this led


to demand for its abolition or limitation. It would however, be logical to except the veto to be limited when the Security Council is seeking to bring about the peaceful settlement of disputes. But the abolition of veto would add little to the power of the UN because it would still be virtually impossible for the United Nations to take enforcement action against nuclear power (all the Big Five are nuclear power).

There is a proposal presented by Clark and Sohn for the abolition of the Security Council and to substitute for its an executive council. Composed of seventeen representatives elected by the General Assembly itself from its own membership. In this way no nation would be entitled to appoint any member of the new council and the council would consist solely of persons well known to the Assembly and enjoying its confidence. This new and highly important organ would not only be chosen by the Assembly, but would also be responsible to and removable by the Assembly; and the Council would serve for the four year terms. That the General Assembly would have the "primary responsibility" for the maintenance of peace, so that the new executive council would not have the basic responsibility in this respect possessed

44. Clark and Sohn, *op.cit.*, p. xxii.
by the Security Council and the Executive Council would function in all important field as "the agent of the General Assembly", subject to at all times to the Assembly's supervision and direction. But despite of this different status, the proposed executive council would be an organ of great authority and importance.

The Plan of Clark and Sohn also provides that while no member Nation would be entitled to "Permanent" representation on the Council, special provision would be made for the representation of the larger nations, whereby the four largest nations (China, India, the USA and the USSR) would each be entitled at all times to have one of its representatives on the Council; and four of the eight next largest nations (Brazil, France, West Germany, Indonesia, Italy, Japan, Pakistan, and the United Kingdom) would in rotation also be entitled to representation, with the provision that two of these four shall always be from nations in Europe and the other two from nations outside Europe. The remaining nine members would be chosen by the Assembly from the representatives of all the other member nations and the non-self governing territories, under a formula designed to provide

47. Clark and Sohn, op.cit., p. 71.
fair representation, for all the main regions of the world and to ensure that every member nation, without exception, shall in due course have a representative on this all important council.

In contrast to the voting procedure of the present Security Council, whereby anyone of the Five nations entitled to "Permanent" membership has a veto power in all non-procedural matters. But no provision is made corresponding to the "veto" power of anyone of the "Big Five" contained in the Clark and Sohn proposal, it is clear that in the new executive council, no decision, great or small, should be blocked by any single vote. On the other hand, it is suggested that all decisions of the Council shall be by a substantial majority of its members, and it is of the utmost consequence that every important decision shall command a clear majority of members from both the main groups of nations, i.e. from the group comprising the largest and medium-sized nations and also from the more numerous group of smaller nations. It is believed that the proposed requirement of a minimum majority of twelve of the seventeen council members for any decision, together with the requirement that on "important matters" this majority shall include a majority of

48. Clark and Sohn, op.cit., p. xxiii
council members from the nations entitled to fifteen or more Representatives in the General Assembly and also a majority of the members from the smaller nations, meets these tests.

The proposed Executive Council would constitute the executive arm of the strengthened United Nations, holding much the same relation to the General Assembly. Subject to its responsibility to the Assembly, the new council would have broad powers to supervise and direct the disarmament process and other aspects of the whole system for the maintenance of peace.

Moreover, a radical revision is proposed as to the powers, composition and method of voting of the General Assembly. The plan calls for imposing the final responsibility for the maintenance of peace upon the General Assembly itself, and gives the assembly adequate powers to this end. These powers would however, be strictly limited to matters directly related to the maintenance of peace.

A more basic change is the grant to the General Assembly of new power to legislate within certain limits and new power to deal directly not only with disputes and situations but also

49. Clark and Sohn, op.cit., p. 80 to 82.
50. Ibid., p. xxiii.
51. Ibid., p. xix.
with threats to the peace, breaches of peace and acts of aggression. Hence, the proposed plan of Clark and Sohn embodies two fundamental changes: (1) The transfer of the primary responsibility for the maintenance of peace from the Security Council to the General Assembly; and (2) the grant to the Assembly of certain powers to make binding laws as distinguished from mere recommendations. These new legislative powers are strictly limited, and yet would, it is believed, prove sufficient to enable the United Nations to fulfil its basic purpose of preventing war, - not merely minor wars, but any armed conflict between nations, small or great.

The principle is followed that all the main features of the whole plan shall be included as a "constitutional legislation", having in mind that the nations will be more likely to accept the plan if all its principal provisions are clearly set forth in the constitutional document itself. The effect would be binding the nations in advance not only to all the fundamentals but also to many important details, and thus to leave for the General Assembly a more limited legislative scope than might be supposed.

52. Clark and Sohn, *op.cit.*, p. 35-41
Since, however the General Assembly, even with elaborate "constitutional legislation", would need to have some definite legislative powers, the plan calls for a revision of the system of representation in the Assembly. Hence, for the survival of the United Nations one nation one vote formula has to be changed and to substitute more equitable system - the idea of weighted voting has been suggested.

However, the strengthened position of the General Assembly with its increased membership, almost all of them being under-developed (including the ministates) has made the super powers reluctant to entrust real power to a body where they do not have a veto. To avoid a confrontation with the majority within the General Assembly, the idea of weighted voting have been suggested to arrest or reverse the voting behaviour in the General Assembly which worries the Western powers and makes the Third-World happy. But this would raise many questions without, perhaps, solving the problems and, as pointed out by Claud Inis, adequate answers have to be found to queries such as, "what shall be weighted? What factors - population, literacy, wealth, industrial production military strength, budgetary contribution,

54. Clark and Sohn, *op.cit.*, p. xx
etc. - should be included, and it in what proportion, in a formula for a weighted voting?" For the purpose of weighted, the population - accentuating and power-accentuating formulae have been suggested.

The scheme for weighted voting are especially relevant to the workability of the "Uniting for peace Resolution" and the other peace-keeping approaches. Naturally, the States which contribute most of the materials, men and money are likely want to have a greater say in how the operation is set up and carried out and it was thought that the Super powers being heavily populated and contributing the major portion to all the UN operations, however, the Clark and Sohn proposal for weighted voting will be acceptable to them as the Clark and Sohn plan was the most fully developed and comprehensive of the various proposals concerning weighted voting. Small states that retain some voting power and that are not faced by a veto might also be willing to accept such a scheme, especially if they were given a real stake in the venture, such a significant relief in the terms of


international trade or greatly increased help with economic development.

The principles governing the proposed representation plan are:

(1) that every member Nation, however small, should be entitled to some representation;

(2) that there should be a reasonable upper limit upon the representation of even the largest member Nation; and

(3) that, subject to these provisions, representation should be apportioned by groups of nations according to their relative populations without attempting to reflect any such factors as relative natural resources productive capacity, trade or literacy.

In harmony with these principles, the concrete proposal is that all nations recognized as independent states and therefore, eligible for membership, shall be divided into following six

58. Clark and Sohn, op.cit., p. 25
categories, "each comprising a group of nations in accordance with their populations":

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 4 largest nations</td>
<td>30</td>
</tr>
<tr>
<td>The 8 next largest nations</td>
<td>15</td>
</tr>
<tr>
<td>The 20 next largest nations</td>
<td>06</td>
</tr>
<tr>
<td>The 30 next largest nations</td>
<td>04</td>
</tr>
<tr>
<td>The 34 next largest nations</td>
<td>02</td>
</tr>
<tr>
<td>The 3 smallest nations (under 1,000,000)</td>
<td>1</td>
</tr>
</tbody>
</table>

99 nations: 551 Representatives

(The authors of the plan divided only 99 nations into different categories which they thought would be there in 1965).

The authors of the plan proposed that all the member Nations would be divided into categories measured by their relative populations; all the nations within a particular category would have a specified equal representation; and every nation without exception, would have some representation while a reasonable limit would be put upon the representation of the largest nations. However, the same maximum representation were
allotted to the United States and the Soviet Russia taking into consideration the fact that "neither could possibly accept a plan under which the other was given a larger voice ". The same maximum representation were allotted "to the two great Asian nations - mainland China and India - which by tremendous margins have the largest populations in the world". France, West Germany, Italy, the United Kingdom, Brazil, Indonesia, Japan and Pakistan, were treated as middle-sized states and equal representation was allotted to them. In the same way, the principle of equal representation, as the basis of population, was applied to the other four categories. The plan was, however, not acceptable to the big powers for various reasons. The small states, on the other hand resentful "of the great Powers' predominance elsewhere in the organization", regarded the General Assembly "as a necessary and proper stronghold of equalitarianism", are unlikely to favour a proposal which would undermine their advantageous position in the organization. It was a "comprehensive plan for world peace under world law which

59. Clark and Sohn, op.cit., pp. 25 to 27.
could have been ever formulated and, must have been adopted; if not, considered at least it would have been seriously debated throughout the world".

The United Nations is an association of sovereign states, each of which is determined to protect its own interest when they are challenged. However, Article 2(7) protects the sovereign rights by forbidding the intervention of the United Nations 'in matters which are essentially within the domestic jurisdiction of any state'. This clause however, overemphasizes this principal of sovereignty but it is extremely difficult when a particular problems seizes to be a matter of national concern and becomes the concern of International society.

However, Article 2(7) of the Charter is the most controversial, and therefore the most-quoted provision of the Charter in the deliberations of United Nations organs. This is so because:

Firstly, on account of its indifferent drafting the text of Article is amendable to varied interpretations.

Secondly, the domestic jurisdiction provision of the Charter, because of its wide scope, the ambiguous phraseology used and certain other reasons is more diffuse in its meaning than the like provision in the covenant.

Thirdly, the provision (very much like the veto provision incorporated in Article 27(3) of the Charter) being essentially a great power imposition on the other members of San Francisco Conference, what discussion there was on it at the Conference is largely unreal and unavailing for the purposes of interpretation ....

Fourthly, the Charter being both a multilateral treaty, to which a large number of sovereign states are signatories, as well as the constitution of a world organization, there is apparent in its implementation a continuous struggle between the inherent rigidity of a treaty and the unavoidable suppleness of a constitution; the former quality follows from the residuary sovereignty of the signatories, and the latter from the need for effectiveness. Also, the domestic jurisdiction principle of the Charter seeks to be a limitation on the functions and powers of an organization whose competence includes quite a few subjects traditionally falling within the domestic jurisdiction of states, and these powers and functions are minutely described in the
Charter than in any other multipartite treaty of a comparable nature. The ostensible divergence between the purposes of the Charter, which are necessarily worded in general terms, and the principles of the Charter, which are comparatively more specifically worded, has only accentuated this differential approach to the interpretation of the text of Art. 2(7).

However, the provision of Art. 2(7) has not had in the working of the United Nations organs the exaggerated impact that it might have been expected to have — anyhow it has been a source of abuse, obstruction or at least confusion in the deliberations of the United Nations.

So in view of all these considerations, it is suggested that the operation of Domestic Jurisdiction principle Art. 2(7) in the Charter be amended. M.S. Rajan suggested that Art. 2(7) could be made more satisfactory by following possible actions:

(i) "By it outright deletion from the Charter of non-application of the provision in practice;"


65. Ibid., p. 394.
(ii) by verbal or substantial change in the text of the provision;

(iii) by limiting the extent of the principle; and

(iv) an authoritative interpretation of the relevant terms and phrases of the text of the provision*.

But all these attempts for changing the term of "Domestic Jurisdiction" principle or deleting it together is impracticable in the present temper of International relations. M.S. Rajan said that only course left is to let the United Nations organs continue to take adhoc decisions. Hence, the attempts at any formal revision of the domestic jurisdiction might well be postponed to some indefinite future when the precedents and conventions established by adhoc decisions .... Further, in numerous concrete cases in which the issue of domestic jurisdiction was raised by the members, the crippling effect that juristic pessimist might warrant. The charge that this would constitute 'amendment by interpretations' or a back-door amendment of the Charter. Consequently, after discussions M.S. Rajan said that the best course is to leave the divergence of interpretation

of the provision of Art. 2(7) to be decided by each concerned
organ, in each concrete case and whenever the issue of juris-
diction is pressed. In any case that is what United Nations
Organizations have done and would in all probability doing in
future.

Furthermore, Clark and Sohn proposed that the present
unqualified prohibition in Art. 2(7) against intervention in
matters of domestic jurisdiction of any state is plainly
inconsistent with the plan for universal, enforceable and complete
disarmament and various new powers relating to the prevention of
war which the United Nations would possess. For example, while
it is now taken for granted that a nation's right to maintain
military forces is wholly within its domestic jurisdiction, this
right would be entirely eliminated by the disarmament plan which
requires not merely the reduction but the gradual abolition of
the military forces of each and every nation in the world.

To remove this contradiction and other inconsistencies
which would exist by reason of the enlarged powers for the
prevention of war, it is proposed to qualify the present restric-
tion by stating that the prohibited intervention in matters of

"domestic jurisdiction" shall "not prejudice such action as may be necessary to maintain International peace and Security". In addition it has been thought wise to add the further qualification that the making of non-binding recommendations as "hereinafter authorized" shall not be construed as a forbidden intervention in matters of "domestic jurisdiction".

However, it should be emphasized that the proposed text by Clark and Sohn retains the broad principle that the national authority over traditionally domestic affairs is to be disturbed only when United Nations authority is clearly required to prevent the clamity of modern war. Thus, while the revision contemplates greatly enlarged powers in matters directly related to the prevention of war, including disarmament, it does not contemplate the creation of a supernational authority with compulsory powers to interfere in any domestic matters whatever unless, and to the extent that International peace is endangered. In short, the purpose is to provide the United Nations with effective powers to prevent the nations from "murdering each other".

The development of an International order which is enshrined in an accepted code of world Law and guaranteed by the effective world police force, has long been a human aspiration.

70. Ibid., p. 11.
The central problem of world order is the extent to which the organized international community possesses the actual and potential capacity to prevent war, or more precisely, to decrease substantially the likelihood that principal nations would for whatever reason, have recourse to major violence. Consequently, the World Peace through world law is essential for a happy, healthy and prosperous International Order. Hence, the United Nations has established a system of collective security under Chapter VII of the Charter. The language of Article 43 through Article 49 makes it clear. It is the more realistic idea of peace-keeping. The idea that conventional military methods - or to put it bluntly war - can be used or on behalf of the United Nations to counter aggression and secure the peace, seems now to be rather impractical.

Since 1948, there has never been a time in which, in one or several parts of the world, a group of force comprising military personnel was not operating in the name of the United Nations. Whether in the form of observer groups, or of a military force such as that in Korea or of a "peace-keeping" force like UNEF in the Middle East or ONUC in the Congo - and whether

200 or 20,000 strong - United Nations Military forces have in fact played a not insignificant part in maintaining the peace and security of the world. But after all the present writers have been forced that the problems can be properly solved except by establishing a permanent "United Nations Military Force" for peace-keeping purposes.

However, there is no scarcity of plans for "international Police Forces" or "United Nations Peace Forces" or however a Force for the United Nations may be called. Clark and Sohn also made a proposal for a world police to be organized and maintained by the United Nations and to be called the "United Nations Peace Force" and shall consist of two components: a full-time standing force partially trained individual reservists subject to call for service with the standing force in case of need. Clark and Sohn said that "this plan rests on two basic assumptions. The first is that in order to provide the nations of the world with adequate protection, a permanent and indisputably effective supernational force must be provided to take the place of national armaments. The second basic assumption

73. Clark, G. and Sohn, B. Louis, op.cit., p. 314.
is that it would not be feasible to maintain an adequate world police force unless national disarmament is not only universal but also complete. While a world Police Force can and should be moderate in numbers, it must be strong enough to provide reliable protection against any foreseeable violation of world peace*.

Thomas C. Schelling is quite pessimistic about the Clark and Sohn approach. Schelling seems to assume higher requirement of military effectiveness for the Police Force. He entrusts a far less ambitious role to such a force than do Clark and Sohn. Schelling thinks of the force as an "army", whereas Clark and Sohn conceive of it as a "police establishment". A police department doesn't need a strategy of a foreign policy in Schelling's sense to carry on its business, whereas an army does. Schelling raises many problems connected with defining the mission of the Police force in a world of continuing conflict. He projecting the existing world of tensions and hostility into a disarmed world, is of the opinion that the Police Force will either have to remain aloof from dangerous situations of violence, or take sides in the world power struggle and thereby alienate an important segment of the world community. But

inspite of this critical evaluation the proposal for the establishment of Permanent International Military Force is essential which might be to help "innocent" states to rearm in time to take on the "aggressor". For the purpose the Charter needs amendment. For the maintenance of the rule of law in the field of war prevention is to provide the judicial and quasi-judicial institutions of the United Nations. It is proposed to accomplish this through the establishment of institutions and machinery for the adjustment of or adjudication of disputes between nations or a sort likely to endanger peace, and also by providing institutions and machinery for the application both to individuals and nations of the Charter and laws of the United Nations in respect of the maintenance of Peace.

However, a separate chapter of the Charter deals with the international court of justice. It is declared that the Court shall be the principal judicial organ of the United Nations", and the statute of the Court is to form an integral part of the Charter. The Court's unique Character as a principal organ of the United Nations stems primarily from the fact that it is a

"judicial" rather than a "political" organ. The Charter specifically declares that all members of the United Nations are ipso facto parties to the statute of the international court.

As the principal judicial organ, the Court, has two major functions: first, it renders advisory opinions on legal questions at the request of the Security Council, the General Assembly and other organ or agencies authorized by the later to request opinions; second, it decides contentious case between states. With respect to those international disputes which are susceptible of settlement upon legal principles, it is proposed to empower the General Assembly to direct the submission of any such dispute to the international court of justice. Whenever the Assembly finds that its continuance is likely to endanger international peace. In case of such submission, the court would have compulsory jurisdiction to decide the case, even if one of the parties should refuse to come before the Court. Compulsory jurisdiction would also conferred upon the court in certain other respects as, for example, any dispute relating to the interpretation of the treaties or other international agreement alleged to conflict with the Charter.

81. Clark, G. and Sohn, B. Louis, op.cit., pp. xxxiii and xxxiv
But however, one of the deficiencies of the international legal system as compared with national system is the lack of compulsory jurisdiction. States still being very jealous of their national sovereignty, will not normally consent for compulsory jurisdiction to be enjoyed by the Court, more so, the powerful nations, no one can expect, would accept the compulsory jurisdiction of International Court of Justice.

This has been (the problem of compulsory jurisdiction) a source of controversy at San Francisco Conference and Article 36(2) which is known as "optional clause" emerged as compromise between the advocates and opponents of the compulsory jurisdiction. The Article 36(2) runs as follows:

The states parties to the present statute may at any time declare that they recognize as compulsory ipsofacto and without special agreement, in relation to many other states accepting the same obligation, the jurisdiction of the court in all legal disputes concerning:

(a) the interpretation of a treaty;

(b) any question of international Law;

(c) the existence of any fact which, if established, would constitute a breach of international obligation;

(d) the nature or extent of the separation to be made for the breach of international obligation.

Despite of working of Article 36(2) which refers to the jurisdiction of the court in "all disputes" enumerated in clause (a) to (d) it well-settled that state may attach reservations to their acceptance of the optional clause. What remains unsettled are the limits, if any to such reservations.

These declarations, Starke explains may be made: (a) unconditionally; (b) on conditions of reciprocity on the part of several states or certain states; or (c) for a certain time only.

According as such declaration are made, and providing that the dispute is of legal character and that it falls within the categories specified the Courts jurisdiction becomes compulsory

The Court is empowered to decide whether a particular dispute is or is not one of the kind mentioned in the optional clause.

However, Article 36, section 2, was an attempt to build a bridge between the principle of sovereignty and that of compulsory jurisdiction. The aim was to open an area in which a degree of international order could be established through the judicial process. There is also a provision for enlarging the compulsory jurisdiction of the Court (Article 36).

Starke explains that to preserve continuity, as before, with the permanent court. Article 36 paragraph 5 of the statute provides that the declaration made under the "optional clause" in earlier statute, to be acceptance of the compulsory jurisdiction of the present court for the period which they still have to run, and in accordance with their terms. This provision has been the subject of interpretation by the present court.

At the San Francisco Conference, some delegation had urged that the statute should provide for some compulsory jurisdiction of the Court over legal disputes but others hoped that

this result could be practically obtained through more widespread acceptance of the "optional clause". This expectation has not been fulfilled to date. The majority of the present declarations in force are subject to the condition of reciprocity. Many of them also include reservations, excluding certain kind of disputes from compulsory jurisdiction. The reservations as to jurisdiction are to some extent standardised, covering interalia the exclusion of:

(i) past disputes, or disputes relating to prior situation or facts;

(ii) disputes for which other methods of settlements are available;

(iii) disputes as to questions within the domestic or national jurisdiction of the declaring state;

(iv) disputes arising out of war or hostilities; and

(v) disputes between memberstates of the British Commonwealth.

Too many of the reservations are, however, merely escape clauses or consciously designed loopholes. Such a system of "optional" or compulsory jurisdiction verges on absurdity.

Furthermore, a number of points affecting the operation of the "optional clause" have been settled of the present Court:

(a) Where a declaration, subject to a condition of reciprocity, has been made by a state seeks to invoke compulsory jurisdiction by the Court by taking advantage of any wider reservations, including the "automatic" or "self-judging" form of reservation made by the state in its declaration as in the Norwegian Loans case.

(b) if a dispute between states relates to matters exclusively within the category of "legal disputes" referred to in Article 36 paragraph 2.

(c) A declaration made almost immediately before and for the purpose of any application to the Court is not invalid, nor an abuse of the process of the Court.

(d) If a matter has properly come before the Court under Article 36(2), the Court jurisdiction is not divested by the unilateral act of the respondent state in terminating its declaration in whole or in part. Since 1950, however, increasing use has been made of its facilities and by the end of 1957 more than a dozen cases had come before it. For example Corfu Channel case between Albania and United Kingdom. Case concerning the Areal
Incident case of July 27, 1955 (Preliminary objection)
The Preach Vihar Temple Case (preliminary objections)
etc. have been settled by the International Court of
Justice and the other above mentioned conditions have
also been occurred in these conditions.

The effect of the exercise of the compulsory jurisdiction
by the Court is clarified by the provision of Article 94 of the
United Nations Charter. Under this Article each member of the
United Nations undertakes to comply with the decision of the
Court in any case to which it is a party. Further, if any party
to a case fails to perform the obligations incumbent upon it
under a judgment rendered by the Court, the other party may
make recommendations or decide upon measures to be taken to give
effect to the judgement. There are no provisions whereby the
Court may enforce its decisions, and this of course serious
weakness. Therefore, there is little traffic in ICJ.

Consequently, an international legal order through the
judicial process is difficult to give the Court compulsory
jurisdiction and to make it an authoritative interpreter of

90. J.C. Starke, op.cit., pp. 373 to 376.
91. Ibid., p. 376.
the Charter, the Charter needs amendment. So however, a comprehensive plan is proposed by Clark and Sohn which includes the grant to the existing international Court of Justice of compulsory jurisdiction in certain categories of legal disputes; the creation of an entirely new tribunal - to deal with non-legal disputes; and the creation of a new conciliation agency - the world conciliation Board - to deal through conciliation and mediation with any international disputes whether of a "legal" or "non-legal" character. They also proposed that there should be a system of United Nations regional Courts subordinate to the international Court of Justice, in order to provide adequate machinery for dealing with offences against the charter or laws of the United Nations and adequate safeguards against possible abuse of power by any organ or official of the United Nations itself.

In order to strengthen the authority and independence of the international Court of Justice Clark and Sohn proposed to make the following principal changes in the statute of the Charter because it is the essential for world peace:

(1) The judges of the Court would be elected, not by concurrent action of the General Assembly and the

Security Council, but by the General Assembly alone, from a list of candidates prepared by the Executive Council on the basis of nations received from the members of the highest courts of justice of member Nations, from national and international associations of international lawyers and from professors of International Law. The Council shall present three candidates for each vacancy.

(2) To ensure greater independence for the judges of the Court, the judges would be elected not for nine-year terms, as provided by the present statute, but for life. This life tenure would, however, be subject to the possibility of dismissal if, in the unanimous opinion of his colleagues, a judge is no longer able properly to perform his functions or, as now provided, has in their unanimous opinion "ceased to fulfil the required conditions" of his tenure.

(3) In contrast to the provision of the present statute that "only states may be parties in cases before the Court", access to the court would also be granted: (a) to the United Nations; (b) to its specialized agencies; (c) to regional international organizations when authorized
by the General Assembly; (d) to individuals and private and public organization in certain cases of appeal from the regional courts of the United Nations.

(4) The jurisdiction of the Court (which, apart from special agreement, is merely optional under the present statute) would be made compulsory with respect to the following categories of disputes between any nation and the United Nations, between two or more nations, between one or more nations and one or more international organizations and between two or more international organizations:

(a) any disputes relating to the interpretation or application of the revised Charter;

(b) any dispute relating to the constitutionality of any law, regulation or decision made or adopted under the revised Charter, and any dispute relating to the interpretation or application of any such law, regulation or decision;

(c) any dispute relating to legal questions involved in an international dispute or situation if the General Assembly (or the Executive Council, when acting in the matter
pursuant to authority from the Assembly) should decide that the continuance of that dispute or situation is likely to endanger the maintenance of international peace and security and should direct that such legal questions be submitted to the Court pursuant to Article 36 of the revised Charter;

(d) any dispute relating to the interpretation of application of the constitutions of specialized agencies;

(e) any dispute relating to the interpretation or application of treaties and other international agreements or instruments registered with the secretariat of the United Nations under Article 102 of the revised Charter

(f) any dispute relating to the validity of a treaty or other international agreement or instrument, or of a constitution or law of any member Nations, which is alleged to be in conflict with the revised Charter (or with any law or regulation enacted thereunder);

(g) any other dispute where recourse to the Court against the United Nations is specifically provided for in the revised Charter or in any law or regulation enacted thereunder.
The international Court of Justice would retain all its jurisdiction under treaties and conventions, and under declarations made pursuant to paragraph 2 of Article 36 of the present statute of the Court, as such jurisdiction exists at the time the revised Charter comes into force.

The International Court of Justice would also hear appeals from decisions of the regional Courts of the United Nations in those cases in which such appeals are permitted by laws enacted by the General Assembly.

The International Court of Justice would have a general power of supervision over the administration of the regional Courts.

The judgements of the International Court of Justice would be enforceable by measures to be adopted by the General Assembly under paragraph 2 of Article 94 of the revised Charter.

Clark and Sohn said that "the intention is not dispensed with anything which has proved useful, but rather to revise, supplement and strengthen the existing structure so that the United Nations will be fully and unquestionably equipped to accomplish its basic purpose - the maintenance of international peace".

Furthermore, it does not necessarily follow that the United Nations would work more satisfactorily if the textual shortcomings and defects are remedied. The success of an international organization in the present stage of international society depend upon the perfection of its constituent instrument. As John Foster Dulles has well observed: "it is never possible to achieve great goals, such as peace, justice, and human freedom, by mechanistic devices. It is easy to write a Charter or constitution that proclaims noble ends, but their achievement is not merely a matter of organization; fulfilment depends more on the will, the preservance, and the capacity of the members in support of the organization. The United Nations is a living organization made up of member states. It is, it will be, what they make it".  

However, Wilcox, F. and Marcy, C.M. assuming continued cooperation among the Five major power, and the likelihood of the early conclusion of the peace treaties, suggest that even if a Conference to review the Charter is to be held in the near future, the basis of the different assumptions that might include at least the following:

(1) that, for a substantial period in the future, there may be continued tensions between the free and the communist world;

(2) that there exist the possibility that these tensions might lead to war; and

(3) that atomic and hydrogen weapons, if used in war, might be expected to place in jeopardy the very survival of mankind.

Whether assumption of this kind would justify seeking changes in the United Nations system is one of the question that must be considered frankly.

There are few who blame the United Nations for the post-war deterioration in International Relations and for existing tensions. On the other hand, there are many who believe that the United Nations could be a more effective instrument than it has been for reducing tension, or at least for preventing tensions from increasing to the point where peace might be threatened. It is the belief that has inspired many of the proposed changes in the United Nations system. An examination of the proposals reviewed in this study indicates that they can be grouped, for the most part, into four broad categories: First are numerous suggestions that more power and authority be given to the United Nations by such changes as abolishing the veto, establishing an International police force, and, in general, by moving towards the creation of some kind of supranational organization. Second are proposals that would not substantially alter the nature of the system but would seek to improve its operations by giving life to articles of the Charter that have lain dormant, developing mechanism for the maintenance of the Charter but related thereto, and, in general, overhauling some parts of the existing machinery of the United Nations. Third are the plans calling for reducing the authority of the United Nations by limiting its activities in the field of enforcement action or in economic, social and humanitarian matters. Finally, there are the far-reaching suggestions to alter radically
the nature of the present organization, not by moving in the
direction of supernationality but rather by changing the
composition of the United Nations through the expulsion of
96 certain states or the withdrawal of others.

However, changes in the United Nations system may come
about in a variety of ways other than by amending the Charter.
The Charter has been profoundly influenced by interpretation,
custom and usage, the failure on the part of member states to
implement certain articles, the conclusion of various treaties or
agreements including regional defense pacts, and by the changed
conditions in the international situation. Furthermore, if the
United Nations Charter is viewed as a "constitution" that creates
a "government", it may be interpreted, gradually changed by
custom, and subject to a process of growth similar to that which
has taken place with respect to the constitution of the most
sovereign states. But if the Charter is viewed as a "treaty" or
a "contract" it is not a flexible instrument and is not subject
to the informal change in a fundamental sense. It is of course,
virtually impossible, to draft any instrument whether it be called
a treaty, a contract, or a constitution, that does not have some

element of flexibility about it. A document such as the United Nations Charter is unavoidably more flexible in nature than many other written instruments.

Consequently, if the United Nations is to develop without amendment to the Charter, it is necessary to strike a balance somewhere between the extreme positions of loose and strict construction. The idea that the Charter is an instrument so flexible that, if an amendment is not feasible, the same result may be obtained by interpretation or by the passage of special resolution, may be dangerous not only for individual member states but for the organization itself. Even within the area of balance between two extremes of loose and strict construction, there is considerable room for gradual growth and development. But this must be an evolutionary process accepted by the great majority of members. It is essential in considering the proposals that the techniques of change not endanger the proposals themselves.

However, from the above arguments we reach to the conclusion that the amendment of the Charter, is not the course likely to

98. Ibid., p. 461.
further the cause of world peace at present time. Since the nations of the world are certainly not ready now anymore than in 1945, to turn the United Nations into a Super-national body, endowed with the military and economic power to enforce its decisions upon unwilling members, it would be pointless to make alterations in the legal structure which did not correspond to the realities of the world community.

Any amendment of the Charter cannot prove a helpful method for strengthening the United Nations. Any change in the functions and operations of the United Nations should come about by way of convention and precedent. This is a slow process and in many ways an unsatisfactory limitations beyond which it cannot be used effectively; and to the extent that it creates a divergence between what the Charter actually says and what in practice the members presume it means, it makes for uncertainly, if not actual dishonesty, and weakens the effectiveness of the Charter as the fundamental law. Nonetheless, it is a process with which all constitutional states are familiar, and which indeed is essential if the constitution is to process the necessary flexibility, in adoption to the changing need of modern international society. So long as the process enables the United Nations to

carry out more effectively its basic purposes, it will be a method through which its evolution can proceed in harmony with the development of world opinion, the ultimate foundation on which the United Nations must rest.

Hence, no analysis of the United Nations Charter and its operation in practice and no positive suggestions can lead to any substantial improvement in the work of the organization so long as there is suspicion and lack of good will and understanding among its members particularly amongst major powers. Even if the member states were able to reach agreement on important matters such as the limitation of armaments, world stability will remain precarious until there is a change of heart. But the member states forget that under the provision of the Charter, it is the duty of the members of the United Nations to endeavour to remove causes of International friction; not to increase them by answering one unjustified threat to the peace with another. Moreover, it should be at once help to ease tension and reduce bitterness in the United Nations now proceeding, and give real cause for hope that cooperation between all powers, great or small, will be achieved on a basis not of mere tolerance, but of real comradeship. So that the United Nations could be in a

100. Prasad, Krishna, op.cit., p. 152.
position to work effectively for peace and progress and there will be a healthy, happy and prosperous International Society.

Fortunately the present international situation is very hopeful. For the super powers, owing to statmanship of Reagan and Gorbachev, the U.N. is no more a talking shop or debating club. The U.N. is acknowledged, once again, an instrument of peace rather than a platform of dissention. Therefore, any amendment, if necessary, could be made with the consent of the two Super-powers, of course necessarily to the satisfaction of third-world states, who, undoubtedly need the U.N. more than anyone else.
CONCLUSION
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Twentieth century has witnessed the horrors of two World Wars. After each war, mankind has sought to establish a better world order which could ensure peace, security, welfare and justice. After first World War, League of Nations was established which was expected to provide a system of international cooperation and collective security. It was to provide a forum where nations could meet and discuss their disputes. Discussion and negotiation, it was expected, will lead to satisfactory settlement. In fact it was established to prevent accidental war. But the League of Nations miserably failed in its task and the World War II broke out. The United Nations a revised version of the League of Nations came into being. The creation of the United Nations was a standard response of peace-loving nations for the purpose of maintaining international peace and security; to develop friendly relations among nations and to cooperate in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all. However, the United Nations' founding fathers intended the organization to have a leading role in preserving and enforcing international security; this responsibility being vested in the Security Council.
The specific powers conferred on the Security Council in order to carry out its duties were laid down in Chapter VII of the proposals. The Security Council was to perform dual functions. It could investigate any dispute or any situation likely to result in international friction or give rise to a dispute, in order to determine whether its continuance might endanger the maintenance of International peace and security. Depending upon the degree of seriousness of a dispute or a situation, the Council would suggest appropriate procedures for the parties concerned to help the solution of the problem. It would determine the maintenance of international peace and security and take any measure necessary for the maintenance of international peace and security in accordance with the principles and purposes of the organization.

Under the Chapter (VI) dealing with the Pacific Settlement of Disputes, any state whether a member of the organization or not, could bring to the attention of the Security Council any dispute or situation likely to disturb international peace and security. Parties to such dispute or situation were obliged first of all, to seek a solution by negotiation, mediation, conciliation, arbitration, or judicial settlement or other peaceful means of their own choice, and the council could call upon the parties to settle their dispute by such means. If the
parties to such a dispute or a situation could not settle it by the means including above, they should be of their own accord refer it to the council and the latter should in each case, decide whether or not the continuance of the particular dispute might endanger the maintenance of international peace and security. If such a dispute or situation was considered by the council as injurious to world peace, it was empowered to recommend appropriate procedure or methods of adjustment. Justiciable dispute were normally to be referred to the International Court of Justice and the Council could refer to the Court, for its advice, legal questions connected with other disputes. However, the Council was expressly forbidden from interfering in situation or disputes arising out of matters which by international Law fell exclusively within the domestic jurisdiction of state concerned.

Under the Chapter (VII) dealing with the determination of threats to the peace or acts of aggression the Security Council would determine the existence of any threat to the peace, breach of peace or act of aggression and make recommendation or to decide upon the measures to be taken or to maintain or restore international peace and security. The measures that could be taken by the Council fell within the purview of enforcement action
These measures could or could not include the use of armed forces. The Council could call upon the members of the organization to apply such measures as interruption of economic relations and means of communication and the severance of diplomatic relation. Should these measures prove inadequate, the Council could take armed action by air, sea, or land forces as may be necessary to maintain and restore peace and security and for this purpose, all members of the United Nations have undertaken to make available to the Security Council on its call armed forces, assistance and facilities for maintaining peace and security.

Hence, in the performance of its functions of the maintenance of international peace and security, the Security Council had achieved a considerable measure of success in dealing with those situations where its permanent members, for whatever reasons, have had a sufficient interest in the maintenance and restoration of international peace and security. This uses so if they agreed on a common course of action, for example Indonesia crisis; initial stages of Palestine problem in 1950 and Kashmir problem etc.

Only under exceptional conditions has the council been at all effective in dealing with threats to or breach of the
peace where the vital interests of the permanent members have been directly in conflict. But when the communist coup in Czechoslovakia (February 1948) the Soviet Blockade of Berlin (September 1948) and many other issues were brought before the Security Council, they were vetoed by the Big Powers particularly by Soviet Russia.

But when the North Korean attacked the Republic of Korea on June 25, 1950 the Security Council was presented with a unique opportunity to take action in a situation involving the conflicting vital interest of the permanent members. A UN unified command under the UN flag with General Mac Arthur of the US as Supreme Commander was sent to assist the South Korea against the North Korea.

It may be pointed out that the creation of the Unified command in Korea by the Security Council was possible solely because of the fortuitous absence of the Soviet representative. Hence, it was realized by the General Assembly that to prevent matters relating to peace and security from being "frozen" on the Security Council agenda which reduced to "impotence" the organization as a whole, it should assume some of the responsibility of the Council. Consequently, the General Assembly adopted three closely connected resolution, the first of which is usually termed
the 'Uniting for Peace Resolution'. Its intention was to create a nucleus of collective security outside the Security Council. It provides:

"If the Security Council because of the lack of the unanimity of the Permanent members, fails to exercise its responsibility for the maintenance of international peace and security in any case where there appears to be threat to the peace, breach of peace or act of aggression, the General Assembly will consider the matter immediately with a view to making appropriate recommendations to members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in an emergency special session within twenty four hours of the request therefor...."

The adoption of the 'Uniting for Peace Resolution' was virtually an amendment of the Charter, making an additional provision as it were to chapter VII, providing for the contingency of the failure by the Security Council to exercise its primary responsibility by
reason of the lack of the unanimity of the permanent members.

In addition to this transfer-device', which greatly enlarged the functions and competence of the General Assembly, it is the important shift of emergence power from the veto-ridden Security Council to the veto-less General Assembly.

The General Assembly of the United Nations as observed by a keen analyst of the United Nations system became over the years the predominant political body of the world organization. The frequent inability of the Security Council to discharge function assigned to it by the Charter has brought a change in the relative powers of the Council and the General Assembly. Member-states have increasingly extended the Assembly's role in questions involving the maintenance or restoration of international peace and security and many of them have looked with ever widening hope to this organ for the solution of their problems. Assembly resolution, moreover, while technically only recommendations, have been viewed by some member countries, with regard to certain matters and within certain limits, as legally binding decisions. However, owing to the excessive use of veto, the importance of the Security Council has been lowered in the eyes of the nations and the General Assembly became the only hope of maintaining world order.
A look at the peace-keeping operation by the application of the Uniting for Peace resolution would reveal that what the Security Council had not been able to achieve because of the lack of unanimity and the consequent use of the veto, the General Assembly could easily do and on several occasions saved the world from disaster. Some Assembly resolutions have affected the means at the disposal of states in their relations by creating new peace-keeping techniques to isolate clashes between smaller nations or within a smaller nation from the large East-West struggle. The communist retreat from South Korea, French and British evacuation of Egypt, the US withdrawal from Lebanon and the Soviet retreat from the Congo after the fall of Lumumba were surely furthered by those techniques. However, these operations had themselves been a source of crisis and the entire United Nations system was threatened as it did not serve the Big Powers interests.

There was the crisis over the financing of United Emergency force (UNEF) and the United Nations Congo operation (ONUC) between the Super powers. The financing crisis (the Expenses case) provided the opponents an opportunity to warn that the United Nations is a "sinkingship unworthy of further trust of mankind" and the friends of the United Nations worried that it might not survive. In fact, the crisis that have
paralised the organization, was the product of many factors but the most salient was the persistent refusal of the Soviet Union and France to pay their share of major peace-keeping operation carried on Suez and the Congo. The crisis was not really about money as the amount involved was minor. It was political. It was a consequence of political default by France and Soviet Union without either contention of financial hardship or actual inability. Thereupon, the General Assembly requested the International Court of Justice to advise whether the expenses of the two forces constitute 'the expenses of the organization' within the meaning of Article 17, paragraph 2, of the Charter of the United Nations. Article 17(2) provides:

"The expenses of the organization shall be borne by the members as apportioned by the General Assembly".

The Court by a vote of 9 to 5, agreed that the financing of the UNEF and ONUC constitute the expenses of the organization within the meaning of Article 17(2) thereby confirming the authority of the General Assembly to make the controversial assessment. The opinion is important as it constitutes the "express judicial approval of the practical transfer of responsibility for the maintenance of peace from the Security Council to the General
Assembly. However, the Soviet Union and France refused to pay even after the advisory opinion. Thereupon, the USA and its allies threatened to invoke Article 19 of the Charter which provides:

"A Member of the United Nations which is in arrears in the payment of its financial contribution to the organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of its contribution due from it for the preceding two full years. The General Assembly may, nevertheless permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the members."

The Soviet Union threatened to leave the organization if it was deprived of its vote in the General Assembly. Eventually, in August 1965, the USA and its allies gave way and agreed not to invoke Article 19; in return, the Soviet Union promised to make a voluntary contribution towards the expenses of the two forces.

The shift of emphasis from the Security Council to the General Assembly has naturally changed the balance of power and influence. The Big Five do not enjoy in the General Assembly the
same privileged position which they have in the Security Council. This logically weakens their grip over the organization. Furthermore, as the result of the expansion of the membership of the General Assembly it has grown from a body of fiftyone (51) members to one hundred fifty-nine (159), because the "universality" not "Selectivity" to guide the principle of admission into the United Nations. The majority of which is non-Western, underdeveloped and who have gained their independence recently. Roughly three-fifths of the total membership belongs to the Afro-Asian regions. Many of them belong to the Third World including ministates which are underdeveloped and the product of decolonization process. They view full membership in the organization as the final stamp of approval on their independence. In addition, the Third World majority feels that further ministate membership would add to their preponderance in the United Nations as their voting behaviour reveals an anti-western attitude.

Undoubtedly so far as the voting results of the United Nations are concerned, the position of the USA is weakened after 1960, but in comparison to the USSR, on the combined categories of cold war, peace-keeping, arms control and disarmament issues, the United States continued to be generally successful and the Soviet Union to be unsuccessful. However, anti-western attitude of the Third World - (which includes microstates) has been a source
of irritant for Western nations. They challenged the Big Powers hegemony in the United Nations. As thereafter the process of decolonization began to accelerate the UN became as arena of competition between the West and the Soviet Union for the sympathies of the still largely non-aligned Third World. In the process it became the beneficiary of the concessions which the United States and, to a less extent, the Soviet Union were willing to make in order to cultivate the sympathies of, or 'fraternal association' with, this increasingly numerous Asian and African membership, for it was through the UN that the later sought to make their presence felt. Yet this period of competitive coexistence, did tend to over-estimate the sensitivity of the central balance to Third World pressures and to under-estimate both the tensions and divisions within the Third World itself and the volatile and unpredictable character of politics within so many Third World countries. As this has become evident the UN's ability to act as an instrument for the powerless in wresting concessions from the powerful has tended to diminish or at least been called into question. Hence, the Big Powers become day-by-day disinterested in the functioning of the United Nations. Then there is a need for the amendment of the Charter in such a way as to satisfy all - Big and small. The followings are the suggested amendments of the Charter:
(1) The idea of weighted voting has been suggested to arrest or reverse the voting behaviour in the United Nations (General Assembly) and for the survival of the United Nations one-nations-one vote formula has to be changed.

(2) Universality not selectivity should be the guiding principle of admission in the United Nations. All peace-loving nations are to be admitted. Consequently, the admission-process needs amendment so that the admission of the peace-loving nations could be prevented unnecessarily.

(3) The privileged position of the Permanent members in the Security Council enjoying veto power has also come in sharp criticism. The power is given to them. But this power should be amended in such a way that it is not unnecessarily absurd.

(4) Article 2(7) i.e. provision for noninterference in domestic affairs have been suggested for amendment as under the pretext "domestic jurisdictions" nations try to prevent the UN to impose upon them some sort of amiable solution.
The International Court of Justice lacks compulsory jurisdiction. Consequently, on International legal order through the judicial process is difficult to give the Court compulsory jurisdiction to make it an authoritative interpreter of the Charter, so the Charter needs amendment.

In addition, provision for the establishment of Permanent International Military Force is essential to help innocent states to rearm them in time to take on the aggressor. Hence, for this purpose the Charter needs amendment.

But after all it is necessary to develop cooperation among all powers—great or small, so that the United Nations may be in a position to work effectively for peace and progress and happy, healthy and prosperous international society could be possible.

However, the United Nations is many different things, and first of all it is a deliberative body in which the nations talk through their representatives. The talk is not itself a guarantee of peace and harmony. There is something to be said for those who contend that the very
process of debate, particularly in public, may influence passions, harden opposing positions and increase tensions. Almost from the day of its creation, two conceptions about the United Nations have been struggling in the public mind: "It can't last", and "its our only hope". Furthermore, the United Nations, which is the symbol of peace, should not only unable to control the race for armaments among the nations, but should itself be engaged in hostalities and in efforts to create an armed force. The security-minded would deprecate the United Nations as impotent to provide security and consider greater national armaments as the only protection against aggression.

The United Nations is a security system. It stands both for the collective use of force to resist aggression, and for the use of constructive and conciliating measures to prevent and strengthen one another. The Charter assumes the need for security, national and regional, as well as collective.

The United Nations is a beginning of a world community and its Charter the beginning of world law. It is in fact our only hope", certainly our only present hope, for achieving the grand objectives of peace, economic well-being and social advancement. At the same time, the community is riven with dissension, the law
fragmentary, and underlying international situation fraught with
conflict. There are few practical steps taken by the United
Nations which show its strengthening of collective security and
the contribution of efforts for negotiation and conciliation.
No one has doubted that the most important tasks which the United
have
Nations could/undertaken are the effective control of atomic
energy and the regulation of armaments. No one now hopes that
these tasks can be fully accomplished without drastic changes
which the United Nations machinery cannot bring by itself.
This does not mean that these all-important undertaking should
be dropped from the agenda of international discussion. The
General Assembly has firmly and rightfully insisted that the
unremetting effort to find a basic must go forward. The very
fact of continuing discussion is a demonstration that the goal
of peaceful regulation will never be surrendered.

Taking as a whole one may conclude as follows:

(1) Few international disputes are really settled;

(2) The UN has played, a useful role in "defusing" many
disputes that might otherwise lead to international
explosions; and
the United Nations encouraged and is encouraging the parties to a dispute to "seek solution by negotiation, enquiry, mediation, conciliation, resort to regional agencies or arrangements or other peaceful means of their own choice.

Although the UN does not have many striking success in its credit in the handling of political disputes, its services as a mediator have been valuable in several instances. The work of the UN committee, good offices in Indonesia, the services of various UN commissions dealing with Greek frontier incidents, India and Pakistan and Palestine and the indefatigable labours of court Bernadotte and Dr Ralph Bunch in the delicate negotiation between Jewish and Arab spokesmen - all these deserve high commendation, much more than has yet been accorded. Although the efforts of other commissions and committees, such in the UN temporary commission on Korea and the technical committee on Berlin currency and Trade were less fruitful, they were nonetheless conscientious and zealous, and later limited results were due to circumstances "beyond their control". In all of the political disputes the UN played a useful and significant, if sometimes peripheral and limited role. The value of UN presence in such crisis areas as Kashmir, Korea, the Gaza Strip, West Irian, the Congo and Cyprus can hardly be denied, although it is sometimes overlooked or degenerated.
More recently the UN Secretary-General, owing to the better understanding amongst the Big Powers, has played a very important role not only in reducing tension from areas of conflicts but also solving disputes which could have led to a major confrontation involving big powers. While South Africa, Angola and Cuba announced that a ceasefire was in force from Monday. While the South West African People's Organization (SWAPO) announced that November 1, 1988 has been set as a definite date for the implementation of United Nations Security Council Resolution 435, independence plan for Namibia - after agreement was reached in the Geneva round of talks between them - Iran and Iraq jumped the UN-declared August 20 truce date to declare that they would stop fighting with immediate effect. For in both the agreements the United Nations played a vital role as an instrument for world peace and justice. While Iran and Iraq stopped the war in line with the UN Security Council resolution 598, the Geneva Agreements has as its guarantor the Security Council's five Permanent members, South Africa after year of defiance has specifically accepted the Security Council resolution 435 on Namibian independence and has asked the Secretary-General to begin its implementation from November 1, 1988.

The United Nations is trying its best for the settlement of Afghan crisis. The "Proximity talk" between Afghanistan and
Pakistan was arranged by the Secretary-General of the United Nations. The United Nations held many meetings to solve the problem.

Hence, after six years of tough bargaining, Pakistan and Afghanistan signed a peace accord in Geneva on 13th April 1988 under its aegis in a bid to end the eight year-old strife in Afghanistan which has reportedly claimed thousands of lives. The credit for this achievement goes to an untiring Ecuadorian Mr. Diego Cordovez, who as UN mediator since February 1982, had always been on the move to meet representative of Pakistan, Afghanistan, Iran, the Soviet Union and the United States. He even contacted deposed King of Afghanistan Zahir Shah and heard the views of the Afghan resistance leaders. It could also not be denied that the United Nations found a significant victory in its effort over the presence of a Palestine Liberation Organization (PLO) in New York against the US Government in its move to close the Palestine Liberation Organization in New York.

Further, it is better to explain that the United Nations was not able to solve all the problems successfully. Some problems are still remained unsolved such as the Kampuchea, West Bank and Arab-Israel conflict and in all these cases the United Nations was only a helpless spectator.
In dealing with the security problems, however, the UN has run into obstructions. The main security agencies of the Security Council - the military staff committee, the commission of conventional armaments, the atomic Energy Commission, prepared elaborate plans which the majority approved, but all of the plans encountered the great powers deadlock has frustrated every effort to implement the security provisions of the Charter and hampered international cooperation everywhere in post-war period. The UN has on many occasions failed while dealing with the security problems but it would be unfair to blame the United Nations for these failures deeply embedded in nationalism, sovereignty and nation-state psychology, and also in the preservation of human race. But after all the UN Charter has tried "to save succeeding generations from the scourge of war" - a pledge given urgency by the advent of nuclear weapons - and members' acceptance of the principle of equal opportunities as giving substance to the notion of an incipient international community. There has, therefore been a process of integration as well as of fragmentation. Integration psychologically and technologically; fragmentation: politically, culturally and ideologically.

Consequently, the United Nations is the present manifestation of the natural legacy, passed from one generation to the next, of the continuous search for the warless world of peace and
prosperity. It has the aim to demonstrate that eventually all nations may develop mutual trust and resolve conflict. Today it is the only institution that can mirror the opinions of the world and through world opinion forge a common sense of universal justice. It not only can serve as a means for the integration of mankind but also may assist in the substantiation of human values lost a cynical denial of the search for truth engulf humanity.
APPENDIX
HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

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

Chapter I PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human
rights and for fundamental freedom for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2
The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles
1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that States which are not Members of the United Nations act in accordance with these principles so far as may be necessary for the maintenance of international peace
and security.

7. 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.

Chapter - II MEMBERSHIP

Article 3
The original Members of the United Nations shall be the States which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4
1. Membership in the United Nations is open to all other peace-loving States which accept the obligations contained in the present Charter, and, in the judgement of the Organization, are able and willing to carry out these obligations.

2. The admission of any such State to membership in the United Nations will be affected by a decision of the General Assembly upon the recommendation of the Security Council.
Article 5
A member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6
A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council.

Chapter III ORGANS

Article 7
1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8
The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.
Chapter IV THE GENERAL ASSEMBLY

Article 9 Composition

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may 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 in accordance with Article 35, paragraph 2, and, except as provided
in Article 12, may make recommendations with regard to any such questions to the State or States concerned or to the Security Council or to both. Any such question, on which action is necessary, shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

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

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceased to deal with such matters.
Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

(a) promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

(b) promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, 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.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16
The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapter XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17
1. The General Assembly shall consider and approve the budget of the organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18
1. Each Member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election
of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-third majority, shall be made by a majority of the Members present and voting.

Article 19
A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Article 20
The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.
Article 21

The General Assembly shall adopt its own rules of procedures. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

Chapter V THE SECURITY COUNCIL

Article 23

Composition

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

(1) As amended, the original text of Article 23 reads as follows:

1. The Security Council shall consist of eleven Members of the United Nations, the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council...." contd... page 243
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Functions and Powers

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the purposes and principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

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2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.
Article 25
The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26
In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

II
Voting
1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

II. As amended, the original text of Article 27 reads as follows:
1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.
Procedure

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organisation as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the later considers that the interests of that Member are specially affected.
Article 32
Any Member of the United Nations which is not a member of the Security Council or any State which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a State which is not a Member of the United Nations.

Chapter VI PACIFIC SETTLEMENT OF DISPUTES

Article 33
1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34
The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.
Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A State which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Article 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommended appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.
Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Chapter VII ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.
Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.
Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory States in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.
Article 45
In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46
Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47
1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any State are taken by the Security Council, any other State, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.
Article 51
Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attacked occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Chapter VIII REGIONAL ARRANGEMENTS
Article 52
1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of peaceful settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy State, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a State.

2. The term 'enemy State' as used in paragraph 1 of this Article applies to any State which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.
Chapter IX INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55
With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

(a) higher standards of living, full employment, and conditions of economic and social progress and development;

(b) solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56
All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57
1. The various specialized agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social cultural, educationa, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58
The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59
The Organization shall, where appropriate, initiate negotiations among the States concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60
Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly, and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

Chapter X THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61
1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may 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.

III As amended. The original text of Article 27 reads as follows:

1. The Economic and Social Council shall consist of eighteen Members...

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years....

4. Each member of the Economic and Social Council shall be one representative.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63
1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64
1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
2. It may communicate its observations on these reports to the General Assembly.

Article 65
The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66
1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.
2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

Voting

Article 67
1. Each member of the Economic and Social Council shall have one vote.
2. Decision of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

Article 68
The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.
Article 69
The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on the matter of particular concern to that Member.

Article 70
The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it and for its representatives to participate in the deliberations of the specialized agencies.

Article 71
The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.

Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Members of the United Nations concerned.

Article 72
1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its president.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provisions for the convening of meetings on the request of a majority of its members.
Chapter XI. DECLARATION REGARDING NON-SELF GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and to this end:

(a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

(b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

(c) to further international peace and security;

(d) to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
(e) to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74
Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Chapter XII INTERNATIONAL TRUSTEESHIP SYSTEM
Article 75
The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76
The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:
(a) to further international peace and security;

(b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the people concerned, and as may be provided by the terms of each trusteeship agreement;

(c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

(d) to ensure equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the later in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

(a) territories now held under mandate;

(b) territories which may be detached from enemy States as a result of the Second World War; and
(c) territories voluntarily placed under the system of States responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the States directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any States or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.
2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more States or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to
perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84
It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85
1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.
2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

Chapter XIII THE TRUSTEESHIP COUNCIL

Composition

Article 86
1. The Trusteeship Council shall consist of the following Members of the United Nations:
(a) those Members administering trust territories;
(b) such of those Members mentioned by name in Article 23 as are not administering trust territories; and
(c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:
(a) consider reports submitted by the administering authority;
(b) accept petitions and examine them in consultation with the administering authority;
(c) provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
(d) take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.
Voting

Article 89
1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Article 90
1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91
The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

Chapter XIV. THE INTERNATIONAL COURT OF JUSTICE

Article 92
The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the Present Charter.
Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

2. A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgement.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

Chapter XV THE SECRETARIAT

Article 97
The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98
The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99
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.
Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.
Chapter XVI. MISCELLANEOUS PROVISIONS

Article 102
1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103
In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104
The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105
1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

Chapter XVII. TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any State which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.
Chapter XVIII. AMENDMENTS

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.

Chapter XIX. RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory States in accordance with their respective constitutional processes.

2. The ratification shall be deposited with the Government of the United States of America, which shall notify all the signatory States of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratification by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory States. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory States.

4. The States signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.
Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory States.

In faith whereof the representatives of the Governments of the United Nations have signed the present Charter.

Done at the City of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

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"UNITING FOR PEACE", 1950. A UN General Assembly resolution during the Iorea War, proposed by the US Secretary of State Dean Acheson, so-called "Acheson Plan", adopted as Res. 337 A, B and C, Nov. 3, 1950. The Res. A was adopted by 51 votes against 5 (Byelorussia, Czechoslovakia, Poland, Ukraine SSR and USSR) and 2 abstaining (Argentina and India); the Res. B by 50: 0 with 6 abstaining; the Res.6 by 57:0. The text is as follows:

Resolution A

The General Assembly,

Recognizing that the first two stated Purposes of the United Nations are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace";

Reaffirming that it remains to the primary duty of all Members of the United Nations, when involved in an international dispute, to
seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions.

Finding that international tension exists on a dangerous scale, Recalling its resolution 290(IV) entitled "Essentials of peace", which states that disregard of the principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council, and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those responsibilities referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United
Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt,

A. 1. Resolves that if the Security Council because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly
may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations,

2. Adopts for this purpose the amendments to its rules of procedure set forth in the annex to the present resolution;

B. 3. Establishes a Peace Observation Commission for which the calendar years 1951 and 1952, shall be composed of fourteen Members, namely: China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made on the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;
4. The Commission shall have authority in its discretion to appoint subcommissions and to utilize the services of observers to assist it in the performance of its functions;

5. Recommends to all governments and authorities that they cooperate with the Commission and assist it in the performance of its functions;

6. Requests the Secretary General to provide the necessary staff and facilities, utilizing, where directed by the Commission, the United Nations Panel of Field Observers envisaged in General Assembly resolutions 297 B(IV);

C.7. Invites each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or of the General Assembly for the restoration of international peace and security;

8. Recommends to the Member States of the United Nations that each Member maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with its constitutional processes, for service as a United Nations until or units, upon recommendation by the Security Council or General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter;
9. Invites the Members of the United Nations to inform the Collective Measures Committee provided for in paragraph II as soon as possible of the measures taken in implementation of the preceding paragraph;

10. Requests the Secretary General to appoint, with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available, on request, to Member States wishing to obtain technical advice regarding the organization, training, and equipment for prompt service as United Nations units of the elements referred to in paragraph 8;

D. 11. Establishes a Collective Measures Committee consisting of fourteen Members, namely: Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia, and directs the Committee, in accordance with the Secretary-General and with such Member States as the Committee finds appropriate, to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods, including those in Section C of the present resolution, which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter);
12. Recommends to all Member States that they co-operate with the Committee and assist it in the performance of its functions;

13. Requests the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in sections C and D of the present resolution;

14. The General Assembly, in adopting the proposals set forth above, is fully conscious that enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly

15. Urges Member States to respect fully, and to intensify, joint action, in co-operation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability
and social progress, particularly through the development of underdeveloped countries and areas.

Annex. The rules of procedure of the General Assembly are amended in the following respects:

1. The present text of rule 8 shall become paragraph (a) of that rule, and a new paragraph (b) shall be added to read as follows: "Emergency special sessions pursuant to resolution - (V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council, on the vote of any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by vote in the Interim Committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9".

2. The present text of rule 9 shall become paragraph (a) of that rule and a new paragraph (b) shall be added to read as follows: "This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution - (V). In such a case the Secretary-General shall communicate with other Members by the most expeditious means of communication available."

3. Rule 10 is amended by adding at the end thereof the following:

"In the case of an emergency special session convened pursuant to rule 8(b), the Secretary-General shall notify the Members of the United Nations at least twelve hours in advance of the opening of the session."
4. Rule 16 is amended by adding at the end thereof the following:

"The provisional agenda of an emergency special session shall be communicated to the Members of the United Nations simultaneously with the communication summoning the session."

5. Rule 19 is amended by adding at the end thereof the following:

"During an emergency special session additional items concerning the matters dealt with in resolution - (V) may be added to the agenda by a two-thirds majority of the Members present and voting.*

6. There is added a new rule to precede rule 65 to read as follows:

"Notwithstanding the provisions of any other rule and unless the General Assembly decides otherwise, the Assembly in case of an emergency special session, shall convene in plenary session only and proceed directly to consider the item proposed for consideration in the request for the holding of the session, without previous reference to the General Committee or to any other Committee; the president and Vice-Presidents for such emergency special session shall be, respectively, the Chairman of those delegations from which were elected the President and Vice-Presidents of the previous session."

Resolution B

For the purpose of maintaining international peace and security, in accordance with the Charter of the United Nations, and, in particular, with Chapters V, VI and VII of the Charter,
The General Assembly

Recommends to the Security Council:

That it should take the necessary steps to ensure that the action provided for under the Charter is taken with respect to threats to the peace, breaches of the peace or acts of aggression and with respect to the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security;

That it should devise measures for the earliest application of Articles 43, 45, 46 and 47 of the Charter of the United Nations regarding the placing of armed forces at the disposal of the Security Council by the Member States of the United Nations and the effective functioning of the Military Staff Committee.

The above dispositions should in no manner prevent the General Assembly from fulfilling its functions under resolution - (V).

Resolution C

The General Assembly,

Recognizing that the primary function of the United Nations Organization is to maintain and promote peace, security and justice among all nations,

Recognizing the responsibility of all Member States to promote the cause of international peace in accordance with their obligations as provided in the Charter,

Recognizing that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security.
Reaffirming the importance of unanimity among the permanent members of the Security Council on all problems which are likely to threaten world peace,

Recalling General Assembly resolution 190 (III) entitled "Appeal to the Great Powers to renew their efforts to compropose their differences and establish a lasting peace,"

Recommends to the permanent members of the Security Council that:

(a) They meet and discuss, collectively or otherwise, and, if necessary, with other States concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit and letter of the Charter;

(b) They advise the General Assembly and, when it is not in session, the Members of the United Nations, as soon as appropriate, of their consultations."
'BIBLIOGRAPHY'

Books


Journal, Year books, Documentaries

1. Annual Reports of the Secretary-General on the Work of the Organization.
2. American Journal of International Law (New York)
3. Australian Foreign Affairs Record (Sydney)
5. British Year book of International Law (London)
6. Documents on American Foreign Relations (Dostan)

11. Harvard International Law (Massachusetts)

12. *Indian Journal of International Law Quarterly* (New Delhi)

13. Indian Journal of Politics (Aligarh)

14. *International Affairs* (Moscow)

15. *International Affairs* (London)

16. *Keesing's Contemporary Archives*

17. *Post War Foreign Policy Preparation (Department of State Publication)*


19. *Statistical Yearbook of the League of Nations*

20. *Third World Quarterly* (London)

21. *UN Documentaries*

22. *UN Yearbooks of the United Nations* (New York)

23. *Yearbook on Human Rights*. 


Newspapers

1. The Hindustan Times (New Delhi)
2. The New York Times (New York)
3. The Times (London)
4. The Times of India (New Delhi)
5. UN Monthly Chronicle (New Delhi)
6. UN Weekly Newsletter (New Delhi)