

The title of my remarks of today -- "Can the United Nations be revitalized" implies a whole history, the veracity of which needs to be examined. It presupposes that at one time -- presumably when it was founded -- the United Nations was a viable and vital body; that subsequently it went through a period of decay or decadence, thus giving rise to the question whether it is today possible to get it revitalized, and how.

Is this a correct reading of history?

In some ways, the United Nations never was a viable organization. Contradictions were built into its very foundation.

The world political situation emerging from world war II was, so to speak, forced into a structural framework that had emerged -- with the Covenant of the League of Nations -- from World War I. The situation, furthermore, was frozen and unable to keep up with the pace of historic change that was bound to take place during the subsequent decades.

Many of us, in fact, were skeptical, back in 1945. We had seen the League of Nations die and thought we had understood the reasons for its failure. It had kept the war making potential of the Nations basically intact, and thus had been unable to cope with Fascism and Nazism, with the Ethiopian war and with Munich. It had dissolved under the impact of World War II. Now it was rebuilt and given a new name and a new banner. But the basic structure was the same. With a world political situation, at its birth, just about as bad as it had been during the dying years of the League. Would the United Nations be able to cope with the arms race, the atom bomb, the cold war, de-colonialization, the population explosion, hunger, and the wars of national liberation

Many of us did not give it more than five years. By 1950 we would have had either world government or World War III: One World or None.

But we got neither. The world went on muddling through, in some ingenious way.

The political structure of the United Nations, frozen in its World War I and II pattern, got farther and farther removed from the reality of the day. As the proliferation of nation States, the emergence of mini-States began to crowd the General Assembly, voting power and real power ceased to correspond in any meaningful way: while the Security Council continued to represent the victorious war time alliance of the Big Five which, in reality, had died, superseded by the Chinese Revolution and the Cold War. Real decision-making power thus shifted uneasily from a Security Council, paralysed by the Veto, to the General Assembly -- at the time of the "Uniting for Peace Resolution" -- and back again: from the Security Council to the Secretariat, and back again as crisis after crisis was to bring us closer to the edge of holocaust by atomic destruction. Yet, we never quite fell off the edge. For the same historical forces, the same technological revolution, that created our monstrous war potential, disrupting world order, also created an ever more pervasive network of communications in every sector of economy and culture, giving rise to a mushrooming system of international, governmental and nongovernmental and inter-governmental organizations, multinational corporations, trans-national cultural movements and revolutions on an unprecedented scale. International law feverishly adapted to the new situation, assuming economic, social, cultural dimensions besides its traditional political one and defining relations, not only between Nations (inter-national) as heretofore, but between nations and all these organizations -- some much bigger and much more powerful than the smaller nation States. In line with these facts of international life and international law, the United Nations, too, added new "dimensions" to the old, political one, enlarging the political structure inherited from the League by a vast system of functional organization and specialized agencies. Whereas some 95 per cent of the personnel and budget of the League of Nations was spent on political international activities, the United Nations family of

organizations spends 85 per cent of its budget<sup>f</sup> and personnel on economic, social, and cultural activities.

Thus one cannot really say that the U.N. has become devitalized and needs to be re-vitalized. The U.N. is teeming with life. Rather it is crippled by some dysfunctional dichotomies: between its functional and its constitutional aspect; between its political structure and its economic-social-cultural structure; between yesterday, today, and tomorrow.

How can these dichotomies be overcome<sup>?</sup> How can the structural elements of the U.N. be re-harmonized -- rather than revitalized -- and how can the structure as a whole be harmonized with the world we live in<sup>?</sup>

There are four levels of action open to us. Rather than mutually exclusive, they seem complementary -- and therefore, action should be pursued on all four levels simultaneously.

I would like to call them the functional level, the constitutional level, the evolutionary level, and the model-building level.

The strengthening of the U.N. at the functional level is going on continuously<sup>ally</sup>, and it is a vitally important process. As new offices, agencies, committees, commissions<sup>s</sup> are created, machinery is proliferating, mountains of paper are rising, work is duplicated, developments get started in different, not always compatible directions, any real planning becomes impossible. A process of streamlining and coordinating becomes as necessary as it is difficult. For each one of the international organizations making up the U.N. family has, in fact, acquired "sovereignty" and a constitutional personality of its own, of which it is as jealous as a sovereign state. This is one of the paradoxes of this international or postnational era of ours.

<sup>One</sup> Another way to strengthen the U.N. functionally would be the creation of a nonmilitary emergency task force, as proposed recently by Senator Edward Kennedy. This would be an international volunteer force, either recruited directly, individually,

or by national contingents, ready for immediate action wherever a flood strikes, or a famine, or an earthquake. Its activity would be purely humanitarian. Practically it may not always be as simple as one might think to separate purely humanitarian action from political action, and political from paramilitary and military activities. Take, for instance, the case of famine in Biafra. Humanitarian intervention there would clearly be part of a more comprehensive peace-keeping activity: which leads us to another level of functional improvements that could be made within the present U.N. framework, over the whole range of problems connected with peace-keeping activities, peace-keeping operations, disarmament and arms control. Here a lot of fresh thinking is needed. For disarmament and arms control constitute one of those goals which, while all progressive minds are still striving to reach it, has already become obsolete. For: what are <sup>the</sup> arms we should divest ourselves of and <sup>over</sup> the use of which the world community should assume control? Without our really fully being aware of it, the problem of disarmament and arms control has been transformed, under our very eyes, by the era of technological revolution: when every source of energy, every new invention for the control of economic, social, biological, meteorological processes <sup>e</sup> can be used, constructively or destructively; when, consequently, the production of "arms" tends to become less "specialized" or "specialized" at a <sup>v</sup>ery much later stage of the scientific-industrial process, and such "specialization" tends to become decentralized, capable of being carried out in a basement room, thus eluding control; and when the role of armies tends to be superseded by the role of military technology and military technology is inextricably connected with technology in general. To prohibit the progress of military technology is just as unrealistic, as unreal or utopian as to prohibit progress in technology in general: to destroy "weapons" (in quote) just as useless as destroy mechanical looms. The emphasis, today, both nationally and internationally, must be on doing, not on prohibiting, on consensus more than on coercion. For growing economic interdependence tends to make the present armaments arsenal so

so obsolete that it will abolish itself.

If this assessment of current trends is theoretically correct, I cannot whip up a great deal of enthusiasm over the adoption and ratification of the Nonproliferation Treaty: Except that I would think it a symptom of terrifying obtusity if it were not adopted and ratified. In other words: one cannot be against it; but, being thus per force, for it, one should not have illusions about its having any miraculous peace making consequences.

Without much theorizing, the United Nations itself has come to differentiate, <sup>sc</sup>practically, between what is called "peace-keeping operations and peace-keeping activities. Peace-keeping operations are military or paramilitary operations under the responsibility of the Security Council. Peace-keeping activities are preventive rather than repressive. They cover the whole range of social, economic, administrative and political activities. <sup>authorized by</sup> The Assembly or the Secretariat, or the other competent organs of the U.N. family They facilitate peaceful change.

Now it appears that peace-keeping activities have been infinitely more successful than peace-keeping operations, that is , practical experience accords with theory. Also at the national level, for that matter, the most successful police work has turned out to be social work. In as far as police work is repressive it is more crisis provoking than crisis resolving. There are authoritative voices calling for the disarmament of the police at the national level. Why should we be so keen on arming it at the international level ?

International policing must be social work. It must aim at development. For one of the things we have learned in these two decades is that Development is Peace and Peace is Development. This dynamic concept of peace, of course, implies certain structural changes in the United Nations.

Now we come to the "constitutional level." I mean: the strengthening of the United Nations by calling a Charter Review Conference at the earliest possible moment. This has been on the program of World Federalist groups all over the

world ever since 1945. What they envisioned was a kind of New Philadelphia transforming the confederate structure of the United Nations into a federal one, based, by and large, on the principles of the American Constitution.

The proposal has been resisted, not only by conservatives and "hard-headed realists," for whom it had a revolutionary or a utopian ring, but also by people who would give their lives and their souls to strengthen the United Nations. To call a Charter Review Conference in the present world political climate would be simply impossible: and if it were possible, it would be disastrous. Once you start to tamper with the charter you open more problems than you can possibly solve. The conference would end in chaos.

I have a feeling, furthermore, that the new Philadelphia idea, and the emergence of a federal world State patterned on the American Constitution is not in the cards anyway. Like disarmament and arms control, it is an idea that has become obsolete long before it could be realized. The twentieth century is not the eighteenth, and the world is not the thirteen colonies. There can be no doubt that the world community is in a phase of integration and consolidation, it is going to be more like a State than it used to be; I doubt, however, whether it is ever to be a State or superstate in the traditional sense. Maybe there are not going to be any more States in the traditional sense; what I imagine is a flexible system of world communities, evolving new concepts of federalism, of <sup>democracy</sup> sovereignty, of law and of planning.

Rather than a full-dress Charter review conference, one might therefore hope for limited charter amendment in response to an actual and individual crisis. Even such limited Charter amendment may be difficult to attain. But it may be inevitable.

One such crisis looms rather near at hand: at the end of the Vietnam war, which forces on us and on the whole world, a re-appraisal of the South-Asian situation, leading, eventually, to the recognition of China on our part, and to its assuming its place in the United Nations.

Now, the People's Republic of China has made it quite clear, repeatedly, that it would not join the U.N. unless some changes were made in the Charter. The People's Republic of China has never really spelled out these changes, but it is clear that they concern the present composition of the Security Council which, in fact, as we pointed out at the beginning of these remarks, is based on criteria which are totally obsolete.

During the recent Center Conference with a group of Japanese political leaders, these leaders suggested that the number of "permanent" or veto-holding powers must be enlarged. It also was suggested that the contended or controversial "permanent" seat of China should be turned over to India or to Japan (India being the greatest of the developing countries and Japan being today the third largest industrial and economic power in the world). But if the arduous task of grappling with this most sensitive problem must be undertaken, why not try to go beyond such limited action and try to solve it on a really "permanent" basis?

"Permanent membership" in the Security Council -- contradicting the principle of "sovereign equality" of all Nations elsewhere adhered to in the Charter -- was based on what proved to be a fleeting, impermanent power constellation emerging from World War II. To adapt the concept now to the no less fleeting constellation emerging from the Vietnam war would not make the Council more "permanent." What, if -- God forbid -- India were to break up in the seventies, under the pressures of its economic, religious, and linguistic problems

What should and can be made "permanent" is a set of qualifications for the main decision-makers in the Security Council on whose unanimous consensus world security must be based -- not the identity or individuality of such members. These qualifications must include:

- A large population;
- a high level of economic-industrial development or GNP; and
- a role, at least in recent history, that inspires the trust and confidence of the world community in matters affecting

war and peace.

The Security Council as a whole must be:  
geographically representative of all areas and peoples  
of the world; and

politically-economically balanced between Communist, non-  
Communist, and non-aligned nations.

The composition of such a Security Council, whose  
action would be based on the consensus of at least nine veto-hold-  
ing powers, could only be entrusted to the U.N. General  
Assembly, which might elect the "permanent" members once every ten  
or twelve years just as it elects now the nonpermanent members  
every year.

There will be strenuous opposition to even such a  
limited Charter amendment on the part of the Soviet Union and  
probably others. However it might be worth trying. While  
solving the Chinese problem, such a change would reflect  
the lessons learned during the past two decades; it would  
insert the Security Council not only into this present moment of  
history, but into the flux of history. It would vitalize the  
United Nations.

But suppose the times are not ripe for any constitutional  
change in the U.N. Structure. One should then fall back on  
maximizing the possibilities of evolutionary changes.

An exciting occasion for doing just that has arisen now,  
and it has been the biggest item before the General Assembly for  
over a year now. I am referring to the so-called Maltese  
proposition, introduced in what may turn out to be an epoch-  
making speech by the Representative of Malta in November 1967,  
for the creation of an international regime for the orderly and  
peaceful exploration and exploitation of ocean resources  
beyond the limits of national jurisdiction. These resources,  
as you know, don't belong to anybody, while technologies are  
now already available to get them out. ^

After a year of research and debate by a specially appointed  
ad hoc committee, the General Assembly adopted last December a  
four-part resolution, establishing a permanent committee on the  
oceans of 42 members, with a rather wide mandate; recommending a

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study of anti-pollution standards and measures; proclaiming an International Decade of Ocean Exploration; and recommending that studies be undertaken to implement the ocean regime with the appropriate machinery.

I cannot go here into the problems that this proposal raises; nor into all the exciting prospects that it opens. Let me stress here the over-all problem : that is, if there is to be a new organization embodying the Ocean Regime, it must be such as to strengthen the United Nations, not to compete with it or weaken it. It cannot be the United Nations whose structure -- with the one-nation-one-vote system in the General Assembly and the veto in the Security Council -- is not suited for tasks like those the Regime must assume. The Regime must be independent from the United Nations -- like the World Bank or the International Atomic Energy Agency -- yet it must be in some way connected with it; it must emanate from it; it must be legitimized by it.

It must be structured in such a way as to coordinate all activities concerned with the oceans in all U.N. agencies and committees, and all other intergovernmental and nongovernmental international organizations, and these run into the hundreds and are of an extraordinary variety. From UNESCO, FAO, ECOSOC, to the International Atomic Energy Agency, WHO, ILO, the numerous fishery and oil concerns, etc.

Considering the vastness and complexity of its tasks, the Regime cannot be a "specialized agency"; on the contrary, it must synthesize certain aspects of the activities of all specialized agencies. It will have features of a corporation, a business, a cooperative, a government. It will be both governmental and nongovernmental: acting in a sphere where public international law and private international law have long since begun to blend. It must be administratively efficient. It must be the trustee for all mankind. It must give maximum opportunity for participation. It must accommodate socialist and nonsocialist economies, developed and developing, maritime and landlocked nations.

efficient. It must be the trustee for all mankind. It must give maximum opportunity for participation. It must accommodate socialist and nonsocialist economies which is possible only if one assumes the possibility of the evolutionary or revolutionary developments both of the socialist and of the capitalist systems in the post-industrial era, -- and, the Regime must serve the interests both of developed and developing, of maritime and of landlocked nations.]

All this is implicit in the Maltese Propositions. Without facing all these problems squarely and realistically, the Maltese Propositions would remain in the realm of pious hopes.

[In facing these problems, the framers of the Regime must use everything they can use, in legal precedent, in existing organizations and ongoing efforts; but they must not shy away from innovation where innovation is needed.

If we try to project such an organization, apt to extend the rule of the law of the seas to the ocean floor, a number of precedents come to mind.

The first one is the Outer Space Treaty, or Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, signed on January 17, 1967. There is some exact correspondence. If you start from the territory of a state, and you move in the direction of outer space, on the one hand, and of ocean space or inner space, on the other, you pass the atmosphere on the one hand, the territorial waters on the other. Both are still under national jurisdiction. From the atmosphere you pass into outer space; from the territorial waters you pass into High Seas. Both are extra-territorial, extra-national, and cannot be appropriated by any nation. In this, space law has borrowed from the law of the seas, has developed and spelled out a number of its principles: which the law of the seas is now borrowing back.

From Outer Space, you hit the Moon and Other Celestial Bodies, which are covered by the same Outer Space Law. From the High Seas you hit the Sea-bed and the Ocean Floor. It is tempting to take

the laws developed for the Moon and the Celestial Bodies and transcribe them in terms of ocean space, including the Ocean Floor. A number of principles, regarding scientific cooperation, the nationality of vessels, the obligation of mutual aid, are applicable. But then there are also great differences. For while the ocean floor, with its mysteries, is contiguous to the international High Seas, it is also and at the same time contiguous to the Nation States. The Moon and the Other Celestial Bodies are not. And while the Moon and the Other Celestial Bodies are economically unproductive, at least for the time being, the Ocean Floor is charged explosively with economic potential.

~~The differences thus are both military and economic.~~

~~It is -- for the time being -- considerably easier to keep the Moon and the Other Celestial Bodies demilitarized than to keep the ocean floor demilitarized.~~

If one considers the economic potential and accepts the principle that Nations should cooperate in this industrial-economic sector which, however, cannot fail to influence other sectors of the national economies; if one accepts the principle that a new type of cooperation must be structured: a dialogue, so to speak, between nations, industrial and scientific enterprises, and the international community, then another set of precedents comes to mind, and that is, the European Communities, especially the Treaty Constituting the European Coal and Steel Community. I am not speaking here from the social and political point of view, from which one may totally reject the European Communities as examples; I am speaking from the point of view of the development of international law, and from this point of view they do set some interesting precedents.

There are of course great differences between the European Coal and Steel problem in the early fifties, and the globe-encompassing ocean problem of the late sixties. Western Europe was a closely knit unit with a more or less common historical, cultural, social and economic pattern. The world is not. But then, there are some remarkable similarities.

Coal and steel were thought to constitute the major war-making potential of the European nations. The merger of the French and German coal and steel production was thought to eliminate forever the possibility of war between these nations and therefore to be essential for peace and development in Europe.

Coal and steel are, more or less, of yesterday. The ocean, the ocean floor, and outer space are essential for war and peace tomorrow. The Soviet Union and the United States are playing approximately the role in the world at large that France and Germany played in Europe. A merger of their industrial activities in the deep seas and thereafter, possibly, in outer space, based on a treaty open to all other nations, would be the end of the cold war and open up a new chapter of world history.

If you consider that the activities of the Ocean Regime require very special skills and technologies, while, on the other hand, they must benefit all nations, developed and undeveloped, you hit on another set of precedents, the international organizations dealing with the peaceful use of atomic energy. The Charter of the International Atomic Energy Agency contains many provisions that are applicable to the statute or charter of an Ocean Regime. What is of particular interest is that, besides developed and developing nations, that Charter also associates socialist and free enterprise nations in its particular sphere of economically highly important activities.

Euratom, on the other hand, whose membership is restricted to Western, that is, free enterprise, and highly developed nations, sets another interesting precedent, that is, that of "Common Property." Under the Euratom Treaty, all fissionable material is the property of the Community, and there is a set of elaborate provisions that spell out this concept. Since one of the basic principles of the Ocean Regime would be that the resources of the ocean floor and the high seas beyond the limits of national jurisdiction are the common property of mankind, there may be something we may learn from the Euratom Treaty too.

A study of the United Nations Development Programme, the Charter of the World Bank, FAO, the World Health Organization, may provide other ideas -- especially if you remember that they all are concerned in one way or another with activities overlapping with those of the ocean regime and that these activities must in some way be coordinated.

But there is one basic issue in which there is no precedent, in which the drafters of the statute for an Ocean Regime must take a bold new step -- which, in turn, may set a new precedent of other international organizations. And that is the composition of a responsible, efficient, representative international assembly.

When he presented his proposal, Ambassador Pardo of Malta said: "I would only observe that it is hardly likely that those countries which have already developed a technical capability to exploit the ocean floor would agree to an international regime if it were administered by a body where small countries, such as mine, had the same voting power as the United States or the Soviet Union."

Theoretically, there are three alternatives.

The regime could be set up like a business corporation. This would be the triumph of technocracy over democracy. One would hope that the technocrats, aided by their computers, would be good and enlightened men, and put the wealth of the oceans, the common property of mankind, to good use; but there would be no democratic control over their activities. How this would work out may be more or less difficult to predict; what is quite certain, however, is that neither the socialist countries nor the technologically undeveloped countries would accede to such a regime. It is utopian.

The second alternative is to adapt the national democratic-parliamentary process somehow to the international scene. In this case, however, both the one-man-one-vote system, one of the fundamentals of democracy, would have to be abandoned as simply not applicable on the international scene; so would the one-nation-one-vote system -- the other pillar of the traditional federal-democratic system -- as pointed out by Ambassador Pardo. Compromises have

been proposed, such as giving half of the votes to the developed nations, half to the undeveloped nations and requiring a two-thirds majority for any decision. This would mean to build a class structure into the international assembly. Would that be a step forward? Would it be acceptable and practical? Other methods have been proposed -- to "weight the vote" taking into account numbers of population, GNP, education, consumption of energy and what not. But the crude fact is that any system of weighting the vote -- the very principle itself of weighting the vote means to give certain advantages to the rich. The poor shall be limited in their decision-making power. They do not have the same rights as the rich.

It would take years, decades, to work out criteria for weighting the vote in an international assembly. No solution would ever be totally acceptable. Systems applicable to federal unions of few members, relatively homogeneous in size of population and stage of development, simply are not applicable to international organizations with hundreds of members, a discrepancy in size of population of a range of 1:4000, and a scale of development ranging all the way from the stone age to the space age. No matter how you patch them up, the traditional principles are bound to break down.

The third alternative is to recognize that parliamentary representative democracy has reached a dead end and that new principles have to be discovered.

Thus far we have known two principal phases of democracy: the first is direct democracy, exercised through the town-meeting, where decisions were made directly by all citizens. When the political community outgrew the dimensions of the town-meeting, a momentous step was taken with the invention of representative democracy. This was the second phase. Some thinkers, like Rousseau, never accepted it. Whatever its merits, representative, parliamentary democracy is in crisis everywhere today: because of the size of political communities which has outgrown rationally manageable

dimensions in States counting 200 to 400 million inhabitants; because of the crisis of the party system, rooted in the eighteenth and nineteenth century and unable to adapt to the problems facing mankind in the second half of the 20th century; because of the growing impingement of nonpolitical, economic, social and technological issues on politics; because of the overdevelopment of bureaucracy; because of the growing interdependence between domestic and foreign policy. These probably are the main reasons -- others might be added -- for the crisis of the parliamentary-representative system at the national level, and, certainly, for its applicability at the international level.

A new transition is needed: as courageous and imaginative as that from direct to representational democracy. This is already recognizable in broad terms: it is the transition from representational democracy to participational democracy, as experimented, at this moment, particularly in France and Yugoslavia.

It is quite simple, really. It is the recognition that modern government has not only a political dimension, but an economic, a social, a cultural dimension as well. It is the recognition that you cannot represent men only on the basis of "pieces of land" or "numbers of heads" but that you must consider them also as workers or students, members of a church, a cooperative, a corporation. Man is not one-dimensional either. It is the conviction that workers must participate not only in the profits but in the decision-making processes of enterprises, students in the management of universities, tenants in the administration of housing projects, etc., and that enterprises, universities, corporations and cooperatives, in turn, must participate in the decision-making processes of government. It is the conviction that participation, responsibility and initiative are more important incentives than profits, that cooperation today is more productive than competition, that consensus is more important than coercion. It is the conviction that these principles hold both at the national and at the international level and may serve, in fact, to bridge the

gap, or reconcile the contrasts between these two levels of action.

Now let us return to the ocean regime, which we want to be a res publica of the Deep Seas, imbued with the spirit of freedom that has always emanated from the oceans.

How would the principles of "participational democracy" apply to the construction of an Ocean Regime?

You would have to safeguard national interests by the establishment of a Maritime Commission or Governing Board built on traditional principles -- let's say, like the Governing Board of the U.N. Development Programme or the International Atomic Energy Agency. But then you would make this Maritime Commission responsible to an international Maritime Assembly, built on the new principles. That is, you would have one political house or chamber, emanating from the U.N. General Assembly, elected by that Assembly, on a regional basis. There are many precedents for that.

Then you would take all the international, intergovernmental and nongovernmental organizations engaged in the extraction of nonliving resources from the ocean floor -- the people who actually do the work and invest the money -- and you put them together in a second house or chamber.

Then you take all the international intergovernmental and nongovernmental organizations engaged in fishery and aquaculture and you put them together in a third chamber.

Then you take all the scientific organizations engaged in marine geology, marine biology, meteorology, pollution prevention, disposal of atomic waste, tidal energy production, desalination, etc., and you put them together in a fourth chamber. Now you have the Nations, the international community, the experts, technicians and scientists. These are your characters -- for writing a Constitution is in many ways like writing a drama -- and now you engage them in dialogue. You set down the rule that any decision



made by the assembly requires a majority of the first, political chamber -- so to speak, the fulcrum of the system -- and of the chamber that is competent in the matter to be decided. You get a rotating bicameral system: problems concerning fishery to be decided by the political chamber and the fishery chamber, scientific problems to be decided by the political chamber and the chamber of scientists, then, of course, to be passed or promulgated or enacted by the Commission.

To complete the system, you would have a special Maritime Court, before which not only Nations but nongovernmental and inter-governmental organizations, too, would have a standing which they do not have before the International Court of Justice at the Hague. There is nothing utopian or revolutionary in this: the European Communities have provided us with a solid precedent.

We have now taken care of what traditionally was called the three branches of government: the executive, if you wish, the legislative, and the judiciary. But if the regime is to discharge its functions effectively, a fourth branch has to be added, and that is Planning. A Maritime Planning Agency of experts, economists, could partly be appointed by the Commission, partly elected by the Assembly as a whole. And the chiefs or Secretary-Generals of all the organizations of the U.N. family currently engaged in development and the redistribution of wealth in the world could be associated with it ex officio.

This would take care of the problem of coordinating all the activities in the U.N. that are now dispersed.

Last and not least you would have to build an efficient Secretariat; but here you could fall back on the traditional pattern of the Secretariat of the United Nations itself or any of its specialized agencies.

Such an organization for the Ocean Regime may appear more complicated than it is. At the Center for the Study of Democratic Institutions we have drawn up a model Statute for it, spelling it out in every particular -- and this document is no longer,

nor more complicated, than the statutes of any of the specialized agencies or of the world bank. It is quite considerably shorter than the Treaty Constituting the European Coal and Steel Community.

There are a number of advantages inherent in the creation of such an organization.

First, it would solve the functional problems for which it would be created, that is, the security, the conservation and the development of the oceans and their resources. It would create a considerable amount of new wealth, by giving to enterprises a security for their investments without which technological development would inevitably slow down; and it would facilitate the re-distribution of this wealth.

Second, all this would happen in a sphere where Nations would not have to give up anything they now have: neither materially nor ideally, neither economically nor politically. For the payments Nations and enterprises would have to make to the Regime would be on products they are not now producing and which they could not produce without the existence of a regime guaranteeing their investments. No iota of national sovereignty would be surrendered, but a new sovereignty would be created in a geographic and functional sphere which does not belong to any nation now.

Third, all this would not require any revision of the United Nations Charter nor amendments to any of the statutes of the existing specialized agencies or other intergovernmental organizations. Their respective charters and statutes already contain enabling clauses under which they may set up committees, commissions, new organizations, and cooperate with these as the circumstances and the purposes set forth in these statutes or charters may require. This is very important, for if the creation of the Ocean Regime required a revision of the U.N. Charter it would be utopian. A Charter Review Conference could not be called under the present political circumstances, or if one were called it would create more problems than it could possibly solve.

Fourth, the establishment of the Ocean Regime would not only "set a pattern for the future activities of mankind," as Ambassador Goldberg said of the Outer Space Treaty, it would, practically, open new ways for the evolutionary transformation of the United Nations. ~~Given the impossibility of charter revision, the possibility of this evolutionary process is of particular relevance.~~ The breakthrough -- the mutant gene -- would be the creation of an international assembly based on the new principles of participational democracy. One advantage of such an assembly, as we have outlined it, is its great flexibility. Suppose it works, you can add on to it, without complicating its decision-making processes. The U.N. General Assembly could gradually confer wider powers on it: for instance, the regulation of outer space, <sup>of the ~~rotating~~ *Communist network,*</sup> or of disarmament. This could be done by adding to the rotating bicameral system other chambers of <sup>*experts*</sup> scientists. No matter how many functional chambers you had, it would not complicate the process. The system would also allow for a regrouping of the functional chambers as functions and needs may require. The U.N. General Assembly itself would gradually assume the role of a world electoral body. The Security Council, organized on a regional basis, <sup>*along the lines that may be found in the Chinese problem,*</sup> might evolve into the first, political chamber, the fulcrum of the rotating system. The veto would not even have to be abolished, in such a case. It would fall into obsolescence.

~~Let me close on this note of hope for the evolution of the United Nations, set off by the creation of an Ocean Regime. The goal that is taking shape if we follow this road is not likely to be a "world State" in the traditional sense of "state" or "superstate." More likely it is going to be a flexible system of cooperative world communities, evolving new, though already recognizable principles of democracy, of federalism, of planning and of law.~~

At this point, the functional, the constitutional and the evolutionary level all merge.

The entire development, however, can be guided, or at least evaluated much more efficiently from the fourth level of action, that is, the model-building level. In other words: You set a long-range goal: you imagine an ideal structure for the U.N., and then you try to use every opportunity to move in this direction step by step. The goal, of course, must not be a pie in the sky. It must be a projection of serious and continuous research in international relations, international law, the interaction between international and intranational development; constitutional law, comparative constitutional studies, and a study of the changing concepts of society and of human nature.

At the Center we have been carrying on such a study for the last four years -- resuming work done for another four years at the University of Chicago under the direction of Mr. Hutchins who was then Chancellor of the University.

There exist other such models. The late Granville Clark and Professor Louis Sohn of Harvard have constructed one, that has attract wide attention. The World Law Fund in New York is sponsoring quite a series of models, to be constructed by study groups in various parts of the world: In India, West Germany, in the Soviet Union, in Japan and in Latin America. This is a particularly interesting experiment as it shows up differences in approaches to the problem of world organization: differences between small and large nations, developed and developing nations, socialist and nonsocialist nations. You can see how the results of such studies will feed back into practical problem-solving implying changes in the U.N. at all the other three levels.

Of course we do not expect that the United Nations, no matter how "revitalized" will ever look just like any one of the models. In this sense the model is and will remain "utopian." But the study and discussion of models gives us a standard by which to judge history, as the late philosopher Scott Buchanan once sais.

It is not always easy to keep serene enough to pursue activities at this level -- when the world is on fire and one might throw up one's arms in despair at the sight of what is happening in the Near East, in Vietnam, and in some other places. But we feel that optimism is a moral duty, today and always. If you give up, certainly nothing will happen. If you don't give up, something may happen, and, as the philosopher Whitehead once said, nothing is as powerful as an idea whose time has come.