The Main Functions of the United Nations in the Year 2,000 A.D.

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One of the reasons why we study the past and analyze the present is to prepare for the future. It may well be, of course, that this world has no future, that we are reaching the time when, more or less rapidly, the life which eons ago began to assert himself in the slimes of the oceans, having flowered in what we call civilization, will utterly disappear and the Earth will no longer be distinguished among all the planets as the sole depositary of life. Somewhere else in the solar system the drama may be repeated or — for all we know — may be going on now. But our Earth will be as dead as the moon. A rigidly logical observer considering the evidence before him might indeed reach such a conclusion. But one of the characteristics of the kind of men and women which inhabit this planet is that they are seldom logical. Most of them, moreover, possess a spark of optimism; and this optimism has always been an important factor in helping the race muddle through its difficulties, however hopeless they may seem. It is in that spirit of optimistic illogicality that the present essay is written.

The purposes of the United Nations, and hence the functions of the organization, are defined in the first article of the Charter. They are: to maintain international peace and security; to develop friendly relations among nations; to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms; and to be a centre for harmonizing the actions of nations in the attainment of these ends. The article covers the intentions of the founding fathers in 1945, but it does not fully reflect the present situation as it has developed over 25 years of United Nations history. Thus, although it is not mentioned in the Charter,[1] because it was not contemplated in 1945, a function of the United Nations

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[1] Article 76 of the Charter speaks of the "progressive development" of the inhabitants of trust territories towards self-government or independence but the Declaration regarding Non-Self-Governing Territories contained in chapter XI does not mention independence.

throughout the greater part of its history has been to accelerate the liquidation of colonialism. And the balance between the purposes of the Organization in terms of priorities which the Charter reflects has been radically changed over the years. The emphasis now is on the economic and other needs of the underdeveloped world, a far cry indeed from the preoccupations of 1945. But for present purposes Article 1 of the Charter will be a good guide. I am concerned chiefly with the dichotomy between the political and the functional.

When on October 30, 1943, the foreign ministers of the Soviet Union, the United Kingdom and the United States and the Chinese ambassador to the Soviet Union recorded in the Moscow Declaration on General Security their agreement to establish at the earliest practicable date a general international organization, they were thinking of an organiation "for the maintenance of peace and security;"[2] and, although at Dumbarton Oaks and San Francisco other functions were also entrusted to the United Nations, to maintain international peace and security remained its primary and essential purpose.

It is now only too abundantly clear that the United Nations has not performed and cannot, in the present configuration of power and political climate, perform this primary function of maintaining world peace and security. The record is not wholly negative. There have been instances when the United Nations or at least the fact of its existence have helped to prevent conflict which might have degenerated into general war. However, the real deterrent to war since Hiroshima has been not the United Nations but the balance of terror and fear of the power of the atom.

This failure of the United Nations has been due in large part to a weakness in the Charter so fundamental and indeed so transparent that, even before the San Francisco Conference, perspicuous critics, basing their predictions on the Dumbarton Oaks Proposals and the results of the Yalta Conference, were able to predict that the collective security system created by the Charter would not work.[3] This weakness was the assumption that the great powers

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[2] The text of the Declaration can be found in the Yearbook of the United Nations, 1946-47, p. 3.

[3] In an article published in the Canadian Forum in April, 1945, I said that, if the great powers were given a right of veto in the Security Council, the new international organization would, in so far as these powers were concerned, be nothing more than a defensive alliance. "As long as the great powers are able to agree among themselves", I wrote, "they will be able to maintain the peace. But, if they cannot agree, their treaty of alliance will prove as ineffective as similar treaties have been in the past."

which had been victorious in the Second World War would continue to cooperate in peace as they had been obliged to cooperate — sometimes reluctantly — in war, an assumption which was explicitly enshrined in the Moscow Declaration when the four great powers agreed that "their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization of peace and security." The new international organization was to be, in other words, a continuation of the wartime alliance. As the outbreak of the Cold War was soon to prove, this assumption was wrong. The two great superpowers in particular were unable or at least unwilling to cooperate; and for a quarter of a century their clashes have bedevilled the United Nations. This rivalry has not prevented the General Assembly from playing its intended role, because its decisions are taken by majority vote and no member state possesses a veto over them. Resolutions of the General Assembly, however, have the force of recommendations only; and, while the Charter gives the Assembly the right to discuss any questions relating to peace and security and to make recommendations with regard to such questions, it specifically provides that "any such question on which action is necessary shall be referred to the Security Council."[4] It is in the latter body — the organ having "primary responsibility" for the maintenance of peace and security[5] and which was intended by the Fathers to have some of the characteristics of a world government because the members of the United Nations agreed to accept and carry out its decisions — that the failure of the great powers to cooperate, as it was assumed in 1945 they would, has had its most deleterious consequences; for in the Security Council each of the five great powers has a right of veto and hence the right, which one of them has exercised abundantly, to prevent the Council from performing its intended functions.

If the assumption that the great powers would continue to cooperate in peace as they had done in war had no basis in reality, it does not follow that, in 1945, an international security organization could have been founded on any other hypothesis. The Fathers knew as well as their critics did that the assumption might be groundless. But if the two superpowers were to become members of the new organization — and it seemed essential that they should — the Fathers had no other choice. The United Nations would be a great power organization based on the assumption that the great

[4] Article 11(2) of the Charter.
[5] Article 24(1) of the Charter.

powers would cooperate to make it work or there would be no general security organization as conceived by the Moscow Declaration. The Fathers therefore accepted the risk inherent in proceeding on the basis of an assumption regarding the truth of which they must have had doubts.

Had they had more confidence in the correctness of the assumption, it would not in strict logic have been necessary for the great powers to insist on the establishment of a safeguard against the possibility that the assumption would be groundless. That they did not pursue their logic to this rigorous conclusion is the best proof that they recognized the frailty of their hopes. For in the veto they created an instrument which would protect each one of them against the others. It was their intention, moreover, to create an organization which, while they could jointly use it to govern the rest of the world, could in no circumstances be used against the interests of any one of them. Not only would each of the five great powers have a permanent seat in the Security Council, which was to be the sole organ in the United Nations having coercive powers, but in matters of substance each of them would have a veto over any decision which the Council might otherwise take.

There was nothing new about the veto. It had always been the corollary of and the instrument for implementing the rule of unanimity which, with relatively unimportant exceptions, had traditionally governed in international politics and organization. It had indeed been the rule in the League of Nations when, with important exceptions, unanimity was the rule and every member state had a veto both in the Council and in the Assembly. Under the Covenant, however, it had been legally possible for the community of states to resist agression notwithstanding the stance which the aggressor might take because, under Article 16, the appointed sanctions were to be automatic in the sense that, without waiting for the League to take any action in the matter, which was not required, all the other members could and were indeed obliged to apply the sanctions contemplated by the article. Under the Charter, while member states reserve "the inherent right of individual or collective self-defence,"[6] individual action was proscribed and collective action by the organization requires a decision of the Security Council. Under the Covenant, moreover, a member state could not use its veto to prevent either the Council or the Assembly from investigating and reporting on any dispute submitted to it. In the United Nations even a party to a dispute may, if it is one of the five great powers, prevent the Council from

[6] Art. 51 of the Charter.

dealing with it or making a recommendation. So that the right of veto possessed by each of the five great powers under the Charter is a much more powerful instrument of obstruction than the generalized veto ever was in the League of Nations. Still more important, in the time of the League, the international power configuration was radically different from what it has become since the end of the Second World War. Military and economic power was diffused and no state was invulnerable to the combined power of all the others. Collective security in the classical sense was therefore practicable and indeed could have succeeded in the case of the Italian aggression against Ethiopia had there been a will to make it work. Today, either one of the superpowers is probably invulnerable against any combination which could be organized against it. It is doubtful indeed whether collective security as it was understood in 1920 is now practical politics. The deterrent which has prevented the disaster of a Third World War has been fear of the power of the atom.

What was new in 1945 was the limitation of the unanimity rule and hence of the right of veto for the sole benefit of five great powers. And the result was the creation of an international political system wherein these powers, had they been able to continue their wartime cooperation, would have been able to impose their hegemony on the rest of the world. What was contemplated was world government in security matters reminiscent of the Concert of Europe, but institutionalized and more stable while being at the same time more rigid. On the assumption that the great powers would cooperate amongst themselves and that there was therefore no need to create a collective security system which could prevent wars between them, they habilitated the United Nations to deal with local disputes and wars in which none of the great powers had an interest. It was to be a policing operation aimed at the rest of the world.

There were no flaws in the logic apart from the safeguard which the great powers erected against each other. If the system did not work it was because the assumption on which it was based was wrong as events were soon to prove; and the situation worsened as effective power concentrated more and more in the two superpowers. The United Nations would not be able to deal effectively even with local disputes and wars because, as it soon also became apparent, the interests of the great powers would extend to almost every conceivable situation.

It is easier to diagnose the present in the light of the past than it is to look into the future. At the best any picture that we can

now obtain of the future will be blurred and uncertain; and it could be totally misleading. But there are some signposts that can be read now; and the driver of a motorcar does not bring his vehicle to a stop because there might be some obstacle ahead. It is in the nature of man to plan for the future and even though he cannot be sure, he usually makes his plans by reference to the present situation as he sees it developing. In a world political situation not radically different from the one prevailing in 1945 — when it was, as we have seen, possible to predict the failure of the security system established by the Charter — it should not be any more difficult now than it was then to throw some light on the probable outcome. A quarter of a century has, of course, brought great changes but the factors with which we are here concerned have, if anything, made the total situation worse. Despite some proliferation in the possession of thermo-nuclear weapons, power is concentrated even more in the two superpowers. And their rivalry has increased as their influence extends over greater areas of the world's surface. Ideologically their differences are almost as sharp as they were in 1945. And we are dealing with the same constitutional texts. There is some contemporary evidence of improvement in the relations of the superpowers and perhaps some disposition by them to cooperate, outside the United Nations, in some security matters. There is even some fear in the smaller countries that the superpowers may impose a hegemony over the rest of the world. The emergence of China as a possible third superpower also raises questions. But if that happens, it would only compound our present difficulties; for a third superpower would by definition also be invulnerable to any deterrent which might be organized by the United Nations. But, barring some quite unforeseen and unlikely conjecture which would force the superpowers to unite their efforts in common defence, the overall picture is likely to be substantially the same in the year 2000 A.D. as it is now and was indeed in 1945; and it would be unwise to base our planning for the future on any other assumption. There is, in any event, no compelling reason for thinking that, in the light of past and current trends, the great powers and particularly the two superpowers — there may then be three which would only compound the difficulties — will be better able to cooperate in security matters 25 years from now than they have in the past. So that however pessimistic it may be, the conclusion seems to be inescapable that in the foreseeable future as in the past, the United Nations will not be able to perform its primary function of maintaining international peace and security. The deterrent which will operate, if indeed it does continue to operate, will

be not the security system contemplated by the Charter but the balance of terror and fear of the atom.

Theoretically, it is possible to devise a system of world government which, given certain conditions, could ensure a degree of security; and there is no lack of utopian plans [7] based on principles which are familiar to political scientists, including formulae used in the constitutions of federal states; but they all come to grief at the point of implementation. To bring any of these schemes into operation would require the consent and agreement of all the participating states so that just as each of the five great powers can under article 108 prevent amendments to the Charter, they would each have a veto on the creation of any new international organization. There is little likelihood that, failing a catastrophe on the scale of nuclear war, the depositaries of state power would be willing to transfer to an international security organization the degree of sovereign power necessary to make it work.

Does this mean that we have reached an impasse in our efforts to bring order into the relations of nations ? Or is there perhaps an alternative and better approach ? Have we been putting the cart before the horse, as it were, by our lawyer-like fashion of concentrating on the problem of security ? Might not security come as a by-product of some other development ? The concept of "peace by pieces" is not new nor is the idea that the best way to strengthen international organization to the point where it will be powerful enough to impose its will in security matters is gradually to transfer to it from the jurisdiction of national states more and more economic and social functions and generally more functions of a non-political character. Since before the Second World War there has been a school of thinkers, often associated with the name of David Mitrany, and known by the name of functionalism, which says that this is the way and the only way to build international peace and security. The point was never better put, however, than it was by Field Marshal Jan Smuts, who is not usually known as a functionalist, and indeed was not a functionalist in the sense in which that term is now commonly used, in his pamphlet, *The League of Nations: A Practical Suggestion*, which played such a great role in the drafting of the Covenant of the League of Nations.

> "It is not sufficient," he wrote "for the League merely to be a sort of *deus ex machina*, called in in very grave emergencies when the spectre of war appears; if it is to last, it must be much more. It must become part and parcel of the common international life of States, it must be

[7] See my article on the Parent of Anarchy, *International Journal*, Vol. I, p. 11.

> an ever visible, living, working organ of the policy of civilization. It must function so strongly in the ordinary peaceful intercourse of States that it becomes irresistible in their disputes; its peace activity must be the foundation and guarantee of its war power."[8]

It will be suggested later in this essay that, while many functional organizations have been created to which states have transferred large portions of their sovereignty in economic and social matters, no serious effort has ever been made to strengthen an international security organization by building up its non-political functions.

Functionalism is older than the school which has taken its name. From the Congress of Vienna until the present day, states have been willing to create and use international agencies for the accomplishment of certain ends which they could either not perform efficiently themselves or which could be better performed by an international body. The first of these agencies was the Central Commission of the Rhine which was established in 1831 pursuant to a recommendation of the Congress of Vienna. The reasons which prompted the creation of this agency were not political but purely practical. Before the Congress of Vienna riparian states had the right, under international law, to close to navigation by foreigners those parts of an international river which flowed through their territory; and if navigation by foreign ships was permitted, it was subject to the payment of tolls and other controls. That a ship navigating such a river might be held up by a whole series of obstacles before it reached its destination, gave rise to an intolerable situation which none of the riparian or other states could rectify acting alone and which could only be corrected internationally. The Rhine Commission was followed by other river commissions and still other international agencies or unions for other functional purposes. I would require more than one article to describe all the various functional agencies which were created in the 19th century when international organization was still in its infancy, and *a fortiori* all those which now exist. I will mention only a few. The International Telegraphic Union, now known as the Telecommunications Union was established in 1865, and is therefore older than many states, a fact which helps us put the development into some perspective. The Universal Postal Union — perhaps the most obvious response to a purely functional need — came in 1874, but only after efforts to move foreign mail under bilateral arrangements had "revealed the hopeless inefficiency, from a business point of view, of adhering to theories of independence in such matters as postage."[9] Another

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[8] Quoted in F.P. Walters, *A History of the League of Nations*, Vol. 1, p. 59.
[9] J.L. Brierly, *The Law of Nations* (sixth edition).

obvious example of the need for international cooperation in a purely functional matter is provided by the long history of efforts to control epidemics. Germs, as the present cholera epidemic shows, do not respect national boundaries; but it was only in 1907 that an International Office of Public Health, the forerunner of the present World Health Organization, was established.

When the League of Nations began business in 1920 there were already in existence a considerable number of such functional agencies, including the International Labour Organization which, like the League, had been created by the Treaty of Versailles. The League itself was entrusted with some technical functions.[10] Potentially much more important, from the point of view of the development of a strong world organization, the Covenant also provided that all international bureaux already established by general treaties were to be placed under the direction of the League "if the parties to such treaties consent;" and all such international bureaux and all commissions for the regulation of matters of international interest thereafter constituted were also to be placed under its direction.[11] This provision was included in the expectation that all international offices would be merged in the League and managed by its Secretariat. Unfortunately, the expectation was not realized — a consequence, the official historian of the League tells us, of the failure of the United States to join the League.[12] Had the League of Nations been thus fortified, it is just possible that, when it was faced with the great crises of the thirties, it would have performed better as a collective security organization.

When the United Nations took the place of the League in 1945 it was entrusted with economic, social and other non-political functions far greater than those of its predecessor. We have already seen that one of the main purposes of the new organization was to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms. One of the principal organs of the United Nations was to be an Economic and Social Council and this Council would set up functional commissions and sub-commissions to assist it. Later there would be regional economic commissions in Africa, Europe, the Far East and Latin America. Part of this development was the implementation of the report of the Bruce Committee, which had

[10] Art. 23 of the League Covenant.
[11] Art. 24 of the League Covenant.
[12] Walters, *op. cit.*, p. 60.

been appointed by the League Council in 1939 to study the economic and social activities of the organization. The Committee recommended the creation of a Central Committee for Economic and Social Questions which would have had the same authority in economic and social matters as the Council had in the political field. The report was published only a few days before the German invasion of Poland, but the Central Committee which it recommended was to live as the Economic and Social Council of the United Nations. Not only did the United Nations benefit in some respects, but certainly not all, from the experience of the League but in 1944 and 1945, there were new problems including how to reestablish national economies which had been destroyed by the war; and the old problems, including those produced by cleavages between the industrialized countries and between the latter and the underdeveloped countries which had been intensified by the Great Depression in the thirties, had become more acute. These problems, it was now recognized, were anything but transitory and their solution would require permanent international machinery. The United Nations, moreover, was confronted from its birth "with national attitudes that had never before occupied the centre of the stage under traditional forms of international collaboration, in particular the pre-occupation of its members with full employment, economic development and economic stability." [13]

Not only did the United Nations itself become an important agency for international cooperation in economic and social matters but many new agencies were created for the same purpose — some of them independently and even before the San Francisco Conference and others under the auspices of the United Nations. There is now indeed such a plethora of such agencies that it defies easy description. The most important of these agencies, now called specialized agencies, of which there are now 13, were brought into relationship with the United Nations under Articles 57 and 63 of the Charter. The Charter says that the Economic and Social Council "may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations." But no attempt was made as had been done by the abortive Article 24 of the League Covenant, to bring the agencies under the direction of the United Nations. If the reason given by the official historian of the League referred to

[13] The United Nations and Economic and Social Cooperation, Part II, p. 194. The Brookings Institution, 1957.

above, for the failure to implement Article 24 of the Covenant was the defection of the United States, one would have expected the experiment to have been repeated in 1945, when United States participation in the new organization was a foregone conclusion. There must have been other reasons why no article corresponding to Article 24 was included in the Charter.

One of these seems to have been the idea which apparently influenced the position taken by some of the smaller countries, including Canada, that separate specialized agencies would give them a better opportunity to play a significant role in functional matters. Since the functions of these agencies would be technical and scientific, it could be expected that the smaller powers would be allowed to play a more significant role in them than in the great power dominated, primarily political, world security organization.[14] This was probably one of the reasons why Canada opposed the proposal of the great powers to give to the Economic and Social Council the right to examine the administrative budgets of the specialized agencies.[15] As Mr. Paul Martin later said on behalf of Canada in the Economic and Social Council (January 29, 1946), "there can be no question of the United Nations centralizing all the specialized agencies to the point of absorption, or of attempting to give these specialized agencies policy directives on matters lying within their own sphere of competence." [16]

Another reason why the functional agencies were permitted to take an independent course was the natural jealousies which exist between departments of government within states and their desire to conduct their business beyond national boundaries in direct contact with their homologues in other countries without the necessity of going through ministries of foreign affairs. Cogent arguments can be marshalled in favour of the decision taken at San Francisco; but in practice it has meant that, amongst other things, domestic jealousies and the failure to coordinate national policies spill over on to the international level. Much of the proliferation in the activities of the specialized agencies and their failure to coordinate these activities as between themselves and with the

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[14] See Clyde Eagleton, "The Share of Canada in the Making of the United Nations", *University of Toronto Law Journal*, VII (1948), p. 351. "This interest, it may be conjectured, is due in part to the better opportunity for responsible contribution which these functional bodies offer to smaller states..." Quoted by Anthony Miller, *Functionalism and Foreign Policy* (McGill Ph. D Thesis, 1970).

[15] Miller, *op. cit.*

[16] *Ibid.*

United Nations can be directly traced back to rivalries within governments. The influence of strong national ministries and the interests which they represent has contributed to building up the centrifugal forces which although they have strengthened some of the agencies, such as the International Labour Organization and the World Health Organization, have weakened the position of the United Nations in relation to them.

The very fact, moreover, that in 1945 there still existed a number of independent functional agencies which had survived the *debacle* of the thirties and which, like the International Labour Organization, had long records of effective achievement, had given rise to vested interests which were opposed to the transfer of their functions or any of them to the United Nations. Some officials in the International Labour Office even argued that it would be unwise for the I.L.O. to associate itself too closely with the United Nations given the likelihood that it would share the fate of the League and looked forward to the time when the International Labour Organization would become the principal organ of the international community in the economic and social field. Later, the ardour manifested by its representatives in negotiating the agreement which brought it into relationship with the United Nations under Article 63 of the Charter was to indicate that the role of the Economic and Social Council as coordinator of the activities of the specialized agencies would be neither easy nor highly productive. And, in any event, the history of the Council's relationships with the agencies has too often been one of United Nations weakness in the face of agency intransigence. If the doctrine of national sovereignty and its practice by States has been an obstacle to the building of world order, a similar phenomenon operates in the relations between international organizations which are often motivated more by considerations of jurisdiction than of substance.

In any event, and for whatever reason, an opportunity was lost in 1945 to put the theory of functionalism to a real test. Many functionalists, however, would probably not agree with the analysis attempted in this paper. The main tenet of functionalism is the proposition that the internationalization of economic, social and other political functions will eventually remove the causes of war; and functionalists would say that the important thing is to strengthen the technical special-purpose agencies. As for coordination, they would say that it should and will be a gradual process and the natural result of economic and social cooperation. But the proliferation of functional agencies in the contemporary world has not removed the causes of war. There is however a tenet in functionalism

as expressed in any event by General Smuts in the passage quoted above which merits attention. It is the proposition that international apparatus for maintaining peace and security can and should be strengthened by adding non-political functions to the mandate of security organizations. So strengthened, the security organization might be in a position to impose its will even in political matters relating to security. I think that there is much validity in this proposition. This objective can hardly be achieved however merely by strengthening the authority of the specialized agencies even if it were possible to establish some *modus operandi* for coordinating their many different activities. Even if the International Labour Organization, for example, became paramount in matters falling under its mandate, it would never be able to impose its will to maintain peace and security; and a world community adequately equipped with powerful technical agencies would still need a police apparatus. Nor would, by some process of osmosis, the prestige and authority of the I.L.O. carry over to the benefit of the United Nations. On the contrary, the process would probably operate in the other direction. Strengthening the specialized agencies to the disadvantage of the United Nations will simply weaken the latter.

So that notwithstanding the great increase in the numbers and powers of the specialized agencies and generally the increasing functional organization of the contemporary world, we are still far from any solution to the problem of peace and war. In so far as the increasing functional organization of the world is external to the United Nations, it does not increase the political authority of the latter; nor has the considerable increase in the non-political functions of the United Nations yet reached the proportions to give it the kind of authority that it needs to perform its primary function of keeping the peace. Nor have we yet any convincing evidence that functionalism as generally understood provides the answer to the problem of security. But functionalism as understood by Smuts has still to be seriously tried; and there might be some wisdom in heeding even now the advice of a wise man. I suggest that there is no one solution to the problem, but whatever else may be done we should begin by reversing the trend which has its roots in the failure of the League of Nations to implement the intention expressed in Article 24 of its Covenant. To reverse a development confirmed at San Francisco and by contemporary practice and theory will not be easy. But in the light of the great stakes — the issue being whether or not some political order will be brought into the relations of nations — it is well worth trying.