

*UNITED NATIONS INTELLECTUAL HISTORY PROJECT*  
*The Graduate School and University Center, City University of New York*  
*365 Fifth Avenue*  
*New York, NY 10016*

**TRANSCRIPT OF INTERVIEW OF**

**OSCAR SCHACHTER**

**BY**

**THOMAS G. WEISS**

**New York, 6 September 2001**

TGW: This is tape number one, the 6<sup>th</sup> of September 2001. This is Tom Weiss interviewing Oscar Schachter in his home office at 11 East 86<sup>th</sup> Street in New York City. Oscar, I wondered whether we could actually start more or less at the beginning and if you could tell me a bit about your family background. More specifically, what influence do you think it had, or significant experiences in your youth had, in your own interest in the law and international cooperation and also in the United Nations?

OS: As far back as high school—1928 to 1932—I was interested in politics, both domestic and international. On the domestic side, the Great Depression affected our personal lives. My father's business collapsed, we required government aid to meet mortgage debts, some of our close relatives were unemployed, and after-school jobs were scarce. When I was fifteen, I had a summer job in a fur factory at \$12 a week, which required me to be at work around 6 A.M. and to leave about 7 P.M. Some considered me lucky to have the job.

Early in high school, in Brooklyn, I took an active role in student government. We had a student arbitration court for disciplinary cases. I served as the president judge. I was also the president of the general organization, the highest student position. My only international link occurred when one of my history teachers required his classes to take part in an annual national examination on the League of Nations, sponsored by the NGO (nongovernmental organization) supporting the League. I had the highest score and received the prize, but I cannot remember the amount. Still, the League was nonetheless remote and I never thought of it in career terms.

My interest in international issues developed in City College from 1932-1936. City College was a cauldron of political causes and arguments during the 1930s. The great majority of students were leftists—communist, socialist, Trotskyist, even anarchist. The civil war in Spain had a powerful effect on many students. It also brought out the strong differences among

the anti-Franco leftist groups. Later, collective security emerged as a controversial issue focused on aid to Britain. The great debate between the “America First” supporters and the collective security adherents split student opinion from 1936 until the early years of World War II.

To sum up my own views, I can now recall moving from one pole to another on the issues during 1934 to 1939. American progressives, such as Senators [Robert] LaFollette and Wheeler Nye, whom I tended to support on domestic issues, were strongly critical of “intervention” into the European war. I moved to a collective security position in the late 1930s because of Nazi aggression during my last two years of law school, 1938 to 1939. I recall that many of the international law professors leaned toward the “America First” position and favored American neutrality rather than intervention on the Allied side. Although I was deeply moved by the threats of fascism—[Francisco] Franco in Spain, and of course the Nazis—it never occurred to me that my career would have an international aspect.

In college, from 1932 to 1936, my majors were both philosophy and economics. Logical positivism was at the center of the philosophical arguments that took place in City College, along with the continuous disputes among various shadings of radical politics. It now occurs to me that very little thought was given to either international organizations or law during that prewar period. I wrote two honors theses on economic theory, one on [Karl] Marx’s theory of rent and the other on the significance of the falling rate of profit. In philosophy, I wrote a prize-winning paper on [Immanuel] Kant’s theory of possibility. A course entitled Philosophy of Mathematics, with Ernest Nagel, and a course on George Santayana’s *Life of Reason*, with Morris Raphael Cohen, left a lasting impression on me, but had no influence on my career choice of law.

I never envisaged working on international problems until I found myself in the government from 1940 to 1944. I had not taken a course in international law, but I had some

exposure to international law through my work as editor-in-chief of the *Columbia Law Review*. In my last year in law school, I had decided on government rather than private practice and I looked to the New Deal agencies—e.g., the Department of Labor and the Securities and Exchange Commission—as potential employers. I had worked a few months for a New York law firm in 1939 when, out of the blue, Philip Graham, later the publisher of the *Washington Post*, called to urge me to take a job under Joe Rauh in the Wage and Hours Division of the Department of Labor. In addition to my work in that division, Joe Rauh asked me to write some papers on current controversies, which he passed on to President [Franklin D.] Roosevelt's advisors, Ben Cohen and Tom Corcoran. This brought me, sort of, to the fringes of the New Deal intellectual community.

After only six months in the Labor Department, I moved to the Federal Communications Commission Law Department, because Joe Rauh had become an assistant general counsel under Telford Taylor, the general counsel. Taylor was only thirty-two, Rauh about twenty-nine. I was just twenty-five. The head of the FCC (Federal Communications Commission) was James Lawrence Fly, who had come from the TVA (Tennessee Valley Authority) with a reputation as a crusading liberal who saw a need for giving substance to the requirement that broadcasting should serve the public interest. I was flattered by Rauh's offer to join the FCC as a section chief in its Legal Department with a staff of six or seven lawyers and investigators.

Unexpectedly, my work in the FCC also included some problems related to international issues, such as legal questions involving foreign interests in international telecommunications facilities. In my second year at the FCC, much of my work was as secretary of the Legal Committee of the Defense (later War) Communications Board. It was the kind of legal work I liked, calling for quick reactions to policy questions with both legal and political aspects.

Telford Taylor was an admirable boss, a first-rate intellect, decisive and precise in judgements. I learned much from him. Joe Rauh was a brilliant bundle of energy, with a sharp eye for the political implications of legal and administrative questions. He was close to Roosevelt's advisors, especially Ben Cohen, and in that way made me feel a part of the New Deal crusading spirit. For example, I worked on an FCC inquiry on newspaper ownership of broadcasting stations and also on restricting FBI use of wiretapping. After two years in the FCC, I felt I should move to other agencies.

In June 1942, Taylor and Rauh joined the army. My draft was deferred because I had a child and also was hard of hearing. The war expanded legal jobs and several wartime agencies were looking for legal staff. I had some offers through the network of friends and finally settled on a State Department position concerned with wartime financial controls—freezing funds and blacklisting companies or individuals believed to be helping the enemy. The Treasury Department was in charge, but a small group in the State Department under Dean Acheson were assigned a kind of supervisory role taking account of foreign policy. This opened a new world for me, in terms of both financial and business transnational activities and the foreign policy establishment. The State Department was very small at that time, and my work brought me in contact with nearly every section. After a year, I was transferred to work on “liberated areas” in regard to continuing enemy activities—i.e., German and Italian. I was later transferred to an interdepartmental committee assigned to plan civil administration in the Balkans. I learned a great deal about Yugoslavia, studied Russian, and looked forward to having a role in the postwar Balkans that never happened because the Soviets took over. By end of 1943, I felt I had to look elsewhere.

By a happy chance meeting, I was introduced to Abe Feller, who was just about to become the general counsel of the United Nations Relief and Rehabilitation Administration (UNRRA) under Governor [Herbert H.] Lehman. Feller had been the general counsel of the Office of War Information and previously counsel to a Senate committee on monopolies. He was highly regarded in the legal community, especially by Dean Acheson. His international law background was mainly postgraduate work at Harvard Law under Manley Hudson, plus a year of study in Berlin. For a doctorate, he wrote a book on the Mexican-U.S. claims commission. Felix Frankfurter also introduced him as having written several books under the penname of Manley Hudson.

Feller's offer to join him as an assistant general counsel of UNRRA came at the right moment and opened up a new career for me. The job called for quick responses to administrators, economists, et cetera, on legal questions that arose in the UNRRA activities involving supplies, transportation, and displaced persons. Knowledge of international law was barely used. The four or five UNRRA lawyers had to deal with contracts, administrative rules, conformity with policy resolutions. It called for quick responses, common sense, a "feel" for the internal politics, skill in drafting agreements, resolutions, regulations. It was virtually an ideal job for me. It fitted into my interests and my strong points as a lawyer. It did not involve much in the way of legal doctrine or research. What counted most was a good sense of policies, human reaction, speedy responses to problems. My interest in the more technical and scholarly aspects of international law only arose after I joined the UN legal staff in April 1946, under Feller once again, and had to deal with questions of Charter principles and new drafts on human rights, atomic energy, and Security Council procedures.

My work in UNRRA was a pretty good preparation for the UN. I became adept at giving quick off-the-cuff legal opinions and drafting answers on disputed issues, doing so quickly to the satisfaction of the officials concerned. Abe Feller was invaluable to Secretary-General Trygve Lie, not so much for his learning as for his good sense, practical judgement, and ability to take account of conflicting views. I was greatly influenced by his example. I did not aspire to scholarly writing, though I began to read more widely in international legal writings germane to collective security, sovereignty, international administration.

TGW: You didn't think of going into the academy at that point?

OS: Well, I thought of it in the sense that I considered it hopeless. Anti-Semitism was a factor.

TGW: Let me just fast-forward a minute before we go back to the UNRRA experience. You did not have a problem when you went back to the university after thirty-five years or so as a practitioner? I ask this question because, out of all of the people whom I have interviewed, I think you and Bob Cox are really the only people who spent a huge chunk of time as international civil servants and then, seemingly without a problem, moved back into a university. These days, very few people can move in and out with any ease.

OS: Your question about academic interests takes me back to the early days of the UN because it was then that my academic links actually began in response to invitations from teachers of international law and politics to speak to seminars and student meetings. They felt a need to get an inside view of the new international actors which was not dealt with in the treatises or texts. I was glad to respond because it gave me a chance to reflect on the current happenings in relation to the Charter principles, the main doctrines of international law, and especially the ways in which politics and action were related to legal principles and techniques.

My first series of Hague Academy lectures in 1963 was entitled “The Relation of Law, Politics, and Action.” I took part frequently in seminars at Columbia, New York University (NYU), and Yale. I gave evening courses at NYU Law and Yale Law, where from 1955 to 1970—sixteen years—I taught a seminar with Harold Lasswell, a political scientist, and Myres McDougal, a law professor of great influence. Along with that, I responded to invitations to write for international law publications and to serve as a journal editor. In short, I joined the academy—one could say as a “service” to it. I did not seek an academic job because I was well satisfied with my UN work and my writings for professional journals and prestigious lectures, such as the Hague Academy.

In 1966, I left my legal post for UNITAR (UN Institute for Training and Research) because I wanted a wider scope for original work beyond legal analysis and responses to requests for legal opinions. UNITAR held a promise of a much broader range of ideas and more freedom to choose. I did not think of it as a way to a full-time academic post. When I reached the compulsory retirement of age sixty in 1975, I responded to Columbia’s interest. I was not a stranger to its faculty and I was offered a tenure on both the law faculty and the Department of Political Science. One example of my acceptance in academia is my election as a member of the American Academy of Art and Science—one of fewer than a half-dozen international law academics in that body. Surprisingly, I was also elected to the College de France as a foreign *savant*. I assume that my published writings were the major grounds for these academic honors.

Two other factors may be of interest in this connection. The first is that the Secretariat generally—i.e., the Office of Personnel—was not favorable to the staff publishing articles. I believe we were supposed to obtain prior approval of the Secretary-General, but after the first few articles I did not request approval. Only once, when I wrote a fairly detailed article on the



UN role in the Congo, I sent it to [Dag] Hammarskjöld since it dealt mainly with his positions. He said it was OK, but he asked me to use a pseudonym and so to appear in the *American Journal of International Law* under E.M. Miller, my wife's maiden name. But it soon became widely known that I was the author and at least one Soviet delegate made a critical remark about it in a UN meeting. By the 1960s, a number of Secretariat members in the Economic Department, in Social Affairs, and in the Legal Department were contributing to professional publications, with or without approval of their superiors.

As for teaching, in 1954, NYU Law School, which was then largely a night law school, asked me to give a course or two. I gave courses at NYU, one on claims, another on constitutional law. Clive Eagleton, and later Tom Franck, asked me to take part in NUU meetings on UN issues. I did get some teaching experience giving these courses at NYU. In 1955, Myres McDougal asked me to teach with him at Yale. I did that for sixteen years in a seminar with him and Lasswell on World Public Order. While I was in the UN legal department, I went to New Haven once a week for that seminar and I acquired a large number of graduate students over the sixteen years I taught at Yale. Many were foreign students and several became ambassadors, governmental legal advisors, or judges. Many have kept in touch with me after they received their degrees.

I moved to UNITAR because I was tired of giving legal opinions which had become fairly—I wouldn't say routine, but I had been doing that for twenty years. I was more interested in new subjects. Hammarskjöld had encouraged both a UN University (UNU) and UNITAR, which was in a way his idea. I didn't think of moving to the academic field except in the sense that UNITAR allowed me to dabble in all the many interesting topics involving the new political and social approaches. I never thought I would spend ten years at UNITAR. But looking back

over it, it was stimulating intellectually. It also gave me time for substantial writing in international law. I was able to write a couple of books and also did more speaking. I was elected the president of the American Society of International Law (ASIL) and to various boards, including even the College de France—a most unexpected honor. At the time, I was the youngest person elected as president of the ASIL.

TGW: So there was no prejudice against you when you arrived at Columbia?

OS: Far from it. Dick Gardner and Lou Henkin were my principal supporters. I probably could have gone elsewhere. A couple of deans had asked me if I was interested in teaching. I didn't want to move from New York, nor did my wife. A few years earlier, I was elected to the board of visitors for the Woodrow Wilson School at Princeton, or perhaps it was the political department. I had a lot of other academic links and was being asked to give lectures which later led to books—for example, *Sharing the World's Resources*, published by Northwestern University Law School. In fact, I must confess, although it is not so important to you, I have only written in response to invitations, especially the invitations to give distinguished lectures, or contribute to a *Festschrift*. While sometimes I complain about the numerous *Festschrift* articles, I probably would not have produced anything like what I've done if I hadn't been pressed for contributions that way.

The first lecture series I did for the Hague Academy, in 1963, were on the relationship of law, politics, and action in the United Nations. It was the first of a series on the UN, and it was well received. I responded to other invitations largely because I was part of the international law academy, though I didn't think of an academic career. As I said, I went to Columbia only when I reached the UN official retirement day, though Columbia law friends had asked me to come earlier. Originally, I thought I would go there once a week, as I did at Yale. In the end, they

gave me a tenured position and later the Hamilton Fish chair on international law and diplomacy. By that time, I was a captive of academia.

TGW: When you first went to work for the United Nations after the war, what do you recall about your colleagues?

OS: You're talking about the UN, rather than UNRRA?

TGW: UNRRA and the UN. Many people look back fondly to those early years. I interviewed James Jonah yesterday. He is passionate about the deterioration of what he sees as both the quality and dedication of people from when he joined in the 1960s. So I was just wondering what are your views about the quality of the international civil service?

OS: Jonah's first assignment was, in a way, to me, on the Charter repertory. He was assigned to work on a repertory of UN practice on which I was the top person. I got to know him at that point. His comment on staff quality as deteriorating may be due to the fact that in the early years they were young and meeting people from all over and it was stimulating. There were certainly a lot of dedicated people, and there were also some kooks and time-servers. All sorts of people turned up in the secretariats. Some came through the military, some League of Nations staff, and UNRRA was a large source. For all, there was a problem of adjustment to a strange but stimulating environment.

The organization was small in 1946 and 1947. The legal department, for example, had five legal officers in 1946. There are over 100 now. In 1946, I shared an office with Abe Feller when at the Hunter College campus, which was two doors away from the Secretary-General, Trygve Lie, who came popping into our room often several times a day.

One day I had a message from the Secretary-General that he was going to make me a permanent member of the staff, the first of such. I said to Feller, when I saw him, "I don't want

to be a permanent staff member.” When he said, “Why not?” I said, “I would lose my per diem,” which I received because my residence was in Washington. But nonetheless, I went in and there, with a couple of secretaries, we were made the first permanent members of the staff. I never dreamt of being permanent. I expected to go back to Washington. I liked New York, but Washington had been the place I looked forward to a career.

The secretariat was a mixed group, and there was a lot of—“backbiting” is not the right word—a kind of condescension among the different groups. But on the whole, it was a pleasant atmosphere. At that time, most foreigners were happy to be in the Bronx. They even liked the subway. They loved the delicatessens and the bakeries. When we moved to Lake Success, many grumbled. They preferred the city. Three or four years later, when we moved to Manhattan, many grumbled even more. I’m sure if they moved to another place they would grumble. When the choice of headquarters was unsettled in 1946, I think most of us, or many of us, including me, thought that San Francisco would be the best place. Only in later years I realized that it would have been too small.

In general, however, the UN was an enthusiastic community. A lot of the administrative staff, such as accountants, got jobs that they otherwise would not have found. It was the end of the war and many came out of the military. They were happy to have jobs and they were proud to be in an important organization. I remember that my secretary objected because I didn’t let her attend the Security Council meetings. She felt they also had a right to attend Security Council meetings. After all, it was their organization.

TGW: When you went to work for UNRRA, you mentioned that this was the first of many agencies. Did anyone use the term “functionalism,” or the notion that somehow or another

there was going to be one, and then there was going to be another, and a whole series of institutions related to functional areas?

OS: I do not recall any discussion of institutional theories. The staff in the UN—even the intellectuals—were focused on their jobs and in some cases on the big political issues, like the Cold War disputes. Most of us took it for granted that the functional agencies would flourish. I worked on the UN agreements with the ILO (International Labour Organization), World Bank, the Fund (International Monetary Fund, IMF), FAO (Food and Agriculture Organization), and WHO (World Health Organization). I spent a substantial amount of my working time on those negotiations and subsequent problems raised by the agencies. I was quite often asked for legal opinions on the relationship between the UN and an agency, such as the World Bank. These were often controversial political issues, like dealings with South Africa. On the whole, the Bank and the Fund maintained their independence from UN political pressures in their day-to-day work. In 1947, I spent several months at UNESCO (UN Educational, Scientific and Cultural Organization) in Paris, at the request of its director-general, Julian Huxley, especially to work on a project for a treaty on the Amazon River as that organization then had no legal staff. I was asked to deal with some other legal topics, and in effect became their legal advisor for a few months. Huxley wrote a warm letter of appreciation.

The French UN assistant secretary-general, [Henri] Laugier, had the idea that the staff should be made up of at least some *grands savants*. He did bring together some outstanding scholars in the human rights division, and some had an impact in the preparation of the human rights material.

The economists included creative people. At the beginning, David Owen, from the UK was in charge. He was a very likeable person, but he had no academic background interests as

far as I remember. David Weintraub, an American, was the most important figure in the economic department. He had managed research in the WPA (Works Progress Administration). He had been in UNRRA as assistant-director-general. Several others were also from UNRRA. Several were well-known in the profession and some were famous, such as Gunnar Myrdal and Raúl Prebisch of Argentina. [Michal] Kalecki, a Pole, and Hans Singer of the UK were also well-known economists.

The economists included a couple of Nobel Prize winners. One was the Swedish economist, [Bertil] Ohlin. Also Myrdal, who in Geneva build a strong academic staff. In New York, we had quite a few people who were well known in the economics profession. The *World Economic Report* was taken seriously by them and by Dag Hammarskjöld. Hammarskjöld was the first Secretary-General, maybe the only one, who took time to read the *World Economic Report* and comment on it. Myrdal was sort of a mixed type, perhaps more political than scholarly. He built a strong staff in Geneva for the European economic department. Walt Rostow was probably the best-known American in the Geneva staff.

If I had a list, I would be able to remember them, because I did a lot of work with the economists. Charles Issawi, a witty Lebanese who was at Princeton—he died a year ago—was one of the most creative. At a Columbia meeting a year ago, he said, I quote, “Nothing could be done in the economics department without Schachter’s approval. Every piece of paper was brought to him.” This was exaggerated, but the economists did consult me a lot—not about the economics, of course, but about institutional proposals and legal implications. They were the liveliest and most intellectually active group in the secretariat. The human rights staff also had several able scholars, but they did not exhibit the initiative that the economists did. The codification division in the legal department also had some highly respected scholars.

The political department included good people who wrote analytical papers. They felt out of it. They weren't being used or appreciated. Nobody paid attention to them until they got onto—as later happened, they started getting into field missions. But the people who were in New York, stuck with writing papers, were often demoralized because their work was not appreciated.

When I started the Charter *Repertory of Practice of United Nations Organs* in 1955, Garcia Robles, a Mexican diplomat who was a director in the political affairs department, was my number two. He later got the Nobel Prize. And he was very good as a boss of the project. He got people to work and he was very diligent. We had some people on the repertory who were able but who wanted more active political work. Nobody encouraged them to make proposals for action. In contrast, the economic and social people were much more interested in making proposals, especially in the economic areas, but also somewhat in the social area too.

The social affairs department was more devoted to making surveys and factual analyses, whereas the economists were interested in active measures for development in the Third World. That gave them a real target and an interest in initiatives. Their morale was pretty high. However, they were hit hard by the [Joseph] McCarthy anti-communist investigation, which caused the loss of a director and others. They benefited from wise men's committees. I didn't have any voice, or intend to have any voice, on substance, but they turned to me for interpretations of resolutions and for help in drafting proposals.

TGW: You mentioned McCarthyism. I was going to come to that, but why don't we just stay with that a minute? How precisely did McCarthyism have an impact on the secretariat? You mentioned that the ranks were decimated. This was more so with economists because more of them were leaning left?

OS: My recollection is that about six or seven of the American economists were called before a Senate committee and also targeted by McCarthy's counsel, Roy Cohn. Several had worked in the U.S. government under David Weintraub, director of the main division and a former assistant-director-general of UNRRA. He and a few others refused to testify at the Senate committee, citing Fifth Amendment rights. The Secretary-General, supported by an outside legal committee he appointed, decided that refusal to testify reflected on the staff members' fitness, a position later reversed by the UN Administrative Tribunal. In some cases, U.S. staff members also refused to respond to the "Loyalty" investigation instituted by President [Harry] Truman. While leftist views were at the center of the changes, accusations also often rested on associations of one kind or another by the staff member with suspected persons. For example, I was called for FBI interviews about my connection with Alger Hiss, whom I knew only slightly from the State Department and after he was the president of the Carnegie Endowment. The U.S. Loyalty [Review] Board and the related FBI investigations extended to all sorts of connections. One director was asked about his acquaintance with Albert Einstein, referred to in somewhat derogatory terms. Several feared they would be dismissed because of support for "leftist" causes, such as Spanish loyalists.

There were also non-political aspects—reports of staff members who were suspected homosexuals or were linked to "character defects." There were also some who "reduced" their age and a few who lied about their education. While non-Americans were not supposed to be included, their names came up as grounds to suspect their American friends and secretariat associates. Trygve Lie did not resist, and even made critical comments about the staff members who were suspected of leftist associations. Hammarskjöld, faced with pressures from the U.S., set up a "jurists committee," which concluded that refusal to testify—i.e., based on the Fifth



Amendment—reflected negatively on the staff members’ character and violated the standards of impartiality and honesty.

An especially tragic aspect was that Abe Feller, who was never charged with leftist leanings, was so deeply affected by the pressures that he suddenly committed suicide, a tragedy that brought headlines around the world. At his funeral, attended by hundreds, the secretary of state, Dean Acheson, in an eloquent speech, praised Feller for his many achievements and for his character. I was deeply affected by Feller’s suicide. As I mentioned earlier, I had great admiration and affection for him.

This was a terribly sad period, from 1950 to 1953, not only for me, but for many staff members who felt threatened and fearful of charges that might destroy their lives. Some were targets of personal attacks by former spouses or associates. Some came to me for advice, and in more than a few cases, their fear was unrealistic but nonetheless upsetting. For example, some were frightened because they had made contributions to Spanish Republicans or had relatives who were politically leftist or gay. Whether the loyalty issue has continued effects on the secretariat is not apparent today, but I rather think it has left a feeling of vulnerability to political charges. Even though McCarthyism has lost its political bite in the U.S., there is at least a memory of how U.S. power was applied demagogically to destroy individual careers in the secretariat. The subsequent decisions of the administrative tribunal may have improved the morale.

TGW: In 1947 and 1948, for the formulation of the Universal Declaration of Human Rights, did it seem then that this document would be taken seriously? How “universal” did people imagine it at the time? And was the thought given, if we fast-forwarded a half a century, that we would have the revolution that we seem to be living through today?

OS: Those are hard questions to answer. In regard to the Universal Declaration, I was assigned to advise the drafting committee on legal questions and I attended many meetings. [Charles] Malek, the chairman and ambassador of Lebanon, often asked me to discuss questions after the meeting with him and his deputy, Azkoul. Malek was a philosophy teacher and he enjoyed speculation and large ideas. My recollection is that the other committee members focused on drafting and occasionally on legal implications. Of course, there were eloquent remarks about the international importance of the Declaration. On the other hand, the decision to adopt a non-binding declaration in 1946-1947 had some effect in reducing public interest in the Declaration. Many international lawyers and other observers shared the views of Hersch Lauterpacht—later a justice—that adopting a non-binding declaration amounted to a deception, rather than a commitment. But others saw the Declaration as a first step to a binding agreement as foreseen—the two Covenants were adopted in 1966.

Not many foresaw that the Declaration would not only have rhetorical value but that it would be given effect in legal decisions and included in several national constitutions. I must also add that in 1946-1947, the general public and governments were much more concerned over Soviet threats and the atomic bomb. In 1946-1947, I was the secretary of the Legal Committee on Atomic Energy and spent most of my summer at meetings of the committee and drafted a couple of papers on questions arising out of the U.S. Baruch Plan. At this time, human rights clearly took a back place in comparison to the efforts to control or eliminate atomic weapons and other weapons of mass destruction.

The human rights discussions took on a controversial aspect, especially in respect of economic and social rights.

TGW: So the economic and social rights became the football that it became later when championed by the Soviet bloc.

OS: It is sometimes forgotten that in the 1940s and earlier the U.S. government and NGOs favored economic and social rights. The New Deal legislation in the U.S. on Social Security, employment, and health was a factor. Even relatively conservative NGOs, such as the American Bar Association, included obligatory social and economic rights in its 1944 proposed bill of rights. This favorable attitude of the early 1940s changed in 1948 and 1949. One hot issue was immigration, which was in controversy on the West Coast with regard to Japanese and on the East Coast with regard to refugees and others from Europe, especially Eastern Europe.

The Charter's few words on economic and social rights and related matters—Article 62—were constructed by lawyers and by an occasional judicial decision as giving rights to immigrants, e.g., as invalidating the anti-Japanese practices in California. The apparent threat of immigration from war-torn Europe was also used, by labor as well as by bigots, to cite the dangers of human rights. An Article I wrote in 1951, entitled, "The Charter and the Constitution," in the *Vanderbilt Law Journal*, supported a decision of the California Supreme Court that declared a law barring Japanese land ownership violated the UN Charter provisions on race discrimination. My article was attacked by Senator [John] Bricker, a leading Republican, in the *Congressional Record* and in several editorials, notably in the *Chicago Tribune* and other papers critical of the UN and civil rights.

As I look back today, it seems strange that the attacks on the California decision and on my article were not picked up in the UN human rights or legal committees. The idea that the Charter could be invoked to invalidate a national law that discriminated against people on racial grounds was still too novel for governments to accept. It is also interesting that while the public

attacks on my legal arguments made much of my position in the secretariat, no delegation made any reference to it nor did the Secretary-General or the human rights division. The issue is still avoided in UN debates. But it has become a highly controversial issue in the U.S. because right-wing lawyers have launched a series of attacks on the use of treaties to override inconsistent federal and state laws.

As I said, economic and social rights were included in most American unofficial drafts—even then the conservative American Bar Association (ABA)—had included economic and social rights in its draft. Don't forget that the United States, in those years, had a New Deal background and that Roosevelt's speeches contributed to recognizing economic and social rights.

As I mentioned earlier, the economics department, especially in Weintraub's division, took initiatives to assist the less-developed countries. They made use of world-renowned economists through committees of "wise men" who were internationally recognized and included several Nobel Prize laureates.

TGW: That's right. In *Ahead of the Curve?*, we actually look at those three reports—1949, 1950, 1951. There were two future Nobel laureates, Arthur Lewis and Ted Schultz. There were a whole series of people.

OS: Another initiative was interesting. I remember it well because it was a hot issue on the legal side. I had to appear before the Second Committee of the General Assembly on the proposal for technical assistance and technical services. Some of the governments were doubtful and said nothing in the Charter that authorizes technical services. It was recalled that UNRRA had technical services as an important part of its role, but the idea of doing services had not come up in the San Francisco discussions of the Charter. In fact, none of the economic issues counted for beans in San Francisco.

The UNRRA staff had the experience and they pushed for technical services. But a lot of governments opposed that on the grounds that it opened up an expansion that was not contemplated in San Francisco or mentioned in the Charter. I relied on Article 66 (2), which refers to “services,” the word that I emphasized. The European countries, namely the British and French, had doubts. I don’t remember the politics too well. But the idea of technical assistance, just like the idea of UNICEF (UN Children’s Fund) called for activities abroad—that is, in the poor countries—and many governments had doubts about their feasibility as well as the legal authority.

But technical assistance was swept along with development. Development became the magic word. Whatever it meant, it was not opposed. In the 1960s, it started shifting its meaning. Development probably, at the beginning of the UN, was seen as a variant of the Marshall Plan, the building up of industry in factories, and rail transport, electricity. Only later did the emphasis shift to the “human” side, the consumption side—food, health, jobs.

TGW: You mentioned that development got a big push with countries becoming newly independent. When did it become clear that decolonization was not going to take a very long time, but that it seemed imminent? Brian Urquhart and others argue that when the Charter was drafted, people thought it was going to take seventy-five to 100 years. But all of a sudden, by the 1950s, it seems quite a different world.

OS: Yes, by 1960 it had basically occurred.

TGW: When did it become clear to you and other folks in the secretariat that this was really quite a different world?

OS: I don’t have an answer to that. I don’t know. At the beginning, trusteeship seemed important. Trusteeship of non-self-governing territories seemed fairly important. But it was not

really a major part of the UN in my perception as I look back. Before Ralph Bunche went off to Palestine, he was a director of the trusteeship and the non-self-governing division. They used field missions to those areas. The anticolonial movement swept nearly all that aside. It was not considered necessary to go through trusteeship to become independent. As you say, it happened all at once, almost. I guess by the late 1950s, independence was dominant. Of course in the UN world, from the center, trusteeship was not the main issue. The East-West conflict, which manifested itself in Europe and the Middle East, occupied the center stage.

TGW: Did the Secretaries-General take economic and social development seriously, or was this a residual element after the Middle East or the Congo?

OS: Well, certainly Trygve Lie did not. He was really out of it entirely. But Hammarskjöld came in with the idea that as an economist he wanted to meet the economists. He wanted to talk to Jack Mosak about the *World Economic Report*. He is the only Secretary-General who not only read but discussed the *World Economic Report*. He was critical of some IMF approaches. He had a kind of a stake in it, related to the fact that he wanted to be seen as an economist. But I don't think he took it seriously politically. I don't think—I may be wrong—of any initiative where he really pushed the economic role as a big issue. To be sure, he looked to the developing countries for political support and he was very conscious of their political role.

Psychologically, I think he identified himself with that movement. On the other hand, he had—this is more my personal perception—in a kind of a private way he had, what's the best word for someone who kind of patronizes the lower classes? He had very much an upper-class European view of people. While he certainly was respectful to individuals, he did not consider all cultures as equal. I saw him almost daily in the Congo situation, and he could be quite patronizing about Congolese figures and others from the Third World.

But he was also like that about many in the developed world. He referred to “this young man” in the White House, [John Fitzgerald] Kennedy, whom I believe he should have gone to see about the Congo crisis. He relied too much politically on the support that he thought he was getting from the majority of members. And he really didn’t take full account of the political importance of [Nikita] Khrushchev or the White House. That was, in my opinion, a real mistake at the time. But that’s when it looked to many as though the new majority of Third World states were taking over. It looked, on the face of it, as if he would have a big majority in the General Assembly—as he did. But how much did that matter? This was, I think, Hammarskjöld’s big miscalculation.

Myrdal, as head of the secretariat of the Economic Commission for Europe (ECE), saw his role as alleviating the tension between the USSR (Union of Soviet Socialist Republics) and the West. He and his active staff took initiatives to improve East-West trade. Walt Rostow, who served with Myrdal in 1947-1948, I believe, was especially creative in such efforts. My own involvement was mainly in support of ECE proposals for dispute settlement, mainly arbitration, in trade disputes. Myrdal even sought to “solve” the Berlin crisis, involving flights into Berlin, that brought the East-West tension to the point of war. Myrdal’s staff had a scheme involving financial arrangements. Trygve Lie gave him a green light and assigned Abe Feller to the negotiations. However, it did not succeed and probably left its negative imprint on the secretariat ideas of solving the East-West conflict and, later, perhaps the U.S.-Iraq conflict.

TGW: During that period, an important conference took place, or what seems important in retrospect. I just wondered whether you recall what Bandung looked like at the time.

OS: I just remembered there was a Bandung conference now. Well, it was a sign of the solidarity of the Third World group. Is that what you mean?

TGW: Yes. A coming together in a new way of these various continents.

OS: Well, UN people—a lot of UN people—were very conscious of that. As I saw, Hammarskjöld also took it very seriously. That was a change in the world and that's the thing that could be argued about.

TGW: I have the impression that Bandung was there, but many people did not see it as a sea change in international relations, whereas by the early 1960s and the call for a Development Decade, and certainly by 1962, and the beginning of UNCTAD (UN Conference on Trade and Development), for sure this coalition had solidified in a new way. And there would have been no one in the United Nations who would have been unaware of these developments. Is that correct?

OS: Yes, I would say so. Although at the time of UNCTAD in 1964, the U.S.—the big shots of the U.S., not the UN representatives—were very skeptical of UNCTAD. I guess there was really more opposition in Washington than appeared in Geneva at the time. There is a long piece in my clipping from a Geneva paper on the attempt to get a solution of the UNCTAD tangle. The paper wrote up a little negotiating group in which I was involved as a legal advisor. Dick Gardner came as the American representative. Prebisch was the convener. But behind Gardner there was, according to Dick, more skepticism in Washington about the whole thing.

So we were trying to put together something—conciliation procedures and so on. I'm not sure whether the communist countries took it seriously. Their main representative and most talkative person was a Yugoslav, Mattes. I wonder what happened to that poor fellow. So there was a substantial group, particularly under Prebisch, who had a certain charisma about him, on the Latin American side. But behind all that—which I really didn't appreciate much—was the negativism of the U.S., and probably the British and the French. I don't remember if they took



much of a part. But I haven't gone back to look at the records. I really was involved more in getting help with techniques, procedural and otherwise, to get over the barriers—the last minute barriers.

But it's interesting that so much hope was placed on UNCTAD. It seemed to be an important development. I don't know what the judgement of history is, but it certainly didn't live up to what was thought to be its goal. Then when you got the other, the broader movement of the Third World through their proposals for an NIEO (New International Economic Order), they won on resolutions—permanent sovereignty and other examples. But looking back, one really needs a critical historian to look that over and see how much difference it meant. I thought it mattered at the time. My niche was “permanent sovereignty over resources,” and I was the Secretary-General's representative on a commission which went on for years and years and which produced a lot of material on that aspect of the developing country program. It did have an effect in some of the countries, but then the big change that occurred later on almost wiped out that whole era.

TGW: Which big change?

OS: The shift away from government to free trade and liberal economies. The opening up of the emphasis on the private market. But still, the permanent sovereignty goal lingers. It's not going to disappear.

TGW: Actually, much of your time was spent on what I suppose would be wrapped these days under “resource management” and “environmental concerns.” When do you think, in your own mind or more widely in the secretariat, a concern with resource management, or what now is environmental protection and sustainability, actually came together? I think most people see this as beginning in 1972 at Stockholm (UN Conference on the Human Environment).

OS: A lot of things happened earlier. There were interesting proposals. There was a conference on energy and transfer of energy run by an economist, Van Tassel.

TGW: The energy conference in 1947. Nico Schrijver asked me to ask you about that.

OS: Was that 1947? What was the full title? Energy and something else.

TGW: He said Conservation and Energy Conference.

OS: Yes, it rose out of conservation. And the fellow who really had the initiative was another UNRRA economist, one of those who defied the McCarthy Senate committee, named Van Tassel. I wonder what happened to him. He was a man of great energy and great ability, and he brought conservation to the forefront. I was the legal advisor, but I didn't have anything important to do with the substance. There were procedural problems. We were just beginning to feel our way with conferences in the economic field. And this was one of the first. It may have been the first.

But then the environment issue came up in the mid-1950s. I'm really not sure. Maybe it was the 1960s. I remember a Swedish economist named Hedon got in touch with me for legal advice. That was, I guess, in the mid-1960s. And I remember we had lunch at the Swedish ambassador's, with Brian Urquhart and myself, and this Swedish Nobel Prize economist named Hedon, and the ambassador. They were pushing for substantial action on the environment. I really have to get the date straight.

Apart from the environment issue, a division in the economics department on transport joined a division on resources. Their head, who was quite a good operator, was a Jesuit priest named Father De Breuvery. He was really the political manager on the resources branch. He brought in activist people. I remember, particularly, that we went together to Mexico City and on the plane he asked me if I could give him a shirt and tie. You know why. Wearing the

“collar” was then illegal in Mexico. So he wore my shirt and tie. He was a very charming man and I think very effective as an administrator.

And he brought in people like Joseph Barnea, who was an energy specialist, an Israeli. He was very energetic and innovative. He moved ahead on energy. He was interested not only in solar but in geo-energy. One should go into that history because it was quite remarkable. In his last years, he transferred to UNITAR and wrote innovative proposals on wind and thermal energy. There were other strong figures in the economics department promoting ideas and plans for riparian development, which had important political consequences.

I was very much interested in that. It gave me the opportunity to do interesting legal work. We involved ourselves a lot into that. I spent, I don't know how many years—eight or ten maybe—on Mekong River development. I drafted the so-called statute on that. I went to their meetings in Bangkok and Laos and often had to send legal interpretations to their commission. Those were river projects that focused on specific places: the Rio de la Plata, the river in Senegal, wherever it is. My division was very small, but we took these projects—at least I took it—very seriously. It gave us a chance to deal with concrete cases and to put together a commission, a treaty. In almost every such situation, armed conflict was threatened.

The Mekong River Commission worked out pretty well, even though the four countries were mostly at war with each other—and internally also at war. Yet we managed to have a continuing project, at least in my working with them over eight or ten years. I don't know what's happened now. The object of these plans was to get them to work together, but the concrete bait, as it were, was outside money for development.

Another project undertaken by the general legal division concerned petroleum resources and their development by private companies. We prepared model laws in consultation with the

governments of oil-rich developing countries, especially in Asia, in the Far East. I believe that these efforts facilitated agreements and development of the mineral resources.

TGW: This is the beginning of tape number two, Tom Weiss with Oscar Schachter. The book that you sent along does contain a number of conceptual legal issues. But I just wondered whether you could summarize what the notion of sovereignty over natural resources has come to mean over your long association with these issues.

OS: In the first place, it reflects the nationalism, particularly of the new states and the weak states, and their suspicion of foreign interests as exercising undue power within the country. That was, of course, a product of the independence movements and the decolonization. But it went more deeply into the foreign business and into resources exploration. A lot of it was concerned with the mineral resources and oil. The UN resolution on permanent sovereignty says “natural resources.” So it is both a reflection of the historical developments that many countries look back upon—historical developments of past exploitation and the harm done—which to some degree have been overtaken today by a new interest in obtaining foreign investment and, along with it, allowing more freedom to the foreign investors. But the topic still remains a reminder to states and is a political factor in the relations of the developing countries to the foreign investor.

I think, historically, the critique has played a role of some importance, and I think continues to, although some writers today will say we are past this stage now and that this doesn't matter anymore. I am not so sure about it. I feel that it still touches the core of just treatment, particularly of a new state. They do need investment, but they are still sensitive to the power of the corporate outsider. So in my opinion this is a conceptual corrective of the current acceptance of free trade and freedom of investment. It may perhaps be seen as a balancing force,

as a political factor that will be invoked in relations between states. And it reflects, in my opinion, the emphasis on sovereign interests—that is, the feeling of people in a recognized political area that decisions about their resources must be made by them and not by outsiders.

So I think it will continue to be an element, not so much as grounds for war, but as a recognition or a reminder to people that they have a stake in maintaining their own control as against investors that come into the country. Now, whether the UN's role in expressing that is important or not—it seems to me that there is enough concern and enough reminders of that in the politics of the different states that it will continue to be a significant factor in the future of the UN.

TGW: Is this more—you use the word “control”—controlling notion of sovereignty at odds with human rights and the kinds of humanitarian issues that seem to be so much in the forefront?

OS: Well, in the discourse this stands itself by focusing on resources. But it does have a linkage to human rights in a constructive sense. For example, currently there is litigation in the federal district court of New York brought on behalf of Ecuadorian indigents who claim to have been injured seriously by oil company exploration and development. Now one of the claims is that the role of the oil company—a subsidiary of Texaco—that the oil company's exploration and exploitation has taken away the people's sovereign rights over their resources since the decisions were made by the oil companies rather than by the government. It is also argued that it violates human rights because it involves decisions made without consultation with the people in the area.

So the politics leads to a merger of these two legal positions—sovereign and human rights. The repercussions may be far-reaching. For example, one day I received a telephone call

from a reporter who said he was calling from South Africa about the Ecuador case and could I tell him about it. I said, “Well, what does South Africa have to do with it?” He said all of Africa is concerned with this, and the legal action is going to be followed in Africa—the ideas that the exploitation of oil companies, or other resources exploitation, will be subject both to sovereignty claims, where governments have ceded authority to the multinational companies, and human rights claims, where the conditions violate conditions of health, safety, and self-government.

So resource exploration has entered into the rhetoric of human rights, or along with human rights, even though it is directed, as it were, to limit the role that foreign companies, or foreign countries for that matter, would have within the territory of a state. Is it against global trade and so on? Well, in a way it is. It simply means that foreign companies, foreign investment, do not override other values of the countries concerned. It is still an interesting business. It is not an easy thing to resolve because the need for investment is so acute, and there is competition among developing states for investment. But it is a good sign that the notion of sovereignty is linked to international policies which are not focused on a single state, but are generally valid for all states.

TGW: You mentioned a moment ago the role of NGOs. How do you see the evolution of relationships between NGOs and the UN, or the UN secretariat, or specialized agency secretariats over the years, in terms of advocating for particular ideas or particular solutions to problems? Who is in the driver’s seat here?

OS: Cases differ on these things. One thing which is, I must say, surprising to me, because in the early period I tended—wrongly, I think—to scorn some of the roles attributed to the NGOs, I think they took more credit than they deserved. But on the other hand, today looking back I think there are two kinds of situations. One is the particular initiatives that the

NGOs have taken, not on the great big issues, but on the concrete issues which they have pushed, like those I mentioned about support for widows and orphans or other socially desirable measures, or in some human rights cases where there is a clear limitation to what they are proposing, and therefore not arousing strong objections on the part of governments.

I did think that in the early days the clout exercised by NGOs was mainly related to their political position, so that the free trade unions could get support through the British and Scandinavian countries or others who were politically under the control of the labor movements—i.e., the labor parties. So they were linked. And WFTU (World Federation of Trade Unions), in the very early years, had a lot of support because of its communist support and semi-communists, like Mexico's [Vincente Lombardo] Toledano. Many countries were influenced by that.

So you did have that indirect support where there was a linkage between the political power and the NGOs. On issues like women's rights, and to some degree human rights and disarmament, NGOs certainly do exercise continuing pressures. I think women's rights have been their most successful effort. And then with the change in the world which everybody notices—the communication change, the ability to mobilize action quickly—NGOs have greater sophistication. In the beginning, they had one person or two people representing them. The World Council of Churches (WCC) was probably the most influential. Maybe apart from WFTU, the communist union body, the World Council of Churches was very influential on refugees and on other social matters, even though they had only one or two people at the UN. I have forgotten the name of their representative, though I knew him quite well.

And the business organizations, they certainly had influence in their specialized areas, as did agricultural organization. I don't know how you can evaluate them or whether you can say

there is more or less. But I think it is important in recognizing that specialized NGOs, who bring technical know-how, and/or their own interests, to the attention of the organs and the secretariats—because most of their work, at least in my days, was done through the secretariat—were there all the time with ideas and pieces of papers, the way lobbyists in Washington operate.

Should they be given more formal authority as is proposed? There are proposals for an assembly of NGOs. It's an interesting speculative question. I don't think that's going to happen, and I'm not sure it should be regarded as a serious political proposal. I see their strength in where they have a high degree of specialization.

The interesting thing for me, looking back from the point of view of someone who was there fifty years ago, the big point is how the NGOs have become professionalized. They have large numbers of people and they developed international linkages. The new communication techniques are used up by them and all the rest of that. I don't know how much, but it's an interesting development. As I said, in the earlier period I was sensitive and conscious of the linkage of the NGOs to political parties in the countries. I'm not involved in a way that would indicate whether that does matter today or does not. It is an interesting question. Some were so close to the political parties in so many ways. Of course, the religious ones are usually not as much. I don't know how one sizes that up, but there is no doubt that, in some cases, their ability to affect the internal political situation matters.

I don't think it may matter very much in the United States. That's an uncertain point. But in countries where they have the ability to link up with political bodies and political organs, they certainly do carry weight.



TGW: I wanted to explore a moment of your thoughts looking back over this period of time as well as on major international conferences. This week we have a conference against racial discrimination (UN Conference Against Racism). But beginning in the 1970s, there were major conferences on the environment, population, food, and again in the 1990s. How do you evaluate them? Some people dismiss them as jamborees and others discuss them as essential to international relations. I was wondering if you might just reflect a moment about their role in helping to keep issues and ideas in front of people. In particular, how do they contribute to customary international law, even if they don't hammer out something harder?

OS: I think, in the case of environment, for example, the conference language and decisions in Stockholm and Rio (UN Conference on Environment and Development) are repeated over and over again. While they wouldn't be considered hard law, they are a source that advocates often refer to as though they were law or as though they were accepted policy. So that repetition may be a significant factor, subject of course to an assessment about whether the repetition of generalities makes a difference in concrete practice. That requires a fairly tough-minded evaluation. In the case of the environment, I would be more conservative about it. I have written a couple of articles on this and part of a book. I would treat the Stockholm and Rio declarations as part of the background. They are invoked. We have to see how they influence specific cases of conduct.

Another aspect is that their generality allows for the kind of flexibility which enables different positions to be taken in many cases, and therefore it doesn't have the quality that people expect of hard law.

As far as mobilizing sentiment, that again would vary. Somehow I think that the women's conferences—for example, Beijing (Fourth World Conference on

Women)—resolutions in that are count for more, have counted for more, because there are the organized women's bodies in a lot of countries of the world that give the conference resolution a very high priority. They make their positions felt in local politics. I don't see the environmental organizations relying on the international declaration as much as on the needs of a country, the practical significance of the environment. The Kyoto Protocol—you are dealing with a treaty there. That is in a different category.

TGW: But you have mentioned basically changing discourse, changing formulations of national interests, and mobilization of people. Is it also important that these conferences, and the ideas surrounding the conferences, lead to new institutions?

OS: Sure, if they are effective institutions, just as it's important if they lead to law. That is to say, either law expressed in treaties or, loosely speaking, customary law. A tendency to use these conferences today to create, sort of paradoxically, new custom—that's become used now, that human rights and environmental principles have become customary law, even though, under the canons of international law, they have to be universally accepted and actually carried out, whereas they are not. But they are being called customary law. There is a debate that goes on between those people who want to have law more democratic, and who think that this way of creating law is inadequate, that law should be created through, say, the General Assembly or international conferences where all states may speak up and vote. Then there is a right-wing group, especially in the United States, that takes strong objection to treating human rights as customary law, making the point that the human rights involved are not universally followed, and the practice doesn't comport with the principle.

This is a hot debate in the international law community just beginning, where the right-wing view seeks to restrict the use of these principles as law on the ground that they are not

observed, and the more—it's not really left-wing—democratic view that they should not be treated as law because they have not really been adopted by international conference and ratified by governments, the way the Law of the Sea treaty was. It is an international issue for lawyers because it's strange, on the face, to say "new custom is being created, and now this custom comes into effect tomorrow." It's an anomaly.

But human rights people consider the fact that torture takes place, according to Amnesty International, in eight-five countries. That doesn't stop them from saying torture is a crime under international law. A right-wing position, which is strongly expressed by some American writers, treats the "elevation" of these international human rights principles into national law as contrary to democratic rights because they have not been adopted by Congress or the state legislatures. Some want to see customary law more truly democratic: everybody should have a voice, whereas traditionally customary law is made by the powerful countries.

TGW: We mentioned earlier that after twenty years in writing briefs, you looked forward to going to UNITAR. What actually were the reasons leading to UNITAR's establishment, and what do you think are the reasons behind UNITAR's demise?

OS: I think the reasons for its establishment were part of a felt need for new methods and deeper research. There was the idea of a UN University. There were think tanks all over the place. UNITAR started, in a way, from Hammarskjöld, with a statement that the secretariat was not a proper research body, that they were being asked to do research which they were not competent to do or were not supposed to do. He had the idea that research people were, so to speak, scientists. They worked as scientists. They had their own canons to follow. And this was not the secretariat's function. He thought the secretariat was doing too much research.

I don't think this has come out. I wrote about it. I mentioned it in the note I wrote on the origins of UNITAR, printed in a UNITAR paper. Then there was a related idea, which several people expressed and Harlan Cleveland—an assistant secretary of state in the Kennedy administration—took up, the idea that there was a need for new creative ideas and UNITAR would be the place for that.

Hammar skjöld's point didn't seem so credible to me since the secretariat had become largely a research body in certain areas where they were competent. But apart from that, I thought it was a good idea for me personally to get into a place which would be able to apply new ideas to UN needs. I was especially interested in considering how to use information that is available in the UN or through the UN to highlight threatening, troubling situations. I had certain specific ideas that seemed to me quite doable within a small organization. I ran into some trouble pretty early when Ralph Bunche thought we were encroaching on his area of peacekeeping. There were other turf issues that came up, but on the whole Bunche was supportive of what I was doing.

The first head of UNITAR was a delightful person, D'Arboussier of Senegal, who treated us indulgently. But when he did that, it did not help our output. Chief [Simeon] Adebo, a former Nigerian ambassador, who followed, was a serious and hard-working person, but the others who followed him just were seen by donor governments as wasting money. It is amazing how much money was raised at the beginning. I think we made mistakes.

Another idea that I was more doubtful about, but nonetheless supported, was the idea of UNITAR establishing the so-called UN Staff College. That seemed to me like an appropriate objective, and Adebo put his major effort into that. From my personal point of view, as I look back, there were a lot of interesting things that happened. We had these continuing series of

meetings which brought together people from outside—scholars and writers and government delegates. We had a lot which were interesting. I was clearing out papers recently and found the minutes of a discussion on peacekeeping—I can't remember exactly whether it was focused on an area—where ex-president George Bush was one of the participants. What was interesting is that, apart from an introductory statement, he said nothing. This is the older George Bush, when he was a delegate. But there were many interesting meetings. There were antagonisms that came out. On one occasion, Bunche, for example, couldn't resist his annoyance against Thomas Schelling for ideas he considered of little practical value. There were clashes of academics, and there were some things that we never followed through, like the meeting in Rensselaer on new forms of weaponry. There were some who brought interesting papers to these seminars.

TGW: You mentioned clashes between academics and practitioners. Do you think that there is a particular kind of scholar or academic or analyst, who can interact better with practitioners or have more of an impact or influence on them? Is there a way to generalize about what kinds of influence people who tend to think more abstractly have on people whose fingernails are dirty?

OS: I don't know. Take John Ruggie. He came to me at UNITAR for a job very early, before he had important jobs. He came from California with a recommendation from Ernie Haas. He is a productive scholar who has fared well in the UN secretariat. Of course, he wasn't faced with decisions about using troops or something like that, except in an academic way. I don't know whether you count that. The best example is probably Ralph Bunche, basically an academic who proved to be an outstanding negotiator as well as a practical peacekeeper.

I think it is more a matter of being adaptable and recognizing what people want and what's possible. I think the difficulty arises where an academic comes in with a doctrine that he

wants to pursue. That may have its advantages. Joseph Barnea—I don't know if he was an academic, but he was a vigorous advocate of certain types of energy. So you might say he was impractical, but there's room for somebody who has a cause. That may be academic, or it may not.

On the legal side there were personal differences. Lawyers who worked with me—some loved to be on committees and some hated to be with committees. Some wanted to do undisturbed library research and historical studies and they were happy that way. Others wanted to react quickly to current problems. So there was room for everybody. I don't think whether they were academic or not in itself made a difference. If you have people who come in with a certain cause, it depends on what the cause is. If the cause is cheaper energy, fine. If the cause is world government, it's pointless. It really depends on the person's orientation.

TGW: In terms of outside infusion of ideas for a short period of time versus working for a long period of time, the accusation has been made in some of these interviews that oftentimes one hires a consultant or an expert who basically says what you would like to say but can't say. Or it would be helpful to have an outsider say it rather than a staff member. Do you think that's true?

OS: You mean you bring in an outside who will—

TGW: Who will basically say what the party line is, as opposed to something different. Not really ask for expertise, but try to seek out expertise that coincides with orthodoxy.

OS: With respect to both the economic and political sides, one has to be able to defend your action on the ground that you were getting a suitable assortment of points of view. That argument was made on the economic side when secretariat people were having certain, as you say, party lines. I think, however, a difficulty there is that there is a leader and he imposes his

party line. In economic research, there was more variability. They could, I think, have more freedom. On legal issues, lawyers respond usually to actual problems rather than proposing new intellectual projects. But, as I said earlier, we in the legal department took initiative in developing some treaties that were of great practical value. We were helped in that by interested NGOs and some governments experts.

Suggestions for legal research could be made and were made through the International Law Commission or through ECOSOC (Economic and Social Council). I think some of the things that I have experienced and referred to—the fact that an NGO comes along with a particular idea that seems interesting and is workable, like the convention in enforcing alimony and child support. An outsider comes in, or even someone inside, with an idea which the secretariat has freedom to pick up and pursue with interested governments. I think that is probably true in a lot of cases.

As I say, on the legal side, it was possible to take initiatives that had practical effects. Just on our initiative we sought approval of delegates. I suspect that this may be done in humanitarian and other areas. At this moment, I'd be interested in knowing more about norms for humanitarian assistance, in contrast to humanitarian intervention in the forcible sense. What can one develop? Actions are criticized. Countries go in with relief for refugees or other actions, and there are questions about the propriety of what they are doing. Humanitarian intervention, of course, is highly controversial. I prefer to deal with it in terms of what is acceptable, rather than arguing about its legality.

The advantage of a secretariat in these fields is that a lot of ideas come in through a world audience. I thought UNITAR would be a good place to pick up such ideas. And also I was interested in the training side, especially the international law training, which took place in The

Hague. Almost every year I have people telling me how useful it was. Later, UNITAR was disappointing to me in large part because of Davidson Nicol's personal ideas.

TGW: I would like to ask a question perhaps in another way. What kinds of constraints exist on research within the United Nations, whether it is UNITAR or the UN University or UNRISD (UN Research Institute for Social Development)? There are a whole number of inside think tanks. Now being on the outside—you have been on the inside—are there things that actually you could do better as part of an internal think tank and things that you couldn't do at all inside?

OS: Well, the general answer is yes. There are things you could do better inside.

TGW: I am thinking mainly about political constraints—what is acceptable to say or not say. How can you frame an issue that is embarrassing for the leadership of the institution, the leadership of particular countries—in short, the difficulty in calling a spade a shovel?

OS: Yes, of course. We saw this very clearly when Bunche, foreseeing that his operation, if we examined peacekeeping, that we might somehow be criticizing it or might be criticizing his operation. He objected on the grounds that our research would be theoretical, that it wouldn't be suitable. And, of course, we argued that we weren't going to interfere with the operation. And we had ideas which we raised in seminars. Yes, I guess there will be difficulties wherever research is done or wherever ideas are examined. There will be limitations. There is no case in which someone is, so to speak, above the battle and is going to be heeded, whatever he says and wherever he looks.

So research has its inherent dangers if it deals with the political side. But there are all kinds of factual research. An example is the study that UNITAR did on the transmission of UN information through press and radio around the world. This was mainly done by [Alexander]



Szalai, my deputy. As a research job, I think that was an extraordinary piece of work and it had the practical effect of showing that much of the output of the Department of Public Information (DPI) was unnecessary, that the wire services and radio covered the entire output of the UN. As a research undertaking it was impressive. Ninety-three countries were dealt with. We organized people in all of these countries to scan newspapers and listen to radio and television. We didn't pay them. They did that for nothing. We discovered the importance of radio compared to newspapers and the importance of wire services, especially in developing countries. *Tass* was shown to be the most used wire service throughout the world, probably because they didn't charge for their material. We showed that the leading papers, *La Prensa*, *Neue Zricher Zeitung*, *The New York Times*, *Le Monde*—it was fascinating material, but DPI, or whatever it was called then, felt that they were being attacked, and in fact they were. Actually, the press side was being criticized, but the radio section was happy with our study.

Now I think the fact we did that study almost without cost is a remarkable story. We covered 700 radio stations—radio, not television—in the United States. How could you get reliable information? You know what we did? Szalai, discovered in Chicago, a paraplegic, had organized a national staff of shut-ins who monitored every broadcast station in the United States. They monitored for advertisers who wanted to make sure they got what they bought. The organizer was a supporter of the UN and he put his whole staff to work on our project. So we got a picture of American radio. Of course, a lot of this is *passé* because radio has changed and has been overtaken by television. But this was an extraordinary piece of research. It showed what items are being chosen to be carried to the American people. Who was interested in that in the UN? No one. What's your reaction to that?

TGW: It's a very good story. I think that I would have said something of the same, that there are various kinds of factual research where you have access to bits of paper, people, and data that you would not have elsewhere. But there are analytical limits to framing issues that you bump into politically. That is why I have basically stayed outside instead of inside, because I'm more comfortable.

OS: Well, with every issue, even this, there are some people affected. The radio people loved our study, the print people did not. It would be rare when nobody would care. Then it wouldn't matter at all. But I think that was a good example of research with Szalai's energy behind it. And all these translations—we had these numerous languages that had to be translated. He got a team to do that, as unpaid volunteers. We had a group going over the text, indicating what they supported, what the subject matter was, what the position was.

I didn't give enough attention to this. You might say, "Who cared?" For one, the DPI. The UN was wasting a lot of money, according to our study. And suppose if we went to the Secretary-General somehow and persuaded him that he ought to put an end to that? We could have. So that's a defect.

TGW: Well, DPI has been very good at protecting itself over the years. It has more personnel than the Department of Peacekeeping Operations.

OS: Now, one of my former students has a job in what is called the Advocacy Section of Humanitarian Affairs. He's a first-rate lawyer, was making a couple of hundred thousand dollars a year. He's a good example of somebody who was making a fortune and quit to work in the UN. He chose the humanitarian section, though he could have had legal jobs. Apparently, what they do is something like an information and advocacy section. They put out material which supports humanitarian activities.

But I am not sure that an elaborate research job, such as Szalai's, is necessary. But I think, as a research thing, it was a remarkable achievement. And finding these shut-ins, as we called them, and using them to check on information is a human interest story that hasn't gotten attention.

TGW: One of the other vehicles for ideas, in addition to conferences, that many people have focused on, and I would like to ask you your views about, happens to be reports—blockbuster reports or reports by eminent groups of people when you were at UNITAR. Actually, the first one was the Pearson Commission report (*Partners in Development*) on the nature of development and, in short order thereafter, you had the Club of Rome report (*The Limits of Growth*) about the environment.

OS: You had the wise men on multinationals. By definition, they were all wise men.

TGW: Do you see these as being important, on occasion being important? And if so, what makes them so?

OS: I think the one I mentioned—I really ought to see it again—is the development study. Was it 1947 or 1948?

TGW: Oh, 1949.

OS: An Indian, Rau, was the chairman. There were four or five. I think that was very influential. I think the report on multinational corporations also had an impact.

TGW: Many of these were independent but presented to the UN for its consumption.

OS: Well, that one had its period of influence when many measures were proposed to regulate transnational companies. On environment, there must have been some earlier report before the Stockholm conference in 1972. Now, was Stockholm significant? In that case, what was said at the conference really didn't matter so much as getting an agreed text. On racism, in

Durban, I doubt whether the agreed text will matter. But in the Stockholm one, I think it did matter. Its recommendations were repeated over and over again in government papers. It was not challenged.

But human rights conferences are different. I don't think Vienna (UN Conference on Human Rights) or Tehran (International Conference on Human Rights) really mattered for compliance. They were pleased to change the order of human rights: instead of putting political before economic, they were to be listed alphabetically. It was a trivial change. It was also confusing, to say as they did, that all rights were equal. I don't think the Stockholm conference falls into that category. For one thing, it was historically the beginning of a period of concern that had just started. Even though the conference itself—I was there, and in fact I made a statement at the conference on behalf of UNITAR. I forgot what I said, but I tried to be original. Actually, it didn't matter what was said at the conference, but its conclusions demonstrated the broad concern over environmental threats.

Yes, you have a lot of interesting questions to consider. How are you going to manage all this?

TGW: We are hoping to make sense of it down the line, in about six months. There were actually just a couple of other things on which I wanted to seek your views. You mentioned earlier the relationships with Washington, with the Bretton Woods institutions in Washington. How did this look from New York? Are institutional rivalries between the United Nations and the Bretton Woods institutions beneficial in terms of the kinds of research and ideas that come out, proposals that come out? I guess you could ask the same question within the UN system. Competition—is this good in terms of the policy proposals that come out, the kinds of basic research that is done, perspectives on economic and social development?

OS: I would be modest about what I could say on that. I would say in general my prejudice is that competition is beneficial in these cases. And I don't see that competition in doing research—that is to say, two different offices, one in Washington and one here, tackling the same question, could be harmful. I think what would be harmful would be if we were trying to deal with the same problem, like a project in which both institutions make a contribution if one goes ahead with dealing with a foreign country and the other does not. Then they are out of communication. That, I think, can be harmful.

We had pretty good relations with the World Bank. Of course so much of that, particularly in the early years, was personal. We lawyers were part of the same community of lawyers. We knew each other well. We were friends. We worked on things very easily. I don't know how much personalities enter into some of these cases, and I suppose there are cases where somebody was affronted by a rival group who were disagreeing with his point of view. That is all part of the problem. I think in most cases an exchange of ideas and information is so much more important than the idea of competition. Competition may happen and it may be desirable, even when it happens. But I would think in principle, in most cases, one should encourage more communication and more dealings among agencies. And I think, as I look back, there wasn't enough, in my experience. But we worked together on a lot of stuff on the legal side.

TGW: One of the questions I had meant to ask a little earlier, and we had gotten off of it, was about the quality of international civil service. This was one thing that Hammarskjöld obviously emphasized in his famous Oxford speech. There seems to be quite a disparity of views as to whether or not the secretariat stacks up. For instance, when we interviewed Jacques Polak, he mentioned that he thought the Fund and the Bank had better staff because they paid better, they had more freedom to publish, and the intellectual atmosphere was better.

OS: Is Jacques Polak still alive?

TGW: Yes.

OS: Oh, good. He worked with me in UNRRA. He is a very nice and able fellow.

TGW: Is there any truth to that comment? Or is it just too big a question?

OS: Well, I can't really say. The people in the Bank and the Fund whom I have known have been okay. They have been good on their areas of subject, just like Jacques Polak—a very good economist in the area in which he had been working. On monetary things he is first rate, but I probably wouldn't put him in charge of a development project. Many people in the Bank, and friends that I have run into, are good lawyers. They probably do have more of an appeal. A German, a former student of mine whom I mentioned—he wanted the UN. He could have had a job with the Bank, but that was not his interest. I don't think they're competitive, really.

TGW: At the end of your time with the UN, we had the famous 1973/1974 New International Economic Order discussions. How did you see the coming together of resource scarcity—in this case oil at that moment in time—and politics of the moment? Did this seem as exciting or as important as decolonization and the emergence of new countries? And how does that period seem after twenty-five years after the fact?

OS: No, it was not as important as those developments. But for my part, having kind of fallen into it more or less by chance, it opened up new areas of interest. For example, in Iran I discussed legal issues with the Iranian head of the state-owned Iranian oil company. I chaired a conference in New Delhi of Asian oil and mining companies and governments. I really got to know a lot about problem of oil exploration and their relations with governments. I was in touch with all the big companies. We did a lot of examination of and drafting of proposed legislation, which governments seemed to appreciate.

In that way, I got into a whole community of people who were very generous in their support, as far as I was concerned. Now, it's true that somebody might reasonably charge that they made use of the UN for their purposes. That's true. That's the way the world works. The oil and mining companies wanted the UN support, or at least neutrality. They treated me more generously than I ought to have been. They were very helpful in our legal research. And the governments seemed to appreciate it as well. We were a useful intermediary in developing agreements and legislation. We could discuss a draft agreement in a professional manner. Our research and drafting fell into the category of technical assistance.

And as I say, on reflection over so many years, in my mind, psychologically, I think of these happy accidents—as they are accidental one way or another. Even though I spent so much time on some Middle East issues and on the Congo case, when I look back at my work on sovereignty over natural resources and on many legal conventions—I think of these unanticipated specific projects where useful work was done without publicity, but which all sides seem to appreciate. And if I hadn't left the UN, I would still go on with them.

Today, the legal office, with more than 100 lawyers, is so overwhelmed with its varied tasks. There is much contracting and so many administration and personnel issues, in addition to the problems connected with the peacekeeping and special criminal courts and that kind of thing—they probably don't have time to do them now.

As I say, there are unexpected successes. They gave me the impression that the UN, in some ways—although this may not be a good thing to say in the U.S. today—was something like the New Deal. We were receptive to ideas for doing good in cases where it seemed appropriate. And sometimes we failed. For example, we once had a project for a treaty to outlaw third party support for prostitution. We had a world conference on it. Now prostitution is a big business

and the subject which we picked up from the League was significant, we thought. A treaty would lead to legislation and enforcement. At that time, when the UN did not have too heavy a load in the war and peace area, and disarmament and the other stuff, this was a kind of area of do-good activity which may today be embraced by the humanitarian section of the secretariat. I'm not sure. But we could pick up on the legal side a number of things which were useful—internationally useful. And they might be more or less political.

We ran into U.S. opposition, often, especially on topics within the competence of states. We ran into U.S. opposition because they thought our treaties or our research was interfering with domestic jurisdiction. But the U.S. usually came along when the International Chamber of Commerce supported a project or the Catholic Social Services gave support. We worked with NGOs in these areas very closely. They helped politically, especially with respect to the U.S.

In some legal areas, the U.S. was the chief obstacle, often on federalist grounds. Sometimes they came with an initiative for human rights. But on the whole, they were hesitant about anything which affected their internal affairs—that is, states' rights.

TGW: I was not thinking so much about internal affairs in asking the question, but just wondering how that moment looks in retrospect, how the role of the government seemed versus the private sector. How do once popular ideas seem in retrospect—the notion of international regulation as opposed to letting the market do it, the notion that somehow we were going to redistribute resources, and the notion that somehow the South had this growing weight and impetus in international relations vis-à-vis the North. All of those things seem remarkably dusty, actually naïve.

OS: That is true with regard to multinational corporations in all likelihood. It is not true with regard to the Law of the Sea, which has developed in a way that is more in conformity with



the general views. But with regard to environment and human rights, these are continuing general concerns that don't get swept away by globalism or by liberal market positions. A couple of years ago, I wrote an article on the role of the state in the new order, and the question of its diminished role—in *Columbia Journal of National Law*, volume 36, pages seven to twenty-three, 1997. My basic conclusion was that the state remains fundamental and essential to cope with claims of competing social groups and to provide a sense of public justice. Private organizations create within themselves their own working themes and often have a functional reality. The UN doesn't get into much of that at all, but it may take part in technical discussions which affect government policy and business practices.

I agree that the period of the New International Economic Order is effectively over. That has been swept aside by the general acceptance of the market economy. Specific issues, which have to do with justice and of fairness to the vulnerable peoples in the developing countries, remain on the agenda. As for our work on international agreements and business practices, we weren't carrying a torch for any political reality. We were essentially an intermediary trying to work out a pattern where both sides would be satisfied.

There is another function that international bodies serve, and I'm sure the Bank and the Fund do that even though it is not formally on their agenda. These are often side issues which fall in one's specialty and prior experience. I've run into that, even with disarmament in cases like that where a government wants help on a problem. They get free help by coming to the secretariat expert and getting advice or drafting help. I think that goes on a great deal, especially since government experts are in short supply for many countries.

TGW: You must have blushed when Rosalyn Higgins wrote this piece about you. I just wanted to read one thing, which said, "Oscar Schachter had the ability to see very early the relevance of issues and to write about them before they became fashionable."

OS: Where was that?

TGW: This was the piece that Rosalyn Higgins wrote about you, about your scholarly work. I just wondered, as you look to the next ten or twenty years, what would be the two or three intellectual challenges that you think would have the highest payoff if there were going to be a UNITAR to look at them, or if the Secretary-General's office were going to finance a bunch of scholars to look at some of them? What do you think the two or three biggest challenges are, and how would you tackle these issues?

OS: First would be the use of force, roughly the legitimizing acts of force in the humanitarian interests or in common interests. I would say that is the number one thing. The future, I think, will involve the pressures to use armed force in cases where the Security Council does not authorize it. That, I think, calls for a development of both normative notions and procedural actions to go along with that. I would put that on top of the list.

Secondly, I would select the problem of resources. I mean in the broad sense of the economic resources, especially for the poor countries. I would think that there too we should have an important international institutional role. I can't formulate it as I would a more legal or institutional problem. But I think that I would put that close to the top, the premise that the present economic order does not satisfy the needs of the poor people and the basic value of equality. The basic acceptance of equality as a significant normative principle, I think, is essential. It is the way to go, and that's a very tough one because it is clearly against the present order. But I think, from an international point of view, practical action can be accomplished.

For example, the need for fresh water resources would be high on the list of inequalities that could be targeted by international agencies.

And a third thing, out of the top of my head, would be a difficult objective, namely meeting the so-called democratic deficit in international matters. This brings up the importance of power in the development of international law. Most international lawyers regard power as an intrusion, if not an “enemy” of law, but I regard it as critical to building international order. I also think that the challenge of democratization is on our agenda, and that is a hard one to respond to—whether, for example, one should deny international legitimacy to totalitarian countries; whether there are ways of introducing democratic notions within national communities; and particularly whether international lawmaking or international action could be reasonably democratized.

Now, one aspect of that—but only one side—would be bringing the so-called “civil society” into the picture. Here I tend to be sort of conservative since I see civil society also as uncivil in many places. I am not keen that we turn over everything, as it were, to nongovernmental organizations. But I think that that problem of democratization on both levels—whether you can have legislation by a world assembly of peoples voting on important cases, or how you take account of power and other elements in getting that kind of legislation. I think that is part of the agenda whether it is explicitly recognized or not. Those are three big issues.

TGW: Is there a question that I forgot to ask, that I should have asked, or that you expected me to ask, that you would like to answer?

OS: Well, one question which is a big question is what I referred to earlier. Are there overriding conceptual notions which can be pursued, or normative notions which can be pursued,

in the international arena usefully? There was a movement that Barbara Ward was so active in. The movement emphasized needs as the objective of development. It is related to Amartya Sen's notion of capability. There is the goal of equality. These are important normative notions.

One hopes for an international consensus. Can that be significant in international decision-making? I think notions of equality and human need are better treated as normative notions than incorporating them as human rights. I give a course on human rights and economic development, and I find difficulty in applying rights notions to these many-sided problems connected with the economy and self-rule. The question is: should rights be used as guidelines? I think Barbara Ward got wide support for placing emphasis on human needs. The question is: can they serve as rallying ideas, particularly in getting support for practices of a humanitarian character?

The issue of force is linked to that, but it's basically a different question. The UN Charter emphasized sovereignty and peace above all. Do we need, paradoxically, to have recourse to force an order to attain peace? Is there an element of paradox and unreality in resorting to armed force to impose democracy and good governance? The notion of self-government took hold in the 1950s and human rights in the 1960s. Human rights doesn't fill the normative gap. It can become too technical, too much of a lawyers' cause. It doesn't have the rally point that an overriding ideal should have. But ideals that have a true ideality can never be fully realized. This is a lesson one learns from many years in the UN.

Well, I really appreciate your giving me all this time.

TGW: My gratitude to you for having participated in this.

OS: Some day, I may read it.

TGW: Well, you'll have to! This is the end of tape number two.

## INDEX

- Acheson, Dean, 4-5, 16  
 Adebó, Simeon, 35  
 Africa, 29  
*Ahead of the Curve? UN Ideas and Global Challenges*, 19  
 Amazon River, 12  
 American Academy of Art and Science, 7  
 American Bar Association (ABA), 19  
*American Journal of International Law*, 8  
 American Society of International Law (ASIL), 9  
 Argentina, 13  
 Asia, 27  
 Asian-African Conference (Bandung, 1955), 22-23  
 Balkans, 4  
 Bandung, Indonesia, 22-23; *see also* Asian-African Conference  
 Bangkok, Thailand, 26  
 Barnea, Joseph, 26, 36  
 Baruch Plan, 17  
 Beijing, China, 32; *see also* Fourth World Conference on Women  
 Berlin, Germany, 5  
 Bretton Woods institutions, 43  
   institutional rivalry with UN, 43  
   relationship of to the U.S., 43  
 Bricker, John, 18  
 Bronx, N.Y., 11  
 Brooklyn, N.Y., 1  
 Bunche, Ralph, 21, 35-36, 39  
 Bush, George H.W., 36  
 California, 18, 36  
   *and* immigration, 18  
 California Supreme Court, 18  
 Carnegie Endowment for International Peace, 15  
 Catholic Social Services, 47  
*Chicago Tribune*, 18  
 civil society, 50  
 Club of Rome, 42; *see also* *The Limits of Growth*  
 City College, 1, 2  
 Cleveland, Harlan  
 Cohen, Benjamin, 3-4  
 Cohen, Morris Raphael, 2  
 Cohn, Roy, 15  
 Cold War, 12, 17, 21; *see also* McCarthyism  
   *and* human rights, 17  
 collective security, 2, 5  
 College de France, 7, 9  
*Columbia Journal of National Law*, 48  
*Columbia Law Review*, 3  
 Columbia University, 7, 9, 13  
*Congressional Record*, 18  
 Congo, 8, 21-22, 46  
 Conservation and Energy Conference, 25  
 Corcoran, Thomas, 3  
 Cox, Robert, 6  
 criminal courts, 46  
 De Breuver, Father, 25  
 decolonization, 20-21, 27  
 democratization, 50  
 Department of State, 4, 15  
 development, 20-21, 26, 50  
   *and* natural resources, 26-27  
 Development Decade, 23  
 disarmament, 30  
 Durban, South Africa, 42; *see also* UN Conference  
   Against Racism  
 Eagleton, Clive, 8  
 Eastern Europe, 18  
   immigration from, 18  
 Economic Commission in Europe (ECE), 22  
   involvement of in East-West conflict, 22  
 Ecuador, 28-29  
 Einstein, Albert, 15  
 energy, 5, 26  
 environment, 24-26, 32-33, 42-43  
   *and* law, 32-33  
 Europe, 18, 21  
   immigration from, 18  
 fascism, 2  
 Federal Bureau of Investigation (FBI), 4, 15  
 Federal Communications Commission (FCC), 3-4  
 Feller, Abe, 5-6, 10, 16, 22  
 Fly, James Lawrence, 3  
 Food and Agriculture Organization (FAO), 12  
 Fourth World Conference on Women, 32  
 France, 20  
 Franck, Tom, 8  
 Franco, Francisco, 2  
 Frankfurter, Felix, 5  
 functionalism, 11-12  
   of UN, 11-12  
 Gardner, Richard, 9, 23  
 Geneva, Switzerland, 13, 23  
 globalism, 48  
   *and* the role of the state, 48  
 Graham, Philip, 3  
 Great Depression, 1  
 Haas, Ernie, 36  
 Hague, The, 38  
 Hague Academy, 7, 9  
 Hammarskjöld, Dag, 7, 13, 15, 21-23, 34-35, 44  
   *and* the Congo, 21-22  
 Harvard Law School, 5  
 Henkin, Louis, 9  
 Higgins, Rosalyn, 49  
 Hiss, Alger, 15

- Hudson, Manley, 5  
 human rights, 5, 12, 17-19, 28-30, 33-34, 43, 47, 51;  
   *see also* Universal Declaration of Human Rights  
   *and* Cold War, 17  
   *and* law, 33-34  
   *and* NGOs, 30  
   *and* sovereignty, 28-29  
   conferences regarding, 43  
 humanitarian assistance, 38  
 humanitarian intervention, 38, 49  
 Hunter College, 10  
 Huxley, Julian, 12  
 ideas, 32-33, 37-39, 42-44  
   *and* institutional competition, 43-44  
   *and* outside experts, 37  
   *and* reports, 42  
   *and* research constraints, 39-40  
   *and* UN conferences, 32-33, 42  
 immigration, 18  
 International Chamber of Commerce, 47  
 international civil service, 10-14, 44  
 International Conference on Human Rights (Tehran,  
   1968), 43  
 International Labour Organization (ILO), 12  
 international law, 2, 5-6, 32-34, 50  
   *and* human rights, 33-34  
   *and* UN conferences, 32-33  
 International Law Commission, 38  
 International Monetary Fund (IMF), 12, 21, 44-45, 48  
 Iran, 43, 45  
 Iraq, 22  
 Issawi, Charles, 13  
 Japan, 18  
   immigration from, 18  
 Jonah, James, 10  
 Kant, Immanuel, 2  
 Kalecki, Michal, 13  
 Kennedy, John Fitzgerald, 22  
 Khrushchev, Nikita, 22  
 Kyoto Protocol, 33  
*La Prensa*, 40  
 LaFollette, Robert, 2  
 Lake Success, 11  
 Laos, 26  
 Lasswell, Harold, 7-8  
 Lauerpacht, Hersch, 17  
 Laugier, Henri, 12  
 Law of the Sea treaty, 34, 47  
*Le Monde*, 40  
 League of Nations, 1, 10, 47  
 Legal Committee on Atomic Energy, 17  
 Lehman, Herbert H., 5  
 Lewis, Arthur, 19  
 Lie, Trygve, 6, 10, 15, 2-221  
*Life of Reason*, 2  
*Limits of Growth, The*, (Club of Rome report), 42  
 Loyalists (Spanish), 16; *see also* Republicans and  
   Spain  
 Loyalty Review Board, 15  
 Marshall Plan, 20  
 Marx, Karl, 2  
 McCarthy, Joseph, 14-15, 25  
 McCarthyism, 14-16  
   impact of on UN Secretariat, 14-16  
 McDougal, Myres, 7-8  
 Mekong River project, 26  
 Mexico, 26, 30  
 Mexico City, Mexico, 25  
 Middle East, 21, 46  
 Miller, E.M., 8  
 multinational corporations; *see* transnational  
   corporations  
 Myrdal, Gunnar, 13, 22  
 Nagel, Ernest, 2  
 nationalism, 27  
 natural resources, 24, 26-29, 45-46  
 Nazis, 2  
*Neue Zricher Zeitung*, 40  
 New Deal, 3-4, 18-19, 46  
 New Delhi, India, 45  
 New Haven, C.T., 8  
 New International Economic Order (NIEO), 24, 45,  
   48  
 New York, N.Y., 1, 3, 9, 11, 13-14, 28, 43  
*New York Times*, 40  
 New York University (NYU), 7-8  
 Nicol, Davidson, 38  
 Nobel Prize, 13-14, 19, 25  
 nongovernmental organizations (NGOs), 1, 18, 29-  
   31, 38, 47, 50  
   *and* human rights, 30  
   *and* women's rights, 30  
 North-South relations, 47  
 Northwestern University, 9  
 Nye, Wheeler, 2  
 Ohlin, Bertil, 13  
 Owen, David, 12  
 Palestine, 21  
 Paris, France, 12  
*Partners in Development* (Pearson report); 42  
 peacekeeping, 35, 39, 46  
 Pearson Commission, 42; *see also* *Partners in*  
   *Development*  
 Polak, Jacques, 44-45  
 Princeton University, 9, 13  
 Prebisch, Raúl, 13, 23  
 prostitution, 46-47  
 racial discrimination, 18, 32  
 Rauh, Joseph, 3-4  
 Rensselaer, N.Y., 36  
*Repertory of Practice of United Nations Organs*, 14  
 Republicans (Spanish), 16; *see also* Loyalists and

- Spain
- Rio de la Plata, 26
- Rio de Janeiro, 32; *see also* UN Conference on Environment and Development (UNCED), 32
- Robles, Garcia, 14
- Roosevelt, Franklin D., 3-4, 19
- Rostow, Walter 13, 22
- Ruggie, John, 36
- San Francisco, C.A., 11, 19-20
- Santayana, George, 2
- Schelling, Thomas, 36
- Schultz, Ted, 19
- Sen, Amartya, 51
- Senate (U.S.), 5, 15, 25
- Senegal, 26, 35
- Sharing the World's Resources*, 9
- Singer, Hans, 13
- Spain, 1-2
  - civil-war in, 1
- Schrijver, Nico, 25
- South Africa, 12, 29
- sovereignty, 6, 24, 26-29, 47, 51
  - and* human rights, 28-29
  - and* natural resources, 24, 26-29
  - and* United States, 47
- Stockholm, Sweden, 25, 32, 42-43; *see also* UN Conference on the Human Environment (UNCHE), 24
- Szalai, Alexander, 39-41
- Taylor, Telford, 3-4
- technical assistance, 19-20
- Tehran, Iran, 43
- Tennessee Valley Authority (TVA), 3
- Texaco, 28
- Third World, 14, 21-22, 24
- Toledano, Vincente Lombardo, 30
- transnational corporations, 42, 47
- Truman, Harry, 15
- trusteeship, 20-21
- UN Administrative Tribunal, 15-16
- UN Charter, 5-6, 10, 18-20, 51
  - authorization for technical assistance in, 19
  - social and economic rights in, 18
- UN Children's Fund (UNICEF), 20
- UN Conference Against Racism (Durban, 2001), 32, 42
- UN Conference on the Human Environment (UNCHE) (Stockholm, 1972), 24, 32, 42-43
- UN Conference on Human Rights (Vienna, 1993), 43
- UN Conference on Environment and Development (UNCED) (Rio de Janeiro, 1992), 32
- UN Conference on Trade and Development (UNCTAD), 23-24
  - and* U.S. skepticism of, 23
- UN Department of Humanitarian Affairs (DHA), 41
- UN Department of Peacekeeping Operations (DPKO), 41
- UN Department of Public Information (DPI), 39-41
- UN Economic Commission for Europe (ECE), 13, 22
- UN Economic and Social Council (ECOSOC), 38
- UN Educational, Scientific, and Cultural Organization (UNESCO), 12
- UN General Assembly, 19, 22, 33
  - Second Committee of, 19
- UN Institute for Training and Research (UNITAR), 7-8, 26, 34-36, 38-39, 42-43
  - clashes between academics and practitioners in, 36
  - establishment of, 34-35
- UN Relief and Rehabilitation Administration (UNRRA), 5-6, 10-11, 13, 15, 19-20, 45
  - and* technical assistance, 19-20
- UN Research Institute for Social Development (UNRISD), 39
- UN Security Council, 5, 11, 49
- UN Secretariat, 11-16, 19
  - and* East-West conflict, 22
  - and* natural resources, 25-27
  - staff of, 11-14
  - impact of McCarthyism on, 14-16
- UN University (UNU), 8, 39
- Union of Soviet Socialist Republics (USSR), 4, 17-18, 22
  - and* human rights, 17-18
- United Kingdom (UK), 2, 12-13, 20
- United States (U.S.), 2, 15-18, 22, 31, 33, 40, 46-47
  - and* economic and social rights, 18
  - and* human rights law, 33
  - and* immigration, 18
  - and* McCarthyism, 15-16
  - and* UNCTAD, 23
  - Congress, 34
  - opposition to UN, 47
- Universal Declaration of Human Rights, 16-17
- Urquhart, Brian, 20, 25
- Vanderbilt Law Journal*, 18
- Vienna, Austria, 43; *see also* UN Conference on Human Rights
- Ward, Barbara, 50-51
- Washington, D.C., 11, 23, 31, 43-44
  - Bretton Woods institutions' relationship with, 43
- Washington Post*, 3
- weapons of mass destruction (WMD), 17
- Weintraub, David, 12, 15, 19
- women's rights, 30; *see also* Fourth World Conference on Women
- Works Progress Administration (WPA), 13
- World Bank, 12, 44-45, 48
- World Council of Churches (WCC), 30
- World Economic Report*, 13, 21
- World Health Organization (WHO), 12
- World Federation of Trade Unions (WFTU), 30

World War II (WWII), 2, 4  
Yugoslavia, 4  
Yale University, 7-9