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THE UNITED NATIONS AS AN INTERNATIONAL ARENA:
AN EVALUATION OF THE ROLE OF THE UNITED
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AN ANALYSIS OF THE FORMULATION AND EFFECTS OF
ITS CONDEMNATION RESOLUTIONS.

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THE UNITED NATIONS AS AN INTERNATIONAL ARENA: AN EVALUATION
OF THE ROLE OF THE UNITED NATIONS IN THE INTERNATIONAL FIELD
THROUGH AN ANALYSIS OF THE FORMULATION AND EFFECTS OF ITS
CONDEMNATION RESOLUTIONS

by

WILLIAM W. ORBACH

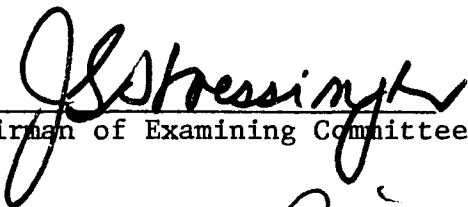
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PREFACE

This work is an attempt to evaluate the efficacy of the United Nations in the international arena through a consideration of resolutions of condemnation. These resolutions condemn the action of a government or the government itself for violation of the Charter or relevant United Nations resolutions. Such an analysis is particularly pertinent today when many question the entire utility of the United Nations, especially in view of its inability to deal with major international crises such as the Vietnam conflict, the Indo-Pakistan War of 1971, and the recurrent Middle East crisis. In addition to demonstrating the role of the United Nations in the international arena, such an analysis can also aid us in determining the basic components of the United Nations system.

This analysis proceeds through the use of case studies to ascertain both the process and the effects of United Nations condemnatory resolutions. In using this method, however, two major problems have been encountered. First, in considering the process of condemnation a single condemnatory resolution has been analyzed, with only passing reference to others of the same type. Nevertheless, in the evaluation of effects, a series of related resolutions has been treated. This has

been done because it is impossible to pinpoint the effects of a single resolution when it is surrounded by others of the same type. Thus the efficacy of the entire series has been tested (except in the case of the People's Republic of China where it has been possible to isolate the effects of a single condemnatory resolution.)

Second, it has at times been difficult to distinguish the effects of condemnatory resolutions as such from the general effects of all resolutions dealing with the subject in question. Nevertheless, the effort to distinguish between them has been made.

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PART I

INTRODUCTION

CHAPTER I

COLLECTIVE DELEGITIMIZATION: DEFINITION AND EXPLANATIONS

This work is an attempt to assess the role of the United Nations in the international arena through an evaluation of the process and effects of collective delegitimization by that organization. The concept of collective delegitimization is an outgrowth of the literature on legitimacy. Seymour M. Lipset gives perhaps the best definition of legitimacy: "the capacity of a system to engender and maintain the belief that the existing political institutions are the most appropriate ones for society."¹ This definition, however, is limited to the concept of internal legitimacy. Perhaps a more comprehensive definition of legitimacy, for the purposes of this work, should be based on the more common definition of legitimate as correct, proper, or just, i.e., in accordance with the rules and traditions of the particular society in question. Legitimacy could thus

¹Seymour M. Lipset, Political Man (New York: Doubleday and Co., 1966) pp. 77-78.

be defined as the belief on the part of the population that an action, policy, or government is in accord with the rules and traditions of the society in question. This definition can be used for both legitimacy of a government in the eyes of its population (internal legitimacy) and legitimacy of a government or its policies and actions in the eyes of the other international actors (external legitimacy).

There are several basic distinctions between these two types of legitimacy. Internal legitimacy (the legitimacy of a government in the eyes of its population) is essential for the continued existence of any government. The failure of a government to gain legitimacy in the eyes of its people will undermine it and make it susceptible to revolution. In the case of internal legitimacy it is the people who are the grantors of legitimacy and the government of the state which is the recipient.

External legitimacy, on the other hand, is not as essential to the continued viability of the state; it is conceivable that a government or state survive without it.

Just as a state can be declared legitimate by other states so it can also be declared illegitimate by other states. A delegitimization is thus a declaration that a government, its policies, or its actions are illegitimate. In addition to the possibility of one state declaring the government, policies, or actions of another state illegitimate, a group of states can also do the same. Collective delegitimization, therefore,

can be defined as a declaration by a group of states that a policy, action, or government of a state is not in accord with the commonly accepted rules and regulations of the international arena. It is a declaration that the policy or action of this state is wrong.¹

Delegitimizations must be based on some standard. In order to declare that the policy or government of a state is not in accord with certain rules one must first identify the rules, establish the standards by which legitimacy is to be judged. Standards for internal legitimacy are not difficult to find. They are the nation's constitutions, written or unwritten, as well as its customs, habits, mores, and traditions. A government is illegitimate if it fails to act in accord with the principles of that society.

Standards for external legitimacy are more difficult to establish. Undoubtedly some aspects of international law are an important factor in these standards. Although not universally accepted or obeyed, international law nevertheless provides some standard for determining legitimacy. International treaties are most important in this, but international customs and mores often play an important role. An additional factor is this: In order to be declared in accord with international standards, the government or its policies or actions must be somewhat in accord with the moral principles and

¹ However, an interesting trend is now developing. Many debates in the Twenty-Seventh Session of the General Assembly have focused on the issue of terrorism and the possibility of granting some type of legitimacy to national liberation movements. This leads to the possibility of the United Nations eventually delegitimizing not only the policies or actions of states but also their governments and perhaps even the state itself in cases where national liberation movements exist.

beliefs of the legitimizers. Thus communist states will quickly legitimize other communist states or their policies and actions, whereas democracies will be prone to legitimize the actions of other democracies.

With the advent of the United Nations this rather vague and arbitrary system of standards was clarified. The United Nations Charter became the basis for a collective determination of the legitimacy of the policies, actions, or governments of states. Policies or actions in accord with the Charter or with United Nations resolutions based on the Charter were legitimate; other policies and actions were declared illegitimate. Thus South Africa was condemned for its policy of apartheid, which contradicts the Charter principles reaffirming the equality of all men and their right to self-determination. And the People's Republic of China was condemned for its action in Korea, which violated the Charter injunction against aggression.

Despite the fact that a legal standard for collective delegitimization seems to have been established, this is deceptive. The United Nations is not a legal institution, and it does not condemn actions, policies, or governments of states for legal reasons. Instead, the United Nations is a political-moral institution, a unique mixture of both the political and moral factors in the international arena. The United Nations is not an impartial organization objectively assessing and considering each international conflict as it arises. It is a political body reflecting the interests of

its membership. The selection of issues is based on subjective, not objective, grounds. Nevertheless, the fact that the United Nations is primarily a political organization enhances the function of collective delegitimization. Despite this orientation, every case of collective legitimization or delegitimization is tinged with a moral flavor which augments its prestige. In addition, states seek to prevent U.N. disapproval since it represents the disapproval of individual members who vote for the resolution. Thus the United Nations is not the moral conscience of mankind but a convenient international forum in which a state can discern the policies and opinions of its fellow states and make known its own.

It is therefore apparent that in many resolutions the question of how many approved it is less essential than who approved it, and the debate may be more carefully studied (so as to ascertain the positions of participants and non-participants) than the actual wording of the resolution itself. This is why one can question Inis L. Claude's assertion that statesmen "are keenly conscious of the need for approval by as large and impressive a body of other states as may be possible, for multilateral endorsement of their position."¹ Do they seek United Nations approval for its intrinsic value or because it represents the policies of individual states? Do they cherish collective legitimization as a unique entity or because within it are contained the individual legitimizations

¹ Inis L. Claude, Jr., The Changing United Nations, (New York: Random House, 1967) p. 83.

of their allies and friends?

This analysis is based on the assumption that states vote in the United Nations according to their own interests. But is this correct? Do votes in the United Nations reflect the national interests and policies of the member states or are they merely engaged in a grotesque propaganda charade? Is the whole United Nations procedure a serious exercise in decision making or a diplomatic game in which all states participate, knowing full well that resolutions passed will be of little consequence outside the immediate vicinity of Turtle Bay? It is difficult to assert that the latter is the case, for if so how can one explain the great effort to have some resolutions passed and others defeated? Why the consistent Soviet vetoes if resolutions mean so little? Why the West's reluctance to have anti-colonial resolutions passed? Why the United Kingdom's eagerness for resolutions supporting its policy in Rhodesia and vetoes of resolutions advocating force against that state? Indeed, why the insistence on the retention of the veto if resolutions mean so little? Why all the effort to have the People's Republic of China admitted or kept out of the United Nations if it reflects nothing?

Whether United Nations resolutions actually accomplish anything seems immaterial as long as states believe that they do. It is doubtful that the entire procedure is a mere diplomatic game. Yet in some instances states vote against their short-term interests in order to safeguard their longer term

interests or in favor of "morality." The United States, for example, would certainly prefer not to condemn South Africa or Portugal, yet it fears a loss of influence among the African states and therefore joins in the condemnation. But it will draw the line when measures are suggested to enforce these resolutions.

Thus United Nations resolutions, although not the produce of a frivolous diplomatic game, nevertheless are a distorted mirror on reality which diminishes their utility. The United Nations resolution is therefore weakened in two ways: It has little moral validity, since the United Nations is basically a political institution, yet just enough moral pressure is injected into the proceedings to cloud the real position of member states. Resolutions are thus neither a consistent moral nor an accurate political reflector.

Many African states are actually weakening the United Nations by pressuring states to support resolutions they do not truly endorse, by convincing them to take a "moral" position. The United Nations is emasculated in two ways by this tactic: first, by a decline in prestige caused by the passage of meaningless resolutions that have little or no chance of implementation; second, by the erosion of the collective delegitimization function because of the pressure exercised on states to depart from the assertion of their selfish, but actual, foreign policy into the high-sounding, but hypocritical, realm of "true morality and justice."

Assuming then that the U.N. has become the dispenser of legitimacy in the international arena, yet from whence in the United Nations Charter can the power of collective delegitimization be derived? The answer depends on what collective delegitimization is actually intended to be. Is it a prelude to further action, a substitute for action, or a form of action itself? If it is a prelude for enforcement action, the entire concept is included in Article 39 of the Charter.

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Thus pressure is exerted to collectively delegitimize a state in the hope that such a resolution will enable the United Nations to take further action under Charter VII. Although the legality of such a resolution on the part of the Security Council is not in doubt, General Assembly passage of such a resolution raises some questions of legality. The basis for such a General Assembly resolution is not to be found in the Charter but in the Uniting for Peace resolution (377 (V)) of November 3, 1950.

The General Assembly...Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate

recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security...

Once the General Assembly can recommend collective measures it can also collectively delegitimize the policy or action of a state - guilty of wrongdoing - thus paving the way, morally if not legally, for collective measures.

On the other hand, many resolutions of collective delegitimization are merely a substitute, not a prelude, for action. Although the sponsors may hope that their resolution will lead to enforcement action, many states vote for it to increase their prestige in the eyes of the sponsoring and supporting states, or to relieve the pressure placed on them, or because they are not willing to allow the United Nations to take further action. Even the sponsors often realize that no action against the guilty state is possible at the time and press for these resolutions as an expression of their determination as well as to satisfy domestic critics clamoring for action. Especially in the case of resolutions collectively delegitimizing Portugal and South Africa, many African states realize that the United Nations cannot take effective military action and therefore resort to resolutions.

As a substitute for action, resolutions of collective delegitimization can be included within the scope of Articles 10-14 and Chapter VI of the United Nations Charter. Chapter VI, especially Article 37, states:

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Thus the Security Council has the power of recommendation in any dispute threatening to undermine international peace.

Article 10 of the Charter gives even broader powers of recommendation to the General Assembly by allowing it to discuss any subject covered in the Charter, not merely ~~matters~~ threatening international peace and security.

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions ~~on~~ matters. (Article 10)

The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both...(Article 11)

The General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter...(Article 14)

Since the General Assembly can make recommendations in situations resulting from a violation of the principles of the Charter as outlined in Chapter I, it can discuss aggression and the self-determination of peoples. Since the General Assembly and the Security Council clearly have the power to recommend in such cases, this power of recommendation may include the power of collective delegitimization. The power of recommendation necessitates the ability to judge the policies or actions of a state since such a step is a prerequisite for any recommendation. Therefore, the power of collective delegitimization is included in the power of recommendation if it is merely a substitute for action.

Collective delegitimization may be a form of non-military sanctions that the United Nations can utilize to enforce its decisions. It is less potent than economic or diplomatic sanctions yet it is nevertheless a sanction.

The power of collective delegitimization is to be found in Article 41 of the United Nations Charter.

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, air, sea, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Moral condemnations could be included under this article even though not expressly stated.

The legality of Security Council resolutions of collective delegitimizations is clear. However, although one can claim that the Uniting for Peace resolution gives the General Assembly the power to recommend collective measures, it is left to the states to implement them voluntarily. While economic, diplomatic, or military sanctions are only recommended by the General Assembly the very nature of a collective delegitimization resolution requires no further action from the member states; it is an action in itself. Since the General Assembly cannot itself take action these resolutions of collective delegitimization are of doubtful legality if the power of collective delegitimization is a sanction in itself.

Assuming that the concept of collective delegitimization is a factor in international politics, precisely how important a factor is it? What is the effect of collective delegitimization on a state? There are two categories of action possible for the state. The first is to mount a propaganda campaign defending its policy and to create or expand a foreign affairs department that will send and brief ambassadors and other envoys. The second category of action is to adopt a policy that will gain the approval of the United Nations. There are, of course, varying degrees of movement in each category. Yet if collective delegitimization involves only the first category of action, its utility can be seriously questioned. The purpose of the United Nations is, after all, to have states take action to enhance peace or at least refrain from taking action which would endanger peace and security. Yet if the net result of

collective legitimization is a public relations campaign, not a substantive effort to change policy in a peaceful direction, then the entire concept of collective legitimization is brought into question. If states organize huge public relations campaigns in order to gain collective legitimacy for their policies but their substantive actions remain unchanged, collective legitimization will change the procedure of international relations but not its substance.

How does the United Nations exercise its power of collective delegitimization? Basically, it delegitimizes the actions, policies, or governments of states through resolutions of condemnation, as discussed more fully in the next chapter. However, there are two lesser forms: Expressions of concern and expressions of disapproval.

Expressions of concern are the milder of the two. They involve no overt action, merely a passive notice in a resolution that the United Nations is concerned over or regrets a particular policy or action of a state. Expressions of concern are usually prefaced with the phrase "Notes with concern" or "Notes with regret" or some variation thereof.

The General Assembly...Noting with concern that the Ad Hoc Committee was unable to comply with the resolution of the General Assembly authorizing it to examine the report on the administration of the Territory of South-West Africa because no report was received, and that no petitions were permitted by the Union of South Africa...

The General Assembly...Notes with regret that...the commission has been unable to fulfill its mandate under the resolutions¹ of the General Assembly...

¹Ibid., res. 512 (VI), p. 11.

If the action is very serious the United Nations can strengthen the resolution with such adjectives as "grave" or "deep" which are affixed to the introductory phrases.

The General Assembly...Expresses grave concern at the shortfall in the government contributions to the United Nations Refugee Fund established at \$16 million... 1

The General Assembly...Records with deep regret that the government of the Union of South Africa continues in its refusal to assist in the implementation of the advisory opinion of the International Court of Justice concerning South-West Africa...2 Notes with concern that...the Ad Hoc Committee was unable to examine reports on the administration of the Territory of South-West Africa because again no such reports were submitted by the Government of the Union of South Africa; Notes with further regret that the Union of South Africa has refused to cooperate with the United Nations concerning the submission of petitions in accordance with the procedures of the Mandates System...3

"Notes with concern" and similar phrases indicate United Nations anxiety lest a particular action, in itself necessarily dangerous, lead to a situation which will endanger international peace and security. It is, in effect, a "Proceed with caution; danger ahead" notice.

"Notes with regret" is a stronger term with which the United Nations makes manifest its dissatisfaction with a particular event and says it expected better of the state concerned. Whereas "Notes with concern" is oriented toward possible future consequences of the present policy or action, "Notes with regret" refers to the present policy or action itself.

¹ Ibid., res.517 (VI), p. 14.

² United Nations, General Assembly, Resolutions adopted by the General Assembly during its Eleventh Session, 12 November, 1956 to 8 March, 1957 (Supplement No. 17 (A/3572) (New York: 1957) res 1039 (XI) p. 18.

³ United Nations, General Assembly, Resolutions adopted by the General Assembly at its Eighth Session during the period from 15 September to 8 December 1953. (Supplement No. 17 (A/2630)(New

The next degree of collective disapproval consists of expressions of disapproval, which differ from expressions of concern in two basic ways.

1. They are stronger in tone than expressions of concern and are therefore utilized when sudden acts of violence threaten to precipitate a crisis or when a state has continued to follow a certain policy despite United Nations protestations.

2. They are active resolutions which reflect a view prevalent in the United Nations and demonstrate its disagreement in no uncertain terms.

An expression of diapproval is an aversion to a certain action or an unfavorable opinion of a certain policy. It is usually introduced by one of two terms, "deprecates" or "deplores."

1. Deprecates is an expression of relatively mild disapproval; the United Nations clearly dislikes an action or policy and wishes to see it changed, yet does not judge it to be serious enough to call for strong disapproval.

The Security Council...Deprecates the attitude of the Portuguese Government, its repeated violations of the principles of the Charter and its continued refusal to implement the resolutions of the General Assembly and of the Security Council...¹

2. Deplores implies a strong grieving objection to a certain action or an intense disapproval of a certain policy. It is stronger than "deprecates" and indicates that the members of the United Nations object strenuously to a certain course of action and wish to have it changed.

¹United Nations, Security Council, Resolutions and Decisions of the Security Council, 1963, (New York: 1966), res. 180, p. 4.

The Security Council...

Having heard the statements of the representatives of Senegal and Portugal concerning violations of Senegalese territory by the Portuguese military forces,

Deplores the incidents that have occurred near the frontier between Senegal and Portuguese Guinea,

Deplores any incursion by Portuguese military forces into Senegalese territory as well as the incident which occurred at Bouniak on 8 April 1963...1

The addition of such adverbs as "greatly" or "deeply," or the use of both terms, indicates a greater degree of disapproval.

The Security Council...Strongly deprecates the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and contrary to its obligations as a Member of the United Nations...2

The General Assembly...Deplores and disapproves the policy practiced by the government of the Union of South Africa contrary to its obligations under the international Mandate of 17 December 1920 for South-West Africa;

Deprecates the application, in the Territory of South-West Africa, of the policy of apartheid, and calls upon the Government of the Union of South Africa to revoke or rescind immediately all laws and regulations based on that policy...3

Finally, the United Nations can go beyond collective delegitimization by taking action against recalcitrant states. This ultimate step can be divided into two parts: military and nonmilitary sanctions. Nonmilitary sanctions are quoted in Article 41 of the United Nations Charter and include, economic, communicative, and diplomatic sanctions. Military sanct

¹ Ibid., res. 178, pp. 1-2.

² Ibid., res. 181, p. 7.

³ United Nations, General Assembly, Resolutions adopted by the General Assembly during its Fifteenth Session, 20 September to 20 December 1960, (Supplement No. 16 (A/4684) (New York: 1961), Volume I, res. 1568 (XV), p. 33.

as discussed in Article 42 of the Charter, would include the use of military forces blockade as well as actual military actions.

These three types of action - collective disapproval, collective delegitimization, and collective action - are all negative means of convincing a state to alter its policies or actions, in contrast to the positive powers whereby the United Nations attempts to alter certain policies or actions by rewarding the state concerned, either materially or morally. The three negative actions demonstrate the power of the United Nations to prohibit and prevent, in contrast to its power to encourage and facilitate.

CHAPTER 2

CONDEMNATIONS: TYPES AND REASONS

Collective delegitimizations are generally expressed through resolutions of condemnation of the policies, actions, or even governments of states. Condemnations are generally expressed within the context of resolutions. What, precisely, is a resolution? What does it represent? A resolution is generally the final result or decision of a debate in the General Assembly or Security Council. Ideally it represents the consensus of the participants in the debate but, more often than not, it is the product, not of consensus, but of conflict. Generally, however, the formation of any resolution involves at least some compromise, for two reasons.

1. Most groups do not have the necessary majority of votes to pass resolutions in their interests. The support of other blocs is therefore essential and this support can be gained only through compromise.

2. Even if a group as the Afro-Asian bloc, has a majority of votes in the General Assembly, it will still attempt to gain support from other blocs so as to have a near-unanimous vote on resolutions of interest to it. It will especially seek the support of the friends and allies of the state being condemned.

This is why resolutions are the product of at least some compromise and bargaining and represent the outcome of a debate. In this way the passage of a resolution is similar to the passage of a bill through a domestic parliament. But whereas a domestic parliament's authority is clear, what is the authority of an international resolution? Generally its authority is dependent on four factors: (1) the body passing the resolution, (2) the majority by which it is passed, (3) the topic of the resolution, and (4) the type of action recommended.

(1) General Assembly resolutions recommend and are not binding.¹ Security Council resolutions, on the other hand, are binding if based on Chapter VII of the Charter. Despite this fact, however, the present international situation makes the great majority of them well-nigh unenforceable.

(2) A resolution which is passed by a unanimous or near-unanimous vote has far more moral authority than one passed by a majority. In addition, the position of various states on a resolution provides a clue to its importance as well as its chances for implementation.

¹ An interesting development of late has been an increasing tendency to regard some General Assembly resolutions as binding. This is a development which bears great importance for the future.

(3) The topic with which the resolution deals is an important measure of its effectiveness. Some resolutions are devoted to issues about which there is little or no conflict and merely express the consensus of the organization. For example, resolutions admitting new states to membership in the United Nations have been routinely implemented in the last decade. Other resolutions are approved only after long and vociferous debate. The efficacy of such resolutions depends on the intensity of the resolve of both sides. Thus the resolutions calling for aid to South Korea in the Korean conflict were implemented; resolutions directed against South Africa were not.

(4) The resolution may recommend continuation of the present policy of a state or organization or it may recommend changes. Proposals for change generally have less chance for implementation than do requests for continuation. The possibilities of implementation vary even within proposals for change according to the extent of change requested.

What is a condemnation? What does a condemnatory resolution accomplish? According to the more general definition, a resolution of condemnation is any resolution directed against the policies or actions of a state. The problem with this definition is that it includes cases of collective disapproval and therefore is too broad for an effective analysis. The more technical and limited definition of condemnation is confined to resolutions that expressly utilize the word

"condemns" or "censures" or accuse; a state of aggression. A condemnation, according to this definition, is significantly more than strong disapproval; it expresses a judgment that the policy or action of a state is morally wrong. Anyone can disapprove of a policy, but one with the power to judge becomes the arbiter of right and wrong. Thus the United Nations is the arbiter of international right and wrong, a significant power. This factor is the crux of collective legitimization or delegitimization, and is the moral foundation for the United Nations.

The judgmental aspect, while essential, is only part of a condemnation. Every condemnation consists of two parts: (1) the judgment that a state is guilty of wrongdoing, and (2) the rebuke for this action. An accusation of aggression is both a judgment and a rebuke.

Finally, most condemnatory resolutions as a whole are divided into two sectors: the negative or condemning sector and the positive or suggestive sector. Many resolutions go beyond condemnation and request either a change in policy or the adoption of an entirely new policy.

The General Assembly...Condemns the trial of the eight Namibians under the Terrorism Act which took place at Windhoek between July and November 1969, and further calls upon the government of South Africa:

(a) To release immediately and unconditionally those tried under the above-mentioned Terrorism Act;

(b) To desist forthwith from the extension of the¹ "Bantusan" system into Namibia...

¹ United Nations, General Assembly, Resolutions adopted by the General Assembly during its Twenty-Fifth Session, September to December, 1970 (Supplement No. 28) (New York: 1971) res. 2714 (XV), p. 80.

This fact raises a fundamental question. Why does the United Nations condemn a state? What does it expect to accomplish? Apparently, the United Nations hopes that the condemned state will alter its objectionable policy and follow United Nations directives. Is this a request or a command? That a condemnation is not a request but a command is made clear by the fact that the United Nations will often threaten further measures if its directives are not obeyed.

The Security Council...Condemns the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions...

Reiterates the determination...that, in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter...¹

A policy forcibly imposed is a command, not a recommendation. Thus the United Nations, in its condemnatory resolutions at least, has departed from mere recommendations in favor of commands. Obviously, the legality of such a resolution, if passed by the General Assembly, is open to question. The power to condemn is in accord with the Charter, but command to a state to alter its actions, policies, or government on pain of further condemnations is not. The power to condemn can conceivably be included within the power of recommendation but not the power to command. Yet, every condemnatory resolution is in reality a command and therefore of dubious

¹United Nations, Security Council, Resolutions and Decisions of the Security Council, 1969 (New York: 1970) res. 271.

legality.¹

A similar problem is raised when one considers the actions or policies for which states are condemned. For which acts will the United Nations condemn a state? There are two basic reasons for a United Nations condemnation: refusal to heed the Charter or refusal to heed previous resolutions. Yet when the General Assembly condemns a state for not heeding its resolutions, it is delegating to itself powers not granted in the Charter. The implication of such condemnations is that the previous resolutions are mandatory, for how else could a state be condemned for not heeding them? Thus by issuing these recommendations the General Assembly is itself violating the United Nations Charter.

¹ Although the Security Council does have the power to command in certain situations, the General Assembly does not. However, certain General Assembly resolutions are gradually being given a legally binding character and this is an important development.

TYPES OF CONDEMNATORY RESOLUTIONS

Not all condemnations are equal in severity. Generally, condemnatory resolutions can be ranked according to their intensity.

1. Although a resolution of condemnation is generally introduced by "condemns" or "censures," the terms are by no means identical. "Censures" is used when the members of the United Nations believe that a term of disapproval is too weak yet hesitate to use the word "condemns" against the state. "Censures" is then a compromise. For example, in November 1953 the United Nations wished to rebuke Israel for its raid on Kibya yet felt the use of the word "condemns" would be too severe a blow to the young state. "Censures" was therefore adopted. "Condemns," on the other hand, is the strongest verbal action that the United Nations can undertake (with the exception of a declaration of aggression) and was used infrequently and with great caution in the first decade and a half of the organization's history.

2. The position of the condemnation clause in the resolution as a whole is crucial. United Nations resolutions are generally divided into two distinct sections: the preamble and the operative paragraphs. The preamble is a description introduction to the resolution; the operative paragraphs cover the recommendations or decisions in detail. Because the operative paragraphs are the active part of the resolution whereas the preamble is merely passive, a condemnation in the operative paragraphs is far more serious than one in the preamble.

3. The target of the condemnation may vary. The condemnation may be directed against the state itself or against its policies or actions. The latter is far less severe, and the United Nations prefers it because it allows more flexibility both for the United Nations and for all states concerned.

4. The name of the state condemned may be implicit or explicit in a resolution of condemnation. There are thus three degrees of severity: naming the state in the condemnatory clause itself, or naming the state in the resolution but not in the clause, or not naming the state at all, though the object of the resolution is known to all. The severity of the resolution of condemnation declines in direct proportion to its lack of specificity.

5. The resolution may actually pronounce a condemnation or it may merely reaffirm a previous resolution of condemnation. The fact that the United Nations has decided not to condemn a state anew but merely to reaffirm a previous condemnation decreases the severity of the present resolution.

6. In addition to these variations a resolution may use one or several terms of condemnation at the same time or may intersperse phrases of disapproval with phrases of condemnation in a single resolution. Despite the fact that the additional phrases of condemnation or disapproval may not be directed against the state itself but against its allies or trading partners, each term nevertheless increases the severity of the resolution as a whole.

GENERAL CATEGORIES OF CONDEMNATIONS

The evolution of condemnatory resolutions reflects a clear shift in interest of the United Nations. In its first decade and a half United Nations attention was focused almost exclusively on the East-West struggle. Many United Nations resolutions dealt with this conflict, and the General Assembly did not hesitate to condemn the members of the Soviet bloc as well as the Soviet Union itself. In 1952, Bulgaria and Albania were condemned for their refusal to repatriate Greek children, victims of the civil war; in 1954 the People's Republic of China was condemned for the detention of eleven United States airmen; and in 1956 the Soviet Union itself was condemned for the repression of the Hungarian Revolution. In the Security Council, however, the veto prevented any condemnation of the Communist bloc and the only state condemned was Israel.

In the early 1960's the United Nations gradually changed its emphasis from the East-West to the North-South conflict, and the focus of condemnations shifted from the Eastern states to the remaining colonial states. In 1961 South Africa was condemned for the first time, and the issue of Portuguese colonies became predominant, first in the General Assembly, later in the Security Council. In contrast, the Soviet invasion of Czechoslovakia in 1968 was totally ignored, yet the Western states were condemned - sometimes directly, more often indirectly - for their support of the remaining colonial

regimes.

One can therefore divide United Nations condemnatory resolutions into two general categories: those dealing with the East-West confrontation and those dealing with the North-South conflict. For purposes of categorization we shall term the East-West condemnations (before 1960) "security condemnations" and those dealing with the North-South conflict (after 1960) "self-determination condemnations."

Within these two general categories of condemnatory resolutions several subcategories are based on the history and immediate events leading up to the approval of condemnatory resolutions. There are three classes of condemnatory resolutions within the security and self-determination condemnations: situation condemnations, dispute condemnations, and crisis condemnations.

A crisis occurs when there is imminent danger of attack by one state upon another. The crisis erupts suddenly and must be dealt with immediately, although there has been little prior consideration. The resolution is usually formulated and passed in a very short time so as to halt the aggression and initiate a return to the status quo ante. Examples of this type of resolution are the condemnation of the People's Republic of China for aggression in Korea in 1951 and the 1956 condemnation of the Soviet Union's suppression of the Hungarian Revolution. These, like others of the same type, were approved in periods of high tension when the danger of

a general conflagration was real.

The situation condemnation, on the other hand, is approved in response to an ongoing situation, not to a crisis. It is generally formulated after a long interval during which the United Nations has unsuccessfully attempted to solve the problem or to at least make the situation more tolerable for all concerned. The condemnation is preceded by the less severe types of collective disapproval, such as expressions of concern and disapproval. Thus it is the result of a long process of consideration and debate, not the result of any sudden flareup of violence.

The situation condemnation generally goes through three states. The first is expressions of concern or regret, repeated over an interval of time while steadily gaining in stringency. For example, in the South-West Africa case the General Assembly used these terms from 1952 till 1957, gradually strengthening them with the relevant adjectives.

The General Assembly...Notes with concern that, in the opinion of the committee, the administration of South-West Africa is in several aspects not in conformity with the obligations of the Government of the Union of South Africa under the Mandate...

The General Assembly...Notes with deep concern that:

- (a) The Union of South Africa contends that the Mandate having "lapsed," it has no obligations of which the United Nations has cognizance;
- (b) The Union of South Africa has not rendered annual reports to the United Nations in accordance with Article 22 of the Covenant of the League of Nations, Article 6 of the Mandate, and General Assembly resolution 449 A (V) of 13 December 1950...²

¹United Nations, General Assembly, Resolutions adopted by the General Assembly during its Ninth Session from 21 September to 17 December 1954 (Supplement No. 21 (A/2890) (New York: 1955) res. 850 A (IX) pp. 28-29.

²United Nations, General Assembly, Resolutions adopted by the General Assembly during its Twelfth Session from 17 September 1957 to 17 December 1957 (Supplement No. 21 (A/3205) (New York: 1958) res. 1803 A (XVII) pp. 28-29.

The General Assembly...Noting with grave concern that the administration of the Territory, in recent years, has been conducted in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice, and the resolutions of the General Assembly...1

Expressions of disapproval are the next stage leading to the condemnation. These use "deprecates" or "deplores," indicating strong United Nations disapproval. In the South-West Africa case this was reached in 1960.

The General Assembly...Deplores the fact reported by petitioners that the Mandatory Power has employed such means as deportations, dismissals from employment, threats of such action and other methods of intimidation to secure the removal of residents of Windhoek Location to Katutura despite the continued opposition of the residents to their removal...2

This level maintained for one or two years, leads to the final stage: the condemnation. Thus in 1962:

The General Assembly...Condemns the continued refusal of the Government of South Africa to cooperate with the United Nations in the implementation of resolution 1702 (XVI) as well as other resolutions concerning South-West Africa...3

A situation condemnation condemns the policy of a state; a crisis condemnation, on the other hand, is generally provoked by a state's action. For example, on February 28,

res. 1142 A (XII), p. 25.

¹United Nations, General Assembly, Resolutions adopted by the General Assembly during its Fourteenth Session, 15 September - 13 December 1959 (Supplement No. 16 (A/4354) (New York: 1960) res. 1360 (XIV) pp. 28-29.

²United Nations, General Assembly, Resolutions adopted by the General Assembly during its Fifteenth Session, 20 September - 20 December 1960 (Supplement No. 16 (A/4684) (New York: 1961) Volume I, res. 1567 (XV), pp. 32-33.

³United Nations, General Assembly, Resolutions adopted by the General Assembly during its Seventeenth Session, 18 September - 20 December 1962 (Supplement No. 17 (A/5217) (New York: 1963) res. 1805 (XVI) pp. 38-39.

1955, Israel launched an attack on Egyptian armed forces in the Gaza Strip, twenty-nine days later the Security Council issued a crisis condemnation against Israel.

The Security Council...Condemns this attack as a violation of the cease-fire provisions of Security Council resolution 54 (1948) and as inconsistent with the obligations under the General Armistice Agreement between Egypt and Israel and under the United Nations Charter...¹

In the main the General Assembly concentrates on situation condemnations while the Security Council focuses on crisis condemnations. For this reason the Security Council's resolutions have a short gestation period; it must act quickly before the crisis gets out of hand. The General Assembly, on the other hand, since it was not meant to deal with emergencies but with long-term situations, is allowed a long gestation period for its resolutions.

A dispute condemnation has certain elements of both crisis and situation condemnations. On the one hand, like the situation condemnation, it is based on previous resolutions and directed against a state which has been condemned in the past. On the other hand, like the crisis condemnation it is directed against a specific action which, in itself, is not serious enough to warrant a condemnatory resolution but becomes reprehensible in light of the earlier condemnations of that state.

The principle behind the dispute condemnation is roughly comparable to that underlying the system of justice

¹United Nations, Security Council, Resolutions and Decisions of the Security Council, 1955 (New York: 1965) res. 106, pp. 1-2.

within a state. A person who has a long prison record is far more readily convicted and sentenced to another term than a person who has committed an identical crime but has no previous record. It is thus apparent that condemnations tend to lead to other condemnations.

The General Assembly...Condemns the persistent refusal of the Government of Portugal to implement resolution 1514 (XV) and all other relevant resolutions of the General Assembly and of the Security Council...¹

PATTERN AND NUMBER OF CONDEMNATIONS

As discussed earlier, until 1960 General Assembly resolutions were used by the West to condemn the Soviet Union and Communist bloc states. However, these resolutions of condemnation were a minute portion of all General Assembly resolutions of that period. From 1946 to 1960 there were 1563 resolutions of which 14 were condemnation resolutions. Therefore, during the first fourteen years of United Nations existence, the General Assembly passed one condemnatory resolution a year, or one out of every 112 resolutions. A condemnatory resolution was a rather rare event during those years. In the decade that followed, however, both the emphasis and the number of condemnations changed dramatically. Few, if any, North-South issues in the pre-1960 period led to a condemnation. (The Indonesian case came close.) The shift in emphasis made North-South issues the focus of condemnations, whereas there were no further condemnations of Communist states.

¹ United Nations, General Assembly, Resolutions adopted by the General Assembly during its Twenty-Fourth Session, 16 September - 17 December 1969 (Supplement No. 30 (A/7630) (New York: 1970), res. 2507 (XIV), p. 66.

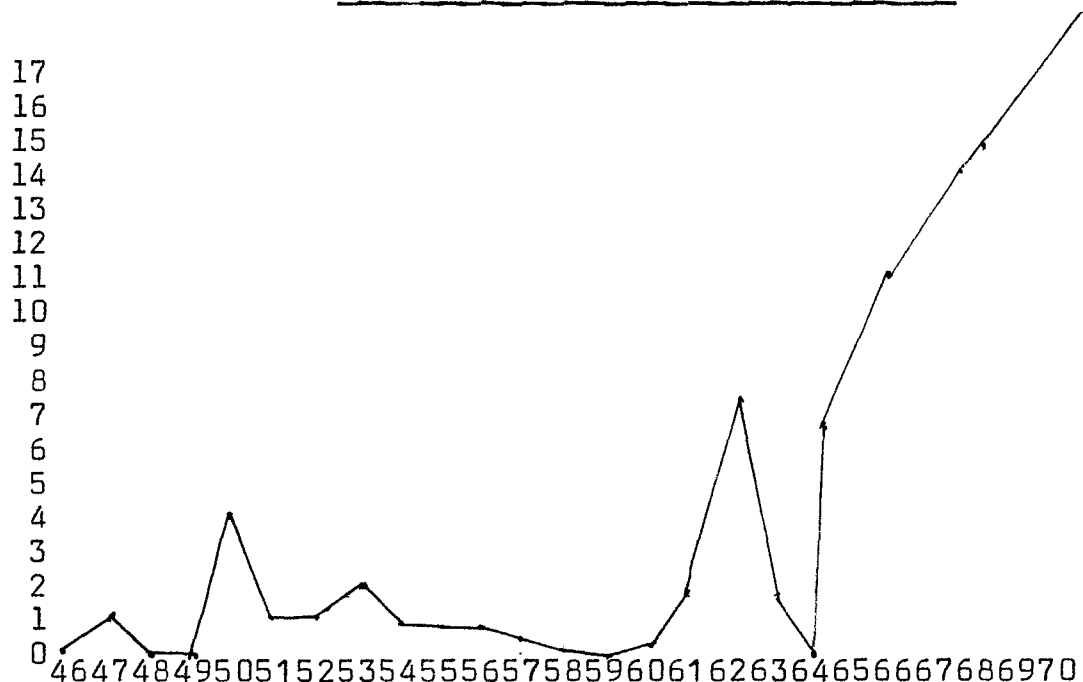
South Africa was condemned for its internal policy of apartheid as well as for its refusal to grant South-West Africa independence; Portugal, for its continuing policy of colonialism in Africa, primarily in Angola, Mozambique, and Portuguese Guinea; and Southern Rhodesia (and indirectly the United Kingdom), for its unilateral declaration of independence and refusal to grant majority rule. So great was the shift that the West was now condemned for its support of the remaining white-dominated or colonialist states in Africa. The numerical change has been equally striking. In the years 1960-1971 there have been 78 condemnations out of 1460 resolutions, an average of over seven condemnations per year or one for every eighteen General Assembly resolutions.

The pattern in the Security Council is not the same, because both East and West have built-in vetoes. Since resolutions can be approved only with the overt or tacit consent of the five permanent powers, it is logical to assume that the states which have been condemned lack their support, or that these powers find it more in their interest not to veto a condemnatory resolution than to do so. As a matter of fact, until 1964 Israel was the only state consistently condemned by the Security Council, its actions enraging even its friends.

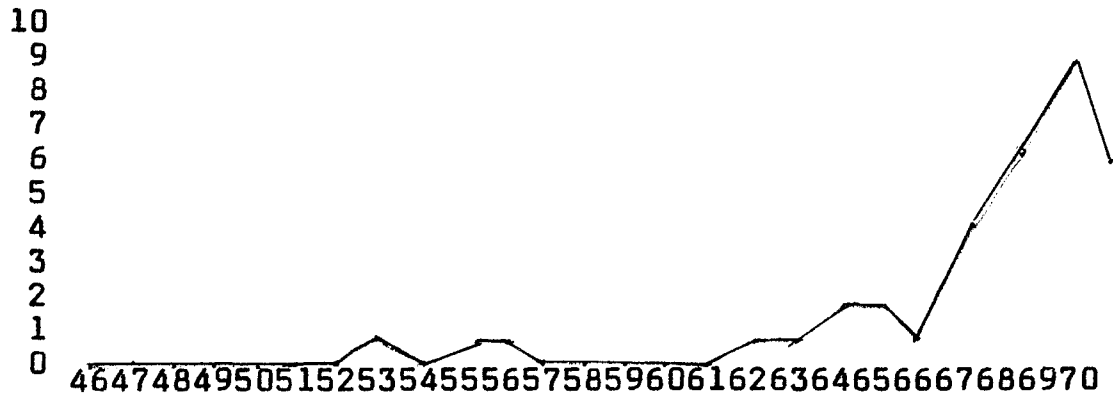
From 1946 to 1964 the Security Council passed five condemnatory resolutions out of a total of 185, averaging out

to one condemnation every four and a half years or every thirty-seven resolutions. Since 1964, however, the Security Council has rapidly increased the rate and scope of its condemnations. (Even the United Kingdom was condemned by the Security Council, albeit indirectly, in its consideration of the reprisals against Yemen.) The number of condemnations swelled to twenty-nine out of 106 Security Council resolutions from 1964 till 1970. Twenty-five percent of all resolutions were condemnations, or four each year, in contrast to the period till 1964 when only two percent of Security Council resolutions were condemnations.

GENERAL ASSEMBLY CONDEMNATIONS

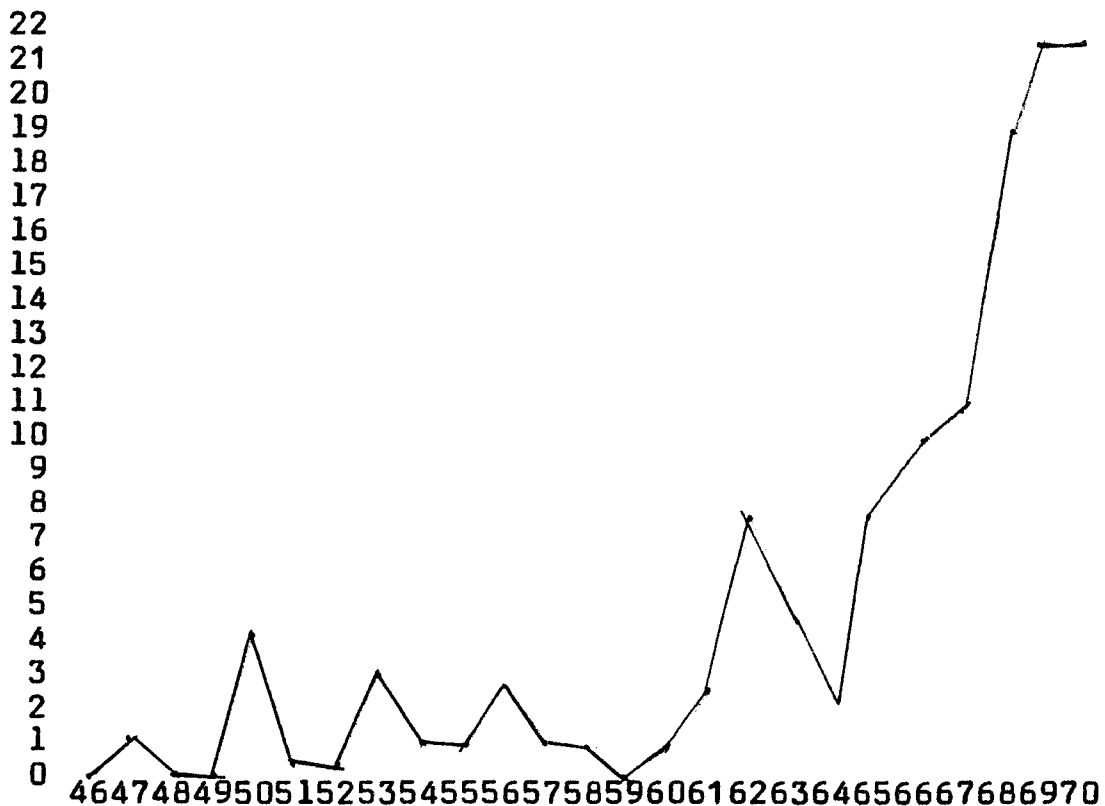


SECURITY COUNCIL CONDEMNATIONS



If we combine the two sets of condemnations, General Assembly and Security Council, it is apparent that there has been a dramatic increase in the last decade, especially since 1965.

TOTAL UNITED NATIONS CONDEMNATIONS



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In the first decade and a half of its existence the United Nations approved 17 condemnations out of 1559 resolutions, averaging out to more than one a year or one in every 91.7 resolutions. In the last decade, however, the United Nations passed 109 condemnatory resolutions out of a total of 1460 resolutions, averaging ten a year or one in every 13.3 resolutions. The last six years show an even more dramatic rate of increase. In this period there were 93 condemnatory resolutions out of a total 903 resolutions, a rate of fifteen a year or one in every 19.7 resolutions.

Year	<u>Percentage of Condemnations</u>								
	<u>General Assembly</u>			<u>Security Council</u>			<u>United Nations</u>		
	<u>Resolutions</u>			<u>Resolutions</u>			<u>Resolutions</u>		
	Cond	Total	%	Cond	Total	%	Cond	Total	%
1946	0	107	0	0	15	0	0	122	0
1947	1	102	.98	0	21	0	1	123	.81
1948	0	99	0	0	29	0	0	128	0
1949	0	136	0	0	12	0	0	148	0
1950	4	134	2.98	0	11	0	4	145	2.75
1951	1	30	3.33	0	7	0	1	37	2.70
1952	1	205	.48	0	2	0	1	207	.48
1953	2	121	.82	1	5	20.00	3	126	2.38
1954	1	109	.91	0	2	0	1	111	9.09
1955	0	93	0	1	5	20.00	1	98	1.02
1956	2	60	3.33	1	11	9.09	3	71	4.22
1957	1	110	.90	0	5	0	1	115	.86
1958	1	126	.79	0	5	0	1	131	.76
1959	0	131	0	0	1	0	0	132	0
1960	1	123	.81	0	28	0	1	151	.66
1961	3	158	1.89	0	10	0	3	168	1.78
1962	7	139	5.03	1	7	14.28	8	146	5.47
1963	3	135	2.22	1	8	12.50	4	143	2.79
1964	0	2	0	2	14	14.28	2	16	12.50
1965	6	162	3.70	2	20	10.00	8	182	4.39
1966	9	138	6.52	1	13	7.69	10	151	6.62
1967	9	138	6.52	4	12	33.33	13	150	8.66
1968	12	146	8.21	6	18	33.33	19	164	11.58
1969	13	158	8.22	8	13	61.53	21	171	12.28
1970	15	161	9.31	6	16	37.50	21	177	11.86
TOTAL	92	3023	3.04	35	290	12.06	127	3313	3.83

REASONS FOR CONDEMNATIONS

The fact that the number of condemnations has increased dramatically in the last eleven years is apparent; the reason for the increase is not. One could perhaps ascribe it to the general increase in United Nations membership over the past two and a half decades, especially in the Afro-Asian ranks. From 1946 to 1970 United Nations membership more than doubled, increasing from 51 to 127.

Growth in United Nations Membership

Year	Number of states	Names of States	
1946	51	Argentina	Luxemboug
		Austrailia	Mexico
		Belgium	Netherlands
		Bolivia	New Zealand
		Brazil	Nicaragua
		Byelorussian	Norway
		Soviet	Panama
		Socialist	Paraguay
		Republic	Peru
		Canada	Philippines
		Chile	Poland
		China	Saudi Arabia
		Colombia	South Africa
		Costa Rica	Syria
		Cuba	Turkey
		Czechoslovakia	Ukranian
		Denmark	Soviet Socialist
		Dominican Republic	Republic
		Ecuador	Union of Soviet
		Egypt	Socialist Republi
		El Salvador	United Kingdom of
		Ethiopia	Great Britain
		France	and Northern
		Greece	Ireland
		Guatemala	United States of
		Haiti	America
		Honduras	Uruguay
		India	Venezuela
		Iran	Yugoslavia
		Iraq	
		Lebanon	
		Liberia	

Year	Number of States	Names of States	
1946	4	Afghanistan Iceland	Sweden Thailand
1947	2	Pakistan	Yemen
1948	1	Burma	
1949	1	Israel	
1950	1	Indonesia	
1955	16	Albania Austria Bulgaria Cambodia Ceylon Finland Hungary Ireland	Italy Jordan Laos Libya Nepal Portugal Romania Spain
1956	4	Sudan Morocco	Tunisia Japan
1957	2	Ghana	Federation of Malaya (Malaysia)
1960	17	Cameroon Central African Republic Chad Congo (Brazzaville) Congo (Leopoldville) Cyprus Dahomey	Ivory Coast Madagascar Niger Somalia Togo Upper Volta Mali Senegal Nigeria Gabon
1961	4	Sierre Leone Mauritania	Mongolia Tanyanyika(Tanzania)
1962	6	Burundi Jamaica Rwanda	Algeria Uganda Trinidad and Tobago
1963	3	Kuwait Kenya	Zanzibar (Tanzania in 1964)
1964	3	Malawi Malta	Zambia

Year	Number of States	Names of States	
1965	3	Gambia Maldivé Islands	Singapore
1966	4	Guyana Botswana	Lesotho Barbados
1967	1	Southern Yemen	
1968	3	Mauritius Equatorial Guinea	Swaziland
1970	1	Fiji	

The mere listing of the new members of the United Nations means little, but the list becomes far more informative if the membership is grouped into blocs and the gradual growth or attrition of these blocs is recorded. This is clarified in the following chart. It should be noted that for the most part the chart is divided into the regional groups defined by the United Nations (Eastern European, Western European, Latin American, Asian, African). However, certain adjustments have been made.

1. The five permanent members of the Security Council are placed within their respective groups despite the fact that the United Nations lists them in a distinct category.

2. Three additional groups have been established as an aid to future analysis. These are the Commonwealth group (for analysis of resolutions condemning Southern Rhodesia), the Arab group (for analysis of resolutions condemning Israel), and the nonaligned group. All three groups overlap the regional groups defined by the United Nations. The nonaligned

group is made up of states that are formally members of other groups but are actually ostracized by these groups or refuse to identify themselves with them. Thus Yugoslavia is not clearly a member of the Eastern European group, China (Taiwan) was in an ambivalent position in the Asian group due to the presence of the People's Republic of China in the wings, South Africa is ostracized by the African group, and Israel is excluded, to a certain extent, from the Asian group due to Arab pressure.

Growth of Regional Groups in the United Nations

Year	Eastern European Group	Western European-North American Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1945	6	13	20	8	4	5	5	3
(51)	Soviet Union Byelorussian SSR Ukrainian S.S.R. Poland Czechoslovakia Yugoslavia	Belgium Denmark France Greece Luxembourg Netherlands Norway Turkey United Kingdom United States Canada Australia New Zealand	Argentina Bolivia Brazil Chile Colombia Costa Rica Dominican Republic Ecuador El Salvador Guatemala Haiti Honduras Mexico Nicaragua Panama Paraguay Peru Uruguay Venezuela	India Iran Iraq Lebanon Philippines Saudi Arabia Syria China	Ethiopia Liberia Egypt South Africa	Egypt Iraq Lebanon Saudi Arabia Syria	Australia New Zealand United Kingdom India Canada	China South Africa Yugoslavia

Year	Eastern European Group	West European North American Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1946 4 (55)		2 (15) Iceland Sweden		2 (10) Afghanistan Thailand				
1947 2 (57)				2 (12) Pakistan Yemen		1 (6) Yemen	1 (6) Pakistan	
1948 1 (58)				1 (13) Burma				
1949 1 (59)				1 (14) Israel				1 (4) Israel
1950 1 (60)				1 (15) Indodensia				
1955 16 (76)	4 (10) Albania Bulgaria Hungary Romania	6 (21) Finland Austria Ireland Portugal Spain Italy		5 (20) Cambodia Ceylon Jordan Laos Nepal	1 (5) Libya	2 (8) Jordan Libya	1 (7) Ceylon	
1956 4 (80)				1 (21) Japan	3 (8) Sudan Morocco Tunisia	3 (11) Sudan Morocco Tunisia		
1957 2 (82)				1 (22) Malaya	1 (9) Ghana		2 (9) Malaya Ghana	

Year	Eastern European Group	Western European North American Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1958 (82)					1 (10) Guinea	-1 (10) United Arab Republic		
1960 17 (99)				1 (23) Cyprus	16 (26) Cameroon Central African Republic Congo Dahomey Gabon Ivory Coast Madagascar Niger Somalia Togo Upper Volta Mali Senegal Zaire Nigeria		2 (11) Cyprus Nigeria	
1961 5 (104)				1 (24) Mongolia	3 (29) Sierre Leone Mauritania Tanganyika	1 (11) Syria	3 (14) Sierre Leone Mauritania Tanganyika	
1962 6 (110)			2 (22) Trinidad and Tobago, Jamaica		4 (33) Burundi Rwanda Algeria Uganda	1 (12) Algeria	3 (17) Jamaica Trinidad and Tobago Uganda	

Year	Eastern European Group	West European North American Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1963				1 (25)	2 (35)	1 (13)	2 (19)	
3 (113)				Kuwait	Kenya Zanzibar	Kuwait	Kenya Zanzibar	
1964		1 (22)			2-1 (36)		3-1 (21)	
2 (115)		Malta			Malawi Zambia -(Tangan- yika + Zanzibar = Tanzania)		Malta Malawi Zambia -(Tangan- yika + Zanzibar = Tanzania)	
1965				2-1 (26)	1 (37)		2 (23)	
2 (117)				Maldiv Island Singa- pore -Indo- nesia	Gambia		Singapore Gambia	
1966			2 (24)	1 (27)	2 (39)		4 (27)	
5 (122)			Barbados Guyana	Indone- sia	Botswa- na Lesotho		Barbados Guyana Botswana Lesotho	
1967				1 (28)		1 (14)		
1 (123)				South- ern Yemen		Southern Yemen		
1968					3 (42)		2 (29)	
3 (126)					Equator- ial Guinea Swaziland Mauritius		Mauritius Swaziland	
1970				1 (29)			1 (30)	
1 (127)				Fiji			Fiji	

The preceding demonstrates several facts very clearly: The Afro-Asian membership in the United Nations has increased nearly sevenfold in twenty-five years, the African membership alone increasing tenfold. On the other hand, the Western and Soviet blocs, while increasing their numbers, have decreased their percentage of votes in the United Nations. This can be seen more clearly in the following chart.

Percentage Growth of Regional Groups in the United States

Year	Eastern European Group		West European North American Group		Latin American Group		Asian Group		African Group		Arab Group		Commonwealth Group		Nonaligned Group	
	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.
1945	11.76	$\frac{6}{51}$	25.49	$\frac{13}{51}$	39.21	$\frac{20}{51}$	15.68	$\frac{8}{51}$	7.84	$\frac{4}{51}$	9.80	$\frac{5}{51}$	9.80	$\frac{5}{51}$	5.88	$\frac{3}{51}$
1946	10.90	$\frac{6}{55}$	27.27	$\frac{15}{55}$	36.36	$\frac{20}{55}$	18.18	$\frac{10}{55}$	7.27	$\frac{4}{55}$	9.09	$\frac{5}{55}$	9.09	$\frac{5}{55}$	5.45	$\frac{3}{55}$
1947	10.52	$\frac{6}{57}$	26.31	$\frac{15}{57}$	35.08	$\frac{20}{57}$	21.05	$\frac{12}{57}$	7.01	$\frac{4}{57}$	10.52	$\frac{6}{57}$	10.52	$\frac{6}{57}$	5.26	$\frac{3}{57}$
1948	10.34	$\frac{6}{58}$	25.86	$\frac{15}{58}$	34.48	$\frac{20}{58}$	22.41	$\frac{13}{58}$	6.89	$\frac{4}{58}$	10.34	$\frac{6}{58}$	10.34	$\frac{6}{58}$	5.17	$\frac{3}{58}$
1949	10.16	$\frac{6}{59}$	25.42	$\frac{15}{59}$	33.89	$\frac{20}{58}$	23.72	$\frac{14}{59}$	6.77	$\frac{4}{59}$	10.16	$\frac{6}{59}$	10.16	$\frac{6}{59}$	6.77	$\frac{4}{59}$
1950-1954	10.00	$\frac{6}{60}$	25.00	$\frac{15}{60}$	33.33	$\frac{20}{60}$	25.00	$\frac{15}{60}$	6.66	$\frac{4}{60}$	10.00	$\frac{6}{60}$	10.00	$\frac{6}{60}$	6.66	$\frac{4}{60}$
1955	13.28	$\frac{10}{76}$	27.63	$\frac{21}{76}$	26.31	$\frac{20}{76}$	26.31	$\frac{20}{76}$	6.64	$\frac{4}{76}$	10.52	$\frac{8}{76}$	9.21	$\frac{7}{76}$	5.26	$\frac{4}{76}$
1956	12.50	$\frac{10}{80}$	26.25	$\frac{21}{80}$	25.00	$\frac{20}{80}$	26.25	$\frac{21}{80}$	10.00	$\frac{8}{80}$	13.75	$\frac{11}{80}$	8.75	$\frac{7}{80}$	5.00	$\frac{4}{80}$
1957	12.19	$\frac{10}{82}$	25.60	$\frac{21}{82}$	24.39	$\frac{20}{82}$	26.82	$\frac{22}{82}$	10.97	$\frac{9}{82}$	13.41	$\frac{11}{82}$	10.97	$\frac{9}{82}$	4.87	$\frac{4}{82}$
1958 - 1959	12.19	$\frac{10}{82}$	25.60	$\frac{21}{82}$	24.39	$\frac{20}{82}$	26.82	$\frac{22}{82}$	12.19	$\frac{10}{82}$	12.19	$\frac{10}{82}$	10.97	$\frac{9}{82}$	4.87	$\frac{4}{82}$
1960	10.10	$\frac{10}{99}$	21.21	$\frac{21}{99}$	20.20	$\frac{20}{99}$	23.23	$\frac{23}{99}$	26.26	$\frac{26}{99}$	10.10	$\frac{10}{99}$	11.11	$\frac{11}{99}$	4.04	$\frac{4}{99}$
1961	9.61	$\frac{10}{104}$	20.19	$\frac{21}{104}$	19.23	$\frac{20}{104}$	23.07	$\frac{24}{104}$	27.88	$\frac{29}{104}$	10.57	$\frac{11}{104}$	13.46	$\frac{14}{104}$	3.84	$\frac{4}{104}$
1962	9.09	$\frac{10}{110}$	19.09	$\frac{21}{110}$	20.00	$\frac{22}{110}$	21.81	$\frac{24}{110}$	30.00	$\frac{33}{110}$	10.90	$\frac{12}{110}$	15.45	$\frac{17}{110}$	3.63	$\frac{4}{104}$

[illegible]

Thus the Latin American, West European/North American and Eastern European groups declined in percentage of votes in the General Assembly while the African, Asian, and Arab groups increased their voting power. The Latin American group had the smallest gain ~~in~~ membership, merely four new states. Whereas this group controlled 39.2% of the General Assembly votes in 1945, by 1970 it controlled only 18.8% despite the gain in membership. The West European/North American group had an increase in membership from thirteen to twenty-two states but a decrease in voting power from 25.5% to 17.3%. The Soviet group nearly doubled its membership, but it too lost in voting power. In 1945 it consisted of six states or 11.7% of the total votes while in 1970 the ten member states held only 7.9% of the votes in the General Assembly.

The underdeveloped groups were the major gainers in General Assembly membership over the past two and one-half decades. The Arab group grew from five states or 9.8% of the total vote in 1945 to fourteen states or 11% in 1970. The Asian group gained in membership by twenty-one states, from eight in 1945 (15.6%) to twenty-nine in 1970 (22.8%). Finally, the African group consisted of only four states or 7.8% in 1945 while in 1970 it had forty-two members or 33% of the vote.

Thus a comparison of the United Nations membership and pattern of interest makes it apparent that they are parallel. When the membership was limited to states whose

major focus was the East-West struggle, United Nations condemnations were confined to this sphere. With the dramatic rise in states whose major concern was the North-South struggle, United Nations interest and condemnations shifted to this sphere.

This can be clarified further if the sponsors of condemnatory resolutions from 1945 to 1960 are listed by regional groups. An analysis of this table will reveal that the vast majority of states sponsoring pre-1960 condemnatory resolutions were Western or pro-Western states.

Resolution Number	<u>Sponsors of Condemnations (pre-1960)</u>				
	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group
380	0	4	2	2	0
381	0	0	1	0	0
385	0	1	0	0	0
498	0	1	0	0	0
618	0	1	1	0	0
906	0	1	0	0	0
1004	0	1	0	0	0
1133	0	15	18	3	1
1312	0	15	17	5	0

Some of these resolutions were directed explicitly against the Soviet bloc condemning Bulgaria, Hungary, and Rumania for violating human rights; condemning Albania,

Bulgaria, Czechoslovakia, Hungary, Poland, and Rumania for their refusal to repatriate Greek children; and condemning North Korea and the People's Republic of China for the torture of United Nations prisoners of war, for example, Other resolutions indirectly condemned the Soviet bloc. The Soviet Union was vigorous in its protest against both. The abstentions and negative votes on resolutions of condemnation by regional groups were as follows:

Abstentions and Negative Votes on Resolutions of Condemnation (pre-1960) by Region

Resolution Number	Eastern European Group		Western European Group		Latin American Group		Asian Group		African Group	
	Abs.	Neq.	Abs.	Neq.	Abs.	Neq.	Abs.	Neq.	Abs.	Neq.
380	1	5	0	0	0	0	0	0	0	0
498	1	5	0	0	0	0	5	2	1	0
906	1	5	0	0	0	0	5	0	0	0
1004	1	8	1*	0	0	0	11	0	2	0
1133	0	10	1*	0	0	0	8	0	1	0
1312	0	10	2*	0	0	0	7	0	6	0

* Finland

The West sponsored and supported the resolutions condemning the East; the East strongly objected and attempted to block their passage. Since the West was numerically dominant in this period, it had little difficulty in winning approval for these resolutions. Despite this fact, resolutions of condemnation were relatively rare in this period.

Resolutions of condemnation approved since 1960 present a radical change in perspective. Classifying states by their date of entry into the United Nations, an examination of sponsors of condemnatory resolutions yields the following results:

1. Generally, more than 75% of the sponsors of post-1960 condemnatory resolutions were not original United Nations members.

2. In most cases, nearly half of the sponsors of these post-1960 condemnatory resolutions were themselves admitted after 1960.

A sample of post-1960 resolutions of condemnation will illustrate these points.

Sponsors of Condemnations

Resolution Number	Total Sponsors	Original Members	Members Admitted Since 1945	Members Admitted 1946-1959	Members Admitted 1960-1970
1698	24	11	13	7	6
1699	36	8	28	16	12
1805	45	7	38	14	24
1881	55	10	45	19	26
1899	38	5	33	13	20
1979	38	6	32	11	21
2022	56	11	45	18	27
2054A	47	8	39	10	29
2074	39	5	34	11	23
2107	35	7	28	7	21
2138	51	8	43	13	30
2145*	54	9	45	15	30
2151	53	11	42	15	27
2184	48	10	38	13	25
2202A	43	8	38	13	22
2262	49	10	39	13	26
2270	56	9	47	16	31
2288	60	19	41	12	29
2307	51	9	42	12	30
2324*	72	22	50	19	31
2325*	47	11	36	12	24
2326	38	8	30	8	22
2372*	55	9	46	14	32
2383	50	8	42	11	31
2394	12	2	10	4	6

Resolution Number	Total Sponsors	Original Members	Members Admitted Since 1945	Members Admitted 1946-1959	Members Admitted 1960-1970
2395	55	7	48	16	32
2396	47	7	40	13	27
2403*	51	18	33	11	22
2425	26	5	21	7	14
2446	19	7	12	2	10
2465*	14	2	12	2	10
2498	70	19	51	17	34
2506A	46	10	36	15	21
2506B	42	7	35	14	21
2507	44	4	40	14	26
2508	41	6	35	11	24
2517	38	6	32	8	24
2554	17	3	14	3	11
2558	10	3	7	1	6
2652	30	5	25	9	16
2678	33	5	28	10	18
2701	12	4	8	3	5
2703	15	3	12	5	7
2407	34	4	30	9	21
2708*	47	11	36	12	24

*Resolutions adopted without reference to a main committee.

Upon breaking down the number of sponsors into regional groups, several conclusions can be drawn.

1. The vast majority, generally over 90%, of those sponsoring resolutions of condemnation in the General Assembly are members of the African or Asian group.

2. Within the ranks of those sponsoring condemnatory resolutions the Africans outnumber the Asians two to one. In many cases nearly 75% of all African members in the United Nations sponsor these resolutions as against approximately 50% of the Asian group which has fewer members than the African group.

3. Few members of the Latin American group sponsor condemnatory resolutions (post-1960).

4. Few members of the Eastern European group, with the exception of Yugoslavia, sponsor resolutions of condemnation (post-1960).

5. Members of the Western European group rarely sponsored post-1960 condemnatory resolutions. Generally speaking, most of these resolutions have been aimed, at least indirectly, against their interests.

Thus sponsorship of condemnatory resolutions can be ranked in the order of most to least participation, as follows:

1. African group
2. Asian group
3. Latin American group
4. Eastern European group
5. Western European group

Sponsors of Condemnations by Regions (post-1960)

Resolution Number	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group
1698	3	0	7	11	3
1699	1	0	0	16	19
1805	0	0	1	16	28
1881	0	0	0	14	27
1899	0	0	1	14	23
1979	1	0	1	12	24
2012	0	0	1	8	31
2022	1	0	1	19	35
2024	1	1	4	19	34
2054A	2	0	1	8	36
2074	1	0	0	10	28
2138	1	0	1	15	34
2142	1	0	0	18	34
2184	5	0	0	12	31
2202A	2	0	1	13	27
2262	1	0	0	14	34
2270	1	0	0	18	37
2288	1	0	14	12	33
2307	1	0	3	14	33
2326	1	0	0	10	27
2383	1	0	3	13	33
2394	0	0	0	6	6
2395	1	0	4	15	34
2396	1	0	1	15	30

Resolution Number	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group
2425	1	0	1	4	20
2446	2	0	0	4	13
2448	1	1	12	22	34
2517	1	0	1	14	27
2506A	2	0	1	16	27
2506B	2	0	0	14	26
2507	1	0	0	13	30
2508	1	0	1	11	28
2554	1	0	0	4	12
2558	1	0	0	3	6
2652	1	0	0	6	23
2678	1	0	1	8	23
2701	1	0	0	4	7
2703	2	0	0	0	13
2645	0	12	9	9	4
2145	0	0	0	20	33
2324	2	8	10	18	34
2325	1	1	0	16	29
2372	1	0	4	17	33
2465	0	0	0	3	11
2403	1	0	16	10	24
2708	1	0	0	7	21

The lines of demarcation in voting are not altogether precise because, unless a resolution is totally unrealistic or obviously aimed against its own interests, most states, including those from the West, will generally acquiesce to the will of the majority and vote for the resolution to avoid offending the uncommitted states. However, a state may indicate its displeasure by abstaining rather than voting for or against a resolution. It is therefore beneficial to study abstentions as well as the more obvious negative votes on resolutions of condemnation. Several facts emerge from such a study.

1. Except in certain rare cases, well of 90% of states that abstain or vote against resolutions of condemnation (post-1960) were admitted to the United Nations before 1960.

2. Generally, over two-thirds of states that abstain or vote against resolutions of condemnation are original members of the United Nations.

3. Few, if any, states which were admitted since 1960 abstain on, and practically none vote against, resolutions of condemnation (post-1960).

Abstentions and Negative Votes on Resolutions of Condemnation

Resolution Number	Total Abstentions	Total Negative Votes	Original Members		Members Admitted 1946-1959		Members Admitted 1960-1970	
			Abst.	Neg.	Abst.	Neg.	Abst.	Neg.
1699	2	3	2	1	0	2	0	0
1805	13	7	10	5	3	2	0	0
1811	18	14	12	11	6	3	0	0
1881	0	1	0	1	0	0	0	0
1979	3	2	2	1	1	1	0	0
2022	18	9	11	8	7	1	0	0
2054A	16	2	10	1	6	1	0	0
2107	15	26	9	22	6	4	0	0
2138	18	2	12	1	6	1	0	0
2145	3	2	2	1	0	1	1	0
2184	22	13	17	10	4	3	1	0
2189	20	7	11	5	8	1	1	1
2202A	13	2	9	1	3	1	1	0
2262	18	2	11	1	7	1	0	0
2270	21	7	15	5	5	2	1	0
2324	1	2	0	1	0	1	1	0
2325	18	2	12	1	5	1	1	0
2372	18	2	12	1	5	1	1	0
2383	19	9	10	8	8	1	1	0
2394	7	1	5	1	1	0	1	0
2395	15	3	12	2	2	1	1	0
2403	16	2	11	1	4	1	1	0
2425	19	2	12	1	6	1	1	0
2498	6	2	3	1	0	1	3	0

Resolution Number	Total Abstentions	Total Negative Votes	Original Members		Members Admitted 1946-1959		Members Admitted 1960-1970	
			Abst.	Neg.	Abst.	Neg.	Abst.	Neg.
2507	18	2	13	1	2	1	3	0
2508	20	7	7	7	7	0	6	0
2517	19	2	12	1	5	1	2	0
2554	18	2	12	1	5	1	1	0
2558	19	3	11	2	6	1	2	0
2652	14	10	5	9	6	1	3	0
2671F	16	6	8	5	6	1	2	0
2674	36	2	22	1	10	1	4	0
2678	14	5	7	4	5	1	2	0
2701	18	2	13	1	4	1	1	0
2703	12	11	3	10	7	1	2	0
2707	16	6	11	4	4	2	1	0
2708	22	5	10	4	9	1	3	0
2714	34	1	24	0	8	1	2	0

The chart above illustrates that nearly all the states admitted to the United Nations after 1960 support resolutions of condemnation. The fact that many original and pre-1960 members abstain or vote against these resolutions casts doubt on the assertion that resolutions of condemnation (post-1960) would have been approved without the advent of post-1960 members. In order to further clarify this point as well as to demonstrate exactly which groups abstain or vote against resolutions of condemnation, the following chart places the states abstaining into their respective groups.

States which Abstain or Vote Against Condemnatory Resolutions

Resolution Number	by Regions (post-1960)									
	Eastern European Group		Western European Group		Latin American Group		Asian Group		African Group	
	Abs.	Neg.	Abs.	Neg.	Abs.	Neg.	Abs.	Neg.	Abs.	Neg.
1805	0	0	1	0	0	0	0	0	0	0
1811	0	0	7	13	8	0	3	0	0	1*
1881	0	0	0	0	0	0	0	0	0	1*
1979	0	0	3	1	0	0	0	0	0	1*
2022	0	0	10	8	8	0	0	0	0	1*
2024	0	0	1	1	0	0	0	0	0	1*
2054	0	0	15	1	0	0	1	0	0	1*
2138	0	0	17	1	1	0	0	0	0	1*
2145	0	0	2	1	0	0	0	0	1	1*
2184	0	0	9	11	12	1	0	0	1	1*
2189	0	0	13	6	3	0	2	0	1	1*
2202A	0	0	1	0	0	0	0	0	0	1*
2262	0	0	17	1	0	0	1	0	0	1*
2270	1	0	8	2	1	0	0	0	1	1*
2288	1	0	15	1	0	0	0	0	1	1*
2107	0	0	8	12	2	13	5	0	0	1*
2324	0	0	0	1	0	0	0	0	1	1*
2325	1	0	16	1	0	0	0	0	1	1*
2372	0	0	16	1	1	0	0	0	1	1*
2383	0	0	11	8	6	0	1	0	1	1*
2395	0	0	10	1	4	1	0	0	1	1*
2403	0	0	15	1	0	0	0	0	1	1*
2425	0	0	16	1	2	0	0	0	1	1*
2498	0	0	3	1	0	0	0	0	3	1*

Resolution Number	Eastern European Group		Western European Group		Latin American Group		Asian Group		African Group	
	Abs.	Neg.	Abs.	Neg.	Abs.	Neg.	Abs.	Neg.	Abs.	Neg.
2507	0	0	12	1	5	0	0	0	3	1*
2508	0	0	10	6	3	0	1	0	6	1*
2517	0	0	16	1	1	0	0	0	2	1*
2554	0	0	16	1	1	0	0	0	1	1*
2558	0	0	16	2	1	0	0	0	2	1*
2652	0	0	10	9	1	0	0	0	3	1*
2671F	0	0	12	5	1	0	1	0	2	1*
2674	0	0	18	1	12	1	3	0	3	0
2678	0	0	12	4	0	0	0	0	2	1*
2701	0	0	15	1	2	0	0	0	1	1*
2702	0	0	3	14	8	0	9	0	2	2
2703	0	0	8	10	1	0	1	0	2	1*
2707	0	0	13	4	2	1	0	0	1	1*
2708	0	0	15	4	1	0	3	0	3	1*
2714	0	0	17	1	12	0	3	0	2	0

* South Africa

The chart clarifies several points.

1. With the exception of the Republic of South Africa (which was for this very reason placed in the nonaligned group in previous charts), most African states support resolutions of condemnation, as do most Asian states. Few abstain on these resolutions and even fewer vote against them.

2. The Eastern European group generally strongly supports condemnatory resolutions although often charging that the resolutions are too weak.

3. Most Latin American states vote for resolutions of condemnation; a few sometimes abstain. Only in rare instances does a Latin American state vote against one of these resolutions.

4. A large proportion (usually over 75%) of those abstaining or voting against these resolutions of condemnation are Western European states or their allies.

Thus a list of states that object to these resolutions of condemnation, in order of increasing severity, would show the following sequence:

1. Eastern European group
2. Asian group
3. African group
4. Latin American group
5. Western European group

The few African states which did abstain on condemnatory resolutions affecting Southern Africa were generally economically dependent on, or hoped to gain economic benefits from, South Africa. Some African states have lately asserted that, since force seems to accomplish nothing, perhaps a dialogue with South Africa will serve to change that state's policy; that is why they have abstained on condemnatory resolutions.

In considering General Assembly condemnatory resolutions several other factors must be analyzed to demonstrate certain

elements common to condemnatory resolutions or their targets.

First, the condemned states are similar in one basic characteristic: Each has a determined group of states allied against it. Its continued existence in its present form is anathema to the states in this group and they are therefore bound together by one common goal--the destruction of that state itself or a drastic alteration of its policies. This group believes that the continued existence of this state is a threat to the very principles upon which they were founded. Hostility and fear are the dominant emotions of this group. Thus the Western states in the 1950's considered the Soviet Union and its allies a mortal danger and wished to limit their expansion; the Arab states hate and fear Israel and wish to destroy it; the African states hate and fear South Africa, Southern Rhodesia, and the Portuguese policy of colonialism and wish to be rid of them.

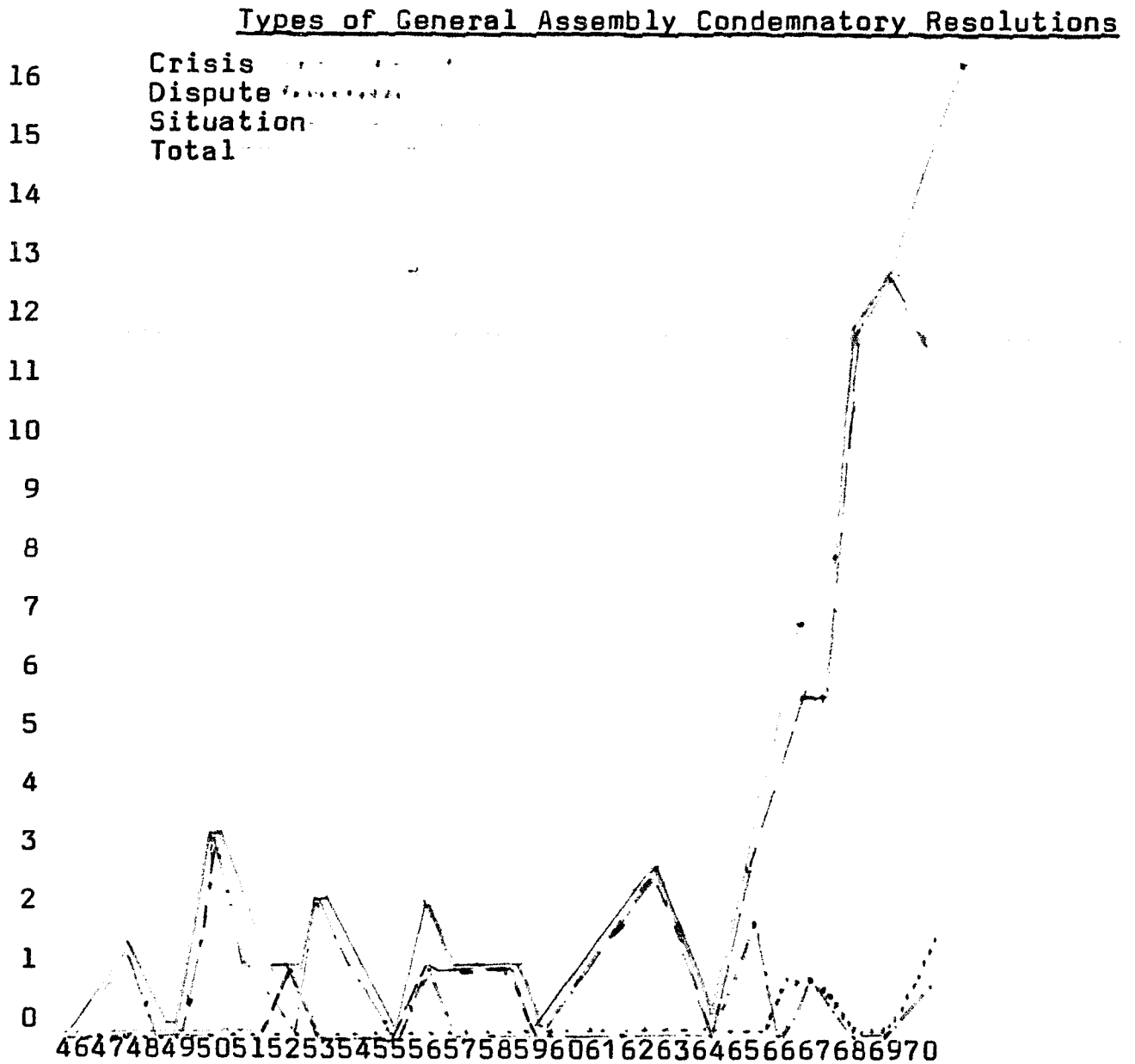
Second, the rise in African membership coincides rather closely with the tremendous increase in condemnations. In 1960, sixteen African states were admitted to the United Nations, increasing that bloc's size from ten to twenty-six members; in the following year the United Nations condemned both South Africa and Portugal for the first time, and the number of condemnations tripled. Although this is no direct proof that one factor has any connection with the other, in light of the previous point it may be rated as circumstantial evidence, especially if one also considers that one African

states had both motive and opportunity.

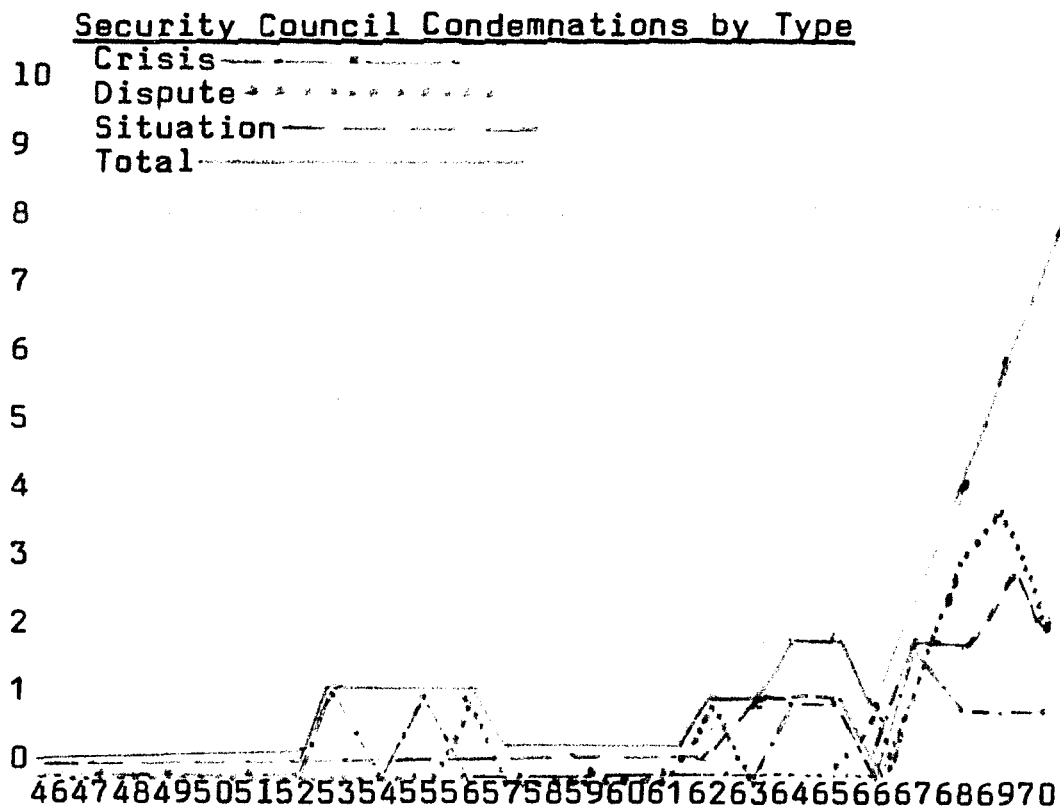
Third, the vast majority of General Assembly condemnatory resolutions approved in the past decade were situation or dispute condemnations, not crisis condemnations. Thus in the last eleven years the General Assembly approved seventy-three condemnatory resolutions of which sixty-four were situation condemnations, four were dispute condemnations, and only five were crisis condemnations.

Year	<u>General Assembly Condemnations by Type</u>			Total Condemnations
	Crisis Condemnations	Dispute Condemnations	Situation Condemnations	
1946	0	0	0	0
1947	1	0	0	1
1948	0	0	0	0
1949	0	0	0	0
1950	3	0	0	3
1951	0	0	0	0
1952	0	0	1	1
1953	2	0	0	2
1954	1	0	0	1
1955	0	0	0	0
1956	1	0	1	2
1957	0	0	1	1
1958	0	0	1	1
1959	0	0	0	0
1960	0	0	1	1
1961	0	0	3	3
1962	0	0	4	4
1963	0	0	3	3
1964	0	0	0	0
1965	2	0	4	6
1966	0	1	7	8
1967	1	1	7	9
1968	0	0	12	12
1969	0	0	13	13
1970	1	2	12	15
TOTAL	<u>12</u>	<u>4</u>	<u>70</u>	<u>86</u>

A graph comparing the frequency of each type of resolution would appear as follows:



In the Security Council, on the other hand, different factors are at play. The majority of its condemnations are not situation condemnations and the majority of its members are not African states.



Security Council Condemnations by Type

<u>Year</u>	<u>Crisis Condemnations</u>	<u>Dispute Condemnations</u>	<u>Situation Condemnations</u>	<u>Total Condemnations</u>
1946	0	0	0	0
1947	0	0	0	0
1948	0	0	0	0
1949	0	0	0	0
1950	0	0	0	0
1951	0	0	0	0
1952	0	0	0	0
1953	1	0	0	1
1954	0	0	0	0
1955	1	0	0	1
1956	0	1	0	1
1957	0	0	0	0
1958	0	0	0	0
1959	0	0	0	0
1960	0	0	0	0
1961	0	0	0	0
1962	0	1	0	1
1963	0	0	1	1
1964	1	0	1	2
1965	1	0	1	2
1966	0	1	0	1
1967	2	0	2	4
1968	1	3	2	6
1969	1	4	3	8
1970	1	2	2	5
TOTAL	<u>9</u>	<u>12</u>	<u>12</u>	<u>33</u>

As can be seen by the chart, most condemnatory resolutions approved by the Security Council are crisis or dispute condemnations for the basic reason that the Security Council was formed in order to deal with crises and as such has a small membership and the permanent presence of the five major powers (as well as their veto should they ever come into conflict). Since efficient and immediate action in a crisis necessitates a small body, the Security Council till 1966 was composed of only eleven members, an additional four being added in that year. One would therefore not expect the African group to have an excessive influence on that body. Yet the fact is that the African group, sometimes in combination with the Asian group, wields great influence in the Security Council. This is due to several factors.

1. The African group has had at least two votes in the Security Council each year since 1961 except in 1965. Before this period it generally had no votes, or at best one; Egypt was a member for three years, Tunisia for two years. But neither of these states was truly African in terms of its interests at the time. The occasional lone African vote pre-1961 was one-eleventh or 9.09% of the total voting power in the Security Council. Since 1961 the African group has had at least two elevenths or 18.18% of the total vote in the Security Council, and in 1966 this increased to three-fifteenths or 20%. While not a majority this is an important block of

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votes, certainly as compared to the earlier period.

2. The African vote is often combined with the Asian vote against the colonial states. Whereas before 1966 the Asian group varied in strength between two and three votes, since 1965 it has always had three votes. When combined with the three African votes, this gives the Afro-Asian group six votes or 40% of the total voting power, a not insignificant percentage.

Security Council Membership by Regional Groups

Year	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1946	2(18.18%)	5(45.45%)	2(18.18%)	1(9.09%)	1(9.09%)		1(9.09%)	1(9.09%)
(11)	Soviet Union Poland	United States United Kingdom Netherland France Australia	Brazil Mexico	China	Egypt		Austrailia	China
1947	2(18.18%)	5(45.45%)	2(18.18%)	2(18.18%)		1(9.09%)	1(9.09%)	1(9.09%)
(11)	Soviet Union Poland	United States United Kingdom France Belgium Australia	Brazil Colombia	China Syria		Syria	Austrailia	China
1948	2(18.18%)	5(45.45%)	2(18.18%)	2(18.18%)		1(9.09%)		1(9.09%)
(11)	Soviet Union Ukranian S.S.R.	United States United Kingdom France Belgium Canada	Argentina Columbia	China Syria		Syria		China
1949	2(18.18%)	5(45.45%)	2(18.18%)	1(9.09%)	1(9.09%)	1(9.09%)		1(9.09%)
(11)	Soviet Union Ukranian S.S.R.	United States United Kingdom France Canada Norway	Argentina Cuba	China	Egypt	Egypt		China

Year	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1950	2(18.18%)	4(36.36%)	2(18.18%)	2(18.18%)	1(9.09%)	1(9.09%)		2(18.18%)
(11)	Soviet Union Yugoslavia	United States United Kingdom France Norway	Cuba Ecuador	China India	Egypt	Egypt		China Yugoslavia
1951	2(18.18%)	5(45.45%)	2(18.18%)	2(18.18%)				2(18.18%)
(11)	Soviet Union Yugoslavia	United States United Kingdom France Netherland Turkey	Brazil Ecuador	China India				China Yugoslavia
1952	1(9.09%)	6(54.54%)	2(18.18%)	2(18.18%)				1(0.09%)
(11)	Soviet Union	United States United Kingdom France Greece Netherland Turkey	Brazil Chile	China Pakistan				China
1953	1(9.09%)	5(45.45%)	2(18.18%)	3(27.27%)		1(9.09%)		1(9.09%)
(11)	Soviet Union	United States United Kingdom France Denmark Greece	Chile Colombia	China Lebanon Pakistan		Lebanon		China

Year	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group	Arab Group	Common-wealth Group	Nonaligned Group
1954	1(9.09%)	6(54.54%)	2(18.18%)	2(18.18%)		1(9.09%)	1(9.09%)	1(9.09%)
(11)	Soviet Union	United States United Kingdom France Denmark New Zealand Turkey	Brazil Colombia	China Lebanon		Lebanon	New Zealand	China
1955	1(9.09%)	6(54.54%)	2(18.18%)	2(18.18%)			1(9.09%)	1(9.09%)
(11)	Soviet Union	United States United Kingdom France Belgium New Zealand Turkey	Brazil Peru	China Iran			New Zealand	China
1956	2(18.18%)	5(45.45%)	2(18.18%)	2(18.18%)			1(9.09%)	2(18.18%)
(11)	Soviet Union Yugoslavia	United States United Kingdom France Australia Belgium	Cuba Peru	China Iran			Australia	China Yugoslavia
1957	1(9.09%)	5(45.45%)	2(18.18%)	3(27.27%)		1(9.09%)	1(9.09%)	1(9.09%)
(11)	Soviet Union	United States United Kingdom France Australia Sweden	Colombia Cuba	China Iraq Philippines		Iraq	Australia	China

Year	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1958	1 (9.09%)	5 (45.45%)	2 (18.18%)	3 (27.27%)		1 (9.09%)		1 (9.09%)
(11)	Soviet Union	United States United Kingdom France Canada Sweden	Colombia Panama	China Iraq Japan		Iraq		China
1959	1 (9.09%)	5 (45.45%)	2 (18.18%)	2 (18.18%)	1 (9.09%)	1 (9.09%)		1 (9.09%)
(11)	Soviet Union	United States United Kingdom France Canada Sweden	Argentina Panama	China Japan	Tunisia	Tunisia		China
1960	2 (18.18%)	4 (36.36%)	2 (18.18%)	2 (18.18%)	1 (9.09%)	1 (9.09%)		1 (9.09%)
(11)	Soviet Union Poland	United States United Kingdom France Italy	Argentina Ecuador	China Ceylon	Tunisia	Tunisia		China
1961	2 (18.18%)	4 (36.36%)	2 (18.18%)	2 (18.18%)	2 (18.18%)	1 (9.09%)		1 (9.09%)
(11)	Soviet Union Poland	United States United Kingdom France Turkey	Chile Ecuador	China Ceylon	Liberia United Arab Republic	United Arab Republic		China
1962	2 (18.18%)	4 (36.36%)	2 (18.18%)	1 (9.09%)	2 (18.18%)	1 (9.09%)		1 (9.09%)
(11)	Soviet Union Romania	United States United Kingdom France Ireland	Chile Venezuela	China	Ghana United Arab Republic	United Arab Republic		China

Year	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group	Arab Group	Common- wealth Group	Nonaligned Group
1963	1 (9.09%)	4 (36.36%)	2 (18.18%)	2 (18.18%)	2 (18.18%)	1 (9.09%)		1 (9.09%)
(11)	Soviet Union	United States United Kingdom France Norway	Brazil Venezuela	China Philip- pines	Ghana Morocco	Morocco		China
1964	2 (18.18%)	4 (36.36%)	2 (18.18%)		2 (18.18%)	1 (9.09%)		1 (9.09%)
(11)	Soviet Union Czechoslo- vakia	United States United Kingdom France Norway	Bolivia Brazil		Ivory Coast Morocco	Morocco		China
1965	1 (9.09%)	4 (36.36%)	2 (18.18%)	3 (27.27%)	1 (9.09%)	1 (9.09%)		1 (9.09%)
(11)	Soviet Union	United States United Kingdom France Netherlands	Bolivia Uruguay	China Jordan Malaysia	Ivory Coast	Jordan		China
1966	2 (13.13%)	5 (33.33%)	2 (13.13%)	3 (20%)	3 (20%)	1 (6.66%)	1 (6.66%)	1 (6.66%)
(15)	Soviet Union Bulgaria	United States United Kingdom France Netherlands New Zealand	Argentina Uruguay	China Japan Jordan	Mali Nigeria Uganda	Jordan	New Zealand	China

Year	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group	Arab Group	Commonwealth Group	Nonaligned Group
1967	2 (13.13%)	4 (27.27%)	2 (13.13%)	3 (20%)	3 (20%)			1 (6.66%)
(15)	Soviet Union Bulgaria	United States France Canada Denmark	Argentina Brazil	China India Japan	Ethiopia Mali Nigeria			China
1968	2 (13.13%)	5 (33.33%)	2 (13.13%)	3 (20%)	3 (20%)			1 (6.66%)
(15)	Soviet Union Hungary	United States United Kingdom France Canada Denmark	Brazil Paraguay	China India Pakistan	Algeria Ethiopia Senegal			China
1969	2 (13.13%)	5 (33.33%)	2 (13.13%)	3 (20%)	3 (20%)			1 (6.66%)
(15)	Soviet Union Hungary	United States United Kingdom France Finland Spain	Colombia Paraguay	China Nepal Pakistan	Algeria Senegal Zambia			China
1970	2 (13.13%)	5 (33.33%)	2 (13.13%)	3 (20%)	3 (20%)	1 (6.66%)		1 (6.66%)
(15)	Soviet Union Poland	United States United Kingdom France Finland Spain	Colombia Nicaragua	China Nepal Syria	Burundi Sierre Leone Zambia	Syria		China

3. Despite the fact that the Afro-Asian group controls only 40% of the votes in the Security Council it has tremendous influence in that body. This influence is attributable to the current three-way power struggle between the United States, the Soviet Union, and the People's Republic of China. Each power seeks the support of the uncommitted states, and each is willing to compromise on its short-range interests in order to enlarge its circle of friends. For this reason the three will support or at least not block the resolutions of the underdeveloped states on the North-South conflict.

Two factors assure the approval of Security Council condemnatory resolutions: a hard core of proponents and a larger group of states unwilling to antagonize them. The West has permitted the passage of resolutions condemning its members because it fears the loss of influence with the uncommitted bloc. The fact that the West has been relatively unenthusiastic about these resolutions can be perceived from the following chart, showing that the majority of the abstainers are Western or Western-oriented states.

Abstentions on Security Council Condemnations

Resolution Number	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group
101	1	0	0	1	0
106	0	0	0	0	0
108	0	0	0	0	0
111	0	0	0	0	0
171	0	1	0	0	0
188	0	2	0	0	0
191	2	1	0	0	0
216	0	1	0	0	0
217	0	1	0	0	0
228	0	1	0	0	0
236	0	0	0	0	0
239	0	0	0	0	0
240	0	0	0	0	0
241*	0	0	0	0	0
245	0	0	0	0	0
246	0	0	0	0	0
248	0	0	0	0	0
251	0	0	0	0	0
252	0	2	0	0	0
253	0	0	0	0	0
256	0	0	0	0	0
262	0	0	0	0	0
264	0	2	0	0	0
265	0	2	2	0	0

Resolution Number	Eastern European Group	Western European Group	Latin American Group	Asian Group	African Group
267	0	0	0	0	0
268	0	4	0	0	0
269	0	4	0	0	0
270*	0	0	0	0	0
271	0	2	2	0	0
273	0	2	0	0	0
276	0	2	0	0	0
277	0	1	0	0	0
280	0	1	2	0	1
282	0	3	0	0	0
<u>290</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>
Totals	4	36	6	1	1

* Adopted without Vote

Summarizing the findings considered above:

1. The sponsors of pre-1960 condemnatory resolutions were ~~predominantly~~^{predominantly} Western or pro-Western states.
2. The vast majority of those who voted against pre-1960 condemnatory resolutions were Eastern European states, members of the Soviet bloc.
3. Those who abstained on pre-1960 condemnatory resolutions were mostly members of the neutralist group (predominantly from Asia).
4. The sponsors of post-1960 condemnatory resolutions are predominantly members of the African and Asian groups, admitted after 1960.
5. The vast majority of those who vote against or abstain on post-1960 condemnatory resolutions are original members of the United Nations, generally Western European states.
6. There has been a dramatic increase in condemnatory resolutions since 1960 in the General Assembly and since 1966 in the Security Council.
7. The increase in condemnatory resolutions in the General Assembly has been limited to situation and dispute condemnations, not crisis condemnations.
8. There has been a large increase in African membership in the United Nations since 1960, greatly increasing that group's voting power.

9. The Afro-Asian group has had less voting strength in the Security Council than in the General Assembly yet it has had a disproportionate share in both since 1960 due, partially at least, to its presence in the international arena at a time of great-power search for allies and friends.

10. The Western group had a decisive majority in the General Assembly before 1960.

11. Each condemned state has had arrayed against it a group of states dedicated to achieving drastic changes in its form or policy.

In the light of these findings, a fundamental question arises: Why were certain states condemned, while others which have committed similar crimes were not? Why was not West Pakistan condemned for its massacres in East Pakistan, Nigeria for its repression of Biafra, the Sudan for its atrocities against its Negro population? Is it possible that morality in the United Nations is not an absolute but a relative standard, a standard tempered by the exigencies of the political situation? Are condemnatory resolutions expressions of moral outrage or of political expediency? The description detailed in the previous pages seems to point to a combination of the political and moral factors in United Nations condemnatory resolutions, with stress on the latter. Thus every state which has been condemned has been in a negative political situation; i.e., it has had a large group of states opposed to its existence or to its governing personnel and/or policies.

However, although a large group of enemy states is a necessary political factor, it is not sufficient for the approval of a condemnatory resolution. There must also be a moral factor, a policy or action of the condemned state which is judged to be morally wrong. The state must pursue a policy which is viewed unfavorably by most members of the world organization. Both factors are necessary for the passage of any condemnatory resolution; neither will suffice without the other, for the most part.

The spark that ignites the fuel of condemnation is the actual action or policy of a particular state which is judged to be morally wrong by a majority of nation-states. Once the moral factor (the action or policy) is implemented, it, combined with the political factor (the large body of states opposed to the policies or the continued existence of that state) may lead to a condemnatory resolution.

In the case of the direct and indirect condemnations of the Soviet Union during the first decade and a half of United Nations history both requirements for a condemnation were fulfilled. There existed a large group of states-Western Europe-bitterly opposed to the policies of the Soviet Union and fearful that the Soviet Union was a threat to its very survival. The particular Soviet action which sparked one condemnatory resolution was its restrictions on the flow of information. In this case the political factor (fear and hatred of the Soviet Union) played a larger role than the

moral factor (infringement of the freedom of information), which was not a grave offense in itself. The intensity of the fear made up for the weakness of the violation. By the time of the Hungarian Revolution, fear of the Soviet Union had somewhat diminished, thus weakening the political factor. However, the magnitude of the moral factor more than compensated for this.

In the South African case there is a convergence of the two factors. The African states are united against South Africa because of its policy of apartheid as well as its determination to retain South-West Africa despite United Nations calls for its independence. However, were there not a large African group in the United Nations it is doubtful that South Africa would have been condemned. Its policy of apartheid was initiated in 1948, yet the United Nations waited until 1961 to condemn it. South Africa attempted to integrate South-West Africa in the late 1940's, was no more cooperative in the 1950's, yet was not condemned for its actions in regard to South-West Africa until 1962. Only when there was a large bloc of African members antagonistic toward South Africa did the United Nations condemn the same actions which were at most deplored during the previous decade.

Portugal was first condemned in 1961, yet its policies toward its colonies have changed little in the last 500 years. One can cite two reasons for the change in world public opinion. First, other colonial states have altered their attitudes toward their colonies; Portugal has not. Second, the outbreak of guerrilla warfare in Angola in 1961 drew world attention to this area. Nevertheless, had there not existed the political factor of a large African membership in the United Nations it is doubtful if Portugal would ever have been condemned since it, unlike all other states condemned within the last decade, is an active member of the Western bloc. Portugal is not isolated in the United Nations, and condemnations would therefore seem unlikely. The fact that they have been approved attests to the strength of the African group.

Southern Rhodesia is a state with few friends and numerous foes, including the African group. Nevertheless, the moral factor in its condemnation was the unilateral declaration of independence by a small white minority in a state with a large Black majority. The political factor was the opposition of a large group of African states. In the process of passing a series of United Nations condemnations, the United Kingdom was also condemned for not crushing the Southern Rhodesian government by force.

Finally, Israel has been repeatedly condemned. As is the case with South Africa, it is isolated in the United Nations with few friends and powerful foes. This base of

hostility and isolation has been a contributing factor in its condemnation. Yet there might have been few, if any, condemnations had Israel not carried out an active policy of reprisals. This policy was the moral factor which alienated even its friends in the organization; when combined with the political factor of numerous enemies in the United Nations, it led to the condemnations.

The crucial question still remains: Even when both the political and moral factors are present, why bother with condemning a state? What does a condemnatory resolution accomplish? Certain common characteristics of the actors involved will allow us to theorize as to the reasons for condemnatory resolutions.

Do condemning states receive some benefit from condemnations? Does the fact that states expend time, effort, and money to avoid and/or answer condemnatory resolutions indicate that they find these resolutions troubling? And if so, why? The United Nations representatives from the condemned states agree that such condemnatory resolutions have little overt effect on their states. Why do they challenge or avoid condemnations? Possibly the reasons can be discovered by analyzing the characteristics common to the condemners and the condemned.

The most striking similarity is that the condemned states are all (1) powerful, (2) successful, and observed to be (3) threatening.

1. The states condemned are generally the strongest in their area though perhaps not internationally. South Africa is the strongest state in Africa; Israel is the strongest in the Middle East; the Soviet Union is militarily overpowering; and the People's Republic of China is the dominant nation on the Southeast Asian continent.

2. The state condemned has generally been relatively successful in quelling a revolution which the other states supported. In addition, it is usually a prosperous state, certainly in comparison to its neighbors. Thus the Soviet Union was successful in repressing the Hungarian Revolution; Portugal was successful in repressing most revolutionary activity in Angola; Israel inflicted heavy casualties on the fedayeen; and South Africa is the most prosperous state on the African continent.

3. The state condemned is viewed as threatening precisely because it is successful and powerful. Thus the Arab states fear Israeli expansionism, and the African states are afraid that South Africa will attack the Northern Black states.

What is accomplished by condemning these states? What benefits do the condemners derive from a United Nations condemnation?

There are several possible benefits from condemnations of successful, powerful, and threatening neighbor states. Among them are the following.

1. A condemnation may relieve the frustration of failure

felt by the leaders of the condemning states themselves. It is a balm for the wounds inflicted by the enemy. Thus the sense of failure is somewhat alleviated and self-confidence restored by this demonstration of world moral support and sympathy.

2. A condemnatory resolution may aid the government of a state in the eyes of its people by creating a demonstrable victory. Despite the losses on the battlefield or the lags in development, the state has been victorious in the political field, in the United Nations. The victory can be explained to the people thus overcoming some of the animosity directed toward the government for its failures. A condemnatory resolution is therefore a useful domestic device for a state.

3. Condemnatory resolutions may be used by a state to demonstrate that the enemy is morally wrong and that the whole outside world supports its cause. This may help to boost the morale of the armed forces as well as the population as a whole.

4. Conversely, by having a foe condemned, states seek to lower the morale of its civilian population as well as its armed forces, in the hope that an atmosphere of despair may erode the morale of the entire nation.

5. The condemning states hope a steady stream of condemnations will gradually create an international climate of opinion which will eventually legitimize an attack on

the condemned state. Thus repetition of condemnations is intended to create a moral justification for war.

6. Condemnatory resolutions may lead to stronger resolutions. Many member states are increasingly frustrated by a state's consistent refusal to obey United Nations directives, especially if expressed in as strong a form as a condemnatory resolution. A climate is therefore created in which further steps such as expulsion, sanctions, or even the use of armed force may eventually be proposed. These proposals are voiced with increasing urgency, making it progressively more difficult for the allies of the condemned state to block them. Gradually, the United Nations will take more stringent steps which may help them defeat or humble their foes.

7. Resolutions of condemnation may affect the policy of the condemned state, either in the short run or in the long run. Even minor changes are better than none at all; they may gradually lead to further minor concessions and, eventually, to major changes.

8. Finally, resolutions of condemnation are introduced because the sponsoring states can do little else. They are an act of desperation, an act taken because no other action is possible. Thus the United States pressed for the condemnation of the Soviet Union for its action in suppressing the 1956 Hungarian Revolution because it could do little else without incurring a serious risk of a new world war. The resolution was an expression of concern and support for the revolutionaries,

yet it did not involve any risks. The same situation prevails in African condemnations of Portugal, South Africa, and Southern Rhodesia and in Arab condemnations of Israel. A condemnation is, in many respects, an admission of weakness.

There remains the question of the dramatic increase in condemnatory resolutions in the last decade. Why this increase since 1961? The fact that the Afro-Asian states are now in the majority in the General Assembly--together with the reasons for these resolutions cited above--is crucial in the past decade's increase in condemnatory resolutions.

The West was by no means helpless against the East. It had a massive preponderance in nuclear arms, and it had other means outside the United Nations which it could draw on to defend its interests. The United States could utilize military and economic measures against the Soviet Union. America's troops fought in the Korean conflict; its military aid was sent to Greece and Turkey; its Marshall Plan helped Europe recover from the ravages of World War II, thus making it less susceptible to communism. Much of the struggle against the East thus took place outside the United Nations. Only when the United States felt most helpless against the Soviet bloc did it resort to condemnatory resolutions: the Communist Chinese drive into South Korea, for example.

The African states, on the other hand, have no recourse other than the United Nations in their effort to eliminate

colonialism. They do not possess the military means to force the colonial states to alter their policies. They therefore turn to the United Nations for two reasons: the hope that they can influence the allies of the colonial states to press for changes in their policies and the lack of any alternative. The resort to United Nations condemnations is a measure of their desperation and helplessness. That some states can do nothing else is evident in the Security Council condemnations of Israel, which have risen sharply since the 1967 war (five from 1948 to 1967, eight from 1968 to 1970). The Arab states cannot prevent Israel from incorporating the old city of Jerusalem into the new one, so they condemn Israel for it. They cannot prevent Israel's reprisals, so again they condemn her.

A related explanation for the increase in condemnatory resolutions in the last decade should also be examined. The Western states did not place a great degree of confidence in the United Nations after their disastrous experience with its predecessor, the League of Nations. They created the United Nations and therefore were cognizant of its shortcomings. The African states, on the other hand, were created in the age of the United Nations and, to a great degree, by the United Nations. They place great confidence in this organization; having had no previous experience with international organizations, they look on the United Nations as the great hope of mankind.¹ In a sense the Western states have had little

¹ John Karefa-Smart, "Africa and the United Nations," International Organization, Vol. XIX, No. 3, Summer, 1967, p. 766.

confidence in the United Nations precisely because they created it, while the Southern states have had most confidence in the United Nations because it created many of them.

In the first decade, despite its reservations, the United States demonstrated the use of condemnations, using the United Nations to condemn the Soviet bloc. Gradually the leaders of the new states, then students in the United States or in other Western states, became infected with a faith in the United Nations which is reflected in their later policies toward that organization. The manifold condemnations of the last decade may therefore have been due to earlier American inspiration.

The following chapters will further examine the possibilities envisaged in this chapter through a study of individual cases of condemnations.

PART II

CASE STUDIES

In order to test the theories discussed earlier as well as examine the effect, if any, of condemnatory resolutions it is necessary to study specific cases. Therefore, the following is an intensive examination of three condemnatory resolutions. The first is a crisis condemnatory resolution, General Assembly resolution 498, which condemned the People's Republic of China; the second is a situation condemnation, General Assembly resolution 1805, which condemned the Republic of South Africa; and the third is a dispute condemnation, Security Council resolution 256, which condemned Israel. These are the three types of condemnatory resolutions used by the various organs of the United Nations in several periods of its history. One qualification, however. In this study it is not always possible to concentrate exclusively on one particular resolution; at times, an entire series of condemnatory resolutions must be considered in order to assess their effects on a state because the effects may be cumulative and not attributable to one resolution alone.

CHAPTER 3:

THE PEOPLE'S REPUBLIC OF CHINA

The People's Republic of China has been condemned three times by the United Nations during the period 1951 through 1954, all in relation to its actions in Korea. On February 1, 1951 the People's Republic of China was condemned for its intervention in the Korean conflict by a United Nations determination of aggression. The resolution was a crisis condemnation in response to the sudden Communist Chinese attack on United Nations forces in North Korea in November 1950. In coming to the aid of the North Korean forces, the resolution said, the People's Republic of China was guilty of aggression.

In the next three years the People's Republic of China was condemned twice more, again for actions relating to Korea. On December 3, 1953, the United Nations condemned the alleged mistreatment and torture (by North Korea and the People's Republic of China) of United Nations prisoners of war captured in Korea. This followed a series of reports of Communist Chinese atrocities against these prisoners.

On December 10, 1954 the People's Republic of China was again condemned, this time for the detention and trial of eleven United States airmen associated with the United Nations command in Korea.

HISTORY AND RECORD OF CONDEMNATIONS

Resolution 498, passed on February 1, 1951, although a condemnatory resolution, was not of the usual type. Most condemnatory resolutions utilize the word "condemn" or "censure" within their texts. Resolution 498 did not use either word, instead finding the People's Republic of China guilty of aggression. Since an accusation of aggression is one of the gravest charges that can be leveled against a state, this was one of the strongest condemnations ever. Although a resolution of condemnation generally consists of two parts, a judgment of guilt and an actual rebuke, in the case of a finding of aggression the mere announcement of this finding is so severe as to be a rebuke in itself. Therefore, resolution 498 is a condemnation.

An analysis of the origins of General Assembly resolution 498 provides an illustration of the evolution of a crisis condemnatory resolution. In 1945 Korea was occupied by American and Soviet troops, with the Americans accepting the surrender of Japanese troops south of the 38th parallel and the Russians doing the same north of that parallel. The two powers then agreed to set up a joint commission to establish

a government, but the commission was quickly deadlocked. On November 14, 1947, the General Assembly created a nine-member temporary commission to facilitate the establishment of a unified government in Korea by means of elections as well as the withdrawal of all foreign troops. However, members of the Soviet bloc refused to cooperate in the endeavor.

The commission observed elections in South Korea, elections which eventually led to the formation of a government on August 15, 1948. The commission was refused permission to enter North Korea, which set up its own government in September. In December the General Assembly declared that the South Korean government was the only legitimate government in Korea. It again recommended the withdrawal of all foreign troops in Korea and established a seven-man commission for the unification of Korea.

By July 1949 the United Nations commission on Korea reported that it had not been able to make any progress toward unification. Although it had observed the withdrawal of the United States forces, it had been unable to corroborate the Soviet claim that its forces had also been withdrawn since the Soviet Union insisted that the General Assembly had no right to act on the Korean question. Since Korea was discussed in the Moscow Agreement it should be dealt with by the Allied Commission. Thus the United Nations Commission on Korea was adjudged illegal and was not allowed to enter

North Korea. In October 1949 the United Nations Commission on Korea was assigned the task of observing and reporting any developments which might lead to a military conflict in the area.

On June 25, 1950 North Korean forces invaded South Korea. The Security Council determined, in an emergency session, that the attack was a breach of the peace. By a vote of nine in favor, one (Yugoslavia) opposed, and one (Soviet Union) absent, it called for an immediate cease-fire and the withdrawal of all North Korean forces. It also requested that United Nations members assist in implementing the resolution. Two days later the Security Council adopted an American-sponsored resolution by seven to none with one abstention (Yugoslavia) and one absence (Soviet Union). This recommended that United Nations members give all assistance to South Korea so as to enable it to repel the armed attack. The United States ordered its air and sea forces to support the South Korean forces and finally ordered a naval blockade and the use of ground forces.

Fifty-one states supported the Security Council while five declared the June 27th resolution illegal because of the absence of two permanent members of the Security Council. Nevertheless, on July 7, by a vote of seven to none with three abstentions (Egypt, India, Yugoslavia) and one absence (Soviet Union), the Security Council requested all states providing military forces to place them under a United States

unified command.

Despite troop contributions by sixteen states, the United Nations forces steadily retreated into an ever diminishing area of the Korean peninsula until an amphibious landing at Inchon broke the deadly vise and enabled the United Nations troops to begin a rapid advance. As United Nations forces neared the 38th parallel the United States decided to have them advance into and occupy North Korea, in this way unifying the entire peninsula. Toward this end the General Assembly (the Security Council having been deadlocked since August 1 by the return of the Soviet representative) established the United Nations Commission for the Unification and Rehabilitation of Korea. This commission was to establish a unified, independent, democratic Korea, and the goal was clearly in sight as the United Nations forces drove ever deeper into North Korea.

On November 6, 1950, the Security Council was notified, through a special report of the Unified Command, that there were Communist Chinese forces among the North Korean troops. The United Nations had given assurances to the government of the People's Republic of China that its border would be considered inviolate. Nevertheless, Communist Chinese forces moved in and shortly thereafter launched a full scale attack on the United Nations forces, driving them back and toward South Korea.

On December 14 the General Assembly passed resolution 384 in the hope that it would halt the conflict in Korea.

This resolution created a Group on Cease-Fire in Korea which attempted to establish contact with the Communist Chinese representative to the United Nations, General Wu. However, on December 21 the People's Republic of China refused this request, charging that the Group on Cease-Fire in Korea had been illegally constituted owing to the absence of Communist China from the United Nations. The Group on Cease-Fire in Korea had meanwhile addressed another message to Foreign Minister Chou En-lai on December 19 which offered to begin negotiations on the pacific settlement of all Far Eastern questions as soon as hostilities were terminated. Chou En-lai replied on December 22 that the Group on Cease-Fire in Korea was illegal, and he set certain indispensable conditions for settlement of the Korean problem, including the withdrawal of foreign troops from Taiwan and the admission of the People's Republic of China to the United Nations.

While charges were being answered with countercharges the United Nations troops were retreating in the face of murderous Communist Chinese attacks. By December 26, 1950 the Communist Chinese troops had reached and crossed the 38th parallel. On January 1, 1951 a Communist Chinese offensive was launched, driving the United Nations forces from Seoul back across the Han River. However, by January 25, 1951 the line had stabilized and a general United Nations counter-offensive began which was not to be stopped until the United Nations forces reached the 38th parallel in March.

On January 13, the First Committee had approved a supplementary report of the Group on Cease-Fire in Korea and sent it to the People's Republic of China. This report consisted of a statement of principles for the establishment of a cease-fire as well as for a settlement of Far Eastern questions.

1. In order to prevent needless destruction of life and property, and while other steps are being taken to restore peace, a cease-fire should be immediately arranged. Such an arrangement should contain adequate safeguards for ensuring that it will not be used as a screen for mounting a new offensive.

2. If and when a cease-fire occurs in Korea, either as a result of a formal arrangement or, indeed, as a result of a lull in hostilities pending some other arrangement, advantage should be taken of it to pursue consideration of further steps to be taken for the restoration of peace.

3. To permit the carrying out of General Assembly resolution (376 (V)) that Korea should be a unified, independent, democratic, sovereign State with a Constitution and a government based on free popular elections, all non-Korean armed forces will be withdrawn, by appropriate stages, from Korea, and appropriate arrangements, in accordance with United Nations principles, will be made for the Korean people to express their own free will in respect of their future government...

5. As soon as agreement has been reached on a cease-fire, the General Assembly shall set up an appropriate body which shall include representatives of the Governments of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics, and the People's Republic of China with a view to the achievement of a settlement, in conformity with existing international obligations and the provisions of the United Nations Charter, of Far Eastern problems, including, among others, those of Formosa (Taiwan) and of the representation of China at the United Nations. ¹

¹ United Nations, General Assembly Annexes, Fifth Session, Supplementary Report of the Group on Cease-Fire in Korea, (A/C. 1/645, January 11, 1951) (New York: 1951), p. 13.

Foreign Minister Choi En-lai replied on January 17, 1951.

1. The Central People's Government of the People's Republic of China has always maintained and still maintains that a rapid termination of the hostilities in Korea should be sought by negotiations among the various countries concerned with a view to the peaceful settlement of the Korean question on the basis of the withdrawal of all foreign troops from Korea and the settlement of Korean domestic affairs by the Koreans themselves; that the United States armed forces must be withdrawn from Taiwan (Formosa); and that the representatives of the People's Republic of China must assume their rightful place in the United Nations...

3. With a view to a genuine and peaceful solution of the Korean problem and other important Asian problems, I hereby submit, in the name of the Central People's Government of the People's Republic of China, the following proposals to the United Nations:

(a) Negotiations should be held among the countries concerned on the basis of agreement to the withdrawal of all foreign troops from Korea and the settlement of Korean domestic affairs by the Korean people themselves, in order to put an end to the hostilities in Korea at an early date.

(b) The subject-matter of the negotiations must include the withdrawal of United States armed forces from Taiwan and the Taiwan Straits and Far Eastern related problems;

(c) The countries to participate in the negotiations should be the following seven countries: the People's Republic of China, the Soviet Union, the United Kingdom, the United States of America, France, India, and Egypt, and the rightful place of the Central People's Government of the People's Republic of China in the United Nations should be established as from the beginning of the seven-nation conference;

(d) The seven-nation conference should be held in China, at a place to be selected. 1

¹United Nations, General Assembly Annexes, Fifth Session, Telegram, dated 17 January 1951 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addressed to the Acting Secretary-General for transmission to the Chairman of the First Committee of the General Assembly (A/C. 1/653, January 17, 1951) (New York: 1951) pp. 14-15.

DEBATE AND VOTING

The First Committee, at its 426th meeting on January 20, 1951, began consideration of the Communist Chinese reply. On January 22 the representative of India read the text of a communication sent to India by the People's Republic of China in reply to an earlier Indian request for clarification of certain points in the January 17th memorandum. Two draft resolutions were introduced shortly thereafter. At the 428th meeting the representative of the United States proposed a resolution in which the General Assembly would condemn the People's Republic of China for aggression in Korea.

At the 430th meeting Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudia Arabia, Syria, and Yemen introduced a resolution which proposed that representatives of Egypt, France, the People's Republic of China, the Soviet Union, the United Kingdom, and the United States meet as soon as possible to clarify as well as amplify the Communist Chinese reply and to make arrangements for a peaceful settlement.

Lebanon proposed two amendments to the American resolution. The first suggested a change in wording from "rejected all" United Nations proposals to has "not accepted" United Nations proposals, thus implying that the Communist Chinese reply was not a total rejection. The second amendment would add a paragraph clearly stating that if the

Good Offices Committee reported satisfactory progress the Ad Hoc Committee on Collective Measures would be authorized to defer its report. The United States accepted the Lebanese amendments, thus modifying the resolution.

The Soviet Union submitted several amendments to the twelve-power resolution including deletion of the heading, "Intervention of the People's Republic of China in Korea" as well as the proposal that any meeting of the seven powers could be called only by the President of the General Assembly in agreement with the participants. The twelve-power resolution was then further revised by the addition of a paragraph stating that the seven powers should agree upon a cease-fire arrangement at the first meeting with other matters waiting until this was done. The Soviet Union then proposed a further amendment that, after agreement on the cease-fire had been reached, the meeting would proceed to arranging the withdrawal of all foreign forces from Korea, creating the means by which the Korean people could settle their own affairs, arranging the withdrawal of American forces from Taiwan, and discussing general questions relating to the Far East. The twelve-power resolution eventually failed to be adopted; the American resolution, with the Lebanese amendments, was approved by a vote of 44 to 7 with 8 abstentions.

In the general debate on these resolutions and their amendments the United Nations members divided into three distinct groups. The Western states generally supported the

United States resolution, the Asian states pressed for the adoption of the twelve-power resolution, and the Soviet bloc opposed both. The controversy raged around three issues: establishing the guilt of one party, examining the effect of the draft resolution on the future situation, and analyzing the effect of the draft resolution on the United Nations itself.

A. Establishment of Guilt

Most Western states stressed the fact that the People's Republic of China was the aggressor. It had deliberately and willfully attacked United Nations forces without provocation. It had violated the United Nations Charter and was openly defying the United Nations. There was no question as to its guilt, and the United Nations should state the facts and condemn it for aggression. The Asian states, on the other hand, argued that the case was not quite so clear-cut. There was much evidence that the People's Republic of China had attacked United Nations troops, not from a desire for aggression, but from a pervasive fear of the U.N. forces which were steadily approaching its border. True, no one could excuse the North Korean action, which was clearly aggressive, but the Communist Chinese case had some justification. Its action was a form of self-defense and could not truly be considered aggression.

The Soviet bloc turned the whole argument around by denying that the People's Republic of China was in any conceivable way the aggressor. No, it was the United States

which, by using the United Nations as its tool, was clearly the aggressor. The United States wanted war and used the Korean episode as an excuse. The Communist Chinese proposals were constructive but the United States immediately rejected them, although there had been little time for deliberation. The United States was afraid of peace.

The reason for the intense controversy on this point is obvious. Since condemnation is essentially a judgment of wrongdoing and a rebuke for it, and since a judgment is the attribution of guilt to one party, this stage of the debate was critical to all sides.

B. Effect on the Future

After establishing the guilt of one of the parties, the next step in the condemnatory process is the pronouncement of a rebuke to the guilty party. Before taking such a step, however, the United Nations, as a responsible international actor, must assess the effects of such a step. Since the essential purpose of the United Nations is to promote international peace, not to condemn, one must carefully weigh the consequences of the latter act. If such a resolution will hinder efforts to reach a peaceful settlement then it will not be in the interests of the United Nations to approve it.

All three groups were concerned with the possible effects of the draft resolutions on future negotiations. The American draft resolution caused the most problems in this regard since it actually condemned the People's Republic of China for

aggression.

The Western states insisted that the United States resolution would not prevent negotiations in the future. The United Nations was merely stating the facts of the case in this resolution. In addition, the resolution itself encouraged negotiations in its latter paragraphs. After all, the Western states added, the People's Republic of China had often condemned the United Nations for aggression in Korea yet the United Nations remained willing to negotiate.

The Asian states claimed that the United States draft resolution would eliminate any prospects for future negotiations. Negotiations would serve no purpose since the United Nations had unilaterally determined the guilt of its opponent. A condemnation would present the conclusion before the negotiations had begun. In addition, the United Nations could hardly label a state an aggressor yet willingly negotiate with it. Such post-condemnation negotiations would degrade the United Nations in the eyes of the world, and it would stand accused of appeasement. A more moderate resolution (such as the twelve-power draft resolution) would leave the United Nations more room for maneuver since a peaceful settlement of the dispute remained a possibility.

The Soviet bloc insisted that negotiations were not a viable alternative once a resolution of condemnation was approved. The United States resolution would be a disaster because a condemnation would end all hope of negotiations.

Therefore, the United Nations was faced with a choice: It could condemn the People's Republic of China (unjustly, of course) and thus eliminate any chances for negotiations or it could decide to negotiate.

C. Effects on the United Nations

An additional factor considered in the debate was the effect of any resolution on the United Nations itself. It would be imprudent to approve a resolution which might negatively affect the authority and prestige of the United Nations. Such would be the result in two cases. In the first case, a resolution could itself be defective because the particular United Nations organ which approved it did not have the authority to do so or because the United Nations received a misleading assessment of the facts of the case and therefore reached an erroneous conclusion. In the second case, the United Nations, although reaching the correct conclusion and making valid recommendations, would be incapable of implementing this resolution. The state concerned could therefore disregard the resolution, raising doubts as to the efficacy and validity of all United Nations resolutions. Public defiance of United Nations resolutions will diminish their value in future situations.

The Western states insisted that it was essential for the future viability of the United Nations to condemn the People's Republic of China as an aggressor. Failure to do so would be appeasement, an act which might very well sound the

death knell of the United Nations as it had the League of Nations. Further, concessions to such aggression might hasten the advent of World War III.

The Asian states, on the contrary, contended that a condemnation for aggression would accomplish little, merely decreasing United Nations prestige. The fact that the People's Republic of China finally seemed to be amenable to negotiation precluded any condemnation, which would be incompatible with the raison d'être of the organization-peace through negotiations. If the People's Republic of China were to be condemned yet continue to oppose the United Nations forces, the organization would be exposed as ineffective, and the image of impotence so created would decrease its authority and prestige. The Asian states therefore supported the twelve-power resolution urging negotiations.

The Soviet bloc contended that the American draft resolution would be not only useless but also illegal according to the United Nations Charter since the General Assembly had no authority to determine the aggressor and therefore no power to condemn it. Only the Security Council, according to Article 39 of the Charter, could determine that an act of aggression has actually taken place. The resolution was invalid since the United Nations was merely acting as a branch of the United States Department of State. American policy was attempting to transform the United Nations into its instrument and thus effectively destroy that organization.

The fact that the United Nations was already slavishly following American policy cast doubts upon its international character, thus damaging its authority and prestige.

The general line of debate for and against resolution 498 is similar to that used for the two other resolutions condemning the People's Republic of China. In each there are two distinct phases, that of establishing guilt and that of convincing the member states that the organization should take action. In the case of resolution 804 on the alleged mistreatment of United Nations prisoners of war and resolution 906 on the detention of eleven American airmen who were shot down over communist territory, those who favored condemnation asserted that (1) the People's Republic of China was actually guilty and (2) the United Nations has a responsibility to condemn it.

The Western states claimed that the infantry troops or airmen were legitimate prisoners of war, not spies, since they had been in uniform; their treatment or release was covered by the Armistice Agreement or by the Geneva Conventions. The fact that the People's Republic of China was mistreating them or had refused to release them had been proved by various sources. Confessions of guilt had been extracted from the prisoners by force and were therefore invalid.

The Soviet bloc, however, claimed (1) that the allegation of Communist Chinese atrocities was all a fabrication created

to serve the imperialist aims of the United States, and (2) that it was the United States which was actually guilty of committing atrocities, merely using this debate to cover them up. In the debate on resolution 906 (the detention of eleven American airmen) the Soviet bloc claimed that (1) these airmen were not assigned to the United Nations command but were instead flying under the United States flag; (2) the airmen actually did confess to spying on the People's Republic of China; (3) the United Nations itself still had many communist prisoners of war; and (4) the aircraft was shot down over Communist Chinese territory, and the airmen were not covered by the Armistice Agreement, which the People's Republic of China had not signed.

Next was the assertion by the Western states that it was in the interest of the United Nations to condemn the People's Republic of China. In addition to establishing guilt so as to obtain a judgment, these states now had to make manifest the need for rebuke or condemnation. Two arguments were adduced to justify a condemnation. First, an appeal was made to the United Nations' sense of responsibility for its own personnel. Since these men had fought for the United Nations it would be morally wrong to abandon them. Failure to condemn the People's Republic of China would be an act of callous neglect, an act which would deter others from fighting under the United Nations banner in future crises. A second line of argument pictured the United Nations as the conscience of mankind, the

protector of the civilized standard. The United Nations was formed to protect the rights of all men; to ignore the violations of human dignity perpetrated by the Communist Chinese would be to violate its most basic principles.

The Soviet bloc, on the other hand, claimed (1) that such matters were outside the United Nations sphere of competence, being reserved exclusively to the armistice organization, and (2) that interference would detract from United Nations authority and prestige. The United Nations was established to encourage cooperation, not to foster conflict. Since these resolutions would create friction, they were a violation of basic United Nations principles.

It is thus apparent that the dispute on a condemnatory resolution centers on two areas: on an interpretation of the substantive facts of the case (what actually happened) and on the procedure to take in this case (to condemn the People's Republic of China or to settle the matter by other methods, inside or outside of the United Nations). The substantive arguments concentrated on the effort to facilitate or impede a judgment of guilt; the procedural case was presented in order to promote or prevent a rebuke.

In all three resolutions there was a general alignment in the debate in which the Western European and American states pressed for a condemnation, the Soviet bloc attempted to prevent the passage of such a resolution, and the Asian

states urged moderation. This pattern is best exemplified by the voting on resolution 498, for which a roll-call vote was taken. Of fifteen Western European states, fourteen voted for the resolution, displaying a solidarity factor of 93.33%. The one member not supporting this resolution was Sweden, which, consistent with its policy of neutrality, abstained from voting on the resolution. All twenty members of the Latin American group voted in favor of the resolution. On the other hand, five out of six Eastern European members voted against the resolution, a solidarity factor of 83.33%. The only Eastern European state not voting against the resolution was Yugoslavia, which abstained, an action indicative of its estrangement from the Soviet bloc.

The votes of the other United Nations members bear further analysis. Out of fifteen Asian members, seven voted for the resolution. These were China (Taiwan), Iran, Iraq, Israel, Lebanon, the Philippines, and Thailand, states leaning toward the West, if not actually in that camp. (China under Chiang Kai-Shek was closely identified with the United States, while the Philippines, Thailand, and Iran were to become signatories of the CENTO and SEATO pacts in the mid-1950's.) Only two Asian states, India and Burma, voted against the resolution while five abstained-Afghanistan, Indonesia, Pakistan, Syria, and Yemen. Of these, Pakistan can be said to have been aligned with the West while the rest were either neutral or pro-East. One Asian state, Saudi Arabia, was

absent. Of the four African states, three voted with the West and one abstained. Of the three, the Union of South Africa is closely aligned with the West while both Ethiopia and Liberia are generally pro-Western. Egypt, the only abstaining African member, was in a neutralist position.

Thus in the voting as in the debate the Western and pro-Western states supported the American draft resolution condemning the People's Republic of China, the Soviet bloc opposed it, and the neutralist states took a position between the two groups.

Resolution 498	Soviet Bloc	West Europe	Latin America	Asia	Africa
For	0	14	20	7	3
Against	5	0	0	2	0
Abstain	1	1	0	5	1

Resolution 498 (V). Intervention of the Central People's Government of the People's Republic of China in Korea

The General Assembly,

Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea,

Noting that the Central People's Government of the People's Republic of China has not accepted United Nations proposals to bring about a cessation of hostilities in Korea with a view to peaceful ~~settlement~~, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

1. Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;

2. Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

3. Affirms the determination of the United Nations to continue its action in Korea to meet the aggression;

4. Calls upon all States and authorities to continue to lend every assistance to the United Nations action in Korea;

5. Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;

6. Requests a Committee composed of the members of the Collective Measures Committee as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee referred to in the following paragraph reports satisfactory progress in its efforts;

7. Affirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

REASONS FOR CONDEMNATIONS

The resolution condemning the People's Republic of China was strongly supported by the United States although many of its allies were less than enthusiastic about the entire procedure and there was no significant groundswell of support. Although the United States had already pressed for a condemnation in early January its allies insisted on making one last attempt to gain a cease-fire. It was only after this bid was rejected by the People's Republic of China on January 17 that they agreed reluctantly to go along with the American-sponsored resolution.

The members' aversion to needlessly antagonizing the People's Republic of China is understandable; they did not want to increase the scope of the conflict. But what were the aims of the United States? What did it hope to accomplish by this resolution?

In analyzing the grounds for a condemnatory resolution one must distinguish between the official reasons, repeated endlessly in the debate, and other reasons which, although not stated explicitly, are nevertheless no less important and often more so. No state is willing to admit that a resolution it sponsors would benefit its own narrow national interests. Yet the fact remains that states would rarely devote time and effort to proposing and lobbying for a resolution if there were not some national incentive for it. On the other hand, few states will vote for a resolution

merely because another state will benefit from it. Therefore, in an effort to win support, states try to cloak the true reasons for their resolutions in the mantle of the general good.

Since it is in the United Nations that these resolutions are passed, the general good is often defined as the good of the United Nations.¹ This is why sponsors and supporters attempt to prove that it (1) reflects the will of the Charter and/or (2) will enhance the authority and prestige of the United Nations. Conversely, they say, failure to pass this resolution will violate the principles of the organization and/or decrease its authority and prestige.² Thus the United States often proclaimed that resolution 498, which it sponsored, was in accord with the principles of the United Nations, an institution designed to deter aggression through the unified action of its member states against the aggressor.

The first step, the recognition of aggression, was precisely the purpose of resolution 498. If aggression is not recognized, the entire concept of collective security cannot be initiated, thus destroying the very foundations of the United Nations. Conversely, a declaration of aggression will demonstrate that collective security can be implemented and is therefore a viable method of preventing or terminating aggression. Such a declaration would enhance the authority and prestige of the United Nations, thus benefiting all states

¹ "The Reminiscences of Ernest Gross" (New York: The Oral History Research Office, Columbia University, 1969), pp; 863, 921, 937, 953.

² Leland Goodrich, Korea: A Study of United States Policy in the United Nations (New York: Council on Foreign Relations, 1956), p. 164.

concerned.¹ So ran the gist of the United States arguments.

No nation was strong enough to stand alone and unaided; the weak depended on the strong and the strong depended on the weak. Security was indivisible. The United Nations could not let one nation fall a victim to aggression and at the same time believe that it would be possible to protect another nation on the next occasion. If the organization acted in that way, the very principle of collective security would be destroyed. The peoples of the world would not only turn away from the United Nations but would lose faith in the interdependence of nations... One of the fundamental principles of the Charter was the outlawing of aggression and it was therefore right that the United Nations should, by its determination, decisions and actions prove that no power could defy that principle with impunity. The whole world expected the United Nations to conform to that principle. The time for action had come, as any further delay might permanently destroy the unity of the organization.

After a long and careful study of the problems involved the United States Government considered that the United Nations should not evade its duty to face the aggression committed by the Chinese communists...²

In many ways this was indeed a basic reason for the United States pressure to condemn the People's Republic of China. Many members of the United States government, especially Ambassador Austin, were truly dedicated to United Nations principles. It was their faith in the organization, in its moral righteousness, that convinced many officials that the United Nations must indeed condemn the People's Republic of China.³ This was especially the attitude of President Truman.

I was convinced...that to have ignored the appeal of Korea for aid, to have stood aside from the assault upon the Charter, would have

¹ Lawrence P. Weiler and Anne R. Simon, The United States and the United Nations: The Search for International Peace and Security (New York: Manhattan Publishing Company, 1967), p. 230.

² United Nations, General Assembly, First Committee Official Records (A/C. 1/SR. 426, January 18, 1951) (New York: Fifth Session 426th meeting, 1951), p. 502.

³ Gross, p. 982.

meant the end of the United Nations as a shield against aggression. It might have meant the end of any possibility that collective security could be made to work.¹

There were also several other basic reasons for resolutions of condemnation, and they can best be divided into three categories: international, United Nations, and domestic.

¹United States Participation in the United Nations: Report by the President to the Congress for the year 1950," Department of State Publication 4178 (Washington: 1951), p. v.

A. International Objectives

There were several clear benefits accruing to the United States through a condemnation of the People's Republic of China. First, it would demonstrate to the world the seriousness of the communist menace. A condemnation by the United Nations, an vowedly impartial body in the East-West conflict, publicly proclaiming that the communist states were guilty of aggression, would warn all states that communism was an aggressive ideology and a menace¹.

Not only would passage of this resolution be a diplomatic victory for the United States, but it might serve as a deterrent to future aggression.² if the diplomatic loss outweighed any military gain.

This objective was a fairly important one to the American leaders at a time when the fear of communist expansionism was paramount. Thus, in his State of the Union message of January 22, 1951 President Truman stated:

The threat of world conquest by Soviet Russia endangers our liberty and endangers the kind of world in which the free spirit of man can survive. This threat is aimed at all peoples who strive to win or defend their own freedom and national independence.

The imperialism of the czars has been replaced by the even more ambitious, more crafty, and more menacing imperialism of the rulers of the Soviet Union.

This new imperialism has powerful military forces...If we build our strength-and we are building it-the Soviet rulers may

¹ Allen S. Whiting, China Crosses the Yalu: The Decision to Enter the Korean War (New York: The MacMillan Company, 1960). p. 166.

²Weiler, p. 230.

face the facts and lay aside their plans,¹
to take over the world...

Among the possible benefits of a United Nations declaration of communist aggression was additional support for the United Nations forces by theretofore inactive states. As President Truman states in his Memoirs:

Then I read to the Prime Minister the following memorandum that had been agreed on by the State and Defense Departments and to which I had given my approval. "The United States and the United Kingdom should consult immediately about other steps which might be taken to strengthen non-communist Asia. These steps might include...

"(b) Appropriate military arrangements between nations in southeast Asia capable of effective mutual support.

"(c) Special efforts to convince non-communist Asia of the nature of the threat which confronts it and to urge...the need for concerted Asian action to resist communist aggression in that area.

"(d) Intensification of economic and military assistance to encourage the organization of resistance to communist encroachment.

"(e) Intensification of psychological and cover activity against communist regimes and² activity in Asia."

There was some hope that a condemnation of Communist Chinese aggression would make the Asian states more aware of the dangers of further communist expansion, thus inducing them to become more active in support of United Nations efforts in South Korea.³ This fear of communist expansion in Asia if the United Nations forces were defeated is best exemplified by these statements in Truman's Memoirs:

¹United States Department of State, United States Department of State Bulletin, Volume XXIV, No. 603, January 2, 1951, pp. 123-124.

²Harry S. Truman, Memoirs: Years of Trial and Hope (Garden City, N.Y.: Doubleday and Company, Inc., 1956) Vol. 2, pp. 400-401.

³Whiting, p. 166.

He (Secretary Acheson) could not believe he said, that the Chinese action was just a burst of Chinese military fervor or that they would become calm and peaceful if we gave them Formosa and made other concessions. On the contrary, if we gave concessions they would only become more aggressive. If we yielded to the Chinese Communists the effect on the Japanese and the Filipinos might be serious...

I said that in my opinion the Chinese Communists were Russian satellites. The problem we were facing was part of a pattern. After Korea, it would be Indo-China, then ¹ Hong Kong, then Malaya...

A third advantage of a condemnatory resolution was that it would encourage states, of whatever size, to resist communist encroachments by demonstrating that the free world was ready to support such resistance against any aggressor, large or small. Indeed, the argument was often used in the First Committee debate that the United Nations had accused North Korea, a small state, of aggression so it must now recognize aggression by a large state, the People's Republic of China. As the New Zealand representative, Sir Carl Penderson, stated in the debate:

In June 1950, when the United Nations had been faced with aggression by North Korea, there had been no hesitation. Aggression was declared to exist and steps were taken to resist it. Yet, when the far greater aggression of Communist China had occurred, the obvious facts had been ignored and the childish pretense had been made that the situation did not exist. It was with justification that the world had said of the

¹ Truman, pp. 398-399.

United Nations that it was quick to recognize the aggression of a small Power such as North Korea, but would not even condemn the aggression of a great Power like Communist China. The first act of the Committee should therefore be to record the fact of aggression by the Chinese communists.¹

The resolution would have the added advantage of demonstrating to the communist world the determination of the free world in Korea.² After all, the communist states could not fail to notice that a resolution advocating a more moderate approach on the Korean question was defeated by this far stronger resolution. The United States could hardly be expected to sponsor this resolution and then engage in a precipitate withdrawal. It was thus a signal that the Western states intended to remain in Korea even under the most adverse circumstances, a public declaration of American policy. It was hoped that this clear signal would not be ignored and that the People's Republic of China and the Soviet Union would adjust their policies accordingly.

An additional advantage of such a resolution was that it would be the justification for war if the United States should decide to declare war in Korea. Thus President Truman, in a news conference on January 4, 1951, declared that the United States would not attack the People's Republic of China without United Nations authority as well as a formal declaration of war by Congress.

¹United Nations, General Assembly, First Committee, Official Records (A/C. 1/SR.431, January 25, 1951)(New York: Fifth Session, 431st meeting, 1951), p. 549.

²Gross, pp. 898-899.

A further purpose of such a resolution was the deflation of Communist Chinese prestige, which its victories had greatly enhanced around the world. Public exposure of its aggression might diminish this prestige even if Communist China continued to be victorious on the battlefield.¹ Thus the United Nations would go on record as saying that the policy of the People's Republic of China, even if successful in this instance, was morally wrong. Demonstrating its manifest guilt was an attempt to limit any victory to the military sphere, depriving it of the political and propaganda effects of victory. A declaration that the South had begun the conflict and the People's Republic of China was only protecting itself from the imperialist menace would sound a bit hollow in the light of this condemnation. Further, such a resolution, coupled with an economic embargo, might interfere with extended military operations as well as with the ambitious program of industrial expansion envisaged by the Communist Chinese leaders since it would make more difficult the importation of materials essential for the creation of a modern industrial state.²

Another international benefit to be derived from the condemnation would be as a symbol of support and a morale booster for the United Nations troops in Korea.³

But before the Eighth Army could return to the offensive it needed to have its fighting

¹Whiting, p. 166.

²Weiler and Simon, p. 268.

³Goodrich, pp. 173-174.

spirit restored, to have pride in itself... Their courage was still high and they were ready to take on any mission I might have assigned. But there was too much of a looking-over-your-shoulder attitude, a lack of that special verve, that extra alertness and vigor that seems to exude from an army that is sure of itself and bent on winning...

The men I met along the road, those I stopped to talk to and to solicit gripes from--they too all conveyed to me a conviction that this was a bewildered army, not sure of itself or its leaders, not sure what they were doing there, wondering when they would hear the whistle of the homebound transport. There was obviously much to be done to restore this₁ army to a fighting mood.

This resolution was an attempt to answer the fundamental questions asked at that time by members of the armed forces: Why are we here and what are we fighting for? As General Ridgway wrote in his memorandum to every member of the Eighth Army:

The answer to the first question, "Why are we here?" (I wrote) is simple and conclusive. We are here because of the decisions of the properly constituted authorities of our respective governments. As the Commander in Chief, United Nations Command, General of the Army Douglas MacArthur has said: "This command intends to maintain a military position in Korea just as long as the Statesmen of the United Nations decide₂ we should do so."

A final possibility was that the People's Republic of China might actually moderate its policy in response to the strong international moral and diplomatic pressure³ exerted by a United Nations condemnation and perhaps halt its offensives. It might also have some effect on the Chinese people

¹Matthew B. Ridgway, The Korean War (Garden City, N.Y.: Doubleday and Company, Inc., 1967), pp. 85-86.

²Ibid., p. 264.

³Weiler and Simon, p. 250.

themselves and therefore inhibit their leadership somewhat.¹

B. United Nations Objectives

There were several advantages to be gained within the United Nations arena itself from a condemnation of the People's Republic of China. The most direct was as preparation for future, stronger resolutions.² Witness General Assembly resolution 500, approved on May 18, 1951, which ~~advocate~~ ~~eds~~ sanctions.

The General Assembly

1. Recommends that every state:

(a) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition and implements of war;

(b) Determine which commodities exported from its territory fall within the embargo, and apply controls to give effect to the embargo;

(c) Prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the present resolution;

(d) Co-operate with other States in carrying out the purposes of this embargo;

(e) Report to the Additional Measures Committee, within thirty days and thereafter at the request of the Committee, on the measures taken in accordance with the present resolution...³

¹Weiler and Simon, p. 281.

²Ibid., p. 271.

³United Nations, General Assembly, Resolutions adopted by the General Assembly during the period 16 December 1950 to 5 November 1951 (New York: Supplement No. 20A (A/1775/Add. 1), p. 2.

Another reason for the United States pressure for approval of the resolution was the momentum of the situation in the United Nations. The organization had repeatedly called for a cease-fire, a request ignored by the People's Republic of China. Now, in light of previous resolutions the United Nations was forced to move further, the logical next step being a condemnation for aggression.¹

Resolution 498 would also serve as a reaffirmation of previous United Nations resolutions. Throughout this period, every United States action was backed by a United Nations resolution. The use of armed force to defend South Korea was recommended by Security Council resolutions 83 and 84, and the entry of the United Nations forces into North Korea was sanctioned by General Assembly resolution 376. A further condemnation would buttress previous resolutions and reaffirm the legality of the presence of United Nations forces in Korea. Thus this resolution would be part of the United Nations diplomatic umbrella being created to justify Western actions to counter Soviet aggressiveness.

Resolution 498 would serve to deny the People's Republic of China a seat in the United Nations.² There was much disagreement between the United States and the United Kingdom on this point, the United Kingdom believed that the presence of Communist Chinese representatives in the United

¹Gross, p. 933.

²Sheldon Appleton, The Eternal Triangle? Communist China, The United States, and The United Nations (East Lansing, Mich: Michigan State University Press, 1961) pp. 29,33.

Nations at this time might be very useful. The United States position, on the other hand, was stated by Secretary Acheson and President Truman.

Acheson took the position that we should not even consider it. If we did, we would in effect be saying to the Communists that they had won the game and could now collect the stakes; it would be like offering a reward for aggression...

I added that we would face terrible divisions among our people here at home if the Chinese Communists were admitted to the United Nations, and I could not see what we could gain that would offset this loss in public morale. If we admitted the Chinese Reds to the U.N., would they be any different from the Russians?...

I talked, as strongly as I know how, about the language the Chinese Reds were using about us at Lake Success and the falsehoods they were spreading. I said their handling of our missionaries and of our consuls was a blot on humanity. There was nothing in getting them admitted to the U.N. until they changed their ways.

The United Nations Charter specifically states: "Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations."² A resolution condemning the People's Republic of China for aggression would greatly reduce that state's chances for United Nations membership.³

A final benefit of such a resolution would be the

¹Truman, pp. 404-407.

²United Nations Charter, Chapter II, Article 4, para. 1.

³Harold C. Hinton, Communist China in World Politics (Boston, Mass.: Houghton Mifflin Company, 1966), p. 217.

effective rebuttal of all Communist Chinese claims of American aggression.¹ It would also rebut all communist arguments for a United Nations condemnation of the United States.² Such a condemnation was obviously unlikely, yet the charges were annoying and such a resolution would openly demonstrate their hypocrisy.

...our public was regaled by attacks upon the United States from Soviet Ambassador Malik and special Chinese Communist envoy General Wu Hsiu-chan. The General's presence resulted from an invitation of the Security Council to discuss what it politely termed the 'new turn of events' in Korea. He chose instead to join in support of Malik's resolutions condemning American 'aggression' in Formosa and Korea. While our allies voted these resolutions down, their high enthusiasm of the autumn had evaporated, and none of them, including the British, would join in a counteroffensive in the United Nations against Chinese intervention. The proceedings in both Washington and New York were not helpful in rallying the country to meet major military reverses and to bear the vagaries of a recalcitrant general...

C. Domestic Objectives

Resolution 498 would legitimize the urgent and rapid build-up of the armed forces both to other states and to the American population itself. Such international support of the United States contention that the People's Republic of China was indeed the aggressor served as a further vindication of the military build-up and state of national emergency that

¹Gross, pp. 848,889.

²Weiler and Simon, p. 278.

³Dean Acheson, Present and the Creation: My Years in the State Department (New York: New American Library, 1969), p. 622.

then existed. This resolution would further substantiate the American people's fear of the Communist menace and would therefore diminish domestic opposition.¹

An additional benefit to be gained on the domestic front from such a resolution would be to diminish public pressure for stronger action in the Korean conflict. Senate resolution 35, passed on January 23, 1951 stated that "it is the sense of the Senate that the United Nations should immediately declare Communist China an aggressor in Korea." The House of Representatives had passed a similar resolution four days earlier. The New York Times, a notably liberal newspaper, demanded that the People's Republic of China be branded an aggressor by the United Nations and criticized that organization for not doing so.²

At the time of the actual passage of this resolution, February 1, 1951, the United Nations forces were already on the offensive; but when the resolution was formulated a month earlier, these forces were being driven back and suffering heavy losses. Thus the original intent was political victory when military victory seemed out of reach.

This resolution also served to enhance the image of the United Nations in the eyes of the American public. In the face of continuing communist victories, questions were raised as to the utility of the United Nations in a bipolar world and the entire concept of an impartial international

¹Weiler and Simon, p. 282.

²The New York Times, January 2, 1951, p. 22.

organization came under severe and critical scrutiny. There was increasing resentment against the United Nations for its failure to do anything, and right-wing critics had a field day. Senator Taft told the Senate on January 5, 1951 that since the United Nations could neither maintain nor restore peace the United States should "formulate an ideal organization, insist upon a full discussion...and...if...finally blocked by Soviet Russia, bring about the dissolution of the United Nations and the formation of a new organization which could be an effective weapon for peace."¹

Finally, the resolution would have the effect of raising the morale of the American people themselves. The steady stream of defeats had inspired a certain pessimism in the United States. It was hoped that the resolution would raise the morale of the people at home as it would raise that of the troops in Korea.

In considering the various reasons for the American sponsorship of resolution 498 it is apparent that one resolution could not satisfy all its objectives. However, since these objectives were being considered and debated in the policy-making areas of the government, it was felt that the resolution would contribute-marginally in some cases, more in others-toward the fulfillment of these goals. The resolution was part of the international political campaign being waged at the time, a campaign perhaps as important to the outcome of the war as the military campaign.

¹United States, 97 Congressional Record, 82nd Congress, First Session, pp. 54-61.

The contribution of resolution 498 to the United States objectives in the Korean conflict can perhaps be better understood as clarified in President Truman's memorandum to General MacArthur on January 13, 1951.

1. A successful resistance in Korea would serve the following important purposes:

(a) To demonstrate that aggression will not be accepted by us or by the United Nations and to provide a rallying point around which the spirits and energies of the free world can be mobilized to meet the world-wide threat which the Soviet Union now possesses.

(b) To deflate the dangerously exaggerated political and military prestige of Communist China which now threatens to undermine the resistance of non-Communist Asia and to consolidate the hold of Communism on China itself.

(c) To afford more time for and to give direct assistance to the organization of non-Communist resistance in Asia, both outside and inside China.

(d) To carry out our commitments of honor to the South Koreans and to demonstrate to the world that the friendship of the United States is of inestimable value in time of adversity.

(e) To make possible a far more satisfactory peace settlement for Japan and to contribute greatly to the post-treaty security position of Japan in relation to the continent.

(f) To lend resolution to many countries not only in Asia but also in Europe and the Middle East who are now living within the shadow of Communist power and to let them know that they need not now rush to come to terms with Communism on whatever terms they can get, meaning complete submission.

(g) To inspire those who may be called upon to fight against great odds if subjected to a sudden onslaught by the Soviet Union or by Communist China.

(h) To lend point and urgency to the rapid build-up of the defenses of the western world.

(i) To bring the United Nations through its first great effort on collective security and to produce a free-world coalition of incalculable value to the national security interests of the United States.

(j) To alert the peoples behind the Iron Curtain that their masters are bent upon wars of aggression and that this crime will be resisted by the free world.

2. Our course of action should be such as to consolidate the great majority of the United Nations. This majority is not merely part of the organization but is also the nations whom we would desperately need to count on as allies in the event the Soviet Union moves against us...

5. I am encouraged to believe that the free world is getting a much clearer and realistic picture of the dangers before us and that the necessary courage and energy will be forthcoming. Recent proceedings in the United Nations have disclosed a certain amount of confusion and wishful thinking, but I believe that most members have been actuated by a desire to be absolutely sure that all possible avenues to peaceful settlement have been fully explored. I believe that the great majority is now rapidly consolidating and that the result will be an encouraging and formidable combination in defense of freedom...

EFFECTS OF CONDEMNATION

A resolution's effectiveness must be measured against the original objectives of its supporters. States sponsor or support resolutions for differing reasons and hope to gain a variety of benefits.

The resolution itself established certain objectives which it wished fulfilled. First, it ordered the People's Republic of China to withdraw its forces from Korea. Second, it called upon all states to lend every assistance to the

¹ Truman, pp. 435-436.

United Nations action. Third, it called upon all states to refrain from giving any assistance to the aggressor in Korea. Finally, it requested that a committee composed of the members of the Collective Measures Committee consider additional measures to defeat the aggressor and report back to the General Assembly.

The results of these requests demonstrate an interesting fact. The states engaged in hostilities against the United Nations ignored the relevant parts of the resolution, while the states supporting the resolution were more cooperative in implementing it.

The People's Republic of China had previously rejected all United Nations resolutions. In his statement of 22 December 1950, Chou En-lai stated:

...the Central People's Government of the People's Republic of China has repeatedly lodged charges with the United Nations. But under United States domination, the majority of the United Nations has not only upheld American aggression against Korea and supported United States invasion and occupation of Taiwan, the bombing of north-east China, but also rejected the three proposals submitted by our representative on the charge against the United States for armed aggression against Taiwan, and shelved the charge of United States aggression against China made by the representative of the Soviet Union. Our representative was kept waiting for a long time, until the First Committee of the United Nations General Assembly was indefinitely adjourned, and was not given a chance to speak.

This attitude which was taken by the majority of the United Nations under the domination of

the Anglo-American bloc, obviously violates the United Nations Charter and its purposes. They are furthering rather than checking United States aggression. They are undermining rather than defending world peace.

What particularly arouses the world's indignation is that in spite of the fact that during the past several months the United Nations held innumerable discussions on China or on important questions concerning China, the representatives of the People's Republic of China, who are the only representatives of the 475 million people of China, are still being kept out of the doors of the United Nations, whereas the representatives of a handful of the Chiang Kai-shek reactionary elements are still being allowed to usurp the seats of the Chinese delegation in the United Nations. To such an extent the Chinese people¹ have been slighted and insulted...

If the People's Republic of China did not see fit to heed moderate resolutions, it could hardly be expected to heed a condemnation. Indeed, on February 2, 1951 Foreign Minister Chou En-lai charged that General Assembly resolution 498 blocked the only chances of a peaceful settlement and was in any case invalid since Communist China had not participated in the debate. He said his country would pay no heed to the Good Offices Committee. He further declared that the United States coerced the United Nations into passing resolution 498 and had engineered the entire Korean conflict by invading and intervening in Korea and Formosa.²

On February 16, 1951, in an article in Pravda, the Soviet party newspaper, Premier Stalin denounced the United

¹United Nations, General Assembly Annexes, Fifth Session, Telegram, Dated 23 December 1950, from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addresses to the President of the General Assembly (Annex to Report of the Group on Cease-Fire in Korea) (A/C. 1/643, January 2, 1951) (New York: 1951), pp. 9-10.

²The New York Times, February 3, 1951, p. 1.

Nations for branding the People's Republic of China as an aggressor. He said the United Nations could not threaten the People's Republic of China with armed force since it was already being used against that state. Thus there was no plausible threat available which would deter the People's Republic of China from continuing its actions. In addition, the states supporting the People's Republic of China, mainly the Soviet Union, could hardly be expected to stop their aid because of the United Nations resolution.¹

On the other hand, most of the states supporting the United Nations action in Korea reacted favorably to this resolution. They continued to lend their assistance to the United Nations forces in Korea and cooperated in forming an Additional Measures Committee which held its first meeting on February 16, 1951, just fifteen days after the passage of the resolution. Yet even this full overt compliance with the resolution was a doubtful gain since the Western states would probably have continued to support the United Nations even without this resolution. In fact, many of these states were opposed to the resolution. Significantly, no state began to assist the United Nations forces just because of this resolution.

Although there was no overt reaction by the states neutral in the Korean conflict, of three members of this group appointed to the Additional Measures Committee, two (Burma and Yugoslavia) refused to serve. Thus the committee

¹The New York Times, February 17, 1951, p. 3.

consisted of twelve members: seven from Western Europe, three from Latin America, one from Africa, and one from Asia - all, with the exception of Egypt, solidly in the Western camp. India and Canada, the two states named to the Good Offices Committee, formally declined to serve on that committee.

In order to analyze the matter further, it will be useful to divide the effects into the same three categories as the objectives: those in the international sphere, those in the United Nations sphere, and those in the domestic sphere.

A. International Effects

Resolution 498 attempted to achieve a Communist Chinese withdrawal from Korea. Although armistice talks began that same year this was due more to the recognition by both sides that no significant advance would be made against the other than to resolution 498. It was probably the failure of Communist China's fifth phase offensive at the end of May, 1951 that convinced it to agree to cease-fire negotiations in June, not resolution 498. It is doubtful that events in the United Nations were the major element in convincing Communist China to begin negotiations since these negotiations dragged on for two years after the passage of a condemnatory resolution as well as one advocating sanctions.

The resolution did publicize the fact that the communists were guilty of aggression. In this way it was a political

victory for the United States. It is difficult to assert, however, that the unfavorable publicity actually deterred future communist aggressions. What is more likely is that the successful military resistance to the Communist Chinese actions in Korea combined with the deterrent effect of nuclear weapons was far more important in discouraging further communist aggressions.

The resolution did have some success in deflating Communist Chinese prestige. A public condemnation of a state was taken very seriously at the time, as evidenced by the long and bitter debate over this resolution. Nevertheless, the military events in the Korean peninsula affected Communist Chinese prestige far more than did any United Nations resolution.

It also effectively isolated the People's Republic of China from Western trade for several years after the Korean conflict, although the Soviet Union did help the People's Republic of China to industrialize. Nevertheless, this stifling of Western trade may have hindered Communist Chinese efforts for industrialization.

Resolution 498 did not win any allies for the United States in the Korean conflict. The Asian states vigorously opposed the American resolution, twelve of them sponsoring a far more moderate resolution. Prime Minister Nehru of India denounced the resolution time and again during this period. There was fear that resolutions such as this one would prevent compromise and inexorably lead to a third world

war. Despite the defeat of the Asian resolution, the fact that two out of three neutral states refused to serve on the Additional Measures Committee is indicative of their lack of enthusiasm for the war effort.

It is apparent that the resolution had little effect on Communist China's relations with the Soviet Union. A Treaty of Friendship, Alliance and Mutual Assistance had been signed by the two nations in February 1950 and ratified in September of the same year. In addition, the Soviet Union sent more than \$2 billion in military aid¹ and transferred various properties in Peking, Kairen, and the Northeast to the People's Republic of China free of charge. Further, trade between the two nations doubled from 1950 to 1951.²

On September 15, 1952, Tass News Agency announced that the transfer of the Manchurian Railway to the People's Republic of China would be completed by the end of the year. After Stalin's death in 1953 Soviet aid increased even further. In 1954 it was announced that Port Arthur would be transferred to the People's Republic of China, further long-term credit would be extended, and two new railways would be built linking the two nations; and on May 1 Moscow Radio announced that an agreement on atomic cooperation had been signed.³

Thus there was an increasingly close relationship between the People's Republic of China and the Soviet Union at this time. The Communist Chinese intervention in Korea

¹The Sino-Soviet Dispute, Keesing's Research Report (New York: Charles Scribner's Sons), pp. 1-4.

²Edmund Clubb, China and Russia: the Great Game (New York: Columbia University Press, 1971), pp. 321.

³Keesing's Research Report, pp. 4-6.

certainly did not weaken this alliance and in all probability strengthened it. This is all the more true if one accepts the assumption that it was the Soviet Union which masterminded the Korean conflict. In April and May, for example, just before the start of the hostilities, the Soviet Union delivered large amounts of tanks, trucks, and heavy artillery to North Korea.¹ Allen Whiting also asserts that Communist China did not anticipate direct involvement in the war at all.² When the People's Republic of China did become involved in the conflict it was with Soviet concurrence, as implied by the Sino-Soviet agreement signed at that time.³ The fact that Soviet military assistance completely ~~re-~~equipped the People's Liberation Army and provided Peking with a modern air force is further proof of Soviet support for the Communist Chinese move into North Korea.⁴

Since the Soviet Union probably encouraged the Communist Chinese to fight the United Nations it is hardly likely that a United Nations condemnation would result in a deterioration of their relations. What is more, if the assumption that the Soviet Union encouraged the North Koreans is valid, this resolution indirectly condemned the Soviet Union, because extending aid to the aggressors was in fact committing aggression indirectly.⁵

¹ Whiting, p. 43.

² Ibid., p. 45.

³ Ibid., pp. 87-91.

⁴ Ibid., p. 167.

⁵ Appleton, pp. 30-31.

It is therefore evident that Sino-Soviet relations did not deteriorate because of the United Nations condemnation of the People's Republic of China; they continued on a friendly level until at least 1956.

The resolution also did ~~not~~ encourage American allies. Most of them objected to this resolution and supported it only because of American pressure. Denmark and Australia were unenthusiastic; the United Kingdom and France were unwilling to act as co-sponsors; and Canada and Israel backed amendments which would have severely diluted the resolution. Indeed, The New York Times on January 24 reported that several Western states actually backed the twelve-nation resolution as against the United States resolution. Secretary Acheson makes a similar point:

Not content with this rebuff, the British, Canadians, Indians, and others produced another bid to the Chinese, a resolution proposing five principles for peaceful settlement in Korea: (1) a cease-fire; (2) a political meeting for restoring peace; (3) a withdrawal by stages of all foreign forces; (4) arrangements for an immediate administration of all Korea; (5) a conference, after a cease-fire, of the United Kingdom, the United States, the Soviet Union, and the Chinese Communists to discuss Far Eastern problems, including the future of Formosa and the representation of China in the United Nations.

We supported this plan in the fervent hope and belief that the Chinese would reject it (as they did) and that our allies would then return (as they did) to comparative sanity and follow us in censuring the Chinese as aggressors... At once the political roof fell in, and...Senator Taft attacked us with great violence...The resolution proposed on January 11 and adopted on the thirteenth was rejected four days later by the Chinese. Our allies-rather grudgingly as they believed that the United States was getting the best of both worlds.

when the State Department supported the five principles and the country rejected them-joined us on February 1 in passing a condemnation of Chinese aggression but dragged their feet until May in taking any¹ action to punish the aggressor.

Though the resolution was intended to improve the morale of the United Nations forces in Korea, and though there was a sharp upturn in morale in February, it is difficult to credit resolution 498 for this. Rather, the morale boost was due to General Ridgway's leadership and the victories on the battlefield.

The very first task I set myself was restoring the fighting spirit of the forces under my command. This meant, in addition to developing confidence in the commander's concern for the safety of every individual soldier, the recruitment of confidence in the soundness of the top commander's decisions...

"You've certainly got this army fighting for you, General," he said. And they were indeed fighting again, but not for me. They were fighting for themselves with pride re-kindled, and with a determination that they would never again take the sort of licking² they had accepted a month before.

Finally, although the resolution might have been used as justification for a formal declaration of war, the United States government decided that it would be wiser not to do so. And later events showed there was no need to declare war.

B. United Nations Effects

The argument most often used in favor of this resolution was that it upheld the United Nations Charter. Although the

¹Acheson, pp. 661-662.

²Ridgway, pp. 97-106.

United Nations was meant to deter or halt aggression, the very existence of the veto implies that it was not meant to mediate great-power conflicts due to the dangers of a world conflagration. Thus, although technically in congruence with the Charter, this resolution actually violated its essence by transforming the United Nations into an instrument of the East-West conflict.

The second objective of this condemnatory resolution was to increase the prestige of the United Nations. It is true that by denouncing aggression wherever it existed the United Nations did gain stature in the eyes of the world. However, it was not denunciation but military victories that stopped the Communist Chinese forces and enhanced United Nations prestige. A mere condemnation of aggression followed by abandonment of South Korea or by a military defeat of United Nations forces would have been a disaster. The military action, in the final analysis, contributed far more to United Nations prestige than any number of resolutions. In fact, the entire Korean episode may have resulted in a net decrease in United Nations prestige as it became apparent to most people that the United Nations could not effectively cope with great-power aggression.¹

Resolution 498, on the other hand, did reinforce earlier resolutions asking states to aid South Korea. In this way, it was a further legitimization of United States action. The resolution not only justified Western actions against aggression,

¹ The New York Times, February 4, 1951, Section 4, p. 1.

but also laid the foundation for the sanctions adopted in resolution 500 on May 18, 1951. Nevertheless, one cannot ignore the fact that most Western states attempted to put off the imposition of sanctions for as long as possible. For example, France backed the United States in branding the People's Republic of China an aggressor but urged caution on imposing sanctions against it.¹ Prime Minister Attlee of Great Britain announced support of the condemnation but insisted that sanctions would rule out any hope for a peaceful settlement.²

Resolution 498 had the added effect of counteracting any Soviet bloc allegations of American aggression in Korea. A determination by the General Assembly that it was the People's Republic of China which was guilty of aggression ruled out the communist charges that the guilt lay with the United States.

The most lasting effect of the resolution was on Communist China's hopes for admission to the United Nations. In fact, one of the major arguments used by the sponsors of the twelve-power resolution was that it would not indefinitely delay the admission of the People's Republic of China into the United Nations. The passage of the United States resolution effectively put off admission. Indeed, in the 1960's the consistent condemnation of South Africa led many African states to press for its expulsion on the ground that a state condemned by the United Nations has no right to enter or remain

¹ The New York Times, January 19, 1951, p. 1.

² Ibid., January 24, 1951, p. 1.

in that organization. The People's Republic of China could not insist that it was a peace-loving state after having been condemned for aggression. In this area, therefore, the resolution had an immediate and devastating effect on Communist Chinese hope for United Nations membership. So strongly did the Communist Chinese feel about this resolution that they declared in the late 1960's, nearly twenty years after the passage of the resolution, that they would not enter the United Nations unless this resolution was publicly rescinded. (The fact that they did enter the United Nations in 1971 despite the failure of the General Assembly to rescind the resolution demonstrated a retreat on their part.)

A final effect in the United Nations arena was on the United Nations itself. Its action against the People's Republic of China consistently lowered United Nations prestige in the eyes of that state. The United Nations was pictured as a stooge of United States imperialism and was itself delegitimized. For example, on November 18, 1950 World Culture stated:

American imperialists threaten that if China does not stop helping Korea, not only America will be China's enemy but the entire United Nations will be the enemy. The Chinese people do not fear this threat. If the United Nations is used by the U.S. as its tool of aggression, the United Nations is not then the instrument of the peoples of the world for peace. The United Nations loses its strength in becoming an aggressive instrument of the ¹ American imperialists and their satellites.

On the same day, Kuo Mo-jo, head of the Communist Chinese

¹Whiting, p. 149.

delegation to the Second World Congress of Defenders of Peace in Warsaw, stated:

The American imperialists desecrate the U.N. By their criminally aggressive actions in Korea, they have turned the U.N. flag into a shameful rag...The United Nations... has now become a screen behind which the aggressors violate peace. The U.N. Charter¹ has become just so much paper.

C. Domestic Effects

In many ways, resolution 498 did provide a justification for the urgent and rapid build-up of the American military machine. The administration could use this resolution as one factor, among others, justifying the tremendous expense of increasing militarization. After all, the United Nations itself had recognized the communist menace. Therefore, the United States as the bastion of democracy must take drastic measures for its own protection. However, it is important to note that although this resolution served to justify American actions it did not determine ~~these~~ actions. The state of national emergency as well as the rearmament program had begun long before; the actions of the American government were determined by events on the Korean peninsula, not by United Nations resolutions.

The resolution served to diminish but did not put an end to the demand for United Nations action. Thus, although pleased with the resolution, Senator John L. McClellan of Arkansas demanded that the United Nations now go one step

¹Whiting, pp. 149-150.

further and organize sanctions against the People's Republic of China. Governor James P. Byrnes of South Carolina insisted that the United Nations authorize the bombing of military bases in Manchuria as well as organize a blockade of China. Nevertheless, the resolution satisfied many critics and protected the United Nations from further extremist demands to dissolve it. However, the success of the Eighth Army in Korea at this time probably was at least as important as resolution 498 in diminishing demands for drastic action. Continued defeats would have made the demands more vociferous and more widespread.

Finally, although one cannot discount the morale boost of resolution 498 on the home front, battlefield victories contributed far more. The resolution was one small factor which captured the headlines for a few days and was quickly forgotten. News from the battlefield, on the other hand, was constantly displayed by all the mass media, and it was the most important factor in improving morale on the home front.

As a whole, resolution 498 had its most direct effect in the United Nations arena. Not only did it play an important part in defeating Communist Chinese attempts to occupy the Chinese seat in the United Nations, but also laid the groundwork for the passage of resolution 500 in May 1951. In the international and domestic spheres resolution 498 was a factor in the political conflict, although even here its influence was clearly limited. It failed to gain any new

allies for the United Nations forces in Korea, but it provided a partial justification for the American military build-up and protected the United Nations, to a large degree, from American public condemnation.

Resolutions 804 and 906, on the other hand, had more limited objectives and effects. Resolution 804, which condemned communist mistreatment of United Nations prisoners of war, was essentially a reaction to the condition of some returning prisoners of war. The United States had several objectives in supporting this resolution. The primary one was to call world attention to communist cruelty against defenseless prisoners of war, partially for propaganda purposes and partially to deter future mistreatment of prisoners of war. For example, the United States Information Agency used the United States Army War Crimes Division's report of 1950-1953 as a basis for a worldwide radio and pamphlet campaign to counteract communist propaganda.

There were also domestic reasons for the resolution condemning communist mistreatment of United Nations prisoners of war. Several senators were pressuring the administration for more action. Senator Styles Bridges of New Hampshire announced on April 22 that the State and Defense Departments were collecting data on war crimes.¹ In September Senator Joseph R. McCarthy of Wisconsin announced that Senator Charles Edward Potter of Michigan would head a subcommittee to investigat

¹ The New York Times, April 23, 1953, p. 1.

the reported atrocities and continued detention of many prisoners of war.¹ American defense officials testified before this subcommittee after Senator Potter himself had gone to Korea to investigate the report.

The situation grew more volatile with the release, on October 29, of the United States Army War Crimes Division Report, which charged that the communists murdered, tortured, starved, or otherwise mistreated at least 6,113 American prisoners of war, 11,622 United Nations prisoners of war, and 17,354 civilians.² This move was undoubtedly in preparation for the presentation of the problem to the General Assembly the next day but it nevertheless created quite a domestic stir. The United States Senate was outraged, and Senator Mike Mansfield immediately requested information on what steps had been taken to punish the guilty parties.³ Thus the situation was brought to the United Nations for domestic as well as international reasons, as a move in the political and psychological conflict between East and West. The resolution may also have been an emotional reaction to the feeling of helplessness on the part of the American government.

The effect of resolution 804 on the treatment of the prisoners of war is unclear. Most prisoners had already been released by that time, and the remainder would shortly follow. The resolution may have led to a slight improvement in the treatment of the prisoners of war who had not yet been

¹The New York Times, September 26, 1953, p. 2.

²Ibid., October 29, 1953, p. 1.

³Ibid., October 30, 1953, p. 3.

released by that time if the communists wanted to counteract the propaganda effect of the resolution. Because the resolution did demonstrate communist atrocities, from the United States point of view it was a psychological victory. The fact that Premier Chou En-lai condemned the resolution and North Korea released a report charging United Nations atrocities against communist prisoners of war demonstrates that the communists feared the unfavorable publicity. Further, not only was the resolution yet another factor in preventing the admission of Communist China into the United Nations, but it also may have diminished domestic pressure for action--although the issue died down as the last prisoners of war were repatriated.

Resolution 906 had a more specific and limited objective, the release of eleven American airmen captured by the Communist Chinese. A secondary objective of the sponsors was to pressure other states to increase their efforts for the release of the American airmen. Indeed, after the passage of the resolution, Prime Minister Nehru of India reportedly asked the Indian ambassador to Peking to request the release of the American airmen. Canada encouraged Nehru in these efforts.¹ In addition, Great Britain approached Asian states friendly to the People's Republic of China in order to gain their aid in securing the release of the prisoners but with disappointing results.²

¹The New York Times, December 11, 1954, p. 2.

²Ibid., December 14, 1954, p. 1.

It was hoped that Communist China might release the prisoners on its own as a demonstration of good faith. Instead, Premier Chou En-lai denounced the American "aggression" and United Nations interference in China's "internal affairs." He sharply criticized resolution 906 and asserted that the United Nations should have condemned the United States for sending the spies over China in the first place.¹ Next, Peking radio said that neither threats nor United Nations condemnations could alter Communist China's right to deal with spies.² Then Premier Chou En-lai further charged that the United States had manipulated the United Nations into condemning the People's Republic of China.³

Thus neither the direct appeal to the People's Republic of China nor the indirect appeal to other states succeeded in freeing the imprisoned airmen. However, the resolution also requested that Secretary General Dag Hammarskjöld "seek the release, in accordance with the Korean Armistice Agreement, of these eleven United Nations Command personnel, and all other captured personnel of the United Nations Command still detained." The Secretary General went to Peking, and on August 1, 1955, the People's Republic of China announced the release of the American airmen.⁴

Although the United States supported the resolution in the hope that it would result in the ultimate release of the

¹ The New York Times, December 18, 1954, p. 1.

² Ibid., December 19, 1954, p. 9.

³ Ibid., December 27, 1954, p. 3.

⁴ Ibid., August 2, 1955, p. 1.

airmen, it also did so because of mounting domestic pressure. During November and December there had been a tremendous public outcry over these eleven airmen. Senator Knowland, later to be joined by Senators McCarthy and Jenner, demanded a blockade of Communist China's coast if the airmen were not released. But the resolution was successful in easing some of the pressure. On December 11 Senator Knowland commended the General Assembly for its action and suggested further steps only if the People's Republic of China refused to listen.¹ The resolution was also successful in securing the release of the airmen eight months later.

Thus the People's Republic of China was condemned three times in a period of four years. The fate of each of these resolutions differed. Resolution 906, the most limited and specific of the three, achieved its objectives but only with the Secretary General's aid. Resolution 804 was in many respects a propaganda resolution, and in this respect it was successful even though its effect in improving the treatment of the prisoners of war is in doubt. Resolution 498, a vastly more complicated resolution, had a variety of objectives, some successful, some not.

¹ The New York Times, December 12, 1954, p. 49.

CHAPTER 4

THE REPUBLIC OF SOUTH AFRICA

The Republic of South Africa has been condemned more often, directly and indirectly, than any other states in the United Nations. In the period 1961 through 1970, South Africa was condemned twenty-two times directly and many more times indirectly, in conjunction with other colonial states. South Africa has been condemned for two reasons: its domestic apartheid policy and its refusal to grant independence to South-West Africa. However, much opposition has been aroused because of its application of apartheid to South-West Africa in addition to its refusal to grant independence to that territory. The number and variety of condemnations has increased in the last few years with the outbreak of guerrilla warfare in Angola and the unilateral declaration of independence of Southern Rhodesia, which has focused attention on Southern Africa.

HISTORY AND RECORD OF CONDEMNATIONS

Although Portuguese navigators went ashore in South-West Africa in the fifteenth and sixteenth centuries it was not till the seventeenth century that periodic expeditions were made in South-West Africa. In the beginning of the nineteenth century missionaries settled in the territory, soon to be followed by traders and explorers. The Dutch proclaimed sovereignty over Angre Pequena, Halifax Island, and Walvis Bay, which had been transferred to British control in 1795 together with the Cape, and by 1878 the British had annexed the area adjacent to Walvis Bay. In 1884, Germany established a protectorate over the area surrounding Angra Pequena and the Germans gradually established their authority over all of South-West Africa. They built a railway line and improved the harbor at Swakopmund, thus increasing immigration to the colony. However, in 1903 a revolt broke out among the Bondelswarts of the South and shortly thereafter the Herero-German War erupted, which lasted till 1906. With the outbreak of World War I South African troops marched into the territory, and the outnumbered German forces surrendered on July 9, 1915. In the negotiations at Versailles it was decided to place South-West Africa into the C category of mandates under the League of Nations. South Africa would administer the territory as the mandatory power under Article 22 of the Covenant.

(1) To those colonies and territories
which as a consequence of the lat war have

ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

(2) The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League...

(6) There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can best be administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

(7) In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge...

The permanent Mandates Commission received annual reports from South Africa as to the status of South-West Africa until 1945. At the first session of the United Nations General Assembly the South African delegate proposed the incorporation of South-West Africa into South Africa. The General Assembly rejected this proposal and recommended instead that South-West Africa be placed under the trusteeship system. South Africa refused on the grounds that it was not

¹ Covenant of the League of Nations, Article 22.

legally obliged to conclude a trusteeship agreement in place of the mandate and informed the General Assembly that it would continue to administer the territory in the spirit of the mandate. South Africa voluntarily submitted reports which described the economic, social, and educational conditions of South-West Africa, but refused to recognize any supervisory jurisdiction of the United Nations. In 1948, therefore, the General Assembly noted with regret that its recommendations in placing South-West Africa under the trusteeship system had not been carried out and requested that annual information be supplied on South-West Africa. In 1949, (resolution 337) the General Assembly expressed regret that South Africa had failed to submit reports on South-West Africa for two years and recommended that reports be resumed. South Africa had previously decided that it would not submit any further reports due to the offensive use made by the United Nations of the 1946 reports.

The debate in this period centered over (1) whether the mandate was still in force despite the expiration of the League of Nations, (2) whether South Africa was under a legal obligation to enter into a trusteeship agreement, and (3) whether South-West Africa was a non-self-governing territory under Chapter XI of the Charter. In December 1949 the General Assembly decided to submit the entire question to the International Court of Justice for an advisory opinion as to the status of South-West Africa.

On July 11, 1950 the International Court of Justice delivered its advisory opinion. It declared that the mandate for South-West Africa was still in force; that the supervisory functions of the League of Nations were now to be exercised by the United Nations, to which annual reports and petitions were to be submitted; that South Africa was under an obligation to accept the jurisdiction of the International Court of Justice on the mandate; that South Africa was under no legal obligation to conclude a trusteeship agreement; and that the competence to modify the international status of South-West Africa rested with South Africa, acting with the assent of the United Nations.

The General Assembly approved resolution 449A on December 13, 1950, urging the Government of the Union of South Africa "to take the necessary steps to give effect to the opinion of the International Court of Justice, including the transmission of reports on the administration of the Territory of South-West Africa and of petitions from communities or sections of the population of the Territory." The General Assembly further established a committee of five (Denmark, Syria, Thailand, United States, Uruguay) to confer with South Africa "concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice." However, in resolution 449B, the General Assembly reiterated its request to South Africa to place South-West Africa under the trusteeship system.

In 1951, the Ad Hoc Committee on South-West Africa reported that the Union of South Africa

had submitted a proposal which it found to be unacceptable since it did not allow adequate United Nations supervision over the territory. In turn the Ad Hoc Committee submitted a counterproposal based on the Mandates Agreement which envisaged United Nations supervision over South-West Africa in much the same manner as League of Nations supervision. South Africa replied that it was unwilling to accept the Ad Hoc Committee's proposal and refused to submit reports on the administration of the territory. The General Assembly reappointed the Ad Hoc Committee on South-West Africa and requested that it continue to confer with the government of the Union of South Africa.

On January 19, 1952, in resolution 570A, the General Assembly expressed regret that South Africa was unwilling to grant supervisory responsibilities to the United Nations and solemnly appealed for a reconsideration of its position. In resolution 570B, passed on the same date, the General Assembly again expressed its hope that South Africa would place South-West Africa under the international trusteeship system. Resolution 749A, approved on November 28, 1953, recorded with deep regret that South Africa continued its refusal to implement the advisory opinion of the International Court of Justice in regard to South-West Africa and noted with concern and further regret that South Africa had submitted neither reports nor petitions to the United Nations. It also established a Committee on South-West Africa consisting

of seven members (Brazil, Mexico, Norway, Pakistan, Syria, Thailand, Uruguay), later to be increased to nine members, which would examine reports and petitions from South-West Africa and transmit a report to the Secretary General. In resolution 479B the General Assembly again requested that South-West Africa be placed under the trusteeship system.

In 1954 the General Assembly established a set of rules of procedure for examining reports and petitions relating to South-West Africa. Resolution 851, passed in the same year, noted with concern that in several respects the administration of South-West Africa was not in conformity with the obligations under the Mandate but did note with satisfaction that the representative of South Africa participated in the substantive discussions on South-West Africa in the Fourth Committee. In the following resolution, however, the General Assembly reiterated its request that South Africa place South-West Africa under the trusteeship system.

In November 1954, the General Assembly submitted a request to the International Court of Justice for a determination of the correct voting procedure on South-West African questions. The Court replied on June 7, 1955 that decisions in the General Assembly should be made by a two-thirds vote on South-West African matters as well as other important questions. In the same year the General Assembly approved five resolutions in reply to several petitions from South-West Africans, resolutions which informed the petitioners of the 1950 opinion of the International Court of Justice. The

General Assembly also reiterated its by now annual appeal that South Africa place South-West Africa under the international trusteeship system. This request was repeated in 1957, a year in which the General Assembly also noted with concern that the conditions in South-West Africa were still far from meeting the standards implicit in the mandate system, to say nothing of international trusteeship standards.

Several other resolutions were passed dealing with petitions submitted to the General Assembly describing conditions within the Territory of South-West Africa and requesting the Secretary General and the Committee on South-West Africa to find a solution to the problem. In October (1957) the General Assembly issued its annual appeal that South-West Africa be placed under the trusteeship system and established a Good Offices Committee consisting of the United States, the United Kingdom, and Brazil which would discuss with the South African government a "basis for an agreement which would continue to accord to the territory of South-West Africa an international status" (resolution 1143). This was in response to the South African contention that the mandate on South-West Africa had lapsed, and its consequent failure to submit annual reports to the United Nations was justified.

In 1958 the General Assembly reiterated its suggestion that South-West Africa be placed under the international trusteeship system but refused to accept the report of the Good Offices Committee on South Africa, a report which approved a South African plan for partition and partial annexation of

the territory. The petitions received in the previous year were reviewed and the General Assembly again expressed its deep concern as to the social, economic, and political situation in the territory as reported by the Committee on South-West Africa.

On November 17, 1959 the General Assembly approved a series of resolutions which (1) noted the petitions addressed to the United Nations from South-West Africa, replying to them with the Report of the Committee on South-West Africa; (2) noted with concern and regret the South African removal of many natives from their land, especially from the Hoachanas Native Reserve, in order to make room for European settlers; (3) considered the withdrawal of Hans Johannes Beukas's passport by the South African government to be an act of administration contrary to the mandate; (4) reiterated its request to South Africa to place South-West Africa under the trusteeship system; (5) referred member states to the special report of the Committee on South-West Africa as to the legal action open to states to refer any dispute with South Africa concerning the South-West African mandate to the International Court of Justice; and (6) noted with grave concern that the "administration of the Territory, in recent years, has been conducted increasingly in a manner contrary to the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights, the advisory opinions of the International Court of Justice, and the resolutions of the General Assembly" (resolution 1360) and invited the Government of South Africa to enter into

negotiations with the United Nations in order to place South-West Africa under the trusteeship system or to at least formulate proposals for administration in accordance with the mandate.

By 1960 the United Nations became more insistent and (1) expressed its deep concern with the arbitrary imprisonment and deportation of South-West African leaders; (2) commended the governments of Ethiopia and Liberia for submitting their dispute concerning the South-West African mandate to the International Court of Justice; (3) requested the Food and Agriculture Organization, the World Health Organization, and United Nations Educational, Scientific, and Cultural Organization, and the United Nations Children's Fund to undertake programs "to assist the indigenous population of South-West Africa in their respective fields" (resolution 1566); (4) deplored the forceable removal of residents of the Windhoek Location to Katutura and expressed its deep regret at the murder of eleven Africans there; and (5) deplored, deprecated, and disapproved of the policies (apartheid and others) practiced by South Africa in South-West Africa and requested a preliminary report on the implementation of this resolution from the Committee on South-West Africa.

In March and April of 1961 the General Assembly again noted with concern that South Africa had ignored United Nations resolutions adopting a policy contrary to the Charter and attempted to assimilate South-West Africa into South Africa. It appealed to South Africa's friends and allies to convince

South Africa to fulfill its obligations under the Charter. In its resolution of April 7, 1961 the General Assembly deplored the attempts at assimilation of South-West Africa and called the attention of the Security Council to the situation in South-West Africa, which would, if allowed to continue, endanger international peace and security.

In December of the same year the General Assembly (1) dissolved the Committee on South-West Africa but endorsed its recommendations for the establishment of special educational and training programs for South-West Africa by member states with the aid of the Secretary General and the specialized agencies; (2) established a United Nations Special Committee for South-West Africa consisting of representatives of Brazil, Burma, Mexico, Norway, Philippines, Somaliland, and Togo who were to visit South-West Africa and arrange for the release of all political prisoners, the evacuation of all South African military forces, the repeal of all racial laws as well as prepare for general elections; and (3) noted with the gravest concern, disappointment, and regret the refusal of South Africa to heed United Nations resolutions and its continued suppression of the African population by laws and force.

In the following year the General Assembly "Expressing its deep concern that the continuance of the critical situation in South-West Africa constitutes a serious threat to international peace and security, " therefore "Condemns the continued

refusal of the Government of South Africa to cooperate with the United Nations in the implementation of resolution 1702 (XVI) as well as other resolutions concerning South-West Africa" (resolution 1805). The General Assembly further requested that the Secretary General "take all necessary steps to establish an effective United Nations presence in South-West Africa" and asked all states to assist in this task.

DEBATE AND VOTES ON THE RESOLUTION

In contrast to resolution 498, which was a crisis condemnation, resolution 1805 was a situation condemnation. Resolution 498 was the direct result of the Communist Chinese intervention in North Korea against United Nations forces, whereas resolution 1805 was not inspired by any one specific action. Rather, it was the result of a general, long-range policy in South Africa and continuing General Assembly admonitions to South Africa to alter that policy. Resolution 498 was approved in response to a crisis taking place outside the United Nations. It was a condemnation for a specific action by the People's Republic of China: its intervention in Korea. Resolution 1805, on the other hand, condemned the Republic of South Africa for its failure to heed previous United Nations resolutions urging it to alter its long-range policy. Thus, as a condemnation for failure to heed suggestions, the action took place, to a large extent,

within the confines of the United Nations.

There were several bases for resolution 1805: previous General Assembly resolutions, reports by special United Nations bodies, and petitions.

1. Previous General Assembly resolutions

(a) Resolution 1514-Declaration on the granting of Independence to Colonial Countries and Peoples-proclaimed the necessity of bringing a speedy end to colonialism since "all peoples have the right to self-determination."

(b) Resolution 1702 on the question of South-West Africa proclaimed "the inalienable right of the people of South-West Africa to independence and national sovereignty."

(c) Resolution 1761 on the policies of apartheid of the Republic of South Africa deplored and deprecated its failure to heed previous United Nations resolutions by continuing its policy of apartheid and requested a partial boycott of South Africa.

2. Reports by special United Nations bodies.

(a) Report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (1) discussed the facts of the situation in South-West Africa; (2) considered previous United Nations action in that matter, and (3) recommended "urgent, positive action, including the possibility of sanctions against South Africa, to prevent the annexation of South-West Africa and to ensure the emergence of South-West Africa into independence at the earliest date in

accordance with the freely expressed wishes of the people."¹

(b) The report of the Special Committee for South-West Africa (1) discussed the report of the chairman and vice-chairman on their visit to South Africa and South-West Africa, (2) described the oral hearings and petitions submitted to the special committee, and (3) recommended firm and decisive United Nations action such as ending the mandate and "assuming the administration of the territory to prepare its peoples for independence, if need be by imposing sanctions or employing other means to enforce compliance with its decisions or resolutions."²

3. Petitions Petitions presented orally by some of the leading members of the resistance organizations (a) described the horrors of South African rule in contrast to its obligations under the mandate and (b) suggested several actions, such as economic sanctions and the use of military force, which the United Nations could take in order to enforce its decisions.

After establishing the general basis for the resolution of condemnation the next step is its sponsorship by one member or a group of members. Resolution 1805 was sponsored by 45 states. On these, seven were original members (India, Iran, Iraq, Philippines, Saudi Arabia, Syria, and the United Arab Republic), fifteen were members admitted between 1945 and 1960 (Afghanistan, Burma, Cambodia, Ceylon, Ghana, Guinea,

¹United Nations, General Assembly Annexes, Seventeenth Session, Official Records of the General Assembly, Seventeenth Session, Annexes, Addendum to Agenda Item 25 (New York: 1962), Chapter IX, p. 116, paragraph 124, document A/5238.

²United Nations, General Assembly, Official Records of the General Assembly, Seventeenth Session, Supplement No. 12 (A/5212) (New York: 1962), p. 7.

Indonesia, Jordan, Libya, Malaya, Morocco, Nepal, Pakistan, Sudan, and Tunisia), and twenty-three were admitted after 1960 (Algeria, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Gabon, Ivory Coast, Jamaica, Madagascar, Mali, Mauritania, Mongolia, Niger, Nigeria, Senegal, Sierre Leone, Somalia, Tanganyika, Togo, Uganda, Upper Volta). Categorizing the sponsors by area yields the following result:

Sponsors of Resolution 1805 by Region

Eastern Europe	Western Europe	Latin America	Asia	Africa
0	0	1	16	28

In terms of percentages of total sponsors:

Eastern Europe	Western Europe	Latin America	Asia	Africa
0%	0%	2.22%	35.55%	62.22%

Finally, if we consider the total number of African, American, and Asian states in the United Nations at the time in contrast to those actually sponsoring the resolution the following emerges:

Asia: 16/24 (2/3) or 66.66% of all Asian states sponsored the resolution.

Africa: 28/33 or 84.84% of all African states sponsored the resolution.

Latin America: 1/22 or 4.5% of all Latin American states sponsored the resolution.

Thus the majority of sponsors were states admitted after 1960, and with the exception of one state (Jamaica) all the sponsors

were from the Afro-Asian group. Of these two-thirds of the Asian and nearly 85% of the African group sponsored these resolutions for a combined total of 77.19% of the entire Afro-Asian group sponsoring resolution 1805.

In the debate that followed five distinct groups emerged, each urging a different course of action. At one extreme was South Africa, which questioned the legality of the entire discussion for a variety of reasons, the most significant being the principle of sub judice. Since the question was being considered by the International Court of Justice, South Africa invoked the sub judice rule in an attempt to put a stop to General Assembly consideration of the matter. A second group (primarily Western states), while not particularly enthusiastic, nevertheless admitted that the General Assembly could discuss it. The main thrust of their efforts was not to suspend the discussion but to prevent passage of a condemnatory resolution against South Africa. If all else failed, they would accept a condemnation but would not agree to any further action by the General Assembly.

The third group (Latin America and other pro-Western states) were willing, at least officially, to support further United Nations action such as a revocation of the mandate, a boycott of South Africa, or expulsion of that state from the United Nations. However, these states, led by Mexico, strongly counseled restraint and urged that the General Assembly wait for a decision in the case then pending in

the International Court of Justice so as to give the General Assembly a legal basis for any action it would take. The fourth group (African and Asian states), on the other hand, pressed for immediate, drastic action such as a revocation of the mandate or United Nations sanctions. In the end, however, most of these states sponsored and voted for a considerably weaker resolution-a condemnation of South Africa for its actions in regard to South-West Africa. The final, most extreme group (Soviet bloc) pressed for even more immediate extreme action than that proposed by the African and Asian groups: not only revocation of the mandate but immediate transfer of all administrative duties to the population itself or to the Organization of African Unity, not to a United Nations committee as the African states wished. The entire debate was utilized by this group to launch a propaganda barrage blaming the West for every ill in South-West Africa because of its illegal support of South Africa.

In the debate that preceded the approval of the resolution six areas were considered, each of which was crucial to the final decision to condemn South Africa.

A. Legality of United Nations Discussion

Before the discussion could proceed, it had to be established that the United Nations had the right to consider this matter. South Africa argued that such a discussion was illegal and challenged the right of the General Assembly

to discuss the question of South-West Africa while it was under examination by the International Court of Justice. Since the Court is a part of the United Nations the rule of sub judice applied and the General Assembly could not discuss the case. The reply of the African states was strong and immediate. First they questioned the validity of the sub judice rule, arguing that the international arena was completely different from the national arena and the applicability of the rule to the international field was questionable. Second, the African states contended that South Africa was using the sub judice rule to divert the General Assembly from its task of guaranteeing self-determination to South-West Africa. Many of the delegates asserted that it was strange to hear South Africa insist on the sub judice rule after refusing to be bound to the Court's opinions of 1950 and 1956. They agreed to postpone the discussion if South Africa would agree to abide by any International Court decision on the Ethiopian-Liberian complaint then before the Court.

South Africa immediately replied that (1) it had cooperated with the International Court of Justice by its very participation in the case and (2) it had not obeyed the 1950 opinion because the Court had not had all the facts of the case at the time. Had it had these facts the decision would have been different. Many Latin American states agreed with South Africa that General Assembly action should wait until the International Court reached a decision. Although they supported the African and Asian states in their

attempt to have the United Nations revoke the mandate, they believed that such a move would have more effect if it had a firm legal foundation such as an International Court decision would provide.

B. Facts of the Case

After discussing the legality of United Nations consideration of this matter the next step was to ascertain the facts of the case. What was the actual situation in South-West Africa? The African states presented the sordid facts of life in South-West Africa and then contrasted them with South Africa's obligations to that state.

Although all parties concerned agreed that the South African policy of apartheid had been extended to South-West Africa there was disagreement as to the underlying theory, effects, and implications of apartheid. South Africa insisted that apartheid was not meant to prevent the development of the Black or Bantu peoples but instead served to enhance it. Apartheid gave to each population group the opportunity to develop at its own pace. The peoples of South-West Africa were content with their lot in life, and all population groups supported apartheid since they all gained from it.

This assertion was scoffed at by the great majority of United Nations members. The level of disagreement with South Africa varied, however. The Western members deplored apartheid, which worked to the detriment of the Bantu population in South-West Africa. The African states were far more vociferous in their denunciation. The most moderate among them

accused South Africa of using apartheid as a subterfuge for the organized exploitation of the African masses. Others went further and asserted that apartheid threatened the very existence of the Black peoples. Yet others charged that the system was genocide in slow motion and that the Bantu population was being annihilated through torture and maltreatment. All agreed that South Africa was clearly violating Article 2 of the Mandate Agreement. "The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate." In addition, it was claimed, South Africa was rapidly increasing its military potential and establishing military bases within the territory, thus violating Article 4 of the Mandate Agreement which stated that "no military or naval bases shall be established or fortifications erected in the territory." Some African states went even further and accused South Africa of sabotaging the United Nations operation in the Congo by supporting the forces fighting the United Nations.

South Africa denied the accusations of genocide and militarization. Its delegate pointed to the Joint Communiqué issued by the South African government and by the chairman and vice-chairman of the Special Committee for South-West Africa after the Committee's visit to South-West Africa from May 9 to May 18, 1962. In this communiqué both sides had declared that the two men had seen no evidence of militarization in South-West Africa during their visit and that they were satis-

fied with what they had seen.

Although the two men had repudiated this communiqué, South Africa used it in its defense. The African states insisted that the communiqué had been issued under duress, that the two men had had no freedom of movement and had seen only what the South African government wished them to see, and that there had been press censorship on part of this trip. South Africa countered that the two had been allowed to go anywhere they requested and had been satisfied with the itinerary prepared by the South African government. Only in one area was the number of newsmen accompanying them restricted and that because of particular difficulties in the terrain.

C. Ultimate Objectives

Although the African states believed that the facts were enough to indict and condemn South Africa they felt that an exposé of South African intentions would be all the more damning. Therefore they proceeded to reveal what they believed were the true intentions of South Africa.

The African and Asian states claimed that South Africa wished to transform South-West Africa into a white-majority state by encouraging white immigration in every way and charged that South Africa intended to incorporate South-West Africa and thus end self-determination forever. A final argument was that South Africa was the keystone of an unholy alliance with Portugal and South Africa (later to include Southern Rhodesia) that was a threat to the African states.

This fear was encouraged by the communist bloc, which

claimed that South Africa was an aggressive imperialist power sharing with Portugal the aim of expanding northward in the African continent. This, together with the apparent militarization of the territory and the suppression of its population, made the situation a threat and thus necessitated urgent action.

D. Obligations of South Africa

The one step in demonstrating the guilt of a state is a determination of its obligations. If the facts cited are in direct violation of the state's obligation then it is clearly guilty (unless some plausible explanation can be found to excuse it). This is therefore a necessary step in proving substantive guilt. For this reason South Africa claimed (1) that the mandate ceased to exist, together with the League of Nations, and (2) even if the mandate was still in existence, the United Nations had no supervisory power over it. Therefore, even if the African allegations were true, South Africa had not violated any of its obligations--and in any case the United Nations had no right to interfere. The African states countered that (1) the mandate was still in existence as evidenced by the 1950 advisory opinion of the International Court of Justice, and (2) the United Nations had inherited the supervisory functions of the League of Nations (also in the 1950 advisory opinion of the International Court) and should therefore receive annual reports and petitions from the mandatory power. They further contended that if the mandate had indeed lapsed, South Africa

no longer had legal authority over South-West Africa.

E. Future Steps and Possible Effects

Once a majority of member states agreed that the United Nations did have a role to play, and once most states agreed that South Africa had violated its obligations, it then remained to decide how the United Nations could ameliorate the situation. Most Western states insisted that the United Nations do no more than admonish South Africa for its actions in South-West Africa. A condemnatory resolution should only be approved as a last resort. The Africans, on the other hand, insisted that the United Nations revoke South Africa's mandate of South-West Africa and itself administer the territory. The Soviet bloc insisted not only on a revocation of the mandate but also on immediate self-determination for South-West Africa or at least African, as opposed to United Nations, administration of the territory.

The final resolution, sponsored by a majority of African states, did not call for a revocation of the mandate but merely condemned "the continued refusal of the Government of South Africa to co-operate with the United Nations in the implementation of resolution 1702 (XVI) as well as other resolutions concerning South-West Africa" (resolution 1805 (XVII)). This was a significant retreat for the African states and went only one step beyond the suggestions of the Western powers. Since the Western states nevertheless objected to this resolution, the African states used several arguments in an attempt to gain their approval.

1. Apartheid as well as South Africa's actions in regard to South-West Africa had been condemned by most member states individually, so a resolution of condemnation would merely be a collective statement of what all had individually agreed to.

2. A condemnatory resolution would be an open appeal to the conscience of mankind that might make people the world over more aware of the evils of apartheid, especially within South-West Africa, and perhaps create a groundswell of public pressure which would force South Africa to change its policies.

3. The United Nations could no longer ignore its obligations in the matter and must openly demonstrate its concern with the situation in South-West Africa. This could be done through an open and clear condemnation. The West countered that a resolution condemning South Africa would actually defeat its purpose by hardening the South African government's attitude and uniting its people behind its policies.

F. Effect on the United Nations

The final point considered was whether a condemnation would enhance or diminish United Nations prestige. In considering the various options, the first concern was the effect of each on the achievement of the objective; a second concern was the effect of the resolution and its consequences on the United Nations itself. Most Western states argued that, since South Africa would not obey United Nations directives issued in the form of a condemnation, the United Nations would merely be demonstrating its impotence in this regard. A milder resolution, said the West, (1) might have more chances of

implementation and (2) even if not obeyed, would not so clearly demonstrate the futility of United Nations action in this area.

The African, Asian, and Communist states insisted that condemnation was the very least the United Nations could do in this case. South Africa had openly challenged the United Nations by refusing to comply with previous, milder General Assembly resolutions. Failure to condemn South Africa at this time would demonstrate that the United Nations was unwilling or unable to enforce its decisions, a fact which would cost it dear in prestige. It was now time to demonstrate that the United Nations would enforce its Charter, a document that South Africa had so ruthlessly violated in South-West Africa. The United Nations must make clear that it would no longer tolerate South Africa's intransigence. These states insisted that a condemnation might have more effect than previous resolutions--and in any case it was better for the United Nations to shatter on the rock of principle than to dissipate in the waters of compromise.

During the next few years the United Nations became more vociferous in its condemnation of South Africa for its actions in South-West Africa. On October 27, 1966 the General Assembly passed resolution 2145 (XXI), terminating South Africa's mandate and transferring responsibility for South-West Africa to the United Nations. Thereafter, the resolutions became ever stronger in the face of South Africa's continuing refusal to obey General Assembly and, later, Security Council directives.

Throughout this period (1962-1970) sentiment shifted toward the African position. The Latin American states still officially urged caution and moderation, but by 1970 they routinely voted with the Afro-Asian group on South-West African matters. In addition, many Western European states moved toward the African position. The Scandinavian states, for example, eventually supported the African states both in the great majority of debates and in the voting. Other Western European states also voted for most African resolutions on South-West Africa although they argued for modification in the debate. Even on resolutions which they could not support, most Western states abstained rather than openly vote in opposition. (This was often the case with the United Kingdom and France.) Only South Africa and Portugal consistently voted against these resolutions. Thus, from a large majority the African states achieved near-unanimity in their South-West African resolutions.

The Soviet bloc, although supporting the African resolutions, generally urged even stronger and more immediate measures. For example, most states wished to place South-West Africa under United Nations administration for several years while the indigenous population was trained for leadership, but the Soviet bloc insisted on immediate independence.

The debates during this period generally followed the same pattern, with South Africa contesting the very legality of United Nations consideration of the South-West Africa matter, especially after the International Court decided on July 1966

that Ethiopia and Liberia had no legal right to question the mandatory's performance of its obligations. South Africa considered this a reversal of the Court's opinions of 1950 and 1956 and now said the United Nations had no right to discuss the matter, emphasizing this point by absenting itself from all committee meetings devoted to South-West Africa. The African states, on the other hand, claimed that the 1966 decision did not invalidate earlier Court opinions and the United Nations still had the right both to discuss the matter and to terminate South Africa's mandate.

As to the facts of the case South Africa insisted that Ethiopia and Liberia had abandoned their accusations before the International Court of Justice that South Africa was intentionally oppressing the Bantu population in South-West Africa because South Africa had presented conclusive evidence to the contrary. Their plea became, instead, that South African policies violated an international human rights norm of non-discrimination, a much weaker charge. This transformation was proof, or so South Africa claimed, that the original charges were false. But the African states insisted (1) that the plea had not been changed in the International Court, (2) South Africa was guilty of oppression and maltreatment of the natives, and (3) that the very presence of South African personnel in South-West Africa after revocation of the mandate was aggression and a threat to international peace and security. South Africa

had an obligation to leave the territory and allow the United Nations to take jurisdiction over it. Since it refused to leave voluntarily, the United Nations had to discover a means to force it to obey General Assembly resolution 2145 (XXI). Several types of sanctions were recommended, particularly economic and military, and the General Assembly condemned those states which continued to trade with and supply arms to South Africa while condemning South Africa for its South-West Africa policy.

The Western states by now agreed to condemnations, but objected to any type of sanctions; the African states countered that economic sanctions would indeed be useful if the West did not insist on trading with South Africa despite these sanctions.

The West felt that the entire series of condemnations, and suggestions of sanctions diminished the prestige of the United Nations; the African states claimed that United Nations prestige would sink even lower if it allowed South Africa to openly flout its directives, whereas its prestige could only be increased if the Western states would cooperate in applying economic sanctions and in pressuring South Africa to withdraw from South-West Africa.

In the voting that followed, resolution 1805 (XVII) was adopted 96 to 0 with one abstention in the Fourth Committee and 96 to 2 in the General Assembly. All United Nations members voted for the resolution in the Fourth

Committee except for Portugal, which abstained, and El Salvador, Iceland, Laos, Luxembourg, Madagascar, Nicaragua, Paraguay, Peru, Rwanda, Saudi Arabia, South Africa, Upper Volta, and Yemen, which did not participate in the vote. South Africa did not participate because the sub judice rule made the entire discussion illegal.

The resolution adopted was not identical to the original draft. Included in the original draft as proposed by 41 Afro-Asian states were the following sections that were subsequently altered in some way.

The General Assembly...

Noting with appreciation the report of the Special Committee for South-West Africa contained in document A/5212 and Chapter IX of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A5238),

Bearing in mind the findings, conclusions, and recommendations of the said reports...

2. Condemns the continued refusal of the Government of South Africa to co-operate with the United Nations in the full implementation of General Assembly resolution 1702 (XVI) as well as other resolutions concerning South-West Africa;

3. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to discharge the tasks assigned to the Special Committee for South-West Africa by its resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard of the Territory of South-West Africa, and to submit a report on the implementation of this resolution to the General Assembly at its eighteenth session...

5. Requests the Secretary General to appoint a United Nations Technical Assistance Representative for South-West Africa to achieve the objectives outlined in resolution 1566 (XV) and paragraph 2

(g) of resolution 1702 (XVI), in consultation¹ with the Special Committee...

After a minor change in the French text was suggested by Haiti, Poland and the Soviet Union submitted the following amendments (underscored):

3. Requests the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to discharge bearing in mind the changed conditions the tasks assigned to the Special Committee for South-West Africa by its resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa, and to submit a report on the implementation of this resolution to the General Assembly at its present session or at its eighteenth session and, if necessary, to the Security Council.

These amendments were intended to strengthen the resolution by incorporating a partial commitment to submit a report to the Security Council in view of its power to take mandatory enforcement action. Thus the Soviet bloc pressed for a more authoritarian resolution. The United States, on the other hand, attempted to modify the resolution by submitting two amendments. The first would replace constitutes a serious threat which may lead to a serious threat; the second would replace condemns with deeply deplores. These would have considerably moderated the resolution. The sponsors, together with four other states, presented a revised resolution which would delete full from full implementation of General Assembly resolution 1702, insert in operative paragraph 3 the phrase mutatis mutandis between the words to

¹United Nations, General Assembly, Annexes to the Seventeenth Session (New York: United Nations, 1962), pp. 16-17.

discharge and the tasks assigned to the Special Committee, insert in the same paragraph the words "the General Assembly at its present or at its eighteenth session," and insert the word "Resident United Nations Technical Assistance." In addition, the Haitian amendment was accepted. The Soviet Union and Poland thereupon withdrew their amendments but insisted that operative paragraph 6 was in conflict with the Charter since only the Security Council could decide the issue. Both United States amendments were rejected in the voting, the first by 57 to 24 with 14 abstentions and the second by 64 to 17 with 17 abstentions.

1805 (XVII). QUESTION OF SOUTH-WEST AFRICA

The General Assembly,

Recalling its resolution 1514 (XV) of 14 December 1960 entitled "Declaration on the granting of independence to colonial countries and peoples,"

Recalling further its previous resolutions on the question of South-West Africa and in particular resolution 1702 (XVI) of 19 December 1961,

Considering its resolutions 1761 (XVII) of 6 November 1962,

Noting with appreciation the report of the Special Committee on the Situation with regard to Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Bearing in mind the findings, conclusions and recommendations set forth in two reports.

Having heard the petitioners,

Expressing its deep concern that the continuance of the critical situation in South-West Africa constitutes a serious threat to international peace and security,

1. Reaffirms its solemn proclamation of the inalienable right of the people of South-West Africa to independence and national sovereignty;
2. Condemns the continued refusal of the Government of South Africa to co-operate with the United Nations in the implementation of resolution 1702 (XVI) as well as other resolutions concerning South-West Africa;
3. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to discharge, mutatis mutandis, the tasks assigned to the Special Committee for South-West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South-West Africa, and to submit to the General Assembly, at its seventeenth or eighteenth session, a report on the implementation of the present resolution;
4. Further requests all Member States to extend to the Special Committee such assistance as it may require in the discharge of these tasks;

5. Requests the Secretary-General to appoint a United Nations Technical Assistance Resident Representative for South-West Africa to achieve the objectives outlined in General Assembly resolution 1566 (XV) of 18 December 1960 and paragraph 2 (g) of resolution 1702 (XVI), in consultation with the Special Committee;

6. Requests the Secretary-General to take all necessary steps to establish an effective United Nations presence in South West Africa;

7. Urges the Government of South Africa to refrain from:

(a) Employing direct or indirect action involving the forcible removal of indigenous inhabitants from their homes or their confinement in any particular location;

(b) Using the Territory of South-West Africa as a base for the accumulation, for internal or external purposes, of arms or armed forces;

8. Urges all Member States to take into consideration the anxieties expressed by a large number of Member States concerning the supply of arms to South Africa, and to refrain from any action likely to hinder the implementation of the present and previous General Assembly resolutions on South-West Africa;

9. Decides to maintain the question of South-West Africa on its agenda as an item requiring urgent and constant attention.

1194th plenary meeting,
14 December 1962.

REASONS FOR CONDEMNATIONS

There are several general reasons for African pressure to condemn South Africa as severely as possible.

1. Developments Within South Africa

Despite the frustration of years of futile resolutions, some African states still feel that future resolutions will have a discernible effect on South African policy, either directly or indirectly. Although few states expect South Africa to completely alter its policy toward South-West Africa by granting that territory independence, many nevertheless hope that South Africa will at least heed United Nations resolutions to the extent of not implementing repressive legislation.¹ If United Nations resolutions should achieve even part of their goal they could be deemed successful. Yet even if South Africa remained adamant, these resolutions might still have the indirect effect of causing internal dissension within South Africa. This can happen in several ways: First, it can foster disagreement among the Whites themselves by widening the existing rift between the Afrikaner and English communities.² For example, a series of United Nations condemnations, steadily increasing in severity, might turn the more moderate English-speaking population against the Afrikaans-speaking population, which is far more extreme on that question. The English-speaking population might then press for changes so as to make the South-West African situation more acceptable

¹ Amelia C. Leiss, (ed.) Apartheid and United Nations Collective Measures: An Analysis (New York: Carnegie Endowment for International Peace, 1965) p. 1.

² Ibid., p. 40.

and thus reduce world pressure on South Africa. The condemnations might thus split the comparatively united community asunder. Second, the series of condemnations might encourage the Bantu population of South Africa and South-West Africa in their struggle to alter the system by which they are governed.¹ Public recognition of their plight could prevent their sense of separation and hopelessness from becoming all-pervasive. Knowing that the world's conscience is aroused by man's inhumanity to his fellow man should maintain if not increase their passive resistance to the South African tyranny. Finally, the continuing resolutions would legitimize the liberation movements in South-West Africa²(by hearing their petitioners and by other processes associated with the passage of a United Nations resolution), granting them moral, if not material, aid. This recognition might boost the morale of these freedom fighters and thereby increase their chances for eventual victory. It could also enhance their stature in the eyes of other states, thus increasing the possibilities of actual material aid to these movements.

2. External Relations of South Africa

Many sponsoring states recognized that these resolutions would not affect South Africa itself, either directly or indirectly. However, the resolutions were only one segment

¹Leiss, p. 28.

²Victor C. Ferkiss, Africa's Search for Identity (New York: George Braziller, 1966), p. 141.

of the struggle for South-West Africa's freedom. United Nations resolutions would carry the struggle into the diplomatic sphere. If the attempt to isolate South Africa should succeed, South Africa would become a pariah among nations and no state would be willing to be associated or identified with it.¹ This universal ostracism might finally convince South Africa of the error of its ways.

3. Allies of South Africa

The diplomatic isolation of South Africa would also affect those states that were its allies despite United Nations pressure. The African states proposed these condemnatory resolutions for the reason that strong measures such as condemnatory resolutions or those advocating sanctions or expulsion from the organization were likely to attract the greatest publicity in the Western states and arouse public support within these states.² Further, the African states wished to influence Western governments to convince South Africa of the folly of its ways.³

4. Past Experience of African States

Since most African states have had some colonial experience, they share an abhorrence of its effects and a fear that it may return in a new guise, such as economic or neo-colonialism. It is therefore quite natural that they seek to eliminate the remnants of colonialism. One of the most provocative situations in this regard is South-

¹ Personal Interview.

² Personal Interview.

³ Vernon McKay (ed.), African Diplomacy Studies in the Determinants of Foreign Policy (New York: Fredrick A. Praeger, Publishers, 1966), p. 2.

West Africa over which South Africa seeks indefinite control. This colonial move is particularly galling to the African states because of the very principle underlying the South African policy of apartheid. Having recently emerged from colonialism, the African states are now seeking to assert their equality with all states, but particularly with their former European masters. This striving for equality takes on all the aspects of a moral crusade.¹ Since the African states believe that apartheid denies them the equality they so strongly seek, they feel honorbound to end it. Thus United Nations condemnations of South Africa, both for its policy toward South-West Africa and for its apartheid system, become a reaffirmation of the principle of equality which the colonial states in general and South Africa in particular have so gravely violated. The principle that "No African country or nation is really free until all Africa is free" (Addis Ababa, 1963) is an expression of this striving for equality which the principle of colonialism negates.

5. Internal Conditions of African States

Much of the pressure by African states for condemnation of South Africa can be traced to the internal situation of these states. United Nations resolutions of condemnation can satisfy two important requirements for the leaders of these newly independent states. Since the composition and

¹ Scipio, Emergent Africa (New York: Simon & Schuster, 1965) p. 130.

² Leiss, p. 26.

borders of most African states have been determined by their colonial masters, not by their indigenous needs, there is little common loyalty or sense of identity within these states. Many individuals retain a greater loyalty to their tribe, which may be divided among two or three states, than to the state in which they actually reside. These states are artificial concepts, and a sense of loyalty and unity must be created if they are to survive as viable entities.¹ Opposition to an external enemy is often the most useful unifying element, and in this sense African leaders use South Africa, at least partially, for their own ends. To go one step further, if there were no South Africa, the African leaders might very well have had to invent one.

A second internal element influencing foreign policy toward South Africa is the inherent instability of the African leadership. In most states there is a budding opposition of educated young leaders who wish to gain power. In addition, the military is always standing in the wings, ready to take power if the present government should fail. Both groups, as well as many lesser officials and members of the informed public, pressure governmental leaders for action on the colonial issue.² Action in the United Nations is a partial satisfaction of these demands and may help to stem the growing sense of frustration felt by these individuals.³

6. United Nations Itself

A final contributing factor to the condemnations of

¹ Leiss, p. 26.

² Ibid.

³ Karefa-Smart, p. 766.

South Africa for its South-West African policy is the existence of the United Nations. The United Nations is a public forum in which all states can air their grievances. This provides an emotional outlet for the leaders of African states, an arena in which they can react publicly to South African provocations.¹ Because this satisfies their need for some sort of action, the United Nations can be said to act as a balm for their collective conscience.

Salving the collective conscience is the beginning of a gradually accelerating process. As the African states compete with each other in expressing loyalty to their African brethren and opposition to colonialism, each state becomes more vociferous.² Thus the entire African bloc is trapped in its rhetoric and forced to propose progressively stronger resolutions against South Africa.³ The tone of the group is set by its most radical members since, in the name of bloc solidarity, the more moderate members support most resolutions the extremists propose. This becomes a measure of radicalism and thus a source of competition among the African states. In addition, the very fact that earlier resolutions have gone unheeded forces the United Nations itself to acquiesce in more severe resolutions. Since the United Nations cannot indefinitely repeat the same resolutions it must either drop the subject entirely or make the resolutions progressively stronger.⁴ As the subject becomes the focus of world attention it cannot be dismissed from the international arena. So in

¹ Personal interview.

² Ferkiss, p. 214.

³ McKay, p. 45.

⁴ Leiss, pp. 16-17.

a sense the United Nations is part of a perpetual motion machine.

There are two other reasons for the continual passage of condemnatory resolutions against South Africa. First, since the United Nations has delegitimized the use of force in international conflicts, the African states use these resolutions as a relegitimization of the use of force in the North-South conflict. This is due to the African interpretation of the United Nations Charter, which gives priority to human rights over the peaceful settlement of disputes.¹

The founders of the United Nations had assumed that the primary function of the organization would be peacekeeping, as indicated in the preamble and the statement of purposes and principles (Articles 1 and 2). But the African states believe the United Nations has to turn its major efforts to the eradication of colonialism;² they insist that human rights are the essential purpose of the organization and peace is only secondary. If human rights and peace conflict then violence becomes legitimate in order to remove the violation on human rights.

Thus in the event that the African states gain enough power in the future to militarily overthrow the South African government, they want to have the near-unanimous approval of the United Nations organization for this use of force.

Second, every United Nations resolution acts as a basis for a stronger resolution if the first is not implemented.

¹McKay, p. 21.

²David A. Kay, "The Politics of Decolonization: The New Nations and the United Nations Political Process." International Organization, Vol. XXI, No. 4, Autumn, 1967, p. 808.

Thus a resolution which deplores South African action toward South-West Africa lays the groundwork for a resolution which condemns the same action, while an accumulation of condemnatory resolutions prepares for the eventual expulsion of or utilization of sanctions against South Africa.

Generally, therefore, United Nations condemnations are not the result of one or two actions which enrage the collective conscience of mankind. Rather, they stem from a wide variety of factors each contributing to this subtle mixture which results in a condemnation. The overt act plays a major part in bringing about the condemnation but the contributing factors are the characteristics and history of the condemning states themselves as well as the very nature of the United Nations organization which encourages condemnations in such cases.

EFFECTS OF THE CONDEMNATIONS

One cannot pinpoint the exact effects of one resolution of condemnation upon South Africa. Rather, it is necessary to consider the effects of the steady stream of condemnations directed each year at South Africa for its South-West African policy. We will therefore analyze the results of the entire series of resolutions, not merely resolution 1805 (XVII).

In making this analysis it is useful to consider the effects on the Republic of South Africa itself, the effects on other states, and the effects on the United Nations.

1. Effects on South Africa

The effects on South Africa can be subdivided into two categories: effects upon the population and effects upon the government.

The African population was at first encouraged by United Nations resolutions condemning South Africa. Chief Luthuli stated on December 14, 1961 that the United Nations' reactions to South African policy struck a lonely but jarring note in South Africa.¹ This gave way to disillusionment as the lack of positive effects became manifest. As a result, some of the festering anger was directed at the United Nations as its inefficacy became clear. Thus Mr. Garoeb, speaking on behalf of the South-West African People's Organization (SWAPO) stated:

If it came to the use of force, the rest of the Member states should use whatever military power they possessed to implement the United Nations resolution. By doing so, they would not only fulfill their sacred obligation towards the people of Namibia, but such action would also enhance the prestige of the United Nations. The greatest threat to the existence of the United Nations was its inability to implement its own 22 resolutions...

Along with the increasing sense of frustration with the United Nations among the African population was a growing awareness that South-West Africans had to take direct action if they were ever to achieve independence. In March 1966, therefore, the first group of guerrillas infiltrated across the border into South-West Africa. From then on, there were

¹Cape Times, December 15, 1961.

²United Nations, General Assembly, General Assembly Annex: Addendum to Agenda Item 23, Part I (New York: 1967), pp. 195-196.

sporadic outbreaks of fighting between South-West African police and the guerrillas.

To the European population, on the other hand, United Nations action in this arena seemed to provoke resentment and hostility and to consolidate support for the government in South-West Africa. This support is apparent if we compare the general elections of 1961 and 1966. Before 1961 the United Nations had not directly condemned South Africa for its actions in South-West Africa but by March 30, 1966, South Africa had been condemned several times. The Nationalist Party of South-West Africa, affiliated with the Nationalist Party of South Africa, won a landslide decision in 1966, capturing all six seats allotted to South-West Africa in the South African House of Assembly and all eighteen seats in the territorial Legislative Assembly,¹ increasing its percentage of the vote from approximately 59.3% in 1961 to 67.7% in 1966. The United National South-West Party percentage, on the other hand, decreased from about 40.6% in 1961 to 32.2% in 1966. The implications of United Nations pressure on South Africa were not lost on the opposition. The leader of the United Party, Sir de Villiers Graaf, stated:

We have objected firmly to outside interference because we realize that not only will it assist the Government to chase the electors into just one kraal, which they are desperately trying to do, but we realize also that it will interfere with our opportunities of getting rid of this Government and arriving at a sound solution in South Africa.

¹United Nations, General Assembly, General Assembly Annexes; Addendum to Agenda Item 23; Twenty-First Session (New York: 1966) p. 264.

²Republic of South Africa, Hansard House of Assembly Debates Vol. 10, April 24, 1964, column 4893.

Even within South Africa itself, the reaction to United Nations condemnations was largely negative. In 1961 the National Party won 105 seats in the House of Assembly as against forty-nine for the United Party and one for the Progressive Party. In the 1966 election, the National Party increased its percentage of the vote to 58%, winning 126 seats in the House of Assembly as against thirty-nine seats for the United Party (37%) and one seat for the Progressive Party (3%).¹ Even the opposition United Party backed the National Party against the United Nations. Sir de Villiers Graaf stated in November 1967:

The United Nations Organization needed a greater emphasis on the spirit of its Charter where the accent unquestionably fell on the encouragement of co-operation, the development of friendly relations between nations and the harmonizing of conflicting interests in the attainment of common ends.

There was grave unrest in the world and the United Nations had obviously failed to keep the peace. The organization suffered from a highly unbalanced obsession with South Africa.²

Sir de Villiers Graaf further said that any attempt to influence South Africa by threats of violence or by terrorist incursions would meet the united opposition of all South Africans. This national unity was also stressed by a Nationalist member of Parliament, Mr. B. Coetzee.

...anybody who ~~knows~~ anything about psychology knows that when a nation is involved in a struggle for survival, the more pressure one brings to bear on the nation, the more one unites the masses,

¹ State of South Africa; Economic, Financial and Statistical Yearbook for the Republic of South Africa (Johannesburg: Da Gama Publishers (PY.) Ltd., 1971), pp. 36-38.

² South African Digest, (South African Department of Information, November 3, 1967).

the more one drives them into one camp.¹

So intense was the resentment of South Africans against the United Nations that the gravest charge leveled by one party against the other was that it was giving in to international pressure and harkening to the voice of world public opinion. In the debates in Parliament, being "soft on the United Nations" was the unpardonable offense. Thus, when the Odendaal Report was tabled in Parliament, the opposition United Party accused the ruling Nationalist Party of a retreat in the face of international pressure. To this charge Prime Minister Verwoerd answered.

It is nothing else but a part of political tactics and political propaganda to describe the Government and myself as ~~weak~~ and submitting to pressure...I can quote a few forms in which, before an announcement of decisions had been made by the Government, these accusations were leveled: "The Prime Minister must defy the world or lose face"; "The Prime Minister is unable to make up his mind"; "The Government is in an acute dilemma";...Why were these general suggestions made beforehand, before any decision was arrived at and announced?...It was a party political manoeuvre...Besides these general suggestions there were also more specific ones, namely; "Here is a capitulation to international opinion." And worse still: "The Government submits to United States and United Kingdom pressure."²

A further indication of the possible effects of United Nations condemnatory resolution on the South African population is the rate of emigration. Since there is generally a time lag between the decision to emigrate and the actual date of emigration, one must consider the rate for the year following

¹South Africa, Hansard House of Assembly Debates, Third Session, Second Parliament (Cape Town: The Government Printer, 1964), 4 May to 8 May 1964, column 5540.

²Ibid., columns 5456-5457.

passage of the United Nations resolution as a possible response to that condemnation.

<u>Year</u>	<u>Rate of Emigration</u> ¹
1948	7,534
1960	12,612
1961	14,903
1962	8,945
1963	7,156
1964	8.092
1965	9.206
1966	9.888
1967	10,737
1968	10,589
1969	9,775

Thus in 1962, the year following the first overt condemnation of South Africa, emigration fell by about 40%. The following year, despite a second condemnatory resolution, emigration again fell by about 20%. In the years following, the rate of emigration increased by slightly more than 10% each year but in 1968 it fell slightly and in 1969 it had again fallen by approximately 10%. There was no sudden significant increase in emigration during the period of United Nations condemnations. Indeed, during the late 1960's emigration never reached the level of the peak years 1960 and 1961, when South Africa was not condemned. (The first condemnation was approved on November 28, 1961, too late to affect the emigration figures for that year.)

In measuring the effects on the South African government, one must clearly distinguish between its basic primary responsibilities and its long-range political goals. In its primary responsibilities the South African government did not make

¹ House of Assembly Debates, columns 5456-5457.

² South Africa Yearbook, p. 93.

any attempt to compromise with the United Nations. Thus, referring to an increasing threat of terrorism South African Minister of Justice Balthazar Vorster said in addressing a National Party Congress at Windhoek, South-West Africa on August 31, 1965:

My department has a responsibility to keep law and order here, and that order was given the Union at the time of the Mandate. We intend obeying it; we will see that there is peace, law and order here. Do not be lulled into a sense of false security...The assault on South Africa will come again; it will come from outside and it will be better organized than before. You as citizens not only have a duty-you have a holy right to defend what belongs to you. You must help the police-particularly in the beginning until reinforcements can be brought from elsewhere. I do not say this to frighten you, but only because history has shown me that these things only succeed where citizens are weak...You do not get a second chance to react and defend. ¹

South Africa moved firmly to crush all guerrilla movements in South-West Africa. Many guerrillas were killed or captured, and by the end of 1966 the Commissioner of South African Police said there were only six terrorists still free in South-West Africa. The South African government has continued to arrest guerrillas, potential guerrillas, and the political leaders of the guerrilla movement.

In the political field South African action has not been quite so direct and forceful. South Africa virtually ignores most United Nations resolutions, refuses to expend any effort to prevent or modify these resolutions, and often absents itself from committee meetings which discuss South-West

¹General Assembly Annexes; Twenty-first Session, p. 262, paragraph 12.

Africa. The government rarely comments on these resolutions and denounces only the most extreme ones, thus demonstrating that the resolutions have no discernible effects on its policy. Yet it has made certain gestures in response, as if to demonstrate that the condemnations are based on mistaken assumptions. Although South Africa denies any United Nations jurisdiction, it does try to counter United Nations claims and resolutions. The Foreign Minister stated in Pretoria on December 8, 1966:

...we, like previous South African Governments, continue to deny that we owe any accountability regarding South Africa's administration of South-West Africa to the United Nations and to affirm that the United Nations accordingly has no supervisory powers in that respect. Where we thus make information about South-West Africa available, inter alia, to the United Nations, this will be in exercise of our own deliberate choice and subject to all juridicial reservations.

Subject to these reservations and to purely practical considerations we will...seize every opportunity for putting our case positively, without prejudice, of course, to the basic principles enunciated above.

As a first step a detailed study of our policy in South-West Africa, its objective and results achieved, is now being compiled for overseas distribution in the near future.

South-West Africa Survey, 1967 was published and transmitted to the United Nations. The Survey was an attempt to explain the progress of South-West Africa and offset any harmful effects of United Nations condemnatory resolutions.

There was nothing to hide; and with a view to creating better understanding...South Africa would on a voluntary basis furnish all information

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¹ United Nations, General Assembly Annexes: Addendum to Agenda Item 23; Twenty-second Session (New York: 1967), p. 184, paragraph 26.

of its policies and of the progress made in their application, not only in the Republic but also in South-West Africa.

...the Survey set out to give a picture in fair detail of the situation as it affects the more important spheres of life, so that the reader may appreciate the unremitting and by no means unsuccessful efforts which have been made in difficult circumstances to do the best possible for all the Territory's peoples, in leading them to self-determination and stable, self-realization.

Shortly thereafter, in response to United Nations resolution 2440 (XXIII) condemning South Africa's alleged mistreatment of prisoners in 1968, the Foreign Affairs Department of South Africa in 1969 published Prison Administration in South Africa.

For the last fifty years the South African prison authorities have been in constant touch with prison administrations abroad and with academicians and experts at home to ensure that South Africa keeps abreast of new developments in prison techniques and that the latest proven methods are employed in its prisons. In this way South Africa has been able to adapt the ideas of leading world experts to local conditions, and to evolve a penal system which measures up to the highest standards.

South Africa's present penal legislation, based on international standards adopted by the 1955 United Nations Congress on the Prevention of Crime and the Treatment of Offenders, speaks² for itself.

A special chapter in this monograph was devoted to an exposé of attempts to discredit the South African prison system.

Finally, in 1971, in response to continued United

¹South Africa, Department of Foreign Affairs of the Republic of South Africa, South-West Africa Survey, 1967 (Pretoria: Cape and Transvaal Printers, Ltd., 1967), p. 5.

²South Africa, Department of Foreign Affairs of the Republic of South Africa, Prison Administration in South Africa (Pretoria: Cape and Transvaal Printers, Ltd., 1969), Preface.

Nations criticism, South Africa published a booklet describing Ovamboland and the progress it had made under South Africa's tutelage.

Having migrated from other parts of Africa in previous centuries the pastoral and agricultural Owambo found and settled the area where they still live. They had found a home and moved no further...

When South African administration of South-West Africa commenced in 1915 the Owambo tribes had for a long time functioned as separate political entities each with its own system of rule. The existing governmental systems were maintained and developed by the South African authorities...

The Owambo enjoy a considerable degree of autonomy and have achieved gratifying progress in most of the important human activities. The South African Government looks forward to the day when the Owambo nation will take its rightful position alongside the other nations of Southern Africa...

Owambo has made good progress...against a background of climatic and geographical disadvantages. The progress achieved to date is obviously due in large measure to Owambo's special relationship with South Africa. South Africa's support cannot be measured in money alone, though this is considerable. More important are the facilities and services which South Africa provides, including transport services, harbours, telecommunications, trained personnel, and in general technical expertise. In aspects of administration, and in the scientific and technical fields, the country and its people can rely on staff with intimate experience of local conditions and of the best solutions to particular problems. In many respects, South Africa's contribution is irreplaceable and Owambo's progress on the road to self-determination is dependent on her present natural relationship with South Africa remaining undisturbed.²

¹ South Africa, Department of Foreign Affairs of the Republic of South Africa, Owambo (Cape and Transvaal Printers, Ltd., 1971), Introduction.

² Ibid., p. 37. (Conclusion).

Among the illustrations in the book is a comparative study of several states by population as related to size, a study so structured as to use fairly densely populated small states for comparison in order to give the impression that Ovamboland is sparsely populated and fairly large.

On the other hand, there have been several positive results of the condemnatory resolutions. The concessions, however small, would probably not have been made without United Nations pressure. South Africa would prefer to annex the Territory of South-West Africa, and its failure to do so is without question due to United Nations pressure. In 1946 South Africa proposed annexation, a step to which the United Nations refused consent. Increased United Nations attention may also have prevented South African implementation of more repressive legislation in the territory.

Despite its show of indifference, South Africa has reacted to the United Nations on this issue. On May 10, 1961, it offered to invite an independent person of international standing, subject to agreement of the United Nations and the South African Government, to conduct an impartial inquiry into the situation in South-West Africa in order to determine whether international peace and security were threatened. Shortly thereafter, South Africa offered to invite three past presidents of the General Assembly to South-West Africa to determine whether there was any threat to international peace and security in the territory or whether South Africa was militarizing the territory or exterminating the native population.¹

¹Amry Vandenbosch, South Africa and the World: The Foreign Policy of Apartheid (Lexington, Ky.: University of Kentucky Press, 1968), p. 220.

Then the chairman and vice-chairman of the Special Committee on South-West Africa were allowed to visit South-West Africa. Although the joint communiqué issued after their visit supported the South African claims somewhat, the chairman quickly repudiated this communiqué. In February 1967, South Africa announced that the twenty diplomatic missions in South Africa would be allowed to send representatives to inspect the territory and examine the validity of the South African claims.

In addition, there were further reactions. On January 27, 1964 the Odendaal Commission, formed two years earlier, presented a report to the South African House of Assembly. The report suggested dividing South-West Africa into eleven regions, ten non-white and one white. It was generally accepted by the government, which had appointed the commission, for one basic reason: the need to find some compromise, a modus vivendi, with the United Nations. The South African leaders were not quite definite as to what their future course of action should be in regard to South-West Africa. After the 1946 attempt at annexation had been rejected by the General Assembly, the idea of partition was developed. It was presented to the Good Offices Committee on South-West Africa in 1958, but the General Assembly in resolution 1243 (XIII) also rejected this plan.

Nevertheless, this seemed to be the best compromise since South African leaders feared the consequences of openly incorporating South-West Africa yet were extremely reluctant to grant full independence to this mineral-rich territory.

Partition would satisfy world pressure for self-determination, rid South Africa of half a million Bantu, and allow it to retain much of the mineral resources. It was for this purpose that the Odendaal Commission was formed and its report accepted. United Nations condemnations, along with other forms of international censure, can be said to be partially responsible for this concept of partition rather than annexation. Within the South African Parliament the opposition often charged that the Odendaal Report was a concession to world opinion. The Government strongly denied this yet pointed out that the opposition plan for a federated South-West Africa consisting of just two parts, North and South, would not have satisfied the United Nations. This suggests that the plan was adopted as a compromise with international opinion, as symbolized by the United Nations resolutions. Thus Mr. Thompson of the opposition United Party and Mrs. Suzman of the Progressive Party charged and Verwoerd answered:

He (the Prime Minister) bumped up against certain insulting language there, which we all regret--the sort of thing we get at the United Nations every day--and he was asked to make some tiny concession; not a fraction of the concession he made to obtain peace in the face of United Nations' attacks, namely, to create the Bantustans. (Mr. Thompson)

Time has now caught up with us and the government has realized that. Because of that it appointed the Odendaal Commission...to buy some valuable time for South Africa...South-West Africa is the soft under-belly of the

¹ Hansard House of Assembly Debates, column 5506.

Republic, far more vulnerable to foreign interference than the country itself, and I believe that the report of the Odendaal Commission and the Government's acceptance of some of its proposals represent an attempt to fortify South-West Africa by presenting a very much belated programme of economic development... This modified partition is hardly likely to find favor in¹ the eyes of the world... (Mrs. Suzman)

The Opposition... have said that we must develop the homelands idea because when the Arden-Clarke proposal was rejected, the homelands idea was rejected by implication. But their own idea of a dividing line, a partition between the northern and the southern areas, is tied up much more closely... with the proposition put forward by the Clarke Commission. In other words, in suggesting a separation between the north and the south, are the Opposition not going to come into conflict with the United Nations in the same way as the Arden-Clarke Commission did and in the same way that our policy, according to them, will be rejected by the United Nations? Will the plans put forward by the United Party put a stop to the agitation against South Africa?... Inherently the solution that we put forward satisfies all these demands which have been formulated in the council chambers² of the world... (Prime Minister Verwoerd)

An additional indication of the attempt to reconcile the United Nations is the continual assertion that no other state, not even the United Nations, could do as much for South-West Africa as South Africa has done. On this point both parties were in agreement.

No other country, not even U.N., could do more for the well-being of the inhabitants of South-West, of all races and colours, than South Africa can do. It is a false accusation which is being made overseas that the bulk is being given to Whites and only illusions to the

¹ Hansard House of Assembly Debates, columns 5541, 5547.

² Ibid., columns 5638-5641.

non-Whites...(Prime Minister Verwoerd)¹

South Africa has in fact done as good a job in carrying out the mandate over South-West Africa as has been done by any other mandatory in respect of the various territories which were placed under the mandate...(Mr. Tucker, United Party)²

The Prime Minister and the Government are going to continue to build up South-West Africa, to govern it in terms of the mandate, and to make it a happy and economically prosperous territory...(Mr. B. Coetzee, National Party)³

No other country can do more for South-West Africa and its peoples, not even the United Nations...We have never failed...to exercise the powers and the trust for the purpose of promoting to the utmost the material and moral well-being and social progress of the inhabitants of South-West Africa...(Mr. Durant, United Party)⁴

Indeed, the very fact that South Africa was willing to spend over R60,000,000 (as recommended in the Odendaal Report) on the development of the non-White population is an indication, not of altruism, but of a definite response to the condemnatory resolutions. Condemnations have therefore improved the lot of the non-White population by forcing South Africa to spend more money on them than it would have done had it been left to its own devices. The rate of expenditure was far lower before the implementation of the Odendaal Report and the increase in United Nations condemnations.

...I should like to remind the hon. member that his leader and his party embraced the Bantustan policy because they wanted peace in the face of United Nations attacks, and the hon. member for Constantia (Mr. Waterson) pointed out tonight how there may very well be truth in the allegation that this vast

¹ Hansard House of Assembly Debates, column 5461.

² Ibid., column 5493.

³ Ibid., column 5539.

⁴ Ibid., columns 5556-5557.

amount of money, approximately R200,000,000
is being spent to appease world opinion... 1
(Mr. Thompson, United Party)

South Africa went even further in announcing a five-year plan for the development of South-West Africa with a large portion devoted to the Bantu sectors. A large hydroelectric scheme was also proposed.²

In March 1967 South Africa announced an offer of self-determination to the Owambos with either complete independence or some other relationship with the other nations.³ On October 17, 1968 the 42-member Owamboland Legislative Council opened in Oshakati.⁴ In 1972, South Africa announced a timetable for granting further autonomy to Owamboland. A new Owambo legislature was to be elected and full self-rule implemented in 1973. Previously, in response to Security Council resolution 309(1972), South Africa had invited the Secretary General to visit South-West Africa, an invitation which was acted upon in March. Following this visit, the South African Foreign Minister visited the Secretary General in New York. South Africa confirmed that its policy toward South-West Africa was one of self-determination and independence and agreed to accept and cooperate with a special representative of the Secretary General to facilitate that aim. However, "it was understood that the representative of the Secretary General would have his headquarters in New York and would travel to

¹ Hansard House of Assembly Debates, column 5506.

² Vandenbosch, p. 222.

³ Ibid., p. 223.

⁴ Robert W. Peterson (ed.) South Africa and Apartheid (New York: Facts on File, Inc., 1971), p. 140.

Namibia and South Africa as necessary."¹

An additional reaction to international pressure was evident in South Africa's frantic search for friends. For example, it offered foreign aid and technical expertise to the African states if they would end their hostility.

Finally, there is one other way in which the condemnatory resolutions have affected South African policy. United Nations condemnations, together with growing international hostility, have forced South Africa to vastly increase its expenditures for modernization and expansion of its armed forces and to become nearly self-sufficient in arms production. In 1960-1961, 0.9% of its gross national product or 6.6% of its total expenditure was devoted to defense. This increased to 2.4% of the gross national product in 1969-1970 or 16.1% of total state expenditure.² According to a Government White Paper, these expenditures were made necessary because of ever increasing foreign threats. United Nations condemnatory resolutions, as a partial reflection of this hostility, thus contributed to the growing feeling of insecurity which led to larger defense expenditures.

The increase in hostility is also reflected in the vast efforts and expenditures devoted to making South Africa self-sufficient, action taken in fear of an effective arms embargo. Thus in 1966 a former Minister of Defense told the Nationalist Party Congress at Windhoek that he had brought from Europe

¹ United Nations, Security Council, "Report by the Secretary General on the Implementation of Security Council Resolution 30 (1972) Concerning the Question of Namibia," S/10738, p. 7.

² South Africa Yearbook, p. 39.

128 licenses for the manufacture of armaments in South Africa. South Africa was building its own jet trainers, and "From a .22 cartridge to the newest in armoured vehicles, from the smallest item to the latest in bombs--today everything can be manufactured locally."¹

2. Effects on Other States

In assuming the effects on the allies of South Africa, the Western states, one must distinguish between effects on the population of these states and on their governments. Since there have been no public opinion polls on this subject in the Western states, and since governments do not readily divulge their correspondence and messages to other states, these effects must be found indirectly. One indicator can be found in trade statistics, especially of arms trade. A state which is unfriendly to another will not sell it arms and may discourage normal trade with it. For example, the United States prohibits trade with North Korea, North Vietnam, and Cuba, and its trade with the Soviet Union has been minimal, amounting to only \$200 million a year. Another indicator of support is the amount of foreign investment one state makes in another. In addition to direct governmental aid, a government can do much to encourage or discourage foreign investments in a state (such as insuring these investments). Foreign trade and investment express the confidence of the population at large as well as of large corporations in the stability and viability of a state. Trade often involves credit, which necessitates some confidence in a government's future stability.

¹ General Assembly Annex: Twenty-second Session. p. 183.

There are two additional indicators of the confidence of the general population of one state in the viability of another. The number of tourists coming to a state is one indicator. If the area is considered unstable or unfriendly, few tourists will come to visit. Furthermore, governments often discourage tourism to these areas. The United States, for example, refuses to allow its citizens to visit North Korea, North Vietnam, or Cuba, states overtly hostile to the United States. Shortly prior to the June 1967 Mideast war, the United States State Department banned all travel to any of the belligerents in the area. In the same way, many African states will not allow South African citizens to enter their states unless they expressly denounce apartheid, and many Arab states refuse to allow Jews to enter their territory. It is only with detente that tourism increases. To a certain extent immigration, in cases where residents are not driven across the border, also reflects a degree of confidence by the general population and a generally non-belligerent attitude of the government from whence they come. (One reason for Soviet refusal to allow Jews to emigrate was the fear that they would strengthen Israel.) Therefore, it is useful to examine statistics on trade, foreign investment, tourism, and immigration in order to gain some perspective of the effects, if any, on South Africa's relations with other states, especially its allies.

The Western states, along with most United Nations members, condemn South Africa's action in South-West Africa. Yet some

of the West's actions belie this posture. In the arena of world trade, especially military trade, France has continued to sell arms to South Africa despite a United Nations arms embargo.¹ On July 20, 1970, Secretary Douglas-Hume announced that Great Britain would consider the sale of arms to South Africa for maritime defense.² On the other hand, the United States imposed an arms embargo on South Africa in January 1965,³ and New Zealand announced that it too would refuse to sell arms to that state.⁴ Yet, despite the arms embargo, the United States firmly refused to order a trade embargo on South Africa. Instead, there has been a steady increase in trade. Whereas in 1960 South Africa imported R1,111,300,000 worth of goods and exported R884,000,000 worth of goods (excluding gold), by 1969 these figures had reached R2,048,200,000 worth of imports and R1,471,000,000 worth of exports (excluding gold).

Year	Imports(R million)	*Exports(R mill
1948	795.6	275.8
1950	608.2	463.4
1955	964.4	738.2
1960	1,111.3	884.0
1965	1,719.3	832.5
1966	1,590.6	1,125.3
1967	1,912.6	1,341.7
1968	1,878.0	1,503.4
1969	2,048.2	1,471.0

*Excluding gold.

The main trading partners by far are the Western states. The

¹The New York Times, July 21, 1970, p. 5.

²Ibid., p. 1.

³Ibid., August 3, 1964, p. 6.

⁴Ibid., July 22, 1970, p. 10.

⁵South Africa Yearbook, p. 196.

following figures show the amount of trade during the years (in U. S. dollars, not in South African Rand).

SOUTH AFRICA: DIRECTIONS OF TRADE MAIN TRADING PARTNERS¹
(in millions of dollars)

	<u>1963</u>	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>
<u>United Kingdom</u>						
export to	449.6	478.4	498.5	552.4	574.4	666.5
imports from	506.0	605.8	692.2	628.9	696.0	629.3
<u>United States</u>						
exports to	124.3	124.3	138.6	188.0	150.7	146.2
imports from	286.3	408.9	463.7	408.1	451.7	465.9
<u>West Germany</u>						
exports to	69.5	81.4	77.0	90.3	113.2	141.8
imports from	181.6	231.5	267.8	246.5	324.3	355.2
<u>Japan</u>						
exports to	99.3	118.1	100.4	118.3	244.9	286.2
imports from	79.0	114.1	140.9	126.4	162.4	173.5
<u>Italy</u>						
exports to	69.4	56.0	52.7	61.1	69.1	60.1
imports from	47.7	65.2	98.3	71.9	99.1	109.3

Western foreign investments in South Africa show a continual upward trend, despite some fluctuations. Since much of this investment is by governments it demonstrates a steady increase in financial support of South Africa despite official condemnations. In addition, investments by the private sector indicate confidence in the stability and viability of South Africa in its present form. Thus United Nations condemnations have had little or no effect on foreign investments in South Africa.

¹ United Nations, Department of Political and Security Council Affairs, Industrialization, foreign capital and forced labour in South Africa (ST/PSCA/Ser. A/10, 1970), Table B 10, p. 56.

SOUTH AFRICA: FOREIGN LIABILITIES, END YEARS, 1964-1966¹
(in millions of dollars)

	Official	Private Direct	Private Nondirect	Total Private	TOTAL
United Kingdom					
1964	294	1,775	572	2,347	2,641
1965	349	1,906	572	2,478	2,827
1966	363	2,077	601	2,678	3,041
United States					
1964	47	363	75	438	485
1965	78	415	75	490	568
1966	71	494	131	625	697
France					
1964	10	111	122	233	243
1965	40	117	124	242	281
1966	26	129	124	253	279
Switzerland					
1964	35	86	74	160	193
1965	47	94	78	172	219
1966	49	108	74	182	231
International Organizations					
1964	167	-	51	31	197
1965	152	-	29	29	181
1966	176	-	35	35	211
West Germany					
1964	-	-	-	-	-
1965	-	-	-	-	-
1966	29	95	38	132	160
Belgium & Luxembourg					
1964	3	17	22	39	42
1965	14	20	22	42	56
1966	13	19	26	46	58
Other states					
1964	61	327	162	491	551
1965	109	369	194	563	671
1966	113	340	182	522	635
Total					
1964	617	2,679	1,058	3,737	4,354
1965	829	2,920	1,096	4,016	4,845
1966	840	3,263	1,211	4,474	5,311

¹ United Nations, Department of Political and Security Council Affairs, Industrialization, foreign capital and forced labour in South Africa, Table C3, pp. 68-69.

During this period tourism to South Africa also showed a steady, consistent gain, indicating confidence in the stability of that state. Much of this tourism came from the White Southern African states, yet a growing proportion came from Western Europe and North America. Thus there were 166,111 tourists from Southern Africa in 1962 and 192,070 in 1968, about a 15% increase. From other areas of the world, on the other hand, there were only 36,057 tourists in 1962, but 107,702 in 1968, a threefold increase.¹ Considering the travel distance between South Africa and Western Europe or North America, this represents a strong demonstration of confidence not undermined by United Nations condemnations. The overall tourist numbers are as follows:

<u>Year</u>	<u>Number of Tourists</u> ²
1950	78,559
1955	126,216
1960	169,534
1961	190,510
1962	202,168
1964	229,252
1965	226,899
1966	257,008
1967	275,538
1968	299,772
1969	327,427

Finally, the number of immigrants to South Africa is an indication of trust in the continued viability of that state. Since 1963 there has been an average of about 40,000 immigrants per year as against an emigration rate of about 10,000 per year, a net gain in the White population of about 30,000 per year. The consistency of immigration and emigration

¹South Africa Yearbook, p. 286.

²Ibid., p. 286.

indicates a persistent faith or lack of faith which is not affected by United Nations condemnations. The following table demonstrates these figures:

Year	Immigrants	Emigrants	Gain or Loss
1948	35,631	7,534	+28,097
1960	9,789	12,612	- 2,823
1961	16,309	14,903	+ 1,406
1962	20,916	8,945	+11,971
1963	37,964	7,156	+30,808
1964	40,865	8,092	+32,773
1965	38,326	9,206	+29,120
1966	48,048	9,888	+38,160
1967	38,937	10,737	+28,200
1968	40,548	10,589	+29,959
1969	35,105	9,775	+25,330

Generally, most of this immigration is from Western countries, while less than 25% comes from White minorities in African states. In 1968, for example, out of 40,548 immigrants, only 8,910 came from other African states (Rhodesia, Zambia, Mozambique, Kenya, Madeira), while 29,437 came from Europe (United Kingdom, West Germany, Portugal, Greece, Italy, Holland), 808 from America (United States, Canada), 440 from Asia, and 953 from Australia, New Zealand, and other states.² It is important to note that since the majority of immigrants did not come from neighboring African states they were not forced to come to South Africa but did so of their own free will, thereby demonstrating confidence in the country's stability. Since there is a gap of time between the decision to immigrate and the action, a condemnation of one year will not affect immigration (if it affects it at all) until the following

¹ South Africa Yearbook, p. 93.

² Ibid., p. 94.

year. In 1962, the year following the first condemnation of South Africa, immigration increased by 22%. In 1963, following a second condemnation, it increased by 45%. United Nations condemnations therefore had little effect on the rate of immigration.

The four indices above indicate that in the substantive fields of immigration, foreign investments, tourism, and trade there was little effect on Western-South African relations.

The process of condemnations did create some friction between the Western states and South Africa, which felt betrayed by its allies who participated in its condemnation. In addition, the Western allies applied diplomatic pressure on South Africa to compromise its stand on the South-West African issue. As Prime Minister Verwoerd stated in the South African Parliament:

It is true that we received communication through diplomatic channels from both the USA and the UK Governments...But...for communications between friendly countries, and especially if they contain friendly warnings, to be made public is not the way to ensure that attention can be given to future communications...The communications made by these countries were courteously presented, giving information in their own assessment as to what could happen in certain circumstances...

The friction created by this increased pressure on South Africa as well as the votes of its allies on United Nations resolutions was intensified by the arms embargo.

¹Hansard House of Assembly Debates, column 5458.

United Nations activity also damaged relations between South Africa and some small neutral states. For example, South Africa became increasingly incensed by Israeli statements and votes in the United Nations. On November 19, 1961, Prime Minister Verwoerd stated that the Israeli policy in the United Nations was a tragedy for South African Jewry and in light of this policy, South Africa might adopt a new line toward Israel.¹ Three days later he accused Israel of utterly deplorable action in the United Nations and said that Israel itself was an apartheid state.² (In fact, within Israel a controversy was brewing as to Israel's policy toward South Africa. The religious and Herut parties bitterly attacked Premier Ben Gurion's policies in the Knesset.)³ On November 8, 1962, Foreign Minister Louw stated that if Israel applied sanctions against South Africa, the South African Jews would be hardest hit.⁴ Prime Minister Verwoerd next accused Israel of voting the way it did in the United Nations for business reasons, not for moral reasons.

On September 29, 1963, South Africa asserted that Israel's failure to send a new diplomatic representative to South Africa would only hurt Israel, for the next time Israel was in difficulty, South Africa would refuse aid. The African states, he said, were too immature to understand the implications of

¹Cape Times, November 20, 1961.

²Ibid., November 23, 1961.

³Ibid., November 28, 1961.

⁴Ibid., November 9, 1962.

their actions in the United Nations and so could be forgiven, but Israel was a mature state which should understand the implications of its policies.¹ On May 30, 1968 Foreign Minister Mueller chided Israel for its unfavorable remarks about South Africa in the United Nations and hinted at a withdrawal of the South African diplomatic mission in Israel.²

United Nations condemnatory resolutions helped to legitimize the resistance movements in South-West Africa. For example, previously neutral states, such as the Scandinavian states, were able to aid the resistance movements with the backing and authority of the United Nations. Such legitimization and consequent aid is of great consequence to any resistance movement.

Finally, South Africa has attempted to break the solid front of African states aligned against it. Diplomatic relations were established with Malawi in September 1967.³ South Africa has made overtures to Botswana, Lesotho, and Swaziland as well as to other African states such as Madagascar, Mauritania, the Ivory Coast, Ghana, Dahomey, Niger, Gabon, and Rwanda.⁴ Indeed, some of these states began moving toward a more moderate position in the hope that persuasion would accomplish what threats could not. This suggests that some of these states believed condemnations alone would not accomplish their purpose.

¹ Cape Times, September 30, 1963.

² Ibid., May 31, 1968.

³ The New York Times, September 11, 1967, p. 4.

⁴ Ibid., October 13, 1970, p. 3.

United Nations condemnations had a further effect on South Africa's position in the international arena. In effect, they reflected world condemnation, and they precipitated a stream of condemnations from other international organizations.

On March 15, 1961, South Africa withdrew from the Commonwealth.¹ On July 15, 1963 Prime Minister Verwoerd announced that South Africa would withdraw from the United Nations Economic Commission for Africa because of the hostility of the African states and two weeks later it was suspended from that organization by the Economic and Social Council.² On March 11, 1964, South Africa withdrew from the International Labour Organization, and several days later it walked out of the World Health Organization Annual Assembly.³

South Africa was barred from the Olympic Games of 1964 and 1968, and in 1970 it was banned from the Olympic movement.⁴ It has been suspended by the International Football Federation,⁵ and its athletes have been barred from international organizations for amateur boxing and wrestling, basketball, fencing, and table tennis.⁶

The Inter-Parliamentary Union and Amnesty International attacked South Africa's apartheid policy in 1965,⁷ and UNESCO published a report on apartheid in 1967.⁸ In that same year

¹ Peterson, p. 80.

² Ibid., pp. 96-98.

³ Ibid., p. 102.

⁴ Ibid., p. 104.

⁵ Vandembosch, p. 271.

⁶ Peterson, p. 109.

⁷ Ibid., pp. 116-117.

⁸ Ibid., pp. 123-124.

The United States canceled shore leave for the men of the aircraft carrier Franklin D. Roosevelt. Two years before this the carrier Independence canceled a visit to South Africa.¹ South Africa has been expelled or suspended or has withdrawn from the following international organizations: UNESCO, the Commission for Technical Cooperation in Africa, the Scientific Council for Africa, the International Civil Aviation Organization, the International Telecommunications Union, the Food and Agriculture Organization, and the Congress of the Universal Postal Union.² Further, the World Council of Churches and the Vatican have indicated their strong disapproval of South Africa's policies.³

3. Effects on the United Nations

The immediate effect of resolution 1805 was to set a pattern for future resolutions on South-West African policy. Thereafter condemnations followed each other in rapid succession: twice in 1963 (resolution 1899 and 1979); once in 1965 (resolution 2074); once in 1966 (resolution 2145); twice in 1967; and once each in 1968 and 1969. Several other resolutions were also introduced which censured South Africa for apartheid in South-West Africa or, in conjunction with other colonialist states, for refusing to grant to their colonies the right of self-determination. The condemnations also became progressively more severe. Whereas resolution 1805 only condemned the country's policies, later resolutions

¹ Peterson, pp. 125-126.

² Vandenbosch, p. 257.

³ Ibid., p. 260.

(such as 1899, 1979, 2372, 2403, 2498, and 2517) condemned the government itself, a far graver condemnation. The same was true of Security Council resolutions.

These resolutions led to proposals for further measures such as sanctions and expulsion. Indeed, resolution 1899 in 1963 requested an arms and petroleum embargo, a request to which many members responded favorably. (Most of the states favoring this resolution had already stopped trading with South Africa; on the other hand, most of the remainder, including the United States and Canada, refused to impose an embargo merely because of this resolution.) Other resolutions requested Security Council action against South Africa. In 1968, therefore, South Africa was condemned in Security Council resolutions 245 and 246, condemnations repeated in 1969 in resolutions 264 and 269. Finally, Security Council resolution 283 in 1970 called for diplomatic sanctions. These condemnations led to the inevitable termination of the South-West African mandate on October 27, 1966 in resolution 2145 (XXI). South-West Africa was declared under United Nations jurisdiction and any further occupation constituted "a grave threat to international peace and security" (resolution 2372). The United Nations was forced to take ever more severe steps in order to elicit a response from South Africa, which gradually ignored all resolutions, but the most severe ones. Thus, only with the passage of resolution 2145 terminating the mandate did Prime Minister Verwoerd as well as the Minister for Foreign Affairs feel called upon

to publicly denounce it.

All we ever ask the world and ask anew is to leave us alone. We will solve our own problems in our own time and in our own way... We will continue to administer South-West Africa as we have always done and we will carry out what has been planned, taking into account the demands of the times...(Prime Minister Verwoerd)

We must...also be prepared to withstand mandatory sanctions, and the world may as well know that the Government is already taking steps¹ to meet this eventuality. (Foreign Minister)

In the early days of the United Nations a condemnation was a relatively rare and rather extreme measure. It was the subject of discussions, articles, editorials, and banner headlines, as the most important news of the day. Gradually, however, the shock wore off, condemnations became routine, and the entire concept of United Nations condemnations as an expression of universal moral opprobrium gradually diminished in value.

This devaluation has had an effect on the United Nations itself. Each resolution makes it clearer that the United Nations condemns because it can do nothing else. This has led to a devaluation of the United Nations, not only in the eyes of South Africa, but in the eyes of Africans as well. Some South African comments:

The United Nations has become our Cuba.² (Prime Minister)

South Africa's policy of strength and neighborliness is bearing fruit that cannot be concealed by a monotonous series of anti-motions at the United

¹General Assembly Annex: Twenty-second Session. p. 183, paragraphs 16 and 17.

²Cape Times, November 9, 1962.

Some African comments:

Since the founding of SWAPO, the people of South-West Africa had come to understand the weakness of the United Nations and had decided to take up arms and free themselves from the racist regime of Pretoria.(Mr. Mifima,² SWAPO)

The United Nations as now constituted was unable to champion the cause of decolonization; some of its powerful members still retained vested interests in colonial domination and imperialist exploitation, and it had failed to reflect the wishes of the newly independent countries and the oppressed peoples of the world... Resolution 2145 must be put into immediate effect if the United Nations hoped to retain any of the confidence of the oppressed peoples of Africa, and especially of Southern Africa. (Mr. Lellaka,³ Pan Africanist Congress)

The United Nations condemnatory resolutions do seem to have had some effect on South Africa. Certain concessions have been made by South Africa on the South-West African question. Even though these concessions have been small and have not satisfied the country's critics, nevertheless they must be recognized as concessions to the United Nations and not ignored.

CHAPTER 5

ISRAEL

Security Council resolution 256 condemned the Israeli retaliatory action against Jordan. It was one of many resolutions of the same type which condemned Israel for its policy of retaliation. In that it condemned Israel for a specific action it was different from resolution 1805 condemning South Africa. On the other hand, the Israeli action was not serious enough to warrant a condemnation were it not that a series of resolutions preceded this one, all dealing with the same subject. It is this combination of a history of condemnations and specific action taken by the state concerned that makes Security Council resolution 256 (August 16, 1968) a dispute condemnation in contrast to resolution 1805, a situation condemnation, and resolution 498, a crisis condemnation.

HISTORY AND RECORD OF CONDEMNATION

The history of Zionism in the modern era began in 1896 with the publication of Theodor Herzl's The Jewish State. In 1897 the first World Zionist Congress declared as its objective the establishment of a Jewish National Home in Palestine. The movement grew and gradually gained enough momentum and adherents for the British Government to feel it expedient to provide support. On November 2, 1917 the British Government issued the Balfour Declaration, which stated: "His Majesty's Government views with favour the establishment in Palestine of a national home for the Jewish people and will use their best endeavors to facilitate the achievement of this object." On July 22, 1922 Great Britain was formally confirmed as Mandatory Power over Palestine, the Mandate expressly providing for a Jewish state in Palestine.

Arab opposition to the plan as well as the coming of World War II and the need for Arab support in the conflict led to the publication of the White Papers of 1939, which provided for a restriction on Jewish immigration into this area. In 1943, however, with the war moving away from the Middle East, several extremist Jewish groups began a campaign against the British administration.

By 1947 Great Britain requested that a special session of the General Assembly consider the problem. The General Assembly set up a United Nations Special Commission on Palestine consisting of Canada, Czechoslovakia, Guatemala,

India, Iran, the Netherlands, Peru, Sweden, Uruguay; and Yugoslavia. The majority report proposed partition into Arab and Jewish states and the internationalization of Jerusalem. The minority report proposed a federal state of Palestine with two sections, Arab and Jewish. The two plans were thoroughly debated and on November 29, 1947 the General Assembly voted 33 to 13, with 10 abstentions, to recommend partition. The Arab states immediately recruited volunteers who in early 1948 began to attack Jewish settlements.

Great Britain terminated its mandate on May 14, 1948 and the State of Israel came into existence on the same day. Thereupon, Arab armies from Syria, Lebanon, Transjordan, Iraq, and Egypt invaded Palestine. During the conflict the great majority of Arab residents of the Jewish state fled to neighboring Arab territories. An armistice agreement was finally signed in February of 1949 between Israel and Egypt, Lebanon, Transjordan, and Syria. Since Israel refused to allow the return of the refugees, they were settled near its borders in refugee camps supported by the United Nations Relief and Works Agency.(UNRWA).

The presence of these refugees was a constant source of tension between Israel and the Arab states. Many of the refugees of military age were formed into guerrilla raiding units, together with elements of the regular Arab armies. These units infiltrated into Israel to commit sabotage, and an accumulation of these incidents led to Israeli retaliation.

The cycle of incident and retaliation quickly became a major issue in the Security Council. On October 14-15, 1953, in response to numerous incidents on the Israeli-Jordanian border, Israeli units crossed over in the region of the village of Kibya. In the ensuing battle 53 Jordanians were killed. The Israeli-Jordanian Mixed Armistice Commission on October 15 accused Israel for the attack.

The issue was brought before the Security Council, which on November 25, 1953, in a resolution sponsored by the United States, Belgium, Great Britain, and France, expressed its strongest censure of that action and called upon Israel to prevent all such actions in the future. It also called on Jordan to prevent all unauthorized crossing of the demarcation line. Moreover, in the face of continued incursions into Israel territory by groups of Egyptian-sponsored Fedayeen, Israel's forces on February 28, 1955 destroyed the Gaza garrison headquarters of the Egyptian Army, killing 38 and wounding 26 Egyptians.

The Mixed Armistice Commission on March 6, 1955 accused Israel of responsibility for the raid, and on March 29 the Security Council, again by Western initiative, passed resolution 106 condemning the attack as a violation of Security Council resolution 54 and as inconsistent with the General Armistice Agreement and the United Nations Charter. Violence continued on the Egyptian-Israeli armistice line, violence which the Security Council deplored in resolution 108.

The end of 1955 saw the specter of confrontation shifting

to the Syrian front. Continual attacks by Syrian shore batteries on Israeli fishing vessels on Lake Tiberias precipitated a December 11, 1955 Israeli raid on the Syrian guns emplaced near Lake Tiberias. Forty-nine persons were killed in this raid, and the Security Council on January 19, 1956 again issued a condemnation. The resolution (113) called upon Israel to comply with its obligations under the Charter, threatened to consider further measures, and recommended certain steps to reduce tension along the borders such as withdrawal of forces from the armistice lines and full freedom of movement for United Nations observers.

However, Israeli anger was provoked by the continuing Fedayeen incursions as well as the continued refusal of Egypt to allow Israeli ships access to the Gulf of Aqaba or the Suez Canal. Egyptian acquisition of Soviet armament heightened the tension already manifest with the nationalization of the Suez Canal by President Nasser in late July 1956 and the conclusion of a military agreement by Egypt, Syria, and Saudi Arabia for a unified command under an Egyptian general. On October 30, 1956 Israel launched an attack on Egypt and quickly captured the Gaza Strip and the Sinai Peninsula. Great Britain and France joined in this operation. In a series of seven resolutions (997 (ES-1) to 1003 (ES-1)) passed from November 2 to November 10 the General Assembly called for a cease-fire and the withdrawal of all troops behind the armistice lines. It also established a United Nations Emergency Force as a buffer between the two sides.

Israel finally withdrew to the armistice lines and the United Nations Emergency Force was set up in the Gaza Strip, on the armistice line, and at Sharm El-Sheikh. The attack and results discouraged any further incursions of the Fedayeen and opened the Straits of Tiran to Israeli shipping.

Security Council consideration of Middle East matters in the next few years was limited to a resolution on a Jordanian complaint of Israeli violation of the demilitarized zone (158(1960)), and a resolution (162(1961)) urging Israel to comply with the decision of the Israeli-Jordanian Mixed Armistice Commission. Thus the period from 1956 to 1962 was free of Security Council condemnations.

On March 16-17, 1962 Israel attacked Syrian positions in response to repeated Syrian-sponsored incidents, and on April 9 the Security Council in resolution 171 reaffirmed its condemnation of Israeli military action in violation of the General Armistice Agreement. The following few years saw several complaints by Israel and Syria against each other but no Security Council action. Then on November 13, 1966, in reprisal for a series of attacks from Jordanian territory, Israel launched an attack on the village of As-Samu, an attack which the Security Council censured twelve days later. The Security Council warned Israel that further steps might be taken if Israeli actions were repeated. The cycle of incident, reprisal, and condemnation had begun again.

On June 5, 1967, following the blockade of the Straits of Tiran by the United Arab Republic and the mobilization of

the armed forces of Arab states in the area, war broke out. In six days Israel had won a decisive military victory and gained control of the Sinai Peninsula, the Gaza Strip, the West Bank of the Jordan River, and the Golan Heights.. On June 6, 7, and 9 the Security Council called for a cease-fire, which was finally put into effect on June 11. Continuous violations of the cease-fire forced the Security Council to twice condemn any and all violations (resolution 236 on June 11 and resolution 240 on October 25, 1967).

Since the war created many new refugees and displaced many old ones, the Security Council in resolution 237 (1967) called upon Israel to ensure the safety, welfare, and security of the inhabitants of the areas now under its control as well as to facilitate the return of those who had fled. According to the Secretary General's report (S/8124) of August 18, 1967 more than 100,000 Palestine refugees and 200,000 Egyptians, Jordanians, and Syrians fled from their homes to Arab-controlled territories. On the other hand, 550,000 of the 1,350,000 refugees fell under Israeli control.

The humiliating defeat of the Arab armies and of the Palestine Liberation Organization, and the cowardice of many of its leaders (Ahmid Shukeiri in particular), led the refugees to the belief that the only feasible way to liberate their homeland was by waging an intensive campaign of guerrilla warfare against Israel. To this end several guerrilla organizations gained increasing popularity, the largest being

Al Fatah. These were dedicated to the perpetration of terrorist incidents in the Israeli-occupied territories as well as in Israel itself. At first their major base of operation was in Jordan. Incidents multiplied and Israeli retaliations soon became the rule. The cycle of Arab terrorist incidents and Israeli retaliation was renewed. A series of terrorist actions in the early months of 1968 culminated in the Israeli attack on the Al Fatah base at Karamah on March 4, 1968, an action condemned by the Security Council in resolution 248 on March 24, 1968. Terrorist acts continued, and on June 4 Israeli troops attacked the village of Irbid, killing 59 Jordanians and injuring 121 others. The Security Council was called into session the next day by complaints from Israel and Jordan against each other. However, the news of the assassincation of Senator Robert Kennedy dominated the meeting, and the complaints were not discussed. The incidents went on.

On August 4 Israel bombed the village of Salt and its outskirts. Jordan immediately requested a meeting to consider "the grave situation resulting from the continued Israeli acts of aggression against Jordan," while Israel asked for a resumption of consideration of its June 5 complaint on "the grave and continued violation of the cease-fire by Jordan." The Security Council began its deliberation on August 15.

DEBATE AND VOTING ON THE RESOLUTION

In the debate that followed, several fundamental questions were discussed and analyzed. The essential fact of the case was agreed upon : Israel had bombed the village of Salt. Other essential questions were:

1. Why was this action taken by Israel?
2. Was the action premeditated?
3. Was Israel's action justified?
4. Against whom was the action taken?
5. Who was responsible for the entire episode?
6. What should be done for the future?

These questions did not go far enough. The origin of the conflict was discussed and debated. The specific incident triggered other questions:

1. What is the origin of the conflict?
2. On whose side is justice?

In the debate itself three general positions emerged. On the one side, Israel claimed that the Arabs were the aggressors and the Israeli action was based on the right of every state to defend itself. The Security Council, it said, should now tell the Arabs to call a halt to their incessant campaign against Israel and make peace. A second group of states (Brazil, Canada, China, Denmark, Ethiopia, France, Paraguay, United Kingdom and United States) generally associated with the West condemned the Israeli retaliation as out of all proportion to the terrorist attack. Israeli policy of retaliation was wrong, this group said, and the Security Council

should condemn it. Finally, the Arab and communist states and their allies (Algeria, Hungary, Pakistan, Senegal, the Soviet Union, Jordan, Iraq, Saudi Arabia, Syria, and the United Arab Republic) claimed that Israel was solely responsible for the crisis and the Security Council should employ Chapter VII against it.

A. Facts of the Case

Since Israel openly admitted conducting the raids at Irbid and Salt the debate centered on the events preceding those attacks. First, should raids be considered in isolation, as acts of Israeli aggression and expansionism, or should they be seen in the light of earlier Arab actions, which provoked the raids? Second, even if considered in the light of previous Arab attacks, should the raids be viewed as an act of aggression or as an act of self-defense? In other words, was the attack out of all proportion to the events preceding it or was it a proper response? Finally, who were the targets of the attack? Was it directed against terrorist bases, or was it directed against innocent men, women, and children living in peaceful villages?

The representative of Israel claimed that the attack must be considered as a reprisal for many border and terrorist incidents that had been organized within Jordan and openly supported by that state. Israel's action was merely retaliation for these murderous assaults and was therefore an exercise in self-defense, not aggression. The Arabs attacks could not be considered acts of resistance against an occupying power

since the areas struck by terrorists were Israeli territory, not Israeli-occupied territory. In addition, the terrorists did not come from the Israeli-occupied West Bank but from the Jordanian East Bank. Finally, the Israeli attack was aimed at terrorist bases, not at innocent civilians. It was bases that were bombed; if any civilian installations were hit, that was because the Jordanians had established gun emplacements in populated areas.

The Western and pro-Western states agreed with Israel that one must include the attacks by the Arab guerrillas in any consideration of the problem, since the Israeli raids were obviously in reprisal for these attacks. It was on the second point that they differed with Israel, charging that the scale of the Israeli attack was out of proportion with the incidents that had provoked it. Whereas the Arab incursions were minor incidents, the Israeli raid had been on a major scale and therefore could not be considered pure self-defense. Such massive retaliation was unjustified in view of the provocation.

The Arab and communist states generally followed two lines of thought. Many refused to mention any Arab attacks and insisted upon considering the Israeli attack in isolation. The Arab actions, they said, were not a relevant subject for discussion. Other Arab states discussed the Arab actions but insisted that, whereas these actions were justified, Israeli acts of retaliation were not. These were merely individuals fighting to regain their land, resisting Israeli imperialist

occupation. Their cause was justified; Israeli actions were aggression. In support of their case many Arab states equated the situation in the Israeli-occupied territories with that of the Nazi-occupied territories in Europe. The Arab attacks were manifestations of resistance as legitimate as the resistance to Nazi occupation in Europe.

The second Arab point followed in logical sequence. Since one should either not consider the Arab attacks at all or view them as the acts of freedom-fighters attempting to regain their homes, the Israeli action was not self-defense. Israel was the aggressor against its neighbors. An additional point proving aggression was the Arab position on the third question. The Israelis had not attacked "terrorist bases" as they claimed but had bombed innocent villages, causing a great toll in dead and wounded civilians. This was surely aggression, not self-defense.

B. Basic Aims of the Parties

Although the resolution should have been limited to the particular series of incidents in the latter half of 1968, the debate soon focused on the philosophy and aims of Israel as well as on its behavior in the occupied territories.

The basic question in this regard, especially between Israel and the Arab states, was whether Israel really wanted expansion or peace. Within this question were several other issues, the major one being the treatment of the population in the occupied territories. Was Israel treating them humanely, or was it terrorizing and expelling the people from the area?

Israel said it had no aggressive or expansionist aims; it merely wished to live with its neighbors in peace and would withdraw from the occupied territories to secure and agreed-upon boundaries. In fact it was the Arab states who continued their belligerence and threatened to "drive Israel into the sea." Israel was in no way mistreating the Arab population in the occupied territories, and anyone who left was doing so of his own free will. Israeli acts of retaliation were not meant to humiliate its neighbors but to demonstrate its determination to defend its borders and people.

The Arab states insisted that Israel was a bastion of colonialism in the Middle East. These attacks were not for self-defense; how could a few poor Arab freedom-fighters threaten the strongest state in the Middle East? No, the attacks were meant to force Jordan to bow to Israel's dictates. By intimidating Jordan, Israel would be able to easily take control of that state. In addition, these attacks were intended to undermine the Jarring mission so as to destroy all hopes for peace. Israel was also a racist Jewish state that was terrorizing and expelling the peoples of the occupied territories and had no intention of withdrawing from these territories.

C. Assessment of Guilt

Now that the facts of the case had been presented by both sides and Israeli intentions had been discussed, the next step was to assess responsibility. This assessment was divided into two stages. In the first only the incident itself was

considered; the second considered the entire Middle East situation; both sought to determine who the guilty party was.

On the first point, Israel insisted that the Arab states were responsible for the terrorist incidents which led to a retaliatory raid. The Arab states, especially Egypt, supported the raiders, gave them bases in which to train, helped arm them, guided them to the areas of infiltration, and provided covering fire for them. The Arab states were responsible, they encouraged and supported the Palestinians. States are responsible for all activities emanating from their territory.

The Arab states and their allies claimed that Israel was responsible for the guerrilla attacks. Hungary pointed out that the guerrilla raids were due to Israel's occupation of Arab lands, and Pakistan insisted that Jordan could not fight its own population in order to defend Israel. The Palestinians wished to regain their land and acted on their own, without the assistance of Arab states. Israel's retaliation was therefore illegal since the acts of individuals (the Palestinians) could in no way be equated with those of governments (Israel).

The second area of discussion was that of general responsibility for the entire Middle East situation and the determination of guilt for it. The representative of Israel claimed that the Arab states had continually refused peace and had openly and repeatedly declared their intention of destroying Israel. They had repudiated resolution 242 of November 22; they had waged war against Israel for twenty years; they refused

to accept the very existence of Israel, and this was the cause for the turmoil in the Middle East.

The Arab states contended that Israel was at the root of the problem; it had expelled the Palestinians from the homes they had lived in for hundreds of years. The Jews came from Eastern Europe and forced the inhabitants to become refugees. No one could blame these peoples for attempting to return. Israel had massacred many Arabs and was mistreating its own Arabs. Israel was militarily superior so it could not feel threatened by the Arabs, yet it refused to accept Security Council resolution 242. This demonstrated that it was an aggressive expansionist state, and the Arab states were only defending themselves against colonialism.

D. Further Steps and effects

Having established the facts and the guilt of one party, the next step was to determine what punishment to mete out.

Israel, following the line of reasoning set out above, declared that the United Nations must end Arab aggression; the Security Council must demand that the Arab states abide by the cease-fire and negotiate with Israel for a secure and durable peace. The Arab states, pursuant to their claim that Israel was the aggressor, demanded that the Security Council take the steps outlined in Chapter VII of the Charter and those mentioned in Security Council resolution 248 of March 24, which stated that the Security Council would have to con-

sider further and more effective steps to ensure against repetition of such acts. Only in this way could Israeli aggression be stopped and peace restored in the area.

Most other states took intermediate positions. The Soviet Union demanded a condemnation and declared its agreement in principle to further action, yet did not press too vociferously for such action. The pro-Western states, on the other hand, demanded that all parties adhere to the cease-fire and agree to implement resolution 242. Strong support was expressed for the Jarring mission as the only way to put an end to the bloodshed. In the interim, several states suggested the stationing of more United Nations observers on the cease-fire lines so as to deter attacks from both sides.

E. Effect on the United Nations

Finally, the possible effects of various resolutions on the United Nations itself were considered. In Israel's view, unless the Security Council demanded that the Arabs make peace with Israel, the organization would be doing nothing to further the principles of its Charter. On the contrary, another inequitable resolution would encourage the Arab terrorist campaign of violence and unleash another cycle of bloodshed on the Middle East. Thus a resolution favouring the Arab cause would lead to war, not peace, and would lower the prestige of the United Nations in the eyes of the world.

The Arab states asserted that the Security Council must not only condemn but actually take action under Chapter

VII of the Charter. The United Nations was formed to protect small and weak nations from powerful aggressors, and failure to do so in this case would demonstrate its inadequacy. Israel had flouted United Nations resolutions; it was time to demand compliance. Failure to protect the weak and force the aggressor to comply with its resolutions could precipitate the demise of the United Nations as it had its predecessor, the League of Nations.

Most other states saw the United Nations role as one of helping to bring about a peaceful settlement by implementing resolution 242 through the efforts of Ambassador Jarring. Meanwhile, the United Nations could defuse the situation by stationing observers along the cease-fire lines.

In other Security Council resolutions condemning Israel the same basic pattern can be discerned. There is first a discussion of the facts of the case. Israel freely admits responsibility for its actions, and the debate centers on whether the incidents provoking the retaliation should also be discussed. Israel insists that they should be, since these incidents are the gravest threat to international peace and security; the Arab and communist states deny that the incidents are relevant or comparable to the Israeli action. The Western and pro-Western states insist that these incidents should be discussed but that they are in no way comparable to the retaliation and could not justify it.

On the issue of basic aims, Israel has reasserted time and again that it has no aggressive or expansionist aims, that

it wishes to live in peace, but its Arab neighbors provoke war and wish to destroy Israel. The Arab states insist that Israel is expansionist and is attempting to intimidate its neighbors so as to expand its territories.

In assessing guilt, the Arab states claim that Israel has provoked the specific situation, and the entire Middle East conflict is due to Israeli aggressive aims. Israel protests its innocence, pointing out that many terrorist incursions eventually forced it to retaliate so as to safeguard its citizens.

In proposing future steps, the Western states insist that all violations of the cease-fire be brought before the United Nations; Israel should not deal with them on its own. (After the 1967 war they stressed that both parties should cooperate with Dr. Gunnar Jarring to establish peace in the area.) Although they often agree to a condemnation of Israel, especially in drastic cases such as the Israeli attack on Beirut International Airport, they generally couple this with a demand for mention of the terrorist activity leading to the retaliation. In addition, they flatly refuse to invoke Chapter VII. Israel insists that the Security Council demand that the Arabs prevent the terrorist incursions and says these are the incidents that should be condemned. The Arab and communist states insist not only that Israel be condemned but that sanctions or other measures be applied.

Finally, in considering the effects of the resolution on the United Nations itself the Arab states insist that failure

to adequately punish the aggressor could lead to a serious decline of the world organization, and Israel claims that condemning it would prove the injustice and political bias of the United Nations, leading to a decline in its authority.

Resolution 256 was adopted unanimously. Yet many states were unsatisfied with it. The Arab and communist states and their supporters regretted that the resolution did not invoke Chapter VII of the Charter against Israel. The Western states supported the resolution but stressed their support for the Jarring mission. Israel of course objected. And the resolution demonstrated again the liabilities of the Security Council in dealing with the Mideast dispute. The distribution of members in the Security Council at this time was five Western European and North American states (Canada, Denmark, France, United Kingdom, United States), two Soviet bloc states (Soviet Union, Hungary), two Latin American states (Brazil, Paraguay), three Asian states (China, India, Pakistan), and three African states (Algeria, Ethiopia, Senegal). All voted in favor of the resolution, believing that unanimity would strengthen the United Nations and perhaps have more effect than divided support.

RESOLUTION 256 (1968)

of 16 August 1968

The Security Council,

Having heard the statements of the representatives of Jordan and Israel,

Having noted the contents of the letters of the representative of Jordan and Israel in documents S/8616, S/8617, S/8724,

Recalling its previous resolution 248 (1968) condemning the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions and deploring all violent incidents in violation of the cease-fire,

Considering that all violations of the cease-fire should be prevented,

Observing that both massive air attacks by Israel on Jordanian territory were of a large scale and carefully planned nature in violation of Resolution 248 (1968),

Gravely concerned about the deteriorating situation resulting therefrom,

1. Reaffirms its Resolution 248 (1968) which, inter alia, declares that grave violations of the cease-fire cannot be tolerated and that the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

2. Deplores the loss of life and heavy damage to property;

3. Considers that premeditated and repeated military attacks endanger the maintenance of the peace;

4. Condemns the further military attacks launched by Israel in flagrant violation of the United Nations Charter and Resolution 248 (1968) and warns that if such attacks were to be repeated the Council would duly take account of the failure to comply with the present resolution.

Adopted Unanimously at the
1440th meeting.

REASONS FOR THE CONDEMNATIONS

In analyzing the incentives for condemning Israel in the Middle East crisis one must distinguish between two groups of states: the communist states and the Arab states. The Arab states need Soviet support in the Security Council for two reasons, both dealing with a particular characteristic of the Security Council: (1) Arab states may not be members of the Security Council at the time of a crisis (1946, 1951, 1952, 1955, 1956, 1967, 1968, 1969) and therefore would not be able to sponsor or present condemnatory resolutions, and (2) the Afro-Asian states are a very small part of the Security Council and do not have the numerical strength to pass resolutions on their own. Therefore, the support of several other states is needed. An analysis of the sponsors of resolutions condemning Israel reveals the following:

<u>Resolution</u>	<u>Sponsors</u>
101	United States, United Kingdom, France
106	United States, United Kingdom, France
111	United States, United Kingdom, France
171	United States
228	Mali, Nigeria
265	Pakistan, Senegal, Zambia
267	Pakistan, Senegal, Zambia
271	Pakistan
280	Zambia

Or, in terms of regions:

<u>Resolution</u>	<u>Eastern Europe</u>	<u>Western Europe</u>	<u>Latin America</u>	<u>Asia</u>	<u>Africa</u>
101	0	3	0	0	0
106	0	3	0	0	0
111	0	3	0	0	0
171	0	1	0	0	0
228	0	0	0	0	2
265	0	0	0	1	2
267	0	0	0	1	2
271	0	0	0	1	0
280	0	0	0	0	1

This does not include resolutions which failed of adoption. In March 1968 India, Pakistan, and Senegal proposed a resolution condemning Israel which was not voted on by the Security Council. In addition, the Soviet Union has often proposed resolutions or pressed for strengthening them with the threat of sanctions or expulsion. On June 8, 1967 the Soviet Union pressed for the adoption of a resolution which "vigorously condemns Israeli aggressive activities and its violations of the forementioned Security Council resolution, of the United Nations Charter and of United Nations principles."¹ Five days later the Security Council revised this resolution so that it "vigorously condemns Israeli aggressive activities and continued occupation of part of the territory of the United Arab Republic, Syria, and Jordan, regarding this as an act of aggression and the grossest violation of the United Nations Charter and generally recognized principles of International Law."² The Soviet Union pressed for resolutions vigorously condemning Israel for aggression on June 19, 1967,³ and strongly condemning Israel for aggression in the area of Suez on October 24, 1967.⁴

According to the tables above the Arabs did not actually sponsor any resolution passed by the Security Council. Yet they were to a large degree responsible for their passage.

¹ United Nations, Security Council, Supplements, Security Council Document S/7951, June 8, 1967.

² United Nations, Security Council, Supplements, Security Council Document S/7951/ Rev. 2, June 13, 1967.

³ United Nations, General Assembly, Supplements, A/L.519 (New York: 1967).

⁴ Supplements, Security Council Document S/8212 (New York: 1967).

Many of the resolutions were presented by states that were allies or sympathizers of the Arab bloc when the Arab states were not members of the Security Council. (Till 1970, only three of the thirteen resolutions were passed while the Arabs were members of the Security Council.) The fact is: that the sponsors of resolutions 228 through 270 have consistently voted with the Arab group and against Israel. In addition, of the five states sponsoring these resolutions two (Pakistan, Mali) have no diplomatic relations at all with Israel.

A second factor to be considered in analyzing the sponsors of these resolutions is that these states moderated the Arab demands. Many of the Arab sponsored resolutions were far too drastic (for a bargaining position perhaps) to have had any chance of adoption. Thus these states sponsored compromise resolutions either because they felt that Israel had gone too far (as in the Beirut Airport raid) or because the Arabs or the Soviet bloc had proposed an extreme resolution and the West preferred a more moderate alternative. In the case of resolution 111 the United States, United Kingdom, and France offered it after the Soviet Union had formally sponsored a stronger Syrian-introduced resolution. In the case of resolution 171 the United States again stood sponsor because a far stronger Syrian-introduced resolution was being sponsored by the United Arab Republic. These Western resolutions therefore prevented the passage of far more extreme condemnations.

As in previous cases, the reasons for the strong Arab

and Soviet pressure for condemnation of Israel can be divided into three general areas: international, domestic, and United Nations.

A. International Reasons

In the international sphere efforts are directed in three areas: toward Israel, toward other states, and toward the Arab states themselves.

Toward Israel

The Arab states pushed for the resolutions in the hope that condemnations might actually deter Israeli retaliations, which often caused extensive damage. It was a policy of defense, an attempt to create a political deterrent. As N. T. Fedorenko stated:

Thanks to the support given them by the United States--a permanent member of the Security Council--and by certain other members of the Security Council...the Tel Aviv rulers were able insolently to ignore the Security Council decisions and continue and extend their aggression, overrunning more and more Arab territory.

A second reason for urging the adoption of these resolutions was the Arab belief that they might create internal dissension within Israel by raising doubts as to the wisdom of Israel's policy of retaliation--and might even encourage emigration from that state.

...once Israeli society begins to doubt its Army's ability to protect it, a series of reactions may set in with unpredictable² consequences...

¹ N. T. Fedorenko, "Perfidy and Aggression," New Times (Soviet Weekly), June 28, 1967, quoted in Walter Laquer (ed.), The Israel-Arab Reader: A Documentary History of the Middle East (New York: Bantam Books, 1969) p. 303.

² Hassanain Haykal, "The Strategy of the War of Attrition," Al Ahram, March 27, April 11, April 25, 1969, quoted in Laquer, pp. 431, 433.

Our acceptance of the Security Council resolution on the Middle East...is a valuable step, particularly since Israel has rejected the resolution and thereby defied the whole of international society...The Israeli citizens' awareness of being at odds with the entire world will undoubtedly influence their mood, and so affect the balance of fear and assurance,¹ in the Arab-Israeli conflict.

There was also the possibility of causing dissension and lowering morale among Israel's military if their actions were condemned and questions were raised as to the justice of their attacks. In addition, failure to gain a political victory in spite of their obvious military superiority might discourage them.

A third possible benefit of condemnation was isolation of Israel. The Arab states hoped a series of condemnatory resolutions would make diplomatic exchanges with Israel far more difficult, and they incessantly compared it to the colonialist states of South Africa, Portugal, and Rhodesia as well as to Nazi-Germany in an effort to deprive Israel of its friends and make it a pariah in the family of nations.

By 1967--and this was the basic cause of Israel's aggression of June 5--we had succeeded in building up an economic situation in Jordan and most of the other Arab countries to a point where foreign investors were beginning to have serious doubts about putting money in Israel if that meant exclusion from Arab markets. We also had isolated Israel diplomatically in ² wide areas of international life.

The Security Council debates showed up the broad imperialist conspiracy against the Arab

¹ Haykal, p. 433.

² Cecil A. Hourani, "The Moment of Truth: Toward a Middle East Dialogue," Encounter, Vol. XXIX, No. 5 (London: 1967), pp. 3-14, quoted in Irene L. Gendzier (ed.), A Middle East Reader (New York: Pegasus, 1969), p. 395.

states and peoples of the Middle East. It was proved that the Israeli aggression... was a carefully plotted imperialist provocation, the timing of which was planned... to secure political changes in the Middle East in the interest of imperialism... Israel acted as the instrument of more powerful imperialist states, and above all the United States.¹

In the Security Council the representatives of Jordan...pointed to the similarity of Israel's policy and methods to the policy and methods of the nazis. "Both," he said, "have the concept of race, both have the concept of force, of acquiring lands by invasion, and the use of force,² and both have fifth columns."

Outside the Palestinian and Arab masses our greatest support comes from all freedom-loving people who have realised the true nature of Zionism and its association with imperialism and neo-colonialism. Israel's natural allies are sufficient proof of this. We only have to look at the support it receives from the United States, as its close links with the racist Republics of South Africa and Rhodesia...We consider Israel as playing the new role of the East India Com-³pany in the Middle East.

Israel's prestige had risen in the international arena because of its military prowess, and the Arab states hoped a United Nations condemnation would serve as public affirmation that these actions are wrong and would therefore deflate Israel's reputation. At the same time, the resolutions ~~were~~ meant to legitimize the use of force against Israel. The Arab states could then say that the United Nations, whose aim is universal peace, was obliged to sanction war against Israel.

¹ N. T. Fedorenko, "Perfidy and Aggression." p. 301.

² Ibid., p. 305.

³ "An Interview with Abu Ammar (Yaser Arafat)," Free Palestine, August, 1969, quoted in Laquer, p. 385.

in the name of self-defense against an aggressor state.

Finally the United Nations resolutions of condemnation could help to prove the justice of Arab demands in the event of future negotiations between Israel and the Arab states and could be used to force Israel to make concessions and compromises. Nasser stated:

All the Western countries, including the United States and Britain, speak about Israel's rights and take a partial stand. None of them speak of the Arabs and Arab rights or the rights of the Palestinians in their country and property.¹

The issue now at hand is not the Gulf of Aqaba, the Straits of Tiran, or the withdrawal of United Nations Emergency Forces, but the rights of the Palestinian people...It is the expulsion of the Arabs from Palestine, the usurpation of their rights, and the plunder of their properties. It is the disavowal of all the United Nations resolutions in favor of the Palestinian people.²

Toward Other States

The first benefit to be gained through a United Nations condemnation of Israel would be a propaganda victory. A United Nations condemnation is an expression of world judgment; it would provide moral justification for the Arab position and would therefore be immensely useful as propaganda. For example it could be used to convince the population of Western states of the true aims and intentions of the Israeli government. This is referred to by several prominent Arab leaders.

¹ Press Conference of President Gamal Abdel Nasser, May 29, 1967, quoted in Theodore Draper, Israel and World Politics: Roots of the Third Arab-Israeli War (New York: The Viking Press, 1967), pp. 23-231.

² Speech of President Nasser to members of the National Assembly, May, 29, 1967, quoted in Draper, p. 233.

We want world public opinion to be on our side and really to know our position... A major part of the battle is taking place on an international level and under the eyes of public opinion throughout the entire world,¹ which wants to live in peace.

...we realize the necessity to satisfy many parties by our solution. For instance, if we consider world public opinion has some weight and influence, we must put out a solution which will...be acceptable to it, even be it with difficulty. Of course, when we speak about the need for satisfying world opinion, we do not mean in the kind of solution to the Palestine ² issue, but in its method...

It was precisely to discourage a repetition of the events preceding the six-day war, as described by Israel Foreign Minister Abba Eban, that the United Nations could be used.

Multitudes throughout the world trembled for Israel's fate. The single consolation lay in the surge of public opinion which rose up in Israel's defense. From Paris to Montevideo, from New York to Amsterdam, tens of thousands of persons of all ages, peoples and affiliations marched in horrified protest at the approaching genocide. Writers and scientists, religious leaders, trade union movements and even the Communist parties in France, Holland, Switzerland, Norway, Austria, and Finland asserted their view that Israel was a peace-loving state, whose peace was being wantonly denied. In the history of our generation it is difficult to think of any other hour in which progressive world opinion ³ rallied in such tension and agony of spirit.

A stream of denunciations by the United Nations, the Arabs hoped, might encourage Jews the world over to question the policies of the Israeli government. Such questioning might

¹ President Nasser's Speech at the National Congress of the Arab Socialist Union at Cairo University, July 23, 1968, quoted in Laquer, p. 234.

² Y. Harkabi, "Al Fatah's Doctrine" (Adelphi Papers, No. 53, December 1968) "Fedayeen Action and Arab Strategy," Institute of Strategic Studies, London.

³ Special Session of the General Assembly, June 19, 1967, quoted in Laquer, pp. 220-221.

result in a perceptible decline in monetary contributions as well as moral support. In turn, a decline in Jewish support for Israel could severely weaken that state and make it more amenable to compromise or even lead to its eventual defeat. This is why Jews the world over have been an important target of Arab propaganda. Indeed, Arab spokesmen have tirelessly asserted that they are not against Jews per se but only against Zionists.

If there is no room in Israeli society for the Arabs, we should show that there is room in Arab society for the Jews...The greatest victory of militant Zionism would be to get us to...adopt their concept of the state. For in their hearts they know that a closed, exclusive, fanatic Israel can never coexist with an open, liberal, and tolerant Arab society. There are Jews... who also reject the narrow vision and fanatical aims of some of their leaders, and who can be our allies...Our greatest victory will be the day when the Jews in Palestine will prefer to live in an Arab society rather than in an Israeli one. It is up to us to make ¹ that possible.

Finally, a condemnation of Israel would notify all parties concerned that the Arab states will not succumb to Israeli pressure and will insist on their rights. It would reaffirm the Arab position to the world at large as well as to Israel in particular.

Those sacrifices...safeguard the Palestinian national rights and underscored the legitimacy of the Arabs' claim to their national heritage. Rights undefended are rights surrendered. Unopposed and acquiesced in, usurpation is legitimized by default...The Zionist settler-state... has remained a usurper, lacking even the semblance

¹Cecil A. Hourani, "The Moment of Truth: Toward a Middle East Dialogue," quoted in Gendzier, p. 394.

of legitimacy--because the people of Palestine has remained loyal to its heritage and faithful, to its rights...

That this determination is an important asset is obvious from President Nasser's resignation broadcast at the height of the Arab defeat.

We now have several urgent tasks before us. The first is to remove the traces of this aggression against us and to stand by the Arab nation resolutely and firmly; despite the setback, the Arab nation, with all its potential and resources, is in a position to insist on the removal of the traces of the aggression. 2

Toward the Arab states

Since condemnatory resolutions require organized efforts and pressure in the United Nations, the fact that they are approved demonstrates the unity of the Arab states. The efforts to condemn Israel have forced the Arab states to cooperate and formulate a common policy, action which is impossible in most other spheres. The search for unity has been expressed by many leaders of the Arab world.

The delegations in all their discussions were inspired by faith that the Arab unity was an inevitable aim...

The finest remedy lies in unity, so that we may become again a strong cohesive body politic... Unless we realize unity and do away with fragmentation and all its accompanying...disruption,4 we cannot take the road to revival.

¹Fayez A. Sayegh, "Zionist Colonialism in Palestine," quoted in Laquer, p. 167.

²Nasser's Resignation Broadcast, June 9, 1967, quoted in Laquer, p. 192.

³"The Manifesto of the United Arab Republic," (Preamble) quoted in Laquer, p. 129.

⁴Musa Alami, "The Lesson of Palestine," The Middle East Journal, Vol. 3, No. 4 (Washington, D.C.: 1949) pp. 373-76, 385-390, 394-405, quoted in Gendzier, pp. 349, 353.

A United Nations condemnation of Israel would enhance the prestige and boost the morale of the Arab guerrillas. Universal condemnation of Israel's acts against the Arab guerrillas would imply some recognition of these groups and in addition might generate increased external aid, both moral and material. The condemnations could only be helpful in this regard.

A United Nations condemnation of Israel could also increase Arab prestige in the world at large as well as within the Arab states. Military defeats by the Israelis serve to diminish Arab prestige. A ~~condemnation~~ ^{condemnation} indicates that military action, while successful, was morally wrong. Thus it is an attempt to salvage politically what has been lost militarily.

Finally, the request for a condemnation was in many respects an act of desperation by the Arab states, an effort to offset their people's tremendous fear of Israel. The United Nations thus becomes an outlet for their emotional frustration; they want it to condemn Israel from a desire for revenge, from a feeling that something must be done to strike back at Israel. They condemn because they can do little else.

We try to act on our own when we think we are winning; we come to the United Nations when we fear we are losing. One result of this is that in our minds the international organization is associated with failures and setbacks, and ¹ rarely with successes.

The Arab states are not the only sponsors of condemnatory resolutions against Israel. Several of the great powers also

¹Hourani, quoted in Gendzier, p. 397.

sponsored or supported these resolutions for reasons of their own. The first reason for great-power sponsorship of such a resolution is to ease the tension. Emotions after an Israeli retaliatory raid are often close to the explosion point, and a condemnation is intended to accomplish two things: give the Arabs a political victory, thereby relaxing their demands for immediate military action; and warn Israel against future attacks, thus forestalling further military action.

Great-power sponsorship of a condemnatory resolution can also give the Arab states moral support. Thus a great power could press for a condemnation to strengthen the prestige of the governments of its client states in the Middle East. The Soviet Union was most concerned when the United Arab Republic or Syria was attacked, while the Western states were more concerned when Israel attacked Jordan or Lebanon. Each great power wishes to protect the government of its client state since the loss of prestige in the face of continued military blows from Israel could lead to the overthrow of that government. Thus a condemnation can help the governments of the client states survive.

Finally, a condemnatory resolution may be sponsored because a great power wishes to demonstrate its solidarity and dependability to its client states. A public affirmation of support for its ally will aid not only the ally but the great power by increasing its prestige in the eyes of all its allies. A condemnatory resolution is a simple and inexpensive way to demonstrate support..

B. Domestic

A condemnatory resolution might serve to encourage the Arab states and their people in their struggle against Israel. Condemnation of Israel by a universal body such as the United Nations would be a clear indication to every Arab that his cause is just and that a great majority of the world population approves of the struggle.

This action by the United Nations would also serve to encourage the Arab armed forces by raising their morale, which had been very low.

The only confrontation in 1967 took place on 5th June. On that day our armed forces fought well. However, in view of what happened to our air force on 5th June, instructions to withdraw were issued on 6th June. So, since we did not have the opportunity to enter the war we cannot say that we lost... An attempt was made to defame our armed forces so that the people would lose their confidence in the armed forces and so that the armed forces would lose confidence, in themselves.

A United Nations condemnation might also help to increase the prestige as well as ensure the political survival of the authorities in power at the time. The prestige of a government is generally low after a military setback. (After the six-day war, President Nasser felt compelled to offer his resignation.) The leaders of a state are held responsible for its fortunes, and a military setback weakens their position. A political victory might salvage the situation. Thus, President Nasser gained strength when the Israelis were forced to with-

¹ President Nasser's Speech at the Second Session of the Arab Socialist Union National Congress at Cairo University, May 27, 1967, quoted in Laquer, p. 409.

draw from all Egyptian territory after the 1956 war. Especially if a budding opposition is attempting to gain power, a condemnation may help the leaders of the state to retain power by diverting attention from the military defeat.

C. United Nations

The continuing Arab struggle against Israel is conducted along all fronts: military, political, and economic. The United Nations is just one arena in this struggle. The Arab states attempt to gain victories in all these spheres, and a condemnatory resolution represents such a victory.

Another incentive for pressuring the United Nations to condemn Israel is that such resolutions may eventually lead to economic and perhaps even military sanctions against Israel or even expulsion of that state from the United Nations. The Arab states are continually pressing for such steps, and every condemnation brings them closer to this goal. In the debate on resolution 111 in December 1955 and January 1956, the representative of Syria proposed the following resolution:

The Security Council...

4. Calls upon the Members of the United Nations to adopt the necessary measures for applying economic sanctions against Israel;

5. Decides to expel Israel from the United Nations Organization under Article 6 of the Charter for the persistent violation of the principles of the Charter;

6. Decides that Israel should pay adequate compensation for the loss and damage to life,¹ caused by the said attacks...

Finally, many condemnations are passed because earlier resolutions require that any further Israeli action be condemned.

¹United Nations, General Assembly, Official Records of the General Assembly, A/PV. 709, (New York: 1956), p. 9.

The resolutions thus seem to acquire a momentum of their own. The United Nations can neither ignore these actions nor merely deplore them since to do so would subject it to the accusation that it is retreating in the face of pressure. Yet the Western states will not allow the United Nations to take such measures as economic sanctions. Because the organization can neither withdraw nor advance, it issues another condemnation.

EFFECTS OF THE CONDEMNATIONS

In considering the effects of United Nations condemnatory resolutions it is useful to divide them into several categories. Thus the effects will be considered on the international, domestic, and United Nations plane.

A. International Effects

Toward Israel

United Nations condemnatory resolutions have neither halted nor delayed Israeli retaliatory raids. Generally, Israeli reprisals have followed increases in incidents along its border or major raids which imperiled its security or caused many fatalities. For example, Israel immediately retaliated against Lebanon for the attack on a El Al airliner in Athens, which was a potential dagger to Israeli aviation.

Israel's rejection of United Nations demands is evident in the history of its reprisal raids. On November 4, 1953 Israel was censured for its raid into Kibya, but in March 1954, barely four months later, it raided the Jordanian village of Nahalin.

In February 1955 Israel attacked the Egyptian command in the Gaza area and inflicted heavy damage, an action which resulted in another condemnation. Yet in December of the same year it attacked Syrian positions in the Lake Tiberias area. A further condemnation for this action failed to prevent the Suez War ten months later.

The relative calm in the next decade, 1956 to 1965, was due to a lack of incidents along the borders, not to Israeli compliance with United Nations directives. The United Nations Emergency Force prevented serious incidents along the Israeli-Egyptian border. The Israeli-Jordanian border was relatively free of incidents except for minor disputes in the Mount Scopus area in August 1957 and May 1958. The Israeli-Syrian border was the most volatile one, with constant shellings and minor incidents. When these incidents became serious Israel retaliated with an attack on Tawafiq on January 31, 1960 and another on Syrian posts on Lake Tiberias on March 16, 1962, for which it was condemned.

In 1965, Al Fatah was organized with the specific purpose of harassing the Israelis. This it proceeded to do in late 1965 and 1966, forcing Israel to retaliate on September 11, 1965 against Jordan in the Qalquilaya region,¹ on October 28, 1965 against Lebanon,² and on November 12, 1966 against Jordan at Es-Samu.³ As terrorist actions increased, so did Israeli reprisal raids.

¹The New York Times, September 12, 1965, Section IV, p. 3.

²Ibid., October 29, 1965, p. 7.

³Ibid., November 13, 1966, p. 1.

Resolution 240 of October 25, 1967 condemned all violations of the cease-fire, and resolution 248 of March 24, 1968 condemned Israel for an attack on Karamah. Nevertheless, the Israelis attacked Irbid on June 1968 and bombed Salt two months later, actions which the Security Council condemned on August 16 in resolution 256. This resolution, which warned of further measures if the attacks were not halted, was followed in less than two months by a raid on the United Arab Republic on October 31, 1968,¹ an attack on Jordan on December 1,² an air raid on northern Jordan on December 4,³ and the attack on Beirut Airport on December 28.⁴ In addition, barely seven months after the Security Council condemnation of the attack on the Jordanian village of Salt, Israel bombed that area.⁵ The attitude of Israel toward these resolutions was explained in Ambassador Tekoah's reply to resolution 256:

To us in Israel this adamantly warlike posture of the Arab Governments is not a matter of Security Council debates only...To us this is the continuation of the twenty-year war of Arab aggression, pursued now in particular by the method of terror warfare...

The resolution which has just been adopted... reminds us of the long standing disabilities under which the Security Council labours in questions arising from the Israel-Arab conflict. However, these circumstances cannot affect the fundamental precepts of law. These bestow upon Israel the inalienable right to defend itself against the continued warfare waged by the Arab states, a right enshrined in the United Nations Charter. The Government of Israel is responsible for the security of the population in Israel-controlled

¹ The New York Times, November 1, 1968, p. 1.

² Ibid., December 2, 1968, p. 1.

³ Ibid., December 5, 1968, p. 1.

⁴ Ibid., December 29, 1968, p. 1.

⁵ Ibid., March 27, 1969, p. 1.

territory and will discharge this responsibility in accordance with its rights and duties...

Israel will do its utmost to ensure the maintenance of the cease-fire. It expects the Arab states to do the same... Whatever they do...reciprocity remains the cornerstone of the relationship between sovereign States and it is therefore in the interests of all the peoples of the area that the cease-fire be fully¹ respected.

There were several reasons for this continual flouting of Security Council resolutions. First, in the eyes of most Israelis this was an issue of security and self-defense. Since every state has the right to defend itself, as stated in Article 51 of the United Nations Charter, Israel could hardly be expected to give up this right on demand, especially after the United Nations had failed to defend it on two separate occasions. Israeli leaders often reiterated this theme of self-defense and the helplessness of the United Nations in resolving the entire Middle East dispute.

The United Nations authorities failed to bring to the notice of the Security Council the full tale of the bloodshed in Israel. This is no case of unauthorized crossings of demarcation lines, as the draft resolution chooses to define the murderous attacks actually taking place, but a guerrilla war, planned or tolerated by the Government of Jordan and other Arab Governments... We shall take all legitimate measures in our power to ensure that Jewish lives too shall not² be left unprotected.

So long as the Security Council has not adopted effective measures to stop the aggressor, it is the duty and the right of an attacked state to defend itself by virtue of the right reserved to³ every country under Article 51 of the Charter.

¹United Nations, Security Council, Official Records, S/PV. 1440 (New York: 1968) pp. 52-56.

²Premier Ben Gurion's speech to the Knesset as reported in The Jerusalem Post, November 23, 1953.

³Premier Eshkol's speech to the Knesset as reported in The Jerusalem Post, November 28, 1966.

Second, the failure of the Security Council to act as an impartial arbiter in all Middle East incidents reduced its legitimacy in the eyes of many Israelis. The Soviet veto blocked ~~any~~ condemnation of the Arab states in the Security Council, so Israel felt that it had no choice but to retaliate when provoked. For example, the failure of the Security Council to condemn Syria in early November 1966 may have precipitated the Israeli retaliation against Jordan later that month. Because several complaints to the Security Council had failed to produce a favorable resolution, and because the Security Council was widely viewed as pro-Arab, Israel felt it had no obligation to obey the directives.

Israel comes before a tribunal where the only alternatives, whatever the merits of the case, are a verdict for the Arabs or no verdict at all...Would any citizen in any country seek recourse to a court where the only available verdict was a verdict against him? In the light of what happened in the B'not Ya'acov and Suez discussions what possible weight can we attach to Syrian and Soviet contentions that if Israel had a grievance she should submit it to the Council?¹

During the past 12 years the U.N. Security Council has never once been able to muster the unanimity necessary to censure one of Israel's neighbors, either for their incessant attacks against her security or for blatant and flagrant incitement--often uttered at the Security Council tables itself--against her sovereignty. It is bitterly ironic therefore that the Council should have saved its sharpest censure for an Israel act of self-defense which came directly in the wake of more than 70 sabotage attacks over the past 22 months...

Israel...cannot renounce military reprisal against aggression, if it is felt that such an action is the only way of halting border raids and safeguarding

¹ Abba Eban as quoted in The Jerusalem Post, January 17, 1956.

life and property here. And in this...Israel only reserves for itself the same rights as any other sovereign state. This is all the more compelling so long as the Security Council continues to prove itself incapable of confronting the Arab sabotage campaign which is part of an overt scheme for liquidating the State of Israel...

Until the Security Council is prepared to deal with this reality, it cannot expect its appeals to be taken seriously by the Israeli public. This public has in the past 18 years well learned the lesson that Israel's own strength is the final guarantee of its security...

The Israelis could not rely on the United Nations to deter the Arab attacks, so they relied on force instead--since they also believed that the only language the Arabs understand is force. By enabling the Israelis to use force on the ground that the Security Council was not responsive to their needs, the Security Council actions may have been a blessing in disguise for Israel. If the Security Council had condemned the Arab states, Israel would have been hard put to justify further retaliatory raids. What more could Israel want than the Security Council's condemnation of the Arab states--even if these condemnations could not prevent further Arab raids? Israel would then have been in the difficult diplomatic position of having no excuse to retaliate against the Arab raids.

Many United Nations delegations themselves doubted the efficacy of these condemnatory resolutions. Delegate skepticism that these resolutions would alleviate the tension in the area was reported in 1966 and again in 1968.²

Despite the failure of Security Council resolutions to

¹ The Jerusalem Post, Editorial, November 27, 1966, p. 1.

² The New York Times, November 6, 1966, p. 1, March 26, 1968, p. 1.

prevent Israeli retaliatory raids, they did have some effect. Israel attempted, by all means possible, to avoid these condemnations. Sometimes raids were not announced so as to prevent immediate United Nations condemnation.¹ At other times, Israel did not retaliate for specific provocations but bombed and raided areas as part of a minor war raging on the borders. For example, in line with its policy of "active defense" Israel launched numerous minor raids against Fatah bases with the aim of destroying the guerrilla movement either directly (by decimating the guerrillas themselves) or indirectly (by placing pressure on the inhabitants to drive the guerrillas out). Since these acts were indistinguishable from the general border violence, it became far more difficult for the United Nations to single out specific Israeli actions to condemn.

The condemnatory resolutions did have an effect on one type of retaliatory raid. The massive world condemnation of the Beirut Airport raid in which Israel damaged or destroyed more than a dozen aircraft undoubtedly deterred Israel from further actions of this type--although it has been tempted to retaliate in this way several times since 1968. For example, on May 30, 1972, three Japanese gunmen in the employ of the Lebanon-based Popular Front for the Liberation of Palestine, killed or wounded more than 100 persons in Lod Airport, yet Israel did not undertake any direct retaliation against Lebanese civilian aviation.

¹The New York Times, December 18, 1968, p. 11.

The resolutions of condemnation created some minor internal dissension within Israel itself. Most Israeli citizens supported the reprisal policy in general and even pressed for reprisals for certain incidents. The New York Times of June 3, 1972 (p. 3) quoted Minister Galili as saying Israel "would not rush into action in response to the pressure of public opinion impatient for a reaction."

Both the general support for the government's policies and the dissension are reflected in Israeli elections. Mapai, the leading government party, consistently received between 32.2% and 38.2% of the total vote (40 to 47 seats in the Knesset). In the 1965 election Mapai was aligned with Ahdut Ha'avodah and received 44.6% of the vote (55 seats). In 1969 these two parties were aligned with a third, Mapam, and the coalition received 46.2% of the vote (56 seats). The next largest party, Herut, insisted on a far more extreme attitude toward the Arabs and more severe action against terrorists. This party increased its strength from a low of 6.6% in 1949 (8 seats) to 13.7% in 1961 (17 seats). In the 1965 and 1969 elections it was aligned with the Liberal Party, and in 1969 they received 21.6% of the vote (26 seats).¹ Thus the only large opposition bloc supported stronger action against the guerrillas.

Despite strong citizen support for retaliation, opinions were sometimes divided on specific acts, usually in the wake

¹ Ministry for Foreign Affairs, Information Division, Facts about Israel, 1972, (Israel: Keter Publishing House, Ltd., 1972), pp. 66-67.

of a particularly severe United Nations censure. Some disagreed on the specific target or scope of an operation. The New York Times reported on December 31, 1968 (p. 1) that some Israelis were beginning to question the effectiveness of the policy of retaliation. Yet the predominant emotion was bitterness over world reaction.

It is enough to think of the days before June 5, 1967, when Sinai was full (of Egyptian armour) as it was, when those speeches were being made all around us, and when the only ones whom the echo of these things failed to reach were the members of the Security Council. The representative of the Soviet Union, the power which "only wants peace in the Middle East," said "there is nothing to discuss, there is no danger, no war." They met, they dispersed... only Israel was threatened, there was nothing to₁ discuss.

A hard core of opposition used the Security Council condemnations as support for their arguments that reprisals were wrong and should be halted. Undoubtedly, the condemnatory resolutions were partially responsible for the existence of this group, but it was a small minority (Ha'olem Hazeh and the New Communist List received 4% of the vote and 5 seats in the 1969 election)² and had little effect. Nevertheless, budding opposition and growing doubts forced the government to continually defend its reprisal policy. Army sources reported a drop in border incidents after the December 1968 raid on Lebanon,³ and General Bar Lev suggested that reprisals were beginning to take effect.⁴ In addition, the government asked

¹ Golda Meir's speech in the Knesset quoted in The Jerusalem Post, January 6, 1969, p. 7.

² Facts about Israel, 1972, pp. 66-67.

³ The New York Times, January 13, 1969, p. 9.

⁴ Ibid., January 9, 1969, p. 2.

for Knesset approval after United Nations condemnations--and generally received it with overwhelming majorities. In 1953 the Knesset approved the policy of retaliation by a vote of 58 to 22, in 1962 by 76 to 3, in 1968 by 61 to 3 with one abstention, and in 1969 by 70 to 1 with two abstentions. For example, a Knesset resolution of April 10, 1962 stated:

The Knesset categorically rejects the Security Council resolution of April 9, 1962, a resolution that...constitutes an injustice which encourages aggression and endangers peace.

3. Israel...will carry out all the obligations involved towards every state on a basis of reciprocity. She will not submit to aggression.

4. Israel will preserve her sovereignty in principle and in practice, under all conditions, in all her territories and waters.¹

The Israeli press was nearly unanimous in its support of government actions. Some papers questioned the wisdom of specific raids, but the government's action was strongly supported in all cases. In November of 1962 the papers Zmanim and Haaretz pointed out that there was some room for self-criticism; nearly all the others, including Hamodia, Herut, Al Hamishmar, and K'ol Ha'am, strongly supported the government. Similarly, in 1955 Davar, Al Hamishmar, Haboker, and Hatsofe supported the government. In 1956 The Jerusalem Post stated in an editorial:

Israel is told very sharply that in the face of future provocations she must sit back with folded arms and do nothing except refer matters to the ineffectual Armistice

¹ The Israel Digest of Press and Events in Israel and the Middle East, Vol. V, No. 9, April 27, 1962, p. 1.

machinery or alternatively to the Russian veto in the Security Council lest worse befall her.

Such a resolution can have little effect here. It will only serve as a warning to Israel to look to her defences for certainly the cause of peace in this area has been little served by the eleven men at the world's peace headquarters.¹

This continued to be the predominant view of the Israeli press. But after the Karamah raid with its heavy Israeli casualties, Shearim called for new methods to combat Arab terrorism.

While our existence does not depend on the Security Council, we must nevertheless try to act in such a manner as not to provide too many opportunities to hypocrites and professional moralizers to incite world public opinion against us.²

Nevertheless, most newspapers agreed with the government.

The Security Council...is even now incapable of displaying an objective attitude and this is why Israel did not resort to it instead of engaging in a self-defense operation. We cannot agree...that there was a lack of proportion between the acts of terror and the Israeli action.³

We reject with loathing all the charges, full of selfish political hypocrisy, of the Arabs and Soviets at the Security Council, and their old and new satellites...⁴

...there cannot be the slightest doubt that the Defence Forces' action was one of clear self-defence, aimed at forestalling and thwarting a large-scale programme of terrorism...⁵

The Security Council resolutions had no effect whatsoever in inciting military dissension. There was little disagreement in the military as to government policy.

¹ The Jerusalem Post, Editorial, January 22, 1956, p. 1.

² Shearim, March 26, 1968.

³ Davar, March 25, 1968.

⁴ Hayom, March 25, 1968.

⁵ Lamerhov, March 25, 1968.

The Arab states also failed to isolate Israel in the international arena. Despite continuing comparisons between Israel and South Africa, in 1971 Israel maintained diplomatic or consular relations with over 100 states, eighty-seven on the ambassadorial level. Of the total, thirty-five were in Africa, thirty-one in Latin America, twenty-two in Western Europe, sixteen in Asia and Oceania, twelve in North America, and one in Eastern Europe. Israel also steadily increased its trade with other states.

Imports and Exports by Main Countries of Purchase and Destination¹
(in millions of dollars)

	Imports			Exports		
	1968	1969	1970	1968	1969	1970
<u>Europe</u>	689.6	804.2	865.0	347.0	389.6	412.9
Britain	230.6	245.4	228.2	70.7	74.8	81.1
Germany	115.1	154.5	174.3	57.9	63.5	64.7
Netherlands	52.8	71.2	71.5	32.1	36.0	45.2
Belgium	39.9	47.6	62.6	40.0	45.2	38.2
France	53.5	52.1	60.9	30.6	36.9	39.6
Switzerland	36.1	50.2	49.0	29.8	33.6	33.2
Italy	55.5	70.3	75.7	8.4	11.0	14.9
Sweden	15.1	31.7	28.6	9.4	11.3	11.5
Rumania	10.0	17.4	25.1	10.0	14.9	11.0
Finland	9.5	10.9	14.9	4.6	6.6	6.4
Yugoslavia	7.9	10.8	14.6	11.4	6.9	9.4
<u>Asia</u>	20.0	32.3	76.5	86.5	106.5	116.8
Japan	12.6	18.9	62.1	24.2	30.4	32.3
Hong Kong	1.0	2.0	1.7	25.1	33.9	37.2
Iran	1.2	2.7	2.7	15.8	19.9	22.3
<u>Africa</u>	30.9	31.3	30.2	28.0	34.3	41.6
<u>America</u>	274.9	346.4	373.9	140.3	162.5	175.3
US	245.4	310.8	323.5	119.4	135.7	149.1
Canada	8.4	9.6	18.8	12.3	16.8	15.1
South America	20.6	25.6	30.7	5.5	5.8	8.2
<u>Australia and N.Z.</u>	2.9	3.7	3.7	4.3	5.3	5.5

¹ Facts About Israel, 1972, p. 99.

There was some friction between Israel and its Western friends. Relations with France cooled quickly after the 1967 war, but this was due primarily to France's desire to improve its relations with the Arab states, not to the condemnations. Relations with the United Kingdom also became somewhat strained, and in this case Israel's retaliation (especially against Jordan) and the subsequent Security Council condemnations did have some effect. In addition, Israel's relations with the United States fluctuated during the entire two-and-a-half decades of her existence, and this may have been partially due to the reprisal raids and the subsequent condemnations. Nevertheless, the leaders of these states had diverging views of national interest which had far more influence on their relations with Israel than any Security Council condemnation. Yet, United Nations condemnations undoubtedly created some resentment and anger on both sides. Israeli leaders in 1962 praised France and in 1966 New Zealand for their courage in abstaining on resolutions, implicitly blaming the other Western states for failing to show the same courage.

It is disappointing that the British member on the Council, Lord Caradon, should have chosen on this occasion to associate himself with this unsavory partnership to support a patently hypo-¹ critical resolution.

The British press thought we were senseless to waste a "diplomatic achievement" we had supposedly gained following the attack on the El Al plane in Athens. These so-called diplomatic achievements are costing us much blood, for which few

¹ The Jerusalem Post, Editorial, September 17, 1969, p. 1.

abroad shed tears...We cannot even be shocked by the message sent from the Vatican to the President of Lebanon...Does the blessing bestowed on the Lebanese people also include terrorists who kill innocent passengers on board civilian aircraft?

The reaction of the American press...fell back to the familiar mathematical calculations of proportions. One can cynically remind our friends across the Atlantic that the term "massive retaliation" was not invented by us. The war against Israel cannot be one-sided, and threats to damage our airliners and harm tourism cannot go unpunished.

A certain amount of American and British resentment has been aroused by the continuation of reprisal raids despite Security Council condemnations. Nevertheless, American-Israeli relations are at the present time the best ever.

These resolutions did create a fear of isolation in Israel, a fear which led to a rapid program to achieve self-sufficiency. The French boycott of military goods increased this feeling of insecurity, which grew with every subsequent condemnation. Most Israelis were convinced that only the Jews care about Israel and reliance on outside aid might be a fatal error.

The condemnations also increased the tempo and urgency of Israel's search for friends and allies. Israel launched a massive program of technical aid to many developing states. Experts were sent abroad to advise these states and students from these states were trained in Israeli universities.

¹The Jerusalem Post, Editorial, December 31, 1968, p. 1.

Trainees in Israel by Continent, 1958-1970 ¹			
	<u>1958-1969</u>	<u>1970</u>	<u>Total</u>
Africa	6,189	434	6,623
Asia	2,233	277	2,510
Latin America	1,955	226	2,181
Other	2,359	117	2,476
TOTAL	12,736	1,054	13,790

Israeli Experts Abroad by Continent, 1958-1970 ¹			
	<u>1958-1969</u>	<u>1970</u>	<u>Total</u>
Africa	2,237	246	2,483
Asia	368	63	431
Latin America	435	95	530
Other	479	25	504
TOTAL	3,519	429	3,948

Thus the Arab attempts to isolate Israel had some effect in the United Nations but failed elsewhere. Many states which voted for condemnation had excellent relations with Israel outside the United Nations.

The Arabs were also partially successful in diminishing Israeli prestige, at least in the political sphere. Although the Israelis demonstrated military prowess that gained much admiration, nevertheless the constant political condemnations may have diminished this prestige. These resolutions were used in Arab propaganda which portrayed Israel as an international bandit state acting in defiance of an impartial international organization.

The series of condemnatory resolutions did not legalize the use of force against Israel. Most states, especially the United States and the Soviet Union, have consistently called for a peaceful settlement of the dispute in accordance with Security Council resolution 242. In addition, many American officials have repeatedly stated that the United States will

¹Facts about Israel, 1972, p. 79.

come to the aid of Israel in the event of danger. For example, Senator Goodell of New York advocated the use of American troops to save Israel if necessary, and several Congressmen have called for an American guarantee of Israel's political and territorial security.¹ Indeed, it is the fear of American interference in a conflict with Israel that acts as a deterrent to Arab plans for war.

Finally, these resolutions have been a factor in preventing negotiations between the Arab states and Israel. Many Arab spokesmen have stated that they will negotiate with Israel only after she agrees to abide by United Nations resolutions on the Middle East. In addition, resolution 242 of November 22, 1967 is often cited as a reason for not negotiating directly.

Toward other states

United Nations condemnations of Israel have been a major propaganda victory for the Arab states, which have consistently used these resolutions as proof of the immorality of the Israeli regime. Nevertheless, the effectiveness of this propaganda is open to question. Although the West did pressure Israel to withdraw from the Sinai Peninsula in 1956, it has not done so since 1967. The four-power peace talks have broken down and many Israeli spokesmen affirm that the Western states (with the exception of France) have not pressured Israel to withdraw.

~~That~~ the Arab propaganda has had little effect in changing

¹The New York Times, November 25, 1968, p. 12.

Western attitudes toward Israel is best illustrated by a study of arms sales and tourism. Although there have been rumors that the United States would cancel military contracts because of Israeli raids and subsequent United Nations condemnations, this has not been the case. Even in 1953 when the American government halted aid to Israel, Secretary of State John Foster Dulles insisted that this was due to the Jordan River issue, not the Kibya raid.¹ Indeed, when Israel agreed to abide by the United Nations decision in that controversy, American aid was resumed.

In 1955 many Israelis feared that the raid on Syria would harm Sharett's plea for American arms,² and Assistant Secretary Allen stated that this raid was indeed a factor in the American decision.³ And many Israelis feared that the December 1968 Beirut raid might force cancellation of the Phantom contract and adversely influence President-elect Nixon's policies toward the Middle East. Yet the contract was not abrogated and President Nixon has continued to supply Israel with arms despite numerous condemnations since 1968.

Tourism, another indicator of relations between states, increased during the entire period. In 1970 440,000 tourists visited Israel, and in 1971 this figure had increased to 650,000.⁴ This is in marked contrast to the precipitate decline in tourism to the Arab states. For example, tourism to the United

¹ The New York Times, October 21, 1953, p. 13.

² Ibid., December 20, 1955, p. 17.

³ Ibid., January 16, 1956, p. 3.

⁴ Facts About Israel, 1972, p. 125.

Arab Republic dropped by 67% after the 1967 war¹ while the number of tourists visiting Israel skyrocketed.

International Air Traffic in	1950	1960	1969 ²
Aircraft Landing	2,272	2,926	9,079
Passengers Arriving	82,796	111,602	603,300

Another Arab objective, a decrease in Jewish support for Israel, failed to develop. Pro-Israeli demonstrations grew larger throughout the years; contributions to the United Jewish Appeal and sales of Israeli bonds rose significantly; and the American stand on condemnatory resolutions brought strong protests from the American Jewish community in 1953, in 1962, and again in 1968.³

This resolution regrettably sponsored by our government failed to reflect the facts of persistent Syrian provocations, the declared Arab objective of liquidating Israel and continuous threats to the citizens of Israel and to its territorial integrity. We find almost incomprehensible this failure to distinguish between⁴ acts of aggression and self-defence...

There were of course some fringe elements who strongly objected to Israel's actions and existence but the resolutions did not significantly encourage them or increase their membership.

Finally, the resolutions did inform the world of the Arab determination to fight for its rights. Yet with the increase in condemnatory resolutions came apathy and progressively less coverage in the press, thus frustrating the Arab

¹ The New York Times, March 3, 1968, Section X, p. 23.

² Facts about Israel, 1972, p. 123.

³ The New York Times, November 23, 1953, p. 3, April 12, 1962, p. 26, January 2, 1969, p. 4.

⁴ Conference of Presidents of Jewish Organizations, quoted in The Jerusalem Post, April 12, 1962.

desire to publicize its resolve.

Toward the Arab States

Although these resolutions did express Arab unity, the spirit of unity faded outside the United Nations. Even on Israel the Arab states were in full agreement only inside the United Nations, not outside. Arab opinions ranged from those of President Bourguiba of Tunisia who envisioned peace with Israel at some future date to those of Colonel Qaddafi of Libya who fully supported the aims of the Palestinian guerrillas. In other matters the states were hopelessly deadlocked.

These resolutions did enhance the prestige and morale of the guerrillas. Some Israelis questioned the policy of retaliation for this very reason: Reprisals would lead to further condemnations, which would encourage the guerrillas and add to their prestige. For example, in 1968, after the Israeli raid on Karamah, The New York Times reported a rise in Arab morale.¹

Many Israelis saw the Security Council condemnations as an invitation to increased terrorism.

There is every reason to believe that the Security Council's act will only have served to encourage this hostility against Israel. Shukeiry, uplifted by the demonstrations he has helped spark in Jordan, has already announced that sabotage raids will continue. And Syria can² be counted on not to lag behind...

Nevertheless, the military feats of the Arab guerrillas did far more to enhance or detract from their prestige. Karamah was hailed not as a political victory but as a military one. On

¹The New York Times, March 23, 1968, p. 3.

²The Jerusalem Post, Editorial, November 27, 1966, p. 1.

the other hand, guerrilla prestige suffered a disastrous blow, perhaps even a fatal one in the long run, by their defeat at the hands of the Jordanian Army in the civil war and their consequent expulsion from that state. United Nations condemnations were of no aid in this situation, but in general they did contribute to the guerrilla cause.

The great powers which hoped that these resolutions would calm the situation were sorely disappointed. The resolutions deterred neither Arab terrorism nor Israeli retaliation. In fact, they may have enlarged the scope of conflict by involving more states in the issue.

On the other hand, the resolutions clearly demonstrated great-power support for their client states and thereby enhanced their prestige in the client states' eyes. Political support and demonstrations of solidarity were important in the Middle East and were much appreciated. Nevertheless, military support was far more important.

Military support in itself entails political support since states can hardly be expected to give or sell arms to unfriendly states. Major General Herzog of Israel pointed out that the acquisition of Phantom jets was probably the most important event in 1969 in postponing a resurgence of hostilities; their psychological value was far more important than their military value. The Arab leaders had believed that the increase in their own strength, combined with the wear and tear on the Israeli arms and the French arms embargo, made 1969

an ideal time to launch a new strike against Israel.¹ The acquisition of the Phantoms was an immediate deterrent and implied future American military and political support. Therefore, military support is crucial because it is tangible and because it demonstrates political as well as military support.

United Nations condemnatory resolutions do have some effect in strengthening the client states of the great powers. The Western states pressed for the passage of resolution 228 so as to support King Hussein of Jordan.

The need felt to bolster King Hussein and becalm the Jordan West Bank...was what led some of the nations to line up with the Arabs and the Soviet Union in backing the severe resolution...But the resolution will not solve his problems any more than it will solve the problems which led Israel to mount the punitive₂ raid in the Hebron area.

The resolution was thus a substitute for military action. Yet, here again, military action and support are far more decisive than political support. It was no coincidence that, while the United States was supporting a condemnation of Israel, reports circulated that the United States was carefully weighing Hussein's bid for new military aid.³ The clear objective of these reports was to bolster the Hussein regime against the Palestinians.

B. Domestic Effects

United Nations condemnatory resolutions directed against Israel encouraged the population in the Arab states,

¹ The New York Times, September 14, 1969, p. 1.

² The Jerusalem Post, Editorial, November 27, 1966, p. 1.

³ The New York Times, November 22, 1966, p. 1.

reaffirmed the justice of their beliefs, and improved their morale. The Secretary-General of the Arab League, Sd. Abdul Khaliq Hassouna, stated on March 25, 1968 that the Security Council condemnation of Israel's attack made all Arabs look to the future with great optimism and hope.¹ Yet this encouragement is minor, and the Arab thirst for a military victory is clearly evident. Hassanian Haykal wrote:

To my mind there is one chief method... in tipping the balance of fear and assurance in the Arab-Israeli conflict in favour of the Arabs. This course...is: to inflict a clear defeat on the Israeli Army in battle...

I am speaking...about a battle that is limited as battles naturally are; about a real battle, however, resulting in a clear defeat for the Israeli Army. Such a limited battle ² would have unlimited effects on the war...

Nevertheless, many Arabs realized that a military victory against Israel was not possible and therefore hoped for political victory as a substitute. Each condemnation was welcomed in the Arab capitals for bringing the final political victory over Israel closer; each encouraged many Arabs to believe that the great powers would repeat their intervention of 1956 and force Israel to withdraw from the occupied territories. Indeed, many Israeli spokesmen insist that the condemnations give the Arab states hope of gaining their ends without negotiations and without true peace.

Although United Nations condemnations do increase the prestige of the Arab governments in the eyes of their people, this benefit is only temporary. It soon becomes obvious that

¹Baghdad News, March 26, 1968.

²Haykal, as quoted in Laquer, pp. 429-430.

the condemnations accomplish little, and the population gradually ignores them. Al Destour complained on August 17, 1968 that nothing ever comes of condemnatory resolutions. On January 2, 1969 a Baghdad News editorial pointed out that the Security Council condemnation would be fruitless; Israel would reject it and reveal the inefficacy of Security Council decisions; the military arena determines the success or failure of governments.

C. United Nations Effects

The Arab states hoped that continued United Nations condemnations of Israel would eventually lead to sanctions and/or expulsion. Arab delegates often stressed the need for sanctions because of Israel's refusal to harken to previous resolutions. This argument is often embedded in the resolutions themselves.

The Security Council...

1. Deplores the failure of Israel to abide by resolution 262 (1968) and 270 (1969);
2. Condemns Israel for its premeditated military action in violation of its obligations under the Charter of the United Nations;
3. Declares that such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would, in accordance with resolution 262 (1968) and the present resolution, consider taking adequate and effective steps or measures in accordance with the relevant Articles¹ of the Charter to implement its resolutions...

Violation of previous resolutions is justification for the imposition of sanctions. Yet the Arabs have failed to win endorsement for sanctions or expulsion because of Western

¹United Nations, Security Council, Official Records, Twenty-Fifth Year, Resolutions and Decisions of the Security Council, 1970 (New York: 1971), p. 8, Resolution 280.

objections.

Nevertheless, the condemnatory resolutions have become more severe with the passage of time. Whereas the first resolutions censured the action without mentioning Israel directly, later resolutions condemned Israel's actions and still others (228, 262, 280) censured or condemned Israel itself. In addition, the first resolutions did not threaten further action, while later resolution warned that the Security Council would consider more effective measures. Yet as the resolutions were strengthened, Western support for them began to diminish.

Resolution	For	Against	Abstain
101	9	2	2 (Lebanon, USSR)
106	11	0	0
111	11	0	0
171	10	0	1 (France)
228	14	0	1 (New Zealand)
248	15	0	0
256	15	0	0
262	15	0	0
265	11	0	4 (Colombia, United Kingdom, US, Paraguay)
267	15	0	0
271	11	0	4 (Colombia, US, Finland, Paraguay)
280	11	0	4 (Colombia, US, Nicaragua, Sierre Le

Finally, United Nations condemnations of Israel have diminished the prestige of the United Nations itself. The consistent defiance of a small but stubborn state and the monotonous round of resolutions have demonstrated its help-

lessness in this area.

For the sixth time in less than four years, the United Nations Security Council has condemned Israel for retaliatory raids against Lebanon without seriously addressing the root of the problem--deadly Palestinian guerrilla attacks against Israel from Lebanese soil. This myopic, partisan approach to incidents in the Middle East can only serve further to exacerbate tensions, to undermine the U.N.'s efforts to promote an Arab-Israeli settlement and to erode whatever confidence still exists in Security Council resolutions...

However deserved was the censure meted out by the Security Council, it put the United Nations itself in a position of severe compromise and may even have set back the quest for a peaceful settlement. There was really one question why Israel was censured: not because it was guilty but because it was small and in this instance, diplomatically defenseless...It was illuminating to watch the representatives of the two great powers, each of which has recently found reason to put half a million troops into a foreign country, passing stern judgment on Israel's hour-long penetration² by a handful of soldiers.

Thus United Nations action in the Middle East was of minimal effectiveness. It was a propaganda victory for the Arabs but did not deter Israeli retaliatory attacks (although Israel did modify its tactics and ruled out certain types of retaliation), and it did not create serious internal dissension within Israel. It aided the Arab guerrillas, but here again action in the military sphere was decisive. Finally, United Nations prestige declined because of its involvement in the Middle East.

¹ The New York Times, Editorial, June 28, 1972.

² The Washington Post, Editorial, January 1, 1969.

PART III

CONCLUSION

CHAPTER 6

THE EFFICACY OF CONDEMNATORY RESOLUTIONS

In assessing the effects of United Nations resolutions of condemnation it must first be determined whether such resolutions are intended to have any effects at all. Their primary purpose seems to be to condemn previous actions or inactions, not to plan for future actions. Nevertheless, every condemnatory resolution is a demand for compliance with United Nations instructions. This is demonstrated in two ways: First, nearly every resolution of condemnation, in addition to condemning a state, also issues specific instructions to that state for future action. Second, most condemnatory resolutions specifically condemn a state for not following the instructions set out in previous resolutions. Since these resolutions do require a state to follow a certain course of action in the future, in addition to condemning it for failing to follow that course in the past, one can assess the effects of these resolutions by examining whether the state concerned did follow the recommendations of the condemnatory

resolution.

In chapter one a distinction was made between two types of reactions and effects: in the public relations sphere and in the policy sphere. Thus a state can fail to react to United Nations condemnatory resolutions, it can react by launching a propaganda campaign to deflect international criticism without changing the policy at the root of the problem, or it can effect a change in the controversial policy itself. The reaction of the condemned state as well as its allies will determine the effectiveness of the relevant United Nations resolution.

Effects and Reactions in the Public Relations Sphere

Our observations have indicated an increasing fear of isolation in both South Africa and Israel. There is a fear prevalent among the inhabitants as well as the governments that their states will become pariahs. In addition, there has been some domestic criticism of the controversial policies and a call for change, although this dissension has been insignificant. In both states, the dissenters are only three or four percent of the electorate, as indicated by the latest elections. In South Africa the Progressive Party, calling for a radical change in policy by incorporating Blacks into the government on a one-man-one-vote basis, received 51,760 votes or 3.43% of the total in the 1970 elections. Similarly, in Israel in the 1969 elections the New Communist and Ha'olem Hazeh Parties, calling for a far more accomodating

policy toward the Arab states, received 2.84% (38,827 votes) and 1.23% (16,853 votes) respectively of the total votes cast in that election.

Nevertheless, both states tried to improve their public image. Israel often sent Foreign Minister Abba Eban to Security Council debates in an attempt to forestall a condemnation. In addition, Israel developed a large technical aid program which sent experts to many developing states to aid in their growth, and it often proclaimed that it wished to aid its Arab neighbors if only its aid would be accepted.

South Africa did not attempt to prevent the passage of condemnatory resolutions in the United Nations. Instead, it often boycotted committee meetings in which South-West Africa was discussed in order to emphasize its point that the United Nations had no legal jurisdiction to discuss the case. Yet the South African Foreign Ministry periodically published short texts to prove that the United Nations had been misinformed when condemning South Africa. South-West Africa Survey (published in 1967), Prison Administration in South Africa (published in 1969), and Owambo (published in 1971) demonstrated the justice and foresight of the South African government as well as the happiness and progress of its Bantu inhabitants. In addition, South Africa repeatedly offered technical and financial aid to its African neighbors in return for their cooperation. An intensive campaign was launched to convince the African leaders of their mistake in

pressing for world condemnation of South Africa and to explain that South Africa could aid the entire continent if given the chance. Malwai, which established diplomatic relations with South Africa, was given large amounts of aid, and this fact was widely publicized in order to encourage other African states to follow its example.

The People's Republic of China made no significant effort to improve its public image abroad after the United Nations condemnation in 1951. Although it was not represented at the United Nations at the time of the condemnation, its allies attempted to prevent the condemnation by vigorously opposing the American-sponsored draft resolution. When the resolution was passed the People's Republic of China denounced it, together with all other United Nations resolutions on the same subject. These were its only efforts to improve its public image abroad.

All three condemnatory resolutions had some additional effects. They all helped to diminish the prestige of the condemned states somewhat, although military and economic events probably affected that prestige more. Resolutions did enhance the prestige of the condemning states briefly, but this soon reached a point of diminishing returns. In the South African and Israeli cases the resolutions also enhanced the prestige and morale of the guerrillas to a certain extent, although the events in the military field quickly overshadowed the effects of the condemnations. The most important effect of

resolutions--from the viewpoint of the condemning states-- was an international justification of their actions. American actions were justified in Korea, the African states' actions toward South Africa were declared proper, and the Arab states were told that their policy toward Israel was a correct one.

Effects and Reactions in the Policy Sphere

In some respects there were far less favorable results in the policy sphere than in the public relations sphere. All three states continued their military actions against their foes, these being United Nations forces in the case of the People's Republic of China and guerrilla forces in the case of South Africa and Israel. All three military efforts continued on the same scale as previously; The People's Republic of China launched a new offensive against the United Nations forces; South Africa continued to mop up pockets of guerrilla resistance; Israel continued to pursue and destroy guerrillas on both sides of the border.

On the other hand, Israel and South Africa made some political moves to blunt the United Nations criticism, made some attempt to compromise with the United Nations. South Africa instituted the policy of Bantustans in South-West Africa, a policy promising limited independence for the population of these territories. Recently, South Africa fixed a timetable for granting a much larger measure of autonomy to Ovamboland with the election of an Owambo legislature and the institution of self-rule some time in 1973.

At the same time, Israel has moved to soften its policy of reprisals in order to blunt international criticism. Its raids have often not been announced or have been concealed under cover of a general outbreak of fighting. Nevertheless, there have been numerous reprisals under a new policy of "active defense," especially as regards Lebanon. Yet Israel has halted some reprisals. Strong worldwide condemnation of the Beirut Airport raid in which more than a dozen civilian aircraft were damaged or destroyed has partially deterred Israel from striking again on that scale and against that type of target.

Thus both Israel and South Africa have taken or refrained from certain actions as a step toward compromise with the United Nations. South Africa still wants to annex part of South-West Africa but is willing to allow some self-rule in the other areas. Israel continues to retaliate against Arab guerrillas but disguises the raids and has ruled out certain types of targets. On the other hand, there have been few political concessions by the People's Republic of China. Its cease-fire proposal, for example, was suggested only after its May offensive failed and another United Nations resolution recommended the adoption of sanctions against it.

These resolutions were partially responsible for some increase in friction between the condemned states and their allies. The United States, the United Kingdom, and Israel antagonized South Africa by supporting the resolutions. The Prime Minister and members of the government as well as official

publications such as South Africa Digest often criticized these states in particular for their stand in the United Nations. In addition, the United States and the United Kingdom did apply some pressure on South Africa, especially through an arms embargo. This embargo angered South Africa, and leading spokesmen warned that such actions would force it to reevaluate its relations with these states, which needed protection for their shipping around the Cape. As for Israel, South Africa warned that it could no longer count on South Africa for assistance in the event of trouble.

There was some increase in friction between Israel and its Western allies due to the policy of retaliation and the consequent United Nations condemnations. There were often bitter arguments between Israel and the United States, the United Kingdom, and France. Both South Africa and Israel made great efforts to gain military self-sufficiency. Both embarked on an extensive military development program and soon manufactured the bulk of their armaments locally, despite the great economic burden, because both feared that the condemnations would lead to a military embargo that would leave them defenseless.

Relations between the People's Republic of China and its allies suffered no noticeable deterioration because of United Nations condemnations. In fact, the Soviet Union probably encouraged the People's Republic of China to enter North Korea in the first place, and their relations were

unlikely to suffer because of a United Nations condemnation..

In all three cases the major deterioration in relations took place between the condemned state and the condemners. The Western states invoked an embargo against the People's Republic of China which hindered that state's program of extensive industrialization. By and large, the African states did not trade with South Africa, and the Arab states have boycotted Israel. Nevertheless, the deterioration or termination of relations between the condemners and the condemned was not a result of the resolutions but preceded them--may even have been a major factor in the passage of the resolution. Yet the condemnations had little or no effect on the economic relations between the condemned states and their allies; in fact, trade, foreign investment, and tourism increased.

It is apparent from this that the condemnations had little or no effect on the People's Republic of China, had some effect on Israel, and had the most effect on South Africa, although even in this case the effect was far from satisfying the demands of the African states. Why the distinction? Why has South Africa taken some action to pacify the United Nations while the People's Republic of China has done nothing in this direction? Why the divergence in response to the United Nations directives?

Perhaps the number of condemnations is the key to their effectiveness. South Africa was condemned most often and moved farthest toward the United Nations position; Israel was condemned

less often and was thus under less pressure to compromise; and the People's Republic of China was condemned least so it was under the least pressure. Yet it often appears that United Nations condemnations, like much else, are subject to the law of diminishing returns. The more often a state is condemned the less each individual condemnation matters. This is reflected in local press coverage, which decreases with each condemnation.

The number of condemnations disguises the true reasons for the efficacy or inefficacy of United Nations condemnatory resolutions. The gauge of their effectiveness is the degree to which they reflect world opinion in general and the opinion of the condemned state's allies in particular. In other words, the effectiveness of a condemnation is in direct proportion to the degree of unanimity in the vote. The opinions of these states and the intensity by which they are held are crucial. The more intense and widespread the feelings, the greater the pressure on the recalcitrant state--especially when those applying the pressure are close friends and allies. Since no state is self-sufficient, the pressure brought to bear by allies is often decisive.

The second factor in a resolution's effectiveness is the importance of the issue to the condemned state. Generally, the more peripheral an issue to a state's conception of its national interest, the more amenable to compromise it will be. A third consideration is the relative success of the policy being condemned. The more successful and beneficial a policy,

the less a state will heed United Nations resolutions demanding that the policy come to a halt. A successful policy creates its own inertia as well as advocates, and a government will find it difficult to end that policy. On the other hand, a policy that has had limited success is easily discontinued.

A fourth consideration, although of far less importance than the first three, is the scope of the resolution itself. Does the resolution address itself to a specific issue or does it address itself to an entire policy? Does it demand self-determination and independence for South-West Africa, or does it merely request the release of a score of Namibians? The more limited the resolution, the greater the chances for its implementation. Finally, the target state of a resolution will help determine its effectiveness. A resolution directed against a democratic state may elicit more reaction, especially in the propaganda field, since the state realizes the importance of both internal and external public opinion and will try to influence it. On the other hand, a condemnatory resolution directed against a dictatorship will have less chance for implementation because such a state is less concerned with public opinion and is less likely to react.

These points can be clarified further by several examples. A study of the condemnatory resolutions against the People's Republic of China, South Africa, and Israel will reveal differences in voting patterns.

Votes for Condemnatory Resolutions by Regions					
Resolution	Eastern Europe	Western Europe	Latin America	Asia	Africa
493 (PRC)					
For	0	14	20	7	3
Against	5	0	0	2	0
Abstain	1	1	0	5	1

1805 (SA)					
For	10	18	18	21	29
Against	0	0	0	0	0
Abstain	0	1	0	0	0

256 (Israel)					
For	2	5	2	3	3
Against	0	0	0	0	0
Abstain	0	0	0	0	0

Thus in the voting for the condemnation of the People's Republic of China, the Soviet bloc (with the exception of Yugoslavia) solidly backed Communist China at two points: It attempted to prevent the passage of any resolution or to limit debate to the twelve-power resolution instead of the more extreme American-sponsored resolution; and it voted against the resolution. The Soviet Union supported the People's Republic of China on all fronts--diplomatic, economic, military, and political--probably because it encouraged the Communist Chinese to move into North Korea: In addition, the resolution covered a matter which the People's Republic of China considered essential to its interests: the protection of its borders. Since the United States was the "aggressive, imperialist" enemy, an American presence at the Communist Chinese border was considered very dangerous. Many Communist Chinese leaders may have felt that this was a matter of their very survival.

The resolution condemned a policy which had been very successful in that it had pushed the United States out of North Korea. Although the Communist Chinese offensive came to a halt in late January, 1951, there was hope that the next offensive would defeat the United Nations forces. The failure of this offensive was one reason for the willingness of the People's Republic of China to negotiate. In addition, the resolution was a broad one, calling for a general cease-fire. Since the matter was essential to the survival of the government, and since the resolution was so broad and general, the Communist Chinese decided not to obey the resolution--especially since its allies gave it full support. Finally, the People's Republic of China is directed by a small group of men not subject to the whims of public opinion, either external or internal. This resolution therefore achieved little in either the public relations or the policy sphere.

Resolution 906, on the other hand, while also directed against the People's Republic of China, did achieve success for two basic reasons: It was clearly focused--it requested the release of the eleven American airmen and thus was clearly limited in character--and it did not affect a policy considered essential. It mattered little whether the prisoners were released; therefore, the People's Republic of China decided that the gain in goodwill from a release might outweigh any gain from continued detention of the prisoners.

South Africa was in an entirely different situation. Its allies, while not agreeing to the more extreme demands of the African states, nevertheless consented to the condemnations and did apply pressure as well as an arms embargo. Thus South Africa did not have the solid support of its allies. On resolution 1805, for example, eighteen Western states voted in favor and only one abstained (Portugal, a solid ally of South Africa). Even in the debate the Western states confirmed the evils of apartheid and disagreed only with the means proposed by the African states to end it. In addition, South-West Africa was not essential to the survival of South Africa. There were of course some who stated that, if South-West Africa was conceded, South Africa itself would be next. But this was not an immediate possibility. Indeed, many Western states urged flexibility on the South-West Africa issue so as to relieve the pressure on South Africa itself.

Finally, South Africa, as a democratic state, was cognizant of the need for favorable public opinion, internally as well as externally. It was therefore willing to compromise a bit, generally in line with the recommendations of the Good Offices Committee (consisting of its allies) in 1958. Had the Western states brought more pressure to bear, the South African concessions might have been greater. That most African states recognized this is evident in their continual requests that South Africa's allies pressure it for more concessions. For example, resolution 2325 (XXII) -

Urgently appeals to all Member states

particularly the main trading partners of South Africa and those which have economic and other interests in South Africa and South-West Africa, to take effective economic and other measures designed to ensure the immediate withdrawal of the South African administration from the territory of South-¹ West Africa...

Therefore, South Africa was willing to concede and compromise up to the point necessary to satisfy its allies.

Israel has been partially receptive to United Nations demands, less so than South Africa but more than the People's Republic of China. On the one hand, it has not halted its policy of retaliation although it has changed its tactics as to targets and timing. On the other hand, it has never again launched a retaliatory raid on the scale of the Beirut Airport raid. The Western states have drawn the line at this point, they will tolerate most reprisal raids, but not on such a scale. Thus Israel has had the support of its allies up to a point and will not go beyond it except in the direst emergency.

Israel has continued its retaliatory raids lest its security be gravely threatened. In addition, many Israeli leaders believe that the reprisal policy has been fairly effective in the long run; witness the Jordanian expulsion of the guerrillas and the increasing Lebanese restriction on their movements.

Finally, as a democratic state Israel realizes the value of public opinion, both internal and external, and has

¹United Nations, General Assembly, Resolutions Adopted by the General Assembly during its Twenty-second Session (New York: 1968), Vol. I, p. 3.

attempted to forestall United Nations condemnations or to counterbalance them with other public relations mechanisms outside the United Nations. (For example, there was much talk about setting up a ministry of information to enhance Israel's public image.)

In general, the reactions of the allies to a condemned state may be a function of the type of resolution passed against it. A situation condemnation, in which pressure is applied on the allies constantly over a long period, is more likely to result in a conflict between the allies and the condemned state itself than is a crisis condemnation, in which the pressure on the allies is of short duration. If one discounts other factors, a situation condemnation with its constant pressure is more likely to succeed than a dispute condemnation, in which the pressure is more intermittent and less intense. And both are more likely to succeed than a crisis condemnation in which the pressure is for a short period of time.

Several general statements as to the efficacy of United Nations condemnatory resolutions are now possible.

1. The effectiveness of any resolution of condemnation varies directly with its concurrence with world public opinion, especially the opinion of the condemned state's allies. The greater the support of the allies for a given resolution, the greater the chances of implementation. Thus Western support of resolutions on South-West Africa have forced South Africa to make some concessions in its policy toward that territory.

This is by far the most important determinant of a condemnatory resolution's success.

2. The effectiveness of any condemnatory resolution varies inversely with the importance of the subject matter to the condemned state. For example, resolution 906 demanding the release of eleven American airmen was heeded by the People's Republic of China because the issue was not too important.

3. The effectiveness of any resolution varies inversely with the success of the policy it is directed against. The more successful and popular a policy, the less the chances of the government's heeding to the United Nations directives to end it. Thus as long as Israeli leaders believe that retaliatory raids deter guerrilla attacks, these raids will continue despite United Nations protestations.

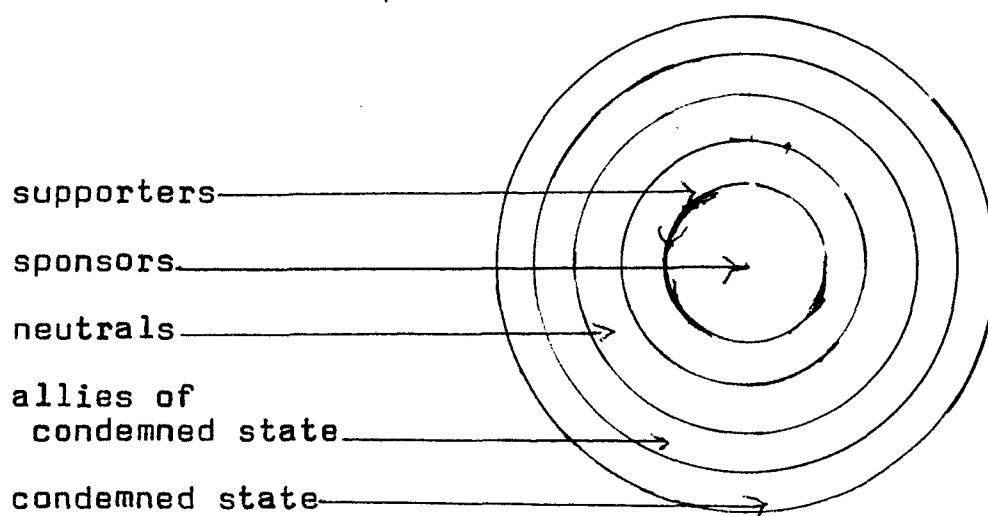
The next two principles are far less important than the first three but nevertheless deserve some mention.

4. The effectiveness of any resolution varies inversely with its subject matter. The more limited the subject the greater the chances of implementation. Resolution 906 was limited and thus succeeded.

5. The effectiveness of any resolution varies directly with the extent of democracy in the target state. Thus South Africa and Israel are more amenable to United Nations resolutions than was the People's Republic of China because the more democratic a state, the more sensitive it is to public opinion.

Generally, a chart of the effectiveness of any resolution

would reveal that a resolution is most effective among its sponsors, less so among its supporters, even less so among the neutrals, still less so among the allies of the condemned state, and least so for the condemned state itself. A resolution's sponsors, who are most prone to obey its directives, can be said to represent the center in a series of concentric circles, with supporters, neutrals, allies, and the condemned state representing circles progressively farther out. The further one gets from the center, the less the chance for compliance with the resolution.



Yet, if the resolution does affect the allies of the condemned state, it will also affect the condemned state itself. Thus the degree of compliance depends upon the support of the allies for the resolution.

CHAPTER 7

COLLECTIVE DELEGITIMIZATION VS. INDIVIDUAL DELEGITIMIZATION

Collective delegitimization is a declaration by a group of states that an action is not proper or correct--that is, not in accord with the rules of international society. What is the purpose of such a declaration? If its purpose is merely rhetorical, such a resolution is ipso facto effective. But what if its purpose is to change the policy of a state?

Generally a resolution of collective delegitimization is a combination of two factors. First of all, it is a joint declaration by a group of states that their actions toward the object state are in accord with international law--in other words, a legitimization of their own actions. Second, it is a declaration that the object state's policies or actions are not in accord with international law--in other words, a delegitimization of that state itself.

Rhetorical Effects of a Resolution of Collective Delegitimization

A resolution of collective delegitimization from the United Nations is in itself an action. It is a statement by a recognized international body that the actions of a state are wrong. It is a judgment against that state as well as a rebuke of it. Thus it is in itself an international action.

Both components of such an action are worthy of note.

1. The collective legitimization of the states allied against the object state entails a United Nations judgment that the actions and policies of the former are legitimate--that is, they have been in accord with international law and are authorized to continue in the future. Such a collective legitimization has its beneficial effects, and even states that do not actually require this approval may want it. In the case of collective legitimization the quantity of states supporting a resolution, rather than the quality, is operative. A near-unanimous vote on a resolution declaring their action legitimate is more desirable than a bare majority even though the states voting for the resolution may be the most crucial ones. This is one reason why African and Arab states have consistently sought collective delegitimization of their foes. The massive legitimization which a resolution of collective delegitimization of their foes entails cannot fail to benefit them even if only massaging their egos.

2. The collective delegitimization of the object state is a judgment by a majority of members of the United Nations that certain actions or policies of the state are wrong and the state is therefore rebuked for those actions or policies. In this aspect, the quality of those voting is operative. Are the states voting for the resolution allies of the object state, are they its foes, or are they neutral? A state will

not be concerned if only its foes vote for the resolution while neutral states and allies either vote against or abstain. The state will be concerned if neutral states or, worse, allies support the resolution. Every object state has had a hard core of opponents allied against it, and a resolution supported by these states but by no others is of little consequence. Only when its foes gain the support of neutrals and allies does the object state have reason to be concerned. In this case, therefore, although the number of votes for a resolution of collective delegitimization is important, the source of those votes is the essential factor.

Effects of a Resolution of Collective Delegitimization

Not every resolution of collective delegitimization is expected to be confined to its rhetorical effects. A resolution of collective delegitimization, which is intended to delegitimize one side to a conflict and legitimize the other, has by its very passage already done so. Yet the mere collective legitimization or delegitimization of the parties to a dispute is not enough; the sponsoring states also want the object state to revise its actions or policies. This point is the crux of the matter. It is on this point that the quality of the states voting for the resolution becomes crucial. At this point the attitude of the object state determines the efficacy of the resolution. It is at this point, when the resolution is no longer self-implementing, that one must ascertain which factors will influence a state to change its policies. Are

the numbers or the positions of those supporting such a resolution crucial? Is it the quantity of the votes or their quality which will aid in its implementation? Since success depends upon the reactions of the object state the quality of those voting for the resolution becomes crucial. As explained in the previous chapter, the position of the allies of the object state on the vote is essential to its success. A state will not alter its policies merely because its foes object to it. After all, their opposition is to be expected. Indeed, a government that followed the demands of its opponents would probably doom itself to extinction. Therefore, a resolution of collective delegitimization supported only by a state's foes cannot be expected to succeed.

However, a resolution supported by states allied to the object state will be far more effective. It is at this point that a state fears isolation, and it may therefore act in response to the resolution for two basic reasons: First, unlike its foes, the allies of a state have its interests in mind. Although they cannot be as concerned about the continued viability of the government in question as the members of the government itself are, their attitude is nevertheless favorable. Therefore, they will generally not support a policy designed to destroy that government. Second, no state can afford to be completely isolated in today's interdependent world; no state is self-sufficient. Some states may be able to survive in isolation, albeit on a considerably lowered standard of living, but no state wants to be put in this

position. Once their friends support a resolution of collective delegitimization against them they face international isolation and are likely to consider compromise.

Whereas resolutions of collective delegitimization are self-implementing in the rhetorical sphere and therefore their collective nature is most important, in the policy effects sphere it is the individual delegitimizations of the allies of the object state which are crucial. In the rhetorical sphere the more numerous the supporters of a collective delegitimization, the more it becomes a world action. In the policy effects sphere, however, the efficacy of the resolution depends upon which states favor it, and not how many. Individual, not collective, delegitimizations are the key in this sphere.

Nevertheless, there are two points at which the efficacy of collective delegitimization is introduced in the policy effects sphere. First, were it not for the practice of collective delegitimization in the United Nations, there would be few individual delegitimizations. If states were not forced to take a stand on international conflicts, few states would criticize the policies of their friends and allies. This in turn releases the potent powers of individual delegitimizations.

Second, collective delegitimizations induce further international pressure on the object state. Witness South Africa's exclusion from the Olympic Games and withdrawal from the Commonwealth, the International Labor Organization, and the Food and Agriculture Organization.

The process of collective delegitimization at the United

as well as a cause. In turn, world action and reaction forces the allies and friends of a state to take a further stand, leading to still more pressures on the object state to alter the policies or actions in question.

In the sphere of policy effects, therefore, collective delegitimization creates individual delegitimizations of the allies and friends of the condemned state and at the same time is dependent on them for success.

Nevertheless, by forcing states to take a position, the entire process of collective delegitimization in turn freezes these positions. Once a state announces its position, little room is left for maneuver. This makes change even more difficult and compromise all but impossible. Changes in policy will be decried by opponents as appeasement. While this clear presentation of policy is useful to the student of international affairs studying the respective positions of the states involved, it makes concessions that much more difficult. Clearly, then, collective delegitimization is the scholar's dream but the statesman's nightmare.

In addition to freezing the positions of all participants, collective delegitimization has an effect on the United Nations itself, in its capacity for further collective delegitimizations. United Nations prestige drops when the organization is viewed as the instrument of a majority faction--especially in the eyes of the object state and its allies. This can be demonstrated by the decline of support for the United Nations by

Western states. For example, Congress demands a cutback in the United States share of United Nations assessments; the United Kingdom is singularly unenthusiastic about the United Nations role in the Rhodesian crisis; France has refused to pay its share of the cost for United Nations peacekeeping activities.

In general, the position of the United Nations in a conflict affects its legitimacy. Once the United Nations deserts its neutral position in a conflict and instead adopts the position of one side it begins to decrease its legitimacy and authority for that conflict. Thus as the United Nations moves to condemn South Africa for its policy of apartheid it appears to be a tool of the African states--becoming a party to the conflict instead of remaining above it. On the other hand, in situations in which the United Nations maintains its neutral stance in a conflict it has a greater possibility for maintaining or enhancing its legitimacy in that conflict as well as in the international arena as a whole. For example, United Nations action in the Cyprus dispute has not decreased its legitimacy since it has remained neutral to the conflict.

Yet, even for the side with which the United Nations is allied (in cases where it deserts its neutral stance in the conflict), interminable resolutions of collective delegitimization which have no perceptible effect or have too little effect to satisfy the demands of the condemning states will diminish the legitimacy of the United Nations in the eyes of this group. Thus endless delegitimizations diminish

United Nations prestige and destroy United Nations authority.

Unsuccessful resolutions of collective delegitimization return to haunt their creator. Each diminishes the legitimacy of the United Nations itself, weakens it, and thus contributes to a delegitimization of the United Nations even if it has no effect on the object state.

This phenomenon (the delegitimization of the United Nations itself) creates a perception of United Nations inefficacy which is not necessarily borne out by the facts. Thus there seems to be near-unanimous consensus by United Nations officials as well as delegates of states that resolutions of collective delegitimization have little effect. Yet our analysis has demonstrated that these resolutions do have varying degrees of efficacy. It is the unsuccessful resolutions of collective delegitimization which have overshadowed the very real effects that a resolution does have when it is backed by the allies of the object state. Thus there is a gap between the perception of inefficacy and the reality of varying degrees of efficacy which can be accounted for by the steady decline in United Nations legitimacy. Even partially successful resolutions of collective delegitimization serve to increase this perception of inefficacy and the consequent decline in legitimacy. It is a self-fulfilling prophecy; statesmen say that the United Nations will have little effects since its legitimacy is in question, and it therefore has little effect. This perception of inefficacy serves to mask the practical efficacy of such resolutions.

The perception of United Nations inefficacy is also due to a failure to distinguish among the various types of United Nations resolutions. Some resolutions are only passed for their propaganda effects. Thus many condemnations of Israel are propaganda resolutions with few United Nations organs involved in the passage or implementation of these resolutions. On the other hand, many resolutions involve other United Nations organs which together attempt to create some change in the object state's policies. Resolution 906, for example, not only condemned the People's Republic of China for not releasing the eleven imprisoned American airmen but also asked the Secretary General to take action. In this case, the resolution, because it utilized various United Nations organs in addition to the General Assembly, was effective. Similarly, in many South African cases, many United Nations organs are involved thus increasing the chances for some success. The failure to distinguish between limited, propaganda resolutions and those actually meant to be effective (by involving other United Nations organs) leads to a perception of United Nations inefficacy.

Finally, and perhaps most important, the image of United Nations inefficacy is due to a misperception about the nature of the United Nations. A major conclusion of this work is that it is the individual delegitimizations of states which will affect the policy of the condemned state, not the delegitimizations of the United Nations as a whole. This is one further proof for the assertion made at the beginning of this work that the United Nations is not an independent entity but

is instead an international arena in miniature where most international conflicts and disputes are reenacted. It is a microcosm of the larger international reality. In this institution all international conflicts, military, economic, political are reflected and, to a certain extent, transferred to the political plane. Thus the United Nations is not an actor on the international stage but a microcosm of that stage.

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Legitimate - In accord with the rules of the society in question.

Legitimacy - The belief that a government is legitimate; i.e., in accord with the rules of the society.

Legitimization - The process by which the legitimacy of a government is established.

- A. Internal legitimization - The process of gaining legitimacy within a state for a government.
- B. External legitimization - The process of gaining legitimacy outside the state (through foreign states)

Delegitimization - The process by which a government is declared to be illegitimate; i.e., not in accord with the rules of the society in question.

Collective legitimization - A declaration by a group of states that a government, its policies, or its actions are legitimate.

Collective delegitimization - A declaration by a group of states that a government, its policies, or its actions are illegitimate; i.e., not in accord with the rules of the international arena. A resolution which legitimizes one side to a conflict ipso facto delegitimizes the other side to the conflict if it is sponsoring that resolution.

Condemnation - A judgment of wrongdoing and a rebuke of the guilty party for that action. Usually includes "condemns," "censure," or "aggression." This generally delegitimizes the action of a state.

Condemnatory resolution - A resolution which contains a condemnation of a state for a certain policy, action, or government; i.e., a resolution which declares a government, policy, or action to be illegitimate.

- A. Security condemnation - A condemnatory resolution dealing with the East-West struggle and passed before January, 1960. It generally is concerned with a case of open aggression and violence.
- B. Self-Determination condemnation - A condemnatory resolution passed after January, 1960 and dealing with the North-South conflict; i.e., self-determination of states.
 - 1. Crisis condemnation - A condemnatory resolution passed in response to a sudden action, such as an act of aggression. It is not preceded by a host of other resolutions dealing with the same subject.

2. Dispute condemnation - A condemnatory resolution directed against a state for a specific action. Were it not for a long history of previous U.N. consideration and resolutions, the specific action would not be considered serious enough to warrant a condemnation.
3. Situation condemnation - A condemnatory resolution directed against a state for a certain general policy, not for a specific action. There will have been a long history of previous U.N. consideration of this issue, with resolutions gradually building up to this stage.

Reasons for condemnation -

- A. Political - The presence of a group of states allied against one state. In the U.N. is a necessary condition for a condemnation against that state to be passed.
- B. Moral - An action by one state which enrages other states and is the specific cause for the condemnation. (It must be combined with the political factor)

Reactions to a condemnation -

- A. Public Opinion Reaction - Since a condemnatory resolution is bad public relations, a state may attempt to improve its image by launching a massive propaganda campaign while not necessarily altering its objectionable policy or action.
- B. Policy reaction - The condemned state may alter its objectionable policy or action somewhat as a concession to the U.N.

Object State - The state at which a resolution is directed; the condemned state, in contrast to the condemning states which sponsor and press for the condemnatory resolution.

Effects of collective delegitimization -

- A. Rhetorical effect - By merely passing a resolution of collective delegitimization, the U.N. is declaring that a policy or action is not in accord with the rules of the international arena. This is useful for its propaganda value.
- B. Actual effect - The object state's response to the resolution.

Individual delegitimization - A declaration by one state that a government, its policies, or its actions are illegitimate; i.e., not in accord with the rules of the international arena.