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**Autor:** Rappard, William E.

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## THE QUEST FOR PEACE YESTERDAY AND TODAY.

*Memorial Lecture given by Professor William E. Rappard, of the University of Geneva, Director, Graduate Institute of International Studies, at the David Davies Memorial Institute of International Studies, April, 1954.*

(Continuation)

Before concluding this hasty historical outline of the birth of the United Nations, I propose briefly to discuss three points which, as I see it, are of special significance.

The first of these refers to the date of its birth and its consequent organization as successor to the victorious allies of the second World War.

When President Wilson was contemplating the foundation of the League of Nations, we have seen that he was insistent on its not being born before the peace settlement, of which it was to guarantee the terms. He did not wish it to become "merely a new alliance confined to the nations associated against a common enemy", but an arbiter meting out "impartial justice" and knowing "no standard but the equal rights of the several peoples concerned". Furthermore, as the peace it was intended to secure was bound to rest on the respect and preservation of the agreements and treaties to be concluded, he wished them to be "made known in their entirety to the rest of the world".

On the contrary, everyone connected with the foundation of the United Nations seems to have felt the need of having it in existence before the end of the hostilities that were to beget it. Even Mr. Hull, who most faithfully represented the Wilsonian tradition, approved.

"The creation of an interim international political organization during the war, without waiting for the peace, so that, in contrast with what occurred in the First World War, we should have machinery ready before hostilities ceased."

The reasons which explain this impatience are not far to find. Everyone realized that the United Nations could not effectively maintain peace after the second World War without the co-operation of the Soviet Union. And that co-operation, which it was none too easy to secure even as long as belligerency to Nazi Germany formed a common bond between her foes, would be denied the Western world after peace had snapped the only real link which united them together.

However, as understandable as were these reasons and indeed as compelling as they may have seemed, the consequences of the ensuing action were none the less very grave.

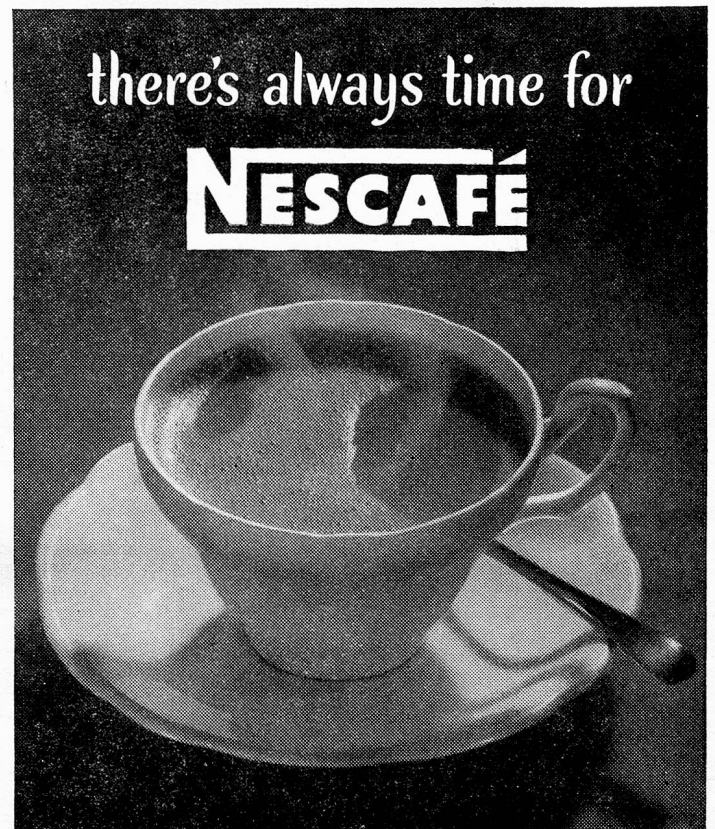
The original membership of the United Nations was unduly restricted, as it was in principle open only to those who had by hook or by crook succeeded in deserving the title of United Nations. This was deplorable for all truly peace-loving nations and particularly for Europe. The Old World has ever been, not only, to be sure, a hotbed of general wars, but also the fount of pacific aspirations and of progressive international law. Can the block of Latin-American nations, even when backed by all the Asiatic and Near-Eastern states which have recently been

born to statehood, replace in the United Nations either those states of Western and Central Europe which have remained aloof, or those of Eastern Europe whose governments take orders from Moscow and not from their own peoples?

Furthermore, the morale of the new institution, once set up as a legatee of the Allied victory, was bound to suffer when it became apparent to all how disunited the leading so-called United Nations actually were. How can the confidence of "the peoples of the United Nations", whose name the eloquent preamble of the Charter rhetorically invokes, not to speak of their enthusiasm, be generated in favour of an institution whose members are theoretically bound to guarantee frontiers some of which they repudiate as unjust and others of which they know nothing because still undetermined?

Finally, some parts of the Charter itself read much more like the constitution of a belligerent alliance than like the covenant of an universal institution dedicated to the maintenance of a fair, impartial and durable peace. Its constant reiteration of phrases such as "peace-loving nations", "sovereign equality of states", "equal rights and self-determination of peoples", "human rights and fundamental freedoms", are no sufficient compensation for the inequality it establishes between large states and small, nor for the flagrant injustices which it not only tolerates but even expressly obliges its signatories to respect.

Of these inequalities, none is more apparent or more provocative than that resulting from the provisions of the Charter under Articles 24 and following.



ANOTHER OF NESTLÉ'S GOOD THINGS

Under these provisions, all member states agree to be bound in the vital question of peace and war by the decisions of the Security Council, on which the great majority of them are not represented, while each of the five permanent members of that body can effectively veto any common action which it deems to be contrary to its own national interest.

Such an unequal distribution of powers between the few strong and the many weak is perfectly natural and therefore legitimate in a belligerent alliance. In war, such an alliance can only hope to prevail over its enemies if the strong remain united and if the many weak obey their orders. But to expect permanent peace to be established on the basis of "sovereign quality" so interpreted, seems as idle as to expect justice to spring from iniquity.

To be sure, even the Covenant of the League of Nations recognized the real inequality of "great states and small" in the structure of its Council. But there the permanent members were, in their rights and duties, bound by the same rules as all the other members of the League. Moreover, the inordinate growth in the size of the Council which undoubtedly resulted from the distinction between the permanent and the elected members proved to be both a concomitant and a cause of its increased weakness.

The experience of the last years has clearly shown that the veto powers of the Charter as interpreted in deference to the wishes of the Kremlin have been one of its main embarrassments. No one has expressed this more clearly than Mr. John Foster Dulles at the last General Assembly in New York. Speaking on behalf of the Government of the United

States which, as we have seen, was almost as much as that of the Soviet Union responsible for the introduction of the principle of the veto, he announced his hope that in its application it might at least be restricted. But as it stands any constitutional amendment of the veto can be constitutionally prevented by its exercise. This I look upon as one of the grievous legacies of the war, under whose constant domination and under whose immediate influence the Charter of the United Nations was prepared and drafted.

The third most unfortunate consequence of the same circumstances was that the members of the United Nations are legally pledged to respect frontiers of which they were ignorant because these frontiers are not yet fixed even today. As we have already alluded to that point when noting the exchange of views between Mr. Hull and his Senatorial confidants in 1944, and as I shall revert to it in my conclusion, I shall refrain from any further comments here. May I merely mention that this also is a consequence of the belligerent birth of the United Nations?

#### HAVE THE UNITED NATIONS FAILED?

So much has been claimed for the United Nations, so many hopes have been pinned on this second effort of our generation to avert the recurrence of a general war, so often and on such high authority has it been asserted that they alone stand between us and the utter annihilation of civilization, that it might seem callous and wellnigh sacrilegious even to question their success. However, as nothing but illusions can be gained by refusing to face the realities of life and politics, we do not feel free to evade the issue.

The third part of our rapid survey of the League of Nations was entitled "Why the League failed". Some ten years ago this League was dissolved, at the end of a world war which it had been unable to prevent. It had therefore undoubtedly failed.

The same can certainly not be said of the United Nations. The organization is in full operation. Its membership, in the course of its brief existence, has increased from 51 in 1945 to 60 in 1954, and its Budget from \$19,390,000 in 1946 to \$48,327,700 today. It has at its service appreciably over 5,000 international civil servants, that is nearly ten times as many as the League of Nations had in its prime. Furthermore there has hardly been a day during the last years when we have not been informed by Press and radio of the meeting of some United Nations body

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in New York, Geneva, London, Rome, Paris or elsewhere in both hemispheres. Judged by these external signs of vitality, the United Nations therefore seem to be prospering.

However, if they have certainly not failed, they are unfortunately far from having succeeded in attaining their main aims.

What are these aims?

As stated in Article 1 of the Charter, which can be taken fairly to express the hopes and intentions of its founders,

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

These provisions were obviously not imagined by a single brain nor drafted by a single pen. They are the result of prolonged national discussions and international negotiations which began before the Dumbarton Oaks Conference and were only terminated at San Francisco. It is consequently not surprising that they should lack concision and complete clarity and that they should be susceptible of divergent interpretations.

The main object which the founders of the United Nations had in mind was, however, not doubtful. It was "to save succeeding generations from the scourge of war" and therefore "to maintain international peace and security".

Whether the other purposes mentioned — for instance, the promotion of "principles of justice and international law", of "equal rights and self-determination of peoples", of "respect of human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" — were considered merely as means of maintaining peace, whether they were presented as ideals to be pursued for their own sake, irrespective of their incidence on international relations, or whether they are to be regarded as mere political rhetoric, we have not to ask ourselves here. It is not on the success or failure of these economic, humanitarian, or juridical endeavours that the destiny of the United Nations will depend. It is primarily and indeed exclusively on their ability or inability to protect their member states against the threat of war.

Viewed in this perspective, the short past of the United Nations does not seem to bid all too well for their future.

To be sure, the third World War, about which so much has been said and written less than a decade after the end of the second, has not broken out in our still war-weary world. But who would venture to assert that the precarious peace of the last years is due to the existence of the United Nations? Is it not obvious that the United Nations could prevent no major conflict which would appose the great powers, since the veto of any one of them in the Security Council would legally reduce them to impotence? On the other hand, the United Nations have been no obstacle to the so-called "cold war" in which the frigid belligerents have been their leading members. However one may judge the causes and methods of this state of acute tension, it is assuredly the very opposite of the "international security" which the United Nations, according to their Charter, have undertaken to maintain. Nor have they been able or even willing to stop the flow of blood on the battlefields of Korea and Indo-China, not to mention the very sanguinary struggle between India and Pakistan which followed upon the emancipation of these new states.

It is true that none of these three conflicts resulted from technical aggression against a member of the United Nations. But would they have occurred or been prolonged if all the signatories of the Charter had really willed its provisions relating to "the prevention and removal of threats to the peace" and "the suppression of . . . other breaches of the peace"?

It may be noted that the Soviet Union remained officially aloof from all these various conflicts. Not only have its armed forces as such taken no part in

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the fighting in Korea and in Indo-China, but its representative on the Security Council of the United Nations was not present at the meeting of June 25, 1950, which adopted a resolution calling "upon all Members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities".

However, is there any serious doubt anywhere either that South Korea would not have been invaded if the Kremlin had deprecated that invasion, or that Communist China would continue to support the uprising in Indo-China if the Kremlin ceased to favour that support and that uprising?

The most convincing proof of the deplorable but all too obvious fact that the United Nations have heretofore in no way succeeded in achieving their main purpose of maintaining international peace and security in the world is that no state counts on them for its protection. This is shown by the constant growth of national armaments and by the conclusion of defensive alliances between regional groups of its members.

Neither of these developments seems to have been entirely unforeseen when the Charter was drafted at San Francisco in 1945.

Whereas one of the longest of the 26 Articles of the Covenant of the League of Nations was devoted to the limitation of national armaments, the Charter of the United Nations, in spite of its 111 Articles, contains but a very brief incidental reference to the matter. In Article 47, its authors provided that:

"1. There shall be established a Military Staff Committee to advise and assist the Security Council in 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."

This was one of the many greivous consequences of the conditions of belligerency prevailing at the date of the drafting of the Charter.

As a matter of fact, the real and increasing lack

of international confidence which has characterized the activities of the United Nations has deprived the Staff Committee of all opportunity to exercise even its main function of military advisor to the Security Council. It is therefore not surprising that it should have shown but little inclination to consider the "possible disarmament" of the members of the United Nations.

Also has there ever been, except in times of war, a period of history in which so large a proportion of the national income of most states has been devoted to military preparedness as today? Would and could that be so if the United Nations was looked upon by its members as able effectively to "maintain international peace and security"?

The Charter on the other hand, while very reticent in the matter of disarmament, deals very fully in its Article 51 with "the inherent right of individual or collective self-defense" of its signatories. It furthermore devotes a whole Chapter of three Articles to "regional agreements". Here again the contrast between the Covenant and the Charter is as striking as it is enlightening.

However, although the Covenant, in accordance with its Wilsonian inspiration, looked with distinctly more suspicion than favour upon regional groupings, the formation of such defensive alliances as the Little Entente was the inevitable result of the weakening of the League of Nations. Under the new dispensation of the Charter, whose American and British authors were far more attracted to the notion of strategic regionalism, the world has witnessed the birth and growth of a large number of separate alliances. Of these, the North Atlantic Treaty Organization is by far the most important. As an instrument for the protection of the North Atlantic community, it has in fact come distinctly to overshadow the United Nations Organization itself. It is doubtless true also that the Soviet Union looks for its security far more to its own military forces and to the bonds which link it to its satellites than to the general international organization of which it is a principal, albeit a very reluctant and unreliable, member.

In view of all these and many other similar facts and circumstances which could be adduced, it is all too clear that whatever may be their future, the United Nations have heretofore signally failed of their main purpose of maintaining among their members the "international peace and security" they were founded to establish.

We may, and in fact all sincere lovers of peace must, deplore it. It is still more operative, however, to recognize its as a fact, to understand its reasons and to consider both this fact and these reasons in framing our views for the future.

The fact — a fact as undeniable as it is deplorable — is that the United Nations cannot today be looked upon as an effective bulwark of international peace.

(To be continued.)



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