

**By Benjamin B. Ferencz**

## **INTRODUCTION**

The following briefly summarizes ideas encompassed in the latest Ferencz book, *New Legal Foundations for Global Survival*, which is the culmination of his life's work. The actions outlined here and detailed in the book are one answer to those who seek both logic and political feasibility in proposals that would empower the United Nations to do its job.

Professor Louis Sohn (Harvard Emeritus), who has written introductions to many Ferencz books, urges that the book "be read eagerly" by those who wish to improve the United Nations. Professor Ved Nanda of the University of Denver has called it "a masterpiece!" Other outstanding experts have also hailed the Ferencz proposals that could bring about a more effective United Nations without the arduous process of amending the UN Charter.

The World Federalist Association, the international World Federalist Movement and the Nuclear Age Peace Foundation, together with affiliated member organizations of the Alliance for Our Common Future are proud to make this summary available to seek ways to make the future better than the past.

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## **GLOBAL SURVIVAL**

The United Nations is the only worldwide organization competent to deal with global security problems. When not blocked by cold-war antagonisms, it has helped avert or end wars in many regions and many of its agencies have made this a better world for everyone. Yet, there have been over one hundred wars and twenty million killed since the UN Charter was signed. Recent internal wars – in former Yugoslavia, Rwanda, Somalia, Haiti and many other places have caused countless deaths, millions of desperate refugees and enormous crimes against humanity that the world community, including the UN, was helpless to prevent. And the slaughter continues. Surely there is

need for new vision and new solutions if a peaceful “new world order” is to become reality.

The UN has no legislative power; no independent source of funds; no equitable voting system; no comprehensive plan for effective sanctions; no independent military force; no way to compel compliance by powerful states that regard themselves as sovereign and free to do as they please. It struggles valiantly under circumstances that make it practically impossible for it to carry out its most important Charter responsibilities.

What the UN is able to do depends on the will of its leading members. Effective UN action was best illustrated during the Gulf War of 1990. Iraq’s invasion and attempted annexation of Kuwait brought an immediate response. Rapid-fire Security Council resolutions – approved by 155 nations in the General Assembly – condemned Iraq’s aggression, imposed sanctions and authorized nations to use “all necessary means” to restore Kuwait’s independence. An international coalition – led by the United States poised to defend vital oil interests – routed Iraqi troops after one hundred hours of merciless bombardment. It wasn’t exactly the “peaceful settlement” envisaged by the Charter (and was criticized for excessive civilian casualties) but it surely demonstrated that the Security Council was quite capable of removing threats to the peace in a hurry – if it wanted to do so.

Every orderly society – local, national, or international – requires clear laws to define what is permissible and impermissible, courts to determine if the laws have been violated and a system of effective law enforcement. To the extent that these three basic conditions prevail, there is turbulence or chaos. Although global rules designed to regulate the conduct of nations are often ambiguous, international courts lack compulsory jurisdiction and law enforcement against sovereign states is weak or non-existent. For a more peaceful society, it is necessary to replace the prevailing law of force by the required force of law.

In principle, people should be free to pursue their own destinies as they see fit – providing it does not jeopardize the fundamental human

rights of others. Just as America's "Wild West" had to be tamed by law, courts and enforcement, settling disputes by armed combat can be replaced by international law and order. Effective global cooperation on problems of vital concern to all requires a new way of thinking, new procedures and a few new organizational structures adequate to meet the security needs of a the 21st Century. The few changes proposed herein do not require any amendment of the existing Charter and are designed to be in the best interests of nations and peoples everywhere. It can be done.

### **THREE BASIC CONDITIONS FOR PEACE**

The three basic conditions for peace are: clear international laws, effective international courts and a credible system for law enforcement. All these components of a peaceful world order are interrelated and interdependent; each depends upon and reinforces the other. Until all parts are in place, the incomplete system cannot function properly. Once the components are assembled, they have a synergistic effect that makes the design workable.

#### **Clear International Laws**

International declarations purporting to guarantee peace (including the Covenant of the League of Nations, the Kellog-Briand Pact and the UN Charter,) were deliberately laced with so many ambiguities or outright contradictions that nations were able to defy their obligations by interpreting the apparent restraints in ways that suited their own purposes. Nations failed to recognize that clear international rules of the road that bind everyone are in everyone's best interest.

#### **1 - Mandating Peaceful Settlement**

A fundamental objective of the United Nations was to eliminate the use of force for the settlement of international disputes. It didn't work out that way. Despite the general legal prohibitions against the use of force, "self-defense" (never clearly defined) was an exception and became the most common excuse for going to war. An absolute legal prohibition against military force was lacking and there was no unequivocal mandate that only peaceful resolution of conflicts would be lawful.

## **2 – Clearly Defining Aggression**

After almost fifty years of effort, the United Nations finally reached a consensus definition of aggression in 1974. The search for consensus meant that the lowest common denominator became the rule; prohibitions were vaguely worded and subject to special “interpretations” or “understandings” that perforated and made a sieve of the substance. The time has come to eliminate ambiguities and contradictions and articulate an unequivocal definition of what constitutes the crime of aggression and what consequences follow such unlawful conduct.

## **3 – Prohibiting Crimes Against Humanity**

Attempts to codify international law by outlawing genocide, terrorism and other crimes against humanity all suffered from the malady of premeditated imprecision. It was a self-inflicted ailment by patients not ready to swallow the medicine needed to heal a sick international body. Now that cold-war antagonisms have diminished, the Security Council can clearly prohibit and penalize all crimes against humanity that threaten peace.

## **4 – Ending the Arms Race**

To be realistic, it must be recognized that the arms race will only be ended when nations are convinced that there will be no cheating and there exists an accepted collective security system, organization or institution that replaces war as the ultimate means for safeguarding national security. These pre-conditions cannot be met quickly or easily – but they can be met. The sooner the process of putting a new system in place is started, the sooner will the international community diminish the threat of universal disaster and begin to enjoy the economic and social benefits that will inevitably follow in a disarmed and peaceful world.

A comprehensive arms limitation system was worked out in 1961. A Joint Statement by President Kennedy’s Special Assistant for Disarmament, the respected public servant John J. McCloy, and Soviet Deputy Foreign Minister Zorin, was unanimously approved by the entire General Assembly. It called for verified and gradual arms

reductions, steps to minimize economic dislocations, improved means for settling disputes, effective sanctions, and the creation of a UN Military Force. As a substitute for the war system, UN institutions to maintain peace would have to be strengthened. The far-sighted McCloy/Zorin plan was never given a chance. Its time has come.

## **5 – Improving Social Justice**

The Preamble to the UN Charter seeks “to promote social progress the better standards of life in larger freedom...and to employ international machinery for the promotion of the economic and social advancement of all peoples.” The Universal Declaration of Human Rights proclaims as inviolable and inalienable the right to life, liberty, security, a standard of living adequate for health and well being, as well as an international order in which those rights can be fully realized.

Despite valiant efforts by many UN agencies – such as the Economic and Social Council, the World Health Organization, the High Commissioner for Refugees and many others – the implied promise of social justice to protect the inherent dignity of every human being has not yet been fulfilled. The “economic rights and duties of states” has yet to be clearly defined and accepted. Revolting conditions inspire revolt. Injustice and widespread poverty remain threats to world peace.

Humankind has become aware that excessive consumption of natural resources by rich nations threatens the ecology of the planetary home on which all people depend. Complex agendas for environmental protection have been globally proclaimed but not yet globally implemented. A depleting supply of clean air and clear water to be shared by an ever demanding and increasing world population is another harbinger of conflict.

When human anguish caused by human suffering for any reason rises to a level that threatens peace, it is a duty of the Security Council to act. Building on what has already been accepted in principle, the Council must define minimum social obligations required for universal human dignity – a legally binding Resolution for Enhancing Social Justice.

## **EFFECTIVE INTERNATIONAL COURTS**

### **1 – The International Court of Justice**

Nations are legally obliged to settle disputes by peaceful means only. The UN Charter spells out at least eight peaceful methods states can choose – excluding the use of force. The International Court of Justice (ICJ) is busier than ever. The Court of Justice of the European Community, the Human Rights Courts in Strasbourg and Costa Rica, the Law of the Sea Tribunal, and many administrative courts reflect the encouraging progress. But, too often, nations still prefer the risks of war to the risks of uncertain law. The ICJ has no competence to deal with individual complaints and can act only if all states involved in a dispute decide to give it jurisdiction. It has no independent power of enforcement. A Court that does not know whether its decisions will be accepted or enforced cannot be a very powerful instrumentality for world peace. The Security Council, as part of its almost unlimited Charter authority to maintain peace, can expand the ICJ's authority to maintain peace, can expand the ICJ's authority to render advisory opinions, guarantee that ICJ decisions will be enforced and order parties to settle peace-threatening disputes by law rather than war.

### **2 – An International Criminal Court**

Another glaring gap in the international judicial fabric is the absence of any international criminal court to hold personally accountable all those who defy the laws of war and humanity. The legal principles laid down at the Nuremberg war crimes trials World War II were unanimously affirmed by the United Nations: Heads of State and other leaders are personally accountable for aggression, war crimes and other grave crimes against humanity; superior orders is no excuse.

The tribunal created in 1993 by the Security Council, to deal with war crimes committed after 1991 in former Yugoslavia, was an important step forward but more than an ad hoc improvisation covering only a limited time period in a limited area is required. To condemn such crimes as genocide and mass rapes without creating a court to try offenders wherever they may be is to mock the victims and encourage more criminality – and that is exactly what it is happening. The Security Council (as authorized by the Charter) – should establish a

permanent International Criminal Court to impose personal criminal liability on all leaders who flout the laws of peace and humanity.

### **3 – A World Tribunal for Social Justice**

Many nations wrote basic human rights obligations in to national laws or treaties to be enforced by national or regional courts. But the international community lacks the means to enforce such obligations on sovereign states that choose to ignore them – as many of them do. Existing regional human rights tribunals would be strengthened and coordinated by a new Security Council organ to adjudicate major human rights complaints that may pose a threat to world order. It could serve as an appellate body to reconcile differences among existing national or regional human rights courts. It could also be available to cope with environmental disputes beyond the reach of national governments or the International Court of Justice.

Risks of violent confrontation generated by intolerable environmental depredations as well as dehumanizing economic deprivations would be diminished by the existence of a new tribunal competent to resolve calamitous human rights, environmental and economic disputes in a competent and peaceful way. As it was able to do quickly to cope with crimes in Yugoslavia, the Security Council has it in its power to create another important judicial organ in a brief period of time – a World Tribunal for Social Justice (WTSI).

## **EFFECTIVE PEACE ENFORCEMENT**

Enforcement is the weakest leg of the tripod of law, courts and enforcement on which every peaceful society depends. Before enforcement of international law can be effective, at least five buttressing components must be in place:

### **1 – Arms Control**

Disarmament has remained a fundamental objective of the organized world community since before World War I. Despite this rational goal of the entire world community, man's capacity to destroy himself has not diminished – it has increased. In his 1961 farewell address, President Eisenhower warned:

“We must guard against the acquisition and unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.”

Fear and mistrust, and possibly greed, overpowered reason.

In 1983, President Reagan acknowledged: “A nuclear war cannot be won and must never be fought.” Some limits on nuclear weapons and testing were accepted. Other arms limitation accords – nuclear, chemical and conventional – went into effect and their implementation was being verified. The Security Council was able to enforce its comprehensive sanctions and disarmament advances demonstrated that there is an enforcement will there is an enforcement way.

Still, the arms race continues to drain the resources of rich and poor nations alike. The Security Council has not yet fulfilled its Charter obligation to establish a system for the regulation of armaments. In 1992, at a Security Council Summit meeting, Heads of State indicated a readiness to have the Council use its enforcement power to curb all weapons of mass destruction as a threat to peace.

Under its Charter authority, the Council can create new enforcement or implementing mechanisms to help it discharge its responsibilities. A UN Disarmament Enforcement Agency (UNDEA) – staffed by qualified and non-political independent experts – could ascertain existing military capabilities, monitor agreed schedules of arms reductions, verify that there is neither concealment nor evasion and coordinate conversion of military plants to peaceful uses. Displaced scientists, engineers and members of closed military installations would, of course, have to be re-trained and assisted in finding new careers – as was done after World War II when many millions were demobilized without major economic dislocation.

While disarming, nations can still be safe. Nations can defend themselves by less-threatening forces, such as tanks and land-mines pre-positioned to allow non-offensive or “defensive defense.” Many non-violent peace strategies have been developed by such experts as Gene Sharp of Harvard. As an organ of the Security Council UNDEA would be bolstered by the Council’s enforcement power to authorize



the use of “all necessary means” to prevent aggression and see that its resolutions for verified step-by-step disarmament are honored.

## **2 – Sanctions**

Since the siege of Troy, blockade and economic sanctions have been recognized as an important instrumentality for ending war. Under the Covenant of the League of Nations, any aggressor was to immediately and completely blacklisted, the risks and burdens of sanctions were to be equitably shared and backed by combined military might and the aggressor was to be expelled. But the “economic weapon” turned out to be a dud when Britain and France, for their own political reasons, refused to cut off Italy’s oil supply when Italian tanks invaded Abyssinia. Sanctions were never given a chance – and the world paid dearly.

The Security Council has legal authority to call upon UN members to impose comprehensive sanctions to maintain peace. The goal is not to punish the populace but to make it physically impossible for the lawbreaking government to continue illegal activity. Charter provisions allowing states to consult the Security Council regarding hardships caused by enforcement measures do not go far enough. The designation of UN Compensation Commissions to consider complaints of financial hardship is a step in the right direction but much more is needed. The burdens and costs of making sanctions effective – a form of peace insurance – should be shared in accordance with a fair and rational plan.

Unilateral sanctions never work. Sanctions must be organized in a rational and comprehensive way. Security Council embargoes imposed against Iraq illustrate what can be done successfully to alter intransigent behavior. Specialists have to track changing economic needs of nations and the resources on which they depend. Contingent plans for strategic resource-targeting must be readily available. What is now needed is a permanent Security Council mechanism to make non-military coercion truly effective and efficient. What is called for is a new specialized organ of the Security Council – a UN Sanctions Agency (UNSA), staffed by professional experts, to supervise the implementation of sanctions approved by the Security Council

pursuant to its Charter authority.

### **3 – A UN Police Agency**

In every society there will always be law-breakers who will take the law into their own hands – regardless of economic sanctions or other attempts to restrain them by non-violent means. Those willing to use force will almost always prevail over those who are unwilling or unable to do so. International force may thus be needed as the ultimate guardian of peace.

No nation should take it upon itself or be authorized to police the world – the danger of tyranny would be too great. Unilateral military coercion runs the risk of being abused for self-serving national purposes. Self-help without international controls is more likely to jeopardize world security than enhance it. An international police force, under effective UN control – as envisaged in the Charter – is the best safeguard for world tranquility. But the UN must be given the means to do the job.

The end of the cold-war makes it possible for the Security Council to advance the basic Charter peace plan without having to call upon one or a few powerful states to serve as hired Centurions for the world community. The Secretary-General should not have to plead with nations to donate funds and material to create stand-by forces or to carry out his assigned military mandates. More than ad hoc improvisation is required. What is needed now is a new organ of the Security Council – a UN Police Agency (UNPA) capable of meeting varied emergencies of different urgency and magnitude. It must have its own rapid-deployment forces that can put out brush fires before they become raging conflagrations. An elite legion of volunteer Marshals for Peace, recruited from the best of forces being demobilized as part of the national body and would be an effective Security Council agency for world peace – as prescribed by the UN Charter.

Of course, there must be a system of checks-and-balances to guarantee that the UN military force can never become a dictatorial power capable of threatening the interests of peaceful nations. The safest force would be one drawn from many small subject to strict international supervision. What is being proposed is the

institutionalization and culmination of a process that is already under way. A UN Police Agency, staffed by independent professionals, free of the shackles of national, regional or UN politics, offers an efficient and coordinated method for carrying out the peace mandates of the Security Council – with incalculable benefits to humankind.

#### **4 – A UN Social Justice Agency**

In addition to clarifying minimum standards of social obligation that all states must assume, and creating a World Tribunal for Social Justice to adjudicate whether the accepted human rights and environmental standards are being sufficiently respected so that peace is not jeopardized, there is need for an efficient enforcement agency to see that these universal social obligations are actually carried out.

It is proposed therefore that a new organ of the Security Council be created: a UN Social Justice Agency (UNSSJA) with authority to deal only with such violations of fundamental rights that pose a threat to peace. It would be staffed by professional experts rather than selected diplomats and serve as a coordinator or facilitator for the carrying out of recognized universal rights within a global framework.

#### **REFORM OF THE SECURITY COUNCIL**

The Security Council has the duty, the authority and - with proper backing – the power to make collective security a reality. But certain changes – procedural and organizational – will be necessary before the Council is recognized and supported as the most appropriate mechanism for insuring peace. What is needed is a plan to redistribute power in a realistic way so that the revised system of world management proves acceptable as the best hope for relative order and peace for everyone in the foreseeable future.

Most of the complaints about the Security Council relate to its structure and procedures: its limited membership fails to reflect the growth of the organization of the shifts in economic and political power and the veto right is unfair. Its informal consultations are criticized as secretive. There is a call for greater “transparency” and greater participation of all states concerned. Absence of confidence undermines the legitimacy and power of the Council. How can justified concerns best be met?

## **1 – Amending the Charter**

A UN Special Committee on the Charter and on Strengthening the Role of the Organization has been meeting regularly for nearly two decades – with no significant results. An Open Ended Working Group is considering an increase in Council membership and a variety of reforms to enhance the efficiency and effectiveness of the Council. Although there seems agreement in principle that Council composition should be enlarged, no conclusion about how it should be changed had been reached. Not a single one of the five Permanent Members – without whose consent no change is possible – has argued for any substantive Charter amendment that might diminish its power. The Charter mandate for a general amendment review conference has never been carried out.

Charter amendment requires approval by two-thirds of the member states and later ratification by two-thirds of the governments – including all five of the Permanent Members. If one recalls that it took over 40 years before the US Senate ratified the Genocide Convention, the prospects for significant Charter alterations in the near future are not very promising. But important changes can be brought about without Charter amendment – as has often been the case.

## **2 – Changes Without Amendments**

### **(a) A New Way of Thinking**

Just as it was finally recognized that the earth was not the center of the universe, replacing the war system by a peace system will require new ways of thinking about several entrenched dogmas. Sovereignty, for example, does not mean unrestrained power of the ruler.

Sovereignty today belongs to the people and they are best served by observing common laws necessary to enhance the quality and security of their lives. Self-determination is a laudatory goal but it can only be pursued lawfully by peaceful means. The principle of non-interference in internal affairs cannot prevent international intervention to halt crimes against humanity. Even self-defense, an inherent right, must be strictly construed since prerequisites of proportionality and protection of the innocent are no longer possible in modern warfare. The search for desirable consensus cannot provide every nation with

an effective veto or vest a small minority with power to paralyze constructive action for global survival.

### **(b) Legal Interpretation**

Proper legal interpretation – consistent with Charter goals – can produce substantive changes. There is an emerging that the international community as a whole has certain legal rights that transcend rights of individual states. Admittedly, there is a fine line between expounding the law and expanding the law – one must tread the boundary with caution. New legal interpretations must grow out of seeds that have already been planted. But the Charter, like all constitutions, is not static instrument and it must grow to meet changing needs. The Security Council is in a position to issue binding interpretations if that is necessary to preserve peace. They can eliminate the loopholes that have been written into laws by states that are not willing to be bound by law.

### **(c) Informal Understandings**

Informal agreements that are not contrary to Charter purposes may also provide needed flexibility until such time as formal amendments become politically feasible. There is, for example nothing to prevent a state from informally clinging to exercise its veto right. If a Permanent Member really wanted to extend veto privileges to any other state, it could be done by simply promising not to vote without concurrence of the new silent partner of partners. Many regional associations have accepted the principle of cooperative consultation. Voting as a bloc would strengthen regional solidarity and, in effect, allow non-members of the Council to participate on an equal footing.

The veto could also be restricted in many other ways: by informal agreement exercising a veto could be limited to cases where sending troops was required; it could be counted only if one or more others joined in the veto; it could be ruled out if it negated a decision of the ICJ or a Council determination that aggression had occurred. Certain non-vital subjects could be regarded as procedural and hence, under Charter Article 27, not subject to veto.

Some expansion of Council membership may – as it did in the past –

prove irresistible in the future. But, like shuffling the deck chairs on the Titanic – “the numbers game” will not eliminate basic Council shortcomings. In order to enable the Council to do its job, there must – in addition to new thinking and new legal interpretations – be fundamental procedural and organizational alterations that are possible without Charter amendment to satisfy legitimate concerns and aspirations of all states.

#### **(d) Procedural Reform**

There can be no doubt that the Security Council is legally vested with primary authority under the Charter to do whatever needs to be done for the maintenance of international peace and security. Acting as the duly designated agent of all UN members, the Council can – if deemed necessary for peace in accordance with the principles and purposes of the Charter – clarify binding norms, adopt new guiding principles for Council action, and create new organs it considers necessary to carry out its responsibilities.

To avoid being perceived as a dictatorial agency to protect the interest of the privileged, the Council must take account of legitimate concerns of all members of the human family. To make its decisions acceptable, its working methods and procedures must be changed. Better coordination with regional organizations, the General Assembly and concerned agencies of the Secretariat would provide the “transparency” being demanded. By involving other branches of the world organization – the Assembly, Secretariat and Court – where such help is useful, the Council provides an improved system of checks and balances to prevent possible tyranny and enhances effective cooperation.

Most importantly, if the Council can create subsidiary organs – as it is authorized to do – to help it carry out its responsibilities – and if such organs are staffed by independent professionals dedicated to serving the community as a whole and reporting its recommendations publicly, the power of the people may be mobilized as an additional bulwark against the dangers of arbitrary or unjustified Council action or diplomatic or bureaucratic intransigence.

#### **(e) Creating New Subsidiary Organs for Peace**

The last thing the world needs is to add more bureaucracy to the UN. But the trained diplomats who are members of the Security Council usually lack the qualification to deal effectively with the complicated and specialized problems that must be mastered to manage global peace. It is essential to transfer responsibility to qualified independent experts who are free of bureaucratic restraints or vetoes. Delegates must be able to delegate.

The functional efficiency of a few specialized Security Council organs will be enhanced by consultation and coordination with existing agencies that are making a constructive contribution. The executive head of each new organ can be selected in concert with the Secretary-General and the General Assembly that would have to approve the planned budget; thereby enhancing checks and balances. An efficient coordinator, facilitator and expeditor will make it possible to streamline existing functions that can only be carried out effectively by the Security Council that remains the ultimate authority for enforcing peace.

## **SUMMARY**

The framers of the Charter intended the Security Council to be the world's guardian for peace. It has never been given the means or the chance to carry out its assignment. What is here proposed is a balanced new technique for expounding, clarifying, supporting and carrying out the Charter peace goals and building new legal structures to enforce it under improved Security Council control. Coordination and cooperation with all states and agencies concerned, rather than dominance or confrontation should be the goal and the rule. After adequate consultation and fair consideration, the final power to enforce peace must remain in the hands of the Security Council – where the Charter put it.

In order to be able to discharge its legal obligation under the Charter, the Security Council must reform itself and its procedures to meet the justified complaints of many nations. This can be done informally or formally without any amendment of the existing UN Charter. The Council must create the three basic conditions for peace and the means to carry them out. It can do so by legally binding and

enforceable resolutions.

A) It must reinforce the inadequate international legal system by binding resolutions that clarify existing law. Five such resolutions are hereby proposed: 1) Mandating peaceful settlement and non-use of force; 2) Redefining aggression – without loopholes; 3) Defining and prohibiting crimes against humanity; 4) Ending the arms race while enhancing national security; 5) Drafting a new Charter for Enhancing Social Justice.

B) It must reinforce the inadequate world judicial system by three additional resolutions: 1) Strengthening the existing International Court Justice; 2) Creating an International Criminal Court as an organ of the Security Council; 3) Creating another new judicial organ: A World Tribunal for Social Justice.

C) The Council must create four additional legal structures for peace that are essential to administer and enforce the new resolutions. Four new executive organs are proposed: 1) A UN disarmament enforcement agency; 2) A UN sanctions agency; 3) A UN police agency; 4) A UN social justice agency.

By combining the five resolutions that clarify the international law of peace, adding three resolutions that strengthen the judicial system and adding resolutions creating four additional organs for peace enforcement, a comprehensive new regime can be created to curtail the current international anarchy. The twelve resolutions can be considered separately or combined into one consolidated text – as was done in restraining Iraq. When an outraged world public demanded action, all that was needed to make the UN effective was the stimulus of a few resolute Security Council resolutions.

The resolutions here suggested do not purport to be the last word on the subject; all improvements shall be gratefully received if they help move us closer to the goal of a more peaceful and humane world. The preamble recalls the many Charter provisions for maintenance of international peace and security that have never been carried out. The operative text declares that all Members of the United Nations are legally bound by the substantive resolutions and that lawbreakers and



their accomplices will have personal criminal responsibility for their violations.

Those millions who now demand a more humane world and who are not prepared to tolerate the massive inhumanity that exists today cannot be brushed aside as idealistic dreamers. Unparalleled challenges are posed by weapons proliferation, ecological damage, festering poverty, mass migrations and separatist violence bordering on genocide. We need new thinking, new legal formulations and mechanisms to render the present war system obsolete. National defense budgets must divert at least a tiny fraction of the costs of preparing to kill people to the costs of teaching them how to live in peace. The new technology of information dissemination offers the greatest opportunity for public education.

It is in everybody's interest to live in a peaceful world. Professor Myres McDougal of Yale has warned: "No people can be fully secure unless all peoples are secure." We must start now to build the necessary new legal structures and develop clearer and more human ways of thinking if humanity is to survive.