

Editorial

THIS ISSUE of the Journal appears at the start of the Third Development Decade. UNCTAD has now held its fifth full Conference, but little was achieved at Manila and the third world is now in conflict with the rest. During the life of UNCTAD the developing countries have put forward a series of demands which many will think not unreasonable. To these demands, however, the market economies have not been able to find an appropriate or adequate response, and it is difficult to discern what it is that they are hoping to achieve. For a large part, they do not seem to have grasped the importance of the North-South relationship and have been content to take refuge in tactics of obstruction and delay. The socialist countries, on the other hand, instead of attempting to give what assistance they can, have adopted the argument that, because they were not historically responsible for the situation, they are not now called upon to do anything to ameliorate it.

An inevitable result is that the third world, in spite of many internal differences, has through the "Group of 77" become consolidated as never before. Disappointed and impatient at the lack of response of the rich, the poor countries are becoming increasingly frustrated, and it is difficult not to see the attitudes of some of the "non-aligned" in Havana as a reaction to the lack of progress at Manila.

One of the aspects to this confrontation, as it has now unfortunately become, bears on the question of procedure. There have been many proposals for strengthening the machinery of the United Nations, from Charter revision to restructuring within the existing framework. Such schemes however are of little avail unless there is a driving force from the participants to make the system work. What seems to be required at present are not more new formulae, but rather greater determination to use the existing structure to the full.

One matter causes particular concern, and that is the occasion taken at meetings of the economic agencies to raise issues of a nature which properly belong to debates within a political forum. We refer particularly to the moves to try and expel South Africa from the specialized agencies. As the note we carry in this issue shows, South Africa would appear to have been excluded from the Universal Postal Union on what was voted to be a "procedural issue", i.e. by a majority vote after the proposal had failed to gain the support of a two-thirds majority. A similar attempt is also being made to remove South Africa from the World Intellectual Property Organization.

On this issue there is a division between the Group of 77 and the socialist countries (Group D) on the one hand, and the developed market

economy countries (Group B) on the other. The issue is not *apartheid*, which has been and continues to be condemned by all countries. The resolution of the General Assembly condemning *apartheid* (31/6 J), passed by majority vote, called upon all specialized agencies to contribute to the maximum in the international campaign against *apartheid* and, *inter alia*, to exclude the racist regime of South Africa from any participation in their organizations.

The question which divides the groups is first, whether it is appropriate for all General Assembly resolutions (which are not mandatory) on political questions to be implemented in the specialized agencies, and further whether it is lawful for the agencies concerned to expel South Africa from their midst, and if so, in what circumstances. Such expulsion would damage the principle of universality, on which many of the specialized agencies are founded, and would be self-destructive. Furthermore there remains the problem of how technical matters could continue to be dealt with in connection with South Africa once she is no longer a member.

These are delicate issues, raising problems of legality (not for the first time) which require to be faced and to be resolved.

The United Nations and its specialized agencies have become a fertile and important source for the creation of international rules. If there is to be an expansion and restructuring of international trade, which is an essential feature of the New International Economic Order, it will only be made possible if support is given at the same time to an international legal order to ensure that measures agreed upon are respected.

It does not seem that an appeal to legality necessarily involves reference to the International Court, or that there should be a rigid interpretation of rules which ought to remain flexible. What is required however is there should be established, with the help of the legal staff, a fair-minded view of the legal position which could be supported by consensus. It is to be hoped that all countries would strive to make this possible, though of course special responsibility must be borne by those participating in the majority vote which determines the outcome.

We conceive the establishment and strengthening of the rule of law throughout the United Nations organization to be an objective which is in the interest of all who wish to create a stable world. The system is not yet so robust as to be able to withstand any great shocks, and if it is to grow and prosper those responsible for its future must be encouraged to act not only in justice but also with restraint.