

5. Municipal land acquisition should be centralized in a single agency.
6. Federal tax laws should be amended to put owners of income-producing properties in a more advantageous position.
7. The local tax structure should be modified to impose a lighter burden on real estate and to distribute the cost of municipal services more equitably over the entire metropolitan area.
8. Planning to achieve a rational land use pattern and an effective traffic circulation system should be undertaken on a metropolitan area-wide basis.
9. Uniform building legislation should be adopted throughout the metropolitan area.
10. Land should be made available for redevelopment on a lease basis with an option to purchase.

Despite the broad perspective of these proposals and the fact that they constitute a realistic approach to the problem, if they were put into effect they would carry us only a short step toward the author's goal. Mightier means must be found to deflate the balloon of urban land prices. For almost a century we have countenanced the crowding of more and more people into our cities. The greater the concentration of population, the higher real estate values have soared. And the higher prices in turn have fostered greater overcrowding. Unfortunately, the way out of the vicious cycle is not as easy as Colean's prescription may suggest.

LAWRENCE LIVINGSTON, JR.†

VOTING AND THE HANDLING OF DISPUTES IN THE SECURITY COUNCIL. By Eduardo Jiménez de Aréchaga. New York: Carnegie Endowment for International Peace, 1950. Pp. 189. \$2.00.

THE POLITICAL ROLE OF THE GENERAL ASSEMBLY. By H. Field Haviland, Jr. New York: Carnegie Endowment for International Peace, 1951. Pp. 190. \$2.75.

THE significance of international organization as it exists today—its effects and potentialities—in substantial measure turns upon the work of the two primary organs of the United Nations, the General Assembly and the Security Council. These two monographs in the Carnegie Endowment's series of United Nations Studies are revealing in their analyses of the records of accomplishment and lack of accomplishment of these organs.

Professor Jiménez de Aréchaga's approach is keenly legal. He examines the theory and practice of the veto, the processes of submission of a dispute or a situation to the Security Council, the Council's exercise of its powers of in-

---

†City and Regional Planning Consultant. Member, California Bar.

vestigation, its implementation of methods of peaceful settlement, its application of measures to avert or end hostilities, and its enforcement action under Chapter VII of the U.N. Charter. His careful and closely reasoned treatment leaves the reader with three prime impressions: that the Security Council has in fact made a profoundly important and largely constructive contribution to the settlement of international disputes and the frustration of aggression, from Iran in 1946 to Korea today; that it has, in the process, evolved a pattern of action which is relatively consistent and corporate; and that the barriers to accomplishment which were raised by the false assumption at San Francisco of Great Power unity have been significantly eroded by a progressive interpretation of the Council's voting procedures and powers.

Professor Jiménez does not conceal that his own bias is distinctly constructive. His arguments for narrowing the scope of the veto through interpretation, and liberally construing the treaty which is the Charter, so as to make it effective, are cogent, and his consequent demonstration that much can be done with a constitution short of amendment (if that needed demonstration) is compelling. The Council has moved from regarding abstention by a permanent Member as not constituting a veto, to refusal to consider itself paralyzed by the wilful absence of a permanent Member, to stripping permanent Members of the power to veto the majority's decision as to what matters are procedural, and so not subject to the unanimity rule (the so-called "double veto"). Professor Jiménez' exposition of these developments is illuminating.

Professor Jiménez' rigorously legal approach to the work of the Security Council, however, does not attempt to give a full picture of the operations of that highly political organ. His book accordingly suffers from a tendency to equate the talk in the Security Council with the reality outside, to accept the legal rationales advanced in the Council as the actual reasons motivating the policies of the Member States. Professor Jiménez' formalism blunts the edge of his criticism. His treatment of the Palestine case, for example, does not adequately convey the faintheartedness and lack of foresight, the failure to sustain the spirit, if not the letter, of the Charter, which characterized too much of the Council for too long in its delayed reaction to the Arab attempt, through armed aggression, to prevent partition. Professor Jiménez' effort to abstract law in the making from the cases, while hardly commenting upon the cases themselves, has an effect which is at once dispassionate and a trifle unreal.

One can well read Professor Haviland's study in conjunction with that of Professor Jiménez, not only because its political perspicacity is lively, but because it thoroughly treats the notable shift in power from the Security Council to the General Assembly—a trend which puts the record of the Council in perspective. Professor Haviland considers the origins of the Assembly's political role, and its development, in detail. He analyzes the Assembly's organization, voting procedure, techniques of handling disputes, and methods of formulating and implementing policy, and he succinctly reviews the Assembly's treatment of twenty-two major issues. The thread which runs through his analytical narrative is that the Assembly has been successfully assuming political powers

which the Security Council has not been able to wield in a manner satisfactory to most of the Governments concerned.

Professor Haviland recalls that the Soviet Union, as well as the West, on occasion has promoted the Assembly's political role. While he assigns the primary credit to East-West stalemates in the Security Council for the tendency of the Great Powers to desert an organ in which they enjoy the veto for one in which they do not, he also suggests that they have turned to the plenary body because they have found the Assembly a useful means for winning the collaboration of the middle and smaller Powers not regularly represented on the Council, and because the psychological effect of an Assembly decision in their favor may be greater. The smaller Powers naturally are inclined to strengthen the organ in which they exercise far more influence than in the Security Council. Professor Haviland suggests that another factor in the growth of the Assembly's political power has been the number and intensity of the crises with which the Organization has been confronted, but concludes that "[t]he interests of the great, middle and small powers are likely in any era to produce this same tendency to move from the narrow to the broader organ as the central political forum."<sup>1</sup> Professor Haviland's analysis of the Assembly's workings is perceptive and his summation of its successes and failures balanced.

Professor Haviland's book was published less than a year after the Assembly reached the peak of the political development it has so far achieved, with the adoption of the Acheson "Uniting for Peace" resolution. During the past two years, the trend away from the Security Council to the Assembly appears to have been sustained, if not accentuated, but, while the Assembly's power has thus increased relatively within the Organization, it has not increased absolutely. On the contrary, the implementation of the Acheson plan has been unimpressive. Perhaps the most hopeful development has been the substantial, and remarkably unpublicized, adherence of the great majority of Members to the Assembly's recommendation for an embargo on the shipment of strategic materials to the Peoples' Republic of China.

Both studies together provide a perspective on United Nations accomplishments and capacities which is far less discouraging than the impression of United Nations inadequacy which is too widely held.

STEPHEN M. SCHWEBEL†

---

1. HAVILAND, p. 171.

†Author, *THE SECRETARY-GENERAL OF THE UNITED NATIONS* (1952); Member of the Class of 1954, Yale Law School.