CONFLICT AND PEACE: THE CHALLENGE AND THE CHOICE BEFORE US.

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I
World of Conflict: Organizing the United Nations: Role of the United States

Introduction

At his speech at the Conference Dinner of the International Law Conference, at the Busby Hall, National Wine Centre, Adelaide, in the evening of the 27 February this year (2004), the celebrated Hon'ble Mr. Justice Michael Kirby, Judge of the High Court of Australia, began with a note of optimism reciting from Rabindranath Tagore's Gitanjali, *"Have you not heard his silent steps? He comes, comes, ever comes"*.[1]

Obviously, what Mr. Justice Kirby meant was that international law and international organization were responding in order to meet the challenge of conflict infesting almost every nook and cranny of the world today.

Unfortunately, while presenting my paper in the conference on the following day I respectfully dissented from Mr. Justice Kirby bluntly telling my audience, many of whom had heard Mr. Justice Kirby on the previous evening, that I did not hear the footsteps of international law as it had been coerced to stop advancing to meet the challenge - international law and the international organization are not responding. Why? You will find an attempt to answer this '?' in my paper.

Background: World of Conflict

While after the first great conflict (the First World War), and towards the end of the second, unprecedentedly great and most devastating conflict (the Second World War), human history had ever experienced since the dawn of civilization, the whole world lay prostrate and human

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civilization was gasping in the debris of death and devastation, a few persons in the United States of America gave serious thoughts, in the backdrop of the failure of the League of Nations, as to how to evolve a machinery which could most effectively prevent all conflicts between nations in future and threat to peace and security of all people across the world irrespective of the difference of caste, creed, religion, race, language, belief, colour or place of birth.

II
Organizing an International Machinery: Role of the United States

In the second week of March, 1943, Mr. Harold Stassen, Governor of Minnesota, appealed for an international organization with armed forces and it was followed by the publication of the Ball-Burton-Hatch-Hill Resolution in the Senate. One of the sections of the Resolution called for "an organization of the United Nations" with authority "to provide for the assembly and maintenance of a United Nations military force and to suppress by immediate use of such force any future attempt at military aggression by any nation."[2] The Resolution came from a two-party group - Joseph Ball and Harold Burton, Republicans, A. Carl Hatch and Lister Hill, Democrats. Before that on 22 June, 1942, Governor Stassen had, in a speech before the Governors' Conference, called for a "world association" and in later months he developed his idea of "world legion" to enforce peace.[3]

During 1942 and 1943, the emphasis by the Advisory Committee on Postwar Foreign Policy newly created on Lincoln's birthday in 1942 was increasingly "upon international organization as a cure-all for the world's problems".[4] Obviously, paramount of "the world's problems" was the maintenance of peace and curbing conflict in every part of the world. The focus was on a powerful organization representing all nations, the United Nations, in order to achieve the above objective.

In short, "through the intense and sustained efforts of many Americans in and out of the government, ... was in effect channeled towards

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[2] New York Times, 15 and 16 March, 1943.
[3] New York Times, 13 December, 1942.
[4] Westerfield, H. Bradford, *Foreign Policy and Party Politics*, "Pearl Harbour to Korea", Reprint, 1972, p.143.

visionary construction of elaborate designs for a postwar utopia ....it was accomplished by forming public discussion of the postwar world overwhelming on mere mechanics of international organization."[5] In fact, American international relations during the war (World War II) and thereafter were synonymous with international organization and the American public and political leaders reached, irrespective of their differences, a unique consensus on this one issue.

A question may be asked, what were the reasons behind overemphasizing the need for a strong and effective international organization? Possibly the following:-

    (a) There were the considerations, which had militated against any early precipitation of controversial postwar issues and an international organization would be least controversial in tackling them.

    (b) Prevention of future conflict and war between nations by **collective action** and if necessary, *by collective military action of the international organization.*

    (c) An obscure but nonetheless important reason was probably the influence of the leftist opinion inside the United States administration itself in focusing on the forms of international organization the attention, which should have been given to the realities of power politics.

In the meantime, Sumner Welles (Sumner Welles was at first President Roosevelt's Assistant Secretary of State and then became Under Secretary of State for Latin America and a renowned diplomat, famous for "good neighbour policy") was removed from the State Department and there was hardly any other person in the State Department to tender intimate and sincere advice to President Roosevelt on international affairs, the Secretary of State, Cordell Hull, being seriously engaged in evolving a suitable international organization acceptable to all nations and capable mainly to secure world peace.[6] In the Advisory Committee on Postwar Foreign Policy the members of the Congress and the private citizens freely discussed about the model of such an organization and it "seemed an appropriate device for helping to develop a public opinion

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[5]   *Ibid,* p.144.
[6]   See Hull, Cordell, *Memoirs of Cordell Hull 2*, 1948, p.1637.