

United Nations force should not be able to impose its will on the majority of the peoples of the world, appropriate safeguards would be devised.

b. *To reduce armaments:*

Step 28: Various agreements to diminish the arms race, which already have been signed or are under negotiation, should be completed and put into effect. To this category belong, for instance: the Nuclear Non-Proliferation Treaty, an agreement to halt further deployment of offensive and defensive ballistic missiles, regional denuclearization agreements, an agreement on preventing an arms race on the bed of the sea, a treaty relating to underground testing, agreements on biological and chemical weapons, agreements on registering and licensing sales of conventional armaments, agreements to stop the sale of conventional armaments to States in certain regions, and agreements to stop arms races in the developing areas of the world.

Step 29: An agreement should be concluded to stop production of nuclear weapons and of means for delivering them.

Step 30: The United States and the Soviet Union should prepare revised drafts of their proposals for general and complete disarmament, and the non-aligned nations in the Twenty-Six-Nation Conference of the Committee on Disarmament should prepare alternative compromise proposals on the subject.

Step 31: A United Nations authority should be established to assist in disarmament negotiations, to coordinate the supervision of the execution of existing arms control agreements and to supervise such further steps as may be later agreed upon.

Step 32: Upon the completion of a disarmament treaty, large-scale reductions should be made in nuclear weapons and in the means for delivering them. Simultaneously, limitations should be imposed on the production of and trade in, conventional weapons.

Step 33: In the next stage further reductions in nuclear weapons, in means for delivering them, and in conventional weapons and armed forces should be made.

Step 34: In the third stage, final reductions should be made in armed forces and armaments to the point where each State would retain only those armed forces and armaments which would be necessary to maintain internal order and to provide, with similar forces in other States, a counterbalance against possible abuse by the United Nations forces of their strength. When sufficient confidence in the United Nations security arrangements (Subsection (a), above) had been established, such national forces would be limited to national police forces, and general and complete disarmament would come into effect.

4. Economic and Social Development

The Goal: To assist individuals everywhere in achieving higher standards of living, to increase world economic co-operation and social and cultural progress, and to make the terms of international trade more equitable and thus advance worldwide economic development.

Comment: It is clear that there can be no peace in the world as long as more than two-thirds of the world's population are underfed, underhoused and undereducated. One cannot expect them to accept this fate forever, and if there is no hope of improving their lot peacefully, they will not forever refrain from disturbing the peace if force should appear to them to be the only way out of their present misery. While success will depend to a large extent on the efficacy of local efforts, sufficient means will have to be provided by the world community for removing this great danger to world peace. Economic development of underdeveloped areas of the world will also be helpful to developed countries, providing new outlets for their trade and increasing the general resources of the world community available for pushing further forward the frontiers of the developed world.

While unilateral aid by various developed countries has contributed to the development of many developing areas, such aid often breeds resentment and is sometimes used to influence the policies of the receiving countries either in the United Nations or elsewhere. On the other hand, the countries giving assistance have frequently found it difficult to impose conditions which were necessary to assure effective utilization of their aid. It is much easier for the United Nations and its specialized agencies to require compliance with specific requests for economic and social changes such as land or tax reform. As demand exceeds available funds, those who are reluctant to accept certain conditions, quickly find themselves at the end of the line and have to reconsider their position.

Both the developing nations and the developed nations must be adequately protected against undue United Nations interference with their respective economic and social struc-

tures. On the one hand, there is the danger that the United Nations might use its new powers in the economic sphere to impose on the developing nations some special ideas of its own about the social and political changes needed to facilitate economic growth. On the other hand, the United Nations might abuse its power to channel development funds from the developed countries to the developing ones in such a way as to cause a detrimental impact on the developed countries' own programs of internal development. Proper safeguards must be provided against both these possible, though unlikely, trends.

Money for development can be obtained more easily if there is significant progress toward disarmament, as funds currently devoted to arms are the largest potential source. Conversely, need for a large productive effort to build up the basic economic structure of many countries would make it easier to contemplate the cessation of the armament orders which constitute an important factor in industrial production today, provided that national legislatures would be willing to allot adequate funds for the purpose in view of competing domestic needs. If proper plans can be prepared for the use of the industrial capacity of highly developed nations to increase the rate of development of other nations, the fear that a sudden end of military production would cause grave problems of reconversion and economic dislocation would be greatly diminished.

Economic development must be closely interrelated with social development, and must take into account the possible social and political impact of scientific, medical and technological changes. General economic growth must be accompanied by more equitable distribution of incomes in the light of the needs of each nation and a dramatic improvement in educational and cultural facilities and in health, communication and transportation. To the extent consistent with national objectives and culture and the beliefs of conscience of the population, adequate information should be made available concerning family planning, and the United Nations should assist any country asking for help in controlling the expansion

of its population whenever such expansion is detrimental to national economic and social growth. A better coordination of international and national efforts and careful planning on the international and national levels are required in order to implement these steps effectively and efficiently, and to avoid serious imbalances and dangerous countertrends. The United Nations should assist all developing countries in improving their political and administrative machinery in so far as it may be necessary to enable it to perform the tasks essential for effective economic and social development.

In some areas of the world, large river development schemes, similar to that administered by the Tennessee Valley Authority in the United States, might be established. Various plans of this kind have already been started: on the Mekong River in Southeast Asia; on the Volta, Niger and Senegal Rivers and Lake Chad in West Africa. An authority of this kind has also been proposed for the Jordan River, and explorations have been initiated with respect to the Amazon River. The United Nations should be given authority to assist in such regional development schemes, and should in general encourage projects of regional scope, transcending national boundaries. (See also Section 7, below.)

Recommendations: The Commission believes that world peace and better world understanding depend to a large extent on a new intensive effort to speed up economic and social development throughout the world. To achieve these goals, the following steps should be taken:

a. *With respect to economic development:*

Step 35: The approval by the United Nations of the plans for the second Development Decade should be followed by a more detailed program of action for the next twenty-five years, which should deal not only with industrialization but also with agricultural development.

Step 36: United Nations machinery for coordinating and supervising the work of the specialized agencies and of the various organs of the United Nations should be greatly

strengthened. There should be better coordination both at the center and in the field.

Step 37: Economic aid and technical assistance should be made multilateral to the maximum possible extent, and the United Nations Development Program should be more adequately financed. An amount at least equal to one per cent of gross national product of the developed countries should be made available to the developing countries in the form of grants or long-term, low-rate loans to be dispensed through international institutions. In particular, the International Development Association should be endowed with sufficient capital funds to enable it to pursue its activities without dependence on recurrent appropriations.

Step 38: The role of UNCTAD in promoting the growth of trade of the developing countries and maintaining equitable terms of trade should be increased.

Step 39: Appropriate structural changes in the Economic and Social Council, GATT, UNCTAD, the international financial institutions and the United Nations Development Program should be made to enable them to implement more effectively the world development plans.

Step 40: New United Nations machinery should be established for examining the likelihood that new scientific breakthroughs will further worsen the disequilibrium between the developed and the developing world by widening the gap between them. Such machinery should seek to anticipate scientific discovery and its technological application and make recommendations for minimizing its undesired social and economic consequences as regards the speedy evolution of the developing nations.

Step 41: When appropriate changes have been made in the structure of the United Nations (see Section 9, below), the United Nations should be given adequate powers to regulate international trade to the extent needed to increase the productivity of the world economy and to maximize the export earnings of developing countries. In particular, it should have the power to hasten the elimination of inequitable barriers to international trade.

Step 42: The International Monetary Fund should be given such additional powers as may be necessary to protect the monetary system against recurrent crises.

Step 43: The United Nations should assist in redirecting resources from arms production to the economic development of developing countries, including a better use of the industries of developed countries for the building in the developing countries of general facilities such as roads, power plants, schools, etc., which are necessary for effective economic growth.

b. *With respect to social development:*

Step 44: The United Nations should provide assistance for the preparation of comprehensive national plans for social development which should provide for reasonable allocation of resources and not a mere listing of needs.

Step 45: A United Nations Social Planning and Coordinating Board should be established in order to provide an effective coordination of the specialized agencies in the social field.

Step 46: Sufficient funds (as suggested in Step 37, above) should be allocated for social development to ensure an effective improvement in educational, cultural and health facilities in the developing countries, which are needed to provide an adequate social foundation for economic growth.

Step 47: The United Nations should have the power and the duty to assist nations in protecting their national characteristics, in so far as they are consistent with the Purposes and Principles of the United Nations Charter. In particular, the United Nations should help nations to defend their cultural, ethical and social values and accomplishments against the improper inroads of the different values prevailing in other countries, and should assist each country in developing its national culture to the maximum possible extent.

5. Human Rights

The Goal: To ensure universal respect for, and observance of, human rights and fundamental freedoms throughout the world.

Comment: One cannot expect peace in the world as long as gross violations of human rights are committed in some countries, causing strong animosities in whole regions of the world. The United Nations must develop a better system to protect human rights throughout the world, especially in cases of racial and religious discrimination.

Over the first twenty-five years of its existence, the United Nations adopted more than a dozen special international conventions relating to specific human rights matters. Some of these are relatively narrow in scope (e.g., the Convention on consent to marriage and registration of marriage); others deal with such gross violations of human rights as genocide or slavery. The nature of each of these instruments depends on its content. The Genocide Convention, for instance, confirms that genocide is a crime under international law, enumerates the acts which are genocidal and provides for their punishment. Some of the other instruments, while designed to promote human rights, seem to be more in the realm of what is desirable rather than mandatory. Thus a State which departs from the provisions of the Convention on the nationality of married women is not likely to find itself denounced as an enemy of the human race or a violator of basic human rights.

These value judgments are, of course, not immutable. In some areas there has been an important shift in this respect. While one could argue before 1945 whether discrimination on the basis of race constituted a gross violation of human rights justifying intervention by the world community, certain types of discrimination, such as *apartheid* and similar practices, are now receiving treatment similar to genocide and are approaching the status of not merely gross violations of human rights but that of crimes against humanity. It may be expected that over the years more and more infringements of human rights will be classified at least as gross violations of human rights,

and that the United Nations will be granted increasing jurisdiction to deal with them in a more effective manner. Nineteenth century standards of permissible State behavior no longer can prevail; new and stricter standards of a global scope are constantly formulated.

In addition to these specific international agreements, the United Nations adopted various general instruments designed to implement more widely the provisions of the Charter relating to the promotion of universal respect for, and observance of, human rights and fundamental freedoms. In 1948, the General Assembly approved the Universal Declaration of Human Rights, listing and defining a large group of civil, political, economic and social rights. When the Declaration was adopted, it was not clear what its character and role would be. Some of its chief draftsmen considered it merely as an inspirational document, a standard for future achievements, but without much legal significance or any binding force. On the other hand, several of the principal draftsmen were willing from the beginning to endow the Declaration with a supra-national quality and to consider it a binding instrument of a legislative character. The latter view has prevailed, and it is now accepted that the purpose of the Declaration was to spell out which human rights were then in existence and thus to provide an authoritative interpretation of the scope of the Charter obligations. The Charter had brought human rights within the scope of positive international law, and the Declaration as an instrument interpreting the Charter was vested with the same mandatory legal force as the Charter itself and consequently became also a part of positive international law.

The practice of the United Nations certainly confirms this interpretation. Despite some isolated protests against this practice, the General Assembly has consistently invoked the Declaration as a source of international obligations and on several occasions has condemned a particular Member for activities which it considered to be contrary to the Principles and Purposes of the Charter, in violation of that State's obligation as a Member of the United Nations, and in violation of the provisions of the Declaration.

The increasing conviction that Members of the United Nations, and even all States, are bound not only by the Charter but also by the Universal Declaration of Human Rights was strongly confirmed when the General Assembly adopted unanimously two additional declarations which contained special clauses requiring all States to comply not only with these new declarations but also with the Universal Declaration.

Thus in 1960 the General Assembly unanimously proclaimed in the Declaration on the Granting of Independence to Colonial Countries and Peoples that: "All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

Even more strongly, the Declaration on the Elimination of All Forms of Racial Discrimination, approved in 1963, provided that: "Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples."

Consequently, it was possible for the International Conference on Human Rights in 1968 to declare in the Proclamation of Teheran that the "Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community."

The Universal Declaration was further implemented by the two Covenants on Human Rights, dealing respectively with civil and political rights and with economic and social rights. These Covenants were long in preparation but were finally adopted by the General Assembly on 16 December 1966. For the first time there was a universal agreement not only on a list

of all the basic human rights but also on the general content of each right and the most important limitations.

The Covenants differ in at least four respects from the Universal Declaration of Human Rights. In the first place, they are more universal; while the Declaration was adopted by less than fifty votes, with some important abstentions, 105 States voted for the Covenants and only a few States (such as Portugal and South Africa) absented themselves at the time of the votes, not willing to interfere with the unanimous vote of the Assembly. Secondly, the Covenants are more precise than the Declaration, providing more detailed guidelines for the conduct of Governments and more legal protection for the individuals. Thirdly, the Covenants contain various measures of implementation; though some of these remedies are optional in character, the Covenants recognize clearly the right of individuals to seek redress of their grievances on the international plane. Fourthly, while the Declaration was an early attempt, denied at the beginning, to exercise the legislative powers of the General Assembly, the Covenants constitute a mixture of the traditional and the new. They were drafted by the General Assembly and its subsidiary bodies and they were launched by the General Assembly without the benefit of a diplomatic conference; at the same time, they were not proclaimed by the General Assembly, but were made subject to ratification and will enter into force only when ratified, or acceded to, by 35 States. They thus resemble traditional international agreements binding merely those who ratify them. One could argue, however, that they also partake of the creative force of the Declaration and constitute a universal interpretation of the rules of international law on the subject of human rights which became embodied in the Charter of the United Nations and were enumerated in the Declaration. Apart from the binding force resulting from their ratification, the Covenants might thus benefit from the new legislative processes of the world community.

The Eighteenth Report of the Commission dealt thoroughly with the work of the United Nations in the field of human rights, and provides additional background for this section of

the Twentieth Report. The recommendations which follow are also further documented in the previous report.

Recommendations: The Commission recommends that the powers of the United Nations in the field of human rights be further strengthened, that international legislation in this field be continued, and that additional measures be devised for enforcing this legislation by national and international means. In particular, the Commission suggests the adoption of the following steps:

a. *With respect to international legislation in the human rights field:*

Step 48: The two International Covenants on Human Rights and the Optional Protocol to the Covenant on Civil and Political Rights should be brought into force and widely ratified.

Step 49: The United Nations should complete international conventions relating to religious intolerance and freedom of information, revise conventions relating to humanitarian aspects of warfare and extend them to civil wars, and prepare conventions dealing with scientific and technological encroachments on human rights.

Step 50: Special effort should be made to achieve the widest possible ratification of international instruments on human rights, including the convention on genocide and the various conventions on discrimination.

Step 51: Special measures should be developed for the protection of national, racial and religious minorities.

Step 52: The United Nations should take vigorous action to assist all countries in dealing with problems arising from the population explosion.

Step 53: Various instruments for the prosecution and punishment of crimes against humanity should be completed.

Step 54: A comprehensive Human Rights Code should be prepared, containing a systematic presentation of all previously adopted instruments, both general and regional, with such additions as might be necessary to fill in the gaps. Such a code

would provide protection to all individuals throughout the world.

b. *With respect to national measures of implementation:*

Step 55: A national committee on human rights should be established in each country. It should be composed of eminent citizens, including members of the judiciary, and it should have the duty to report annually to the national parliament and to the United Nations on the status of human rights in its country and on the progress made in enjoying and protecting them.

Step 56: Each individual should be granted the right to petition his national legislature for changes in the laws of the country, and a special legislative office should be established to consider and investigate such petitions.

Step 57: The United Nations should promote the establishment in each country of a specialized office or institution, such as an ombudsman or a procurator general, to assist individuals in vindicating their rights under the existing law, including international conventions, through investigation, consultation and, in the last resort, publicity.

Step 58: The United Nations should prepare guidelines for creating and maintaining in each country independent and impartial courts, and for securing to each individual maximum access to these courts in cases of human rights violations.

c. *With respect to international measures of implementation:*

Step 59: The United Nations should establish the office of a United Nations High Commissioner for Human Rights to consider human rights problems on a global scale on the basis of reports of national committees, to render assistance to States which request his help, to receive communications from individuals and to discuss them with the governments concerned, and to present to the United Nations an annual report both on areas in which progress has been achieved and on areas in which difficulties have been encountered.

Step 60: The United Nations Commission on Human Rights should be changed into a Human Rights Council having

equal status with the Economic and Social Council, a separate Committee of the General Assembly should be established to deal with human rights questions at each session of the Assembly, and the Human Rights Division in the Secretariat of the United Nations should be developed into a Department, to be headed by an Under-Secretary.

Step 61: The United Nations should arrange for the integration of the various Human Rights Committees already established, or to be created, under various universal instruments into the structure of the United Nations, and should make arrangements for more adequate coordination of United Nations activities with those of specialized agencies and of regional organizations for the protection of human rights.

Step 62: The right to petition the United Nations in cases in which local redress has not been obtained should be granted to every individual wherever he may live, and adequate procedures should be developed for the consideration of such petitions, for conducting investigations in the State against which a complaint had been brought, and for protecting a petitioner against reprisals for bringing a petition.

Step 63: An International Court of Human Rights should be established with a jurisdiction which would be at first similar to that of the European Court of Human Rights, in which only a State or the European Commission of Human Rights can bring cases before the Court. Subsequently this jurisdiction might extend to direct complaints by individuals to the Court, which should, however, have discretion in deciding which complaints to consider.

Step 64: A World Assembly on Human Rights should be established, which would be similar in composition to the interparliamentary assemblies of several European regional organizations, would assist the General Assembly of the United Nations in dealing with human rights questions, and would provide liaison with national parliaments on human rights matters.

6. Self-determination of Peoples and Abolition of Colonialism

The Goal: To remove the remaining vestiges of colonialism and to assure the right of political and economic self-determination to all non-self-governing peoples.

Comment: One of the most outstanding developments in the first twenty-five years of the United Nations was the abolition of colonialism in most areas of Asia, Africa and the Caribbean, and the achievement of independence by some sixty countries in those areas. Two types of problems still remain: those connected with the stubborn refusal of Portugal, Rhodesia and the Republic of South Africa to comply with various recommendations of the United Nations; and those relating to small islands and territories which find it more convenient to remain under the protection of one of the major powers until the United Nations devises a better solution for their special situation. (The latter question is discussed further in Section 8, below.)

The choice should not be merely between colonialism and independence. Some areas or peoples might be satisfied with local autonomy and self-government in all fields of local concern. Others might prefer various types of association with the former colonial power or some other State. There might be also a few areas which might opt for some new form of trusteeship, either by the United Nations itself or by the United Nations in cooperation with one or more States.

In addition, there is the more general question, whether the right of self-determination should be limited only to colonial areas or might be claimed also in other areas where certain peoples suffer under a rule which they consider alien. Are all the old boundaries of States sacrosanct or is peaceful change permissible also in this area? How can the aspirations of various territorially distinct minorities be reconciled with the need for international stability, especially in areas which recently have achieved independence? What can the United Nations do, if these local tensions result in a civil war?

Finally, it is claimed that political self-determination is not sufficient, as many countries remain under foreign economic

domination. By what means should economic self-determination be achieved? What role can the United Nations play in smoothing the path of transition in this area?

The questions with respect to self-determination which have been listed above are among the most intractable issues of world order, and the Commission may wish to devote a special study to them in the future. For the moment, only a few general recommendations can be made.

Recommendations: The Commission believes that the United Nations should make a special effort to develop more effective means for ensuring to all peoples the right of political and economic self-determination. The following preliminary steps might be taken in this area:

Step 65: The Secretary-General of the United Nations should be authorized to appoint a committee of experts to study the role which the right of self-determination should play in the post-colonial era, and the possible need for granting the United Nations new powers in this field.

Step 66: New methods should be developed for the further implementation of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, through the Committee of Twenty-Four or some other means.

Step 67: Arrangements should be made for a free expression of self-determination under United Nations supervision in all remaining non-self-governing territories, providing the people of each territory with such options as incorporation in, or association with, another State, self-government, and complete independence.

Step 68: The United Nations should be granted more effective powers enabling it to exert more pressure on States which refuse to comply with the wishes of the people of a non-self-governing territory under their control.

Step 69: The United Nations should assist newly independent States in achieving economic self-determination.

7. Establishment of New International Regimes and Institutions

The Goal: To establish under the auspices of the United Nations new procedures, regimes or institutions whenever new circumstances or new developments in science and technology indicate the need for international regulation of new areas in the interest of all mankind, thus avoiding potential conflicts and undue domination by the technologically more powerful or geographically more fortunate States.

Comment: The United Nations should put under international administration the important waterways providing passage between seas and oceans, whenever their control by a particular country has led to international conflicts. The United Nations should also be more concerned in regulating international rivers, especially when no agreement can be reached by the riparian States. The disputes between some States about a few small territories might be solved by placing them under United Nations administration. While problems of Antarctica have been temporarily solved without United Nations participation, in the long run the United Nations can play a constructive role in that area.

The powers of the United Nations need also to be strengthened in various areas recently opened by science and technology, and the United Nations should be given a built-in capacity to deal effectively with any new problem which might arise.

There is no doubt that the landing of two astronauts on the moon has had a profound effect upon all of mankind. The great adventure was brought off with near perfection at a time when the nations of the world were much less successful in coping with many grave problems on earth.

The United Nations began assuming its responsibilities for outer space in the late Fifties. In 1959 a United Nations Committee speaking of outer space, found "that the great forward surge of space activities will also tend to widen the gap between the technologically advanced nations actively launching vehicles in space, and other nations watching and wishing to take part in space activities but feeling incapable to do so."

The Committee went on to say, "The problem is to make available and to exploit the possibilities that exist for participation by nations at all levels of development, from supporting research or operation of tracking stations to launching small vehicles or joining with others in more advanced undertakings. A related problem lies in arranging the sharing of basic scientific information and topical data so that wide-spread participation is possible.

"In space activities, scientific and technological, there has been a great surge forward which opens new perspectives for human progress. Even more than in astronomy, they inherently ignore national boundaries. Space activities must to a large extent be an effort of Planet Earth as a whole."

The Commission agrees with the views expressed in that report and believes that they should be implemented through a United Nations space authority. As suggested by President Nixon, steps need to be taken to enable as many nations as possible to participate in future journeys to the moon and other celestial bodies.

The seabed beyond the limits of national jurisdiction is another area which is not, and should not be, subject to national appropriation. Its internationalization would open new fields for cooperation among nations and their citizens. The resources of seventy per cent of the earth's surface will soon become available and they should not be grabbed by a few strong powers or a few coastal States. (The Nineteenth Report of the Commission contained special recommendations on this subject.)

In the future, science is likely to open new areas for international cooperation, and one cannot even predict today where those areas might be. A broad grant of authority should be given to the United Nations to adopt the necessary regulations in such new areas as soon as the need might arise.

Recommendations: The Commission proposes the establishment of autonomous United Nations authorities to administer areas of special concern to mankind, to reconcile conflicting national interests or to open new fields to a collaborative effort. In the several areas discussed in this section the following steps might usefully be taken:

- a. *With respect to areas in which conflicts have arisen or might arise:*

Step 69: The United Nations should establish special international authorities to administer international canals and straits, to regulate and develop international rivers, and to supervise small territories placed under direct United Nations jurisdiction.

Step 70: The United Nations should take part in the supervision of the execution of the Antarctica Treaty and in due course should establish a new regime for Antarctica putting it under direct United Nations regulatory power.

- b. *With respect to outer space:*

Step 71: The United Nations should establish an autonomous Outer Space Authority to enable all the peoples of the world to participate in space activities. Such an authority should have the power to adopt regulations concerning all aspects of navigation in, and other uses of outer space, and all activities in the space environment, or on the moon and the planets, and to manage international cooperation therein.

Step 72: The Outer Space Treaty should be amended to provide that whatever resources are found on celestial bodies and can be brought back to earth should be turned over to the United Nations, which should use them for the benefit of all peoples.

- c. *With respect to the seabed and the sea:*

Step 73: The United Nations should proclaim the principle that the seabed beyond the limits of national jurisdiction is not subject to national appropriation and should be developed in the common interest of all mankind.

Step 74: Pending the establishment of an international regime for the seabed beyond the limits of national jurisdiction, the United Nations should proclaim a freeze on any extension of national jurisdiction beyond a specified limit, which should be as narrow as possible.

Step 75: The United Nations should establish an autonomous Seabed Authority with power to adopt regulations and

issue licenses with respect to all activities on the seabed beyond the limits of national jurisdiction.

Step 76: The United Nations should establish an autonomous Living Resources of the Sea Authority with power to adopt regulations concerning all activities relating to living resources of the sea.

- d. *With respect to future areas:*

Step 77: The United Nations should establish an autonomous Science and Research Authority to conduct research on the international level and to keep the United Nations abreast of research on the national level.

Step 78: Whenever the Science and Research Authority should certify to the General Assembly that a new area requires international regulation, the United Nations should be given the power to establish a special authority for the purpose.

8. Making the United Nations More Universal

The Goal: To increase the effectiveness of the United Nations by making its membership more nearly universal.

Comment: The United Nations is the first general international organization which is almost universal. But a few important States are still outside the framework of the United Nations, though some of them participate at least in the non-political activities of the United Nations and in most specialized agencies. The remaining gap needs to be bridged.

Both parts of divided States and all new States, with the exception of the very small ones, should become Members of the United Nations. New relationships must be devised for the so-called "microstates" and various semi-independent territories.

Recommendations: The Commission wishes to reiterate its previous recommendations for making the United Nations universal in membership, except for certain small entities. The following steps might be taken to achieve this objective:

Step 79: All independent States with a population of over 1 million should be eligible for membership in the United Nations, and all independent States with a population below 1 million should be eligible for associate membership with more limited rights and obligations. Special effort should be made to bring into the United Nations both parts of divided States, such as Germany, Korea and Vietnam, and to ensure that the Republic of China in Taiwan will not be deprived of its seat in the United Nations upon acceptance of the credentials of the People's Republic of China. Any admission of two separate "governments" of a State to the United Nations should be without prejudice to the possibility of future unification and without effect on the recognition policies of any State.

Step 80: Very small States not admitted to the United Nations and semi-independent territories should be provided with adequate protection, economic assistance and access to international institutions in situations affecting them or where they can make a special contribution.

9. Improving the Decision-Making Capacity of the United Nations

The Goal: To ensure that the decisions of the United Nations are made expeditiously and authoritatively.

Comment: It would be dangerous to increase the powers of the United Nations, as outlined in previous sections of this report, without at the same time strengthening the supervisory machinery of the United Nations and increasing the will of the peoples and governments of the world to maintain that organization. World law requires an institution for its enactment, interpretation and enforcement. An international peace force without adequate supervision might become a menace to the nations powerless to oppose it. Disarmament depends on the effectiveness of the machinery of the United Nations for maintaining peace. Courts cannot themselves decide about the means of enforcing their decisions; only a political body can make these decisions effectively. Not all international disputes can be decided by courts, and there should be a political body with power to determine how non-legal disputes should be settled. Moreover, the costs of the disarmament controls, of an international peace force and of an adequate development program would be much higher than the present United Nations budget, and it would be the duty of the United Nations to find the financial resources needed for these purposes. If the United Nations is expected to cope with these problems, its machinery must be strengthened, and—to use President Kennedy's phrase—we must "enlarge the area in which its writ may run."

Decisions of the United Nations need to be given universal scope, they should apply to all States whether they are Members of the United Nations or not, and all States should be entitled to participate in decisions affecting them. The decisions of the United Nations should be made by majorities speaking authoritatively for the world community and including those whose support would be needed to make the decisions effective, and should be arrived at by expeditious procedures.

Important changes need to be made with respect to the structure, mode of operation and voting procedures of various United Nations organs.

As far as the Security Council is concerned, the permanent members might be asked to accept certain restrictions on their right to veto the decisions of the Council.

The Commission has considered the question of revising the composition of the Security Council, especially with respect to permanent membership. It has discussed, among others, the following proposals:

a. That when the credentials of the People's Republic of China are accepted by the Security Council, India and Japan should be included at the same time among the permanent members of the Security Council; and that the Federal Republic of Germany should be given the same status upon its admission to the United Nations.

b. That all States with a population of over 40 million, other than the present permanent members of the Security Council, should be entitled to semi-permanent seats on the Security Council, rotating at two-year intervals. (This would include India, Indonesia, Pakistan, Japan, Brazil, Nigeria, the Federal Republic of Germany, Italy, and Mexico.)

c. That the ten States ranking highest by a formula taking into account population, industrial and commercial importance, and contributions to the United Nations budget should be entitled to permanent or semi-permanent seats on the Security Council. (This would include, in addition to the present permanent members, the following semi-permanent members: India, Japan, the Federal Republic of Germany, Italy and Brazil.)

d. That all States with population over 200 million or contributing more than five per cent of the United Nations budget (the People's Republic of China, France, Federal Republic of Germany, India, the Soviet Union, United Kingdom and the United States) should have permanent seats; and that all States with population over 40 million but less than 200 million (Brazil, Indonesia, Italy, Japan, Mexico, Nigeria,

Pakistan, and, though it does not yet fulfill the population criterion, the United Arab Republic) would have semi-permanent seat.

As none of these suggestions commanded wide consensus, the Commission decided to recommend no changes in the permanent membership of the Security Council at present.

Many changes are possible with respect to the General Assembly. Most of them do not require amendment of the Charter and can be introduced by resolutions of the General Assembly adopted on the basis of general consensus.

For instance, to give more weight to the attitude of the major powers, the voting rules of the General Assembly might be revised to require in the committees of the General Assembly (where voting changes can be made without a revision of the Charter) different majorities, depending on the measure of support received from the superpowers and other major powers. While the actual formula is likely to be the subject of long bargaining between the large and small States, the following table illustrates some of the possibilities.

| United States | Soviet Union | 20 other | |
|-----------------|-----------------|--------------|----------------------|
| | | major Powers | Remaining UN Members |
| Yes | Yes | 11 | Two-thirds (67%) |
| Yes | Abstains | 12 | Three-fourths (75%) |
| Abstains | Yes | 12 | Three-fourths (75%) |
| Abstains | Abstains | 14 | Four-fifths (80%) |
| No | Yes or abstains | 15 | Five-sixths (83%) |
| Yes or abstains | No | 15 | Five-sixths (83%) |
| No | No | 16 | Six-sevenths (86%) |

The actual figures, of course, do not matter here, but the idea of requiring more votes if the superpowers abstain from, or oppose, a decision would seem to have merit.

The General Assembly has already created several permanent committees dealing with specific subjects between sessions of the General Assembly. More work might be delegated to such committees thus diminishing the burden carried

by the General Assembly during its regular sessions. The work at the sessions of the General Assembly could be further expedited by establishing permanent working groups of limited membership for a more efficient exploration of possible consensus on various subjects on the Assembly's agenda.

The Commission also explored the possibility of establishing a World Parliamentary Assembly, the concurrence of which might be required for the exercise of the new powers to be granted to the General Assembly. This second assembly would represent the peoples of the world as distinguished from the governments. Though the preamble of the Charter acknowledges the fact that the United Nations was established in the name of "the peoples of the United Nations" there is no machinery available to bring the wishes of the peoples of the world directly to the attention of the United Nations. Perhaps in the next century "a parliament of man" elected by all the world's peoples will be created. In the meantime, however, we could establish at least indirect representation, through delegates elected by national parliaments.

We have already several international parliamentary assemblies in Europe; joint meetings of the delegates of the United States Congress with similar delegations of Canada, Mexico, the European assemblies and the countries of NATO; a Latin-American Parliament; and regional meetings of members of national parliaments of African, Arab and Asian countries. Finally, we have the Interparliamentary Union where parliamentary delegations from some seventy nations meet frequently to discuss political and economic problems of the world. In all these interparliamentary bodies nations are represented not by governmental delegates but by members of parliaments, the number of members representing a particular State varying usually in accordance with its population, though those numbers are in no case in an exact proportion to the population of each nation.

The next step in this evolution might be a United Nations parliamentary body which would assist the General Assembly in decisions relating to peacekeeping, financing and other

important matters. Various formulas can be devised for the composition of such a body. All of them are likely to take into account the population of each nation. Some of them might also reflect the fact that national parliaments play an important role in approving appropriations of funds for international organizations, and that consequently parliaments contributing the largest share of United Nations resources might insist on additional representation. Finally, each nation should have a minimum representation, allowing representation of both the majority and the minority of its parliament. Thus, in the transition period before full acceptance of popular representation, one could envisage the following temporary formula:

Each national parliament would elect three members of the United Nations interparliamentary assembly. In addition, the parliament of any nation having a population exceeding one per cent of the total world population might be entitled to select one extra member for each full one per cent of that nation's share in the population of the world. Similarly, the parliament of any nation which contributes more than one per cent of the total contributions to the United Nations expenses might be allowed to select one extra member for each full one per cent of that nation's contribution. To prevent a too large discrepancy between the number of delegates from large and small nations and to provide equality between the superpowers a ceiling of 25 members might be established. If this method were adopted, the United States and the Soviet Union would have the maximum 25 members, India 18, the United Kingdom 11, France 10, Japan 8, Canada, Indonesia, Italy and Pakistan 6 members each, etc., while some ninety nations would have 3 members each. Should the People's Republic of China be represented in the United Nations, its "legislature" would also be entitled to appoint 25 members, while the Federal Republic of Germany upon its admission would be entitled to 11 members.

Such a World Parliamentary Assembly would enable national parliaments to become better acquainted with the work

of the United Nations, and the members of parliament who have taken part in the Assembly would, on their return home, help in the execution of United Nations decisions by their own parliaments. A decision of the General Assembly supported by the World Parliamentary Assembly would have added strength, and the supplementary support received in national parliaments for such decisions would increase the pressure to behave in accordance with United Nations standards. The establishment of a second body in which the major nations would have an added weight would bring the United Nations closer to the one man, one vote ideal, and would constitute an important step toward giving the United Nations the peace-keeping and financial powers which it should have and toward ensuring that the powers thus conferred would be reasonably exercised.

Similarly, it might be useful to establish a World Youth Assembly, where the younger generation would be given a forum to voice its opinions and a chance to influence the policy-makers.

Recommendations: The Commission believes that the United Nations can become more effective through an overhauling of its procedures, an improvement of its voting rules and the development of new institutions for the expression of world public opinion. The following steps might be taken to achieve these objectives:

a. With respect to the Security Council:

Step 81: The permanent members should relinquish their right of veto with respect to recommendations relating to the peaceful settlement of disputes under Chapter VI of the Charter, and the voting rules of the Security Council should be changed to allow decisions by a concurrent vote of a majority of permanent members and a majority of non-permanent members.

Step 82: The veto should be removed with respect to decisions under Chapter VII of the Charter relating to enforcement measures not involving use of armed force by the United Nations.

Step 83: The new voting rules to be adopted with respect to decisions under Chapter VI (Step 81, above) should be extended later to decisions under Chapter VII, with the proviso that no State should be required to use armed force without its consent.

b. With respect to the General Assembly:

Step 84: In order to expedite the work of the General Assembly and thus save time and money, a sufficient number of working groups should be established at the beginning of each session of the General Assembly to prepare resolutions on subjects under discussion after the end of the general debate on each subject. Each Member State should be entitled to participate in at least one such working group.

Step 85: The General Assembly should establish more permanent committees for specific subjects, which would meet between sessions of the General Assembly and prepare matters more thoroughly for the Assembly's agenda.

Step 86: More rigid priorities should be established with respect to topics to be discussed by the General Assembly, and time should be divided among them in accordance with their importance. The number of speakers in the general debate at the opening of the General Assembly should be limited. They should be divided equitably among the regional groups, which should arrange for adequate rotation among their members.

Step 87: The powers of the President of the General Assembly and of the Chairmen of Committees to limit speeches to the topics under discussion should be increased.

Step 88: The Secretariat of the United Nations should be authorized to establish an autonomous Consulting Drafting Service, composed of experts on the work of the United Nations, on international law and other important subjects. The main function of this service would be to assist delegations in the preparation of resolutions and to provide them with factual and legal information for use in speeches to be made at the United Nations.

Step 89: A Resolutions Committee should be established within the Bureau of the General Assembly. It should be composed on the one hand, of the representatives of the permanent members of the Security Council and other major powers, and, on the other hand, of an equal number of representatives from other States selected from various groups of States in accordance with a specified formula. This Committee would consider and, if necessary, by a concurrent majority of both groups of members, revise resolutions coming from various committees of the General Assembly in order to make them more generally acceptable. No substantive resolution would be submitted to a vote in the General Assembly unless it had been passed by the Resolutions Committee.

Step 90: The voting rules of the committees of the General Assembly should be revised to take into account the need of majorities larger than a two-thirds vote in cases of special importance, if one or more of the superpowers or a majority of other major powers is opposed to a resolution, thus providing a variety of voting requirements depending on which major powers are in the majority, abstain or oppose a resolution. (For an illustration of this proposal, see Comment to this Section, above.)

Step 91: A World Youth Assembly should be established by a resolution of the General Assembly. It should be chosen by various national and international youth organizations in accordance with rules to be adopted by the General Assembly. It should be consulted by the General Assembly on subjects of special interest to youth.

Step 92: A World Parliamentary Assembly should be established (incorporating perhaps a Human Rights Assembly if it has been previously established), to be chosen in a manner to be determined by national parliaments, in proportion to a nation's population and to its contribution to the United Nations budget, with a specified maximum of representatives (e.g., 25 or 30) and a specified minimum (e.g., 3), and to be consulted by the General Assembly on specified subjects.

Step 93: Resolutions establishing rules of world law, adopted concurrently by the General Assembly and the World Parliamentary Assembly should be binding upon all States and individuals. (Similar binding force might be given to some of the resolutions adopted in accordance with the procedures suggested in Steps 89 and 90 above.)

10. Financing

The Goal: To provide the United Nations with financial resources adequate for the many tasks which the increasing interdependence of nations continuously imposes upon it.

Comment: In the last twenty-five years the United Nations has gone through several financial crises. Some of its current operations depend on voluntary contributions by a few States. There is general agreement that the methods of obtaining contributions from States need to be improved, and that independent sources of revenue need to be found, especially for the United Nations activities connected with the maintenance of peace and for those related to economic and social development. Arrangements might also be made for collecting revenue for services rendered by the United Nations in maintaining order in various areas, preventing conflicts, and making and enforcing standards and rules.

Recommendations: The Commission has already dealt several times with problems related to United Nations financing. It recommends again that various methods be tried for increasing the financial resources of the United Nations. In particular, the following steps might be taken:

a. To improve the collection of contributions from States:

Step 94: If new Members are admitted, some of them (for instance, the Federal Republic of Germany) will make a large contribution to United Nations expenses, thus making the burden relatively smaller for other Members.

Step 95: A special United Nations fund should be established in each country to enable individuals, corporations and foundations to contribute, on a voluntary basis, funds for educational and humanitarian activities of the United Nations and the specialized agencies without diminishing the governmental payments under Article 17 of the Charter and under similar provisions in the constitutions of the specialized agencies.

Step 96: More effective measures should be devised for obtaining payments from Members whose capacity to pay is

not in question. (For instance, the right of the United Nations to seize funds kept abroad by a State in arrears might be recognized.)

Step 97: A method might be developed for direct payment to the United Nations by individuals or corporations of a specified percentage of national taxes equal to an agreed portion of the contribution due to the United Nations from a particular nation. To avoid double taxation, all such taxes paid to the United Nations by individuals or corporations would be deductible from taxes payable by them to the State concerned.

b. With respect to new sources of United Nations revenue:

Step 98: The United Nations should receive an equitable share of the revenues from the exploitation of the resources of the bed of the sea beyond the limits of national jurisdiction, to be used for such purposes as may be agreed upon.

Step 99: The United Nations should receive an equitable share of the revenues from space communications.

Step 100: The United Nations should receive an equitable share of the revenue obtained from the exploitation of the living and mineral resources of the high seas, to the extent at least that new resources or methods of exploitation have been developed with the assistance of, or through regulatory action by, the United Nations.

Step 101: The United Nations should be given the power to grant charters to large international corporations doing business in several States. Such corporations would be subject to special regulations to be adopted by the United Nations, and the United Nations should have the power to impose reasonable taxes on them, and national taxes on such corporations would be proportionately restricted.

Step 102: A strictly limited United Nations tax might be imposed on international mail and telecommunications.

11. United Nations Communications System and World Understanding

The Goal: To assist the United Nations in developing a world point of view among all peoples through independent worldwide communications facilities and other educational and informational means.

Comment: No formal changes are going to remove the obstacles to United Nations success, unless there is a simultaneous improvement in the attitude of the peoples and governments of the world toward the United Nations. Very few persons in the world know what the United Nations can and cannot do, and how its activities affect them and their own countries. Even fewer are deeply interested in making the United Nations work better.

There is also the additional problem of increasing world understanding, replacing narrow national points of view with a global approach, visualizing mankind as an interrelated whole.

Much needs to be done to improve both the understanding of the United Nations and world understanding in the broader sense.

Recommendations: The Commission believes that better use should be made of existing media and a reasonable share of new media should be made available to the United Nations. Through increased cooperation between the United Nations family of organizations and national governments world literacy and world understanding should be promoted. In particular, it recommends the following steps:

Step 103: The United Nations should be provided with a more effective communications system reaching all areas of the world for transmission of messages between United Nations headquarters, offices and field personnel.

Step 104: The United Nations should have direct access to sufficient satellite broadcasting and television channels to ensure that the decisions of and discussions in United Nations bodies would be made known to all the peoples of the world without interference by any government.

Step 105: The United Nations should make adequate arrangements for enabling all nations to share with the rest of mankind their most valuable contributions to world culture, arts and ideas through the communications media of the United Nations, UNESCO and other specialized agencies.

Step 106: UNESCO, with the cooperation of other international organizations, should develop additional programs, to be implemented by national governments, to achieve world literacy and to promote world understanding through exchange of students and professors and through other appropriate means.

Envoi

The United Nations enters its second twenty-five years. A quarter of a century is scarcely a fraction of a second in the long time that man has been building political institutions on this planet. Why then is the present moment so crucial?

The answer can be found in the facts of the nuclear age. For the first time man has the capacity, literally, of total destruction of himself and the environment from which he has evolved. It is not inconceivable that before the end of this century, unable to organize itself to deal effectively with its problems, the world might break up in chaos and anarchy.

It is not unthinkable that the atomic powers, which have enough atomic bombs to destroy life on this planet, would find themselves in a nuclear confrontation which no one wanted but no one had prevented. Some time later a few human beings, stumbling out of shelters and caves, would try to rebuild life in such areas of the world as would be habitable.

Such a catastrophe can and must be avoided. Man has the capacity to direct to his salvation the forces which he has created. In the last twenty-five years he has made significant progress in building the law and the institutions of peace. He must strengthen these institutions, reject certain obsolete concepts of national sovereignty and establish a greater measure of justice for men and nations; he must use the United Nations to bring about a world of law and justice in which the human spirit would flourish anew.

It is in the spirit of this awesome challenge that the Commission has put forward what it hopes may be practical suggestions for strengthening the United Nations to meet the challenge of the next twenty-five years. Some of the steps can be taken immediately. Others may require the completion of previous steps in one or more areas. None of them is impossible, if there is sufficient will to make the United Nations work.

The following members of the Commission have signed this Report. Signature means approval of the general principles outlined in the Report, but not necessarily of all the details.

Arthur N. Holcombe, *Honorary Chairman*
 Louis B. Sohn, *Chairman*
 Clark M. Eichelberger, *Executive Director*
 Luther H. Evans, *Chairman, Executive Committee*

| | |
|-------------------------|------------------------------|
| Leonard P. Aries | Gerald Freund |
| Nelson Bengston | Wolfgang Friedmann |
| Clarence A. Berdahl | Richard N. Gardner |
| Donald C. Blaisdell | Arthur J. Goldberg |
| Jacob Blaustein | Leland M. Goodrich |
| Roy Blough | Frank P. Graham |
| David B. Brooks | L. Allen Grooms, Jr. |
| Harrison Brown | Ernst B. Haas ² |
| James B. Carey | Donald Szanthy Harrington |
| John Carey ¹ | H. Field Haviland, Jr. |
| J. Michael Cavitt | John H. Herz |
| Daniel S. Cheever | Willard N. Hogan |
| Ben M. Cherrington | H. Stuart Hughes |
| Carl Q. Christol | Philip E. Jacob ³ |
| Francis T. Christy, Jr. | Anne Hartwell Johnstone |
| Joseph S. Clark | Hans Kohn |
| Benjamin V. Cohen | Joseph P. Lash |
| John R. Coleman | Walter H. C. Laves |
| Norman Cousins | Gerard J. Mangone |
| Edward P. Curtis, Jr. | Charles E. Martin |
| Thomas Curtis | Marion H. McVitty |
| Royden Dangerfield | Donald N. Michael |
| Aaron L. Danzig | Hugh Moore |
| Malcolm W. Davis | Raymond D. Nasher |
| Vera Micheles Dean | Leslie Paffrath |
| Oscar A. deLima | Josephine W. Pomerance |
| Rupert Emerson | Charles C. Price |
| Richard A. Falk | Walter P. Reuther |
| Charles G. Fenwick | Roger Revelle |
| Vernon L. Ferwerda | William R. Roalfe |
| Roger Fisher | J. William Robinson |
| Thomas M. Franck | Irving Salomon |

| | |
|----------------------------|------------------------|
| James H. Sheldon | David V. Tiffany |
| Eugene Staley ⁴ | Richard W. Van Wagenen |
| C. Maxwell Stanley | Paul W. Walter |
| Alonzo T. Stephens | Urban G. Whitaker, Jr. |
| Richard N. Swift | Francis O. Wilcox |
| Obert C. Tanner | Harris L. Wofford, Jr. |
| Howard Taubenfeld | Richard R. Wood |
| Amos E. Taylor | Quincy Wright |

¹ With reservations concerning steps 41 and 47.

² Mr. Haas cannot approve of steps 49, 51, 53, 54, 60 and 64 (referring to human rights) because he considers their implementation liable to cause more hostility than respect for human rights because of the increasing dissensus on underlying values. He also disagrees with steps 65, 66 and 69 (referring to self-determination) because their implementation is more likely to lead to ethnic and national exclusiveness than to increase international cooperation. Finally, he disagrees with steps 91, 92 and 93 because they are likely to contribute more controversy than constructive solutions to the problems this report really addresses.

³ With explicit reservations regarding the section on world law (steps 1-8) and step 96 *re* financing.

⁴ With reservations as to certain implications of steps 35, 40, 41, 47 and 69.



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