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**The  
Participation  
of the  
Soviet Union  
in  
Universal  
International  
Organizations**

**SIJTHOFF | LEIDEN**

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# The Participation of the Soviet Union in Universal International Organizations

A Political  
and Legal Analysis  
of Soviet Strategies and  
Aspirations inside  
ILO, UNESCO and WHO

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of the Soviet Union  
in Universal International  
Organizations**

**To my beloved Mother  
with gratitude and  
respect**

## FOREWORD

The classics of Marxist thought gave little guidance to the Soviet regime in the conduct of international relations. In the 1920's Soviet leaders and scholars debated whether the Soviet government should scorn the existing world legal order and appeal directly to the workers and peasants of other countries or whether it should attempt to transform the existing legal order and organizational structure from within to achieve its strategic and ideological goals. Statesmen of non-communist countries debated whether the Soviet threat they perceived could better be controlled by the containment of Soviet foreign policy within the structure of international organizations or by the exclusion of the Soviet representatives from those organizations.

Recent years have seen some accommodations in international organizations between the special interests of the U.S.S.R. and the interests of the other members, and accommodations have been reached affecting the legal structure and powers of these organizations. These developments have been paralleled by the development of a sophisticated Soviet theory of the legal nature of international organizations, a theory which not only helps to justify Soviet actions before world public opinion, but which also, to some extent, limits and guides Soviet policy.

Professor Osakwe comes well equipped to the task of interpreting Soviet theory and practice in the law and politics of international organizations. He spent eight years at Moscow State University, completing his work for the degree of Candidate of Legal Sciences in 1970 under the able guidance of Professor G. I. Tunkin, the leading Soviet authority on international law. The time spent as a student in Moscow have given him an acquaintance with the Soviet political process that few of his generation in the English speaking world have. We are privileged to share in his insights and interpretation.

Peter B. Maggs  
Professor of Law  
University of Illinois, College of Law

## ACKNOWLEDGMENT

This book has long been in the process of preparation and during the period of time while it has been taking shape in my mind I have accumulated innumerable debts none of which can be adequately fulfilled and some of which, in fact, cannot be discharged.

Greatest of my debts goes to my Master in the law, Professor Peter B. Maggs of the College of Law of the University of Illinois who at all stages in the preparation of this book offered his most valuable assistance and cooperation. His suggestions proved most vital towards the outcome of this work. To him I am deeply grateful.

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Professor Robert F. Miller of the Department of Political Science of the University of Illinois offered me his most professional assistance throughout the time that I was working on the manuscript of this book. The experience I gained from taking over his class on Soviet Foreign Policy during his absence was not only pedagogical, but also intellectually stimulating. The exercise drew my attention to certain practical issues that are raised in the book. To him I express my deep gratitude.

I also wish to express my sincere gratitude to the Institutional Responses to Rapid Social Changes in Russia and Eastern Europe (IRRSCREE) Group of the Russian and East European Center of the University of Illinois at whose spring (1971) session I presented a portion of my study as a paper. The discussion of, and the constructive remarks on, my Report by members of the Group were most helpful in my final preparation of that section of this book. I am also very grateful to Professor Ralph T. Fisher Jr., Director of the Russian and East European Center of the University of Illinois who generously, through his office, funded the final phase of my work on this book. Without this crucial assistance from his Center the result of my research on this topic may not have been what it is today.

My gratitude also goes to the Curatorium of The Hague Academy of

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While acknowledging all the valuable help rendered to me by all the individuals and groups mentioned above, I must accept that the final responsibility for any faults and weak points in this work remains entirely mine.

Peace Palace  
The Hague, August 1971

*C. O. Osakwe*



## PREFACE

Law as a social phenomenon, in contradistinction to coercion and morality, has suffered many definitions in the hands of various leading jurists right from the time of John Austin and all these definitions have tended to show the law's many lives. This is not necessarily true of that amorphous body of norms commonly referred to as "International Law" for lack of a better term. If the saying "*Lex est ancilla politicae*" is true of domestic (national) law, it is even more so of international law.

Despite the many uncertainties surrounding the very nature of international law and its capacity to regulate effectively the behaviour of international entities, international organizations are founded and operate on the basis of international law. From the time the founding members of an international organization adopt a constituent instrument for their new organization, this not including the fact that the very process of treaty negotiation itself is regulated by the law of treaties, international law comes into full play in the relationship between these members "*inter se*" and also, as is often the case, in their relationship with third parties. It is no secret, of course, that behind this effort on the part of the member states of any particular international organization to cooperate with other states lie their closely guarded political interests. These interests not only lead states into accepting these legal forms of cooperation as provided by the international organizations, but also, to a considerable extent determine to what extent they shall be willing to carry out their obligations undertaken therefrom. Added to these two phenomena—law and politics—ideology comes into play as a yet more fundamental force in contemporary international relations.

Politics, by which expression we mean a form of power game, is founded on ideology and law in its turn is only an ancillary of politics. The principal purpose of this study, therefore, is to examine the mechanism of the close interplay of international law, international politics and ideology in the zig-zag process of Soviet participation in universal international organizations. Emphasis, however, is placed on the analysis of Soviet outlook on international politics and the ideological foundations of this outlook. Jurisprudential discussion about the nature of international law is only incidental to the key question.

We have tended to view international law as a dynamic process of conflict resolution rather than as a static body of rules. And it is in this capacity that international law should be seen as providing the necessary legal framework for the conduct of foreign policy of any particular nation. That this law is far from perfect is an understatement—a fact which should be borne in mind by the reader at all times.

As a final note to the reader I would like to mention that the “Footnotes” at the end of each chapter are generally substantive in character and parenthetical to the text.

## LIST OF ABBREVIATIONS

AFDI	Annuaire Français de Droit International
AFL-CIO	American Federation of Labour and Congress of Industrial Organizations. (A trade union movement established in December 1955 by the merger of the AFL and the CIO with a membership put at approximately 14.5 million.)
AJIL	American Journal of International Law
ANZUS	(Australia, New Zealand, and the United States) The tripartite security treaty concluded between the three countries at San Francisco on September 1, 1951
AUCCTU	All-Union Central Council of Trade Unions (Vsesoiuznyi Tsental'nyi Soviet Professional'nykh Soiuzov)
BYIL	British Yearbook of International Law
Can. YBIL	Canadian Yearbook of International Law
COMECON	Council of Mutual Economic Assistance
CPSU	Communist Party of the Soviet Union
ECOSOC	Economic and Social Council of the United Nations
FAO	Food and Agricultural Organization of the United Nations
FZMK	Fabrichnyi Zavodskoi Mestnyi Komitet Profsoiuza (The Factory Plant Local Committee of the Trade Union)
GA-UN	General Assembly of the United Nations
Hague Recueil	Recueil des Cours de l'Académie de Droit International de La Haye
HOLN	Health Organization of the League of Nations
IAEA	International Atomic Energy Agency
IBPH	International Bureau of Public Health
ICAO	International Civil Aviation Organization
ICJ Reports	International Court of Justice, Reports of Judgment, Advisory Opinions and Orders
ILO	International Labour Organization
IMCO	Inter-Governmental Maritime Consultative Organization
ITU	International Telecommunications Union

Kan. Jur.	Kandidat Iuridicheskykh Nauk (Candidate of Juridical Sciences)—considered the equivalent of the Ph.D. degree
KGB	Komitet Gosudarstvennoi Bezopasnosti (Committee on State Security)
LNTS	League of Nations Treaty Series
Mag. Jur.	Magistr Iuridicheskykh Nauk (Master of Juridical Sciences)—considered the equivalent of the LL.M degree
MGU	Moskovskii Gosudarstvennyi Universitet (Moscow State University)
PASIL	Proceedings of the American Society of International Law
SC-UN	Security Council of the United Nations Organization
SEMP	Sovetskii Ezhegodnik Mezhdunarodnogo Prava (Soviet Yearbook of International Law)—published by the Soviet Association of International Law
SGP	Sovetskoe Gosudarstvo i Pravo (Soviet State and Law)—published by the Institute of State and Law of the Soviet Academy of Sciences
TASS	Telegrafnoe Agentstvo Sovetskogo Soiuza (Telegraphic Agency of the Soviet Union)
UNCIO Docs.	United Nations Conference on International Organization—Documents
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNTS	United Nations Treaty Series
WHO	World Health Organization

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## INTRODUCTION

One of the major by-products of the first world war was the precipitation of the Bolshevik Revolution of November 1917 which later swept across the full length and breadth of the entire Russian continental Empire. The events of November 1917 definitely marked a turning point in the history of Russia—they revolutionised the entire thinking of the Russian people, they sharply affected the attitude of Russia towards any schemes or ideas that were hatched outside its borders. Russia all of a sudden withdrew from its position as a great European power.<sup>1</sup> After the events of November 7, 1917 Russia gradually isolated herself from the rest of Europe and, in fact, from the rest of the world as a whole as she progressively built iron walls all along her borders to make her own citizens prisoners in their own country.

On the home front intellectual imprisonment progressively dawned upon the Russian intelligentsia. The revolutionary spirit of Bolshevism infiltrated into the spheres of art, science, and culture and this in its turn led to the new posture which was to be adopted by the emergent Soviet doctrine of international law—the posture of critical negativism towards traditional international legal concepts.<sup>2</sup> However, this new mental attitude adopted by Soviet international lawyers, like all forcibly imposed positions from above, has never been consistently presented. One only needs to take a glance at the historical development of Soviet international legal science to notice the frequent shift of positions within it.<sup>3</sup>

The creation of the League of Nations in 1919 within the framework of the Treaty of Versailles provided the first test for Soviet attitude towards a legal order hatched outside, and without the participation of, Soviet Russia. Soviet attitude towards the League of Nations was violently negative right from the outset, particularly between 1919-1934 and later on after 1939. By and large Soviet Russia saw the League of Nations as an anti-communist coalition aimed at destroying the new Soviet state, Soviet attitude towards the League demonstrates to its fullest the zig-zag development and neomachiavellism which has come to be closely associated with Soviet foreign policy be it under the leadership of V. I. Lenin, or under Joseph Stalin, or even under the direction of N. S. Khrushchev, not to talk of the present Kremlin troika.

Max Beloff, commenting on Soviet attitude towards the League of Nations at the time, stated: "From its foundation the League of Nations had been regarded with suspicion by the Soviet Union. It was denounced at the First Congress of the Communist International (COMINTERN) as the holy alliance of the bourgeoisie for the suppression of the proletarian revolution."<sup>4</sup> He further records that as late as 1928 the Manifesto of the Sixth Congress (of the COMINTERN) declared the League of Nations the product of Versailles and, therefore, the most shameless robber-treaty of the last decade which was an attempt to cloak the military aims of the members by working out projects for disarmament.<sup>5</sup>

Max Beloff, however, like all Western scholars, and to our mind justifiably too, refuses to share this Soviet view on the intentions of the founding fathers of the League of Nations. The League certainly was a very bold experiment in the international organization of a hitherto unorganized international community of nations and it is only to be regretted that the Soviet government attributed to this new institution the qualities of an anti-communist monster. Whatever reasoning compelled the Soviet Union to adopt such a negative attitude towards the League of Nations and its sister-institutions is undoubtedly very political.

It would be intellectually dishonest, however, for us not to attempt to analyse Russia's grievances against the League of Nations. The following reasons might suggest themselves as being responsible for Russia's initial hatred for the League of Nations:

1. France, one of the two leading members of the League helped Poland, another member of the League, in her war against Soviet Russia;
2. England, the other leading member of the League and the United States—one of the chief architects of the League but who later refused to join the Organization—nourished the same belief as the other states that were represented at the Paris Peace Conference, namely, that the League of Nations might aid the counter-revolutionaries by serving as an antidote to the "communist poison" posed by the Bolshevik revolution. All these events made Russia highly sceptical of the value of the League of Nations as an international organization for the maintenance of international peace and security. She naturally looked upon the League of Nations as an anti-Soviet coalition and as a bastion of counter-revolution. Various Soviet statesmen called the League of Nations by various names: "an alliance of world bandits against the proletariat", "a league of the capitalists against nations", "the shadow of the feast of the Supreme Allied Council", etc.<sup>6</sup>

However, Soviet foreign policy founded, like any other foreign policy of any state in the world, on Machiavellian principles, did not hesitate to reconsider its attitude towards the "imperialist League of Nations" when such a move was dictated by some superior political interests. This was exactly what happened in 1934 when the Soviet attitude towards the



League of Nations changed radically from a condemnation of its aims and objectives to that of co-operation with the Organization. The explanation for such a change of attitude is very clear to any student of international politics—in international politics like in national, there are no permanent friends nor are there permanent enemies, but only permanent interests and these interests are permanently served by a combination of alternating options and through constantly shifting alliances.

During the period immediately following 1934 Russia was afraid of the growing menace of Hitler's aggression. Russia was at this time, at least militarily, highly vulnerable and she knew that she could not stand a blow from fascist Germany. This fear was heightened by the fear of Japanese militarism from the East just as it was coupled with the internal vulnerability which Stalinist Russia faced from the gross discontent which dominated her domestic political scene. All these practical political considerations led Soviet Russia into a political re-appraisal of her attitude towards the League of Nations. In fact, Russia was of the impression that Germany withdrew from the League of Nations in order to prepare an attack against her.

One might begin to wonder how such a reasoning is compatible with the official Soviet position of viewing the League of Nations as being anti-communist. The fact is that, in the Soviet view, even though the League was seen as an instrument of anti-Soviet machinations, the Germans thought that the League was insufficiently anti-Soviet and was, therefore, constituting itself into an intolerable obstruction for the more radically anti-Soviet Nazi schemes. This led Germany to withdraw from the coalition.

In more specific terms one can say that a combination of the following factors pushed Russia into joining the League of Nations in 1934:

1. Soviet Russia had been feeling itself menaced from the East by Japan. This became all the more apparent when the aggressive military party gained almost complete control of the Japanese government.
2. The repeated statements of the Nazi leaders concerning their ambitions enhanced the Soviet fear of German design on the Ukraine. Prior to assuming power and much after that Hitler persistently condemned Bolshevism as an attempt by the Jews to obtain world power and he had been insisting that Germany needed to acquire more territory in order to feed its surplus population.<sup>7</sup>

In the light of the political events of 1931-1934, the Soviets came to believe that Japan and Germany had withdrawn from the League of Nations in order that they might have free hands for the strengthening of their imperialist power and dominance by planning a joint crusade on Russia—Japan was to strike from the East and Germany, from the West.

3. The Soviet Union's hesitancy to join the League of Nations increased the possibility of war. Political exigencies dictated to the USSR to join