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STRENGTHENING FREE WORLD SECURITY
NATO AND ATLANTIC COOPERATION
THE UNITED NATIONS AND WORLD GOVERNMENT

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PREFACE

The national high school debate propositions for 1960-61 selected by the Committee on Discussion and Debate Materials and Interstate Cooperation of the National University Extension Association are—

Resolved, That the North Atlantic Treaty Organization should be transformed into a federal government.

Resolved, That the United Nations should be significantly strengthened.

Resolved, That the United States should initiate a federal world government.

Appended are collections of excerpts from articles and books and bibliographies related to these three propositions. They have been prepared in response to numerous requests from Members of Congress for materials on these subjects. In selecting the excerpts the goal has been to provide some introductory background information and a sampling of various points of view on the subjects concerned. The compilation is intended to stimulate initial thought and discussion rather than to cover the subjects exhaustively or to stress any particular view. The bibliographies, it is hoped, will serve as a useful introduction to the extensive materials that have been published on the pertinent topics.

The excerpts and bibliographies were compiled in the Foreign Affairs Division of the Legislative Reference Service. Inclusion of any statement or citation in this compilation implies neither approval nor disapproval by the Legislative Reference Service of any opinions expressed therein. The number and length of excerpts covering various points of view is to some extent influenced by the availability of published material.

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CHAPTER I

The first part of the book is devoted to a general survey of the history of the world, from the beginning of time to the present day. It is a very interesting and comprehensive work, and one which every student of history should read.

The second part of the book is devoted to a detailed account of the history of the United States, from the first settlement of the country to the present day. It is a very interesting and comprehensive work, and one which every student of American history should read.

The third part of the book is devoted to a detailed account of the history of the world, from the first settlement of the world to the present day. It is a very interesting and comprehensive work, and one which every student of world history should read.

The fourth part of the book is devoted to a detailed account of the history of the world, from the first settlement of the world to the present day. It is a very interesting and comprehensive work, and one which every student of world history should read.

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STRENGTHENING FREE WORLD SECURITY

NATO and Atlantic Cooperation

The United Nations and World Government

I. THE NORTH ATLANTIC TREATY ORGANIZATION AND ATLANTIC COOPERATION

THE NORTH ATLANTIC TREATY ORGANIZATION—WHAT IT IS AND WHAT IT DOES ¹

The North Atlantic Treaty Organization is the tangible expression of the fundamental community of interest of 15 nations—the signatories to the North Atlantic Treaty.

One of the shortest international documents despite its great significance, the North Atlantic Treaty proclaims as its first aim the determination of member governments “to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.” Under the treaty the nations agree that an armed attack against any one of them will be considered an attack against all. Should an attack occur, each country is to take whatever action it deems necessary, including the use of armed force. The military and naval forces of NATO stand ready to back up this basic provision of the treaty on a collective basis and to redeem the pledge of the treaty members to work together to increase their capacity for self-defense through self-help and mutual aid.

Much more than solely a military alliance, NATO is increasingly reflecting the pledged efforts of its members to cooperate in various long-range activities designed to enhance their political, economic, and cultural institutions.

The North Atlantic Treaty was signed at Washington on April 4, 1949, by the United States, Canada, and 10 nations of Western Europe—Belgium, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United Kingdom. Greece and Turkey became members in February 1952, and the Federal Republic of Germany joined in May 1955.

NATO is a free association of sovereign nations. Its unity is not imposed by any one member on the others, and agreements arrived at among the member countries have always been the result of voluntary action based on a recognition of mutual interest. * * *

* * * * *

¹ Excerpts from U.S. Department of State, “NATO, 1949-59, The First Ten Years” Washington, 1959, pp. 4-5.

Is NATO ONLY A MILITARY ORGANIZATION? ²

No, NATO has a nonmilitary side as well. Realizing that armed strength can only rest on sound bases of social, political, and economic power, the NATO countries have undertaken—

further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being.

Political cooperation among the members, particularly in regard to a common front against Russia's periodic diplomatic bludgeonings, has been well developed. The 15 NATO members are in constant consultation to an extent never before reached in the history of nations, and although they may never develop a completely uniform policy—simply because they are free and independent nations—they have already achieved coordination of their policies in many fields to a degree unprecedented in history.

The NATO members also cooperate in scientific and technical matters, pooling their resources to meet the threats posed by Soviet challenges in atomic weapons, intercontinental missiles, and earth satellites.

WHAT ABOUT ECONOMIC COOPERATION?

The NATO Treaty pledges the members to seek—

to eliminate conflict in their international economic policies and to encourage economic collaboration between any or all of them.

Without strong economies, the allies could not support the burden of defense.

Several international organizations have already joined NATO members in close economic collaboration in Europe. Chief among these are the Organization for European Economic Cooperation (OEEC—to which certain non-NATO countries also belong), the Coal and Steel Community, Euratom, and the Common Market.

While these economic efforts are not made directly under the banner of NATO, they nonetheless reflect the determination of NATO members to strengthen themselves in the common cause and to overcome the divisive influences which in the past have plagued Europe.

* * * * *

CHANGES AT ALL LEVELS: NATO ³

(By Ernst B. Haas)

NATO for its part has * * * undergone substantial modifications and the aims of the pact have been constantly enlarged. While it has been fashionable to speak of "the NATO crisis" since the advent of the Suez problems, the truth of the matter is that, in varying degrees, the history of the organization has been a series of crises with clashing viewpoints among the member governments. * * *

One of the sharpest challenges to allied unity has been the issue of nuclear strategy in NATO military planning. The United States and

² Excerpts From American Council on NATO, Inc. "NATO Hope for the Free World," New York 1959, pp. 14-16.

³ Excerpts from "Regional Integration and National Policy," International Conciliation May 1957: pp. 391-427.

British Air Forces are the only services capable of undertaking strategic bombing with atomic weapons. However, their operations are *not* subject to NATO direction. The possibility of such operations being initiated without NATO consent has haunted the continental governments. This fear has been aggravated by national U.S. military emphasis on smaller units armed with tactical nuclear devices rather than on large and conventionally armed ground forces. In the long run, such a reorganization is designed to permit a saving in funds and manpower, including a reduction of U.S. forces stationed in Europe under NATO command. This policy found a ready response in France and the United Kingdom, which proposed to follow suit, and in 1956 they asked the United States to share its supplies of tactical nuclear weapons with its allies. The first step in fulfillment of this request was taken during the Eisenhower-Macmillan Bermuda talks. In the joint communique which was issued on March 24, 1957, it was announced that "agreement in principle" had been reached on the provision by the United States to the British forces "of certain guided missiles." About 10 days later the United Kingdom issued a white paper announcing substantial cuts in its armed services and a revamping of its military establishment with primary emphasis on nuclear deterrent power.

West Germany, however, has viewed this development with a more jaundiced eye. The NATO plan seeks to compensate with atomic firepower for a permanent and significant inferiority in manpower: hence the insistence on German divisions, which are to compel the Soviets to mass their assault troops, which in turn will make the employment of nuclear weapons militarily feasible. But German opinion has not been slow to point out that the ensuing atomic carnage will take place on German soil, involve primarily German personnel, and commit NATO irrevocably to more rather than less atomic planning. NATO exercises with mock atomic weapons and especially the "casualties" gave rise in 1955 to a hardening of the German population's opposition to the introduction of conscription and to the whole policy of participation in NATO. Ironically enough, German as well as French critics of Bonn's rearmament have not been slow to ask why any German troops were required if atomic firepower could compensate for the manpower deficiency.

Finally, NATO is not the only alliance to possess atomic weapons: the Warsaw coalition also possesses them. Hence any signs of a "softening" in Soviet foreign and military policy is bound to be interpreted with great hope by the European governments. Since the death of Stalin, exhortations by the United States that the Soviet threat remains real have been countered by European views that war is less and less likely because of the deterrent effect of the atomic power which both sides possess and because of Soviet internal problems. It is therefore argued that less and less emphasis be placed on military planning and more attention be devoted to economic and political coordination of national policies. The task of NATO is to convince a "softening" Moscow that Western aims are peaceful. As Canada's Minister for External Affairs Lester Pearson put it:

A renewed emphasis on the nonmilitary side of NATO's development would also be the best answer to the Soviet charge that it is an aggressive, exclusively military agency, aimed against Moscow. One way in which NATO might pursue this objective would be to initiate consultations from time to time on the economic

policies of its members, just as we now hold frequent consultations—to great mutual advantage—on foreign and defense policies.

British Conservatives have called for the coordination of economic and colonial policies, in the NATO Council and especially through the convoking of an advisory parliamentary assembly. Italy's President Giovanni Gronchi advocates the dedication of NATO to the economic development of the poorer member states. Many member countries, but especially the smaller ones, favor creation of a pre-federal NATO legislature, to approach the concept of a true political "Atlantic Community."

The strengthening of the consultative process and the central NATO machinery implicit in all these suggestions, including an enhanced role for the already very powerful Secretary-General, has met with a cool reception in Washington. Secretary of State Dulles has repeatedly expressed the conviction that the coordination of the totality of the members' foreign and defense policies was neither necessary nor desirable. Further, he declined to second demands for an expansion of NATO economic activity and called attention to the existence of European agencies already active in this field. Nor has he retracted emphasis on the doctrine of "massive retaliation" by strategic atomic means in favor of some notion of "graduated deterrence" which would allow a greater scope for limited and tactical atomic weapons or conventionally armed troops. * * *

MAXIMAL COLLECTIVE THINKING

The central feature of NATO is the mushrooming of central institutions, in response to newly felt common needs. The treaty itself mentions only one permanent organ—a council—and its powers were unspecified. The North Atlantic Council has remained the central policymaking organ, having jurisdiction over the political, economic, and military aspects of the alliance. Under it, however, an initially unplanned civilian central structure has arisen, with coordinating functions far exceeding those of any other regional or universal international organization. A Council of Permanent Representatives of the member governments is in continuous session to work out details of joint policy, or submit suggestions to the council. It is assisted by a series of technical committees, staffed in part by governmental delegates and in part by members of the NATO Secretariat, who take directions from no single government. Policy emerges as a result of discussion among governmental delegates and independent experts and ceases therefore to be exclusively an intergovernmental compromise. The Secretary-General acts as a full member of the council and as the chairman of the permanent representatives, thus constantly adding his independent voice to those of the governments. Yet the decisions of this structure are not unequivocally binding on the members and implementation, of course, rests in their hands.

On the military side of NATO institutions, much more centralization of authority prevails. The headquarters of the member nations have been "integrated," thus giving rise to four large regional commands, under the direction of the NATO Military Committee and its permanently functioning standing group—in effect the NATO General Staff. In Europe a major additional step toward "integration" was taken by the creation of a single command for all NATO

"earmarked" forces stationed on the continent. This command, SACEUR, has exclusive powers to deploy these troops in time of war and peace, to coordinate their training, organization, and armaments. However, it lacks jurisdiction over national forces not clearly assigned to it in peacetime or earmarked for its use in time of war. * * *

These developments have affected national sovereignty in various ways. They have brought with them specialization among the member countries as to the kind of military contribution they make; no longer does each country seek to mobilize nationally balanced forces, since responsibility for an overall balance between infantry, armor, jet fighters, and long-range bombers has been assumed by NATO. This clearly implies indefinite mutual military interdependence. In the realm of strategy, the Standing Group and SACEUR endorsed decisions to insist on 12 German divisions, to rely on tactical nuclear weapons, and most important, to incorporate the doctrine of massive nuclear deterrence into NATO military planning.

Commitments such as SACEUR's to use atomic weapons naturally gave rise to a great deal of uneasiness among NATO's civilian chiefs and member governments, resulting at the December 1954 Council session in an insistence that the decision to use the "ultimate" weapons be made by joint consultation among the governments and not by the military. While it is difficult to see how an immediate military judgment of this kind, assuming imminence of hostilities, could be made by intergovernmental consultation, secret procedures have apparently been worked out. This step clearly implies a delegation of national power to the alliance without precedent in international relations.

Task expansion has been especially striking in the economic field * * *.

When, after 1950, Washington pressed for more European defense efforts as the Korean war went on, more and more demands for an "equitable sharing of burdens" were heard, implying the need for some kind of central formula whereby the wealthier member states would assume a greater financial burden on behalf of the collectivity. In an effort to reconcile the divergent viewpoints, a Temporary Council Committee was created, composed of three respected "wise men," receiving no instructions from any government and free to recommend as they saw fit. This highly unorthodox procedure was so successful that it has been made permanent. Each year the member governments in their "annual review" examine each other's contributions and seek to agree on next year's. If they cannot agree, the Secretary-General is called upon to make compromise suggestions and to mediate—a function Lord Ismay fulfilled with invariable success.

In a setting of growing institutions and expanding tasks, the method whereby decisions are made in this alliance is clearly crucial. On the military side, orders to deploy, equip, and train troops are binding, though even at the integrated headquarters they are never made without consultation and frequent compromises among national military staffs. On the civilian side, the principle of unanimity permits of no simple and straightforward chain of command. Experience has resulted in the evolution of a "NATO method" of decision making which avoids any formal voting. Recommendations for action are advanced by the Secretary-General of the Standing Group, while requests for specific measures may be submitted by governments.

Action depends on a process of confrontation of aims, discussion, possible remittal for further study to the permanent representatives and Secretariat, resubmission, and eventual adoption or rejection. Compromise is the universal solvent; no decisions are made without it. The essence of the "method" is the inevitable sloughing off which takes place among initially conflicting national viewpoints as suggestions go through the mill of discussion, study, and analysis at the level of instructed delegates and Secretariat.

Consensus achieved through this technique differs in quality and duration. Political issues of basic foreign policy provide an area in which the "NATO method" has encountered the most difficulty. Such issues, especially the nature of the Soviet threat and the future policy of the alliance toward the U.S.S.R., are discussed by the Council at regular 6-month intervals. Unanimous resolutions, however, should not obscure the fact that differences in interpretation and emphasis recur. For example, it took the allies 4 years to decide on the relationship of Germany to the coalition.

Economic matters, however, are dealt with far more successfully through a regular and frank annual review. Yet the absence of a firm "burden-sharing" formula has brought forth sharp complaints from the smaller member countries, especially Belgium, and there has by no means been full and regular implementation of the Council's rearmament goals each year. Governments may decline to accept a recommendation of the Council and thus incur no obligation to comply. If they do accept, however, the presumption is that they will make every effort to achieve the goals set.

The most striking instance of success of the NATO method is the common infrastructure program. Yet even here no permanent cost-sharing formula has ever been found acceptable. One NATO official commented:

Thus seven infrastructure slices were financed according to different cost-sharing formulas negotiated with difficulty, but finally realized, sometimes after a kind of conclave of ministers who were determined not to leave the room until a formula had been agreed upon.

The absence of full agreement on economic issues has been partly compensated for by bilateral U.S. aid, which goes at least part way toward meeting the European concern about the overemphasis on military aspects. * * *

Although there have been successful decisions jointly made, this should not obscure the facts that NATO cannot compel a recalcitrant government to toe the line, that it has often failed to do so, and that the achievement of consensus is by no means assured. All of the member countries have opposed formal standardization of armaments, a uniform 2-year or 18-month period of conscription, and harmonization of the pay scales of their troops in NATO. Yet it must be stressed that none of these instances of resistance to collective thinking involves an outright violation of a central directive or resolution. Even France consulted SHAPE pro forma before withdrawing its troops from Germany for service in Algeria.

Instances in which NATO members clearly failed to carry out the terms of directives and resolutions are extremely rare. An obvious case is the refusal of Greek and Turkish units to operate jointly with British forces in the eastern Mediterranean, as a result of the tension generated by the Cyprus dispute. In this case, a dispute among

NATO members clearly disrupted the chain of command established by SACEUR. But the more common pattern is not so much failure to implement as it is delaying tactics and lack of enthusiasm, thus of course implying less collective action than was anticipated. Most conspicuously, West Germany is over 2 years behind the schedule pledged in 1954 with respect to raising 12 divisions, because domestic opposition to rearmament makes a more rapid pace extremely hazardous politically for the Adenauer government. France has been guilty of the same lack of cooperation. Almost all the European members have lagged behind the economic goals of rearmament at various times without showing great concern.

The most flagrant instance of resistance to collective thinking would be the continuous insistence on unilateral national policy outside the pact framework, in violation of the desires of the bulk of the members. Of this the United States has been guilty on occasion, with the most conspicuous example being the "new look" in military policy, implying reliance on massive nuclear deterrence as the major weapon. The result has been that some European military men have responded with their insistence on an equally new look, with the British announcement of April 1957 representing the logical extreme of this tendency. The United Kingdom's determination to cut its army in half, abolish the R.A.F., conscription, and the bulk of the Royal Navy is linked with the plan to rely exclusively on missiles and nuclear weapons for defense. The plan was evolved not only in defiance of NATO but implies an undermining of joint strategy of unprecedented proportions, especially if it should be emulated by European governments equally anxious to economize on defense spending.

The "NATO method" may still succeed in arranging a compromise between the clashing viewpoints. But it may also add evidence to the disintegration of consensus on the very military questions which heretofore have furnished the bedrock of NATO agreement, and thus augment the unresolved political issues which already plague the alliance. In the past, resistance to collective thinking has been manifest in U.S. refusal to bow to European notions on Communist China and East-West trade, in Washington's reluctance to carry over into national policy agreement reached in Paris on a slackening of the Soviet threat in Europe. Similarly, Western European concern over a common NATO front on colonial issues was greeted with an overt U.S. policy espousing the anticolonial viewpoint, implying Anglo-French unilateralism in Egypt. The "NATO method" has clearly failed to produce collective thinking in the political realm; and the implications of British military planning would be that military agreement is becoming equally tenuous.

The Council session of December 1956 brought into sharp focus the forces arguing for more collective action and those which resist this trend. Rumblings of discontent over the unresolved differences in aspiration among the members had led the preceding Council session (May 1956) to appoint a second group of three "wise men"—Lester Pearson of Canada, Halvard Lange of Norway, and Gaetano Martino of Italy—to submit recommendations for a strengthening of the NATO consultative machinery. The report was considered by the Council in a setting of United States and Scandinavian dismay over Anglo-French unilateral action, British and French despair with their allies over NATO's failure to protect the Suez Canal which is Europe's

access to Middle Eastern oil, U.S. overtures to Afro-Asian opinion, and the festering Cyprus problem. Never since 1951 had interallied confidence and cooperation reached such a low ebb.

Rejecting pleas for providing NATO with a popular base in the form of a parliamentary assembly, the "wise men" argued, however, that the already established unity of defense and military policies among the members made the permanent coordination of foreign policies mandatory. Hence they suggested continuous consultation on all such issues, including those outside the immediate NATO area. Further they proposed that the Secretary-General's powers be expanded by authorizing him to appoint a mediation and arbitration commission from among the Council's members, to aid in solving disputes among NATO countries at the request of the interested governments. As on previous occasions, the internal crisis brought on by dynamic conditions and divergent national aims was to be overcome by strengthening the central organization, in this case by equipping it with new powers for the pacific settlement of disputes. Linked with the report was the European desire to anchor the decision-making power over the use of atomic weapons in the central civilian structure and to reaffirm SACEUR's supranational powers over national armed forces.

The Council reacted by accepting the expanded role of the Secretary General and gave meaning to this decision by appointing Belgium's outspoken, energetic, and self-asserting Foreign Minister, Paul-Henri Spaak, to that office. The appointment is all the more meaningful since M. Spaak stands for a more powerful central machinery, and expansion of the NATO role in colonial and Middle Eastern affairs, and defends a stringent multipartite civilian control over the use of atomic weapons. On the use of the atom bomb, M. Spaak has written:

Decisions can be taken in the Council of NATO only by unanimity; each of the diplomats who sits there must ask his own government for instructions before acting on any serious matter. A council of this sort cannot deal with an urgent situation. Evidently a serious gap exists and must be bridged * * *. The menace of the atom bomb points directly to the reinforcement of the Atlantic Alliance—in its aims but above all in its methods * * *. The atom bomb leaves no realm for neutrality or separate national policies. The West is condemned not only to wage war together but to create policy together.

A further successful compromise was reached on the attitude to be adopted toward unrest in the Soviet sphere, the implications of the Hungarian revolt, and the possibility of its spreading to East Germany. For Bonn, Foreign Minister Heinrich von Brentano argued passionately that NATO should do every thing in its power not to encourage further revolts in order to minimize the danger of West German unofficial armed support going to potential East German rebels. Hence he defended the maintenance of existing levels of forces and opposed any reductions planned by Britain and the United States, while stressing the declaration of a formal NATO hands off policy. The final decision of the Council gave him full satisfaction, even though United Kingdom and United States representatives had initially been less forthright.

On the crucial issue of permanent consultations to assure a united policy on colonial and extra-European questions, however, no compromise emerged. Secretary Dulles took firm exception to the recom-

mendations of the three "wise men" on this score, reserving the right of the United States to move unilaterally in Far and Middle Eastern questions. Canada's plea for permanent coordination went unheeded as did Turkey's for an extension of the NATO area to include the Middle East and the Baghdad Pact region. U.S. policy in that region since the meeting underscores the continued unilateral nature of its activities. NATO decisions, despite M. Spaak's argument for a firm policy on the Suez Canal, did not go beyond endorsing the principles which the United Nations had adopted as a basis for a settlement. * * *

* * * * *

THE POLITICAL FUTURE OF NATO ⁴

(By Paul-Henri Spaak)

Those who believe in the utility and effectiveness of the Atlantic Alliance must ask themselves whether, in spite of its undeniable success, NATO, as constituted today, adequately meets the Communist threat in the new form it has assumed. I fear that the answer must be negative. For, although the Atlantic Alliance has achieved its main aim, and is therefore very definitely a success, the Communist threat has spread both geographically and ideologically. It is no longer a threat confined to Europe. It is at least as great a danger to Asia and Africa, while, at the present time, it is probably economic and social rather than military and political.

NEW TASKS

After 10 years, we have succeeded in building a system of military defense which probably safeguards us against aggression. * * *

But what would be the use of all this in the long run, if Europe, now so strongly defended, were to be outflanked in the Middle East and in Africa? * * *

"BALANCE OF TERROR"

Is there a single statesman, whether in the Communist world or the free world, so foolish as to believe that after a third world war, waged with atomic weapons, the problems to be faced would be easier than those of today? There is not. The traditional concept of a military victory has been shattered, and the basic factors underlying the problem of war have thus been radically transformed. * * *

We can never, in fact, compete with Soviet arms on manpower alone, therefore our shield forces must be of the highest quality; they must be equipped with the most up-to-date weapons; they must be highly flexible and highly mobile so that they are able to deter and, if necessary, to deal with, threats of every size and variety. They must be forces which can be handled as one, under effective and competent international command, and this means that their communications, their training, their infrastructure and their spirit must be highly developed and international in character. * * *

Naturally, it would be ideal if all nations could agree upon general and controlled disarmament. But short of this ideal solution I continue to believe that the existence of the atomic weapon is the best guarantee against war. The worst mistake we could make, and the

⁴ Excerpts from NATO letter, December 1959, pp. 2-5.

most likely to make war possible or even probable, would be to accept disarmament in the atomic field alone and thus bring war down once again to the man-to-man level. * * *

NONMILITARY AIMS

The Atlantic Organization has built up a satisfactory military apparatus and is, we hope and believe, strong enough to discourage any aggression. We must now seek to give the alliance the solid foundation of a united, or at least a coordinated, foreign policy. Armed force, after all, is an instrument of policy. It is not much use having the instrument if you have no policy.

In the second half of the 20th century a purely military alliance is not enough. Certainly, we have to explain to our peoples that they might one day have to defend themselves in common against a common enemy; but we have also to explain to them that they must learn to live together. Somehow they must grow to understand what solid and permanent interests they have in common.

The authors of the Washington Treaty understood this very well, but during the first 6 years of its life the alliance concentrated mainly on the military effort.

At the beginning of 1956 the foreign ministers of member countries invited three of their number to study the political aspects of the alliance and to make a report, and the Suez crisis in that year gave dramatic evidence of the urgency of finding a solution to this problem.

For in this matter of grave international policy, the French and the British took one position and the Americans took another, which was closer to that taken by the Russians.

It was perfectly clear at that time that such a situation, if it were to occur again, would be fatal to the alliance, and everyone was therefore in a suitable frame of mind to accept the report which the three ministers produced at the end of the year.

POLITICAL CONSULTATION

For this report vigorously underlined the absolute need for co-ordination of foreign policy and recommended that there should be methodical consultation amongst the allies before any individual action was taken.

You may regard this recommendation as a glimpse of the obvious, or you may regard it as a revolutionary proposal. Consultation has always played a part in diplomatic method, and there was, therefore, nothing essentially new in the idea. On the other hand, never in history has there been an effort of consultation so systematically practiced amongst 15 nations whose geographical positions, relative importance, and national traditions are so varied.

It is certainly no easy matter to coordinate the foreign policy of these countries. I would not like to say that all our efforts have been successful, but I can say that we have achieved substantial results. It is a new experiment and we shall not be able to decide finally upon its success or failure for a number of years. Generally speaking, the consultation has been well applied in regard to relations between East and West. For 2 years almost all the notes exchanged between the great powers of the alliance and the Soviet Union were seriously

examined and discussed beforehand in the Permanent Council. It can, therefore, be said that these notes were the expression of a concerted common policy and not merely of the ideas of one or other member country.

UNITED POLITICAL FRONT

The press talks a great deal about crises in NATO, and about the difficulties which member countries find in agreeing with one another. Certainly such difficulties exist. But I do not consider them to be in any way a sign of crisis. They are inevitable, and even useful, in an association of 15 free countries, considering the complexity of the problems which have to be resolved.

The encouraging fact is that whenever it has been a question of meeting the Soviet Union in negotiations, differences on the Western side have always been surmounted. * * *

EXTRA-EUROPEAN RESPONSIBILITIES

But an optimistic statement like this should not conceal the fact that the Organization is threatened with a difficult problem in regard to political consultation.

Some governments think that the Atlantic Alliance, which is a limited regional defense pact, is insufficient today. They point out that, in its present form and with its present functions, it cannot provide a solution to problems lying outside its geographical limits. They maintain that NATO neglects the vital problem of global strategy.

Governments who feel this way have a tendency to treat consultation within NATO as of secondary importance and this is certainly harmful to our Organization. I consider that we must find a remedy for this because I believe there is a real case for the argument that NATO's procedures are out of date.

It is not possible in 1959 to isolate European problems from those of Africa or Asia. In the first place, the Communist pressure is more and more directed toward those two continents. Secondly, certain members of NATO have wide and important interests outside the territory covered by the Washington Treaty.

What should we do? We cannot change the treaty. We cannot ask the member countries as a whole to extend their military commitments. But we can make the general consultation in NATO more systematic and thorough, and we can add to it a system of limited consultation in which those countries would take part which have special interest in the problems in different parts of the world.

In these restricted consultations all the political, economic, and military problems should be studied with the purpose of reaching a coordinated policy. It should be more than a mere exchange of information and documents. It should lead to the conclusion of particular agreements.

There may be some difficulties about this system, but I see many advantages. The most powerful members of the alliance, who would, of course, be members of all the restricted committees, would thus acquire a general view of world problems and would be in a position to coordinate the action of the alliance. This, it seems to me, would be a step toward the elaboration of a global strategy.

EVOLUTION OF CONSULTATION

The countries with limited interests would have the opportunity to concert their action with their more powerful allies and would no doubt obtain from them the help they need. Finally, the other members of the alliance would not be kept in the dark. On the contrary, they would be informed, to the extent that they were interested, in accordance with the principles laid down in the report of the "three wise men." * * *

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THE ATLANTIC CONGRESS—PROPOSALS FOR POLITICALLY REVAMPING NATO ⁵

The Atlantic Congress was held in London, June 5-10, 1959. It was attended by 650 citizens from every NATO country except Iceland in order to discuss on a nongovernmental level problems of the North Atlantic alliance. There were 130 delegates from the United States.

(The report of the political committee as adopted by the Congress read in part as follows:)

REPORT OF THE ATLANTIC POLITICAL COMMITTEE (COMMITTEE B) AS ADOPTED BY THE CONGRESS AT THE PLENARY SESSION ON JUNE 9

When the North Atlantic Treaty was concluded 10 years ago it was easy to foresee that, apart from the conditions of insecurity which brought it into being, it would have to become a structural and prominent element of world policy.

Indeed it not only meets a need for protection, but it brings together peoples having an essential bond of positive solidarity, the same conception of man and his place in society and the same love of democratic liberties.

As the fundamental and permanent nature of the Communist menace became clearer, and with the general realization that it came from a civilization opposed to ours and on which it feeds, we have become more conscious of this solidarity and of its extension into all fields of activity.

If we are to survive, we are faced by the necessity of opposing the Communist world, which is held together by the violence of its methods and policies, and activated by a new revolutionary faith designed to appeal to the economically less advanced peoples.

Our determination to do this cannot be questioned. But the problem before us is whether the alliance as it operates today gives effective expression to this desire of our peoples, whether we have yet reached a sufficient degree of unity, whether existing measures are adequate to meet the dangers—in a word whether its policy is adequate to meet requirements.

Many people are very skeptical on this point; and the important Congress we are now holding has no other aim than to devote itself to this question.

It is obvious that an alliance between 15 sovereign States is seriously handicapped at the outset in view of the complication of unanimity

⁵ Excerpts from Atlantic Congress, Report, London, 5-10 June 1959, Prepared by the International Secretariat of the NATO Parliamentarians Conference, pp. 59-62.

procedures which paralyze the integration of methods or coordination of policies. Our governments already realized this difficulty in 1956 and entrusted the "three wise men" with the task of making appropriate proposals.

It is unfortunate, however, that in practice little or no account was taken of their advice, neither in the matter of the standardization of armaments nor in the common approach to the relations with the uncommitted countries, or the question of how to achieve a higher degree of economic cooperation.

This then is the crux of the matter. The pooling of our national resources in the traditional form of international cooperation seems today hopelessly inadequate and out of date compared with the new danger that is threatening us all in equal measure.

Of course, one solution would be to bring about some form of political federation of all of our States. The idea of such a federation at this time should not be ruled out, but we must face up to the possibility that it may be psychologically premature. In any event we must proceed beyond the stage of an alliance. In other words what we must do is to create a genuine community.

This will not be an easy task. What it requires is an entirely new enterprise for which there is no precedent in history. It is also one which must be built up on empirical lines combining the maximum amount of boldness in design with a sense of realities.

At all events, there is a fundamental principle which we must acknowledge as the cornerstone of this community; namely, that the traditional concept of the sovereignty of our countries must not be regarded as something unalterable, like Holy Writ. It must also be realized that in our democratic society the rights of the individual, though they remain the general rules of that society, are limited by law in order to preserve the freedom of other individuals, or to insure social progress in accordance with technical progress. Hence the need for us to accept limitations of the sovereignty of our States; limitations which are urgently called for by the overriding needs of our defense, our well-being, and our unity.

In practice, this would require the transfer to a common authority of that part of our national authority which we are obviously no longer in a position to insure except in an inefficient and outdated manner. The issue at stake is a practical problem and not one involving some new philosophical doctrine. We simply must learn the lessons of the evolution of the world we live in. It is clear that we are living in an era when safeguarding of the freedom of man—which is the highest good—will be impossible to insure without far-reaching structural reforms. * * *

We are coming to the decisive moment when the balance of force runs the risk of being upset. NATO must prepare itself to confront simultaneously all these threatening perils, which other committees of the Congress have been examining and which while keeping them in mind, we need not go into now.

But NATO can only do this if it maintains its strategy and military potential in a position to deter aggression directed against any of its members, and if it builds up stronger institutions which will effectively place the whole of its means at the service of a policy of closer union which will lead mankind to the new era made possible by scientific, industrial, political, and moral progress. * * *

THE POLITICAL EXPRESSION OF THE ALLIANCE

A guarantee of security having been acquired, and with the member nations of NATO growing increasingly aware of their deep solidarity, it has become essential to give a better political expression to this guarantee and this interdependence. Efforts have already been made in this direction, and results have been recorded which, however inadequate, still make it possible to claim that NATO is now no longer merely a military alliance but a forerunner of political community.

It is therefore imperative to examine anew the further possibilities for the development of the alliance. To help in bringing this about, the Political Committee submits the following resolution:

That in order to consider the further development of the alliance our governments be requested to carry out as soon as possible the remainder of the unanimous recommendation of the Third NATO Parliamentarians' Conference (out of which the present Congress arose) by bringing about not later than the spring of 1960 a special conference composed of not more than a hundred leading representative citizens, directed to convene for as long as necessary in order to examine exhaustively, and to recommend as expeditiously as possible, the means by which greater cooperation and unity may best be developed within the Atlantic Community.

The work of this Conference would obviously be on a very large scale. It would have to give the most careful attention to the problems of the North Atlantic as a whole as well as to the important questions of principle which the Congress has barely touched upon. The Committee is well aware of the discussions now proceeding in other sections of the Congress and of the fact that the numerous problems concerning the aims and institutions of the alliance and the relations of its members with other parts of the world are closely connected. But with regard to the questions before it, the Committee suggests that the Special Conference should consider whether the unity of the Atlantic Community and the efficiency of its institutions would or would not be strengthened by the subsequent development of the Conference of NATO Parliamentarians and of a small advisory committee composed of eminent personalities attached to the Bureau of the General Secretariat, and also by the adoption by the North Atlantic Council of the weighted preference vote.

The Conference will assuredly realize that good results have materialized from the wider powers and duties recently invested in the Secretary General. That is why, taking into account the value and significance of these results, the Congress hopes that the North Atlantic Council will examine more thoroughly the question of the Secretary General's powers, with a view to enabling him to voice even more fully the opinions of the alliance regarding the problems which arise in its sphere of action and regarding all those problems which may, directly or indirectly, threaten its vital interests in any part of the world.

For the solution of these problems it is absolutely necessary that there should be a greater degree of consultation, which is essential for the coordination of policies. For this reason the following resolution has been adopted:

This conference expresses its satisfaction at the widening scope of intimate consultation among member NATO states on political matters, and in accordance with the statement in the 1957 report of "the Three Wise Men" that "a member

government should not, without adequate advance consultation, adopt firm policies or make major political pronouncements on matters which significantly affect the alliance or any of its members unless circumstances make such prior consultation obviously and demonstrably impossible," which statement has already been officially adopted by the member governments; stresses the need for further progress in order for the NATO governments to coordinate more fully within the North Atlantic Council their policies on all questions of common concern.

However sincere, and however systematic, their political consultation may be, between 15 countries there are always liable to be differences. It would be unrealistic to deny this, but in their report for 1956 the Three Wise Men laid down the rule that friendly settlements of any such differences should be sought. It is unthinkable that between allies so closely united as the NATO countries by their history, their civilization, and their hopes, conciliation and arbitration should be found to be inadequate. But the present machinery can be improved, and the Congress recommends that a study group be set up to consider methods which might be used and to study possible ways and means, including the creation of a NATO Court of Justice.

NATO might, for example, supply judges who, having the same ideals, would apply the legal principles common to all the nations of the Atlantic Treaty. The peoples of this community have a common heritage of democracy and individual freedom under the rule of law. The proposed study would make use of that heritage to seek new methods of settlement of disputes based on law, the guarantee and the expression of dignity and freedom, the very basis of relationship between man and communities.

In December 1957, while the world was still stirred by the emotion aroused by the Soviet launching of the first artificial satellite, the meeting of heads of government of the NATO countries was an unqualified success, both politically and psychologically. It is highly desirable that such a meeting take place every year, whatever the state of international tension, so that the efforts for closer harmony of national interests may be thrown into sharper relief. This in turn would enhance the realization felt by the Atlantic nations that the bonds between them are far stronger than their divergencies, their solidarity greater than their disagreements.

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EUROPEAN FEDERALISM AND ATLANTIC COOPERATION ⁶

(By Ben T. Moore)

The modern federalists, whether their goal is Atlantic or European federation, argue that a structure based on the principle of cooperation among sovereign states is beset by fundamental weaknesses. It is slow and cumbersome in action, precisely because it must achieve unanimity among many sovereign members. Its leadership will be weak because in practice it must be provided by national representatives who are inhibited by the need to take account of national interests as well as those of the group as a whole. The principle of "one country, one vote" is undemocratic because it equates the voice of a small country with that of a large one. At the same time the powerful members of the group can sometimes unfairly impose their will on the weaker because their strength and wealth may be out of proportion

⁶ Excerpts from "NATO and the Future of Europe," New York, Council on Foreign Relations, 1958, pp. 217-232. Reproduced by permission of Harper, for the Council on Foreign Relations.

to their legitimate influence based on population. Finally, cooperative arrangements for defense and trade expressed in treaties and conventions are notoriously vague and fragile. Regardless of formal commitments signed and sealed, they do not provide a precise, stable and enduring framework within which to achieve the common purposes.

These weaknesses can be avoided, the federalists urge, only by recognizing that the basic unit of democratic politics is the individual citizen, not the national state. Once this principle is accepted, then true federal institutions can be established. Thereafter decisions can be taken promptly by individual leaders chosen to represent the federation as a whole. A federal legislature, selected on the principle of equal representation for the population as a whole, can review, influence, and share in the making of these decisions. Because power is distributed in accordance with the democratic principle of "one citizen, one vote," the problem of differences in the size and power of the member states does not arise or can be compromised by readily available federal devices. Since the traditional federal compact involves a grant of broad, if defined, powers to federal institutions in perpetuity, the stability of the association is insured.

SOVEREIGN STATE OR SUPRANATIONAL COMMUNITY

Even the organizations like NATO and OEEC which seek to preserve the principle of national sovereignty are developing in ways which meet to some extent the federalist objections to purely cooperative arrangements. Leadership is provided not only by the representatives of governments but also by international officials—a Secretary-General or Supreme Commander—who are responsive to the needs of the organization as a whole. The council of governmental representatives, sitting periodically at the ministerial level and in permanent session as a council of high officials, has proved a reasonably effective instrument for reaching decisions on such issues as are submitted to it for action. The loose and unprecise commitments of the North Atlantic Treaty and the OEEC Convention have been given content and made specific by a series of supplementary agreements and decisions in the NATO annual review, the OEEC trade and payments programs, and similar arrangements. Both NATO and OEEC have been able to create and adapt structures of military and economic cooperation only dimly foreshadowed in their basic charters.

Nevertheless the federalist case against these organizations continues to be valid. The council of national representatives operating on the rule of unanimity works as well as it does because frequently important problems on which agreement would be difficult are either not put before it at all or not pressed to an urgently needed decision. The NATO Council has failed to deal effectively with problems long vital to the organization, such as Algeria or Cyprus. The OEEC has been deadlocked for years in its effort to promote the joint economic development of the African territories of its members. Furthermore, the supplementary agreements in NATO and OEEC are much more limited in their duration than the underlying treaty or convention and therefore uncertain. The North Atlantic Treaty could remain legally in effect as a loose alliance, but NATO could be deprived of an integrated force, the essential support of the treaty, by a series of

national decisions in the Annual Review to reduce or withdraw forces. Or the European Payments Union could collapse since an important member might refuse to renew it each year without violating the vague commitments in the OEEC Convention.

The most serious weakness of a cooperative international organization is the indirect impact of national legislation and public opinion on its decision-making process. The views of other countries on the important issues with which NATO or OEEC must deal can only filter through the national representative to the administration of his own country and then to the legislature and the voter. Outside the deliberations of the councils, often held in secret and sparsely reported in the press except when ministers or heads of state attend, there is no direct confrontation of all the divergent positions which affect the decisions of the organizations such as takes place in a national parliament or congress. Yet, the decisions of the organization can often be carried out only through legislative action or approval in all the member states. As a result NATO and OEEC are too frequently afflicted with immobility, conflicting national positions remain frozen and cannot be compromised and adjusted by the normal democratic process of parliamentary and public debate and decision in favor of a majority view.

The institutions of the Six represent an attempt to meet the federalist criticisms in ways not open to the cooperative organizations. Collective executive organs such as the high authority of the ECSC and the commissions of the Common Market and Euratom may provide strong leadership and administrative authority committed to the interests of the entire community and, therefore, more effective than a secretary-general whose powers are limited to advice and consultation. The ministerial councils of these institutions have been given the power to make decisions by majority vote and can thereby avoid the immobility imposed by the national veto. When the vote of each minister is weighted roughly according to the population of his country, the undemocratic principle of equating a small country with a large one is abandoned. By including detailed commitments for economic integration in treaties which are to run without any time limit, the uncertainty which plagues the OEEC programs is reduced.

Nevertheless, these institutions cannot satisfy the true federalist because they deny power to the individual voter and his representative. Like the assemblies of the Council of Europe or the WEU or NATO's association of parliamentarians, the European Assembly of the Six has no power to compel either national governments or the collective organs of the community to act. Even without this power, however, it may strengthen the process of international accommodation. Within it the legislative opinion of each member country will confront that of every other and each parliamentary delegation can exert a direct influence on the views of its colleagues. A similar process can be initiated in the other assemblies and they should be encouraged and strengthened for this reason. But so long as it lacks the attributes of a sovereign parliament the ability of the European Assembly to compromise divergent positions and to review and influence the actions of the executive organs of the community will remain limited. And there can be no sovereign parliament without direct election by the voters. To create the strong and efficient executive needed to deal with the problems of economic integration,

the Six are moving toward restrictions on the rights of member states to veto collective action. But a strong executive which is not responsible to parliament and people is undemocratic. The advantages of a supranational executive body cannot be achieved unless the full measure of federalism inherent in a directly elected parliament is also accepted.

A federal parliament would also enable the Six to deal with the problem inherent in their present effort to legislate by treaty. As matters stand now, the three treaties include detailed provisions which must be adapted to meet new conditions but can be changed only by the cumbersome procedure of treaty amendment. The grant of broad though defined powers to a federal parliament would give the community greater flexibility to modify its detailed arrangements as necessary in the future without sacrificing the stable and firm commitments needed if it is to achieve its goals.

The advantages of a federal over a cooperative structure are important. A stronger and more efficient executive manned by community-oriented leaders can be combined with a parliament in which the various interest of the community are represented and conflicts adjusted with less risk of inaction than that imposed by the maintenance of the national veto. A federal compact can combine a firm commitment with the flexibility needed for adjustments to changing circumstances. Like the benefits of an economic or defense union, however, these purely political advantages of a federal union presuppose a surrender of national independence and sovereignty. Federalism may be possible in Europe; it seems less likely within the Atlantic association. This grouping may have to rely for some time to come on a cooperative structure with its problem of leadership by the more powerful states.

AMERICA, BRITAIN, AND THE EUROPEAN COMMUNITY

The United States is the obvious leader of the Atlantic association. Its size, military strength and wealth are each of a different order of magnitude from that of any one of its Atlantic partners and single it out for the leading role in any association in which the basic unit is the national state.

Yet the United States, clearly, has not used its superior power either to dominate Europe or to tie it into a tight Atlantic entity to serve the American interest. For the most part our European partners have shared equitably in making the decisions which we have been willing to submit to the Atlantic forum. Difficulties have arisen primarily because we have withheld our great power or because we have exercised it unilaterally or without taking what the Europeans regard as sufficient account of their interests. The refusal to share power, when the use of that power is deemed essential to the common interest, can be as undemocratic as its use to control or dominate others. This refusal accounts for a paradox that has bewildered and distressed many Americans: at the same time that the Europeans have shown many signs of feeling like American "satellites," they have also pressed for more vigorous American leadership in NATO and elsewhere. They have wanted to share more effectively in the direction and control of American power which, they feel, is essential to their security and welfare.

American leadership and initiative in relation to Western Europe have frequently been vigorous and imaginative. In the economic field, highly successful American initiatives like the Marshall Plan were designed to restore European economic strength by promoting unity so that Europe could stand on its own feet, independent of American support. Because imagination and leadership have never been applied in similar terms to security problems, Europe remains weak and dependent on American military power. Only by consistently pursuing the goal of European strength through unity could the United States justify a policy of refusing to share its power fully with its European partners. Since it lacks both adequate power of its own and a share in American power, Europe feels that American leadership is inadequate.

The assumption by American of leadership in an intimate Atlantic association has been inhibited by several fundamental factors arising out of its own characteristics and out of its position in the world. Unlike its European allies, it is a continental country with a large and heterogeneous population. The problem of adjusting varying ethnic, regional, and economic interests assumes proportions far exceeding that of any of the Western European countries. Its Federal Government is large, complex and sometimes cumbersome, not merely because it is federal in form and based on the principle of the separation of powers, but because it represents government on a continental scale. Furthermore, because of its size and strength the United States has interests not only in Europe but in every region of the world. Latin American and certain Asian countries look to it for leadership. It is involved with the uncommitted countries and the United Nations in a different way from the European countries.

For a country in this situation, the assumption that it can assume vigorous leadership of a close association limited to the Atlantic area must break down sooner or later. The great size and strength which thrust the position of leadership upon it also limit its capacity to carry out the responsibilities wholeheartedly. The United States is continually pulled away from Europe, both inward to the American Continent and outward toward the rest of the world. We tend to hold back on making commitments to Europe, both because it is difficult for us to reach agreement throughout our vast country on any new international commitment and also because we are impelled to maintain the flexibility which will allow us to deal with problems in other regions. The requirements which the Atlantic association imposes on Washington compete for the time and energy of a government already heavily burdened with domestic and other international problems.

The great disparity between American power and that of any one of the Atlantic partners adds to the difficulties. Power which is shared democratically tends to be difficult to mobilize and use effectively. When each unit makes a contribution to the common strength, these difficulties are easier to accept because they are counterbalanced by the great increase in the total power available to all. To many Americans, however, it seems as if they have been contributing most of the strength to an Atlantic association which has become more and more bogged down in restrictions of various kinds without providing any significant accretion of power to the benefit of American interests.

If Europe were to achieve the power which economic, military, and political union would make possible, it could be less concerned about the reluctance of the United States to share American power. A united Europe itself could undertake initiatives now impossible for even the strongest European state. In this way a transatlantic association based on the principle of cooperation between sovereign states could become healthier since power would be shared equitably by both its European and North American centers. But Europe must first deal with the limitations on national sovereignty inherent in any combined use of its power and with its own internal power balance * * *.

The recognition of the importance of these conflicting sentiments has led the advocates of closer Western association to grope for theories of international community building among modern democratic states. The all-or-nothing school of European federalists holds that federalism must be achieved all at once or not at all. Gradualism will inevitably result in so many delays and difficulties that the program will founder before the goal has been reached. If federal institutions could be created at one stroke to provide Europe with both military security and economic welfare, the sense of European community would thereafter be strengthened as a natural consequence of federal action. This approach has run afoul of the fact that nationalism in Europe has been strong enough to place the immediate establishment of a federal Europe beyond the realm of practical politics. Gradualism has been in fact the only possible course.

The gradualists have also evolved their own theory. Some were originally federalists and others went only as far as regional cooperation, but all agree that, if an organization can be established to carry out a particular function and if it succeeds in that task, this will make it easier to expand its functions or to create other organizations to bear new responsibilities. The success of functional organizations will strengthen the sense of community and make possible gradual progress toward union. The proponents of article 2 in NATO are also gradualists. They have kept on searching for economic or cultural functions for NATO to assume largely because of a feeling that this would strengthen the sense of Atlantic community and would thereby hold the alliance together in spite of the strains which a changing strategy inflicts on it or make it possible in time to take further steps toward military integration.

A sense of community implies a loyalty, or a feeling of belonging, to a group larger than the nation—to Europe or to an Atlantic or Western association. It constitutes the psychological cement of integration, of bringing together the parts to form a whole. It is difficult to define or measure with any precision the psychological sense of belonging. But integration as a political progression can be defined in terms of the institutional arrangements through which a group of democratic countries define and implement their will to work together. With respect to these arrangements, we can say that such a group becomes more closely integrated as it moves toward the following goals:

- (1) A common strategy and military establishment, including nuclear weapons, ready to cope with threats to its security whether such threats are aimed directly at the group or arise outside it. This requires that the burden on manpower and resources be distributed efficiently and equitably among the mem-

ber countries by comparable systems of military service, by an organization of supply which takes full advantage of the most efficient sources for developing and producing weapons, and by a sharing of costs based on the principle of ability to pay.

(2) A common market including free movement of capital, technology, and people. The complete integration of the market requires that the costs and advantages of achieving and maintaining this market be distributed equitably among its members, with the aim at establishing at least a rough equality of returns for comparable factors of production.

(3) A common foreign policy supported by both the military establishment and the integrated economy, including an equitable sharing of costs such as aid rendered to other countries and areas.

(4) Democratic arrangements for making the necessary decisions. Councils of governmental representatives will be replaced by central executives responsible to the community as a whole and instructed and supervised by directly elected assemblies.

As integrated institutions of this character function with increasing success, they will inevitably come to be associated with a growing sense of community. Loyalty to the group develops as the group contributes effectively to the security and welfare of all its citizens. Perhaps even more importantly, it arises from a sense that the group functions equitably and that all members share in the burdens and benefits which it imposes and confers.

If integration is viewed as a process rather than an end product, then the gradualist or functional theory of community-building can be formulated somewhat more precisely. A group of countries entering on the path of integration will at first accept only limited institutional steps toward this goal and will in fact be uncertain about desiring to reach that goal. Furthermore, the members will judge each proposed step in the light of their national interests. Integration therefore can get started only when there is a strong congruity of national interests in making particular functional arrangements work. As the organizational structure grows and supports the weight of more functions with reasonable efficiency and equity, the sense of community will also become stronger. It will be stimulated likewise by increasing cultural contact. Policy will gradually come to be tested more against the interests of the group as a whole and less against the separate national interests of the members, although the latter will exert a persistent influence. As the sense of community is strengthened the process of integration can be accelerated and more far-reaching institutional arrangements will become possible until they approximate the fully integrated system. The process is similar to that of national integration. In most of the Western democracies the growing sense of national community has strengthened their capacity to act in terms of nationwide interests, although the interests of regions and other groupings within the Nation continue to exert their pulls on national policy.

In building a sense of community across national boundaries, it makes no significant difference whether integration takes place first around institutions dealing with security or with economic welfare. Effective performance and equity in either will contribute to a feeling of solidarity among the member countries. If it proceeds far

enough, economic integration will make possible greater security integration, and the converse will also be true. Moreover, economic and military integration come together in political institutions. A federal structure established to support an economic union can equally well serve a defense union. On the other hand, disintegration or breakdown in either field will check the growth of community feeling stimulated by the other. A sharp increase in nationalism arising from economic difficulties and antagonisms can disrupt even a tightly knit military alliance. And there is a question whether a neutral political and military policy on the part of any member of a community can be reconciled with close economic integration.

In Western Europe there is at least the possibility that the cumulative and accelerating process of integration can get underway. The sense of community is still not strong, but there is an effective congruity of national interests in taking further steps toward European integration. The elaborate European institutional structure can function both to strengthen the sense of community and to insure joint progress toward agreed goals at least in economic welfare. The danger of breakdown lies in political and military affairs. If either Germany or France were to turn to neutralism, the process of European integration would receive a severe setback. Yet this may well happen unless the plan for economic integration is complemented by a similar program of political and military integration. The principle of gradualism, however, is much more difficult to apply to a nuclear defense union than to an economic union. In Rene Pleven's plaintive words of 1950, "world events" seem to be conspiring to deny Europe the "respite" needed for a leisurely and relatively painless journey along the road to European union in accordance with the gradualist philosophy.

The outlook for European integration is nevertheless more promising than that for the Atlantic association. The sense of community in the wider group remains weaker. The United States will continue to judge the difficult measures required for further Atlantic integration primarily in terms of its national interest and it will continue to find their logic less than compelling. If Europe can achieve effective integration for itself, it will evoke a greater American interest in strengthening Atlantic integration. The more immediate problem for the United States is to determine whether the American and European interests in European union coincide * * *.

The United States must, in its own interest, continue its policy of promoting and strengthening the forces which are working to create an integrated Western Europe. Whatever the merits and risks of a European common market or a European nuclear defense union, they must be weighed against the grave dangers that would follow the breaking up of Europe into antagonistic national units. These dangers are all the more real because of the unceasing and many-sided Soviet efforts to destroy even the present degree of European cohesion. Even without the Communist threat, Western Europe would face the necessity of restraining its historic tendency to let itself be weakened and possibly destroyed by internal conflicts.

There are three possible ways in which the United States can work for the integration of Europe. One path is to seek this goal directly by encouraging the economic and military union of Europe, preferably including Britain but separate from North America, together with the

political integration required to make it effective. Or it can lead and participate fully in a political, military, and economic federation of the entire Atlantic area, or preferably of an even broader union of the free world. Western Europe would then become an integrated region within this greater whole, much as the regions of the United States are now integrated within the American federal union. A third possible course is to continue the present policy of encouraging European economic integration but, in addition, to transform the present Atlantic alliance into a genuine Atlantic defense union.

This third alternative does not represent an enduring option. An Atlantic defense union, based, as it would have to be, on a high degree of federalism and a strong sense of community, would inevitably lead to an Atlantic economic union. In making the difficult decisions of the next few years we must choose between European and Atlantic union.

The United States is inhibited from leading the way to an Atlantic or Western federation. The advantages and benefits that the broader grouping would add to its security and economic welfare seem not worth the risks and burdens it would entail. On the other hand, if an Atlantic union is not possible, the West Europeans may conclude that the equation of benefits and burdens points to the necessity of their creating a European union.

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UNION Now ⁷

(By Clarence Streit)

Now when man's future seems so vast, catastrophe threatens to cut us from it. The dangers with which depression, dictatorship, false recovery and war are hemming us in have become so grave and imminent that we no longer need concern ourselves with proving how grave and near they are. We need concern ourselves instead with the problem of escaping them and the cruel dilemma we face: Whether to risk peace or freedom? That is the problem with which this book is concerned. I believe there is a way through these dangers, and out of the dilemma, a way to do what we all want, to secure both peace and freedom securely, and be done with this nightmare. It promises not only escape, but life such as I, too, never hoped could be lived in my time.

It is not an easy way—who expects one?—and to many it will seem at first too hard to be practical. But this is because its difficulties and dangers are greatest at the start; other ways that seem easier and safer to begin with, grow increasingly hard and dangerous, and lead nowhere * * *.

The way through is union now of the democracies that the North Atlantic and a thousand other things already unite—union of these few peoples in a great federal republic built on and for the thing they share most, their common democratic principle of government for the sake of individual freedom.

This union would be designed (a) to provide effective common government in our democratic world in those fields where such com-

⁷ Excerpts from "Union Now: A Proposal for an Atlantic Federal Union of the Free," postwar edition with five new chapters, New York, 1949, pp. 3-5.

mon government will clearly serve man's freedom better than separate governments, (b) to maintain independent national governments in all other fields where such government will best serve man's freedom, and (c) to create by its constitution a nucleus world government capable of growing into universal world government peacefully and as rapidly as such growth will best serve man's freedom.

By (a) I mean the union of the North Atlantic democracies in these five fields—

a union government and citizenship;

a union defense force;

a union customs-free economy;

a union money;

a union postal and communications system.

By (b) I mean the Union government shall guarantee against all enemies, foreign and domestic, not only those rights of man that are common to all democracies, but every existing national or local right that is not clearly incompatible with effective union government in the five named fields. The Union would guarantee the right of each democracy in it to govern independently all its home affairs and practice democracy at home in its own tongue, according to its own customs and in its own way, whether by republic or kingdom, presidential, cabinet or other form of government, capitalist, socialist or other economic system.

By (c) I mean the founder democracies shall so constitute the Union as to encourage the nations outside it and the colonies inside it to seek to unite with it instead of against it. Admission to the Union and to all its tremendous advantages for the individual man and woman would from the outset be open equally to every democracy, now or to come, that guarantees its citizens the Union's minimum bill of rights. The great republic would be organized with a view to its spreading peacefully round the earth as nations grow ripe for it. Its constitution would aim clearly at achieving eventually by this peaceful, ripening, natural method the goal millions have dreamed of individually, but never sought to get by deliberately planning and patiently working together to achieve it.

This goal will seem so remote now as to discourage all but the strong from setting out for it, or even acknowledging that they stand for it. It is not now so remote, it does not now need men so strong as it did when Lincoln preserved the American Union "for the great republic, for the principle it lives by and keeps alive, for man's vast future." It will no longer be visionary once the Atlantic democracies unite. Their Union is not so remote, and their Union is all that concerns us here and now.

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A FRESH LOOK AT THE UNITED STATES, THE WORLD AND ATLANTICA⁸

(By Elmo Roper)

Europe itself has seen the compelling need for unity in going full speed ahead with the development of a common market—and European national boundaries were transcended as long as 6 years ago when

⁸ Excerpts from *Freedom and Union*, June 1959, pp. 8-9.

the Coal and Steel Community was established. Since then, the structure of the European coal and steel industry has been thoroughly overhauled. Since, as Jean Monnet put it, "the fresh wind of competition" blew "across the wide spaces of this Common Market" steel production has risen and prices have declined, without any loss of profits.

What is the role of the United States in these developments? Is it enough for us to stand by, pleased and encouraging, giving our blessing to the new turn of European events? Should we welcome Europe as a potential "third force" in the field of world power? Should we assume that we could lose nothing and stand only to gain from the changing structure of Europe? I don't think we can make that assumption. I think we are making a great mistake if we do.

I think there are two kinds of reasons for looking at this development in a different way. The first kind is to ask, What do we have to lose by the ultimate formation of a United Europe, or the intermediate formation of a European Common Market? There are several possibilities.

One is the possibility that Germany might come to dominate this united market and that one day Germany's aggressive impulses might come to the fore again—as it has done twice in many lifetimes—and turn Europe's productivity against us. This does not seem very likely at the present time; but is Germany's friendship something we can take for granted, especially if long years of national division gradually create within Germans a deep resentment against the outside world and a determination to resume complete national identity at any cost?

Another possibility is that, even if this does not happen, Europe itself could become unfriendly to us, through some happenstance of international politics, and with the same result as if Germany were dominant. A united Europe would feel stronger and more independent than its separate countries can possibly feel now and might tend to draw away from us through its own new self-confidence.

Another more immediate possibility is that this Common Market might discriminate against goods coming from the United States. While we expect and hope that the Common Market will not be used against us, but instead used to place tariff levels of the different countries involved, this is a theoretical possibility, at the very least, and one which has given American export firms some concern. Even if this did not happen now, and it certainly is not intended now, there is no way of being sure that it might not happen in the future.

But there is another point of view from which we can look at these new developments of the European idea. Let us agree that it is a good idea, but then let us ask whether there is an even better idea. I think there is. I think if we will free our minds for a minute, we will see that all the advantages, and none of the disadvantages of the European idea would obtain if we expanded it into an Atlantic idea.

With the United States on the outside, there will always be at least the risk that European power—or trade—can be turned against us. With the United States itself drawn closer into this common trading area, we can share in the benefits of an integrated economy and by our presence make those benefits for both our country and Europe incomparably greater.

ATLANTIC UNION ESSENTIAL

We would have the advantage of reduced costs all around, as each country or region produced what it could produce most economically, and increased trade all around as markets expanded and became freer.

To the benefits of a more closely integrated economy, we might some day add the benefit of a common currency, thus working out one of the peskier problems of international business. We might be able to make it possible for people to move freely from areas where there was high unemployment to areas where there was a high demand for labor and skills.

As we moved closer to Europe economically, there would be an inevitable tendency to move closer politically. The administration of the closer economic relations would require closer integration of each government's policies. We already have the beginning of joint military planning. The benefits of coordinating our economic policies are substantial. Political and diplomatic coordination or integration by some means or other would be expected to follow. I believe this would be a development which would be of great benefit both to Europe and ourselves.

For better or worse, we are bracketed with Europe in the eyes of the rest of the world, and much will depend on whether we make it a fortunate or injurious bracketing. We can win the world's friendship only through the good example we set—in the just and humane relations we establish within our countries and with the rest of the world.

THE TIME TO START IS NOW

To put it in the simplest terms, if we established closer economic and political ties with Europe, we would be richer and stronger, and better able to win the struggle for survival our country and our civilization are now fighting in various degrees of cold, hot, and lukewarm war. Eventually as the areas of peace, stability, and democracy in the world enlarge, we might then be able to expand these ties to include other countries of the world.

But this would take time; the kinds of ties that can be formed between long practicing democracies, and nondemocracies are quite different. With the democracies of Western Europe we could start at any time to push forward toward regional rather than national thinking that would liberate our economies and strengthen our position.

It seems to me that the central question is not whether or not we should form closer ties with the European democracies but rather what is the best way of implementing the new interdependence which confronts us.

I suggest that the best people to find these new ways are not the professional diplomats, whose training is in the niceties of power relations, who are responsible to their governments and to policies and forms already established, who are understandably afraid that any truly imaginative proposal they might make would be regarded as committing the nation they represent. If a new solution is to be found, it is most likely to be discovered by free and unfettered minds, operating without restrictions or commitments to established positions and policies.

I suggest that the best approach to this problem is to call a citizens' convention, where the best minds in our country, with the aid of political, economic, sociological and financial experts can meet with the best minds of those democracies with whom we will inevitably share a common fate, and together work out what seems to be the best way of securing close and continuing cooperation among the democracies.

This group should include all shades of representative opinion on this subject and be strictly bipartisan—and strictly “top drawer.” They should be as close as we can find to the Jeffersons, Madisons, and Hamiltons of an earlier critical period of our history. The plan they evolved would then be submitted to the legislative bodies of their respective countries for acceptance or rejection.

There is no use speculating on what recommendation would come out of such a conference. They might be very simple—or quite wide ranging. They might stop with the devising of a new political mechanism to insure a common foreign policy—or they might go much further. No one can predict what a group of the best brains in the free world would come up with—and certainly no one can, in advance, discount the possibility of workable answers.

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ATLANTIC UNION TO SAVE UNITED STATES \$10 BILLION A YEAR⁹

(By P. F. Brundage)

A Federal Union of the NATO countries is about the only solution that I can see that would enable us to balance our budget with the inevitable increase in cost of defense services that lies ahead, unless an unexpected break should occur in the whole Soviet attitude. Furthermore, by such a Union we would secure greater safety and a psychological advantage that of itself might well bring about a radical change in Soviet policy.

I am not minimizing the difficulties to be encountered. Think of the troubles our forefathers had. But we are going to find that our present difficulties will be multiplied in the years ahead if we fail to unite. Once we united our common defense forces, we would immediately gain these 10 advantages:

1. A single master plan or the most effective defense of all of our countries instead of a dozen different plans.
2. The most efficient use of the production facilities in each of the countries for our common needs, taking full advantage of location, labor supply and transportation problems.
3. Uniform standards of equipment, ammunition, planes, missiles, and other weapons.
4. Similar training programs for the forces.
5. Reduction of rivalry between the services. Although there would still be national differences, they would have to be minimized and the pride in the different regional units would tend to cut across service lines. The substitution of a larger for a limited loyalty is often the best way to end local disputes.
6. More efficient research and development; we are having great difficulty ourselves in consolidating the efforts of the different military

⁹ Excerpts from *Freedom and Union*, June 1959, pp. 13-14.

services and civilian agencies. An Atlantic Union would really bring them to realization of the need for full interchange of information.

7. Common bases would enable the elimination of considerable duplication and strategic planning would be greatly simplified. Think of the effect of including Australia, Singapore, Gibraltar, Malta.

8. More effective allocation of present equipment and concentration of newer weapons and developments where they would be most needed.

9. Elimination of doubt as to our being able to retain our forward bases would make it unnecessary to plan alternative bases as we are now doing. This would also remove part of the fears of our Spanish friends.

10. Coordination of radar and other warning devices would simplify advance notice problems and make our 24-hour alert much more effective * * * .

All in all, I have come to the conclusion that within 2 or 3 years we could reduce our own expenditures for defense by as much as \$10 billion, in addition to the savings of our allies, and at the same time gain increased protection.

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U.S. CITIZENS COMMISSION ON NATO ¹⁰

REPORT OF U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations, having had under consideration a concurrent resolution (S. Con. Res. 17) calling for a convention of delegates from Atlantic countries, report an original joint resolution on the same subject, Senate Joint Resolution 170, to the Senate and recommend that it do pass.

1. PURPOSE OF THE RESOLUTION

It is the purpose of the resolution to create a U.S. Citizens Commission on NATO (hereafter referred to as the Commission) and to authorize its members to participate, on an unofficial basis, with similar groups from the other NATO countries, in a convention and such additional meetings as might be necessary to explore means of promoting greater cooperation among the North Atlantic Treaty nations.

2. BACKGROUND

For several years there has been a strong feeling among the NATO nations that much more should be done within the alliance to counter the increasing Soviet bloc emphasis on competition with the West through political and economic measures. Article 2 of the North Atlantic Treaty, providing for cooperation in nonmilitary fields by the NATO members, has been regarded as the means whereby the North Atlantic alliance could be expanded in ways which, without diminishing the importance of its military aspect, would strengthen Western unity in the face of the Soviet "peace" offensive. Yet progress to date in developing this concept on a governmental level, while significant, generally has been considered minimal.

¹⁰ Excerpts from: U.S. Senate Foreign Relations Committee, U.S. Citizens Commission on NATO, Senate Report No. 1122, 86th Congress, 2d Session, February 23, 1960.

The House Foreign Affairs Committee on May 17, 1960, held hearings on House resolutions for calling a citizens' convention. These hearings had not been published nor had a committee report been issued at the time this compilation was prepared.

The Third NATO Parliamentarians' Conference in 1957, believing that private as well as official initiative should be brought to bear on this problem, unanimously recommended that a conference of leading representative citizens from the NATO countries be convened "to examine exhaustively and to recommend how greater cooperation and unity of purpose * * * may best be developed." It was contemplated that these citizens would be officially appointed but would act as individuals unable to commit their governments. The 650 delegates to the Atlantic Congress, held in London in June 1959, unanimously supported and urged this concept, which was reaffirmed without dissent by the Fifth NATO Parliamentarians' Conference in Washington last November.

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IMMEDIATE ECONOMIC AND POLITICAL ATLANTIC UNITY IS IMPOSSIBLE ¹¹

(By Felix Gaillard)

The unity of the Western World will certainly be just as necessary in the future as its intimate cohesion is today. The common origin, common culture and common ideals which inspire the peoples gathered around this new inland sea—the Atlantic Ocean—lead toward unity, as does the common threat confronting our form of life and civilization.

Western World inquires—and all of us should also ask ourselves—whether such political and economic unity is possible at the present time. My reply is negative. I am convinced, in fact, that if our governments should decide to bring it about abruptly and not by stages, they would produce such upheavals and resentments that they would seriously compromise its eventual achievement.

A number of decisive obstacles seem to me to stand in the way of the immediate economic unity of the Atlantic world.

The first and perhaps the most important consists of the differences in the financial standing, dimensions and resources of the economies of the various countries whose unity is sought.

The North American economy, the economy of the sterling zone, and the economies of continental Europe rest upon foundations and methods which are products of history. This will permit the achievement of unity only after a long period of transitions and of adjustments.

The sterling area and the equilibrium of the British economy depend upon an extensive preferential system which does not consist only of tariff privileges benefiting British manufactures but also of disparities in the costs of raw materials and power. A parallel monetary and financial system makes London the center for the economic development of the system as a whole. The intrusion into the sterling area of the American economy, the dimensions of which are several times larger than the economy of Britain, would irremediably shatter the area. If this were not accomplished by degrees, it would undoubtedly raise a life-or-death question for Britain * * *.

The difference in dimensions and resources between the American economy and the economies of continental Europe is at least as great. With regard to France, for example, the ratio is between 8 and 10 to 1. The disadvantages of a system of complete economic freedom between this area and the United States are therefore perfectly obvious * * *.

¹¹ Excerpts from *Western World*, June, 1959, pp. 33-36.

The real problem that would inevitably arise is that of economic domination, the effects of which would be considerable because of the political disturbances it would produce.

This domination is not only a threat because of the present technical and financial resources of American enterprises; it is in danger of becoming still greater because of the difference in the rate of speed in the development of research and applications of new industrial techniques. Industrial progress in North America is moving at a more rapid rate than in Europe, even though one country or another in Europe may be more advanced than the United States in some particular industry * * *.

Economic union of the two continents must therefore be carried out through a series of stages. These stages must make it possible to bridge the excessive differences. They must provide for organizing solidarity and effective cooperation between the economies which are to be united.

The first step consists of the setting up of the European Common Market. It is indispensable that those countries of continental Europe which are the most divided and the most heavily burdened with unprogressive economies, should achieve the conditions of modern production and progress, thanks to the creation of a broad market * * *.

If this spirit continues, there is no doubt that in 10 or 15 years the economic structure of the Six will have undergone a genuine revolution and that Europe will then be able to enter boldly upon the process of economic unification with the United States * * *.

The putting into effect of the Common Market appears to me the main prerequisite to the economic unity of the West. Among the Six, the mistrusts and habits which have so retarded them seem to be disappearing in the face of the great hope represented by the Common Market, but this is still confronted by a major obstacle in the stubborn hostility of Britain. We can understand the reasons which make it more difficult for this country to accept the rules, discipline and solidarity which alone can permit the establishment of a broad market. The Six, on their side, are certainly prepared to specify means for cooperation which will not cause serious prejudice to the British economy nor to the economies of other members of the OEEC * * *.

Finally, the United States must take a series of steps to reduce delays and cut short the stages. The equilibrium of European economies depends on their being able to earn their livelihood in dollars. Foreign trade for them is essential, while it is secondary for the United States * * *.

It is paradoxical to note that the protective wall surrounding the American market is one of the highest in the world and that it is strengthened by the remarkable ingenuity of a customs administration dedicated to the protection of the internal market * * *.

It would be a very important and highly encouraging step if the United States, the principal economic power of the 20th century, should agree to play even partially the role which Britain played in the last century, and open up its frontiers more freely, even if this step should be taken unilaterally.

In addition, the United States should engage more actively in technical and scientific cooperation with Europe, in particular in the most modern sectors * * *.

POLITICAL UNITY

In the political field the desire for solidarity can be summed up in one major initiative—the Atlantic Pact. This treaty is essential, but it is limited to the defense of a single specified geographical area. It is generally recognized now that the pact no longer responds to the nature and extent of the threat with which the West as a whole is collectively confronted. As a result there are frequent divergences in policy and sometimes misunderstandings. In any case there are delays and special risks—the gravity of which we may observe for example in relation to the Berlin affair.

Some people go so far as to advocate a single government for the West. This solution must certainly remain a common and desirable objective, although no one has yet been able to define clearly the form it should take; what allowance would be made for regional autonomy; what would be subject to common decisions; how these decisions would be taken and how applied.

Differences in points of view and of interest should show the need for greater unity in direction, but it is precisely these differences which constitute the obstacle to such unity.

This is why, on the political as well as on the economic level, the speediest way to arrive at unity is to proceed step by step to resolve the main differences—those which have limited and sometimes weakened the effectiveness of the only pact of a political character to embody the West's essential solidarity.

If the member countries of the Atlantic Pact could all be moved by the same firm determination and continue to re-invigorate the pact, they would be taking a decisive and probably irreversible step toward the political unity of the West.

It is the duty of the West to organize in order to meet two essential problems:

1. Unity in facing up to the universal threat which communism imposes upon the free world as a whole.

2. Decolonization and aid for underdeveloped countries.

The Atlantic peoples must recognize the global nature of the Communist threat, and must consequently modify the nature and extent of their commitments within NATO. Failing such unity of views we must realize that, outside of our organization for mutual defense on the European front from northern Norway to southern Italy, Western policy in the rest of the world has been marked by numerous divisions. Some of these are very grave; they have weakened the West and have also threatened peace * * *.

Of all the obstacles which stand in the way of the definition of a common worldwide policy, differing positions on the problem of colonialism are undoubtedly the most serious * * *.

The underdeveloped peoples, now that they have their political independence, will make use of it in various ways, in accordance with the means available to them, to solve their internal problems, which in the true sense of the term, are their really vital problems.

If they are left to themselves, want will impel them toward totalitarian political forms because, at a certain level of poverty, individual freedom has no value, as compared to the need for survival. Communism will triumph because, however costly, it effectively meets this need.

If they are supported by massive economic aid, they will begin to see daylight. Their desire to speed their escape from the night of despair will probably make them willing to give up a fraction of their sovereignty, just as the old countries of continental Europe are now doing. Their political union with the West will result from a mutual quest for prosperity.

To accomplish such a task, for which no historic precedent exists, nothing less will suffice than the unification of the West as a whole. Although Western intelligence may conceive and direct the carrying out of this task, material means are limited, and national egotisms and old routines will continue to complicate and to slow up work which will be effective to the extent that it is carried out rapidly, and even dramatically * * *.

The economic and political union of the West is possible. It will result from a long process—20 years of practical and cooperative effort aimed at solving the actual problems by tackling them in a realistic way * * *.

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NATO Is Not For US ¹²

(By Harold Lord Varney)

* * * NATO originally designed to safeguard the free European states, rather than America. Although there was much silly talk in 1949, when NATO was authorized, that it was necessary for America's "survival," there was never any serious question that the United States could resist Russia effectively without NATO, but that Europe could not. And yet it is now Europe which is prepared to liquidate NATO, or to reduce it to a nullity, while it is the United States which by transfusions of dollars is trying trustingly to keep it alive. Mr. Churchill has reduced the debate to ultimate absurdity by proposing that Russia also be admitted to be a NATO member. But why, then, do we need NATO at all? * * *

It is easy to see why Europe is dragging its feet. Europe recognizes—even though Washington does not—that NATO is obsolete. A situation of actual war peril in 1949, highlighted by the Berlin airlift, made Europe accept NATO eagerly when Truman, Marshall, and Acheson proposed it. But since 1949 the whole strategic picture has changed sharply. Events have bypassed NATO and the costly Maginot line which it erected against Russia. In 1956, post-Stalin Russia is operating against us in another strategic dimension * * *.

How did we ever get into this NATO dollar trap anyhow? Underneath its idealistic glitter NATO never was what it seemed—a bona fide defense line against Russia. It was always something of a political pawn which served the temporary political ends, both domestic and foreign, of a variegated list of pressure groups. If we recall these fathers of NATO, we will understand the urgency which was behind its founding.

Roughly, three main pressure groups hurraed us into NATO:

(1) First and foremost was the Europe-first group of generals and State Department mediocrities who were resolved to keep the United States out of positive action in Asia. The year 1949 was when China

¹² Excerpts from American Mercury, August 1956, pp. 78-82.

was falling to communism. It was the year of the infamous Philip S. Jessup "white paper" in which the State Department piously washed its hands of responsibility for the fate of Asia. It was the year when Mr. Acheson was calling for the "dust to settle" in China.

Moreover, in Asia at that time was the formidable figure of Douglas MacArthur. Carrying forward into peacetime the feud which they had conducted against MacArthur during the war, the powerful Pentagon coterie of Marshall, Eisenhower, and Bradley were determined that America should be tied up with such commitments in Europe that there could be no chance of "becoming bogged down" in a war in China. NATO was the answer to this dilemma. A great show of action in Europe would overshadow, in the public mind, the fact that the mistakes of George C. Marshall in China had cost the free world the allegiance of 500 million people.

This is not to say that the members of the Marshall coterie were not sincere in their NATO course, according to their lights. None of this group had comprehended the fact that, in putting all their eggs in the Europe basket, they were doing precisely what Stalin wanted them to do. None of them realized, until it was too late, that the whole Berlin blockade episode had been a Russian "hidden ball" trick to distract American attention from the fact the real play was taking place in China. We walked into the Stalin trap with NATO with all the heavy-footedness of a vaudeville "fall guy."

(2) Backing the Pentagon was the whole formidable phalanx of American Anglophiles who are always ready to snap into action when Britain's interests are involved. In 1949 the British were really frightened over the nakedness of their defenses before the Russian menace. They wanted American soldiers and American airpower in Europe. All the miscellany of Rhodes scholars, English-speaking union eggheads, Carnegie and Rockefeller Foundation almoners and fellows, Anglo-American bankers and traders, Anglican clergymen, British-slanted newspapers and magazines, eastern seaboard educators, and American debutantes who had been presented at Court united to supply a terrific claque to the NATO proposers. Those who questioned NATO were held up to public ridicule as narrow "Nationalists" who simply didn't understand the world facts of life.

(3) Hardly less important, in stampeding us into NATO, were the world government zealots. The Clarence Streits, the Owen Robertses, the Cord Meyers, etc., saw in NATO the opening wedge to a one-world future. The world government organizations dropped Russia from their plans and began to beat the tom-tom for NATO. Mr. Streit's highly respectable organization, Union Now, had a facelifting and emerged as Atlantic Union Committee. The Committee, and similar organizations, became insistent pleaders that NATO be broadened into a genuine united Europe * * *. All the earnest men and women who dreamed of a superworld authority turned hopefully to NATO as a promising start.

Impelled by these powerful public opinion blocs, NATO quickly swept aside all effective opposition in the Congress and in the Nation.

To ease us into this European commitment we were first reassured that we would not be expected to furnish manpower, beyond token advisory and technical detachments. Brave free Europe would supply the divisions which would man the NATO line. Our role would be to furnish airpower, arms, and a generous flow of American dollars.

At Lisbon, where the NATO founders met in 1950 to blueprint their plans, a soul-stirring program of 50 Allied divisions standing in the NATO line by 1952 was announced. These were to be Europeans, commanded by the glamorous American chief, Dwight D. Eisenhower.

But Lisbon promises soon went a-glimmering. Our 13 "Allies," with the conspicuous exception of Great Britain, quickly reneged on their promises of manpower. It was soon apparent that our "Allies" expected America not only to supply the money, the planes, the arms, and Eisenhower: They expected us also to supply the cannon fodder. Intimations that things were not going well came in 1951 when the Truman administration frantically asked Congress to authorize the sending of four American divisions (in addition to the two occupation divisions already in Germany) to plug the gap in the NATO line. We must do this, we were told, or NATO would collapse.

Congress reluctantly authorized the divisions, with the understanding that West Germany would soon have an army of 500,000 to replace us, and the Americans could come home. Parenthetically, 5 years later, the West German Army is still on blueprints, and the Americans are still in Europe.

The succeeding years have seen NATO operating in a fog bank of cheery, optimistic propaganda handouts by the SHAPE press agents and reassuring annual statements to Congress by the successive Supreme Commanders.

All of which was only a smokescreen to conceal the appalling fact that NATO had turned out to be little more than a hollow shell, incapable of standing up for more than a brief delaying operation against Russia's 175 European divisions. The only plus thing which came out of the whole enterprise was the construction by the United States, at fabulous cost, of the ring of airfields in Western Europe and north Africa from which Russia could be effectively bombed, although this could undoubtedly have been put through by Washington through direct treaty with each country, without the cumbersome NATO apparatus as a middleman. The rest of NATO was a huge bluff, which it became increasingly difficult to camouflage.

In 1955 and 1956, the whole ramshackle structure began to crumble down upon our heads. The 50 divisions promised at Lisbon in 1950, which were to be increased to 100 divisions in 1954, had long since been forgotten; 1956 found us with actually only 30 claimed divisions in Europe, and most of these on paper.

NATO AND ATLANTIC COOPERATION

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II. THE UNITED NATIONS AND WORLD GOVERNMENT

THE DEVELOPING ROLE OF THE UNITED NATIONS ¹

(By Dag Hammarskjöld)

The past year has been characterized by intense diplomatic activities mainly outside the United Nations, although in some cases within its precincts or in informal contact with the Organization. * * *

This intense diplomatic and political activity has a dual significance. On the one hand, it indicates that various international problems have been brought to a point where they call for renewed and urgent efforts to find a solution. On the other hand, the broadening and deepening of personal contacts on different levels, to which this situation has given rise, has introduced a new constructive element which may strengthen the hope that ways to reconciliation and to a reduction of tensions may be found.

In both respects, these are the virtually unanimous evaluations voiced by governments, and they are naturally also those of the United Nations. However, from the point of view of the United Nations, the development requires also special consideration for the light it may throw on its role and on the way in which the Organization should serve its purpose. * * *

The charter is quite clear about such diplomatic efforts. It states in article 33 that "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, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

Further, it states in article 36, regarding the Security Council, that the Council should take into consideration any procedures for the settlement of a dispute which have already been adopted by the parties. This rule has been understood to have reference especially to efforts on a regional basis or through regional organizations like the Organization of American States.

Thus, while the charter establishes for its main organs the primary responsibility for the achievement of the purposes of the Organization, and gives access to its procedures to any state which appeals for its assistance for these purposes, the United Nations is not intended to be a substitute for normal procedures of reconciliation and mediation but rather an added instrument providing, within the limits of its competence, a further or ultimate support for the maintenance of peace and security. Viewed in this light, the various diplomatic and political activities in the course of the past year are in full harmony with the intentions expressed in the charter. They may even be said to reflect obligations which member nations have assumed in the charter. Also irrespective of this formal aspect of the matter, those

¹ Excerpts from United Nations Review, vol. 6, No. 3, September 1959: 8-12.

who support the work of the Organization must welcome all such serious efforts to further the purposes for which it was set up, whatever the specific form such efforts may take.

Nevertheless, recent diplomatic developments call for attention insofar as they might reflect a situation which in other respects should be of concern to the governments which cooperate in the Organization and are interested in developing it to its full capacity. This would be the case if the extended use of diplomatic negotiations and political contacts outside the Organization reflected a neglect of the possibilities which the Organization offers, because of a lapse into bilateralism, disregarding legitimate third-party interests. Likewise, the situation would be a reason for concern if it reflected a view that the Organization is not able to meet the demands which member nations are entitled to put on it.

There is no reason to give to the developments which have taken place an interpretation along either of the lines to which I have just referred. These developments are not only in keeping with the principles of the charter but are also free, I believe, from implications which impair the position of the Organization in principle. They do, however, give a natural reason for a renewed consideration of the ways in which the United Nations functions and fulfills its purposes, if only because they remind us of the need continuously to test the Organization and its value in the light of current requirements so as to ensure that it is always in a position to meet situations as they arise, through the means for diplomatic action which it provides, as effectively as the political realities of the moment may permit. It is for each member government, as well as for those who individually serve the Organization, always to keep this need in mind. This is so, not only for immediate practical reasons, but also—and perhaps even more so—with a view to the future. The work of today within and for the United Nations is a work through which the basis may be laid for increasingly satisfactory forms of international cooperation and for a future international system of law and order, for which the world is not yet ripe.

It has so often been said that the world of today is one which requires organized international cooperation on a basis of universality that one repeats it with hesitation. However, there are reasons to do so. It still seems sometimes to be forgotten that—whatever views may be held about the United Nations as an institution—the principle of organized international cooperation on a basis of universality which is at present reflected in this Organization is one which has emerged from bitter experiences and should now be considered as firmly established. No international policy for the future can be envisaged which does not recognize this principle and is not willing to give it adequate implementation in practice.

The United Nations is the means to an end, not an end in itself. While the principle of cooperation on a basis of universality is now a definite part of international politics aiming at peace and security, this does not necessarily apply to the Organization as the practical instrument for such a policy, and especially not to its specific working methods. Were it to be felt that the Organization with its present procedures failed to provide the best means by which this basic principle could now be implemented, we would be facing a situation where the choice would be one between revolution and evolution.

We should have to choose between the creation of a new international organization, based on the principle of universality like the United Nations, although different in other respects, and an evolution of procedures of the present Organization which would make it a more adequate instrument for implementation of the principle.

Certainly, nobody would feel that there are reasons for even a hypothetical consideration of the first alternative. In fact, were unforeseeable developments to threaten the Organization with disintegration, there would undoubtedly be a rallying of members in its support which would carry it on fundamentally as at present conceived. Therefore, the only practical question is, whether an evolution of procedures should be envisaged in order to adapt the United Nations more adequately to the needs as experienced and, if so, what the development should be.

This leads, in turn, to two questions. What, in constitutional terms, is the degree of adaptability of the procedures of the Organization; and what, in practical terms, are their capacity for adaptation and the direction in which such adaptations might be indicated?

As regards the first question, it should be noted that the charter as an international treaty establishes certain common goals for international cooperation and creates certain organs which the member states may use in their cooperation toward these goals. The statement of objectives in the charter is binding and so are the rules concerning the various organs and their competence, but it is not necessary to regard the working methods indicated in the charter as limitative in purpose. Thus, they may be supplemented by others under the pressure of circumstances and in the light of experience if these additional procedures are not in conflict with what is prescribed. As is well known, such an evolution has in fact taken place, and it has thus been recognized that such new procedures may be developed when they prove productive in practice for efforts toward the objectives of the charter. In this respect, the United Nations, as a living organism, has the necessary scope for a continuous adaptation of its constitutional life to the needs.

How fully the opportunities thus offered have been utilized so far and how they might usefully be explored further are questions which need more study and evaluation before a complete reply can be given. Such studies must, in the first place, be undertaken by the member governments themselves in support of, and in the course of, deliberations in the various organs of the United Nations. The subject is very wide and it is possible here to make only a few observations.

A development of special significance is the establishment of permanent delegations at United Nations Headquarters with standing senior representation there for all members of the Organization. While in one sense reducing the practical importance of the public sessions of the various organs, this development has, basically, tended to give these organs greater real weight in present-day diplomacy. The public debate, and the decisions reached, gain added significance when the attitudes presented in public result from practically uninterrupted informal contacts and negotiations. Thus, it does not belittle the importance of the formal proceedings in the General Assembly, the Councils and other United Nations organs if it is understood that, to an increasing extent, their role has come to provide for a public confrontation of view which have developed in negotiations under other

forms, and for the registration of a resulting consensus or, when this has not been achieved, of a difference of opinion with the relative support apparent from the votes.

The importance this evolution has given to the experienced work of the permanent delegations is obvious. They are today to a decisive extent pioneers in the development of international cooperation within the United Nations, giving to the work of the major organs a perspective which is not less valuable for being less publicized. The permanent representation at headquarters of all member nations and the growing diplomatic contribution of the permanent delegations outside the public meetings—often in close contact also with the Secretariat—may well come to be regarded as the most important “common law” development which has taken place so far within the constitutional framework of the charter. It is to be hoped that it will continue and increase in strength.

The observations just made have a bearing on the evaluation of the work of the principal United Nations organs and on the way their work may be furthered.

In a previous annual report I made some comments on the significance of voting in the United Nations. There is no reason to repeat here what was said then beyond observing that later experiences have confirmed the view then expressed that, whatever legal standing the charter may provide for the results of the votes, the significance of these results requires further analysis before a political evaluation is possible. This observation applies to the composition of majorities and minorities as well as to the substance of resolutions. These resolutions often reflect only part of what has, in fact, emerged from the deliberations and what, therefore, is likely to remain as an active element in future developments. In these circumstances, it is natural for those who are not close to the United Nations sometimes to underestimate the results of the work of the General Assembly and other organs, and equally to overestimate the significance of a formal voting victory or a voting defeat.

Well-known factors have in recent years tended to reduce the public role of the Security Council. However, what has been said above applies with equal force to the Council. Constant talks and negotiations among, and with, members of the Security Council have given the Council a continuing life and importance and enabled it to exert its influence during the intervals when it does not meet in public. It may be asked if the time is not now ripe to give formal expression to this fact by the organization of regular meetings of the Council in executive session. Such meetings would not as a rule be devoted to particular issues brought to its attention, but to any aspect of the international situation which may prove of concern to the Council because of its responsibilities under the charter. Sufficient experience seems now to have been gained in the Council of the value of the kind of deliberation for which such meetings might give an opportunity to warrant that the suggestion be given serious consideration by member nations.

For several practical reasons it is difficult at regular meetings of the Economic and Social Council, without special arrangements, to organize the work in such a way as to render possible a searching examination and discussion of key issues of decisive general importance at a policymaking level. At the summer session of the Eco-

conomic and Social Council this year, I suggested that the Council consider a development of its procedures to meet this need. I believe that short special meetings at the ministerial level, within or under the aegis of the Economic and Social Council, might make an invaluable contribution to the formulation of international economic policies adequate to vital requirements for concerted action. Were the suggestion to meet with the sympathy of member governments and appeal to the Council, the Secretariat would, in consultation with member governments, devote further study to the question and in due time present concrete proposals to the Council. It is my opinion that, in this or in such other ways as might be considered preferable, efforts should now be made to add to the usefulness of the Economic and Social Council and to give to the United Nations, through this Council, better possibilities of playing a role of the same significance in the economic field as the one which is entrusted to it in the political sphere.

In considering the evolution of procedures of the principal United Nations organs, attention may also be given to the developing functions of the Secretariat. There have been, in the first place, various decisions taken in recent years by the General Assembly or the Security Council under which the Secretary-General has been entrusted with special diplomatic and operational functions, which he is responsible for carrying out within the wide framework of general terms of reference laid down in the resolutions and, naturally, in the charter itself. This, also, represents an evolution of the procedures of the United Nations for which no explicit basis is to be found in the charter—although it may be said to fall within the scope of the intentions reflected in article 99—and to which neither the League of Nations nor the United Nations during its earlier years presented a significant counterpart. These decisions should not, of course, be considered as setting precedents changing the constitutional balance among the various organs of the United Nations. However, they have pointed to the possibility of developing new methods of approach of great practical significance, which, after the thorough testing needed, may become part of a common law of organized international cooperation.

It should also be noted that in some recent cases of international conflict or other difficulties involving member states the Secretary-General has dispatched personal representatives with the task of assisting the governments in their efforts. This may be regarded as a further development of actions of a "good offices" nature, with which the Secretary-General is now frequently charged. The steps to which I refer here have been taken with the consent or at the invitation of governments concerned, but without formal decisions of other organs of the United Nations. Such actions by the Secretary-General fall within the competence of his office and are, in my view, in other respects also in strict accordance with the charter, when they serve its purpose. As a matter of course, the members of the appropriate organ of the United Nations have been informed about the action planned by the Secretary-General and were given an opportunity to express views on it. These cases also should not be considered as setting precedents, especially as it always remains open to the appropriate organs to request that such an action, before being taken by the Secretary-General, to be submitted to them for formal decision.

However, in these cases, too, what has been tried may provide experiences on which, later, stable and agreed practices may usefully be developed.

The main significance of the evolution of the office of the Secretary-General in the manner referred to above lies in the fact that it has provided means for smooth and fast action which might otherwise not have been open to the Organization. This is of special value in situations in which prior public debate on a proposed course of action might increase the difficulties that such an action would encounter, or in which a vacuum might be feared because members may prove hesitant, without fuller knowledge of the facts or for other reasons, to give explicit prior support in detail to an action which, however, they approve in general terms or are willing should be tried without formal commitment.

It goes without saying that none of the developments to which I have referred has changed the basic character of the Office of the Secretary-General, or its place in the Organization in relation to the General Assembly, the Security Council or other main organs. They represent, from a constitutional viewpoint, an intensification and a broadening of the interplay between these main organs and the Secretariat for purposes for which these organs maintain their primary responsibility. Thus, the wider functions which in specific cases have been exercised by the Secretary-General fully maintain the character of the United Nations as an organization whose activities are wholly dependent on decisions of the governments. On the other hand, the development reflects an incipient growth of possibilities for the Organization to operate in specific cases within a latitude of independence in practice given to it by its member governments for such cases.

I cannot leave this general subject without, finally, again drawing the attention of the General Assembly to the position of the International Court of Justice, which offers opportunities for constructive progress that, in my view, have been seriously neglected. I have on previous occasions noted with regret the failure of many member states to accept the compulsory jurisdiction of the International Court of Justice or to resort to the Court for the judicial determination of legal questions. This situation continues to be a cause for concern. The development and acceptance of international law impartially administered by judicial tribunals is essential to progress toward a more just and peaceful international order. It should also be recognized that there are many international disputes which involve legal questions along with the political elements and that submission of such questions to the Court for judicial determination would clear the ground for processes of peaceful negotiation in the political organs of the United Nations. Neglect of the legal elements in international conflicts, and of the means by which they may be clarified, thus stands in the way of progress in the political field and, in the long run, may tend to weaken the weight of law in international affairs.

* * * * *

THE METAMORPHOSIS OF THE UNITED NATIONS ²

(By Vernon V. Aspaturian)

Originally conceived during an anti-Fascist crusade and fortified by the prestige of a great military victory, the U.N. was brought into being to preserve the postwar peace through a system of collective security, resting, not upon the slender reed of "world public opinion," but upon a foundation of power, with the great powers its cornerstones. Yet, however flawless its theoretical conception, collective security under the charter was doomed to remain a formula shrouded in ambiguity as long as it was impossible or inexpedient to agree upon a definition of the peace to be preserved or an objective identification of the culprit who threatens it. The founders purposely avoided defining aggression, leaving this onerous task to their successors, who only last year disbanded a special committee which, after more than 2 years of inconclusive wrangling, confessed an inability to arrive at a common definition of the most serious international crime under the charter.

When the ghost of fascism failed to materialize after the war, the U.N. directed its energies into quixotic sorties against the only avowed fascist state in existence, Franco Spain. But as it became apparent that the real threat to the peace emanated from within the organization itself, the United Nations tried to wriggle out of the contradictions of the charter and was gradually, if at first imperceptibly, transformed from an abortive anti-Fascist organization, vainly scouring the world for new Hitlers, into a coalition prepared to deal with aggression inspired by one of its own police captains. Then it became evident that just as world public opinion failed to deter Japan, Hitler, Mussolini, and Stalin in the days of the League, so the massive numerical anti-Soviet majorities in the General Assembly failed to subdue the ambitions of a dictatorial regime whose interests conflicted with those of a majority in the Assembly. * * *

The Korean war in 1950 led to the first serious attempt in history to convert an international parliamentary majority into a military coalition. The fortuitous absence of the Soviet delegate from the Security Council made it possible to secure a condemnation, still of doubtful juridical validity, of North Korea as an aggressor, and as soon as the Soviet delegate returned to the Council, Secretary of State Acheson pushed through the General Assembly the now famous "uniting for peace" resolution, which openly confessed that the existing machinery of collective security under the charter afforded more comfort to the aggressor than to the aggrieved. The formula of the charter was jettisoned in favor of resurrecting the transparently defective machinery of the League. Once again collective security was to rely upon the moral force of "world public opinion" and the individual responsibility of the members of the General Assembly. * * *

² Excerpts from the Yale Review, vol. 44, summer, 1957. Reproduced by permission of the Yale University Press.

The principal virtue, and at the same time the greatest potential hazard, of the "uniting for peace" resolution is that it enables a great power, under the color of the U.N., to enforce the decisions of the General Assembly. This role, played by the United States during the Korean war, may be conceivably played by the Soviet Union at some future date, now that the United States no longer has undisputed command of Assembly majorities.

The Korean war not only marked the zenith of the U.N.'s anti-Soviet phase, but also prepared for the beginning of the next. The Asian states that viewed the Korean intervention with reluctance became convinced, as the war dragged on indecisively, that the United Nations was being manipulated as an instrument of an American crusade against communism to the detriment of what they considered to be the more pressing problem of national self-determination in the colonial empires. This embryonic "neutralist" bloc gradually disassociated itself from the U.N. effort and, by its debilitating and irresponsible kibitzing, vitiated both the success of the military venture and the anti-Soviet character of the Organization.

Conceived as an expedient weapon of the moment to halt Communist aggression, the American-invented "uniting for peace" resolution permanently shifted the center of gravity of the U.N. from the Security Council to the General Assembly. This meant that as long as the United States commanded automatic majorities in the Assembly, conflicts between American policy and that of the United Nations could be kept to a minimum, but with the recent influx of new members that era is over. The United Nations was released from the predictable whims of a few powerful lions on the Security Council only to be at the mercy of the machinations of a menagerie of lesser beasts in the General Assembly, furtively maneuvering to contrive a numerical majority purporting to be the custodian of the conscience of mankind.

Ever since Cicero expressed the opinion that "the consensus of opinion among all nations, on whatever matter, may be taken for the law of nature," statesmen in the Western World, and particularly in Britain and the United States, have been searching for an institutionalized expression of world public opinion which would embody not only universal moral truth but in its transcendent omnipotence would be, in the words of Woodrow Wilson, "the mistress of the world." * * *

Moral pressure can elicit a response only from the morally sensitive, but to the Kremlin world public opinion is a bourgeois myth and formal numerical majorities a cunning contrivance of bourgeois politics. Consequently, Soviet leaders, who reject the political reality of world public opinion and disown its moral validity, can remain cynically unresponsive to the importunings of Assembly majorities, without outraging anything but the principles of their enemies, while the Western democracies, who invented, nurtured, and popularized the notion of a world public opinion until it has been accepted as real by a substantial body of their articulate citizenry, are likely to be confronted with the awful alternatives of either permitting contrived majorities to subvert their national interests or violating their own principles in order to protect what they consider to be vital to their security. * * *

In the United Nations, where majorities do not correspond to the actual distribution of population, wealth, power, or enlightenment, majority will is a synthetic contrivance expressing the lowest common denominator of interests and passions which temporarily and adventitiously shape it, while majority rule, under these conditions, is an unmitigated vice.

As long as midget states like Luxembourg and San Salvador enjoy parity with Russia and the United States, juridical absurdities like Jordan and Nepal have the same vote as China and India, and outrageous fabrications like the Ukraine and Byelo-Russia have equal voice with bona fide states with legitimate interests, universality, instead of mirroring world reality and the moral conscience of mankind, merely substitutes one illusion for another. Until the one state-one vote formula in the General Assembly is replaced with one more clearly in focus with the power and demographic realities of the world, it is better for the United Nations to function as an international forum and clearing house for disputes and discords than to be burdened with the fiction that it is an effective security organization entrusted with the wisdom of mankind.

Essentially the new anticolonial majority is only a permutation of the old anti-Soviet majority that dominated the Assembly during most of the past decade. The old majority remains technically intact, but was rendered dormant by the bromide administered at Geneva and all but interred by the avalanche of colonial problems that have descended upon the organization. The prevailing mood of the Assembly remains both anticolonial and anti-Soviet, i.e., anti-imperialist, but numerical similarities in the General Assembly can be deceiving. The two majorities are overlapping, not congruent, and their energies are far from being synchronized. Subtract the Soviet bloc and an influential cluster of Arab-Asian neutralists, add the colonial powers, and the anticolonial majority is converted, *mutatis mutandis*, into the anti-Soviet majority. * * *

Having taken the lead in both the Egyptian and Hungarian crises, the United States sought futilely to identify the interests of the anti-colonial movement with its own, in an effort to weld together the anti-Soviet and anticolonial majorities into a monolithic crusade against all forms of imperialism and foreign domination. But since the dominant focus of American diplomacy is the Soviet threat, not colonialism, there are obvious limits to the leadership which the United States could hope to offer to the unbridled and destructive brand of nationalism represented by zealots like Nasser, dedicated to the destruction of the power and influence of our closest allies and committed to the annihilation of a state, Israel, which we are pledged to preserve. The anticolonialists are not likely to permit themselves to become the instrument of an anti-Soviet crusade as long as they are convinced that they can utilize Moscow's anti-Western interests in pursuit of their own.

Regardless of the deceptive quantitative similarities, even a casual comparison of the voting alignments on the two crises betrays the almost unbridgeable gap which divides the anti-Soviet and anticolonial majorities in the present Assembly. Granted the technical differences between the two events, the crises were eminently comparable since they shared the key issue of aggression, although in the case of Hungary, force was employed to preserve an existing position

of power, while in Egypt it was employed to reassert one that had been tacitly surrendered. If the majorities on the Egyptian resolutions transcended purely anticolonial sentiment, the smaller majorities on the Hungarian resolutions reflected more than a routine anti-Soviet exercise.

Although the issues in the Hungarian situation were more comprehensive in that they involved the attempt to repress and subjugate an entire nation, with correspondingly greater bloodshed and devastation, while the Egyptian affair was narrowly localized geographically, severely circumscribed in its objectives, and at least partly mitigated by the provocative actions of the Nasser regime, which invited, if not justified, retaliation by the three countries involved, the same sense of urgency did not grip the anticolonial "neutralists," some of whom appeared convinced until almost the end that the Hungarian crisis was a contrived Western "red herring" designed to divert attention from Egypt. The very members who waxed so indignant at Britain and France now eagerly barricaded themselves behind the flimsy technicality that the Kadar regime's invitation to Soviet troops to butcher the rebels reduced the Hungarian affair to a purely internal matter beyond the purview of the United Nations. * * *

The truth is not that a country cannot defy the "moral force" of the U.N., but that, in international affairs, it cannot defy the combined opinion of the United States and the Soviet Union. Britain and France stood virtually alone against all the major world centers of population and power and they succumbed not because of President Eisenhower's charitable explanation that "they had a decent respect for the opinion of mankind as reflected in the General Assembly of the United Nations," which they were clearly primed to ignore, but because of the crude threats from Moscow, the American obsession with its moral rectitude, and the Indian threat to dissolve the Commonwealth. The "moral force" of a U.N. resolution, no matter how large the majority, is likely to remain an empty gesture unless it includes support of both superpowers, or the vital interests of one are so affected that it chooses to convert an international parliamentary majority into a military coalition against the other. Otherwise, both the United States and the Soviet Union, individually or together, can defy Assembly majorities with impunity.

If the administration seriously adheres to its public commitment to equate Assembly majorities with the "opinion of mankind" as long as only the interests of others are at stake, the U.N. will be impelled to press its decisions only upon those powers most likely to be responsive to its edicts. Now that the Soviet bloc, the Arab States, and India have successfully demonstrated that they reserve for themselves the right to be the ultimate moral judges of their own actions, as well as the decisions of the world organization which impinge upon their interests, they eagerly embrace the President's curious theory that the very survival of the United Nations rests upon its willingness to impose its authority upon those members who are too weak to resist, susceptible to moral importuning, or unattached to powerful voting blocs in the General Assembly. The President's view inadvertently provides a philosophical basis for converting the world organization into a diplomatic instrument of Soviet and anticolonial policy.

It is questionable, however, whether the administration will be able to pursue a policy whose flimsily constructed abstract foundations are likely to collide with the requirements of practical statesmanship, though members of the anticolonial majority will now have their exertions thrice blessed with the principles of national self-determination, "majority rule," and what Christian Pineau has aptly characterized as the principle of "inequality of actions." They will be encouraged, on the flimsiest pretexts, to wrap their interests and aspirations in the cloak of "anticolonialism," since this appears to guarantee the widest measure of support in the Assembly.

Soviet contempt for Assembly majorities, India's defiance of the Security Council in the Kashmir dispute, and Nasser's transparent opportunism on the Israeli and Suez questions have introduced serious fissures in the Asian-African bloc, disenchanted its large circle of non-Communist sympathizers, and rendered the anticolonial majority more unstable than before. The evolution of the United Nations from an expanded NATO alliance into an expanded version of the Bandung Conference appears to be temporarily arrested, freezing the U.N. between two stages in its now indeterminate metamorphosis.

At this juncture, the Assembly of the United Nations appears doomed to the same paralysis as exists in the Security Council, with various blocs sufficiently powerful to thwart two-thirds majorities but unable to produce them. This may be a blessing in disguise, since under present world conditions this appears to be the only way to prevent the world organization from becoming the instrument of national or ideological policy rather than the servant of an idea. If it is impossible to have a United Nations which can impose its decisions on all its members, it is better to have one which can impose them on none.

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NATIONAL SECURITY WITH ARMS LIMITATION ³

(By Christian Herter)

I. INTRODUCTION

I would like to talk today about a very important element of American foreign policy—our search for safeguarded arms limitations and progress toward general disarmament. As you know, we are about to make a new effort in the 10-Nation Disarmament Committee that will meet in Geneva about the middle of March.

This effort is designed not only to strengthen international peace and avoid wasteful use of the world's resources but also to promote our national security, in the real sense of that term. It complements the national military programs and collective security arrangements that we carry out to this same end. * * *

II. THE PROSPECT

We approach these new negotiations with some hope that the Soviet leaders may be coming to realize that the arms race offers unacceptable risks. This realization could induce them to attach a high priority to progress in arms control, as being in their own national interest.

³ Excerpts from Department of State Bulletin, Mar. 7, 1960, pp. 354-358.

This progress is the more needed because of the new dangers which we confront as the arms race continues. Let me mention two of these dangers:

First. Spiraling competition in strategic delivery systems with ever-shorter reaction times could lead to war by miscalculation. Such miscalculations might, for example, cause an international crisis to develop into general war without either side really intending that this should happen.

Second. The proliferating production of nuclear weapons might eventually enable almost any country, however irresponsible, to secure those weapons. We are not so concerned with regard to the free nations which might be the next to produce nuclear weapons. But we are concerned lest the spread become wholly unmanageable: The more nations that have the power to trigger off a nuclear war, the greater the chance that some nation might use this power in haste or blind folly.

These dangers make our task urgent.

Great as are these dangers, however, they are less than the dangers that would arise if we were to enter an unsafe arms control arrangement.

Under existing conditions, the free world depends on our present relative strength for its survival. We are conscious of the extent and the importance of that relative strength. We will not compromise it out of a desire for quick but illusory results in arms control.

If real progress on arms control is to be made, the great weapons systems that have been built up during the long years of the arms race must be carefully and reciprocally reduced. This is no short-term task.

United States action cannot be based alone upon another nation's promise. Our deeds will only be done in step with verifiable deeds of others. We will insist on inspection procedures that will permit verification.

We will, however, gage each possible agreement not by some abstract standard of perfection but by one practical yardstick: Would United States and free-world security be greater—or less—under the agreement than without arms agreement?

We will not enter an agreement which fails to meet this test. * * *

IV. THE AMERICAN PURPOSE

Speaking generally, we will have two major goals in the forthcoming negotiations:

Urgently, to try to create a more stable military environment, which will curtail the risk of war and permit reductions in national armed forces and armaments.

Subsequently, to cut national armed forces and armaments further and to build up international peacekeeping machinery, to the point where aggression will be deterred by international rather than national force.

These two goals are equally important. I should like to discuss each of them.

V. CREATING A MORE STABLE MILITARY ENVIRONMENT

A more stable military environment will require measures to control the two types of dangers of a continuing arms race to which I referred.

First, to meet the danger of miscalculation, there is need for safeguards against surprise attack.

If these safeguards are effective, there will be less chance of one side being moved to surprise attack by a mistaken belief that the military moves of the other side portend such attack. This danger may be particularly acute in a major international crisis, when tensions are high and both sides are moving to heightened readiness.

These safeguards could include zones for aerial and mobile ground inspection. In the past we have suggested such inspection in Europe, the Arctic area, and equivalent areas of North America, and the U.S.S.R.

Arrangements for more selective inspection in larger regions might also be feasible. Our August 1957 proposals provided that ground observers might be stationed outside, as well as inside, agreed zones of aerial and mobile ground inspection. Such observers might prove useful, during a major crisis, in helping to verify that neither side was preparing a surprise attack upon the other.

Other arrangements for exchanging information might be developed to assure against potentially dangerous misunderstandings about events in outer space.

These different kinds of measures to increase the information available to each side could, where appropriate, be complemented by controls over armaments which would also be designed to reduce the danger of miscalculation and surprise attack.

The second danger—that of the promiscuous spread of production of nuclear weapons—is one that we, our major allies and the Soviet Union should all view with real concern.

To guard against this danger, the testing of nuclear weapons and eventually the production of fissionable material for weapons purposes must be prohibited under effective inspection.

We are trying to take a first step to this end in the Geneva test-suspension negotiations.

We proposed, and have as our objective, a suspension of all nuclear tests under effective international controls. At present, however, there is no agreed technical basis for the establishment of effective controls over nuclear tests in the smaller yield ranges. Accordingly the President suggested on February 11 that we agree on a prohibition of those kinds of nuclear tests which could be controlled within the limits of present scientific knowledge and under the limited inspection procedures that the Soviets seemed prepared to accept.

The U.S.S.R. has now submitted a counterproposal for a comprehensive suspension which may reflect a changing view of the inspection procedures that are acceptable to the Soviet Government. We will give this proposal very careful consideration.

An inspected suspension of nuclear tests would be a useful step toward the goal of halting the proliferation of national nuclear weapons stockpiles. To fulfill this goal, our eventual objective would remain

the cessation of all production of fissionable material for nuclear weapons.

These modern measures to meet the major dangers of a continuing arms race, and thus to maintain a stable military environment, are very different from the efforts that were made to eliminate certain weapons and dismantle national military establishments in the years between the two World Wars. Arms control problems in the nuclear era are as different from the problems of a quarter century ago as those problems differed from the efforts made to ease the rigors of war in the Middle Ages.

We cannot progress toward disarmament, against the present background of a wide spectrum of complex weapons, merely by repeating or endorsing hollow slogans such as "ban the bomb," "give up foreign bases," or "cut armed forces by one-third." One measure of the Soviets' seriousness in the forthcoming negotiations will be their recognition of this fact.

In the absence of arms control, the bomb, the bases, the forces—all respond to an urgent need for deterring aggression. The purpose of initial arms control measures should be to permit this need to be met in a way which will reduce—rather than increase—the existing risk of war.

As we thus move toward a more stable military environment, progressive, gradual, and balanced reductions in national military forces can and should be accomplished. Manpower ceilings should be placed on national forces and designated quantities of conventional armaments transferred to international custody.

VI. GENERAL DISARMAMENT

These measures to create a stable military environment would be the first stage in our approach to disarmament.

They would enhance our national security and reduce the danger of war.

They would also leave our essential national freedom of action and our relative national capabilities unimpaired. Since large national forces would thus still be under arms, national force—not international law—would still be the ultimate resort.

To assure a world of peaceful change, we should project a second stage of general disarmament. Our objective in this second stage should be twofold:

First, to create certain universally accepted rules of law which, if followed, would prevent all nations from attacking other nations. Such rules of law should be backed by a world court and by effective means of enforcement—that is, by international armed force.

Second, to reduce national armed forces, under safeguarded and verified arrangements, to the point where no single nation or group of nations could effectively oppose this enforcement of international law by international machinery.

Unless both these objectives are kept firmly in view, an agreement for general disarmament might lead to a world of anarchy. In the absence of effective international peace-keeping machinery, nations might violate the disarmament agreement with impunity and thus seek to gain a decisive headstart in building up their armaments. Moreover, since each state would be allowed to retain internal security forces, populous states would retain quite substantial forces which

they might—in the absence of such peace-keeping machinery—use effectively against their smaller neighbors.

To guard against these dangers, we should, as general disarmament is approached, work toward effective international arrangements which will maintain peace and security and promote justice according to law. We are ready now to take part in appropriate studies to this end. A useful framework and a considerable body of experience already exists in the United Nations.

These studies could focus on two types of basic and needed change:

First, the strengthening and development of international instruments to prevent national aggression in a world that has been disarmed, except for internal security forces.

Second, the strengthening and development of international machinery to insure just and peaceful settlement of disputed issues in a disarmed world.

Progress along both these basic lines will be needed if the goal of general disarmament is to be fulfilled.

We need not—and should not—wait, however, to make a start in taking more limited measures that would have independent value in promoting the growth of institutions for keeping the peace and that would facilitate progress toward disarmament. I have in mind such actions as enhancing the usefulness of the United Nations International Law Commission and supporting Secretary-General Hammar-skjold's efforts to develop standby arrangements for a United Nations Force and other forms of United Nations presence in places where there is danger of a resort to force. We plan to consult in the United Nations on a series of such specific measures.

VII. CONCLUSION

These, then, are the broad lines of the renewed effort which the U.S. Government is about to make to enhance U.S. national security through arms control and eventual general disarmament. The specific elements of that effort will, of course, have to be the product of the consultations now underway with our allies.

If this initiative is to have any chance of success, it will need the understanding and support of the American people and Congress. We shall consult closely with the Congress and report fully to the American people at each stage.

The success of this effort will depend, in part, on what the Soviet Union conceives to be the alternative to safeguard arms agreements. If the Soviet leaders believe that the free world is likely to disarm unilaterally, they will see little reason to enter into safeguarded agreements. Continued and effective prosecution of United States and other free-world military programs and of our mutual security program is thus essential if we are to have any prospect of progress in arms control.

If the Soviet Union wishes to achieve such progress in an effort to find a better way than the spiraling arms race to try to maintain peace and security, it will find us responsive.

The peril that confronts every man, woman, and child in the world today is too great to admit of anything but the most strenuous, devoted, and persistent effort to this end.

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THE FANTASY OF DISARMAMENT⁴

(By Morton A. Kaplan)

The problem of disarmament and arms control is one that captures the public imagination, especially in an age tortured by the specter of nuclear war. We must, of course, examine carefully the merits of every plan for disarmament or arms control. But it is urgent not to let the natural desire for peace lead the United States to steps that threaten our national security but do not diminish the danger of war.

In the December issue of the *Bulletin of the Atomic Scientists*, A. V. Topchiev, General Secretary of the Academy of Sciences of the U.S.S.R., makes a stirring plea for disarmament. To the layman who assumes that the factual assertions of Academician Topchiev are correct, the case for disarmament on Soviet terms may seem compelling. Yet, on closer examination, Topchiev's assumptions fit in better with Soviet objectives than they do with either historical or technological evidence.

For instance, Topchiev states: "The stockpiling of armaments, experience tells us, always leads to war." This belief is widespread and, therefore, it would be a disservice in establishing communications with Soviet scientists to attack Topchiev's good faith in making this assertion. Yet it is necessary to demonstrate its lack of validity.

According to a study by Samuel P. Huntington of the Institute of War and Peace Studies at Columbia University, armament races rarely have led to war except in their very early or introductory stages. Those armament races that do not lead to war early tend to stabilize peacefully. The theoretical investigations of Lewis F. Richardson indicate that whether armament races produce war or peace depends upon a number of highly technical factors. Indeed, those of us who can remember back to the 1930's know that it was a failure of Britain and France to enter into an armament race with Nazi Germany that contributed to World War II.

Recent investigations by T. C. Schelling of the Rand Corporation have demonstrated that increasing the number of nuclear weapons sites may have an important role in stabilizing international politics and reducing the danger of war. For instance, assume that the Soviet Union could use each of its nuclear installations to knock out an American nuclear base with .5 probability. Assume, further, that the Soviet Union would not be willing to attack the United States unless it could reduce the American installations to less than 250, because any larger number of American bases could do more retaliatory damage to the Soviet Union than it would be willing to accept. Then if the United States had 500 nuclear installations, the Soviet Union could afford a surprise attack with 500 nuclear bases of its own. If, however, the United States had 1,000 nuclear installations, the Soviet Union would need 2,000 before it would be willing to launch a surprise attack. And if the United States had 2,000 nuclear installations, the Soviet Union would need 6,000.

Thus the larger the number of nuclear installations, under the stated assumptions, the less dangerous any given change in the relative balance of military capabilities might be. In other words, if the United States has 500 installations, a Soviet increase from 400 to 500

⁴ From the *New Leader*, Mar. 2, 1959: pp. 6-8. Reproduced by permission of the *New Leader*.

installations might be so frightening that the United States might have a rational incentive for preventive war. If, however, the United States had 2,000 installations, a Soviet increase from 1,500 to 3,000 installations might not be very dangerous. (The numbers are designed only to illustrate the nature of the problem, not to indicate the actual figures which provide safety.) The larger the number of nuclear installations, the greater and the more costly the preparations for surprise attack would become. It would be almost impossible to maintain secrecy, and the effort to build a striking force large enough to risk a surprise attack might seriously strain a nation's economy. This holds both for the United States and the U.S.S.R.

The disadvantages of calling off the arms race at this time do not flow only from the number of bases needed for stabilizing peace. The nature of the weapons employed in the security networks of the United States and the Soviet Union also plays an important role in determining the stability or precariousness of the peace. Calling off the arms race now would stifle the technological development of new weapons. Yet new weapons developments appear most promising from the standpoint of keeping the peace or of minimizing the costs of war.

Present nuclear installations, except for manned aircraft, depend upon fixed bases and liquid fuels. Their positions are known to potential attackers and they cannot be placed in a state of readiness for up to 8 hours. Only a small percentage of our manned aircraft can be kept in the air constantly or at a ready alert. These forces are therefore highly vulnerable. Even apart from aggressive motivations, the vulnerability of present nuclear systems may create a temptation to strike first rather than to give a potential enemy an opportunity to strike first with relative impunity. A world with vulnerable nuclear installations is a hazardous and unpleasant place to live in.

If, however, nuclear installations were not very vulnerable, either because they were hard based or because they were mobile or perhaps based on submarines, it would be dangerous to attack a nation possessing them. It would not be possible to knock out the retaliatory forces of the attacked nation, and therefore a large-scale surprise attack is not likely to occur under these circumstances.

The advantages of highly invulnerable nuclear bases are even greater. Topchiev refers to the danger of an accident or of a mad pilot's dropping a nuclear bomb. If nuclear systems were highly vulnerable, it might not prove feasible to wait for evidence concerning the scope of the attack in such a case. It might be desirable to strike back in full force, because of the need to use existing nuclear installations against the enemy's military bases and civilian centers before one's own striking forces could be knocked out.

If, however, the installations that house the striking forces of both the U.S.S.R. and the United States were highly invulnerable, each nation's nuclear striking forces would be most useful against populations and resources and not against nuclear bases. In this case, there would be no reason to engage in instant massive retaliation, because such retaliation would diminish significantly the ability of the enemy to retaliate massively. In turn, even if one waited, these bases would still be available to hit the enemy's population and resources if this attack were massive. Therefore it would be desirable to wait so as to

see whether a genuine massive attack were in progress before deciding how to respond.

If technological weapons developments are permitted, rather than foreclosed, the power of accidents or mad pilots to start major thermo-nuclear wars would be greatly diminished. In addition, the present dangerous fail-safe procedures over the Arctic regions would no longer be necessary.

These considerations bring into question Topchiev's comment that "priority should be given to disarmament and not to control." Disarmament is not necessarily desirable; but disarmament without control would only permit the Soviet Union to evade its obligations as it has, for instance, in the case of the Korean armistice, which was evaded massively the day after the arms agreements were signed. Even though agreements are violated, democracies find it difficult to renounce them, and serious changes in the balance of military force might occur before counter measures were taken.

Yet, if a genuinely effective control and warning system were possible, this might prove very valuable. This would be especially true for the next few years, during which nuclear bases will remain highly vulnerable to surprise attack. For even in the present period, if an attacker cannot catch his opponent by surprise, the costs of nuclear war probably would be too high. Peace can be maintained best, therefore, by inspection rather than by disarmament or by the removal of American bases from Europe.

By concentrating its efforts on the reduction of American bases abroad, the Soviet Union indicated, at the Geneva disarmament conference, that it is interested primarily in political advantages rather than in reducing the mutual danger of surprise attack. The American deterrent system, in the absence of operational ICBM's, will require European air and missile bases for its effectiveness during the next few years. The Soviet proposals undoubtedly would reduce the possibility of surprise attack against the Soviet Union, but they would also minimize the possibility of an effective military defense of Western Europe. Moreover, an American military withdrawal might have tragic psychological consequences for the solidarity of the North Atlantic Treaty Organization nations.

It is not likely, therefore, that the Soviet Union expects its proposals to be accepted. On the other hand, it is unlikely that the Soviet Union genuinely fears a surprise attack by the United States. If America did not carry out such an attack when the Soviet Union was unable to strike back at the United States, it is hardly likely to do so when the Soviet Union does have that capability. Soviet Premier Nikita Khrushchev is an intelligent man and he knows this. But his proposals make good propaganda—even more so in Asia and Africa than in Europe. They are simple and easy to understand. "Do away with military bases and do away with war."

But do the Soviets really desire the kind of control measures that would reduce the danger of surprise attack? That they do is doubtful; for it is advantageous to them to hold the threat of surprise attack over the West. The possibility is so frightening that it is politically useful to them.

The debate over disarmament obscures the vital fact that the chief danger of surprise attack stems from the nature of the Soviet political

system. If there were an opposition party in the Soviet Union, if foreigners could travel freely, if there were a free press and legislative investigations of military policy, the Soviet Union could permit the kind of inspection that would minimize the possibility of surprise attack. If, in addition, informants were rewarded and given asylum by an international arms-control agency, real, perhaps total, disarmament would become a possibility. Although atomic weapons can, theoretically, be hidden from inspection, the information would almost surely be leaked if there were no fear of political reprisal. One could then afford to disarm, for the public measures necessary for any nation to rearm sufficiently to launch a major war would be impossible to hide. Therefore there would always be sufficient warning to react in time.

Besides the technical minimization of the dangers of surprise, which the Soviet delegates at Geneva refused to consider, there is one important area where the United States and the Soviet Union might be able to agree. It would be dangerous if nuclear weapons become widespread, for they are potentially cheap. In the hands of some future Nasser all sorts of trouble might result, particularly if it proves difficult to determine who launched the attack. It is important to reach an agreement forbidding the spread of nuclear installations except under international control. Nuclear weapons are least dangerous when they are monopolized. The world cannot be changed radically enough to eliminate such weapons. The knowledge necessary to produce them is our inescapable heritage unless we kill all physical scientists. But we can still control the distribution of nuclear weapons.

If the Soviet Union is serious about reducing the dangers of the nuclear age, it should begin to make serious proposals. This is not to assert that the American position has always been correct and the Soviet always wrong. Khrushchev's proposals for ground point controls should have been explored more thoroughly. But if the Soviet Union is serious, then it must not make, almost exclusively, proposals which reduce the security of the United States and decrease the stability of the existing nuclear balance.

WORLD PEACE THROUGH LAW⁵

(By Charles S. Rhyne)

I now speak of the No. 1 problem of mankind in the world today: how to achieve and maintain world peace.

As a foundation for my thesis that peace between nations may be achieved and maintained through use of the rule of law in a new worldwide system of courts, it is helpful to recall the rapid forward rush of events in our era of unprecedented change. History teaches that these dramatic new advances are mere promises and preludes to even greater achievements in the future. One who would postulate any plan to solve any problem of our day must therefore also look beyond the present to the new horizons and the new frontiers envisioned by the world in which we now live.

⁵ Excerpts from American Bar Association Journal, 1958, vol. 44, pp. 937-940, 997-1001. Reproduced by permission of American Bar Association Journal.

1. THE WORLD TODAY

* * * * *

Today, when man has learned how to destroy the world, his greatest need is for instrumentalities and institutions which can save mankind from the mass extermination of nuclear war. The sands of time have about run out in the hourglass of our civilization. Few will dispute that the No. 1 problem of our day is how to achieve and maintain true peace. This situation presents a unique and unparalleled opportunity to lawyers, for it is the rule of law which contains the key to a peaceful world.

* * * * *

3. THE MACHINERY NOW USED HAS NOT CREATED PEACE

A look at the policy of the United States today reveals that our Government is maintaining the current truce through (1) military force, (2) diplomatic negotiations, agreements, and treaties, (3) trade and aid, (4) the United Nations and alliances with friendly nations, and (5) measures designed to offset Communist propaganda. But all of this together has not achieved true peace. * * *

4. A UNIVERSALLY COMPREHENSIBLE NEW PLAN: THE RULE OF LAW

To pull the world out of its present drift toward destruction, and to set it on the path of progress toward peace, a dramatic new approach is essential. * * * Settlement of international disputes through law in the courts is such a plan.

"Law" and "courts" are universal terms all men comprehend. All peoples know the law and courts have proved their worth as a keeper of the peace within nations. They will readily grasp the concept, content and the value of this plan of going to court instead of to war. They know what law and the courts have done nationally, and if proper leadership is given they can be brought to see what law can do internationally.

5. LAW IS CIVILIZATION'S BEST CONCEPT TO CREATE PEACE

An evaluation of the ideas, ideals, and concepts which mankind has developed since the dawn of history leads to the inescapable conclusion that the rule of law offers the best attainable rule to peace. * * * Men know that peace reigns where law prevails. People everywhere experience law's use almost daily in courts in their local communities. Out on the vast new frontier of the international community, disputes previously settled by the bloodbath of war must come to be settled by similar tribunals of justice.

Man has not realized what law can do for him internationally, and that is the reason why law has not been used in this field as it can and must be. The basic ungrasped fact of our time is that the lack of the rule of law in the world community is today the greatest gap in the growing structure of civilization. A community, whether local, national, or international community, can become and remain peaceful only so long as it is subject to the rule of law. Down through the ages, people have lived in terror and fear wherever the rule of law has not prevailed within nations. * * *

6. THE RULE OF LAW DEFINED

The rule of law is not a new concept. There is no mystery about its principles. Throughout the recorded history of mankind the rule of law has meant the application of reason and fairness. * * *

There is no need to await the writing of an elaborate new code of international law before utilization of the rule of law in the settlement of disputes between nations. To wait until a written code is perfected and accepted could delay interminably the progress toward world peace through law. The fact is the utilization of the principles of the rule of law could begin today. * * *

7. LAW PLUS A WORLD COURT SYSTEM

History reveals that success in the use of the instrumentality of law has always required the institution of a court system. * * *

8. EXISTING COURT INADEQUATE

We therefore have the instrumentality of the rule of law readily available; but the sine qua non of this plan for peace is a worldwide court system to make law accessible and usable. Within nations we have thousands of courts, local, state, regional and national. But for the entire world community we have only one court. It is the International Court of Justice. The Court has 15 judges. It has decided 10 cases in the 12 years of its existence. The major nations of the world seemingly ignore its availability and utility.

Our own country—despite the American Bar Association's express opposition to this policy—reserves to itself the right to decide whether complaints filed in the International Court of Justice are within the domestic jurisdiction of the United States. Such a stultifying provision says to the world that we decline to trust the Court to rule correctly on such an issue. This lack of respect by us, and by other nations with similar reservations, has largely destroyed the prestige and usefulness of the Court. The inaccessibility of the Court also contributes to the failure of nations to use it. It is the present practice of the Court to hold all of its hearings at The Hague.

The United States should assume leadership in creating respect and prestige for the Court by removing our reservation on jurisdiction. The Court can itself make its processes more useful and accessible by sitting constantly at the seat of the United Nations in New York. The Court should also announce its willingness to sit all over the world in chambers of three judges. Its charter now authorizes such action by the Court, but it has done nothing to make this provision meaningful. These are things which the United States can do, and which the Court can do, to move the Court forward toward its potential use as a mechanism for peace. But more is needed to make law and the courts serve as they can and must in this vital field.

Applying the lesson of history, we need to go beyond the present structure of the International Court of Justice and create an entirely new and additional worldwide system of courts to make law as an instrumentality for peace accessible to the people throughout the world. A system of circuit courts under the International Court of Justice is needed. Perhaps we should go beyond that and have one

judge sitting constantly in a branch of the world court system in each sovereign nation. There could be intermediate courts of appeals on a regional basis with a final appeal to the International Court of Justice. Such a world legal system would parallel in the international community the setup of the Federal court system in the United States.

Without the institution of the courts the rule of law cannot be made effective internationally. An international judicial system would throw a blanket of law over the world. Any nation refusing to participate would be automatically branded as outlaw by world public opinion. * * *

9. JURISDICTION OF NEW WORLD COURT SYSTEM

The jurisdiction of the new world court system should include all disputes between nations whose resolution depends upon facts and the application of the principles of the rule of law. * * *

10. ENFORCEMENT OF WORLD COURT JUDGMENTS

Enforcement of world court decrees and judgments would depend in the first instance, as it does now within nations, upon voluntary compliance. * * * Full faith and credit could be granted also by national courts to the decrees and judgments of world courts, thus permitting enforcement to be sought in such national forums. If enforcement is refused, or prevented, diplomatic and economic sanctions could be imposed. Finally, some kind of world police force has been suggested for use in extreme cases under proper safeguard. The latter idea would certainly require extreme caution, care and insurance against misuse and abuse but experience with such a force already indicates it can be useful in proper situations.

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12. OBJECTIONS TO WORLD PEACE THROUGH LAW

World peace through law is not put forward as a Utopian scheme for a perfect world community, and the plan here espoused is limited to use of law in a world court system. But there are those who oppose even this modest beginning toward settlement of conflicts between nations in a civilized manner. The objections can be classified as follows: (1) This plan is an idealistic dream; (2) law has been around from time immemorial but has not stopped wars; (3) the international judiciary might make some wrong decisions; (4) the plan is just too difficult to create and get into operation; (5) such a plan would never work because Russia would not join in it; and (6) the world community needs more than just a judiciary.

To say that peace through law in the courts is an idealistic dream which therefore cannot be realized is to deny the facts of history. America was built on idealism. * * *

Certain it is that law has been around for many years, and granted, it has not stopped wars. The outlawing of war through the Kellogg-Briand Pact did not stop wars because that pact had no institution of a world court system to implement it. The mechanism of law plus the institution of the courts has never been tried in the way herein urged. In this respect, law is like religion. It has not failed; it has never really been tried. Within nations law plus the courts has cer-

tainly brought peace. On such a record of accomplishment it is reasonable to believe that such a mechanism can do the same if utilized in the world community.

Certain it is also that the world court system would be manned by human beings and those human beings may sometimes decide contrary to our wishes and even make wrong decisions. Law plus the courts is not a cure-all. * * * But court decisions if contrary to fact and reason are always subject to change, while the millions of gravestones all over the world are mute testimony to the unchangeability of the results of war. A few wrong court decisions do not destroy the value of this plan, any more than a few wrong court decisions destroy the value of the use of law in the courts within nations. Few will deny that it is better to have a few wrong court decisions than millions of deaths in all-out nuclear war.

As to the objection that an effective international judicial system will be too difficult to create and get into operation, 20th century man has not let difficulties prevent him from accomplishing other seemingly impossible goals. A short time ago the splitting of the atom was looked upon as an unrealizable dream but now it is a reality. A short time ago the satellite was a fantastic dream, but now it is a reality. Twentieth century man has developed a technique for concentration of the talents of many people on seemingly insoluble problems so as to achieve a breakthrough. * * *

We must face the fact that despite the interest expressed by Russian lawyers on my recent visit with the American Bar Association delegation to the Soviet Union, Russia will probably not agree to use of the rule of law in a worldwide court system as a mechanism for settlement of international disputes, particularly those in which she is involved. But to let Russia exercise a veto preventing the creation of this world court system would give the Kremlin an unthinkable control over world progress toward peace. The world court system can operate without the Soviet Union. After this court system is established, and as it demonstrates its worth by use outside the Iron Curtain, it will have a tremendous attraction for the neutral and uncommitted nations. These nations want peace so that their social and economic development plans can go forward and will want to join in any system which brings world peace. Russia's propaganda which is now directed so strongly to those nations would have no answer to the liberty, equality, and justice which the world court system offers as contrasted with slaughter on the battlefield. If Russia refuses to use this mechanism, and the free world does use it, Russia's adherence to lawlessness would be crystal clear to the whole world. Here only actions would count. With the increasing education of the Russian people, and the strong desire for peace which persists in the hearts of men even behind the Iron Curtain, perhaps this plan might even reduce the depth of the Iron Curtain itself. Adherence to this plan by nations seeking freedom from the Russian colonial empire is certainly a very real possibility. The lawyers of Yugoslavia with whom our American bar delegation conferred in Belgrade recently indicated tremendous interest in this idea.

I quickly concede that the world community has been reluctant to make much use of law in the past, and that it needs more than just a new world court system. All I contend for here is that use of law in the courts will aid in preventing wars so that the other needs of the world community can be met through other mechanisms. * * *

13. OTHER PLANS FOR PEACE

Disarmament agreements have been given much prominence as a plan for peace. But since the failure of the London disarmament discussions last year that idea has lost much force. Disarmament conferences have been held down through the centuries, but no agreement resulting from such a conference has ever contained a successful formula to maintain peace. The best evidence of this is the fact that every disarmament agreement has been followed sooner or later by an arms race—then war. A study of these agreements reveals that the reason they have failed is an inherent inability to devise a method for so weighing armed might that all participants would always feel that they were treated equally. The rule of law avoids this inherent defect, as all nations would be on a basis of equality before the law.

World government has not made progress because a world legislative assembly with weighted representation has not gained widespread acceptance. The idea of redoing the United Nations into an effective world government has now been put into a concrete proposed plan by Clark and Sohn. But a study of their plan reveals that there is too much to do, and too many stumbling blocks, to hope for rapid progress toward such a mechanism. Applying the judicial concept on a working basis seems to be a much more realistic approach to peace in the world of today. * * *

14. HOW TO ACHIEVE PEACE THROUGH LAW AND THE COURTS

We already have the principles of the rule of law and the beginnings of a world judiciary in the International Court of Justice. Our problem is how to put this mechanism to work to achieve and maintain peace. We should begin by putting the International Court of Justice to work now while awaiting the creation of the additional world system of courts which is essential to the achievement of world peace through law.

We live in a world of ideas. Strength today resides in man's mind. When people throughout the world understand what law and courts can do to prevent the unimaginable horrors of World War III, public opinion will crystallize behind the rule of law in such a powerful way as to insure its use. When the value of going to court instead of to war is fully understood, the people of the world will demand, and get, the worldwide judicial system that effective application of the rule requires.

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THE UNITED NATIONS, THE WORLD COURT AND THE CONNALLY AMENDMENT⁶

(By Frank Holman)

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THE WORLD COURT

The World Court is now composed of 15 members or judges, of which 1 is a citizen of the United States, 1 of Great Britain, and 1 of Australia, and the others are citizens of the United Arab Republic, Nationalist China, Greece, Poland, France, Mexico, Panama, Argentina, Uruguay, Norway, Pakistan, and Soviet Russia. Only three judges are from common law countries, four are Latin Americans, two are from Moslem countries, two are Communist, one Chinese, and one each from Greece, France, and Norway.

The World Court is in no way bound or guided by any definite rules or system of law such as the common law or the American system of constitutional law. It is entirely free to make up its own rules and render any judgment its members can agree on, as influenced by each judge's own particular legal concepts, and one may add as influenced by his national pride or interest—and there is no appeal.

It is said by those who favor the modification or withdrawal of the Connally reservation (report ABA section of International and Comparative Law, August 1959, p. 51 et seq.) that the Court's "compulsory" jurisdiction is, in any event, greatly limited (court statute art. 36(2)) by being confined to the following orbit:

- (1) The consideration of only legal disputes;
- (2) Interpretation of a treaty;
- (3) Any question of international law;
- (4) The existence of any fact which, if established, would constitute a breach of an international obligation;
- (5) The nature or extent of reparation to be made for the breach of an international obligation.

By what system of law would the members of the World Court decide what is and what is not a legal dispute? There is presently no accepted definition or principle of international law which determines that question. Therefore, in making up his mind, each member of the Court would have to resort to his own particular system of law as to what is a "legal dispute." * * *

When it comes to the "interpretation of a treaty" it only becomes necessary to incorporate in treaty form any matter involving our domestic affairs for the World Court to obtain jurisdiction over such matter. As will appear later, the internationalists have sought and still propose to seek by various treaties, covenants, and pacts, to bring many of our domestic affairs into the orbit of international definition and determination.

As to the World Court's jurisdiction over "any question of international law," that too involves a wide field of speculation and definition and, under our State Department's official declaration of 1950

⁶ Excerpts from statement of Frank E. Holman, attorney at law, Seattle, Wash., in U.S. Senate Committee on Foreign Relations, "Compulsory Jurisdiction, International Court of Justice," hearings, Washington, U.S. Government Printing Office, 1960, pp. 461-478.

that there is no longer "any real difference between domestic and foreign affairs" (State Department Publication 3972. Foreign Affairs Policy Series 26, released September 1950), the World Court could hold that many, if not all, of our domestic matters have become so much matters of international concern that they may be properly considered as being subject to international—that is, it could so hold, except for the protection of the Connally reservation.

It should be kept in mind that international law or the law of nations is not enacted, but is made up of the general rules and principles of law customarily recognized by civilized nations, supplemented, from time to time, by formal conventions, pacts, and treaties and by declarations and pronouncements of governments and the judicial decisions of the courts of civilized nations, and even by the pronouncements of so-called international jurists and text writers. In fact, article 38(1d) of the statute specifically provides that the World Court has a very wide (not limited) power of determining what is a question of international law, and its determinations may be based on the teachings of internationally biased publicists.

As to the other categories of the jurisdiction of the World Court dealing with the "breach of an international obligation" and the "nature and extent of the reparation to be made for the breach of an international law," there also arises the question, "What is an international obligation?" If all the vague and general humanitarian promises made in the United Nations Charter, as for example to promote full employment and social and economic progress for all peoples of the world, are such international obligations and a nation complains to the World Court that we have not lived up to the obligations by our failure to give adequate aid and assistance in reviving the economy of that country and enabling it to achieve full employment and social and economic progress, the World Court could hold us liable for the breach of such an international "obligation" and award reparations therefor. The Connally reservation saves us from that predicament.

Though some members of the World Court, in rare instances, might act capriciously or in a spirit of prejudice toward one of the litigants, for example the United States, we must confess that caprice and prejudice could occur and has occurred, not only on the part of some judges of our own courts, but in the deliberations of any body of human beings sitting in judgment upon any matter. But no argument is intended here on that score. It is not suggested that any member of the World Court will act willfully in disregard of his solemn declaration (statute art. 20) "that he will exercise his powers impartially and conscientiously." But he can and will necessarily act in the light of his personal views and experiences and, as previously pointed out, the majority of the members come from countries where there is no knowledge or appreciation of our form of Government or what matters Americans have traditionally believed were within their own domestic jurisdiction.

What reason is there to suppose that a majority of the World Court will approach or view these matters any differently than the U.N. Commission on Human Rights? The members of that Commission have, for the most part, been able and distinguished citizens of the countries from which they were selected; quite a number were able lawyers in their own countries, as for example, Mr. Rene Cassin

of France, Dr. Charles Malik of Lebanon, and the Honorable Carlos Romulo of the Philippine Republic. But, in their deliberations as members of the Commission on Human Rights, they reflected their own views, based upon their own historical and legal backgrounds and, in spite of the prohibitions in the charter (like those in art. 2, subpar. 7) against the United Nations intervening "in matters which are essentially within the domestic jurisdiction" of any member state, they formulated convention after convention containing proposals that affected or intervened in matters which Americans have always treated as "essentially within the domestic jurisdiction" of the United States. The World Court, man for man and in the aggregate, represents no greater ability or personal integrity than did the U.N. Commission on Human Rights * * *.

In connection with many other American concepts like freedom of speech and freedom of press, a majority of the members of the Commission on Human Rights, in formulating the provisions of the covenant and of the Convention on Freedom of Information and provisions of other conventions, so little understood our concepts that these precious American rights were changed (and to us distorted) and were rewritten in order to conform them to a kind of common denominator agreeable to the concepts in the systems of law of other countries. The deliberations of the U.N. Commission on Human Rights reveal the inherent difficulty and danger of according to any international commission or court the power to determine what matters are essentially within the domestic jurisdiction of the United States.

World peace would be purchased at a high price, so far as the United States is concerned, if it resulted in submitting the determination of the nature and character of our American rights and liberties to a world tribunal. It would not be a livable peace for the American people. As a matter of fact, as will be shown later, the cause of world peace will not, in any sense, be advanced by withdrawing the Connally reservation, any more than it would be advanced by Australia and several other countries giving up the particular reservations made in their declarations in accepting the compulsory jurisdiction of the World Court.

We seem always to have in this country a considerable number of ordinarily patriotic citizens who, under the influence of some noble catch phrase or slogan, join with others who believe that patriotism is an old-fashioned and narrow-minded concept and who have convinced themselves that the only way to attain world peace is to give America away—to give America away, not only in the form of money and material resources, but also in the form of giving up and surrendering our sovereignty and our previous American rights and liberties, as fixed and guaranteed by our Constitution and our Bill of Rights, and heretofore regarded as inalienable.

A considerable legal argument can be made that the Senate has no power under the Constitution to relinquish the Connally reservation, and that it never did have the power to submit to the jurisdiction of an international court matters which, under our Constitution and laws, are essentially within the jurisdiction of the United States or of the several sovereign States thereof. It makes no sense to say that we do not do this by merely permitting an international court to decide what are and what are not domestic matters instead of deciding

this question for ourselves as the Connally reservation provides. Because in giving the Court jurisdiction to decide the question, we do permit the sovereignty of the United States over its own affairs to be substantially impaired by submitting such matters to an international court. To reason otherwise is to indulge in naive circumlocution.

It is not denied that, under the Constitution, the Federal Government may voluntarily submit truly international questions to an international tribunal, on a case-by-case basis. It has been done this way over and over again. But the Constitution does not anywhere contemplate an unqualified blanket advance relinquishment of sovereignty to an international tribunal to determine what, from our point of view and under our Constitution and laws, may be domestic questions. It is doubtful whether such an absolute blanket submission to compulsory jurisdiction of the World Court can be authorized other than by constitutional amendment approved by three-fourths of the States, as provided in article V, rather than by Senate action alone. Let anyone point to any indication that the Founding Fathers contemplated an unqualified blanket release of power of the kind that would occur with the withdrawal of the Connally reservation * * *.

THE CONNALLY RESERVATION

Some will say that the withdrawal of the Connally reservation, to wit, the mere elimination of the language, "as determined by the United States," will still leave the American declaration of acceptance with a limitation as to "disputes with regard to matters which are essentially within the jurisdiction of the United States" and that, therefore, our acceptance of jurisdiction will still exempt our domestic affairs and be a conditional, rather than an unconditional, acceptance. However, this offers no assurance of protection to the United States, as to interference in its domestic affairs, because the determination of what matters are domestic and what international would then be subject to the sole jurisdiction of the World Court, the majority of the members of which, by reason of their legal and historical backgrounds, cannot be expected to take any different view of this issue than did the United Nations Commission on Human Rights * * *.

For a period following the adoption of the reservation (Aug. 3, 1946) and until the latter part of 1948, a number of disappointed internationalists and several organizations, including notably the American Bar Association, criticized and continued to criticize the actions of the Senate and to call for the withdrawal of the reservation. However, further attempts, in and out of the United Nations, in the latter part of 1948 and in subsequent years, to extend its power to include the right to interfere in our domestic affairs, quieted and supposedly ended the criticisms of the Connally reservation so far as the American Bar Association was concerned. As a matter of fact, the resolution of the house of delegates of 1947 recommending its withdrawal was never officially communicated to the Senate or any of its committees by the association or by any committee thereof. (See Peace and Law Committee report, September 1947, p. 22; and report of February 1948, p. 21.)

It became definitely evident, at its meeting in Paris in the fall and winter of 1948, that the General Assembly of the United Nations was formulating a so-called Declaration of Human Rights (to be followed

by a covenant) and a Genocide Convention and other conventions through which instrumentalities, when ratified as treaties, the United Nations intended to interfere in our domestic affairs to the extent of defining, determining, and changing the rights of American citizens as guaranteed by our own Constitution and Bill of Rights. Thereafter, nothing further was heard, even in American bar circles, about pressing for the withdrawal of the Connally reservation. For 10 years the matter remained dormant and largely forgotten, until resurrected by some of the internationally minded members of the association at its meeting in Los Angeles in 1958, and more recently resurrected by Senator Humphrey (S. Res. 94, Congressional Record, pp. 4510-4513).

EVENTS CONNECTED WITH THE UNITED NATIONS JUSTIFYING THE CONNALLY RESERVATION

These events should be set forth in two categories: Those that occurred prior to the adoption of the Connally reservation (Aug. 3, 1946) and those that have occurred since.

The first move to circumvent the protective provisions of the charter and the assurances given by the State Department with respect to our domestic affairs at the time of the charter's adoption began to develop in February 1946. This move involved an attempt on the part of the General Assembly, by and through advisory opinions, to give the World Court jurisdiction over matters within the domestic jurisdiction of the United States. On February 13, 1946, the General Assembly approved a Convention on Privileges and Immunities of the United Nations, to be followed by another entitled "the Convention of Privileges and Immunities of Specialized Agencies," providing that in case of a difference between the United Nations or one of its specialized agencies on one hand and a member state on the other, a request might be made by the U.N. or one of its specialized agencies for an advisory opinion of the International Court of Justice. In these conventions was included a revolutionary provision that "the opinion (advisory opinion) given by the Court shall be accepted as decisive by the parties." This provision would have given the advisory opinions the same binding character as that possessed by the "judgments" of the World Court in cases properly and formally submitted to it within its regular jurisdiction * * *.

The second event or move in 1946 (prior to the passage of the Connally reservation) to deal with matters essentially within the jurisdiction of the United States was the appointment of a Human Rights Commission as a subagency of the Economic and Social Council. This Commission was authorized to propose declarations, covenants, and pacts, covering every facet of our domestic affairs. * * *

It should be kept in mind that the World Court is specifically given jurisdiction over all disputes concerning the interpretation of treaties. These conventions and pacts formulated by the Human Rights Commission and later by other agencies of the United Nations, to be ratified as treaties, contained provisions inconsistent with many of our fundamental rights as guaranteed by our Constitution and laws. Thus, a way was being devised whereby all our domestic affairs might eventually come under the jurisdiction of the World Court. The World Court would have been left with no alternative but to so decide and, without the Connally reservation, there would

be no way to prevent it, except by the adoption of an appropriate amendment to our Constitution, in the nature of the Bricker amendment. * * *

Now, what are some of the other events since August 3, 1946, the date of the passage of the Connally reservation, which justify the retention of that reservation? We have mentioned the Genocide Convention adopted by the General Assembly in December 1948; also, at that time the proposed covenant on Human Rights. Both of these were defeated largely by the efforts of the American Bar Association. * * *

Of the significant events connected with the United Nations, which occurred during and subsequent to 1948, justifying the protection of the Connally reservation as against internationalist thinking and programs, tending more and more to give the United Nations and its various agencies control and supervision over our domestic affairs, the following may be mentioned:

(1) Mr. John P. Humphrey, the first Director of the Commission on Human Rights, in an article in the January 1948 issue of "The Annals of the American Academy of Political and Social Science," publicly disclosed that what the Commission on Human Rights was proposing in its various so-called bills of rights programs constituted intervention in matters within the domestic jurisdiction of the member States. He exposed the whole revolutionary nature of these programs by boldly stating:

What the United Nations is trying to do is revolutionary in character. Human rights are largely a matter of relationships between the state and individuals, and therefore a matter which has been traditionally regarded as being within the domestic jurisdiction of states. What is now being proposed is, in effect, the creation of some kind of supernational supervision of this relationship between the state and its citizens. * * *

(2) In April 1949, Mr. Moses Moskowitz of the United Nations staff, publicly stated (35 ABAJ 285) that under the official view of the United Nations, any matter once becoming the subject of a U.N. convention or even of a resolution of one of its agencies, ceased to be "a matter essentially within the jurisdiction of a member state." In other words, the U.N. (or any of its agencies), by its own ipse dixit, so to speak, may internationalize a purely domestic matter so that it loses its character as a domestic matter and loses the benefit of the protection and immunities set up in the charter with respect to such matters. Upon this theory, the U.N., by its own bootstraps, could lift itself into a world government. * * *

(3) In September 1950, the internationalists in the U.N. succeeded in getting the famous (or infamous) official pronouncement from the Acheson State Department (State Department Publication 3972) that "there is now no longer any real difference between domestic and foreign affairs." On the basis of such a pronouncement by our own State Department, with nothing in the nature of the Connally reservation to negative it, the World Court would have little hesitation in holding that the United States no longer considers itself as having any domestic affairs over which to preserve its own jurisdiction. * * *

Many other instances could be cited where the internationalists, in and out of the United Nations, have attempted to establish a supernational supervision over matters "essentially within the domestic jurisdiction" of the United States. The Commission on Human

Rights is not the only U.N. agency that, in the years following 1948, was engaged in spawning treaties designed to control and supervise many of our essentially domestic concerns. Among these agencies are the ILO, UNESCO, GATT, ITU, FAO and many others. * * *

Without the Connally reservation, the World Court would have the exclusive power to determine which of the foregoing matters, or what part of them, are subject to the compulsory jurisdiction of that Court. It will not do to say that this vast program of "treaty law" has somewhat bogged down and that few of these treaties have proceeded to the point of ratification by the U.S. Senate. This is true for the time being. * * *

The great oversight on the part of all those who now advocate withdrawing the Connally reservation is that they fail to consider the various programs already advanced by the United Nations and its agencies and the innumerable ones that may probably be advanced in the future. Through the stratagem of treaty law and through other ingenious devices and pronouncements and declarations by government, a large part of our domestic affairs can be characterized as international. When so characterized, they may easily be treated by the World Court as a part of international law and subject to its compulsory jurisdiction. Under a general and unlimited declaration by the United States accepting the jurisdiction of that Court, we would not be in any posture to prevent it. * * *

SUMMARY OF THE REASONS FOR NOT WITHDRAWING THE CONNALLY RESERVATION

In any consideration of the matter, the historical background of events connected with the activities of the United Nations for the period 1946-56, which, as heretofore outlined, endanger and continue to endanger the sovereignty and independence of the United States and its jurisdiction over its domestic affairs must never be forgotten or overlooked. It will not do to say that these events are just past history and that we must now approach the issue of the Connally reservation with open minds and open hearts and, in the cause of world peace and world law, have implicit faith that the decisions of the World Court will conform to our American view as to what matters are domestic in character and what international. Those who forget or ignore the lessons of history or the sobering experiences of the past, not only foolishly invite the same dangers again, but often perish, whether they be individuals or nations.

The internationalists still expect to try, by and through the United Nations and its agencies, and by and through the device of treaty law to edge the United States into a world government. * * *

Whatever the reasons of the Senate at the time of the passage of the Connally reservation, the reasons now for its retention are clear and manifold. It is the only real safeguard we have had during the years 1946-56 and that we still have against that school of internationalists who believe it honest and necessary for world peace to circumvent and distort the language and intendments of the charter with respect to the sovereignty and independence and the domestic affairs of the United States.

When the members of the ABA Peace and Law Committee urged the house of delegates to pass the resolution, in 1947, recommending

to the Senate that it reconsider the matter of the form of the U.S. declaration under article 36(5) of the statute of the World Court and authorize the filing of a modified declaration eliminating our right to determine when a matter is domestic instead of international, the members of that committee (including the writer) believed that the United Nations and its agencies would, in good faith, observe and comply with the language and intendments of the charter and the pledges and assurances of the Secretary of State, Mr. Stettinius, in connection therewith, with respect to matters affecting the sovereignty and independence of the United States and involving its domestic affairs. After definite evidence came to the attention of the members of the peace and law committee of the disregard of the language and intendments of the charter and of the disregard for the said pledges and assurances, and the members of the peace and law committee, the latter part of 1948, became disillusioned, that committee abandoned any further efforts to seek a change in the Connally reservation, and turned to the task of formulating and attempting to pass a constitutional amendment to protect the United States and its citizens against the dangers of "treaty law"—a United Nations device for circumventing article 2(7) of the charter. To have continued to urge a change in the Connally reservation would have been inconsistent and at war with the basic purposes of the Bricker amendment. So far as the ABA is concerned, the Connally reservation then became a dead issue until resurrected at the ABA meeting in Los Angeles in 1958. * * *

The renewed activity since 1958 with respect to the Connally reservation and the movement to secure action on the part of the Government and the Senate of the United States, by way of withdrawing it, has been largely stimulated by the activities of a group in the American Bar Association, most of whom fought the idea of a constitutional amendment to protect American rights against the dangers of "treaty law"; but devoted their efforts in the American Bar Association House of Delegates over the several years beginning the latter part of 1948 to defeat the proposal for such an amendment and to have the House approve United Nations conventions, like the Genocide Convention, interfering with our domestic affairs.

Nevertheless, they have always been outvoted on every aspect of this debate, whether concerning the adoption of a constitutional amendment or specific debates with respect to covenants and proposals designed to interfere in the domestic affairs of the American people. It is appropriate to remind the internationalists that the house of delegates is also on record with respect to these matters. It is, therefore, no more a non sequitur to say that because, since the latter part of 1948, the house of delegates is on record in a variety of instances as favoring the protection of American domestic jurisdiction as against any extension by the United Nations of its jurisdiction over these matters, this means that the vote of the house with respect to the Connally reservation in February 1947 has been officially nullified, than it is a non sequitur for the committee and the section to say that, because of the vote of the house in February 1947, with respect to the withdrawal of the Connally reservation, the attitude of the house and the American Bar Association remains today the same as in 1947—in spite of successions of acts and votes by the house disclosing, since the latter part of 1948, that it has opposed every and all attempts by the U.N. to extend its jurisdiction over our domestic affairs * * *.

THE CASE FOR WORLD GOVERNMENT⁷

(By Parliamentary Group for World Government)

In a world which contains atom and hydrogen bombs war must be abolished or civilization will perish. The supreme question in every mind is this: How can it be? The world awaits the answer.

Our problem, fortunately, is not intractable. We know in principle how war is abolished. It is abolished by merging several states into one. The Scots and English, for instance, used to fight bitterly against one another. Then, in 1707, came the Act of Union. Since that date the two nations, which had previously appeared irreconcilable, have lived at peace.

The U.S.A. is another example of the Union of independent, and at one time hostile, states. Switzerland, Australia, and Canada are all successful federations. Many other such cases where political union has eliminated interstate conflicts can be traced in history. On the other hand, not one major alliance of sovereign nations has ever survived more than a decade or two before it has collapsed in armed strife.

THE NATURE OF PEACE

Evidently something fundamental, important, and formidable is being constantly evaded in current discussions about peace. It is the sovereign independence of states. That is the root of the problem, and until we tackle it we can never hope to make any real progress toward world peace. We shall go on endlessly negotiating pacts and treaties, while all the time the unresolved problem inexorably compels us to spend our substance in preparations for war. This is what has been happening throughout the whole of this century. It is happening now. The truth is that peace and national sovereignty are incompatible.

BASIS OF WAR

It is true that peace inside a state can be disturbed. There may be civil war. It is also true that between sovereign states there occur periods of agreement and comparative tranquility. But this does not affect the argument. Civil war is not inherent in the state; but war is inherent in interstate relations if those relations are based on national sovereignty.

This is because a sovereign state, by its very nature, has to be constantly prepared for war and its intentions are inevitably suspect. Its neighbors in turn build up their armaments. In the end one of the nations gets too strong, or another grows too fearful; the inevitable accident happens, and the shooting starts.

MAINTAINING LAW AND ORDER

The argument for merging separate states into one federation in order to create the conditions of peace can also be stated in another way. Within any community peace—and security for its citizens—is obtained by the maintenance of law and order by government. This requires the creation of three interdependent institutions.

⁷ Excerpts from "Parliamentary Group for World Government." Parliamentary Path to Peace, London January 1958: 5-9.

First, the legislature, which, being elected by or responsible to the peoples, makes their laws. Secondly, the judiciary, the independent and impartial instrument for interpreting the law and applying its sanctions. Thirdly, the police, who enforce the laws of the legislature in the light of the decisions of the judiciary.

PEACE—BYPRODUCT OF GOVERNMENT

Now, wherever these three institutions operate effectively, within that area and among and between the members of that community peace obtains. But when law, order and government are absent or break down, anarchy automatically occurs, and disorder and strife ensue. This pattern is invariable in human societies. Peace, in other words, is not a static concept which sovereign nations can secure by signing pacts or drafting treaties. On the contrary, it is the by-product of effective and stable government.

WORLD NEED FOR GOVERNMENT

Within each of the four score and more sovereign nation states into which the human family is now divided, the principle by which the maintenance of the peace is obtained through the exercise of law and its appropriate institutions is widely recognized and understood. But for the world as a whole there are currently no such institutions. Nor is war, which is the inevitable result, seen to be the consequence of this fact.

There is no world peace today precisely because there is no world legislature to make the laws, no world judiciary to interpret them, and no world police to enforce the laws upon the individual lawbreaker. These essential institutions of global peace are urgently required.

ECONOMIC REPERCUSSIONS

The claim of each sovereign nation to be judge in its own disputes tends inevitably to lead to war. But that is not the end of the evil. The nation states, though they have increasingly regulated and organized economic activity within their own boundaries, have followed narrowly conceived self-interest in international economic relations.

They pay lip service to the doctrine that prosperity is indivisible; but again and again the desire to introduce or retain within their boundaries some industry or activity which is valuable in wartime leads one or other of them to impede that free flow of trade without which a rapid improvement in standards of living is impossible.

Economic nationalism and the consequent devotion of a large proportion of the resources of every nation to preparation for war perpetuates poverty and stimulates that rivalry for control of essential supplies of raw materials which is one of the main causes of war.

INADEQUACY OF UNITED NATIONS

National sovereignty is actually enshrined in the very charter of the United Nations. The U.N., as at present constituted, is not a true government; it is merely a league of sovereign states. The Assembly and the various agencies are places where diplomatic negotiation between the independent nations is habitually conducted.

Any pacts, treaties or agreements which may be concluded by the U.N. cannot therefore make peace, because national sovereignty is still retained. The nations of the U.N. may, of course, decide that it pays them to keep the terms of some agreements which they have recently concluded. Or they may differently interpret them.

OBSERVING AGREEMENTS

But there is no force except war that can compel them to obey them. Sovereign nations, indeed, are willing to enter into all sorts of agreements provided there is no way of making sure that they observe them. In consequence, war continues because enforceable law does not exist.

Many efforts have already been made to make the U.N. more effective. The Little Assembly and the Collective Measures Committee are examples of such innovations. But much more drastic alterations are required. It may well be found that the best method of securing a world government lies through the development of the United Nations.

SUCCESSFUL APPLICATION OF LAW

One of the weaknesses of all leagues, confederations of sovereign states, and alliances, is that they must exercise their authority not upon people but upon nations. By definition, confederations and leagues have no authority over individuals. Their authority is exercised solely upon the nation states which are their members; and all the rules and regulations which they make must be operated upon or through these states.

But a nation state cannot be arrested, cannot be tried, and cannot be sentenced. Laws can be made effective and effectively enforced only if they are applicable directly upon the individual. The nation is far too large a unit to be amenable to legislation. The Nuremberg Code, under which some German war criminals were tried and sentenced, was a belated recognition of this fact. It is significant that this code has not yet been officially recognized by the U.N. It still remains a sanction which only victors can impose on the vanquished.

THE POLITICAL PROBLEM

How can the process of international integration be best achieved? It is unlikely that every nation in the world will simultaneously decide to set aside its sovereign status and join a federal world state. The jigsaw puzzle may have to be fitted together section by section. Arguments are therefore often adduced for partial world federations such as a United Europe, or an Atlantic Community or a free world federation as possible first steps to the final goal of the world state. Any of these, if they were acceptable, might serve our purpose.

There is, however, one golden rule which ought to be applied. Whatever nations unite as the founder members of a world state, that state should be so constituted that any nation may, at any time it chooses, accede and thus become a member on exactly similar terms and conditions as apply to the founder members.

TRUE NUCLEUS

Furthermore, these terms of membership should be concisely written into the constitution of the federation. However few be the founder nations, the union they create would then be a true nucleus for a deliberately projected world state.

It seems probable that the people of Europe would be wise to enter a world federation as a single homogeneous political entity. Whether Europe itself can be thus united prior to the day it enters the larger world federation is still an acutely controversial problem. But once a world federation is in existence, European or other regional integrations will be far easier to achieve.

WORLD MUTUAL AID

It is strongly arguable that any world federation set up must be given adequate powers and authority to raise revenue, not only to pay for the maintenance of the federal institutions and defense forces but also to enable an appropriate organ of the government of the federation to initiate and carry through schemes of economic development.

IS WORLD GOVERNMENT POSSIBLE?

It is often said that world government, though obviously desirable, is utopian because of the existing international disagreement in the world. Of course this is now true. But if nations were to admit that world federation is their goal, that would in itself lessen the tensions and thus prepare the way for world federal government.

So long, however, as each nation is insistent on the retention of its national sovereignty, little progress can be made. Until we admit that our aim is a world federal government and are able to measure our tactics in foreign policy against this ultimate strategy, we cannot expect the nations we fear to respect our intentions.

How can we honestly claim to be a peace-loving nation while we insist on retaining national sovereignty, which involves the right to wage war?

The argument for the world federal authority has been a compelling one for centuries. The idea is not new. Why, then, should we be advocating it with such urgency today? Has something changed? Yes. In the last 5 or 10 years something has happened which has at last made world government possible.

Government over any area, large or small, has always been impractical where adequate means of communication did not exist. Hitherto, the world has lacked these means. But today, quite suddenly, the teleprinter, the radio and the scheduled air services have supplied the machinery. Almost overnight the age-long dream of the idealists has been converted into practical politics.

Those same scientists who, with their inventions in atomic fission and bacteriology have made modern war so terrible, have also made it superfluous.

The world is now governable: peace is at last possible. It is our task to create it.

THE ILLUSION OF WORLD GOVERNMENT⁸

(By Reinhold Niebuhr)

The trustful acceptance of false solutions for our perplexing problems adds a touch of pathos to the tragedy of our age. * * *

Our problem is that techniques have established a rudimentary world community but have not integrated it organically, morally, or politically. They have created a community of mutual dependence, but not one of mutual trust and respect. Without this higher integration, advancing techniques tend to sharpen economic rivalries within a general framework of economic interdependence; they change the ocean barriers of yesterday into the battlegrounds of today; and they increase the deadly efficacy of the instruments of war so that vicious circles of mutual fear may end in atomic conflicts and mutual destruction. To these perplexities an ideological conflict has been added, which divides the world into hostile camps.

It is both necessary and laudable that men of good will should, in this situation, seek to strengthen every moral and political force which might give a rudimentary world community a higher degree of integration. It was probably inevitable that the desperate plight of our age should persuade some well-meaning men that the gap between a technically integrated and politically divided community could be closed by the simple expedient of establishing a world government through the fiat of the human will and creating world community by the fiat of world government. It is this hope which adds a touch of pathos to already tragic experiences. The hope not only beguiles some men from urgent moral and political responsibilities. It tempts others into irresponsible criticisms of the necessarily minimal constitutional structure which we have embodied in the United Nations and which is as bad as its critics aver only if a better one is within the realm of possibilities.

Virtually all arguments for world government rest upon the simple presupposition that the desirability of world order proves the attainability of world government. Our precarious situation is unfortunately no proof, either of the moral ability of mankind to create a world government by an act of the will, nor of the political ability of such a government to integrate a world community in advance of a more gradual growth of the "social tissue" which every community requires more than government.

Most advocates of world government also assume that nations need merely follow the alleged example of the individuals of another age who are supposed to have achieved community by codifying their agreements into law and by providing an agency of some kind for law enforcement. This assumption ignores the historic fact that the mutual respect for each other's rights in particular communities is older than any code of law; and that machinery for the enforcement of law can be efficacious only when a community as a whole obeys its laws implicitly, so that coercive enforcement may be limited to a recalcitrant minority.

⁸ Excerpts from Bulletin of the Atomic Scientists, October 1949, pp. 289-292. Reproduced by permission of Bulletin of the Atomic Scientists.

The fallacy of world government can be stated in two simple propositions. The first is that governments are not created by fiat (though sometimes they can be imposed by tyranny). The second is that governments have only limited efficacy in integrating a community.

The advocates of world government talk of calling a world constitutional convention which would set up the machinery of a global constitutional order and would then call upon the nations to abrogate or abridge their sovereignty in order that this newly created universal sovereignty could have unchallenged sway. No such explicit abnegation has ever taken place in the history of the world. Explicit governmental authority has developed historically from the implicit authority of patriarchal or matriarchal tribal forms. Governments, so established, have extended their dominion over weaker neighbors. But the abridgment of sovereignty has always been indirect rather than direct; or it has been attained by the superimposition of power. * * * No group of individuals has ever created either government or community out of whole cloth. One reason why the social contract conception of government has a particular plausibility with us is because the United States came closer to a birth by "contract" than any other nation. But the preamble of our Constitution declares that its purpose is to establish a "more perfect union." That is a very telling phrase which presupposes a previous union. This previous union was in fact established on the battlefield in a common struggle against a common foe; it needed only to be made "more perfect." It may be observed in passing that, though the Thirteen Colonies had never enjoyed sovereignty, they did not find it too easy to submit what had only been potential, and not actual, sovereignty to the authority of the Federal Union. We fought a civil war before it was proved that they had, in fact, done this without reservations.

When the question is raised whether the nations of the world would voluntarily first create, and then submit to, a supernational authority, the possible reluctance of nations, other than Russia, to take this step is fortunately or unfortunately obscured by the Russian intransigence. The Russians have declared again and again that they would leave the United Nations if the veto power were abolished. This means that Russia, as a prospective minority in a world community, is not ready to submit her fate to the will of a majority, even in such a loose organization as the United Nations. It is therefore obvious that she would be even more unwilling to submit her sovereignty to a more highly integrated constitutional order.

The proponents of world government have two answers to the problem posed by Russian intransigence. One is to assert that the Russians never have had the chance to accept or reject a genuinely constitutional world order; and that there are real possibilities of her acceptance of a constitution which is not weighted against her. This answer contains in a nutshell the rationalist illusion implicit in world government theories. * * *

The other answer to the problem of Russian intransigence is a proposed creation of a "world" government without Russia. Thus in the name of "one world" the world would be divided in two. Proponents of world government are always ready with criticisms of the ambiguities in the Charter of the United Nations, without recognizing that those ambiguities correspond to the actual historical situation.

The Security Council is, for instance, a bridge of a sort between the segments of a divided world. They would destroy that bridge for the sake of creating a more logical constitutional system. This done, they look forward to one of two possibilities.

One is that Russia, faced with a united opposition, and concluding that she would not have to sacrifice her Communist government but only her ambition to spread communism, would ultimately capitulate and join the world federation. This abstract approach to political problems is completely oblivious of the dynamism of communism.

The other course chosen by some advocates of world government is to create such a government without Russia and to divide the world more consistently in the name of the principle of "one" world. If this should lead to a world conflict they believe that the agonies of war will be assuaged for us by our knowledge that we are at least fighting for a principle of ultimate validity. * * *

The ambiguities in the Charter of the United Nations which so outrage the advocates of world government are in fact the consequence of seeking to guarantee two, rather than one, objectives. The one objective is to preserve the unity of one world, even though it be seriously divided, and to provide a meeting ground between East and West where some of the tensions and frictions may be resolved. The other is to preserve the integrity of our way of life against a tyrannical system which we abhor. The Russians, insofar as they are honest devotees of a Marxist dream of world order, are presumably in the same position. Each of us hopes ultimately to create a world order upon the basis of our conception of justice. Neither of us is ready, at the moment, to submit our fate to a world authority without reservation, so long as the possibility remains that such an authority could annul a system of law and justice to which we are deeply committed.

So far we have considered only the difficulties of creating a world government by constitutional fiat. But a much more serious defect in world government theories is to be found in their conception of the relation of government to community. Governments cannot create communities for the simple reason that the authority of government is not primarily the authority of law nor the authority of force, but the authority of the community itself. Laws are obeyed because the community accepts them as corresponding, on the whole, to its conception of justice. This is particularly true of democratically organized communities but it is well to observe that even in traditional, nondemocratic communities of the past there was a discernible difference between tyranny and legitimate government. It consisted precisely in the fact that a legitimate government relied primarily upon the implicit consent of the community. * * *

The priority of the community to its laws and its use of force does not mean that both law and force may not have limited efficacy in perfecting the organization and preserving the integrity of the community. Good constitutions provide for the rational arbitrament of many conflicting and competing forces which might otherwise tear the community apart. Preponderant force in one part of the community may also so shape the social forces of the total community that its use need not be perpetual. * * * The analogy in present global terms would be the final unification of the world through the preponderant power of either America or Russia, whichever proved herself victorious in a final global struggle. The analogy teaches us nothing

about the possibilities of a constitutional world state. It may teach us that though the perils of international anarchy are very great, they may still be preferable to international tyranny.

The coalescence of communities from city-states to empires in the ancient world, and from feudal entities to nations in the modern period, was frequently accomplished only by the imposition of preponderant power. The fact is particularly significant, since all of these communities could rely upon all sorts of "organic" factors for their force of cohesion which the rudimentary world community lacks. By organic factors, I mean such forces as the power of ethnic kinship, the force of a common history—particularly the memory of joint struggles against a common foe—a common language, a common culture, and a common religion. We do have examples of ethnically and religiously pluralistic nations and empires, but they possess a basic homogeneity of some kind, underlying the differences.

The fact is that even the wisest statecraft cannot create social tissue. It can cut, sew, and redesign social fabric to a limited degree. But the social fabric upon which it works must be "given."

The international community is not totally lacking in social tissue; but it is very scant, compared with that of particular states. Let us briefly assess the various factors in it. Most important as a force of social cohesion in the world community is the increasing economic interdependence of peoples of the world. But it is important to contrast this economic interdependence immediately with the wide disparity in the economic strength of various nations.

A second factor in the social tissue of the world community is the fear of mutual annihilation, heightened in recent years by the new dimension which atomic discoveries have given to mankind's instruments of death. We must not underestimate this fear as a social force, even as we must recognize that some culturally pluralistic communities of past history have achieved some cohesion through the minimal conviction that order is to be preferred to anarchy. But the fear of destruction in itself is less potent than the fear of specific peril from a particular foe. There is no record in history of peoples establishing a common community because they feared each other, though there are many instances when the fear of a common foe acted as the cement of cohesion.

The final and most important factor in the social tissue of the world community is a moral one. Enlightened men in all nations have some sense of obligation to their fellow men, beyond the limits of their nation-state. There is at least an inchoate sense of obligation to the inchoate community of mankind. The desperate necessity for a more integrated world community has undoubtedly increased this sense of obligation, inculcated in the conscience of mankind since the rise of universal, rather than parochial, philosophies and religions. This common moral sense is of tremendous importance for the moral and religious life of mankind; but it does not have as much immediate political relevance as is sometime supposed. Political cohesion requires common convictions on particular issues of justice; and these are lacking. * * *

In short, the forces which are operating to integrate the world community are limited. To call attention to this fact does not mean that all striving for a higher and wider integration of the world community is vain. That task must and will engage the conscience of

mankind for ages to come. But the edifice of government which we build will be sound and useful if its height is proportionate to the strength of the materials from which it is constructed. The immediate political situation requires that we seek not only peace, but also the preservation of a civilization which we hold to be preferable to the universal tyranny with which Soviet aggression threatens us. Success in this double task is the goal; let us not be diverted from it by the pretense that there is a simple alternative. * * *

There is obviously no political program which can offer us, in our situation, perfect security against either war or tyranny. Nevertheless, we are not prisoners of historical destiny. We shall have constant opportunity to perfect instruments of peace and justice if we succeed in creating some communal foundation upon which constitutional structures can rest. We shall exploit our opportunities the more successfully, however, if we have knowledge of the limits of the will in creating government, and of the limits of government in creating community. We may have pity upon, but can have no sympathy with, those who flee to the illusory security of the impossible from the insecurities and ambiguities of the possible.

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THE UNITED NATIONS AND WORLD GOVERNMENT

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