Conflict Resolution and the United Nations Peace-Keeping Forces

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Abstract: The problems of conflict resolution and peace maintenance depend on the great powers relying on international agencies to maintain and develop international law, rather than a system of diplomacy, power politics, and mutual deference. A permanent and more centralized UN peace-keeping force would increase global stability but decrease the independence of states. However, if diplomacy fails, states should accept limitations on national sovereignty to permit third party decision of international disputes in order to effectively achieve a peaceful world order. The UN peace-keeping forces have overall been successful at de-escalating conflicts despite obstacles presented by states, including: ambiguity regarding whether members are obligated to pay for peace-keeping forces or if contributions are voluntary; unclear guidelines about when peace-keeping forces can be used; conditionality’s of the states providing contingents; and concerns of the states in which contingents function.

The Development of Conflict

A brief consideration of the normal stages of international conflict may assist in understanding the problem of conflict resolution and the role of United Nations peacekeeping forces in solving that problem. International conflict can hardly arise unless there is some inconsistency in the perceptions, beliefs, ideologies, interests, policies, or claims of two states but such inconsistencies may exist for a long time without awareness of them by either state or, if they are perceived, without action by either to resolve them, thus manifesting the “tolerance” called for in the preamble of the U.N. Charter. However, in a world shrinking under the influence of modern technology, communications, interdependencies, and vulnerabilities of all states tend to increase, inconsistencies tend to be perceived, and tensions tend to rise, and to escalate through successive stages marked by changes in the “rules of the game.” These stages have been designated by the terms, situation, dispute, conflict, hostilities, war.

A situation, as used in the U.N. Charter is “a state of affairs which has not yet assumed the nature of a conflict between parties but which may, though not necessarily, come to have that character.”

A dispute, as defined by the World Court is “a disagreement on a point of law or fact, a conflict of legal views or interests between two persons.” In International affairs it usually implies that diplomatic communication has been initiated.

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3 Palestine Concession, Permanent Court of International Justice, Serial A, no. 2 (1924), p. 11.
A conflict is a dispute in which one or both parties contemplate or threaten dictatorial, coercive, or hostile measures, thus “endangering the maintenance of international peace and security.” It is often manifested by such “non-amicable” methods of settlement as display of force, retorsion, reprisals, or intervention, methods apparently forbidden by the Kellogg-Briand Peace Pact and the U.N. Charter.

Hostilities, or war in the material sense, is a situation in which armed force is employed on a considerable scale in an attempt to dictate the settlement of a dispute or conflict between states (or between factions within a state, civil strife). The Charter forbids the threat or use of force or a threat to the peace or breach of the peace in international relations, except in defense against armed attack.

War in the legal sense is a condition in which the parties, whether a state or insurgents are recognized as belligerents equally entitled to engage in hostilities to settle a dispute or conflict, and during which third states are bound to be neutral. The parties to the Kellogg-Briand Pact “condemned recourse to war for the solution of international controversies, and renounced it as an instrument of national policy in their relations with one another.” They also agreed that “the settlement or solution of all disputes or conflicts. . . shall never be sought except by peaceful means.” The U.N. Charter, in forbidding the use or threat of force and in forbidding neutrality in hostilities in which the United Nations is taking “preventative or enforcement actions” also “outlawed war” but did not distinguish it from hostilities and did not use the term except in the preamble which declared the purpose “to save succeeding generations from the scourge of war.”

To accomplish this purpose the United Nations seeks to maintain respect for national sovereignties; to eliminate all threats or uses of force in international sovereignties; to eliminate all threats of force in international relations; to assure the peaceful settlement of all disputes and situations which may “endanger the maintenance of international peace and security” and to promote international cooperation to establish political, legal, economic, social, and cultural conditions favorable to peace.

The Maintenance of Peace and the United Nations

The United Nations can not normally deal with international situations or disputes unless they have developed into conflicts or hostilities endangering the maintenance of international peace and security. Doubtless the problem of maintaining peace in the world depends ultimately on building conditions of peace often involving peaceful change of legal rights and of political, economic, social and ideological conditions, not only in international relations but also in the internal affairs of some states. Although the United Nations may not make binding decisions to build peace, the General Assembly, the Economic and Social Council and the Specialized Agencies may make studies and recommendations to the end. In spite of much effort they have not succeeded in changing the fundamental structure of the world society, from a balance of power, to an effective system of international law and organizations as hoped for by the Charter,

5 Wright, A Study of War, pp. 15-44ff. Twenty-two of the thirty-one instances of hostility which resulted in more than three hundred and thirty-four deaths since WWII originated in civil strife. See also Wright, “Peace-Keeping Operations of the United Nations,” International Studies, VII (October, 1965), 174-183.
nor in remediying many racial, economic, cultural, political and other conditions unfavorable to peace, especially those responsible for the ideological cold war and the economic gap between rich and poor countries.

The United Nations have been no more successful in peace-making, that is in achieving a settlement of international disputes and situations. It can consider them only if they endanger international peace and security and it may then be too late to act with maximum effectiveness. In any case, U.N. organs can only make recommendations which it is hoped may contribute to agreement between the parties. The Security Council can make authoritative decisions, but only to maintain or restore international peace and security if there has been a “threat to the peace, breach of the peace or act of aggression.”

The U.N. has had some success, in spite of the hampering influence of the great power veto in the Security Council, in peace keeping by achieving cease-fire agreements or armistices, but, since a settlement of the underlying dispute has not usually been made, supposedly temporary cease-fire lines have remained indefinitely, inciting the hostile powers at each side to violate them and renew hostilities, as in Palestine, Kashmir, Korea, the Straits of Formosa, Germany and Vietnam.

The problem of peace-making, that is, of settling a dispute between sovereign states, is inherently difficult. The only ways appear to be agreement of the parties, authoritative decision by an outside agency or procedure, dictation by one party, or the passage of time. It is a principle of international law that a sovereign state is not obliged to submit a dispute to any external authority unless it has consented to its jurisdiction ad hoc or by prior agreement. Some states have consented in advance to submit legal disputes to the International Court of Justice or to arbitration, but few have done so without reservations.

The Charter does not give the Security Council authority to settle disputes definitively, and there are no general agreements requiring settlement by other political agencies or by plebiscite, although the Charter supports the “self-determination of peoples” as a general principle. Consequently, there is seldom an obligation to submit important disputes to any form of third party decision or definitive procedure. The Charter principles, requiring respect for the sovereign equality of all members and forbidding the use or threat of force in international relations, forbid dictation by one party in international disputes. The result is that, if Charter principles are observed, agreement between the parties is the only direct way in which important disputes can be settled. If direct negotiation fails the United Nations has sought to assist agreement by the use of mediators, commissions of inquiry of conciliation, advisory opinions of the International Court of Justice, or recommendations by regional agencies, by the Security Council or by the General Assembly, but if all these efforts fail to induce the parties to reach

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8 These three terms bear an analogy to executive action to maintain order and law, judicial actions to settle disputes and apply law, and legislative action to adapt law to changing conditions.
9 The Connolly amendment by the U.S. Senate reserved the right of the U.S. to refuse to submit and dispute which it considered domestic.
agreement, the only remaining means of settlement is the lapse of time, which it is hoped may so change circumstances that the dispute will become unimportant; that the parties will agree on a settlement or on submission to adjudication or arbitration; or that the legal principles of obsolescence, prescription, or general recognition will operate. Obsolescence, or the principle “rebus sic stantibus,” asserts than an agreement ceases to be binding if the conditions which induced the parties to sign it have changed. Unfortunately the parties usually differ on the application of the principle but seldom agree to submit the issue to adjudication. The principle of prescription asserts that a de facto boundary, occupation or possession will, if uncontested over a sufficient period of time, establish the possessor’s legal title.\textsuperscript{10} There has, however, been no tendency for both states divided by recent cease-fire lines to acquiesce in it and so to permit this principle to operate. It is often said that general recognition by the members of the community of nations may convert a de facto into a de jure situation, but with the political divisions of the contemporary world, general recognition of the claim of one party in a controversial situation is likely to be long delayed, even if a unanimously accepted resolution of the General Assembly is construed as general recognition, which it hardly can so long as some important states are not members.\textsuperscript{11}

It appears, therefore, that failure of the parties to agree is likely to result in no settlement indefinitely or for a long period. Peace, however, requires that disputes be settled, consequently that all states accept adjudication, arbitrations, plebiscite, the authority of the United Nations, or other agency or mode of definitive decision if the parties fail to reach agreement within a reasonable time. This is recognized within states, but few states at the present time are willing to accept this conclusion, which they think would sacrifice an important attribute of sovereignty in international relations.

Even if disputes remains unsettled, international conflict and hostilities could not occur if all states became members of the United Nations and observed their obligations to refrain from the threat, force and intervention as required by the Charter and international law. It is clear, however, that sovereign states, especially the great powers, can not now be relied on to observe these obligations if they believe an interest which they consider important can be served by the use force or threat to dictate a settlement or to implement a policy.\textsuperscript{12} All of the great powers have used forcible measures, difficult, if not impossible to reconcile with Charter obligations, since 1953 when the Korean hostilities ended soon after the death of Stalin and the inauguration of Eisenhower and a period of détente seemed to be emerging. The Soviet Union invaded Hungary in 1956; China invaded India in 1962; and the United States invaded Lebanon in 1958, Vietnam in 1965, and the Dominican Republic in 1965.

\textsuperscript{10} Tung, \textit{International Law}, p. 164. Fifty years was considered sufficient by the British-Venezuelan arbitration over the British Guiana boundary in 1899.


\textsuperscript{12} See remarks by former U.S. Secretary of State Dean Acheson, \textit{Proceedings, American Society of International Law}, 1963.
France unsuccessfully resisted colonial serf-determination movements in Algeria and Indochina, as did Britain in South Arabia. The lesser states, with less military capability, have been more observant of their obligations to refrain from the use of threat of force in international relations, but many of them have been afflicted by civil strife which has sometimes developed into large scale hostilities, as in Nigeria and has often incited great powers to intervene, directly or indirectly, often on grounds of assisting “wars of liberation” or of “containing communism.” Lesser states have also, on a number of occasions, violated cease-fire lines or armistices as in Palestine, Kashmir, Laos, Yemen, and Vietnam, and in a few cases conflicting territorial claims or expansionist demands have led them to minor hostilities as in West Iran, Kuwait, Goa, and the frontiers of Senegal and Guinea, Ruanda and Burundi, and Ethiopia and Semalia. Portugal has resisted self-determination movements in Angola, Mozambique, and Portuguese Guinea. Such local hostilities are not likely to escalate unless great power intervene directly by military action or indirectly by incitement or supply of arms.\footnote{Wright, “Peace-Keeping Operations of the United Nations,” see note 6.}

Basically the problem of conflict resolution and peace maintenance depends on a changed attitude of the great power, putting concern for world order ahead of imperial ambitions; mutual trust ahead of mutual suspicion; and disarmament ahead of armament superiority, thus relying for security and justice on the capacity of international agencies to maintain and develop international law, rather than on a system of diplomacy, power politics, and mutual deterrence. There is no reason for thinking that policies seeking military dominance or a balancing of military power can permanently prevent general war. They have never done so in modern history for more than a generation\footnote{On reasons for the collapse of the balance of power see Wright, \textit{A Study of War}, p. 760ff, 1528ff, and on occurrence of general wars since 1600, p. 647ff.} and the recent policies of mutual deterrence among nuclear powers gives no more promise. The stability of this system depends on mutual confidence that a nuclear first strike is incredible because of the capacity of the rival to deliver an unacceptable retaliatory second strike. Recent history, however, indicated that nuclear powers may make nuclear threats, as they did in the Cuban missile crisis of 1962, and that the target of such threats may consider them credible. If it did not the threat would be idle. It is difficult to see how a threat can be credible and incredible at the same time. To the danger of nuclear threat is added the dangers of accident, preemption, miscalculation, and the hope that a sudden first strike against nuclear bases may so weaken the enemy that he will desist from a retaliatory strike to save his cities. Furthermore the tension generated by escalation and continued frustration during conventional hostilities may induce resort to nuclear weapons in the effort to achieve military victory.\footnote{\textit{Ibid.}, p. 1512ff.; Herman Kahn, “The Arms Race and Some of its Hazards,” in Richard Falk and Saul Mendlovitz, \textit{The Strategy of World Order} (New York: World Law Fund, 1966), vol. 1, p. 17ff.} One nuclear war would be one too many for the human race.

Policies of power balancing and mutual deterrence must be superseded by policies for building international law, international organization, and international procedures assuring the peaceful settlement of international disputes, if states are to enjoy security and if mankind is to enjoy peace. The United Nations lack competence to assure such procedures under the Charter. It can, however, do much to prevent incipient hostilities and stop actual hostilities which may have
time to build conditions of peace. For this adequate peace-keeping forces can be of great assistance.

**From Peace Enforcement to Peace-Keeping**

The United Nations practice in maintaining peace has greatly changed since the Korean hostilities from 1950 to 1953. It was expected at San Francisco that the great powers would recognize an overriding interest in maintaining peace and would carry out the collective security system outlined in Chapter VII of the Charter. This required them to agree on ear-marked contingents of air, sea and land forces to be immediately available for enforcement measures against any state found to be an aggressor in the sense that it had utilized armed force in international relations contrary to its Charter obligations.\(^\text{16}\) The Charter forbade all such uses except in self-defense or under authority of the U.N. It therefore excluded all first uses of armed force since individual or collective self-defense was permissible only against a prior illegal “armed attack,” and the United Nations could not authorize any use of force except as a preventative or enforcement measure against a use, or immediate threat to use, armed force illegally. Furthermore it was assumed that the Security Council, advised by the Military Staff Committee, would prepare for the organization and command of the earmarked forces and would immediately determine the aggressor and mobilize adequate forces against him. It was recognized that the veto would prevent enforcement measure against the great powers, but it was hopefully assumed that the memory of the war would persist, and that these powers could be relied upon to observe their Charter obligations and to cooperate in collective security action. Since they controlled most of the armed force of the world, such actions would confront any potential aggressor with such overwhelming power that he would desist, and actual enforcement measures would not be necessary.

The development of the cold war, mutual recriminations, the use of the veto by the great powers, and the failure to agree on the contingents for U.N. service prevented operation of this system. The Korean operation was possible because the Soviet Union, which would have vetoed it, had temporarily withdrawn over the issue of admitting Communist China to United Nations, and Communist China, another potential vetoer, was not represented in the U. N. Fifteen states voluntarily contributed contingents, of which that of the United States was much the largest, on recommendation of the Security Council. With the South Korean army of 300,000, a force of over a half million was under U.N. command. The operation, originally intended to drive the North Korean aggressor back of the cease-fire line, was successful after three months, but the effort, stimulated by General MacArthur who had been put in command of U. N. forces, to unify the whole of Korea, induced the entry of large Communist Chinese forces, frustrated unification, prolonged the hostilities for three years, and finally resulted in an armistice at substantially the original cease-fire line.\(^\text{17}\) After the Soviets had returned to the U. N., they utilized the veto,


\[^{17}\] Wright, Problems of Stability and Progress in International Relations, p. 97ff.
inducing the United States to propose the “Uniting for Peace Resolution” under which consideration of a conflict situation could be transferred to the veto-free General Assembly if that body found that the Security Council which under the Charter had first responsibility in such matters, was unable to function because of a veto. The Soviet Union considered the resolution unconstitutional but it was used to declare Communist China an aggressor and to impose certain sanctions upon it in spite of Soviet objections. The Soviet Union, however, accepted by abstention the transfer of the Suez situation to the General Assembly in 1956 after Great Britain and France had vetoed a resolution in the Security Council and also on the General Assembly resolution to establish a peace-keeping force. In the Middle Eastern crisis of 1967 it concurred in summoning an emergency session of the General Assembly and in several Assembly resolutions, while the Security Council was meeting.\textsuperscript{18}

The Korean experience convinced many that the collective security system contemplated by chapter VII of the Charter could not be relied on, and since then the United Nations has developed a different system called “peace-keeping” rather than “peace enforcement.” This system utilizes the authority of the U. N. to call upon the parties engaged in hostilities to observe “provisional measures” provided for in article 40 of the Charter. Under this peace-keeping system, primary attention is given to promoting international cooperation in the field of disarmament, economic and social welfare, cultural exchanges, and the self-determination of peoples, especially colonial peoples, in order to develop an atmosphere favorable to peace. If a situation or dispute believed to endanger international peace and security occurs, it is placed on the agenda of the Security Council or the General Assembly by a member or by the Secretary-General. This body decides whether it in fact endangers international peace and security which may be the case, even though primarily one of civil strife, because of the danger of foreign intervention, as in the one of civil strife, because of the danger of foreign intervention, as in the Congo and Rhodesian situations. The U. N. organ will then seek to achieve agreement by the parties to a procedure which it deems appropriate or to terms of settlement. If this effort is not successful and hostilities occur, a cease-fire or armistice will be recommended as a provisional measure without any decision as to which party is the aggressor. Both will be called upon to respect the cease-fire line and an observation commission will be sent to the area protected if necessary by peace-keeping forces. The Security Council, which has initial responsibility for provisional measures, will function as long as possible but, if hampered by a veto, the problem will be transferred to the General Assembly under the Uniting for Peace Resolution. Peace-keeping in the broad sense, therefore, embraces peace-building and peace-making, as well as peace-keeping in the narrow sense.\textsuperscript{19}

If one or both parties refuse to accept the cease-fire, and hostilities continue, the Security Council may determine the aggressor, giving due consideration to non-compliance with the provisional measures, as it did in the Hungarian case. The possibility of enforcement measures will then be considered. They were not applied in the Hungarian case, and in other cases where


\textsuperscript{19} For summaries of the United Nations peace-keeping and peace-making actions see note 28.
aggression was charged, no finding was made and no enforcement measures applied. Economic measures were imposed in the Rhodesian case.

The Use of Peace-Keeping Forces

United Nations peace-keeping procedures have, therefore, come to center around efforts to bring hostilities to a speedy end by inducing the parties to accept a cease-fire order or an armistice, and to maintain the cease-fire line by the presence of peace-keeping observers and forces with, as Secretary-General Dag Hammarskjold said, a police rather than military character.20

Such forces, permanently embodied and individually recruited, as are members of the Secretariat, were proposed in 1943 even before the United Nations Charter was signed by private organizations such as the Commission to Study the Organization of Peace21 and in 1948 by Secretary-General Trygve Lie.22 The latter proposed a small United Nations Guard of some 300 with some 800 reserves. This proposal was debated at length in the United Nations and finally accepted on November 22, 1949, after modifications which provided for a “Technical Field Service,” the members of which would not be armed a panel of “Field Observers.”23 This service has been established and has served U.N. missions abroad especially in transport and communications.24

In his twenty-year program for achieving peace through the United Nations, submitted in the spring of 1950, Secretary-General Lie proposed not only United Nations Guards but a larger permanent force, which the United States representative characterized as a “United Nations Legion,” recruited by the United Nations on a voluntary basis and supplementing national and regional contingents.25 The Commission to study the Organization of Peace has suggested that such a force of some 2,000 might be kept ready for service on United Nations bases in various parts of the world. Such a force would be supplemented, if necessary, by national forces voluntarily ear-marked for collective security action in serious emergencies.26 The collective measures committee set up during the Korean crisis recommended that states ear-mark forces for U. N. service but few did so at the time. More recently Secretary-General U Thant has urged

such action and Canada, the Netherlands, New Zealand, and the Scandinavian countries have ear-marked forces of some 1000 each together with logistic equipment. Great Britain has considered such action and it has been suggested in the United States Congress, but contingents from the smaller countries have been considered preferable.\(^{27}\)

In practice, no permanent United Nations force has been organized apart from the small unarm ed technical field service which is not really a peace-keeping force. Forces have however, been created *ad hoc* to serve during particular emergencies. A force of some 700 was used in the Palestine situation in 1949; of 100 in Kashmir since 1949, of some 5000 in Sinai area from 1956 to 1967 (UNEF); of over 20,000 at the maximum in the Congo from 1960 to 1964 (UNOC); and of 7000 in Cyprus since 1964. Small forces have been used in Indonesia from 1947 to 1950; in Korea since 1947, apart from the large forces during the war from 1950 to 1953; on the Greek frontier from 1947 to 1954; in Lebanon in 1958; in West Irian in 1962; in Yemen in 1964; and, for brief periods, in Laos, Cambodia and Malaysia.\(^{28}\)

The plan for collective security forces in Chapter VII of the Charter contemplated large air, sea and land contingents provided mainly by the great powers through detailed agreements with the Security Council. In contrast, peace-keeping forces have been recruited by the Secretary-General under authorization by the Security Council or the General Assembly by voluntary enlistment or, for the larger forces, by acceptance of contingents offered by members considered neutral in this situation, placed under control of the Secretary-General. Contingents from the great powers have been avoided.

The flexibility in regard to size, nationality, and utilization of such *ad hoc* peace-keeping forces has been advantageous and in the main such forces have been successful in policing cease-fire lines, protecting missions, and facilitating transportation and communication services.\(^{29}\)

The Congo operation (UNOC) provided the most important test involving, as it did, forces of considerable size and military action. The initial instructions required the force to maintain neutrality between the contending factions in the Congo and not to use arms except in

\(\text{\(^{27}\) Bloomfield, “Peace-keeping and Peace-making,” 675ff.}\)

\(\text{\(^{28}\) “United Nations Stand-by Peace Force.” Address given by Secretary General U Thant at Cambridge, Massachusetts, June 15, 1964; Also, Wright, “Peace-keeping Operations of the United Nations,” 186, lists 78 disputes and situations which came before the U.N. from 1946 to 1965, in 45 of which hostilities occurred involving U.N. forces in 8. A cease-fire was accepted in 14 and the U.N. made recommendations for settlement in 48, successfully in 23. Fourteen were settled outside of the U.N. but 41 remained unsettled. Of the 45 situations involving hostilities, the U.N. made recommendations for settlement in 25, successfully only in 11. Of the 20 in which it made no recommendations, 23 had been settled but 22 dangerous situations remained unsettled in 1965. Five have been settled since but some “peace suborgans” of which 25 were for observation, policing or other “peace-keeping purposes,” and the remaining 44 for mediation, conciliation, or other “peace-making purposes.” See “Concensus and Authority behind U.N. Peace-Keeping Operations,” *International Organization*, XXI (Spring 1967), p. 266, 279ff. Mark Zacher has listed 81 instances in which the Secretary-General was delegated peace maintaining tasks by the Security Council (28) or by the General Assembly (53) from 1946 to 1966. With this authority the Secretary established 8 peace-forces and 33 observers and investigating missions for “peace-keeping.” He also established 40 agencies for mediation, conciliation, or other “peace-making activities. Zacher also lists 32 instances in which the Secretary-General acted independently to maintain peace. These summaries indicate that the role of the Secretary-General in this field has tended to increase since 1953, especially in taking independent initiatives. See “The Secretary-Generals’ and the United Nations’ Pursuit of Peaceful Settlement,” *International Organization*, XX (Autumn, 1966), 739ff.}\)

\(\text{\(^{29}\) Ibid.}\)
self-defense, but this proved unworkable because policing operations necessarily imply a distinction between lawful and unlawful acts of violence. Not until the Congo had been admitted to the U. N. and the Leopoldville government of Kasavubu had been recognized as the lawful government competent to suppress insurrection could this distinction be made and violent action by seceding provinces such as Katanga, and mercenaries serving them, as well as by mutineers from the Congolese army, tribal dissidents and unorganized rioters be characterized as unlawful and subject to suppression by the United Nations forces. This was explicitly permitted by the Security Council resolution of February 21, 1961 which the Secretary-General pointed out was a “decision” binding on all members although the Soviet Union and France had abstained. Such suppression, however, ended the neutrality of these forces in the civil strife and involved them in military action which was eventually successful in preventing the secession of Katanga, and the intervention of foreign powers. United Nations forces were withdrawn in June, 1964, partly because of the difficulty of financing them. In spite of differences between the Soviets and the Western powers and threats of intervention, the Security Council was able to function with one or more of the great powers abstaining, but not vetoing, on all the important decisions. This was in part due to the unwillingness of any of them to offend the African states which generally supported the United Nations effort and were anxious to avoid intervention by any outside state. After the withdrawal of the United Nations forces a rebellion in Stanleyville led to massacres of both whites and natives. A rescue mission of Belgians in American transports was criticized by some as an intervention, but the incident was soon ended. It raised the issue of whether “humanitarian intervention” is permissible.

On the whole the use of U. N. peace-keeping forces has been successful in spite of difficulties arising especially from the uncertainty of financing, and from the claims of the state in whose territory they function and of the state supplying contingents to order their withdrawal. These difficulties were emphasized in the premature withdrawal of the Congo force (ONUC) because of lack of funds, and of the Middle Eastern force (UNEF) just before the seven day war in June, 1967 because Egypt demanded its withdrawal from its territory. India said it would withdraw its contingent, and Israel refused to permit the force on its territory. This force had kept moderate peace in the Sinai area for a decade but the agreements by which it was established in 1956 left the Secretary-General no alternative to withdrawal.

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30 The United Nations Review (March, 1961), 1, 9, and (April, 1961), 1.
33 United Nations, Monthly Chronicle, IV no. 7 (1967), 135.; Wright, “Legal Aspects of the Middle East Situation,” Law and Contemporary Problems, XXXIII (Winter, 1968), 23.; Yashpal, Tandon, “UNEF, the Secretary-General and International Diplomacy in the Third Arab-Israeli War,” International Organization, XXII (Spring, 1968), 529 ff. argues that while withdrawal of the UNEF was inevitable, the Secretary-General should have protested more than he did.
Problems of Peace-Keeping Forces

A survey of practice indicates that the use of peace-keeping forces and observers involves numerous problems—legal, political, logistic, administrative, and financial.

Legal problems have concerned the Charter authority to establish, station, and pay such agencies. For the first, authority has been found in the capacity of the Security Council and the General Assembly to establish “subsidiary organs,” and of the Secretary-General to administer decisions and recommendations of these organs, and, to send observers to troubled areas on his own responsibility to advise him on the performance of his function “to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.” His duty to appoint the staff of the Secretariat is also relevant. The uniformed guards at the U. N. building in New York constitute a small peace-keeping force and they may also be used for protecting U. N. buildings and missions abroad. Ample authority to establish such forces exists in the Charter.

It has been usual to obtain the consent of the state in whose territory a force is to be stationed and this may be necessary if the force is based on a recommendation of the General Assembly, as was the Middle Eastern force, although a duty to admit them may be found in the Charter obligation of members to accord to the United Nations the legal capacity and the privileges and immunities necessary for the exercise of its functions and fulfillment of its purposes. If the operation is based on a decision of the Security Council, as was the Congo operation, all members are under a clear obligation to admit the force to their territories in order to carry out that decision. It can also be argued that the members are obliged to receive from the Secretary-General observers and diplomatic missions as well as to send them to the New York headquarters, and also to permit the entry of small guard forces to protect such missions.

The International Court of Justice held in an advisory opinion that the expenses of such forces, whether authorized by the Security Council or the General Assembly, constitute “expense of the organization” which may be voted and apportioned in the general budget by the General Assembly, establishing an obligation of members to pay the amount apportioned to them. This interpretation, though accepted by the General Assembly, including the United State, has been objected to by the Soviet Union, France and other states who insist that U. N. forces can only be established by agreements as provided in Chapter VII of the Charter and must be paid for as provided in such agreements or by voluntary contributions. The refusal of these states to pay has been reluctantly acquiesced in and the General Assembly has not deprived them of their vote as it is legally obliged to do.

Political problems have concerned the purpose for which such forces may be used. They have been used for protection of observers, transportation and communication services and policing troubled areas and cease-fire lines. They have not been used for “enforcement action”

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34 Tandon analyzes the effective, in contrast to the legal authority to establish these organs by the degree of concensus behind them. *International Organization*, XXI (Spring, 1967), p. 267 ff.
35 See Zacher, note 28.
36 See Tandon, note 33.
37 See Bloomfield, note 20.
38 See note 6.
against an aggressor, although they may have to engage in military action to maintain order as they did in the Congo. While it is recognized that a permanently embodied force would be more efficient, and such a force was recommended by Secretary-General Lie, political opposition has prevented such a force except for the small technical field service, and Secretary-General Hammarskjöld recognized the expediency of utilizing only ad hoc forces. To maintain the neutrality of such forces it has been recognized that they should not be drawn from the great powers. No great power has provided contingents for U. N. forces except the United States and France in Korea, before the concept of “peace-keeping” forces had developed, and the United Kingdom in Cyprus, where U. K. forces, already there, were embodied in the U. N. force. Canada, Sweden, Ireland, Australia, and Yugoslavia have contributed to most of these forces but thirty other countries from Europe, Asia, Africa, and Latin America have also contributed contingents.40

Determination of the need for peace-keeping forces and their operations in a particular conflict situation is a political and strategic problem to be normally determined by the Security Council or the General Assembly, but these bodies have been inclined, because of political differences preventing precise instructions, to delegate much authority to the Secretary-General who can be better informed on the situation. “Let Dag do it” became a popular phrase. It is difficult, however, for the Secretary-General to avoid offending one or another of the parties to the conflict, or a great power. Consequently he has sought to obtain as detailed instructions as possible from the political bodies.41 Trygvie Lie found himself in political hot water over the Korean operation as did Dag Hammarskjöld in the Congo crisis.

The logistic problem involves obtaining rights of passage, usually accorded and the procurement of trucks, ships, and planes for rapid transport of contingents from various parts of the world to the center of action. Member states have contributed such equipment as well as men. The United States provided transport planes for the Congo operation and Britain has promised transport vessels for future operations. There has been less reluctance to accept such contributions from great powers than to accept human contingents. Dependence on great powers for logistics might, however, sometimes give undue political influence to some suppliers.

Among administrative problems are the mode of recruitment. Smaller forces have been recruited by the Secretary-General by enlisting persons individually but larger forces have been composed of contingents sent by states on suggestion of the Secretary-General on the basis of the geographic, linguistic and political relation of the contributor to the area and the parties, in order to assure neutrality, efficiency, and acceptability by the parties to the conflict. Control of the Korean force was delegated to the United States which appointed General MacArthur as Supreme Commander, but subsequent forces have been under control of the Secretary-General within the authority given him by the Security Council or the General Assembly. States contributing contingents have assumed they could withdraw them but the Secretary-General has attempted to obtain commitments placing the contingents under his authority while the emergency continues. Such efforts were not wholly successful in either the Congo or the Middle Eastern operations. Problems of command, discipline, language, strategic planning, etc., have

40 Wright, A Study of War, p. 1546; Bloomfield, “Peace-keeping and Peace-making,” 675 ff.
41 Commission to Study the Organization of Peace, 17th Report, p. 204 ff. Tandom points out that the increasing independence of the Secretary-General has added to his vulnerability (See note 28).
been dealt with by the Secretary-General who provides rules and gives orders through the commander on the spot. Obviously these problems could be better met if a permanent force, command, and general staff were established, but this has proved politically impossible up to date and multinational ad hoc forces of considerable magnitude have functioned with reasonable efficiency.

The financial problem has been the most serious. Even small peace-keeping forces add greatly to the modest budget of the United Nations. Operations in the Congo more than doubled the budget. Some states fear that such a force may encroach on their national sovereignty or their foreign policy. If United Nations forces were built up as nations disarmed, the United Nations would play a steadily increasing role in the balance of military power and in international politics. This would tend to increase the effectiveness of international organization and international law augmenting the security of all states, but it would decrease the independence of states, especially of the great powers. Consequently the idea of a financial veto developed especially by the Soviet Union and France, giving them the power by refusing to contribute to hamper the establishment, not only of a permanent U. N. peace-keeping force but of any ad hoc force. They argued on the constitutional ground that any U. N. force had to be established by special agreements with the Security Council as provided in Chapter VII of the Charter and could be used and financed only as provided in these agreements or on decision of the Council in which each great power has a veto. As noted, this legal argument is not convincing. The position seems actually to reflect attitudes of extreme nationalism and fear of effective international organization, attitudes which have not been characteristic of either the Soviet Union and France in all periods or recent history. In addition to the position of these great powers, some of the poor countries, while favoring a U. N. force, were alarmed at the costs and wished to shift the financial burden to the richer countries.

The International Court of Justice has, as noted, sustained the full authority of the General Assembly to include the costs of peace-keeping forces, whether authorized by the Security Council or the General Assembly, in the regular budget of the U. N. and to apportion it among the members. The Soviet Union and France have not accepted this advisory opinion and it has not been enforced. United Nations committees have been making efforts to reach a compromise. An Irish proposal would permit the great powers to refuse to pay for forces to whose sending they objected and would provide a special scale of apportionment for other members bearing most heavily on the great powers. The Soviets objected and agreement has not been reached. Voluntary subscription has been relied on to maintain the Cyprus force.

The Problem of World Peace

The use of peace-keeping forces has undoubtedly contributed much to the efficiency of the United Nations in dealing with conflicts and hostilities. There can also be no doubt but that solution of the problems mentioned, especially those of finances, would increase this efficiency.

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42 See note 28.
43 See note 39.
Apart from peace-keeping, major problems remain if the United Nations is to achieve its purposes. Peace-making and peace-building are also necessary. More effective means must be found for settling disputes and situations which cause resorts to force, and behind this is the problem of creating basic conditions of peace in the world. These conditions include a world opinion recognizing the necessity in the nuclear age of a stable order resting on effective international law and organization rather than on national policies of balancing power or mutual deterrence. Such a world order requires states to accept limitations of national sovereignty to permit third party decision of international disputes if diplomacy fails, and to effect peaceful change of situations threatening hostilities. Adequate procedures for developing international law and international organization to keep them abreast of a rapidly changing world are also conditions of peace as are agreements for general and complete disarmament. Progress toward the latter was made in the United States-Soviet accord on principles in the McCloy-Zorin “joint statement” of 1961. Perhaps the most important condition for such a world is perception by the great powers of their long-run national interest in establishing, in practice as well as in law, a world of peaceful coexisting states, in the words of President Kennedy, “a world safe for diversity.”

46 Address, American University, June 10, 1963, quoted in Wright, A Study of War, p. 1562.