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Clark & Sohn: World Peace Through World Law

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WORLD PEACE THROUGH WORLD LAW. By *Grenville Clark* and *Louis B. Sohn*. Cambridge: Harvard University Press. 1958. Pp. xxxvi, 540. \$7.50.

This is a thoughtful and provocative book, put together with painstaking skill. Its plan for world organization under the rule of law is based on the conception "that peace cannot be insured by a continued arms race, nor by an indefinite 'balance of terror,' nor by diplomatic maneuver, but only by the acceptance of institutions corresponding in the world field to those which maintain law and order in local communities and nations."

The method that the authors use is to subject the Charter of the United Nations to detailed amendment, modification and extension, leaving unchanged virtually only the lofty language of its preambulatory clauses and adding a series of new constitutional concepts as annexes to round it out into a well-ordered whole. As Grenville Clark says in his

admirable introduction, "the need is not for more generalities in recognition of the necessity for world law. There are already enough of these. Rather the need is for alternative detailed plans to furnish a basis for discussion; and our purpose is to supply such a plan." This the authors accomplish brilliantly. If world statesmen were ready for such an alternative plan, here is one that is well conceived and skillfully drafted, separable but cohesive; in short, admirably suited for discussion.

Let us have a look at the plan. Its highlights are (1) a totally revised charter, some of the salient features of which are outlined below; (2) a carefully framed plan for disarmament under which in twelve years no national military forces would exist and all nuclear materials would be in the hands of a Nuclear Energy Authority; (3) a plan for a UN Peace Force of between 200,000 and 600,000 full-time professional soldiers and a reserve of two or three times that number; (4) a full scale Judicial and Conciliation System stemming downward from the International Court of Justice to a World Equity Tribunal, inferior regional United Nations Courts and a World Conciliation Board; (5) a World Development Authority to provide, through grants and interest-free loans, assistance to the economic and social development of the underdeveloped areas of the world; (6) a United Nations Revenue System which would provide sufficient financial support for the whole complex, raising revenue from each nation by the assignment to the UN of certain designated taxes assessed under national laws. (The minimum yearly budget under the plan would be in the neighborhood of \$35 billion in contrast to the present annual budget of the UN of something over \$50 million); (7) a detailed set of constitutional principles outlining the privileges and immunities of the UN and its expanded personnel; and finally, (8) a Bill of Rights having as its twofold purpose (a) to emphasize the limited scope of the revised United Nations by explicit reservation to the member states of all powers not delegated to the organization, and (b) to guarantee that the UN shall not in any manner violate the basic rights of any person in the world.

As stated above, the proposed modifications of the Charter are fundamental. Every state is eligible for membership and may join at will. The General Assembly becomes the supreme organ, with final responsibility for the enforcement of the disarmament process and the maintenance of peace. It would have a real legislative function, and, to make that palatable to the larger states, a revised system of representation would give greater voting strength to the stronger Powers. On the basis of recent population figures the representation formula would call for 602 representatives from 93 nations; states with a population of over 140 million would have the maximum representation of 30; a population of between 40 and 140 million would have 16 representatives; from 20 to 40 million, 8; 5 to 20 million, 5 representatives and so on to the minimum of one.

As to the method of selecting the representatives, here again a radical

departure from present practice is proposed. At the outset they would be chosen by the parliaments of the member nations; in a later stage, first half and then all of the representatives would be chosen by popular vote of those qualified to vote at home for their national legislatures. The term would be four years. For Assembly voting a simple majority of those present would prevail with a majority of the total constituting a quorum; for certain enumerated questions a larger number would be required. For example, action with respect to the pacific settlement of disputes would require a majority of all the representatives then in office; and reference to the World Equity Tribunal would require a majority of three-fifths.

The present Security Council of the UN would be changed into the Executive Council, a body subordinate to the Assembly. Its membership would consist of seventeen Representatives chosen by the General Assembly for four-year terms. The four largest nations (China, India, USA and USSR) would always be entitled to one Representative each on the Council, and four of the eight next largest states would be entitled to have one Representative in a rotating system; thus each of the following would be represented half the time—Brazil, France, West Germany, Indonesia, Italy, Japan, Pakistan and the UK; the other nine members would be chosen by the Assembly. No veto right would exist and decisions would be made by a vote of eleven except for important matters; for example, settlement of disputes, other action for the maintenance of peace and any other matters defined by the Assembly as important would require a majority of fourteen out of seventeen.

The above outline of the plan gives only a slight indication of the detail that it contains. The drafting of the documents is able and thorough. The outlines for additional annexes and the commentary throughout give a full picture of the plan in all its ramifications and the objectives that the authors have in mind.

But no reviewer of this book can complete his study of it without asking the question whether the approach of a new system of law and world organization designed to spring full-panoplied into existence is giving adequate consideration to the realities. Rules governing the relationships of men and nations usually—and necessarily—stem from roots that have been generally accepted and have stood the tests of time and change. The Charter of the UN in its present form had an easy birth because of its timely emergence following the Allied war effort. The progress that it represented in international organization was primarily organizational and its functional potential at the time of the San Francisco Conference rested largely on the unity of the Great Powers. This absent, where is the foundation on which to build so advanced a structure as this plan presents?

Is there now any realistic prospect for the acceptance of this new blueprint when the political systems of East and West are snarling at one another, with the communist world feinting and probing to keep

the democracies off balance? The authors hold that there is. Mr. Clark in the introduction says he has a "definitely optimistic view." But in his listing of the "formidable opposition to be overcome," he confines his list to "traditionalism, narrow nationalism, the fetish of 'sovereignty' and most formidable of all—the natural opposition of the military everywhere to have their age-old profession declared obsolete." Not listed is the fundamental antagonism of communism to democracy, of totalitarianism to individual freedom, surely the greatest of the barriers to sensible, well-planned world organization and the emergence of world law.

Thus, the importance of this book lies not for the current makers of foreign policy—not even, perhaps, for the present generation of them—but rather for a decade or more ahead when the awesome weapons of destruction are not only known about but comprehended by peoples everywhere. It offers no solution to current problems in themselves, nor does it purport to tell us how the nations of the world can be brought to a state of mind that will enable them to accept the plan that is offered.

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