



“Given the existence of One World defined as a set of objective conditions, disaster may be the price of failure to achieve One World defined in terms of a moral and political ideal.”

Inis L. Claude, Jr.

## **Hungary and the United Nations 1956 – 1962: A Legal and Political Analysis**

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## **Hungary and the United Nations 1956 – 1962: A Legal and Political Analysis**

by  
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The Hungarian Revolution was one of the outstanding events in the Cold-War era and had reverberating consequences domestically and internationally.

The history of the time period between 23 October and 4 November 1956 produced a voluminous historical and political literature including studies of international relations. Most works centered around philosophical, literary, and political approaches and side-tracked the international law and United Nations aspects. Especially most Hungarian approaches were Hungaro-centrist and not only disregarded the unfolding drama before the UN, but undervalued the external power political factors, neglecting the international environment defining the limits of possible at that time.

There are several studies which devote some attention to the UN proceedings between 1956 and 1962 but none puts the focus on the international law and UN Charter implications in a comprehensive analytical way and do not concentrate on the legal framework of the conflict.<sup>1</sup> The present study is a modest attempt to fill this gap and paint with broad strokes on the canvass: a focused image of the UN/International law in the uprising's picture.

The events of 1956 serve only as a background in this study and provide a means to an end: the exploration of the UN procedures as framework of the Cold War crisis dominating the 1956-1962 years. For the purposes of this exploration, it suffices to note that the collapse of the Hungarian Communist Party and the regime it upheld, was the result of the belated and chaotic de-Stalinization

process. From the intraparty dissent, the emotions broke out on 23 October 1956 and enveloped the entire society quickly. However amidst the uncontrollable enthusiasm, it was overlooked that in terms of power politics the Revolution and its anti-Soviet drive was doomed and dead before arrival. The masses lost their realism and (very typically) disregarded the international balance of power and prevailing vital interests of both the US and the USSR.

The outbreak, following previous fermentation within the Communist Party and also inspired by the Polish events spread over Budapest and subsequently to the countryside on the 23rd of October 1956. The peaceful demonstrations were met by the security forces in a violent confrontation. The next morning on the 24th of October, the first deployed Soviet army convoys moved on the Danube bank, setting the stage to change internal politics into an international one and leading to the subsequent full Soviet military invasion against Hungary on the 4th of November.

Thus started the first state vs. state war in the post World War II era, the USSR committing open aggression and violation of sovereignty of another (“socialist”) country, both parties being members of the United Nations. This development triggered a dangerous confrontation between the two major nuclear powers as well as a litigious eyeball-to-eyeball challenge between them.

## **I. The Legal Grounds of UN Proceedings**

The United States and the West took no diplomatic action nor applied political pressure against the Soviet Union in the Hungarian crisis but placed the case relatively early before the UN calling for an urgent session of the Security Council, followed by the Special Emergency Session and seven General Assembly sessions: the 11th, 12th, 13th, 14th, 15th, 16th, and 17th, between 1956 and 1962. The apparent rationale to keep the Hungarian case on the agenda was based on the principle that in the post World War II era, the proper conflict resolution authority rests with the United Nations. Accordingly, the used legal arguments were rooted in classical international law norms and the special UN Law: the Charter. The arguments were tied to the Preamble and the Charter as a whole: the importance of fundamental human rights, respect for treaties in force and the maintenance of peace and security.

The key articles referred to by the US and the majority were Arts. 1 and 2. It is the purpose of the UN to take collective security measures and suppress aggression or breach of the peace, conforming to international law and the Charter principles (Art. 1); the Treaty of Paris was also invoked. The gist of the US references centered around Art. 2: spelling out the sovereign equality of members in Arts. 2.1 and 2.4, *prohibiting* using *threat* or *force* against the territorial integrity and political independence of any state - this proviso especially echoed throughout the proceedings and remained the lead argument in passing resolutions against the USSR.

Other Charter provisos frequently quoted were Arts. 34, 55, 56, and 62. The jurisdiction of the Security Council to investigate controversies is rooted in Art. 34, while Chapter IX, Arts. 55 and 56 envelop human rights and fundamental freedoms; Art. 62 extends authority to the Economic and Social Council regarding recommendations effecting human rights and fundamental freedoms. Extra lege Charter, frequent references were also made to the Genocide Convention<sup>2</sup> the Universal Declaration of Human Rights<sup>3</sup> the Paris Peace Treaty<sup>4</sup> and last but not least to the Warsaw Pact.<sup>5</sup> The United Kingdom pointed out that the Warsaw Pact did not create a legal basis for intervention since Art. 8 guaranteed the sovereignty of its members as well as non-intervention in domestic affairs of the signatory powers.

The USSR and the Soviet Block countries did not take direct issue with the legal grounds of the majority but rejected “interference” on other grounds. Throughout the entire case-history the opposition built their position basically around one key part of the Charter: Art. 2.7. The events in Hungary were “counter-revolutionary” and essentially a product of US interference in the domestic affairs of Hungary, consequently any discussion of the events in the UN represents a violation of Hungarian sovereignty and is contrary to Par. 2.7 which forbids UN intervention in the sovereign jurisdictions of the member-states. To strengthen this view, the USSR also invoked the Paris and Warsaw treaties as well as the Charter as a whole. Thus the majority legal arguments were not confronted but rather bypassed, the underlying facts of the two sides were entirely antagonistic. The

Soviets insisted that the US instigated the revolt and thus violated Art. 2.4 for political purposes - thus the UN has no legitimate jurisdiction in light of the Art. 2.7 restriction.

In balance, the legal debate was not about opposing legal views but diametrically exclusive perceptions of the relevant facts. The UN Special Committee however, unanimously established the merit of the facts and the reliability of the Committee was not called into question: the uprising was a spontaneous act and not an effect of an alleged cause triggered by some outside intervention. The 11th General Assembly session endorsed the Special Committee's final report in Res. 1133 (XI) by a vote of 60-10-10 on September 14, 1957, an impressive majority of the International community at that time, only the Soviet Block voting "nay".

The Special Committee Report rejected the Soviet arguments based on Art. 2.7 which is, of course, the most controversial provision of the Charter widely challenged throughout the life of the Organization. However, in this case there was not much room for theoretical/analytical assessment because the underlying facts were hardly dubious on close scrutiny. Furthermore, the last clause of Art. 2.7 makes it clear that "the principle shall not prejudice the application of enforcement measures under Chapter VII". The Assembly proceeded on the basis of the "Uniting for Peace Resolution" which empowered it to take up such questions if the Council became paralyzed by the negative vote of any of the permanent members.<sup>6</sup>

## **II. The United Nations Procedures: The Crisis Period<sup>7</sup>**

### *A. The Security Council*

Two days into the uprising, US led Western diplomacy took up the issue and France, the UK and US called for an urgent meeting of the Security Council on the 26th and 27th of October under Art. 34 of the Charter. The first meeting was on the 28th, relatively quickly, on which the Hungarian delegate protested against discussion stating that the issue falls under domestic jurisdiction. The Council decision by a vote of 9 to 1 placed the item on the agenda but due to the volatile situation, did not take substantive action.

On November 2nd, Prime Minister Imre Nagy requested action by the Council; on the 3rd the US presented a draft resolution calling on the Soviet Union to cease intervention. The Council did not vote on this but the US resubmitted a modified version on the 4th at 3:00 EST when the Soviet invasion was already in full swing. The Council rejected the draft calling on the USSR to cease intervention, by a vote of 10-1; the Council decided to invoke the "Uniting for Peace" resolution (UN, GA. 377/AV) and called on the Special Emergency Session of the General Assembly to take the necessary measures.

These Council deliberations appear to be hesitant and procrastinating. The situation in Hungary between the 23rd and 30th of October was fluid and neither the US nor the USSR had clear information on the situation, and the origin and legitimacy of the Soviet interference beginning on the 24th were obscure. Thus both major actors in the confrontation delayed somewhat: the Soviets hesitating to use massive military force, the US anxious not to rush into a situation in which, short of going to the brink of war with the Soviet army, (the US) would face a major embarrassment if it were not able to act.

Because of the structure of the Charter, without unanimous agreement by the permanent members, Chapter VII collective security measures were impossible to pass. The single Soviet veto on the American draft resolution prevented any role by the Council, leaving the only remedy in the hands of the General Assembly with only recommendatory powers and even these were under cloudy legal grounds.

### *B. The Special Emergency Session of the General Assembly Diplomacy Unleashed*

Since the anxiety of bold actions receded with the failure in the Council, both major actors became free now to have a firework of UN procedures in the Cold War confrontation. The Emergency Session put the Hungarian issue on the agenda on November 4 with an impressive majority (53-8-8). The US submitted resolution called on the Soviet Union to stop intervention in Hungary's domestic affairs (Res. 1004 ES-II), to desist from armed attack and withdraw its forces and permit UN observers designated by the Secretary General to enter the country and report. These decisions were passed by a 50-8-15 vote but Hungary was not represented at this point. On November 5 the new Kádár government cabled Hungary's objection based on the Art. 2.7 domestic jurisdiction clause and declared all previous procedure moves by the Hungarian government "null and void".

The Special Session, on November 8, passed three resolutions: 1) Five power resolution for free elections under UN auspices; 2) US resolution calling upon the Soviet Union to stop hostile actions and facilitate distribution of aid; and 3) Austrian resolution requesting distribution of large scale medical and food aid. The resolutions were all approved by overwhelming majorities similar to the original vote and all were opposed by the USSR and its allies: "the events in Hungary fall within the exclusive jurisdiction of the Hungarian Peoples Republic." The Hungarian representative, Mr. Szabo's credentials were not approved and the issue of representation was referred to the Credential Committee. As a closing finale, the US - having exhausted all possibilities before the Emergency Session - requested to transfer the Hungarian issue to the regular 11th session of the General Assembly, as a matter of priority by a vote of 53-9-6 (Res. 1008/ES-II).

With the inconvenience of a substantive security decision by the Council fading, the US avoided an embarrassing dilemma of a highly dangerous confrontation. The real policy ended in a dead-end and manifest policy took over on a large scale; the UN collective security having been paralyzed, real security became balanced by posturing.

This policy conformed with the principles of the UN Charter and put the USSR on the defensive; the WTO countries closed ranks around the Art. 2.7 clause while ostensibly also maintaining their true respect for the Organization. As their manifest policy, they submitted resolutions to condemn the western powers with instigating unrest and dislocation in the socialist camp.<sup>8</sup> The interplay between the two antagonistic forces clearly shows that the UN Charter became inoperative in vital power interests. On numerous occasions before the Special Session, the US repeatedly upheld the principles of the Charter as an important policy goal and the usefulness of the UN as a guardian of peace - so intended by the architects of the Charter in the Dunbarton Oaks and San Francisco preparatory meetings.

In the background of US actions, the X-article containment policy remained in force<sup>9</sup>, but was somewhat colored by the Eisenhower-Dulles "Liberation policy". The latter became controversial in the Polish and Hungarian cases but was not discarded: President Eisenhower and Vice President Nixon proclaimed on November 14: "that the liberation means to keep the spirit of freedom alive."<sup>10</sup> This position, however respectable, built the ground for the endless repetition of basically identical US arguments versus the Soviet Union and associates for seven years to come.

### *C. The Eleventh Regular Session*

The Special Emergency session exhausted collective security substitute measures and failed to convince the Soviet block adversaries to heed the recommendations of the Assembly. The primary peace keeping role of the UN was rendered impotent not because of the failure of the United Nations, but rather on account of the disunited nations, i.e. the permanent members of the Council. Having become paralyzed in its primary role, the Organization embarked in repetition compulsion and attending secondary matters which, however, were still of major importance. At the end of November, several new resolutions were adopted by impressive majorities: urging the Soviet Union and Hungary to halt deportations; calling for UN observers to travel to Hungary; continue aid to Hungarian refugees.<sup>11</sup>

The Secretary General reported on November 30 the total lack of compliance by the addressed parties; Hungary hid under the domestic jurisdiction clause and denied permission for the Secretary General's previously arranged visit to enter the country (Dec. 16). Even such steps were declared by Hungary as a violation of the Charter guaranteed sovereignty of the members and their delegate walked out of the

meetings. One more abortive effort took place: a twenty-power resolution for the original request to withdraw from Hungary, was passed by a strong majority (55-8-13 abstentions) and also authorized the Secretary General to undertake any measures he deems necessary. Thus appeared the first precedent for the later repetitions to the last 17th Session when the assembly agenda item finally died. The Hungarian-Soviet conflict created significant world reaction which partly gained expression in the publicity of the UN. The Soviet Block undertook to counter this: the synchronized propaganda themes combined with their persistent defiance of the Assembly's resolutions, stiffened the majority's will to keep the issue alive. The Soviets even went so far that they submitted a new agenda item on the 11th Assembly concerning "US interference into domestic affairs of several East European countries" and especially in Hungary, and accused the majority of "pursuing malicious propaganda" against the USSR and the People's Democracies generating new international frictions. In the light of this manifest policy by the Soviet Union, the Assembly could not have abandoned the case even if it wanted to.

#### *D. The Special Committee*

Since the UN was dysfunctional in its primary role and was faced with the obstinacy of one of its permanent members of the Council, the General Assembly felt compelled to uphold the organization's authority, lest the post-war collective security structure collapse and lose its *raison d'état*. Thus the General Assembly, on its 11th regular session on January 10, 1957, established a Special Committee on Hungary for investigation and observation; it was composed by Australia, Ceylon, Denmark, Tunisia, and Uruguay. The resolution called for permission to enter Hungary, members shall provide information in their possession, requested the Secretary General to take all steps necessary - the vote was carried 59-8-10 (Res. 1132/XI). On February 21, the 11th General Assembly accepted a suggestion from the Credentials Committee to take no decision regarding the credentials of the Hungarian representatives. This decision had only moral results, since according to Clause 29 of the Rules of Procedure, the *de facto* recognition of the delegation made it possible for it to participate fully in the Assembly until the final decision should be made regarding its credentials.

On January 23, 1957 the UN High Commission on Refugees reported, but the request to enter Hungary and Romania were rejected by the respective governments on the ground that the establishment of the Committee violated the Charter. Thus the Special Committee was confined to interview only outside of Hungary and their report was based on 111 witnesses in New York, Geneva, Rome, Vienna, and London, and was accepted by Res. 1133/XI on a vote of 60-10-10 on September 14, 1957. The report stated that the uprising was spontaneous:

- \* the USSR deprived Hungary from its political independence and human rights,
- \* the Government was imposed by armed invasion,
- \* mass deportations were carried out, and
- \* the USSR violated the Geneva Convention of 1949 and the Paris Treaty of Peace.

The Report mandated further efforts to achieve the UN objectives and called upon the Soviet Union and Hungary (again) to comply with international decisions, especially regarding human rights and deportations and finally repeatedly appealed to the President of the Assembly to take necessary steps. As the later trajectory of the Special Committee retrospectively will show the 11th Assembly and the Committee at this point closed the crisis period without tangible results. Later proceedings, however, allow impressions that the UN proceedings were not without positive input in the aftermath but remained confined only to secondary matters.

#### *E. The Aftermath: the 12th, 13th and 14th Sessions*

With the Special Committee's frustration over non-compliance by the Soviet Union and Hungary, the American diplomatic pressure became futile but the proceedings continued for several years before the issue began to wither away. Prince Van Waithayakon, Special Representative, reported to the 12th

*session* in September 1957 that he pressed for the Soviet withdrawal, return of deportees and free elections, but even his visa request was rejected on the basis of the usual domestic jurisdiction excuse. The Special Committee sent a letter to the Hungarian foreign minister regarding political trials and executions; the minister returned the letter stating that he is in no position to communicate with the Committee.

On the following *13th session*, a new terror wave made its debut in Hungary: the execution of the Nagy-Maléter group. There was international uproar about this, but no effective prevention was possible. However, a 54-10-15 vote strong resolution condemned the actions and called on Hungary to desist. The new Special Representative, Sir Leslie Munro of New Zealand, was also appointed.

In November 1959, the *14th General Assembly* session was essentially a replay of the former proceedings and the Special Representative reported that “there was no basic change in Hungary”. The redundant domestic jurisdiction record was again replayed by the Soviet side but - outside of the socialist camp - nobody paid attention.

These sessions did not take place only with focus on the situation in Hungary but were enveloped in the broader international environment. The degeneration of the issue continued however, as other events overshadowed it. It would be impossible to paint a detailed picture here but a few key points will suffice. The Bolivian delegate argued that silence and timidity would not have served the cause of peace and of the UN, nor the principles of freedom and human rights and pressed for the policy that the UN ought to remain “seized by the Hungarian problem”.<sup>12</sup> If we consider the Cold War conflict context of the time, it is understandable that the UN proceedings in the Hungary case were important propaganda points.

World opinion was regarded as an essential factor according to the Australian delegate who did not out rule some impact of the Special Representative on developments in Hungary.<sup>13</sup> James J. Wadsworth, US Deputy Representative, stated that it appears that the deportations were halted partly because of the Special Representatives’ activities<sup>14</sup> “In the larger perspective the passive stance of the US in Berlin, Poznan, Warsaw, and Budapest indicated that the liberation policy was weakened but not killed.: “We will never forget.”<sup>15</sup> Strong evidence validates that there was propaganda and cold war interest involved to keep the issue alive by the US, however, the dormant Berlin question Tibet, civil war in Laos and Castro’s role in Cuba together with Soviet expansion in the Middle East complete the picture of the global context of collision points between the US and Soviet Union. The Hungary issue therefore remained an important point in the confrontation.<sup>16</sup>

#### *F. Finale: the 15th, 16th and 17th Sessions*

Between 1960 and 1962, the Hungarian case declined in significance and finally faded away. These deliberations were essentially a replay of the earlier pattern but still had a significant role in the context of world politics seized by the Cold War confrontations. The membership of the UN expanded with the newly joining post-colonial countries and altered the voting balance in the Assembly. On the *15th Session*, the Special Representative submitted his report noting no essential changes and the Hungarians again invoked the refrain of the domestic jurisdiction escape clause unsuccessfully. The draft resolution was not voted on but it was carried over to the 16th meeting where once again the routine resolution was passed but the Assembly atmosphere indicated that the question was somewhat artificially kept alive: five years elapsed since the deprivation of Hungary’s right to self-determination and its proclaimed neutral position.

In December 1961, the Special Representative once again submitted to the *16th Assembly* his report invoking Res. 1514/XV (1960) proclaiming the right of self-determination for all peoples, including Hungary and recorded no progress in implementing previous UN decisions. Hungary sent a letter to the acting Secretary General stating that the issue is abused by the US as “a tool in the East-West confrontation preventing the Organization from other important tasks”.<sup>17</sup> But the US called attention to the fact that the denial of independence to Hungary took place at a time when it was guaranteed to newly independent nations in Africa and Asia - a challenge to the principles of the Organization.

The draft resolution (1741/XVI) was passed with diminishing majority (49-17-32)<sup>18</sup> and the following *17th Session* (1962) brought the US-UN diplomatic offensive to its end. The fourth report of Sir Leslie Munro concluded that no basic changes took place in Hungary since 1956. There was one more

replay with a new Hungarian element: the Soviet forces' presence "has nothing to do with the internal situation in Hungary because the Soviet troops were there on the basis of the Warsaw Treaty".<sup>19</sup> Hungary also protested the distribution of the Representative's Report which was based on "completely false evidence".<sup>20</sup>

The last draft resolution abolished the position of the Special Representative and requested that the Secretary General should take any initiative relevant to the case since the fundamental principles and purposes of the Charter are at stake. The final roll call voting passed Res.1857/XVII with only 50-13-43 votes. The declining ratio of affirmative votes and the notable increase in the abstentions in comparison to earlier voting records marks the end of the long political battle in the UN - the aborted collective security issue followed by a seemingly unsuccessful substitute, outlived its significance. That the UN proceedings were not all sterile, the international perspectives clearly show.

The highlights of the contemporary world political events illuminate the downward trajectory of the Hungary problem. The gradual abandonment took place in an increasingly hostile environment making American/Western concessions more difficult. In 1950,1960, a new Soviet diplomatic-political offensive was in progress: the U-2 incident, the cancellation of the US-Soviet summit, and increasing Soviet presence in Cuba. President Kennedy's foreign policy fiascos in Laos and the Bay of Pigs and resumed Soviet nuclear testing. In this context, forced collectivization in Hungary did not balance a somewhat reduced terror in Western minds. The State Department continued to uphold some faint vestiges of the liberation concept and issued on October 23, 1960 a commemorative statement.<sup>21</sup>

The tense Cold War atmosphere climaxed in the renewed Berlin crisis and the Wall - unopposed by the Kennedy administration and Khrushchev pressed the Soviet challenges to the danger point in the 1962 missile confrontation in Cuba. However, the latter crisis symbolized perhaps a stalemate in the balance of nuclear power and may have opened the door for some degree of rapprochement and coexistence materializing later in President Nixon's detente efforts.

In the voting pattern of the Assembly, the increasing negative votes and abstentions came largely from the newly admitted post-colonial members who often took a simplified view of the Hungarian matter and labeled it a cold war issue, a western plot from which they stood apart.<sup>22</sup> Amidst these relentless confrontations there was some speculation that the dropping of the issue and Kadareque amnesty were related but this is not adequately documented.<sup>23</sup> Subsequent information revealed "unofficial" contacts between Hungarian and US diplomats in 1962-1963 to establish an understanding regarding political amnesty by the Kádár government and the discontinuation of the Hungarian agenda item at the UN.<sup>24</sup>

That the US acted gradually more in its own policy interest in the East-West context, may be understandable but was not smoothing Hungarian hurt feelings. To balance power with ideology, the US repeatedly expressed that it might pick up the item again and/or take any other step deemed necessary in changing circumstances.<sup>25</sup> This position in a different form meant again an uncertain, unspecified interest in the fate of Eastern Europe which in the post World War II era was recognized by the West as a vital Soviet sphere of influence.

### *G. The UN Case-History: The Balance*

It is not the United Nations' failure that the crisis could not be resolved by collective security actions. The UN cannot act without Security Council cooperation to apply Ch. VII. of the Charter and two of its permanent veto yielding members were locked in a vital interest confrontation. The UN possesses no sovereign decision-making power, it will only reflect the member's will. The organization has no power or will apart from that of its own (major) members.<sup>26</sup> Some historians and critiques of the time as well as those of today, write off the UN procedures as useless or even "shameful".<sup>27</sup> However, more objective observers acknowledge that the balance is not so simplistic and due credit ought to be given to the important secondary issues in which UN procedures provided significant accomplishments.

In humanitarian and relief activities, the UN played a leading coordinating role and the continued interest expressed on the fora of the Organization effected positively the morale of the Hungarian society. The questions of communist renaissance terror and deportations were focused by the 11th

Assembly and the Special Representative and it is likely - but empirically uncertain - that the world publicity in these issues may have had a positive impact. As James Wadsworth, US Ambassador, stated: "It is generally conceded...that the deportations...were halted because of the spotlight thrown on them at the UN."<sup>28</sup> The analysis and recording by the Special Committee assured documentation based on large scale interviews of the true events between October 23 and November 10, 1956.

It would be difficult to argue that the UN case history did not serve the international organization's primary interest in the Purposes and Principles of the Charter and accordingly the importance of the UN's parent: Public International Law. To be sure there was criticism, especially coming from the purportedly neutral third-world countries. Led by India's Nehru, Indonesia and Burma repeatedly questioned the continued UN interest and proposed a toned down conciliatory Western US policy toward the USSR and building bridges above the Cold War ravine. If this would have been accepted as the primary role and function of the UN in the Hungary issue, it would have resulted in a *reductio ad absurdum* and would have rendered even the fictitious vision of the UN as guardian of peace, irrelevant.

The positive achievements continued in the aftermath phase too: among several important secondary issues the execution of the Nagy group and generally the continued terror stand out: the 13th and 14th sessions addressed these new developments and the Special Representative also focused on them.

In the later phase the positive impact of continued Hungarian agenda items is more difficult to assess unequivocally: US foreign policy interests pushed themselves to the forefront in the Cold War conflicts. Nonetheless juxtaposed to the East-West renewed conflicts, the constructive attention to the principles and purposes of the Charter cannot be discounted. This was realistic even if the recurrent debates created cyclical tensions in the UN and in relations between the Cold War blocks. This situation characterized especially the 15th, 16th, and 17th sessions and brought to the forefront suggestions to abandon the already obsolete 1956 events.<sup>29</sup> The fact that the UN continued "to be seized" by Hungary, undoubtedly was capitalized on by US diplomacy and domestic policy interests. In the 1960 presidential campaign, H.C. Lodge insisted to keep the role of liberation alive and President Eisenhower in his Report to Congress, also stressed that the repeated UN actions were a reminder to Moscow<sup>30</sup> while the State Department emphasized continued interest in the fate of East Europe.<sup>31</sup>

In the final analysis, the balance shows that the repeated American supported moves were partly formulated by national interest, especially in the aftermath, however the UN proceedings as a whole were meaningful in the secondary issues and commitments to the Charter and consequently to the Hungarian problem itself.

### **III. The US, the UN and Hungary**

The Hungarian case before the UN took place amidst the complex contemporary world politics. In a triangle model, one side of which is the US, the other the USSR and the third the UN, Hungary was in the middle: in the cross-hair of competing power interests. In the post World War II era, American foreign policy was determined first by the "X" article outlining the rationale for the containment policy.<sup>32</sup> Circumventing the Western perceptions of the Yalta agreement, Soviet power expanded unopposed in East Europe and in the heart of Europe, Berlin. Attempts were made by the USSR to undermine through communist parties the major western European countries, averted only by the Marshall plan and the organization of NATO, a passive/active stance. However, the US could not disregard the shifting balance of power in favor of the Soviet Union and could not remain entirely silent about the Europe behind the "Iron Curtain". Both domestic and international political and economic interests called for some positive signal to indicate that the statuesque was not forever. To move away from the defensive position, the Eisenhower administration was complimenting containment with the "liberation policy", however, specific action programs were not formulated<sup>33</sup> and the US was not backing it advocating military help through the Voice of America or the Radio Free Europe. The danger of major conflict was threatening in the Korean War which ended officially only in 1953, the same year Stalin died. The Soviets achieved nuclear parity, if not superiority in missiles and the Soviet army in Europe could not have been held back short of tactical nuclear weapons, if at all.<sup>34</sup>

After Stalin's death, rapid leadership changes in Moscow created a period of uncertainty until the XXth Party Congress and Khrushchev's, "deStalinization" measures signaled a new phase. Internal

crises in the socialist commonwealth began to surface. The Berlin uprising in March 1953, Poznan and Poland in 1956 proved that the American “liberation” is only a verbal and not power defined policy - the US remained passive in all. In the Far East the Taiwan question, in 1956 the Suez crisis are the main neuralgic points in US foreign policy. This in essence was three years after Korea - and the American public was not ready to get involved in another possibly nuclear showdown with the Soviet Union.

On the other side we see an unfolding expansion of Soviet power worldwide. The emergency of communist China, the Castro victory in the Western hemisphere, established nuclear parity and for a while missile superiority, the USSR boldly challenged the West. They twisted the Yalta agreement and the UN principles for their advantage, however, they also understood the limits of (nuclear) power as later in the Cuban missile crisis was evident. In sum 1956 finds Khrushchev and the new ideological line in a psychologically weakened position. There was internal opposition within the CPSU and concern with the danger of destabilization of the monolithic power sustaining the world political position of the USSR.

The third side of the triangle, the UN was partially paralyzed by Soviet obstructionism but it was procedurally successful in the Korean case on account of default by the Soviet diplomacy. In the international context it is understandable that the resolution of the suddenly erupting Hungarian crisis was sought to be put before the United Nations and thus Hungary became the key focus of the controversies and object of the conflicting interests of these major forces.

Under these circumstances, it appears that it was a vital Soviet interest not to allow the unilateral actions of the Hungarians to prevail. It was feared that this could endanger the entire Empire since repercussions could have been felt throughout the sister states and inside Russia as well. Considering the total balance of power between East and West and especially the military strategic power in Europe, amidst a presidential election, it was unimaginable that the US would have been in the position to successfully challenge Soviet power in the heart of Europe - short of general nuclear conflagration.

In this environment it is no wonder that there is no unequivocal agreement about the issue of American/Western help to Hungary and there is a wide range of opinions about the UN’s role in the crisis and the seven-year long aftermath. Hungarian historians/analysts frequently have taken a more critical standpoint than the non-Hungarians. It is possible that the personal/national frustration leads critiques to find scapegoat(s), be it the Soviet Union and/or the US.<sup>35</sup> The conflicting opinions center mostly around the core of the UN issue: the failure of more aggressive US stance in the Security Council and the Special Emergency Session. The relevant scholarly analyses barely mention the UN and if they do, they dismiss its significance as an actor in the Hungarian case ever since.<sup>36</sup>

The Eisenhower administration’s Roll-Back or “Liberation” policy is the prime target of the critiques insisting that it was misleading, without specific planning and thus bears prime responsibility for the outbreak in 1956. This view is a faulty perception rooted in largely unsubstantiated facts and brushes aside the domestic origins of the uprising, stemming originally from within the Hungarian Worker’s Party/MDP) and stirring around the belated de-Stalinization problems in Hungary. As stated repeatedly by Dulles, Eisenhower and later Nixon, liberation did not mean armed help, it was more symbolic and a moral requisite in the aftermath of Yalta and Soviet expansionism.<sup>37</sup>

The European balance of power put serious shackles on US foreign policy choices and if this argument failed to satisfy the critiques, they focused on a related culprit: the Radio Free Europe (RFE) - which so stated by several authors - urged on the resistance against the Soviet forces. Ferenc Fehér and Ágnes Heller in “Hungary 1956 Revisited” refer to US policy in the UN prior to and after the Revolution as “perfidy” and also condemn the RFE while clearly perceiving that military pressure by the US would have pushed the USSR back to Stalinism and the brink of nuclear war.<sup>38</sup> Along similar lines, one of the best known Hungarian-American historians, Charles Gati, equally strongly but more sophisticatedly condemns the liberation policy and puts the responsibility for the uprising squarely on the doorsteps of the Republican administration; the RFE does not fare better.<sup>39</sup> Gati’s central argument is an unequivocal condemnation of the US and also the revolutionary leadership (Imre Nagy) unable to control the “romantic too aggressive masses”.<sup>40</sup> On the occasion of President George W. Bush’s 2006 visit to Budapest, Gati sharpens his criticism: the liberation policy had no specific action plans, it was determined by domestic (Republican) interests. The US should have moved at the UN prior to the Soviet invasion and missed the opportunity to bargain: “a smaller West European

country “could have been offered in exchange for Soviet withdrawal (from Hungary)”.<sup>41</sup> John Lukács, internationally respected Hungarian-American historian, regrettably also fell in “escapism”: commenting on Gati’s work not only supports his double thesis of US culpability and RFE responsibility but also highlights the missed opportunity of Western withdrawal even more than Gati; according to Lukács the attack on Hungary was “even cynically welcomed by the US for anti-soviet propaganda”.<sup>42</sup>

Endre Gömöri, the leading foreign policy analyst of *Népszabadság*, not only bolsters the Gáti-Lukács arguments but sarcastically refers to Eisenhower’s statement that he feels “uncomfortable because of promises not kept and the US left ultimately Hungary alone” - but he did not admit to unfulfilled promises in the liberation policy context.<sup>43</sup> Gömöri also refers to the much contested diplomatic note by Eisenhower transmitted on 27 October 1956 to Moscow, making it clear that the US does not look at the WTO countries as potential allies.<sup>44</sup> The statement is interpreted in two ways: first, that the US showed a green light to a yet hesitant Soviet intervention, and second, that it aimed at dispelling Soviet anxieties about the Hungarian aspirations; in the total context of cautious US foreign policy stance, the second view appears more convincing.

Equally strong arguments are lined up to refute these views which seem to be symptoms of escapism. In the Italian Cultural Institute’s Conference in Budapest (2006), the opinion prevailed that the Revolution against the Communist system and the Soviet influence was hopeless from the beginning. This view was shared by contemporaries: Peter Boross, former prime minister, General Béla Király, as well as Thomas Rogers, US diplomat assigned to the US Embassy in 1956.<sup>45</sup> Konrad Adenauer’s report in January 1957 stated that investigations made it clear that the RFE never promised armed support to the Hungarian revolutionaries.<sup>46</sup> In a Berlin conference in October 2006, former RFE officials and European journalists studied the revolution in relation to Berlin 1953, Prague 1968 and the Polish Eighties. Richard Cummings, RFE director, concluded that the RFE never promised liberation, yet this image spread mostly after the Soviet invasion and became a myth. Likewise a 1956 participant journalist while critical on other grounds, bolsters the aforementioned judgments of the RFE and stresses that the Revolution progressed entirely on its own internal determinants.<sup>47</sup>

Irrespective of these controversial views, the real answer to the question of the US role and alleged failure to intervene lies in the Soviet position. In October 1956, the Soviet leadership including Molotov, Kaganovich, Mikojan, Khrushchev, Zhukov and Konyev, the Commander in Chief of the WTO forces, put major pressure on Gomulka and Polish United Worker Party (PUWP) to comply with the Soviet wishes. Khrushchev brutally stated that he will not refrain from anything to prevent some changes in the PUWP.<sup>48</sup> Given the resistance of the Polish Politbureau Soviet military units in Poland were ordered to move toward Warsaw to provide clout to the demands. The Soviet leader said on the party plenum on October 19th: “We are determined to intervene brutally and we are not in the position to accept the changes you are planning.”<sup>49</sup>; we are defending the Soviet Union’s interest and are determined to intervene - the Soviet military continued its advance to Warsaw. However in the first hours of October 20, a *modus vivendi* emerged between the PUWP and the Soviets, the military advance was stopped and the Soviet delegation returned to Moscow. The full text of Gomulka’s expose was published in Hungary on the 23rd of October and added significant impulse to the developments of the day.<sup>50</sup> In the light of the Polish events, it is hard to doubt that the USSR had the determination to prevent a secession by Hungary. There was a period of hesitation naturally - since such drastic steps may not serve ideological or political interests - but in the final analysis the Soviet decision was determined by their own self-dictated objectives. Furthermore in retrospect, this opinion is bolstered by posthumous Soviet reactions to the Prague 1968 Velvet Revolution and the Polish Solidarity and martial law in the ‘80’s.

The severity of the great power conflict is categorically stated by Béla Király: “The traditional armed forces of the USSR surpassed the NATO by far...making the defense...of the NATO territories impossible by conventional means. A Soviet attack could have been repelled only with tactical nuclear weapons...resulting in a general nuclear war and the end of civilization.”<sup>51</sup> In the Soviet Central Committee Presidium on October 31st, Khrushchev sided with the armed intervention plan “taking into account the great power interests of the Soviet Union - withdrawal from Hungary would prove the Soviet Union weak and could result in “imperialist provocations/attacks”.”<sup>52</sup>

The decisive argument is provided by a Russian historian, Alexander Stikalin, member of the Russian Scientific Academy, stating that “it is a widespread view and not confined only to the highest circles

of contemporary Soviet leadership that non-interference (in Hungary) would have caused a weakening of the Soviet world-political status and could have caused Khrushchev's internal downfall".<sup>53</sup>

If the West would have presented the USSR with an ultimatum and/or Chapter VII, collective security action, the Soviets would not have been in the position to yield without risking their external/internal interests. Thus if the US to avoid a war, would have refrained to press for compliance, this dead end would have rendered both the US and the UN impotent, leading to defeat and loss of prestige. President Eisenhower was acting cautiously to avoid such dangers in the aftermath of WWII and Korea. Given the Soviet superiority on the ground in Western Europe, in a Ch VII action, the choice would have been between nuclear war or defeat without it. To avoid this, the narrow path open for action remained UN diplomacy which in turn was also caught in the cul-de-sac of power conflict.

#### **IV. The Key Legal Controversies**

It is not the overall authority of the UN which was challenged by the Soviet/Hungarian position; the arguments were based on alleged facts interpreted differently by the opponents. The main objections to UN proceedings were not built on Charter norms but were justified on the basis of the domestic jurisdiction clause throughout the case history. Art. 2.7 is the most widely contested proviso of the Charter and Soviet international law historically interpreted it broadly, intending to draw the lines close to the exclusive sovereignty of socialist states, but giving it a more generous meaning in foreign policy issues where there was Soviet interest.<sup>54</sup> The generally accepted universal principles of what constitutes domestic jurisdiction is still unresolved.<sup>55</sup> In the Hungarian case, however, the issue did not become a key battle ground because overwhelming majorities rejected the Soviet objections grounded in *prima facie* obviously false allegations.

The primary role of the Organization is the preservation of peace and prevention of aggression. The Hungarian case having been blocked in the Security Council, would have ended right then and there if it were not for the informal Charter modification by the "Uniting for Peace" Resolution passed by the General Assembly by a vote of 55-5-2 (Res. 377/V/1955).<sup>56</sup> This measure, endorsed in the wake of the Korean case, transfers authority to call for collective security enforcement to the General Assembly if the Security Council was blocked by veto. The resolution is tantamount to an informal Charter amendment and thus open to legal/political dissent. Soviet theory and diplomatic practice took a negative stance, yet it did not object to live by it if it was in its foreign policy interests.

This issue extends beyond the limits of this study; the question has voluminous theoretical and political literature and only the main highlights can be stated. The Soviets did not raise objections on this ground on the Hungary question because their protest was based primarily on the domestic jurisdiction argument. The 377/V Resolution formally violates the procedural norms of the Charter and it amounts to constitutional modification which is normally subject to Ch. XVIII rules but the American supported majority took the position that bypassing the formal rules is for the sake of keeping the UN principles alive. This typical American reserve-power doctrine is in the spirit of the Charter and leads to pragmatic results. The Soviet views are formalistically and legally more correct, prioritizing conservative structural rules and the original separation of functions in the Organization.<sup>57</sup> The formula expands the Assembly's powers vis-a-vis the Council but it also limits its scope of action in collective security measures since in this capacity the Assembly has only recommendatory powers.<sup>58</sup>

It ought to be noted that the new US inspired principle disregards all the American commentaries in the constitutionalization process in Dunbarton Oaks and San Francisco, yet it is based on the notion that the purposes and functions of the peacekeeping machinery are more important than procedural formalities. The Soviet position is closer to the basic law of the Organization but consistent veto obstruction ran straight against the purposes of the UN preventing its functioning. At that time the Assembly composition was favorable to Western diplomacy and thus could be positively utilized, while the Soviets prevented the Council's functioning in its cradle. In the Hungarian crisis, Council action was paralyzed by both Soviet veto and American unwillingness to go to the brink of war as a result of a possible Chapter VII enforcement action. Short of Security Council decision, the transfer of the issue to the Special Emergency session, Hungary's case survived but the Assembly could make

only recommendations; these were in principle “binding” to the addressee, who however, remained in violation of the UN resolutions if it was not complied with the majority mandates.

The UN involvement secured by the “Uniting for Peace” resolution and the eventual transfer of the case to the regular sessions opened the door to an unlimited repetition and condemnation of the Soviets partly for propaganda purposes but also to achieve some positive results. Just where are the reasonable general limits of such repetition compulsion which is hard to identify in the light of similar issues in the UN’s earlier and later life.<sup>59</sup> In some cases repetition appeared to have some positive impact but there is no golden rule to be found; some other examples show that repetition compulsion leads to unwillingness to compromise. In the Hungarian issue some positive results can be seen but there are also arguments, suggesting that the continued repetition prevented the normalization of relations with Kádár’s Hungary by the international community.<sup>60</sup>

Given the power politics determined culture of the 21st Century, the perspectives for change are limited but the organization’s reforms would still make a difference, if more precise power-sharing could be attempted. This could be accomplished only by Charter amendment - very little could be expected through spontaneous evolution. However, the strict formal rules of Charter XVIII requiring two-thirds majority of members, including the positive votes of all permanent Council members, make this equally unlikely. From the post-Hungarian times since the ‘60’s to the 21st Century, there was a steady decline in the consensus potential of the Council and Assembly in vital-interest conflict-resolution.

## **V. The UN and the World**

This study focused on the UN’s role in the timeframe of the Hungarian case. Projecting the trajectory of the substantially transforming international organization and its environment in the last part of the 20th Century, the expectation for its effective management role in power conflicts faded. The long series of (near) violent collisions took place largely outside of the perimeters of the UN collective security system or the latter was only a mask covering the balance of power struggles prevailing essentially in the cases.<sup>61</sup>

The optimistic expectations with the collapse of the Soviet Empire and the sudden catapulting of the US in the sole superpower position quickly dissolved. Instead of a better World order, disorder and violence spread globally on an unprecedented scale. The liked/disliked US power generated countertrends both in economic and political policies: the balance of power system asserted itself on a grand scale and posed a counterweight to the UN based collective security. This trend intensified with the failure of the non-proliferation, the spread of nuclear weapons, and the inexhaustible potential of high tech and chemical warfare means. Modern military technology developed in leaps and bounds. Concerned and responsible thinkers tend to agree that mankind stands in grave danger of self-mutilation or substantial self-destruction if not a complete annihilation. Given the fact that man psychologically is not capable of living without violence, the peace at any price is a self-defeating view, since after an advantage by the aggressor new temptation asserts itself for further pressures for gain - eventually enlarging the risk for ultimate catastrophe.<sup>62</sup> Thus, - absent a surrender to violence - the task is the management of power and to find what are the realistic alternatives in the current global atmosphere to provide the means for survival.

In the 21st Century it is increasingly obvious that human violence cannot be wished away and this defines our civilization’s fate. Instead of trying vainly to eliminate it, the task is to subject the violence to effective control. It appears that the collective security system provided by the UN Charter is inadequate for the desired goal and a qualitative jump to a World government system is not within the realm of possibility in the present phase of human endeavors. Thus the ultimate question remains unsolved.<sup>63</sup> Common rules of the (international) community to legalize norms to eliminate violence could be helpful only if relatively consonant norms could be genuinely accepted and enforced. In the post-Soviet World, the heterogeneity of standards of values - partly because of Islamic radicalism - continue and the power aspirations of competing state/economic interests grow wider instead of narrower. Thus there can be little hope for a breakthrough in the balance of power or the collective security system. A legal restriction bolstered by enforceable sanctions is possible only if underlying values of the society form a foundation for a potent legal system. Thus the management of power by

law or international organization is not at hand today and the only means to control remains in the dangerous balance of power system, attempted to be tamed somewhat by law and organization.<sup>64</sup>

It is recognizable that several factors threaten with catastrophe beyond the end of the time period between 1956 and 2001. Population explosion in underdeveloped areas, growing aspirations of modernization, increasing pressures for energy and global problems of natural causes, runaway (military) technology, cultural wars, collapse of values and a philosophy of death - if all lines meet in focus or even only several - the ultimate destruction of civilization as we know it, is not unimaginable. It is deeply discouraging that the current system of the management of violence, the balance of power and collective security are inadequate in the face of this threat.

The United Nations as guardian of peace, is paralyzed and the organization resists systemic changes in absence of willing key members; it has no independent will nor sovereign power - there are as many UN's as members.<sup>65</sup> It exists in its own constitutional confinement built in the hopeful days at the end of WWII - but reflecting the international political realities not of the future but those of the past. A successful reform for influencing (great) power violence is unlikely, frustrating the orderly effort to manage violence through international organization(s). The race between death and destruction and minimum order is quickening and the dangers of death are intensifying.

The Hungarian case and the subsequent UN history then is not surprising and since that time there is no decisive systemic breakthrough taming aggression and breach of the peace. The scenario can be summed up with the words:

“One World is in some respect an ideal and an aspiration, born of modern interrelations of ancient moral insights...it is in other respects a pressing reality, an actual condition of mankind...Given the existence of One World defined as a set of objective conditions, disaster may be the price of failure to achieve One World defined in terms of a moral and political ideal.”<sup>66</sup>

## NOTES

- <sup>1</sup> Consult notes 51 and 52 below.
- <sup>2</sup> “Convention on the Prevention and Punishment of the Crime of Genocide,” *American Journal of International Law* (AJIL) 45, 6, 1951.
- <sup>3</sup> Universal Declaration of Human Rights, in *Yearbook of the United Nations*, 1948-1949, p. 535.
- <sup>4</sup> Paris Peace Treaty 1947, *American Journal of International Law* (AJIL), 1948, pp. 225-251.
- <sup>5</sup> For text of Warsaw Treaty Organization, see AJIL, 1955, pp. 162-194.
- <sup>6</sup> See for analysis, pp. 28-29, Notes 56, 57, 58. For text of Charter references, see Appendix II.
- <sup>7</sup> UN documentary references and numerically quoted resolutions in this study are all based on the UN Security Council (SCOR) and/or the UN General Assembly Official Records (GAOR).
- <sup>8</sup> GAOR Special Emergency Session; also Soviet references to radio propaganda and liberation policy formula.
- <sup>9</sup> “The Sources of Soviet Conduct” *Foreign Affairs*, XXV (July 1947), pp. 566-582.
- <sup>10</sup> *New York Times*, Nov. 15, 1956, p. 26.
- <sup>11</sup> See for voting records *Appendix I*.
- <sup>12</sup> GAOR 13th Session 12, Dec. 1958, p. 540.
- <sup>13</sup> GAOR 13th Session 11, Dec. 1958, p. 482.
- <sup>14</sup> “Hungary, Our Continuing Responsibility,” address by James J. Wadsworth, Deputy US Representative to the UN on June 28, 1959, *Department of State Bulletin*, 29, June 1959, p. 192.
- <sup>15</sup> GAOR 13th Session 11, Dec. 1958, p. 483.
- <sup>16</sup> Hungarian writers about 1956 frequently disregard these “external” factors.
- <sup>17</sup> This resolution was passed particularly in the context of decolonization. Soviet legal theory influenced the compromise text significantly. The principle remained controversial but widely accepted in UN practice, consult George Ginsburg’s “The Wars of Liberation and the Modern Law of Nations - the Soviet Thesis” in Hans Baade, *The Soviet Impact on International Law*, Oceana Publications, New York (1965), pp. 66-98.
- <sup>18</sup> GAOR 16th Session, Doc. A/5028.
- <sup>19</sup> GAOR 17th Session, Doc. A/5245.
- <sup>20</sup> *Ibid.*
- <sup>21</sup> *New York Times*, 24 Oct. 1960.
- <sup>22</sup> GAOR 17th Session.
- <sup>23</sup> *New York Times*, Dec. 21, 1962, p. 3 and also *The Christian Science Monitor* (Boston), Dec. 31, 1962, p. 1
- <sup>24</sup> See Csaba Békés & Gusztáv Kecskés, “A forradalom és a magyar kérdés az ENSZ-ben, 1956-1963”, (The Revolution and the Hungarian Question in the UN) (Magyar ENSZ Társaság, 2006), pp. 46-47.
- <sup>25</sup> “US Move on Hungary May Draw Criticism”, *The Christian Science Monitor*, Dec. 19, 1962, p.1.

- <sup>26</sup> Leland Goodrich, see Note #65.
- <sup>27</sup> Charles Gáti in *Vesztett illúziók (Lost Illusions)* (2006: Osiris Kiadó) barely mentions the UN in his in depth analysis; John Lukacs: *A Thread of Years* (New Haven, Conn., Yale University Press 1998), pp. 390-391, makes indirect negative comments.
- <sup>28</sup> “Hungary, Our Continuing Responsibility” by James J. Wadsworth, *Dept. of State Bulletin*, Nov. 29, 1957, pp. 192-195.
- <sup>29</sup> *The Economist* (London), Dec. 19, 1959, pp. 1141-1142; also *New York Times*, Dec. 4, 1959, p. 6.
- <sup>30</sup> *US Participation in the United Nations*. Report by the President to the Congress for the year 1958. Department of State Publication, No. 6552.
- <sup>31</sup> *Department of State Publication 7016*, Aug. 1960. US Government Printing Office, Washington D.C. See also *New York Times*, Oct. 23, 1960, p. 24 and Oct. 23, 1961, p. 28.
- <sup>32</sup> See *Supra*, Note #9.
- <sup>33</sup> There was no aggressive action planned, see US Congress, Senate Committee on Foreign Relations, *Hearing on the Nomination of John Foster Dulles, Secretary of State Designate*, 83rd Congress, 1st Session, 1953, pp. 5-6.
- <sup>34</sup> See also Note # 51.
- <sup>35</sup> This phenomenon is not unknown in Hungary, e.g. 1948-1949 and the Trianon Treaty.
- <sup>36</sup> In Hungary popularity of the UN was low, on account of previous experiences with the League of Nations and Trianon.
- <sup>37</sup> Statement by Richard Nixon at Occidental College on Oct. 29, 1956, *New York Times*, Oct. 30, 1956, p. 27 and *Ibid.* Nov. 15, 1956, p. 26.
- <sup>38</sup> Ferenc Fehér & Ágnes Heller, “Hungary 1956 Revisited.” (George Allen & Unwin, London 1981), Ch. I, pp. 1-23.
- <sup>39</sup> Charles Gati, *Vesztett illúziók (Lost Illusions)* (Osiris Kiadó, Budapest, 2006) particularly Ch. 5, pp. 145-200. Similar views are also expressed in Johanna Granville, *The First Domino: International Decision Making During the Hungarian Crisis of 1956* (College Station, TX, A&M University Press 2004). This author faults both the US and RFE for the outbreak. In a cogent critique the reviewer, Laszlo Peter, challenges the main thrust of this argument, see *Europe-Asia Studies*, 2006, No. 2, pp. 303-306.
- <sup>40</sup> *Ibid.* Gati’s arguments are self-contradictory: If “Liberation” and RFE were definitive influences on the Revolution, it cannot be held to be spontaneous. If the US policy had some impact on 1956 and indirectly contributed to the weakening of Soviet power, the foreign policy was positive for the West - and Hungary. If - as Gati suggests - this should not have been done to avoid defeat, it would not have led to Kádáresque reforms and (together with other, the Czechoslovak and Polish events) to the dissolution of the USSR.
- <sup>41</sup> Interview with Charles Gati, *Népszabadság*, 22 June 2006, pp. 2-3. This proposal is stunning: the timeframe was limited, the situation blurred, diplomatic negotiations and modification of a series of international treaties was necessary.
- <sup>42</sup> Interview with Lukács *Népszabadság, Hétféle*, 2 Sept. 2006, p. 4.
- <sup>43</sup> *Hétféle*, 21 Oct. 2006, p. 4.
- <sup>44</sup> *Ibid.*
- <sup>45</sup> *Népszabadság*, 30 Sept. 2006.

<sup>46</sup> *Ibid.* 22 June 2006.

<sup>47</sup> Report by Edith Inotai, *Népszabadság*, 6 Oct. 2006, p. 6. See also Jozef Kasza: “A Szabad Európa Rádió 1956-ban” (The Radio Free Europe in 1956), *Ibid.*, 28 Dec. 2006, p. 13.

<sup>48</sup> See J. Tischler, “1956: Lengyel október” (Polish October) *Hétvége*, 14 October 2006, p. 8.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> Béla Király “1956: The United Nations Organization and the Hungarian Revolution” in Lee Congdon, Béla Király, Károly Nagy *The Hungarian Revolution and the War of Independence* (Atlantic Research and Publications Inc., Columbia University Press, New York, 2006, pp. 573-575. This is an insightful account about the revolution but the UN problems are only in the background. See also “Csaba Békés and Gusztáv Kecskés, “*A forradalom és a magyar kérdés az ENSZ-ben, 1956-1963*” (The Revolution and the Hungarian Question in the UN) (Magyar ENSZ Társaság, 2006). This excellent volume provides a comprehensive essay about the events and a complete chronology of major UN steps but without legal analysis.

<sup>52</sup> Quoted in Lajos Geccényi & Gábor Máthé, *Sub Clausula 1956* (Documents of the 1956 Revolution) (Magyar Hivatalos Könyvkiadó, Budapest 2006), p. 48.

<sup>53</sup> Interview with László Hovanyec, *Hétvége*, 4 Nov. 2006, p. 9; see also Paul Lendvai, German journalist: “the Western powers were aware of the danger of a possible nuclear confrontation...”, *Népszabadság*, 16 Oct. 2006, p. 5.

<sup>54</sup> This is graphically observable in anticolonial “liberation wars”. Consult Hans Baade, *op. cit.* Regarding sovereignty and domestic jurisdiction, see Richard N. Gardner, “The Soviet Union and the United Nations”, *Ibid.*, pp. 1-14.

<sup>55</sup> For a classical study in re domestic jurisdiction consult Rosalyn Higgins, *The Development of International Law Through the Political Organs of the United Nations* (Oxford University Press, London 1963), Part II: The Concept of Domestic Jurisdiction in UN Practice, pp. 58-130

<sup>56</sup> Excerpt of the text of the “Uniting for Peace” resolution:

“...if the Security Council, because of lack of unanimity among the Permanent Members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary...” (377IV.JA).

<sup>57</sup> For a rich Soviet literature in the issue consult: Grigorij I. Tunkin, *A Nemzetközi jog elméletének kérdései*, (Theoretical Problems of International Law) (Közgazdsági és Jogi Könyvkiadó Budapest 1963) Ch. XII, pp. 301-318 and literature cited within. See also Árpád Prandler, *Az ENSZ Biztonsági Tanácsa* (The UN Security Council) (Közgazdsági és Jogi Könyvkiadó Budapest 1974), pp. 271-277 and literature quoted therein.

<sup>58</sup> Inis L. Claude, *Swords Into Plowshares* (Random House, New York 1956), pp. 174-179; also 4th Edition in 1984, pp. 269-272.

<sup>59</sup> E.g. The Treatment of Indian Nationals in South Africa, the Kashmir, Palestinian, Apartheid, Iraq and various other cases.

<sup>60</sup> This was a recurrent theme used by the Hungarian delegate.

<sup>61</sup> Such was the picture in Cuba, various African and Asian conflicts, Vietnam, Suez, the Soviets vs. Afghanistan, Nicaragua, Grenada, the Iraq-Iran War, the Gulf War and Iraq II and last but not least, the Islamic radicalism represented by Al-Qaeda.

<sup>62</sup> Inis L. Claude, *Power and International Relations* (Random House, New York 1962), pp. 3-11 and pp. 278-285.

<sup>63</sup> *Ibid.* pp. 278-285.

<sup>64</sup> See Stanley Hoffmann, "International Law and the Control of Force", in Karl Deutsch & Stanley Hoffmann Ed's, *The Relevance of International Law* (Doubleday & Co., Garden City, New York 1971), pp. 34-66.

<sup>65</sup> Leland M. Goodrich, "From League of Nations to United Nations", *International Organization*, Feb. 1947, pp. 3-21.

<sup>66</sup> Inis L. Claude, "*Swords Into Palowshares*" ....p. 3.

## APPENDIX I

### The Pattern of Voting in the Hungarian Case

Res. No.	Affirmative Votes	Negative Votes	Abstentions
S. 3733	10	1	--
1004(ES-II)	50	8	15
1005(ES-II)	48	11	16
1006(ES-II)	53	9	13
1007(ES-II)	67	--	8
1008(ES-II)	53	9	8
1127/XI	55	10	14
1128/XI	57	8	14
1129/XI	69	2	8
1130/XI	54	10	14
1131/XI	55	8	13
1132/XI	59	8	10
1133/XI	60	10	10
1312/XII	54	10	15
1454/XIV	53	10	17
1741/XVI	49	17	32
1857/XVII	50	13	43

## APPENDIX II

### Excerpts From the Most Frequently Used Parts of the UN Charter.

#### *Preamble*

*WE THE PEOPLES OF THE UNITED NATIONS DETERMINED* to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom....

#### *Chapter I*

## ***Purposes and Principles***

### *Article 1*

*The Purposes of the United Nations are:*

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.....

### *Article 2*

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members....

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations....

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## ***Chapter VI***

### ***Pacific Settlement of Disputes***

#### *Article 34*

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

## ***Chapter IX***

### ***International Economic and Social Cooperation***

#### *Article 55*

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### *Article 56*

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

***Chapter X***  
***The Economic and Social Council***

*Article 62*

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

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