THE ENFORCEMENT OF SECURITY

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The planners of the United Nations were at odds on many questions, but they were in agreement from the outset that the new organization must have the power to maintain the future peace of the world through the use of international force. As early as July, 1942, Secretary Hull indicated the trend of official American thought by saying that “some international agency must be created which can—by force, if necessary—keep the peace among nations in the future.” ¹ A year later, in September, 1943, he elaborated this view by saying that “a system of organized international cooperation for the maintenance of peace must be based on the willingness of the cooperating nations to use force, if necessary, to keep the peace. There must be certainty that adequate and appropriate means are available and will be used for this purpose.” ² Similar statements were being made during this period by spokesmen of most of the other leading United Nations.

These views reflected a preoccupation with force which was inevitable in the midst of war and, also, a general feeling that the League of Nations had failed in its task of keeping the world’s peace because it had been insufficiently endowed with physical means of coercion. Another reason for stressing the use of force was to enlist popular support in the United States behind the organization-to-be in order to avoid another such fiasco as that of 1920. It was felt that American opinion would respond to the argument that the new organization would have teeth in it and would not be another impotent League of Nations. Sweeping statements were made concerning the coercive powers which any new organization must have, and the public was led to believe that this time there was to be created an agency which would be able to deal with international breaches of the peace almost as swiftly and effectively as law enforcement officers deal with an individual criminal within the state.

Actually, the League of Nations had not been constitutionally incapable of using means of coercion against an aggressor. In the original Covenant, there was provision for the use of economic sanctions against any state which had resorted to war in disregard of its obligations. The member states were committed automatically and imme-

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1. (1942) 7 DEP’T OF STATE BULL. 645.
2. (1943) 9 DEP’T OF STATE BULL. 177.
diately to subject such a state to various measures, including the severance of all trade and financial relations and the prohibition of all commercial, financial and personal intercourse between citizens of the guilty state and those of all other states whether members of the League or not. The automatic character of these obligations and the immediacy of their application were watered down considerably by a series of interpretative resolutions adopted by the League Assembly in 1921, but there remained a strong obligation upon each member to join in applying these measures to a peace-breaker.

Also, of course, the Covenant (Article 16) authorized the Council in the event of an illegal war “to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.” While this power was merely that of recommendation, it could have been used, had the members so desired, as the basis for joint military action of the most sweeping kind. That it was never so used was due to the lack of universality in the League’s membership, and to the even more important fact that the harmonization of the foreign policies of the more important member states was never such as to make recourse to military sanctions practicable. Had there existed the political will to unite forces in the defense of the peace, the Covenant would have served adequately as a mechanism to make such action legally and administratively feasible. As it was, the League died more from political anemia than from organic failure.3

To many observers, it seemed clear that the new United Nations organization could have enough power to coerce states into the paths of peace only if it had at its disposal a permanently internationalized police force. This was widely regarded as the alternative to the League system of recommendation. Its proponents drew a historical analogy between the military impotence of the thirteen American states during the period of the Confederation and the situation thereafter when, in addition to the militia of the several states, the federal government had at its disposal its own military forces. It was suggested that, similarly, the international organization required its own army, navy and air force, and a number of ingenious schemes for the constitution of such a force were drafted and discussed.4

But the governments planning the coercive mechanism of the new organization were not of this persuasion. Government officials realized that such a force would presuppose the existence of a federated world state whose creation would involve a far more drastic pooling of na-

tional sovereignties than most of the members would be willing to contemplate. Structurally, the new organization was to be little more than a mechanism through which the existing sovereign states would try to coordinate their policies with respect to matters vital to world peace. In the words of the Moscow Declaration of October, 1943, the organization was to be "based on the principle of the sovereign equality of all peace-loving states." Clearly, an organization of this character would not be compatible with a powerful international police force. Moreover, it was realized that the character of modern warfare is such that military effort demands the closest coordination of a bewildering array of industrial and technical facilities. Even if a permanent force could somehow be established, it would depend for its life-blood upon a stream of supplies emanating from a few great industrial centers. Thus, such a force would not be independent, in any meaningful sense of the term, of its powerful members who would continue to possess the means of crippling it merely by withholding supplies, if they wished to do so.

For these and other reasons, the search for a satisfactory means of coercion was conducted in an area between the extremes of the League system of recommendation and a logically attractive but technically and politically impracticable international police force. To put the matter in another way, it was necessary to determine how far the League system could be strengthened without running into the dangers of technical unfeasibility or serious political objection from those who would worry about the loss of national independence of policy in matters relating to armaments and national defense.

The answer had to be some provision for a system of national contingents, i.e., units which would be detached when necessary from their respective national forces and combined into some sort of an ad hoc collective force. There was no other practicable way by which, without cutting deeply into the principle of national sovereignty, the new organization could be given any greater military strength than that which the League had possessed. The need, therefore, was to go as far as would be politically possible in creating such a system of contingents and in pledging the states to furnish them quickly and automatically whenever the executive agency of the new organization should issue the call.

This was the basic enforcement principle of the Dumbarton Oaks plan. After the new organization had been set up, the member states were to conclude special agreements among themselves containing the pledges of the "armed forces, facilities and assistance" which they would make available to the Security Council of the new organization "on its call." These agreements were to be subject to approval by the Security Council, and had to be ratified by the individual states in accordance with their respective constitutional processes.
At least one of the Dumbarton Oaks conferees pressed for the creation of a nuclear international air force to serve as a spearhead of the organization's coercive measures against a peace-breaking state. Though this position was rejected by the others, chiefly on technical grounds, mention was made in the final draft of the need to have national air force contingents held immediately available for international enforcement action at any time. Arrangements for these air contingents were to be a part of the general military agreements, but it was felt that in view of the differences of opinion which had arisen, there was some political utility in singling out these air contingents for special mention and in indicating that they should be held in an "immediately available" condition.⁵

This general principle of depending upon contingents of national forces for enforcement action was not seriously challenged by the other United Nations when they met at San Francisco to consider the Dumbarton draft. The Australian delegation, however, persuaded the Conference to change the procedure of adopting the agreements so that they would be negotiated between member states or groups of states, on the one hand, and the Security Council on the other. The Australians argued that this procedural change would facilitate the negotiation of the agreements because the Security Council would be the most appropriate agency to take the initiative. If the members were merely authorized to conclude agreements among themselves, there might be an undesirable delay simply because no state might wish to start the process.⁶

As to the contents of the agreements, some states felt that the new Charter should indicate in more precise terms the nature of the obligations which the member states would be expected to fulfill. Thus, the French delegation suggested that the agreements should include reference not only to armed forces, facilities and assistance, but also to a guarantee of the right of passage. The French also proposed that the agreements should designate the period within which the contingents must be placed at the disposal of the Security Council, the zone where they would normally be stationed, and the means of communication which would be placed at the Council's disposal.⁷ The French further proposed that the special reference to air units should be broadened so as to make the relevant passage read "national contingents consisting of forces of all arms which are stationed..." in appropriate

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⁵ Dumbarton Oaks Draft, Chapter VIII, Section B, Paragraph 6, UNCIO Doc. 1, G/1.
⁶ For the Australian proposal, see UNCIO, Doc. 2, G/14 (1), at 10. For summary of discussion, see UNCIO, Summary Reports of the Fourteenth, Fifteenth, and Eighteenth Meetings of Committee III/3. Docs. 628, III/3/33; 649, III/3/34; and 782, III/3/41.
⁷ UNCIO, Doc. 2, G/7 (o), at 4.
security zones, should be held permanently available.... A similar, though less precise, proposal was made by the Australian delegation.

Most of these attempts to broaden the scope of the agreements or to specify their content in more precise terms were rejected by the San Francisco Conference, but the final text of the Charter (Article 43) did add "rights of passage" to the items to be included in the special agreements and also specified that the agreements should indicate not only the numbers and types of forces to be pledged but also "their degree of readiness and general location."

Thus future enforcement action is to be carried out by contingents which in normal times will be integral parts of their respective national forces. Upon call by the Council, they will be detached immediately for service in behalf of the United Nations. It is not likely that these pledged contingents will be specially earmarked in any way prior to the time of their temporary assignment to international service. It would be impracticable to do so in the case of a naval force, as this would require the designation of a force at least twice as large as the force pledged—assuming that only half of a particular naval force is normally ready for sea duty at any given time—and it is doubtful if it will be done in the case of land or air units. Proposals that pledged units should be specially earmarked, perhaps with a distinctive shoulder patch, have generally been opposed by national military authorities who have pointed out that since speed is of the first importance, the forces to fill a country's quota should be selected on the basis of readiness and of proximity to the location where they are needed. Special designation would lessen this desirable flexibility. It might have some psychological value but this would not, on balance, be as important as the matter of military efficiency.

While all member states are supposed to pledge some contingents in their special agreements with the Council, it is obvious that in any given military action it would be impracticable to assemble small units from a large number of countries. The problems of command and supply would become enormously complicated. Combat efficiency would give way to a nightmare of confusion. Consequently, the probability is that a few of the great powers, aided possibly by some of the smaller states situated close to the scene of the disturbance, will provide the bulk of the forces. The aid furnished by the smaller states thus will largely be limited to the supply of facilities, such as airfields, communications, and the like. There might be a psychological value in having token units from many countries, but the military disadvantage would be so serious that it is doubtful if it will be outweighed by this psychological factor in the minds of those who plan operations.

It is possible that the entire task might be delegated to one or two

8. Id., app., at 4.
powers, as the Charter specifies (Article 48) that enforcement action "shall be taken by all the Members of the United Nations, or by some of them, as the Security Council may determine." Whether the word "some" could be interpreted to mean a single power has not as yet been determined. It is likely that in an area proximate to one of the great powers, that power would be willing to assume the entire burden and might even insist upon it, but, for political reasons, it is also likely that some of the other powers would wish to take part in the action. Unless agreement on this point could be reached amicably, no enforcement action could be taken at all, as each of the great powers could use its veto in the Security Council to block the others.

The decision as to the forces to be used in any given action will, therefore, be political as well as military. Even so, if the enforcement arrangements are to operate according to the spirit of the Charter, the motivation of the decisions ought to be more a matter of strategy and logistics than of high politics. In recognition of this, the Dumbarton Oaks draft provided for a technical advisory body to be called the Military Staff Committee, to consist of the Chiefs of Staff, or their representatives, of the five major Council states. Provision was made that representatives from all other states whose forces were used in a particular action would be asked to participate in the work of the Committee on an ad hoc basis.

At San Francisco there was general agreement that such a technical advisory body was necessary, but many of the smaller states tried to have its size increased at least to include representatives of all Council members.9 Others sought to have the Committee decentralized by dividing the world into a series of military regions, each with its own Committee, and to have a central Committee consisting of the heads of each of these regional Committees.10 All such proposals were rejected with the argument that since the great powers would bear the brunt of all enforcement action, their representatives should have the planning responsibility for all actions undertaken in defense of the Charter. It was contended by the great powers that adequate flexibility had been provided by arrangements for the ad hoc representation of heads of the military services of other states which were asked to participate in a proposed enforcement action. However, the sponsoring governments agreed that the Charter should contain a provision (now Article 47, paragraph 4) authorizing the Military Staff Committee to establish regional sub-committees "after consultation with appropriate regional agencies."

This arrangement was reasonably acceptable to the smaller states,

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9. See, for example, the proposals of the Philippine Commonwealth. UNCIO, Doc. 2, G/14 (k), at 4–5.

10. Such was the Uruguayan proposal. See UNCIO, Doc. 2, G/7 (a), (1), at 7–8.
but there was another aspect of the problem of special importance to the middle-sized states which might be asked to contribute more heavily to an enforcement operation. These states realized that unless they happened to have non-permanent seats on the Council at the time the decision was made, they would have had no share in the taking of the decision to apply force. Since by the terms of the Charter (Article 25) all members "agree to accept and carry out the decisions of the Security Council" (and this obligation is reinforced by Article 2, paragraph 5), these middle-sized states thus might be faced with the obligation of contributing in an important way to the execution of a policy which they had not helped to determine. Small wonder, then, that at San Francisco the Canadian delegation proposed that "Any member of the United Nations not represented on the Security Council shall be invited to send a representative to sit as a member at any meeting of the Security Council which is discussing . . . the use of the forces which it has undertaken to make available to the Security Council in accordance with the special agreement or agreements . . .." 11

In support of this position, it was argued that such an assurance of participation in decision-making would greatly simplify the problem of securing ratification of the Charter in many countries. Also, it was suggested by the Canadian representative that his proposal would "strengthen the authority of the Council by giving it a larger assured backing for its decisions, since states without permanent seats on the Council would be prepared to place more substantial forces at the Council's disposal if they knew that they would have some say in the use to which those forces would be put." 12 After consideration by a sub-committee and lengthy consultations by great-power delegations, agreement was reached upon the insertion of a new paragraph (now Article 44) to provide that when the Council has taken a decision to apply force, it must ask a non-Council state whose forces are to be called upon, provided that power so requests, "to participate in the decisions of the Security Council concerning the employment of contingents of that member's armed forces." 13 Although this final wording was more limited and less precise than that of the original amendment, it established the right of a non-member of the Council to be consulted before its troops could be called into action, and it apparently gave such a state the right to vote on that part of the decision which related to the use of its own forces. 14

11. UNCIO, Doc. 2, G/14 (i), at 2-3.
12. Id., Corrigendum to Summary Report of Fourth Meeting of Committee III/3; Doc. 231, III/3/9, 1.
14. An Egyptian proposal to apply the same procedure to the use of "facilities and assistance" was withdrawn after discussion had indicated strong opposition by the Great
In addition to provisions of forces and facilities for use by the Council and for technical military assistance through the Military Staff Committee, other decisions of substantive and procedural importance had to be taken. One of these concerned the point in the development of a dispute at which the Council should be free to use the weapons of coercion which were placed at its disposal. Would it be necessary, as under the League Covenant, for the Council to wait until a member had resorted illegally to the use of force? Would the Council be required to exhaust all the means of pacific settlement at its disposal before it could apply military measures? Would the Council be forced to use diplomatic and economic sanctions before it could unsheathe its own military weapons?

The general principle adopted, and the one which runs consistently throughout the Charter, was that the Council should have the greatest possible flexibility in handling a situation which menaced the peace of the world. A companion principle was that responsibility for all action should be lodged exclusively with the Council. These two conceptions formed the basis for all the decisions taken. Both conceptions were adopted in the light of League experience.

As matters now stand, there is no fixed point which must be reached in the development of a threat to world peace before the Council can resort to means of coercion. And the Council has full discretion in deciding when a situation is a genuine “threat.” Proposals at San Francisco to include in the Charter an elaborate definition of aggression, to serve as the criterion for initiating enforcement action, were rejected although they had the support of many small states. Opposing arguments stressed the inadequacy of prior definitions to meet all possible threat situations and the resulting confinement of the Council's freedom of action if any such criteria were adopted. The final decision on this point completely rejected the notion, advanced by many jurists over a period of decades, that it was feasible to set up a satisfactory definition of aggression. The sense of the decision was that, in the broadest sense of the term, enforcement action was a political as well as a juridical act.

Powers. Id., at 2-3. On the significance of the Canadian amendment, see Dep't of External Affairs Report on the United Nations Conference on International Organization, DEPARTMENT OF STATE, CONFERENCE SER., No. 2 (1945) 37-41. 15. See, for example, the Bolivian amendment. UNCIO, Doc. 2, G/14 (r), at 8-9. In debate, it was supported inter alia by Uruguay, Mexico, Colombia, Egypt, Ethiopia, Guatemala, Honduras, Iran, and the Philippine Commonwealth. For discussion, see UNCIO, Summary Reports of the Ninth and Tenth Meetings of Committee III/3, Docs. 442, III/3/20; and 502, III/3/22.

The Charter thus places no real restriction upon the right of the Council (Article 39) to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to "make recommendations, or decide what measures shall be taken . . . to maintain or restore international peace and security." The presumption is quite clear, and it is only common sense, that every effort will be made to solve the problem through measures of pacific adjustment before resort to force will be made, but it is significant that the words "threat to the peace" are included along with "breach of the peace, or act of aggression" in the grant of authority to the Council. It is not necessary, in other words, for the Council to wait until an actual breach of the peace has occurred before it invokes the use of its own coercive means.\textsuperscript{17}

Moreover, the Council may attempt to prevent aggravation of a situation by calling upon the parties involved to adopt "such provisional measures as it deems necessary or desirable" (Article 40). In some respects this power might be compared to a temporary injunction freezing the status quo while further efforts at adjustment are made. This article concludes with the statement that "The Security Council shall duly take account of failure to comply with such provisional measures." This is clearly a warning to the parties concerned that if they refuse to comply with the Council's provisional measures, they will thereby prejudice their position in all further activities by the Council concerning the dispute.

Freedom to decide when to apply coercive measures is matched by an equal discretion as to what measures may be taken. It is true that the article of the Charter granting authority to take provisional measures is followed by one which grants the Council the right to call upon member states to take specifically named economic and diplomatic sanctions (Article 41), thus raising some presumption that these should be the first to be adopted. But this article must be read in the light of the following one (Article 42) concerning military sanctions, which begins with the significant statement that if these economic and diplomatic weapons "would be inadequate or have proved to be inadequate" in the opinion of the Council, recourse may be had to military acts. The use of the words "would be inadequate," which were not in the Dumbarton draft, were added at San Francisco with the intention of giving the Security Council the authority to turn to military sanctions without first making use of measures not involving the actual use of force. Its discretion, thus, is virtually absolute in choosing the type of coercion which it considers best adapted to meet the situation at hand.

Note should be taken in this connection that the obligation of the

\textsuperscript{17} On this point, see Goodrich and Hambro, Charter of the United Nations, Commentary and Documents (1946) 155–59.
member states to support such a Council decision is as strong as drafting could make it. The Council does not merely recommend action, it takes action, and the members are obligated by the Charter to support it fully within the limits of the military pledges which they will have made.

Similar discretion is given the Council in choosing the type of military action which it will take. In the words of the Charter (Article 42), "it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations." This language, virtually unchanged from the Dumbarton draft, sets no limit upon the form of military action which may be decided upon, and it is clear that the types of action listed are merely illustrative, not limiting. Actually, the final sentence could have been eliminated without affecting the Council's authority in the slightest. In its discretion, the Council might order a blockade of seaports, the aerial destruction of a single factory or city, or a wholesale attack employing vast quantities of forces of all three types.

Naturally, such discretionary power places an immense responsibility upon the Council and upon the Military Staff Committee which makes the technical recommendations and assumes the over-all strategical direction of the operations undertaken. The gravity of such a decision has been used by the supporters of the veto principle in the Council to justify the requirement that no action may be decided upon without the approval of all the great-power members. Though the many undesirable features of the veto have been fully discussed by its opponents, it is significant that at San Francisco this principle of great-power unanimity for all decisions involving military action did not meet with any substantial criticism from smaller states. Despite their natural interest in furthering the principle of state equality as far as possible, they were keenly aware that a decision concerning the employment of military force had to have the full support of all the major states of the organization. Enforcement action which did not have unanimous great-power support might precipitate an even greater conflict than the one which it was designed to prevent or stop.

The atomic bomb has reopened a pointed discussion of this particular problem. The fantastic destructiveness of this new weapon is such that its illegal use would give an immense advantage to an aggressor. A single well-planned surprise attack with atomic weapons might wreak such havoc upon the victim state that effective retaliation might be impossible. Therefore—so the argument runs—if a state should undertake aggression with atomic weapons, immediate retaliation through the instrumentality of the organization would be the only means of protecting the victim and of assuring the proper punishment
of the evil-doer. If such action were hindered or entirely prevented by
the use of the veto in Council discussions, all might be lost. Such,
apparently, was the reasoning employed by the drafters of the American
position as presented to the United Nations Atomic Energy Commiss-
ion by Mr. Bernard Baruch on June 14, 1946. Referring to this prob-
lem, he said,

"The matter of punishment lies at the very heart of our present se-
curity system. . . . The subject goes straight to the veto power
contained in the Charter of the United Nations so far as it relates
to the field of atomic energy. . . . I want to make very plain that
I am concerned here with the veto power only as it affects this par-
ticular problem. There must be no veto to protect those who vio-
late their solemn agreements not to develop or use atomic energy
for destructive purposes. The bomb does not wait upon debate.
To delay may be to die. The time between violation and preventive
action or punishment would be all too short for extended discussion
as to the course to be followed." 13

Presumably, if such a plan were adopted, the Council, by a decision
of any seven members, could vote military sanctions against a state
illegally using atomic weapons. It is manifestly true that greater speed
could be obtained if no single great power could hold up action by in-
voking a veto. But it is also true that in this case, as in all other cases
involving military sanctions, non-concurrence of one or more of the
great powers might impair the military effectiveness of the action.
Most serious of all, it would probably divide the great powers into rival
camps and jeopardize the political basis upon which the organization
rests. If the great members of the organization could not agree upon a
policy of coercion, it is doubtful, even in the case of this greatest of all
threats to peace, if the international organization as such should at-
ttempt to act. It must be borne in mind that the Council is not a legis-
lature; it is an arrangement whereby representatives of sovereign states
meet to try to find areas of common agreement sufficient for action.
This seems to have been the Soviet view as Mr. Gromyko stated it to
the Commission,

"Efforts made to undermine the activity of the Security Council,
including efforts directed to undermine the unanimity of the mem-
ers of the Security Council, upon questions of substance are in-
compatible with the interests of the United Nations created by the
international organization for the preservation of peace and se-
curity. Such attempts should be resisted." 13

This problem at once raises the question: if a state should be at-
tacked illegally, and if the Council should be compelled to delay action

because of the veto, how far might a state legally go in resorting uni-
laterally to the use of force without violating the Charter? The Dumb-
barton draft was silent on this point. Although it stated the principle
(Chapter II, paragraph 4) that members should refrain from the use
or threat of force in any manner not consistent with the purposes of the
organization, it could be deduced from the nature of the projected or-
ganization that the inherent right of self-defense had not been aban-
donned. The final Charter was more explicit. During the discussions at
San Francisco by the Committee on Regional Arrangements, it became
clear that many members were dissatisfied with the Dumbarton provi-
sion which required regional organizations to obtain the approval of
the Security Council before they could undertake any "enforcement
action." The United States, interested in the fullest autonomy for the
Inter-American system, shared this view. Consequently, the Com-
mittee approved a proposal brought in by Senator Vandenberg, which
represented an agreement reached among the sponsoring powers. This
was that "Nothing in the present Charter shall impair the inherent
right of individual or collective self-defense, if an armed attack occurs
against a Member of the United Nations, until the Security Council
has taken the measures necessary to maintain international peace and
security." This statement (now Article 51 of the Charter) is followed
by the provision that such action shall be reported immediately to the
Council, and that it will not in any way prejudice or affect the "au-
thority and responsibility" of the Council to deal with the same dispute.
It is important to note that, though this matter came up in connec-
tion with regional arrangements, it was placed in the final Charter in
the section dealing with security enforcement by the Council. It is
equally important that the text uses the words "individual or collective
self-defense," for this authorizes the fullest kind of action by an indi-
vidual state threatened by aggression at any time before the Council
has decided to use force under its own authority. No one can say
definitely whether a state allied with the victim state would be au-
thorized by this article to go to the aid of its ally in this period before
the Council had taken action, but such a step could probably be justi-
fied as a kind of "collective" self-defense. At the moment, at any
rate, such a possibility could not be ruled out.20
The role of regional organizations in the new security system is too
complicated for full discussion here, but a few issues, raised by the
preceding paragraph, can be summarized briefly. Although the right
to take measures of self-defense, as indicated above, gives a consider-
able amount of initiative in the use of force to member states and
groups of states, no sanctions can be applied by regional agencies or

20. For an excellent discussion of this Article, see GOODRICH and HAMBRO, op. cit.
supra note 17, at 174-81.
organizations without authorization by the Security Council. If a member of a regional organization were attacked by a state outside the region, the other members of the organization could use force in assisting the victim without waiting for the Security Council to act. On the other hand, if a member of such a regional organization were the aggressor against a state outside the region, the organization could not take enforcement action without approval by the Security Council.

In the case of a dispute between two members of a regional organization, the legal situation is hopelessly blurred. While the organization cannot take enforcement action without a grant of authority from the Council, the members can invoke the right of collective self-defense. If, as in the case of the Inter-American system under the Act of Chapultepec, the members of the organization have declared that an attack against any member constitutes an act of aggression against all, they could coordinate their acts of collective self-defense in a way that would be tantamount to the imposition of sanctions by the regional organization. Confusion could scarcely be worse confounded.

For the sake of precision, it is necessary to note that another exception to the rule that a regional organization may not take enforcement action without Security Council approval is found in a rather clumsy statement (in Article 53) that the regional organization may take the initiative in enforcement action consisting of measures against any state which during the recent war was an enemy of any of the United Nations. It may also take the initiative in "regional arrangements directed against renewal of aggressive policy on the part of any such state." These are rather awkward efforts to eliminate any possibility of inconsistency between Charter obligations and arrangements which groups of the victor states have made, or may make, concerning the vanquished enemy. Both exceptions are to lapse if and when the United Nations, as such, takes over the responsibility for preventing further aggression by these ex-enemy states. In the meantime, as this statement indicates, the security arrangements of the Charter are carefully segregated from measures taken with respect to any of the former enemy states.

One final point concerning Charter arrangements for security enforcement: what is the position of the Assembly in relation to the Council? A glance at the Charter text is sufficient to show that the Assembly has no power of its own in this field. The drafters were anxious to avoid all duplication or overlapping of authority, and they were agreed that the Security Council should be the sole agency to take enforcement action. Thus, while the Assembly can discuss security matters at any time, it cannot make any recommendations concerning disputes under consideration by the Council (Article 12). Moreover, primary security responsibility is specially conferred on the Council (Article 24), and the member states have agreed that the Council is to
act on their behalf, and they will accept and carry out Council decisions concerning security (Article 25). Although the Assembly is authorized to receive Council reports concerning its security enforcement activities (Article 15), the obligation of the Council to make such an accounting is only implicit. Unable even to demand of right an accounting by the Council, the Assembly clearly has no security enforcement authority of its own.

Even a cursory analysis of the United Nations enforcement system is enough to show that it has certain advantages over that of the League of Nations. Of these, probably the most important is one which has nothing to do with the formal arrangements of the Charter; all the great powers are members of the new organization. This is an enormous asset. At no time during the history of the League did such a situation exist, and only France and Great Britain, among the great-power members, retained their positions at Geneva throughout the entire League period. In an organization like the League or the United Nations, effectiveness in enforcement demands active support by all major states. Otherwise, the organization is bound to be fatally handicapped when it attempts to deal with any but the most minor incidents affecting international security. This weakness of the League has not descended to the United Nations.

A second advantage lies in the reduction to an absolute minimum of the element of political decision by individual states at the time when enforcement measures have been decided upon. The League could only recommend action. Thereafter, each state had the unqualified right to accept or to reject the recommendation. Debate whether to comply with the recommendation and to furnish the desired troops and a tendency on the part of each state to hold off until certain that other states would comply with the recommendations, insured wastage of strategic time.

In the United Nations, there is virtually no such element of discretion left. A member state will be obligated, within the limits of its military agreement, to fulfill whatever demands the Security Council may make. Even in the United States, it has been agreed that no special Congressional approval will be required before the President, as Commander-in-Chief, can order out such forces—always within the limits of the agreement—as the Council may direct. Once the Senate has given its approval to the military agreement, which is to be cast in treaty form, the President is to be free to act.

Naturally, this is not a foolproof arrangement, for a recalcitrant national legislature could refuse to vote funds for the enterprise, and a state which objected to the proposed action could invoke its sovereign right to refuse to honor the obligation to which it was committed. But these are hazards which must be faced by any organization of this type. They could be eliminated only if the basic concept of the or-
ganization itself were to be radically changed. Within the limits of the
United Nations type of organization, the political aspects of com-
pliance have been curtailed about as far as possible.

Finally, there is some improvement over the League of Nations in
that the decision to apply measures of force can be taken with less than
unanimity among the Council members. Controversy over the "veto"
provisions has tended to obscure the fact that the League required full
unanimity, less the votes of states involved in the controversy, for all
substantive decisions, whereas measures can now be taken by vote of
seven of the eleven members, provided all the five great powers assent.
This is indeed a minor gain, especially when the veto principle makes
it possible for a great power member to prevent action from being
taken against itself. But it must be remembered that gains in the field
of international organization always come slowly and painfully. Unless
an organization is reasonably in tune with the political realities of the
time, it is destined either to collapse or to become impotent. Inroads
upon long-cherished political systems and principles must be made by
a process of slow erosion. Once this process has undermined the old
order, it may be toppled by a single explosion, but a premature blast
is apt to harm only those who set the charge.

This historical generalization does not alter the primary conclusion
that, despite the apparent advantages of the United Nations enforce-
ment scheme over the League system, it is far from perfect. No great
power can be the object of enforcement action, and it is likely that a
great power would use its veto to prevent action from being taken
against one of its satellites. This means that, in all probability, en-
forcement action will occur chiefly in the case of controversies between
smaller states, in which no special great-power interests exist. If this is
true, then the scope of future enforcement action is likely to be nar-
rowly limited to situations which threaten international peace but not
world peace.

Proponents of immediate world government attack this security
system as a fraud upon the peoples of the world or as a reed too slender
to sustain weight. Their position is not born of dispassionate common-
sense. If there were no veto in the Charter, it would be technically,
*i.e.*, legally, possible to vote military action against one of the great-
power members. Since each of these great powers, especially the
greatest of them, will be heavily armed, or at least will have a huge
military potential, resort to military action would mean global war.
Faced with this situation, the other members of the Council would
either overlook the provocation, in which case they would avoid con-

ct but strike a mortal blow at the United Nations, or they would
plunge into this greatest of possible conflicts, in which case the United
Nations would scarcely have performed a function of international
security.
The plain fact is that the inequalities of power distribution throughout the world are such that it is now impossible to provide a system of international security enforcement which will work as adequately in the case of a conflict between the United States and the Soviet Union as between, say, Venezuela and Colombia. But this does not render the entire United Nations effort useless. If perfect security cannot be provided, then imperfect security is better than none at all. And existence of the veto may tend to induce the great powers to compose their differences in order to reach a working agreement upon the problems which confront them in the capacity of Council members. Further, the United Nations, through the continuous conference mechanism of the Security Council, provides an opportunity for the attainment of this working agreement. The alternatives are a United Nations or no international organization. The remedy may not be adequate, but it is far better than none at all.

Moreover, there is one particular advantage in a formal arrangement for the international mobilization of force; its existence will deter aggressive tendencies of smaller states, and history has recorded many illustrations of the tendency for small-state controversies to become the seeds of great-power wars. The smaller states are justified theoretically in complaining about a system placing them under a constraint which is not applied to their great neighbors, but their sacrifice is more apparent than real. Their loss of position vis-à-vis the great powers is a result of technological change in warfare and the growth in the size of the "super-powers," and not a result of their membership in an organization which merely confirms this inequality. Even though the United Nations cannot by force prevent one of its greatest members from committing an aggression against a small member, the worldwide publicity attending the organization’s proceedings may help the small state by strewing the aggressor’s path with embarrassment.

Politics, it must be remembered, is the art of the possible, not an exercise in logic.