

reached by a two-thirds majority, thus abrogating the league rule of unanimity for important decisions of the assembly.

The Security Council. It is when we come to consider the security council that we encounter an important difference between the proposed organization and the league of nations. Unlike the league, in which both the assembly and the council concurrently had many similar general powers, the primary responsibility for the maintenance of international peace and security would, in the proposed organization, be assigned to the security council. A further point of difference is that, whereas the league council dealt with many matters other than those directly related to security, the new council's functions would be confined to the consideration of international disputes, and of situations which might lead to friction and give rise to international disputes. The council would deal with disputes, present or prospective, likely to endanger the peace. The assembly's main concern would be to promote general progress through concerted international action to foster the general welfare.

The security council therefore would be vested with primary authority for guarding the peace of the world. It would consist of five permanent members (the United States, the U.S.S.R., the United Kingdom, France and China), and six other States elected for two years by the assembly and not immediately eligible for reelection. Each member would have one vote and seven votes out of the eleven would be required for decisions.

Under the formula proposed at Yalta, decisions on questions other than procedural matters would be taken by a majority of seven votes, including in the majority, the votes of the five permanent members. To this rule there would be one important exception. If a permanent member were involved in a dispute before the council, that member would abstain from voting when the procedure for the peaceful settlement of the dispute was being followed. If it came to a decision that a given situation was a threat to the peace, or to a decision requiring the imposition of penalties, the right to vote would be restored to the permanent member in question. Thus a permanent member could not block the consideration of a complaint against it by another state, nor an effort to solve the problem by pacific means. If, however, pacific means were to fail, the permanent member could by its vote block a decision to take punitive action against itself.

A new agency is now proposed which had no exact counterpart in the league. This is the economic and social council. It would

consist of eighteen members elected for three years by the assembly. There would be no permanent members and no provision preventing reelection. The economic and social council would be charged with the general supervision of international economic, social and humanitarian activities, in the light of the policies laid down by the assembly. Expert commissions and staffs would be attached to the economic and social council.

The proposals recognize that there should be a court of justice as the chief international judicial organ. The question as to whether the present statute of the permanent court of international justice should be revised or a new statute prepared is left open. It is to be hoped that as time goes on, and as a more stable world emerges, international differences will more and more be amicably settled by judicial methods. Only in this way can a body of precedent be developed, and broadened, until all the differences between nations come to be settled as a regular practice in accordance with principles of law and equity, and with respect for contractual obligations. Here I might mention that the Canadian Bar Association is performing a most useful task by making a series of valuable studies on the subject of international jurisprudence.

The machinery for dealing with disputes between nations which is outlined in chapter VIII of the Dumbarton Oaks proposals deserves close study. The procedure falls into two stages. The first is concerned with the peaceful settlement of disputes. The security council on its own motion or at the request of any state would have the power to investigate any dispute or situation likely to give rise to international friction. Members of the organization would be bound to seek peaceful solutions by the normal methods of negotiation, mediation, conciliation, arbitration or judicial settlement. If the parties to the dispute themselves should fail to reach agreement by any of these means, the security council could recommend appropriate procedures, such as reference to the international court; or seeking the court's advice on the legal aspect of the questions at issue. Matters within the domestic jurisdiction of states would be expressly excluded.

If peaceful measures should fail, the second stage of the procedure would come into effect. The security council could then declare that the failure to arrive at a solution to a dispute constituted a threat to the peace, and it could proceed to further measures. These measures might include, in the first instance, diplomatic and economic sanctions such as