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The Use of Force in the International Community *As delivered.*

By
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Introduction:

I feel honoured to have been invited to give the Hersch Lauterpacht lectures this year and happy to meet audiences engaged in the study of law and international relations. Here, at Cambridge, about 50 years ago, I entered the international law profession under the kind and learned leadership of Professor Lauterpacht and Mr. Jennings – both later judges at the International Court of Justice. Professor Lauterpacht was not only the very learned professor but also a man whose thinking was permeated by humanism and a conviction that a civilized international community – like civilized national communities – must be based on law. His legal thinking has been well analyzed in the memorial lectures given by Martti Koskenniemi. (Cambridge University Press, 2002).

I was lucky to come to the stimulating Cambridge environment and I happily acknowledge my debt to my teachers. I can still remember a fellow student saying to Sir Hersch before a seminar: "You know, Professor, every morning when I wake up, I tell myself 'how wonderful! Another full day of international law'…" While that struck me as laying it on a bit thick, I did not really disagree on substance. I have found my work exciting and never been bored.

It was certainly very exciting in the first months of 2003, when I was responsible for the **UN inspections in Iraq** until an alliance of "willing" states asked us to leave, took armed action, occupied the country and achieved the positive result of ousting the regime of Saddam Hussein. An international drama developed, which has cost the lives or limbs of many soldiers and many more civilians and which continues profoundly to engage

the feelings around the whole world. The drama is mostly discussed in terms of political wisdom – or lack thereof – but it has also raised many questions of law and international organization. I shall touch on many of these but my presentations will not contain the detailed legal analyses that Sir Hersch would have required of me as a seminar participant.

Rather I shall try to share with you the experience and reflections of someone, who is trained as an international lawyer and who has participated in parts of this drama.

While my introduction today will briefly touch on the enormous expansion of international law that I have witnessed during my professional life the focus of my lectures will be on three main items:

- The use of force in the international community;
- International inspections in Iraq and elsewhere; and
- Iraq. The use of force. Reform of the UN.

For a thorough legal analysis of the questions of the use of force I refer you to Professor Thomas M. Franck's excellent Hersch Lauterpacht memorial lectures for 2000.

My study of international law

Let me start these lectures by a few comments on the *expansion* of the discipline of international law as I have experienced it from 1952.

Even 50 years ago the discipline was large. Sir Hersch belonged to the last generation of learned professors, who were able to have a grasp of the whole area and to publish treatises on it. **Oppenheim's** International Law parts I and II, edited by Sir Hersch, became an indispensable starting point for many inquiries, just as his **Annual Digest** of Public International Law cases was an indispensable source of cases from all over the world. Sir Eli Lauterpacht, my good friend ever since my Cambridge time, continued the Digest and turned it into today's indispensible **International Law Reports.**

When I was studying at Cambridge the **codification and progressive development** was pursued by the **International Law Commission** and Professor Lauterpacht was the Rapporteur for the **law of treaties.** There were many specific problems, which were suitable for studies by research

students and, at his suggestion, I examined the question whether, in cases of doubt, treaties were subject to ratification or entered into force by signature. I spent months in the Squire Law Library going though hundreds of volumes of treaties in the UN Treaty Series to sift out the relatively rare cases where there was no express clause on the subject. I wanted to see if the parties relied on some residuary rule regarding entry into force: signature or ratification. The majority of such treaties, it turned out, became binding by signature because the majority of agreements are in simplified form. Little did I know at the time that a few years later I would head the Swedish delegation at the Vienna Conference on the Codification of the Law of Treaties. Nor did I know that the conference would not opt for my preferred residuary rule… I learnt the useful lesson, however, that months of scholarly legal inquiry can become obsolete by a stroke of the legislator's pen.

Although international law was a big field already in the 1950s today's students face **a vastly bigger discipline with many new branches** – the result of accelerating international integration and new fields of human activities and cooperation. Before I turn to the development of rules on the use of force let me mention s*ome areas of international law I have visited thoroughly and seen develop.*

- **First, the Law of Treaties**. In every community the law of contracts is fundamental. For the international community the law of treaties is perhaps of even greater importance because in this community consensual instruments fulfill so many different functions. They may be used as simple contractual arrangements but also to codify customary law or to establish new codes of conduct or constitutions of organizations. The great variety in use is reflected in the many names given to these instruments: treaties, conventions, agreements, pacts and compacts, charters, agreed notes, protocols, etc. It was thus of no small importance to the world that the customary law of treaties was codified in a convention – the mother of all treaties.
- **Second, the law of arms control and disarmament.** In 1962 the Eighteen Nation Disarmament Conference – the ENDC – began its work in Geneva and I joined the Swedish delegation as a legal adviser and came to work for many years on various **agreements on arms control and disarmament**. It used to be said at Geneva that when the lawyers were asked to move up to the table it meant either that time had come to put the commas in the right places or that the various parties were so thoroughly disagreed that they could only

communicate through lawyers. Well, most of the time the lawyers were not at the table, but they were also not without some influence. In spite of the severe differences during the cold war some common interests were identified and important agreements were successfully concluded. For instance, the **partial test ban** agreement terminated atmospheric nuclear test explosions and prevented further large scale radioactive fall out

- **Third, environmental law.** Representing the Swedish government at the first UN Conference on the Human Environment in 1972 I helped to negotiate and draft large parts of what became known as the **Stockholm Declaration**. It was an intense and exciting affair and policy bases were laid for a vast subsequent development through declarations and conventions. The best known is perhaps the **Kyoto Protocol**, which seeks to reduce greenhouse gas emissions and which, after the recent Russian ratification, will now enter into force.
- **Fourth, the laws of war.** After the Second World War the **Geneva Conventions** on prisoners of war and many other international humanitarian matters were revised and modernized. However, it was only after the Viet Nam war that the initiative was taken modernize **the laws of war**, which had their roots in the Hague Conventions from the turn of the 19th century. The work led to the two 1977 additional protocols to the **Geneva Conventions** and to a convention imposing restrictions on the use of particularly injurious weapons. I shall come back to them.
- **Fifth, international nuclear law.** During the 16 years that I was the Director General of the International Atomic Energy Agency a number of conventions and standards were adopted on nuclear safety, on the management of spent fuel and waste and on liability for damage. After the **Chernobyl** nuclear disaster in1986 two new conventions were worked out and adopted by the IAEA within the record time of about 3 months, dealing with information and with assistance in cases of nuclear accidents. When the timing is right international law-making can be fast.
- **Sixth, rules governing inspection in the nuclear field.** After the discovery in 1991 that Iraq had been able to come a long way on the clandestine development of a nuclear weapon and that the IAEA **safeguards** inspections **had been inadequate** to spot the violation the Agency took the initiative to elaborate **new model safeguards agreements.** When accepted individually by states these agreements

will offer more effective inspection and monitoring. I shall deal with the matter of inspection in Iraq my second lecture.

The recent controversy about the recourse to war

I turn now to the much shakier development of rules concerning the use of armed force. My comments will reflect the experience that after a long period in which the world seemed to move to increasing – if not necessarily more effective – legal restrictions on the use of armed force we are now facing a pressure in the opposite direction. In the discussion about the war in Iraq and about actions against terrorists, 'rogue states' and weapons of mass destruction, we hear it said by some that no international restrictions exist or that restrictions, which do exist may have loosened almost to the point of irrelevance. In the face of this novel discussion I should like today to examine the perspective back in time.

When Secretary-General Kofi Annan said in the spring of 2003 that he did not find the armed action against Iraq to be "in conformity with" the UN Charter, not much attention was paid by media and the public. However, when recently, in response to an explicit question, he affirmed that this meant that, in his view, the action was *illegal* from the standpoint of the Charter, he was sharply contradicted by some media and some high government officials. Indeed, some even asserted that was improper for him to pronounce himself on the issue. On this latter point it should be enough to note, I think, that he is not a secretary of the UN, but he is the Secretary-General of the organization and has a mandate to uphold and defend the Charter to the best of his ability and understanding.

With a bit of effort one can perhaps find something encouraging in the pronouncements of the critics. They leave us to conclude at least that some of the critics start from the recognition that the armed action can be measured against the rules of the Charter and international law. Not all critics do.

The story comes to my mind about President **Theodore Roosevelt** asking the US Attorney General before US action was taken in 1915 to secure the secession of Panama from Colombia, whether a legal argument could be made to justify the action. It is reported that the high legal official replied 'Why let such a beautiful operation be marred by any petty legal considerations…" [Cf. AJIL July 2004,p. 519].

It may be comforting that the story from the US is from nearly one hundred years ago – before the League of Nations, the Briand-Kellogg Pact and the UN Charter. However, having observed and listened to the governments that launched the war in Iraq in 2003 I find it hard to avoid the impression that they saw the UN charter provisions less as real guidelines to which their states were committed than as formalities to which some courtesy had to be paid for public relations reasons. I shall return later to the contents of these arguments, including the statements by the British Attorney-General regarding the legality of the armed action in Iraq.

At this point let me only note that comments made in the recent US presidential election campaign suggest that the US administration looked with some disdain on the relevant UN Charter rules. In the debate about preemptive military actions – which both candidates thought could be necessary – Senator Kerry said that such action would have to stand up to what he called a **'global test'**. The responses by President Bush and others left no doubt that the administration felt assessing preemptive armed actions contemplated by the US against any **outside yardstick, was ridiculous,** as was any idea of asking the Security Council for a '**permission slip.**'

If some of the scorn voiced could be read as common election rhetoric, some high officials in the administration have been explicit in expressing the legal conviction that as Commander in Chief, the US President can ignore the Geneva Conventions. Others have been very explicit in the view that the US Constitution is the only test of the legality of an action. In remarks before the Federalist Society in Washington DC on 13 November 2003, Mr. **John Bolton**, Undersecretary of state for arms control and international security in the State Department had this to say:

*"Our actions, taken consistently with Constitutional principles**, require no separate, external validation to make them legitimate.** Whether it is removing a rogue Iraqi regime and replacing it, preventing WMD proliferation, or protecting Americans against an unaccountable Court [the international criminal court], the United States will utilize its institutions of representative government, adhere to its Constitutional strictures, and follow its values when measuring the legitimacy of its actions. This is as it should be, in the continuing international struggle to protect our national interest and preserve our liberties.*

'Put succinctly, the United States will decide what is legitimate and what is not and can do so because of its coercive power. It is a philosophy based, at least in part, on 'might makes right'."

In a speech in 2001 about the International Criminal Court, Mr. Bolton expressed his scorn for

"… the decentralized and unaccountable way in which 'international law,' and particularly customary international law, is made. It is one of those international law phenomena that just happens 'out there', among academics and activists…"

A little further down in the paper Undersecretary Bolton explained that

"If treaties cannot legally 'bind' the United States, it need not detain us long to dismiss the notion that 'customary international law' has any binding legal effect either. The idea that the amorphous concept of what is 'customary' can bind the world's nation states seems to assume tacitly that the Global Constitution contains a Global Supremacy Clause. But this is simply an exercise of false advertising."

The exotic doctrinal attitude expressed by the Undersecretary is reflected in the last few years in the forms chosen for some US international cooperation. Of course, no state in today's world is able to forego treaties as instruments regulating some international relations. Nevertheless, in the security field at least there have clearly been US efforts in recent years to **avoid using binding treaties** and treaty-based organizations and a preference for informal arrangements. In the discussions with Russia about mutual reductions in the number of nuclear weapons the US first urged that no formal treaty should be used. Only after Russian insistence were the commitments laid down in a regular agreement.

In a full page article in the Financial Times [7 Aug. 04] **Mr. Bolton** described how "robust" co-operation between the US and its allies rather than reliance on "**cumbersome treaty-based bureaucracies"** can produce "real results". He extolled various **arrangements** initiated by the US, like the Proliferation Security Initiative **(PSI),** under which participating states may intercept ships, if they have concluded that cargoes comprise WMD related items. What Mr. Bolton appreciated particularly in this initiative, he explained, was that these were **"activities", not organizations.**

If the US government were to reject customary international law, as Mr. Bolton seems to do, the allergy demonstrated in recent years in several cases to treaty based relations would be understandable and logical. What else but customary law can give treaties their international binding force?

Back in history. Why did international rules come to be seen as binding?.

Pondering these rather fundamental issues I returned to a book by Professor Torsten Gihl, who was the international law adviser of the Swedish Foreign Ministry in the 1950s, a sharp lawyer and a historian. [*International legislation, Uppsala 1938]*. Belonging to the positivist school he had no inclination to explain the binding force of customary law by referring to natural law or a theoretical 'will of the state'. Rather, he looked back to the primitive early human societies and noted that clans and tribes upheld strict rules demanding of their members conduct, which over time had been found rational and been repeated so often that there was a firm expectation that it would be respected and a sense of duty to follow it.

Deviant conduct was discouraged by revenge taken not just by individuals but by the collectivity to which the individual belonged. Sanctions, like blood revenge, were strong and must have functioned as considerable deterrence against conduct deviating from the expected standards. Rules also developed setting standards that should be observed in the taking of revenge and other reprisals. The rules were not adopted by a legislature but developed by tradition into firm custom, which, at a later stage was codified. In the absence of central authorities solutions to conflicts often comprised mediation, conciliation or third party determination.

It was natural that some rules developed in the same manner **in relations between tribes** as they did **within** tribes. Conduct and solutions found rational were repeated to become custom and deviations were subjected to revenge. The custom that **envoys** should be inviolable must have developed early. The need to be able to **rely on agreements** must also have existed early and led to the custom demanding respect for agreements. Often the sincerity of intentions and the sense of obligation were manifested and expressed in elaborate procedures and oaths. The rules about control of **territorial waters** are likely to have arisen by, on the one hand claims and enforcement on the part of the riparians and, on the other, acceptance or acquiescence. As Professor Gihl noted, the process reminds us of the well-known words of Rousseau:

“Le premier qui, ayant enclose un terrain, s’avisa de dire: Ceci est a moi, et trouva des gens assez aveugle pour le croire , fut le vrai fondateur de la societe civil.”

What we can thus see is that in a number of areas customary law emerges, governing some relations between societies, e.g. the sanctity of treaties, the inviolability of envoys, the jurisdiction over the territorial sea with a right of innocent passage. **No central legislature acting under a national constitution was needed for the emergence of these rules**. The parties themselves interpreted the rules and upheld them by reacting in various ways against deviations. Courts did not exist but mediation, conciliation and other third party intervention were used. It was a “primitive” legal order and a primitive international community. I am aware that Professor Lauterpacht frowned somewhat at the idea of assimilating international law to a primitive order and felt it undermined the dignity of the law. May I be forgiven that I find the thought persuasive.

The need to justify the use of force

While early customary international law – or, for that matter, recent customary international law – did not prohibit governments to go to war, the demand for some justifications developed early in history.
In a major opus Ian Brownlie cites St Augustine (A.D. 354-430) as saying:

“Just wars are usually defined as those which avenge injuries, when the nation or city against which warlike action is to be directed has neglected either to punish wrongs committed by its own citizen or to restore what has been unjustly taken by it. Further that kind of war is undoubtedly just which God Himself ordains.”[p.5]

Machiavelli (1492-1550), as one might expect, was less delicate. Brownlie cites him as saying:
“that war is just which is necessary’ and every sovereign entity may decide on the occasion for war.” [p. 11]

The distinction etween ‘wars of necessity’ and ‘wars of choisce’ is still used: in reply to a question President Bush unhesitatingly affirmed that the Iraq war was ‘a war of necessity’, not one of ‘choice’.

While sovereigns and states tended in practice to follow the maxim of Machiavelli they also catered for the followers of St Agustine. Brownlie reports that in the 18th century Frederick the Great took great pains to produce a pretext for the invasion of Silesia and after his invasion of Saxony he produced evidence from the Saxon state papers purporting to show that he had merely **anticipated aggression**. [p. 17]. It makes quite a modern impression.

Even though in the 19th century the right to go to war was seen as unrestricted the view was stressed that war should be **a means of last resort** [pp.19 ff.] and the Hague conventions did much to promote and facilitate the settlement of disputes by arbitration and other peaceful means. When today we are discussing whether a presence of weapons of mass destruction in a state in violation of commitments entered into can justify armed intervention it may be of interest to note that a **Hague Conventions** signed on 18 October 1907 contained one outright but very narrow prohibition of armed action. I quote:

*"The Contracting Parties agree not to have recourse to armed force for the recovery of **contract debts** claimed from the Government of one country by the Government of another country as being due to its nationals.*
"The undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any compromise from being agreed on, or, after the arbitration, fails to submit to the award."

Reading this 100 year old **convention** we realize that the **global attitude** to the use of armed force has changed a bit since it was adopted. While in those days there were no general restrictions on the resort to armed force, as there are under the UN Charter, it had evidently not been out of question for a government to send a gunboat to some poor debtor country demanding that it pay its debts. Today we might hear a variety of justifications for the use of gunboats but they are unlikely to be sent to defaulting countries to collect contract debts. Such defaults are more likely to result in the dispatch of rescue boats from the World Bank or the IMF.

Restrictions in the use of means and methods of warfare

The second half of the 19th century and the turn of the century also saw a forceful development of rules, which sought to mitigate the cruelty of warfare. We can see these rules as **forerunners to our present bans on the use or possession of particular weapons**, notably nuclear, biological and chemical weapons. The 19th century rules started from the premise that war will be fought and sought to outlaw conduct, which was cruel and, at the same time, not rationally needed from a military standpoint for the pursuit of the war. The 1868 St Petersburg declaration, under which the parties renounced the use of particular kinds of explosive bullets, contained the famous sentences

"That the only legitimate object which states should endeavour to accomplish during the war is to weaken the military force of the enemy;"
"That for this purpose, it is sufficient to disable the greatest possible number of men;
"That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

The fourth **Hague Convention – of 1907** – referred to customary international law as a residuary source of rules beyond those laid down in the Convention. In Article 23 it expressly prohibited

"arms, projectiles, or material calculated to cause unnecessary suffering", inter alia *"poison and poisoned weapons"*.

The world has traveled a long distance since the beginning of the 20th century. Some of the rules and principles of the Hague law – banning poison or particularly injurious or indiscriminate weapons – remain relevant, while others, like the ban on the dropping of projectiles from balloons, have become the casualties of modern warfare.

Growing international integration inhibits the use of force

Through modern means of communications, vastly increased international trade and finance the world was launched on a process of integration, which has accelerated throughout the 20th century and which today has us wired together and able to talk to each other from most points of the globe, to be informed instantaneously of events anywhere and – what is more disturbing

– may expose any point to long range missiles or a clandestine dissemination of biological weapons.

During this period of integration, inexorably forced upon the world by modern communications more than by farsighted actions of our own, the modest first treaty restraints on the resort to the use of armed force between states have progressed, notably through the Covenant of the League of Nations, the Briand Kellogg Pact and the *Charter of the United Nations.*

These developments have been analysed by many writers, notably Brownlie and, regarding the UN, recently, by Thomas Franck. I shall neither go into the failure of the pre World War II period to achieve disarmament nor into the melt-down of the pre World War II legal restraints. In my third lecture I shall discuss the collective security concept of the UN Charter, how it was unimplementable during the Cold War, when security had to be sought through self-defense, deterrence and alliances.

Nevertheless, let me note the following about the period after World War II: after the development of ever greater nuclear capabilities in a few states perhaps through luck rather than consistent skill and prudence the world has escaped an Armageddon and the two superpowers have escaped a mutually assured destruction (MAD). We have seen some major armed conflicts – in Korea, Viet Nam, India/Pakistan, and the Middle East, including the Iraq/Iran war and the wars in Iraq in 1991 and 2003. We have seen many lesser armed conflicts and many non-international armed conflicts. However, it may be worth recalling that while it was only about 20 years between the first and the Second World War, some 60 years have now passed without such a major catastrophe and it seems increasingly unlikely there will be one in the future.

War between any members of the expanding European Union seems inconceivable. The Oder-Neisse, which during the Cold war was a line of death, is now an internal waterway in the EU. Any armed conflict with Russia seems highly improbable for a very long time and European states are busy transforming their territorial defense forces for future deployment in peacekeeping or peace-enforcing operations.

Between the great powers and blocs in today's world there are no territorial disputes. Perhaps some reservation should be made for the Taiwan issue. Nor are there any ideological clashes or crusades. All seem to subscribe to

various shades and shapes of the market economy, to pragmatism in foreign relations and most states profess – but do not necessarily practice – political pluralism. International observers are common in national elections.

After the collapse of militant Communism global détente prevails, but armed conflicts are frequent in Africa, especially within states and tension and the risk of armed conflicts clearly exist in **three regions with unsettled borders: the Middle East, the Indian and the Korean peninsulas.** The much talked about "war of civilizations" between the Muslim and non-Muslim world is a totally improbable armed conflict – but not improbable in the shape of increased terrorism.

When, as international lawyers, we look at the legal norms concerning the use of force we need to be aware of this new – in my view, hopeful – reality. In many respects our state societies are now closely intervowen and interdependent by trade, financial and economic relations. We are also forced to regulate this interdependence by rules, which still to a large degree emerge through the cumbersome method of consensus, and by joint organizations and mechanisms. With specialized agencies and other intergovernmental organizations – like the WHO, FAO, WTO, IMO, UNESCO and the IAEA – existing and responsible for various sectors it seems to me that a kind of administrative global authorities are emerging for the handling of common problems in specific areas

On the other hand, in some respects the high-tech, fast track, IT international community **resembles a bunch of primitive societies** rather than the "civilized nations" to which Article 38 (c) of the Statute of the International Court of Justice refers.

- The slow emergence of customary law is compensated to some extent by *treaty-making*, which is extensive but often require cumbersome consensus building.
- *Courts* or other mechanisms for third party determination have become much more common but are *not automatically available* in many differences.
- The most important point is that although non-belligerent relations may become normal between great powers and blocs the **possession** and use of arms is still **not monopolized** in any single authority as it is in modern states. In this sense the modern world community is similar to the primitive community of human societies, where peace – when it prevailed – was a result of respect for customary law and

> deterrence of violations achieved by the decentralized possession of arms and a readiness to use them. Over time central authorities in individual societies– mostly kings in the past – succeeded in wielding control and did establish monopolies on the control and use of arms inside the territories of the societies. At the same time, they assumed the responsibility to protect the members of the society and – in many cases – came to accept or were forced to accept to act under law and to be accountable.

Are we to see a world authority emerge that maintains peace globally by obtaining a monopoly on the possession and use of arms in the same manner as the central governments did, when nation states were born? Not any time soon, I think.

The Roman Empire, which was well administered and militarily dominant, was able to maintain order and a **Pax Romana** over a very large territory. Yet, it was not sustainable. Even though limited to the Mediterranean-European theatre it was too large a piece to control.

Today some ask the question whether the US is consciously or unconsciously striving for a **Pax Americana** based not on a monopoly on the possession of arms but on a total military dominance in the world and the power and readiness to decide, if need be alone, on the deployment and use of its armed force. Some recent developments are said to point to an affirmative answer:

- The current US military budget is equivalent to the military budgets of the rest of the world and US military power is by far superior to the military power of any other state; there is an emphasis on counter-proliferation, confrontation and pre-emption, if need be through **unilateral military action;**
- Points – not called bases -- are prepared in most parts of the world to receive rapidly deployable US military forces; there is a system of regional **American Commanders**: one for Europe, two for Asia and on for Latin America. A recent article by a former director of a Division within the US National Security Council had the head-line “An American proconsul for Africa”;
- The US is currently seeking to take a hard line to prevent any further states from acquiring weapons of mass destruction but is, itself, exploring the development o**f new types of nuclear weapons** and

declining to ratify the Comprehensive Test Ban Treaty – preserving the freedom to test such weapons.

- While currently deploying considerable numbers of troops abroad the US is adamantly opposed to any arrangements under which alleged crimes by such troops could be examined by any judicial body outside the US legal system, notably the **International Criminal Court**;
- The reliance, **on the basis of formal equality** with other parties, on international organizations for cooperation, like the UN or the IAEA, and on treaty alliances and other formal agreements seems to be **deemphasized**. Activity under US leadership, not agreement between partners, appears important**.**
- The position taken before the invasion of Iraq that support for the action by the Security Council was welcome but the absence of such support would only mean that the **Council rendered itself irrelevant.** The position cited above that US actions in the international sphere need only be measured against the requirements of the **US constitution** and that, accordingly, standards provided by international customary law and treaties may be ignored.

While I think American action and cooperation may often be indispensable in future cases of maintenance or restoration of international peace and security, I think a Pax Americana is improbable. First of all, because, on reflection, any US administration, however anxious it may be to exert influence, is unlikely to want to assume the role of **global sheriff**. If the control of Iraq today is problematic, partly because of nationalistic feelings vis-à-vis a foreign occupation, maintaining order in and between all states of the world, would be beyond anybody's capability. Secondly, because economic power may be of increasing importance and it is much more evenly spread in the world.

It seems much more likely that, as in the European Union, which consists of states that have fought many bitter wars between each other, long term development will lead the world toward some federal global structure. Needless to say movement will be very slow. Even small modifications and improvements in the structure and working of the UN will be hard to attain but despite the currently skeptical attitude to the UN taken by the US, the organization is hardly going to become irrelevant.

Mr. Hammarskjold said that the UN was not designed to take us to heaven but to help us avoid going to hell. Let us hope that after the Cold War and when some time has passed after the Iraq drama governments will use the UN and world organizations to take some steps further on the way from hell. In my third lecture I shall discuss various reforms suggested for the UN, including the modification of the rule concerning the right to self-defense.