

*The United Nations*

THE UNITED NATIONS, LIKE THE LEAGUE OF NATIONS before it, developed from a wartime alliance. Its actual origin was a declaration, signed in Washington, on January 1, 1942, whereby the representatives of 26 governments subscribed to the Atlantic Charter and pledged themselves "not to make a separate armistice or peace with the enemies". Adherence to this declaration was left open to other governments.

In a simultaneous public statement the Secretary of State, Cordell Hull, emphasized that collective action against aggression was the primary objective of the proposed organization. He described the declaration as "a living proof that law-abiding and peaceful nations can unite in using the sword when necessary to preserve liberty and justice and the fundamental values of mankind".<sup>1</sup>

The Charter of the United Nations, adopted at San Francisco on June 26, 1945, was designed to solve the two major problems that had certainly been instrumental in the failure of the League of Nations.

In the first place the U.N. Charter was drafted to stand by itself, as a separate treaty among sovereign powers, to be adopted prior to, and therefore wholly unconnected with, any legal settlements of the 1939-45 con-

<sup>1</sup>Dept. of State *Bulletin*, Jan. 3, 1942, p. 4.

flicts. In the second place the Charter sought to set up meticulously detailed machinery for collective action "with respect to threats to the peace, breaches of the peace, and acts of aggression".

Many of the provisions of this section of the Charter (Articles 39 to 51 inclusive) have now only a melancholy historic interest. Such is certainly the case with Article 47, providing for a "Military Staff Committee" including the Russian Chief of Staff, to "be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council." This follows Article 45, stipulating that "Members shall hold immediately available national air-force contingents for combined international enforcement action."

None of these "police force" provisions were made contingent upon or were otherwise weakened by any defined or implied obligation for national disarmament. The architects of the Charter had concluded from the failure of the Covenant that to put disarmament ahead of enforcement is placing the cart before the horse. This time our State Department, which has major credit for the U.N. Charter, was determined not to nullify collective action in advance. Ironically, the very strength of this determination helped to defeat its purpose.

With almost unbelievable lack of foresight both the Dumbarton Oaks draft and the final Charter assumed that the United Nations would automatically remain united, after as during the war. All the lessons of history in respect to the ephemeral quality of such alliances, and all the voluminous Communist proclamations on the sub-

ject of Soviet aims, were alike disregarded. Nevertheless, strong pressure was exerted from Washington to silence any constructive criticism of the Charter during the drafting period. Those who sought to point out even the most glaring deficiencies of the new instrument were emotionally condemned as "isolationists" or worse. Speaking at the final session of the United Nations Conference, just before the signing of the Charter, President Truman said:

"The forces of reaction and tyranny all over the world will try to keep the United Nations from remaining united. . . . They are trying even now. To divide and conquer was—and still is—their plan. They still try to make one ally suspect the other, hate the other, desert the other. But I know I speak for every one of you when I say that the United Nations will remain united. They will not be divided by propaganda either before the Japanese surrender—or after."<sup>2</sup>

Immediately following this speech the Secretary General of the San Francisco Conference, Mr. Alger Hiss, flew with the original copy of the Charter to Washington to obtain its immediate ratification by the Senate. On July 2, 1945, President Truman asserted that: "The choice . . . is between this Charter and no Charter at all." Four weeks later, on July 28, 1945, the Senate ratified in a burst of bipartisan enthusiasm, with only two dissenting votes.

<sup>2</sup> *Ibid.*, July 1, 1945.

## 2.

IN AVOIDING what were deemed to be the major mistakes in the Covenant of the League, the Charter of U.N. made several wholly new blunders, injurious to the objective of making collective action effective.

The first of those was the failure to formulate any definition of aggression, which was a rather disconcerting omission in an instrument designed primarily to prevent what it did not define. Nor was this failure due to the difficulty of such a definition. Many of the governments represented at San Francisco had already approved the definition of aggression embodied a month earlier in the Act of Chapultepec. As adopted by the Inter-American Conference at Mexico City in March, 1945, this says ". . . invasion by armed forces of one state into the territory of another, trespassing boundaries established by treaty and demarcated in accordance therewith, shall constitute an act of aggression."<sup>3</sup>

The Covenant of the League had also sidestepped any precise definition of aggression, but in case of "any dispute likely to lead to a rupture" had provided (Article XV) that "the Council either unanimously *or by a majority vote* shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto". The key words here have been italicized.

Under this provision the League of Nations investi-

<sup>3</sup> *Ibid.*, March 4, 1945.

gated and denounced the Japanese invasion of Manchuria; applied sanctions against Italy for Mussolini's bare-faced aggression against Ethiopia; expelled Russia from membership for its refusal to mediate the dispute with Finland. To stop aggression by a Great Power proved to be beyond the strength of the League. But in these three major instances the Geneva organization was at least able promptly to identify the culprit; in each case a "Great Power".

Even determination of an act of aggression was made extremely difficult by the Charter of the United Nations. Responsibility for this was placed in the hands of the Security Council, but an unlimited veto on all but "procedural matters" was simultaneously given to each of the five permanent members of the Council, chosen as the most powerful nations. While Article 27 of the Charter provides that "a party to a dispute", in the determination of aggression, "shall abstain from voting", this Article as a whole made it entirely feasible for any of the five Great Powers effectively to block any action by the United Nations against an aggressor supported by one of these five Powers, as was to be demonstrated in the case of Korea.

Furthermore, by placing major responsibility for preventing aggression in the hands of the Council, the Charter makes it a very cumbersome process to get the matter into the hands of the Assembly, where (Article 18) decisions "on important questions shall be made by a two-thirds majority of the members present and voting".

Finally, it was made impossible to expel an obstructionist Great Power from membership in U.N. Under

Article 6, expulsion must be "upon the recommendation of the Security Council". Yet any Council recommendation on any but "procedural matters" is always subject to the veto. To make confusion worse it was agreed at San Francisco that the veto applies in any dispute as to what is or is not a procedural matter.

In short, virtually any action by the United Nations can always be severely impeded, if not completely blocked, by any one of the five permanent—and they are permanent—members of the Council.

All these deficiencies were pointed out during the drafting period of the U.N. Charter. All of the criticism was brushed off by the Department of State as captious, ill-informed or obstructionist. So the American people not unnaturally assumed that President Roosevelt spoke from superior wisdom when he told Congress that the Yalta Agreement:

" . . . was a successful effort by the three leading nations [Great Britain, Soviet Russia, the United States] to find a common ground for peace. It spells the end of the system of unilateral action and exclusive alliances and spheres of influence and balances of power and all the other expedients which have been tried for centuries—and have failed." <sup>4</sup>

Yalta certainly prevented any revival of the Balance of Power policy. But consequent substitution of the verbose and ill-drafted Charter of the United Nations proved sadly to be merely another "expedient", based on the demonstrably fallacious assumption that the wartime alliance of the United States and Soviet Russia would prove enduring.

<sup>4</sup> Address to Congress, March 1, 1945.

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ITS INEXCUSABLE constitutional defects were not the only reason for the initial frustration of the United Nations in the Korean dispute. But these defects do explain why a United Nations army was forced to fight Chinese Communist forces for over two months before Communist China (on February 1, 1951) could be even theoretically defined by the Assembly as an aggressor.

Only by something approaching a subterfuge was the international organization able to take action in Korea in the first place. Russia was boycotting all U.N. organs, to protest the refusal to replace Nationalist China with the Communist regime, when the North Korean army moved across the 38th Parallel. In the absence of any Russian representative the Council took action, under the provision of Article 28 that says: "The Security Council shall be so organized as to be able to function continuously." This article is in a section entitled "Procedure" and was certainly stretched out of context to cover the situation for which it was utilized on June 27, 1950.

Whether the Kremlin overlooked this loophole for collective action, or whether Russian inaction was actually planned with a view to involving a large part of American military strength permanently in this distant theatre, remains a matter of speculation. In either case the Russian tactics, once the United Nations had committed themselves to forceful resistance of aggression,

were clever as well as irritating. Without the sacrifice of a single Russian soldier the diplomacy of Moscow successfully embroiled the United States in a costly and demoralizing war, aligned the great majority of the Chinese people against their traditional American friends, and came close to splitting the United Nations wide open on the issue of sanctions against the Peiping regime. In spite of the heavy casualties and the heroic effort of the American expeditionary force, no such diplomatic accomplishments could be inscribed on Washington's side of the ledger.

The Korean War, however, had one result of long-range significance in American foreign policy that was certainly not planned by Russian leadership. The Kremlin may have anticipated that successful aggression would destroy the U.N., like the League before it, as an effective instrumentality for the application of collective action. But Moscow could scarcely have foreseen—or there would have been more effort to prevent—the formation of close-knit American military alliances, designed to stop further Communist expansion, and therefore a threat to the Russian hegemony in Europe, if not in Asia.

Yet this historic change in the direction of American foreign policy was confirmed by the frustration of the United Nations over Korea. Certainly the United States had indicated, first by the Truman Doctrine, then by the Marshall Plan, finally by adoption of the Atlantic Pact, that it would not be isolated even though the general international organization failed. Prior to Korea, however, the American people had not expected to raise large military contingents for a Western European army,



to be mobilized there under an American commander. The Department of State, indeed, gave Congress positive assurances that this was not planned.

The frustration of the United Nations, following the failure of the League of Nations, unquestionably weakened American faith in the theory of security through collective action, directed by an inclusive international organization. Much as the British, in 1919, had shelved the Balance of Power system, in favor of the old League, so, a generation later, the United States tacitly shelved U.N., in favor of outright military alliances financed and directed from Washington.

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ON BALANCE, however, it cannot be flatly asserted that the United Nations failed in Korea, in the sense that the League of Nations failed in the successive Great Power aggressions of Japan in Manchuria, Italy in Ethiopia and Russia in Finland.

The preliminary result of the fighting up and down the Korean peninsula was, in addition to the wholesale slaughter and impoverishment of its pitiable inhabitants, a military stalemate. This war started with Communist aggression across the 38th Parallel. The acrimonious armistice negotiations more than a year later at least demonstrated that the aggressors were willing to accept a truce along the same wholly arbitrary line.

From the viewpoint of the United States, as a completely sovereign Power, this was a very unsatisfactory suggestion. At great cost, in lives, money and national dislocation, the Russian challenge was squarely met, and the policy of "containing Communism" temporarily vindicated in one of a large number of potentially explosive areas. But nothing fundamental was settled. The best that could be said, from the strictly American viewpoint, was that we hoped to restore an undesirable status quo, as the Berlin airlift had done in another area of dispute three years earlier.

From the viewpoint of the United Nations as a whole a much more consoling conclusion could be drawn. In spite of the constitutional defects noted in this chapter, and in spite of the adroit Russian effort to exploit those defects, the new international organization very definitely repelled a military aggression sponsored by a Great Power and its satellites. The Republic of Korea was saved, at least temporarily, from threatened annihilation. Merely to restore the status quo in Korea could be called a notable victory for the principle of collective action against aggression, however unsatisfactory for the United States as a separate sovereignty.

On the one hand, Korea demonstrated that collective action can be made effective. On the other hand this was the case only because a single Great Power threw its full military weight into the scales against aggression sponsored by another sovereignty of comparable strength.

From any dispassionate appraisal it is therefore equally

impossible to assert that collective action, as a partnership of equals, succeeded in Korea. Without the 90 per cent contribution of the United States any U.N. action there would certainly have been a dismal failure, even if it had been attempted.

Indeed, there is substantial evidence for the belief that the United States was hampered, not helped, both in military operations and in diplomatic strategy, by the decision to make the Korean war an international rather than a national undertaking. That was the impression left on many Americans by the bitter MacArthur controversy. For it is indisputable that General MacArthur was relieved of his command primarily because he wanted to win the war for the United States rather than for the U.N. as a whole. Whether or not this commander's military judgment was wise in this matter is another issue, not susceptible of proof either way. That General MacArthur sought a clear-cut American victory, rather than the inconclusive settlement visualized by President Truman and Secretary Acheson, is a matter of incontestable fact.

In its essential substance, MacArthur's argument for resolute national, rather than irresolute international, action proved more convincing. That was tacitly admitted, well in advance of the General's dismissal, by the decision of the Truman Administration to put its primary trust in a system of alliances, rather than in that of collective action. What may be called the MacArthur viewpoint had really been adopted by Secretary Acheson, in forming the North Atlantic Treaty Organization, more than a year before the overt aggression in Korea. The

further diplomatic effect of that war was to promote a network of Pacific security pacts as a supplement to those already sponsored for the Atlantic area.

Thus, while the United Nations was kept alive, and may in time demonstrate constructive potentialities, the polarization of the world between the American and Russian camps was actually accepted by the organization designed to end "spheres of influence". And the change took place almost on the heels of President Truman's pathetic assurance that "the United Nations will remain united". Nobody whose interest is the understanding of foreign policy could long be fooled by the pretense that the original purposes of U.N. were fulfilled in the construction of rival alliance systems directed against each other by the two most powerful permanent members of the "Security Council".

Machiavelli told us that "The Prince" must be "a great feigner and dissembler". Perhaps with this admonition in mind, Secretary of State Acheson and his aides assured Americans that these alliances were merely "regional arrangements", as visualized in Chapter VII of the U.N. Charter. That pretense, however, is transparent, since the North Atlantic Treaty was, by official admission, directed not against any nation outside U.N., but defensively against one of its privileged founders—the U.S.S.R.

To apprehend the magnitude of the change involved by adopting military alliances as the basis of American foreign policy, we must recall what that policy used to be.