



Denver Journal of International Law and Policy

Addresses

AN ADDRESS BY SECRETARY GENERAL KENNETH W. ANDERSON

PEACE AND WORLD ORDER

Joseph Korbel

Articles

FROM CLASHING CAMPUSES TO COOPERATION: LEGAL LESSONS FROM THE DECADES OF THE 1960s, 1970s, and 1980s
International Law and the Environment

THE BUSINESS OF INTERNATIONAL TRADE: INTERNATIONAL LAW AND COMMERCE

James A. Hester

Specialty Columns

STUDENT COMMENTS ON THE DECADES OF THE 1960s, 1970s, and 1980s

James A. Hester

Student Comments

THE MARCH OF THE SPANISH INFLUENZA VIRUS: A STUDENT COMMENTARY

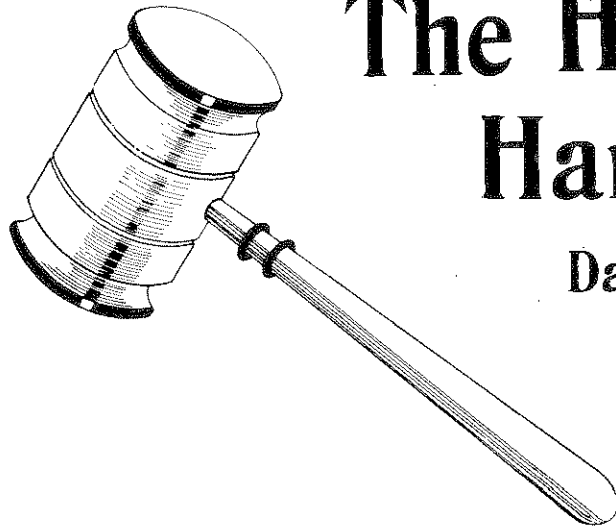
THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.: A STUDENT COMMENTARY ON THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

DISSENT TO THE DECADES OF THE 1960s, 1970s, and 1980s

Case Comment

AGENTS OF THE UNITED STATES: A STUDENT COMMENTARY ON THE CASE OF AGENTS OF THE UNITED STATES

THE KAMAHAMANA CASE: A STUDENT COMMENTARY ON THE KAMAHAMANA CASE, 246 F. Supp. 406 (1975)



The Hearsay Handbook

David F. Binder

THE HEARSAY RULE AND ITS 40 EXCEPTIONS

This handbook explains the hearsay rule and its exceptions as currently applied in courts throughout the United States.

Emphasis is on what the law is, not what it once was, or might have been, or should be.

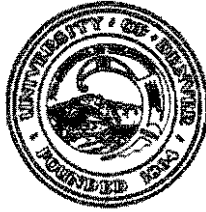
6x9 ★ Cloth Bound ★ Over 250 Pages ★ 1975

Edited and Published by

Shepard's Citations

P. O. Box 1234, Colo. Springs, Colorado 80901





Denver Journal

OF INTERNATIONAL LAW AND POLICY

VOLUME 6 NUMBER 1

SPRING 1976

BOARD OF EDITORS

DOUGLAS G. SCRIVNER
Editor-in-Chief

IAN BRUCE BIRD
Managing Editor

MARK S. CALDWELL
Business Editor

JEFFREY T. WILSON
Publications Editor

J. BRIAN STOCKMAR
Book Review Editor

GAYLE E. HANLON
Editor

KENT E. HANSON
Editor

STEVEN E. PEDEN
Editor

STAFF

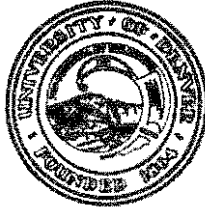
ROBERT C. BABSON
ABIGAIL BYMAN
THOMAS J. T. CARNEY
ELLEN CROSS
GARY MOORE
DAVID K. PANSIUS

GILBERT D. PORTER
CHRISTA TAYLOR
DOUGLAS TRIGGS
ANTHONY S. TRUMBLY
ALLEN D. VOTH
JAMES R. WALCZAK

FACULTY ADVISOR

VED P. NANDA

© Copyright 1976 by
DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY
University of Denver (Colorado Seminary) College of Law
Cite as DENVER J. INT'L L. & POL.



Denver Journal

OF INTERNATIONAL LAW AND POLICY

ADVISORY BOARD

M. CHERIF BASSIOUNI
CHARLES P. BEALL
WILLIAM M. BEANEY
JOHN BETZ
MURRAY BLUMENTHAL
ZACK V. CHAYET
ALFRED J. COCO
GEORGE CODDING
JONATHAN C.S. COX
ROBERT C. GOOD
ED V. GOODIN

JOHN LAWRENCE HARGROVE
DONALD W. HOAGLAND
FREDERIC L. KIRGIS
RALPH B. LAKE
JOHN A. MOORE
JOHN NORTON MOORE
VED P. NANDA
GLADYS OPPENHEIMER
WILLIAM M. REISMAN
ROBERT ROSENSTOCK
LEONARD V.B. SUTTON

ROBERT B. YEGGE

The JOURNAL greatly appreciates the support of its friends, without which publication would be impossible.

We would like to thank the following for their contributions:

Britt C. Anderson
Michael E. Bulson
Lana Cable
Jonathan C.S. Cox
Ed V. Goodin
Ralph B. Lake
William K. Olivier
STUDENT BAR ASSOCIATION, UNIVERSITY OF DENVER COLLEGE OF LAW.

The pagination order for Volume Five is as follows: Vol. V:1, Spring 1975; Vol. 5 Special Issue; Vol. V:2, Fall 1975. If you are missing any of these issues please see the announcement on inside back cover for ordering information.

The submission to the Editors of articles of interest to the profession is invited. Manuscripts and footnotes (preferably at the end of the text) should be double or triple-spaced. Citations should comply with A UNIFORM SYSTEM OF CITATION, published by Harvard Law Review. Unsolicited manuscripts will not be returned unless accompanied by adequate postage. The opinions expressed herein are not necessarily those of the College of Law or the Editors.

ADMINISTRATIVE OFFICERS

MAURICE B. MITCHELL, L.L.D., *Chancellor*
 WILLIAM H. KEY, B.S., M.A., Ph.D., *Vice Chancellor for Academic Affairs*
 CARL GARDINER, B.S., C.P.A., *Vice Chancellor for Business and Financial Affairs*
 JOHN L. BLACKBURN, B.A., M.S., Ph.D., *Vice Chancellor for University Relations*
 ROBERT B. YEGGE, A.B., M.A., J.D., *Dean of the College of Law*
 JESSE MANZANARES, B.A., M.A., J.D., *Associate Dean for Academic Affairs and Associate Professor of Law*
 JOHN C. HANLEY, B.S., M.B.A., *Associate Dean for Business Affairs*
 CHRISTOPHER H. MUNCH, B.S., J.D., *Associate Dean for Admissions and Professor of Law*
 CHARLES C. TURNER, A.B., J.D., *Assistant Dean for Advanced Professional Development*
 LEON F. DROZD, JR., B.A., *Assistant to the Dean for Development*
 NANCY B. ELKIND, B.A., M.A., *Assistant to the Dean for Special Programs*
 PHILIP E. GAUTHIER, B.S., *Assistant to the Dean for Alumni and Public Relations*
 LAWRENCE RAFUL, B.A., Ph.D., J.D., *Assistant Director, Program of Advanced Professional Development*
 JOAN E. SOMMERFELD, B.A., J.D., *Assistant Director, Continuing Legal Education in Colorado, Inc.*
 CONSTANZE M. PARKER, B.A., *Director of Placements*
 ELIZABETH S. COOPERMAN, B.S., M.A., *Admissions Officer*
 DONRA V. STARK, B.S., *Registrar*

FACULTY

WILLIAM A. ALTONIN, A.B., LL.B., LL.M., *Professor of Law*
 WILLIAM M. BEANEY, A.B., LL.B., Ph.D., *Professor of Law*
 HAROLD S. BLOOMENTHAL, B.S., J.D., J.S.D., *Professor of Law*
 MURRAY BLUMENTHAL, B.M.E., M.A., Ph.D., *Professor of Law and Director of Master of Science in Law and Society Program*
 THOMAS P. BRIGHTWELL, B.S., J.D., C.P.A., *Professor of Law and Director of Graduate Taxation Program*
 BURTON F. BRODY, B.S.C., J.D., *Professor of Law*
 CLAUDETTE R. CANNON, B.A., J.D., *Assistant Professor of Law*
 JOHN A. CARVER, JR., A.B., LL.B., *Professor of Law and Director of Natural Resources Program*
 ALFRED J. COCO, B.A., J.D., M.L.L., *Professor of Law, Law Librarian and Director of Master of Law Librarianship Program*
 VANCE R. DITTMAN, JR., A.B., LL.B., *Professor of Law Emeritus*
 JOHN S. GILMORE, B.A., M.A., *Professor of Law*
 WILLIAM S. HUFF, B.S.L., J.D., *Diploma in Law, LL.M., Professor of Law*
 FRANCIS W. JAMISON, B.A., LL.B., *Professor of Law*
 JEROME L. KESSELMAN, B.A., M.B.A., LL.B., C.P.A., *Professor of Accounting and Law*
 CATHY S. KRENDL, B.A., J.D., *Associate Professor of Law*
 JAN G. LAITOS, B.A., J.D., S.J.D., *Assistant Professor of Law*
 JOHN PHILLIP LINN, A.B., M.A., LL.B., *Professor of Law*
 NEIL O. LITTLEFIELD, B.S., LL.B., LL.M., S.J.D., *Professor of Law and Director Business Planning Program*
 THOMPSON G. MARSH, A.B., LL.B., M.A., LL.M., J.S.D., *Charles W. Delaney, Jr., Professor of Law*
 ALAN MERSON, A.B., J.D., *Professor of Law and Director of Urban Legal Studies Program*
 WILBERT E. MOORE, B.A., M.A., A.M., Ph.D., *Professor of Law and Sociology*
 JOHN E. MOYE, B.B.A., J.D., *Professor of Law*
 VED P. NANDA, B.A., M.A., LL.B., LL.M., J.S.D. Candidate, *Professor of Law and Director of International Legal Studies Program*
 MARTHA S. PEACOCK, A.B., B.S., *Professor of Law Emeritus*
 ANDREW F. POPPER, B.A., J.D., LL.M., *Assistant Professor of Law*
 JOHN H. REESE, B.B.A., LL.B., LL.M., S.J.D., *Professor of Law*
 HOWARD I. ROSENBERG, B.A., LL.B., *Professor of Law and Director of Clinical Education Program*
 H. LAURENCE ROSS, A.B., M.A., Ph.D., *Professor of Law and Sociology*
 LAWRENCE P. TIFFANY, A.B., LL.B., S.J.D., *Professor of Law*
 TIMOTHY B. WALKER, A.B., M.A., J.D., *Professor of Law and Director of Administration of Justice Program*
 JAMES E. WALLACE, A.B., LL.B., B.D., Th.D., *Professor of Law and Director of Professional Responsibility Program*

SUSAN WEINSTEIN, A.B., S.M.L.S., *Assistant Law Librarian, Instructor in Librarianship*

JAMES L. WINOKUR, A.B., LL.B., *Associate Professor of Law*

LUCY MARSH YEE, B.A., J.D., *Assistant Professor of Law*

ADJUNCT PROFESSORS OF LAW

ALAN H. BUCHOLTZ, A.B., J.D.

JAMES E. BYE, B.B.A., LL.B.

RAYMOND J. CONNELL, J.D.

WILLIAM T. DISS, JR., B.S., J.D.

HON. WILLIAM E. DOYLE, A.B., LL.B., *Judge, United States Court of Appeals*

PHILIP G. DUFFORD, J.D.

ROBERT M. GOLDBERG, B.A., J.D.

HON. HOWARD M. KIRSHBAUM, B.A., A.B., M.A., LL.B., *Judge, Denver District Court*

JAMES L. KURTZ-PHELAN, B.B.A., J.D.

HARRY O. LAWSON, B.A., M.S., *State Court Administrator, State of Colorado*

CLYDE O. MARTZ, A.B., LL.B.

ARCH L. METZNER, JR., A.B., J.D.

HON. HENRY E. SANTO, B.S.B.A., LL.B., *Judge, Denver District Court*

EDWARD J. SCHEUNEMANN, A.B., LL.B.

DON H. SHERWOOD, B.S., J.D.

HARVEY E. SOLOMON, B.A., M.P.A., LL.B., LL.M., *Executive Director, Institute for Court Management*

ARNOLD C. WEGHER, B.M.E., LL.B., LL.M.

PROGRAM COORDINATORS

RUTH CASAREZ-ANDERSEN, B.S., J.D., *Staff Attorney, Clinical Education Program;*

LESLIE M. LAWSON, B.A., J.D., *Staff Attorney, Clinical Education Program;*

GILBERT R. MONTANO, B.S.B.A., J.D., *Staff Attorney, Clinical Education Program;*

RICHARD S. SHAFFER, B.A., J.D., *Staff Attorney, Clinical Education Program.*

LECTURERS

DEYROL E. ANDERSON, B.A., M.A., Ph.D.; RICHARD H. BATE, B.S., LL.B.; JOSEPH J. BRANNEY, A.B., J.D.; ZACK V. CHAYET, B.S., LL.B., LL.M.; SAMUEL DAVID CHERIS, B.S., M.B.A., J.D.; ARTHUR L. FINE, B.A., LL.B.; HON. SHERMAN G. FINESILVER, B.A., J.D., *Judge, United States District Court, Colorado*; L. RICHARD FREESE, JR., B.A., LL.B.; HENRY FREY, A.B., M.D.; THOMAS N. FRISBY, B.A., LL.B.; DAVID H. GETCHES, A.B., J.D.; DAVID J. HAHN, B.A., J.D.; J. SCOTT HAMILTON, B.A., J.D., LL.M.; ARTHUR R. HAUYER, B.S., J.D.; DONALD W. HOAGLAND, B.A., LL.B.; ROGER F. JOHNSON, B.S., LL.B., M.D.; HARRY N. MACLEAN, B.A., J.D.; JAMES E. NELSON, B.A., M.S., J.D.; RODNEY R. PATULA, A.B., J.D.; ROBERT L. ROBERTS, B.S., LL.B., LL.M.; ROLLIE R. ROGERS, A.B., LL.B.; GERALD D. SJAASTAD, B.S., M.S.C.E., Ph.D., J.D.; A. T. SMITH, B.A., LL.B.; ROGER P. THOMASCH, B.A., LL.B.; H. G. WHITTINGTON, A.B., M.D.; MICHAEL D. WHITE, B.S., M.A.O.M., J.D.; SAMUEL E. WING, B.S.B.A., J.D.

The Denver Journal of International Law and Policy

Subscription Rates \$7.00 per year
\$5.00 student rate
\$8.00 foreign rate

Please address requests for subscriptions and back issues to:

Business Editor

THE DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY

University of Denver College of Law

200 West 14th Avenue

Denver, Colorado 80204



Denver Journal

OF INTERNATIONAL LAW AND POLICY

VOLUME 6 NUMBER 1

SPRING 1976

Addresses

AN ADDRESS BY SECRETARY-GENERAL KURT WALDHEIM 1

Secretary-General Kurt Waldheim, in an address on the 50th Anniversary of the Social Science Foundation, discusses the challenges that confront the world community and the United Nations. He examines many of the problems that face the world, and discusses the role of the U.N. in dealing with them. The Secretary-General concludes that "only with a vastly increased support and a new and widespread understanding of ourselves and of the world we live in can we hope to master our fate in the enormously complex world which we have created."

DÉTENTE AND WORLD ORDER *Josef Korbel* 9

In the first annual Myres S. McDougal Distinguished Lecture, Professor Korbel first discusses the concept of nonintervention in internal affairs. The author then relates this concept to the policy of detente between the United States and the Soviet Union. He argues that Americans have a far different understanding of detente than the Soviet leadership, and that this difference of perception leads to disillusionment among Americans. He concludes that, lacking a basis in mutual trust, the policy of detente between the United States and the Soviet Union is on shaky ground.

Articles

FROM GANDHI TO GANDHI—INTERNATIONAL LEGAL RESPONSES
TO THE DESTRUCTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN INDIA *Ved P. Nanda* 19

Professor Nanda concludes that gross and massive violations of human rights and fundamental freedoms have occurred and continue to occur in India since June 25, 1975, when the Government of India imposed a state of Emergency. The author examines these violations in light of appropriate provisions of the U.N. Charter and of the applicable human rights instruments—covenants, declarations and resolutions. He rejects the Government's contention that the repressive measures were necessary (1) on the grounds of national security and (2) to bring about economic and social reforms. The author offers practical steps which states, intergovernmental organizations and non-governmental groups can take to persuade India to restore human rights and fundamental freedoms.

THE RISING UTILITY OF THE PUBLIC INTERNATIONAL CORPORATION
 *Bruce Zagaris* 43

Lack of proper institutional structures and the failure of governments to surrender sovereignty to inter-governmental organs have stifled efficient functioning of organizations capable of accomplishing integration. The author explores, from a practitioners viewpoint, the role of the public international corporation as a valuable and creative mechanism for achieving positive cooperation between international actors to attain a more equitable distribution of the world's resources.

Faculty Comment

SOWING THE WIND: REBELLION AND TERROR-VIOLENCE IN THEORY AND PRACTICE
 *Robert A. Friedlander* 83

Terror-violence presents a severe threat to the legal order and to democratic society itself. Professor Friedlander analyzes the background and causes of terrorism, and relates it to rebellion and revolution. The author discusses ways to control terrorism while at the same time preserving democratic freedoms. He concludes that international action must be taken to curb the spread of terror-violence before it destroys the very fabric of international, and national, society.

Student Comments

THE MARCH ON THE SPANISH SAHARA: A TEST OF INTERNATIONAL LAW
 *Abigail Byman* 95

Using the Moroccan march on the Spanish Sahara as a case in point, the author analyzes the present validity of international legal theories of self-determination, aggression and coercion, the "non-legal" components of the international system, and the effectiveness of international organizations in dealing with the current world order. She concludes with a number of recommendations for strengthening the international legal system.

THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE: IMPLICATIONS FOR SOVIET-AMERICAN DÉTENTE
 *Douglas G. Scrivner* 122

The CSCE and its Final Act have received much attention but little understanding. The author analyzes the key provisions of the Final Act and its legal, political and moral effect. He concludes by examining the policy of detente and by offering recommendations for U.S. policy, particularly in regard to human rights.

PROSPECTS FOR NUCLEAR PROLIFERATION AND ITS CONTROL
 *Douglas Triggs* 159

The author examines the provisions of the Non-Proliferation Treaty and the current limitations on the control of nuclear proliferation. He next discusses the pressures for proliferation that operate in the international system. He then analyzes a number of proposed solutions to the continuing problem and recommends steps to control nuclear proliferation.

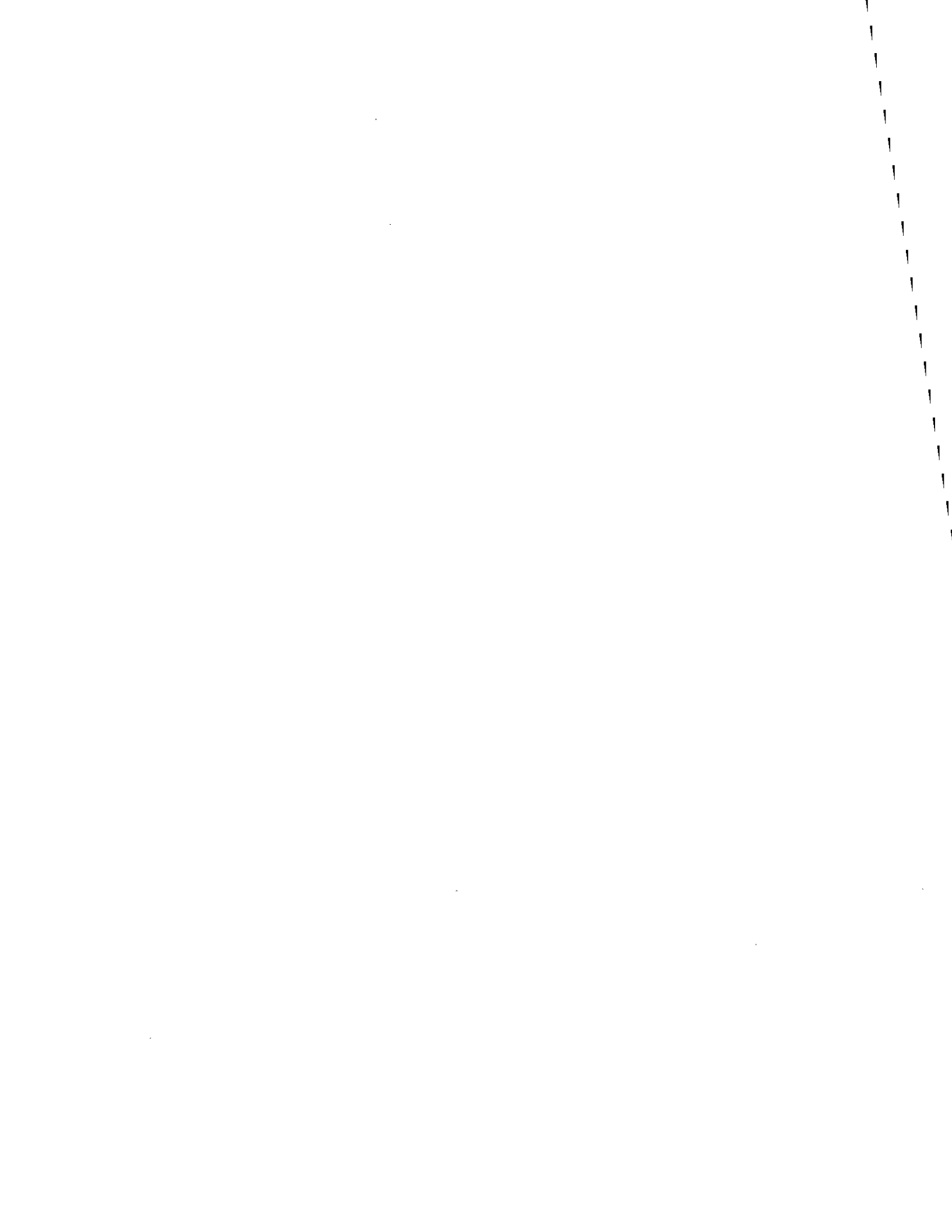
Case Comment

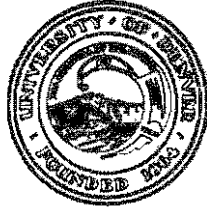
COMMENT: ACCEPTING JURISDICTION IN FOREIGN PATENT
VALIDITY SUITS—Packard Instrument Co. v. Beckman
Instruments, Inc., 346 F. Supp. 408 (1972)

..... *Mark S. Caldwell* 191

In *Beckman Instruments*, the District Court declined to exercise jurisdiction in an action challenging the validity of foreign patents. The author concludes that a new standard should be developed in the area, and that the better rule of law would be to accept jurisdiction. He analyzes the court's right to assume jurisdiction, the conflict of laws problems involved, and the policy questions inherent in accepting jurisdiction over a challenge to a patent granted by a foreign government.

Book Notes 205





Denver Journal

OF INTERNATIONAL LAW AND POLICY

An Address by Secretary General Kurt Waldheim

Editor's Note: This address by Kurt Waldheim, Secretary General of the United Nations, was presented at the University of Denver on the occasion of the Fiftieth Anniversary Year of the Social Science Foundation, on January 25, 1976. At that time, he was awarded the honorary degree of Doctor of Laws by the University of Denver.

The establishment of the Social Science Foundation took place during a period in American history which has come to be known as the age of isolationism, in which Walter Lippman wrote that "The people are tired; above all, they are tired of greatness." Following the refusal of the Senate to approve American entry into the League of Nations, and the tragic final period of the presidency of Woodrow Wilson, this great nation endeavored to turn its back upon international involvements. But the American people learned, and learned most painfully, that in our modern world it is impossible to escape from its harsh realities, and that great issues and confrontations, if left alone and ignored, will not usually vanish or resolve themselves. Out of this realization came America's leading role in the great human experiment which is the United Nations.

Unquestionably, in 1945 there were many Americans—and others too—who placed excessive hopes in this new venture in international relations, a global institution designed to meet global problems with a common response, whose members would, in the words of the Charter, "practice tolerance and live together in peace with one another." To peoples sickened and shocked by the horrors of war, it seemed that a magical new formula had been created, what former Senator Fulbright has called "the one great new idea of this century in the field of international relations." The gradual realization that there is no such formula for avoiding the grim realities of a divided, competitive world of individual nations, each with its own his-

tory, habits, ambitions and fears, led to a disproportionate and equally excessive disillusionment with the machinery for dealing with international relations, including the United Nations. This disillusionment persists, and on occasion rises almost to fever pitch. We are, in fact, going through such a period in the United States at the present time. This is an important political phenomenon which deserves penetrating analysis.

It is easy, but obviously unrealistic, to believe that the basic fault lies in the international machinery which has been set up—"to blame the weather on the ship," as my predecessor, Dag Hammarskjold, put it. The difficulties lie far deeper than that.

We are unquestionably living in a period of great tension and rapid evolution. How much that tension is accentuated by the revolution in communications and the enveloping influence of the media is a matter of opinion. But there can be no question that the rate and scope of the changes in our world society since World War II are completely unprecedented in history. We have no choice but to live with this situation and to make the best of it. In fact, one of the most important tasks of the United Nations is to encourage the good and constructive aspects of our recent evolution and to identify and control the damaging aspects. No human activity could be more important for the future.

When we speak of the world situation we tend to think of the more or less short-term problems which dominate the headlines. It is true that the picture of the world we receive through the media and other sources each morning is usually far from encouraging. The great international rivalries of our time persist even though their form and emphasis may change. We see tensions rising in many parts of the world as more and more people aspire to a place in the sun and a reasonable share of the world's goods. We are beset by global problems of enormous complexity which are no more manageable or acceptable for being, to a great extent, the by-products of our own ingenuity.

The technological revolution has, among other things, elevated the armaments race to a level of sophistication, destructive potential and expense never before dreamed of. In particular, the nuclear deterrent, the theory and actual existence of which is the most terrifying phenomenon of the age, has cast a shadow over this generation and the previous one, with heaven

knows what unsettling psychological and social effects. Unfortunately, we have to recognize that there has been no decisive breakthrough on this problem, and in most parts of the world the traffic and sale in the most sophisticated and diversified arms is at an all-time high level.

The effort to maintain reasonable relationships among the greatest powers is surely of the highest importance for the future of all, but the lavish distribution of sophisticated weapons of war at all levels involves huge risks and fosters the development of regional conflicts which inevitably in their turn make the process of detente far more difficult. The armaments race is a vicious circle which saps the strength and endangers the existence of civilization, and almost everyone knows it. And yet it has proved impossible so far to generate the necessary degree of mutual confidence and political will to act upon this common knowledge before it is too late. This problem, in my view, remains one of the highest priorities on the agenda of the world community.

The gap between rich and poor has been the moving force in the political evolution of many nations. It is now also one of the major problems and preoccupations of the international society which is developing in the United Nations. The emotions which have always been aroused by this problem in national societies are now evident on the international level in the debate on the future world economic order which has assumed a predominant place on the international agenda, especially at the United Nations.

It is now a commonplace that we live in an interdependent world. It is widely accepted that a new degree of equity and economic stability are prerequisites of a more peaceful and stable world order. The recognition of these basic facts is certainly a first step in the right direction. The extent to which their implications are now being publicly debated is, to my mind, an encouraging and healthy development, provided we are capable of following it up with a determined and concerted effort to take practical measures to achieve commonly agreed objectives. As in the case of disarmament, the problem is to switch from confrontation over conflicting short-term interests to cooperation in the pursuit of common, long-term goals. The experience of the Seventh Special Session of the General Assembly on Economic Development was an encouraging sign of

the willingness of all members of the international community to cooperate realistically on the evolution of a new international economic order.

In recent years the world has become increasingly aware of the new generation of global problems which are, in large measure, the result of the technological revolution. It is now recognized that these problems, which include food, environment, population, raw materials and the future of the oceans accentuate the fact of interdependence and are too large and complex to be dealt with by any one nation or group of nations alone. Much useful work has already been done in identifying these problems and their relationship to each other, but we are only at the beginning of the effort to concert our strength and will to take practical steps to deal with them.

Finally, there are the conflicts and tensions which exist as legacies of the past or which arise from the changing relationships of nations. These tend to dominate the thinking of governments and of international organizations, all too often to the detriment of the long-term concerns and interests of the world community. Since they mostly involve the maintenance of international peace and security, our capacity for dealing with them will inevitably have a decisive effect on our ability to shape a world society which can take a responsible long-term view of the future. The aim of such a society would be, for the first time in history, to try to realize on a global scale a just and reasonable way of life for all the peoples of the world. These may seem to be high-sounding and utopian phrases, but everything we know and learn about our present condition emphasizes the absolute necessity of a conscious and concerted effort to develop such a world society. The alternative may well be anarchy and a growing paralysis of human society. Not for the first time in history idealistic aims may prove in the long-run also to be the most realistic.

Where does the United Nations stand in the general picture of the world which I have tried to outline? As everyone knows, it is an imperfect institution with manifest shortcomings. Its public face represents the turmoil and uncertainty of our world and the frustrations and difficulties which governments have in finding their way in that world. It also represents, as most political institutions do, great aspirations and the falling short of those aspirations through human weakness.

Because it represents publicly all the conflicting interests and elements of a world society in a state of flux, it naturally tends to attract the criticism and hostility of people who feel baffled or alarmed or confused by the times they are living through.

It has even been said by quite responsible people that, by publicizing differences and conflicts of interest, the United Nations encourages and spreads conflict. I strongly question the validity of such thinking. I very much doubt if we shall escape our problems by sweeping them under the rug. If we are ever to solve the great human problems which beset us, we must first be aware of their nature, their causes and their roots.

We should also remember that the United Nations reflects the new geo-political structure of the world, a very different structure even from the one in which the organization came into existence thirty years ago. At that time the United Nations had 51 members. It now has 144, but that is only a numerical hint of the change that has taken place. The world of 1976 is predominantly a world of independent nations. Some, of course, are far more powerful than others, but the large majority are independent and are determined to preserve their independence. Thus a far wider range of views and interests than ever before is being expressed in international forums, and the problem of harmonizing different national policies is correspondingly greater. This also means, or should mean, that there is greater scope for leadership and a greater necessity to develop an agreed international approach to major problems.

None would deny that the world has become very complicated and that the future is unpredictable. At such a time it is essential that governments should come together to discuss their problems and to work out concerted plans for the future. In the beginning, at any rate, such discussions are liable to generate considerable friction. Great patience and tolerance will be required if the process is to be productive. It should not be necessary to remind ourselves that the governments of the world have different backgrounds, different interests, different political systems, different ideologies, and that they are in different stages of political and social development. Some have only just attained nationhood and, in searching for their place in the world community, are experiencing a strong and youthful nationalism. Others, long established, politically sophisticated, wealthy and well-versed in the ways of power and pros-

perity, are seeking by various means to transcend the boundaries of nationalism. These are the facts of international life. But for *all* states it is true that to a greater extent than ever before their future depends on their capacity to co-exist and to co-operate. They are already interdependent and will probably become more so. That is the key fact of our time. The question is whether this interdependence will continue to be a source of weakness and adversity for governments or whether it can become a common source of strength and solidarity. Upon the answer to this question the future may well depend. This, I believe, is the basic *raison d'être* of the United Nations—to develop the capacity of nations to co-operate and co-exist in an increasingly interdependent world.

The maintenance of international peace and security is, of course, the primary role of the United Nations. Here, as elsewhere, the record of the United Nations is uneven, although I am inclined to think that the Security Council plays a far more important role in maintaining peace and in resolving conflict situations than it is often given credit for. Of course the existence of the United Nations has not totally banished international conflict any more than the existence of a police force can totally banish crime. It does, however, provide the means by which conflicts can sometimes be prevented, or by which they can be contained or moderated. Resort to the Security Council has often proved to be an acceptable alternative to a resort to force.

We have to recognize that many international problems are not susceptible to immediate solutions and that in such cases a process of cooling-off, adjustment and containment of actual conflict is the best alternative. To prevent intolerable frustrations from building up, constant efforts must also be made to maintain the search for the basic settlement of the dispute in question through negotiation.

Of the many questions on its agenda, none is more difficult, of longer standing, or of more general concern than the Middle East. For nearly 29 years the United Nations has been intimately involved in the troubled affairs of that vital and historic region, and has played an indispensable role in peace-keeping, in the search for a settlement, and in the humanitarian problems involved. As you know, the Security Council is just concluding an important debate on the Middle East in

which special emphasis has been given to the question of the Palestinians, whose future is a central element in any solution to the problem. It is absolutely vital that all concerned persist in the search for a way forward. Stagnation can only lead to further frustration, and continued frustration will inevitably lead to further violence, with dire consequences which will not be confined to the region itself. The recent tragic developments in Lebanon also underline the absolute necessity to persist in the effort to secure peace, no matter how great or insurmountable the obstacles may appear.

Time does not allow me to elaborate upon the other important and potentially dangerous problems and conflicts the world faces today. There can be no doubt that Angola, the situation in Southern Africa, or the Cyprus problem each in their own way constitute serious potential threats to the wider peace.

Is it, as some of the more embittered critics now say, a dangerous and utopian illusion to believe that a world order can, in the present state of the world, be built through international organization? If that is so, what is the alternative? We have, already twice in this century, paid the price of world war for the belief that so-called *realpolitik* was enough and for failing to persist in the effort to develop the necessary degree of international responsibility and co-operation. Nor does the experience of trying to settle problems by force outside the international framework of the United Nations provide much encouragement for the future.

The agenda of the Security Council for the coming year, like that of other organs of the United Nations, is fuller than ever, and governments appear more, rather than less, inclined to resort to it in times of crisis. For all the criticism which is directed at the world organization, there seems, in the minds of governments at least, to be no alternative in times of trouble to its admittedly imperfect procedures.

In the absence of a practical alternative, I see no choice but to try to make our international institutions, and especially the United Nations, work better. It is no good to complain of the diversity of culture and backgrounds and standards prevailing among the member states. Rather that diversity should be used to breed new and more promising political ideas and forms for the future.

Shortcomings, failures and periods of tension and confrontation cannot be avoided in international political institutions any more than in national ones, although it is in everyone's interests to bridge gaps and differences as soon as possible. We have been through such a period in this last year at the United Nations, and we can certainly expect more stormy weather in the year ahead. To my mind, this accentuates the necessity of the institution, for the tensions and conflicts which are channeled into its proceedings exist in any case and cannot be ignored. It is surely far better to deal with them within the framework of an organization where virtually all nations are members, and to be aware of their dangers than to remain in ignorance only to be taken by surprise later on. And if our ultimate aim is a wiser, more just and more productive world society, where else can the effort begin than in a universal organization where all governments, great and small, can make their voices heard?

This year will not be an easy one, nor will the long-term goals which we have set ourselves be achieved without strenuous and untiring effort. Governments alone cannot possibly surmount the obstacles ahead nor provide, unassisted, the ideas, the leadership and the will required for such an immense task. Only with a vastly increased public support and a new and widespread understanding of ourselves and of the world we live in can we hope to master our fate in the enormously complex world which we have created.

You, as political and social scientists, belong in the front rank of such a march toward the future. New ideas, new concepts and a fresh and fundamental analysis of problems are indispensable to the proper development of human society. No challenge could be more fascinating or more urgent. Much will depend on how far the public can understand the true nature of our problems, and how far it will react to them in positive and constructive ways. The world is not as bad as people sometimes think. In fact never before has mankind been confronted with such great opportunities or been given such means to grasp them. Our weakness lies in our ability to understand each other and co-operate. This, in my view, is the great challenge of our time. Let us determine to meet this challenge in a positive spirit, and, in doing so, contribute to a future worthy of the human race.