Chapter Four

INDIA AND AN INTERNATIONAL FORCE
The problem of an international force received adequate consideration at San Francisco. Since the framers of the Charter were thinking primarily in terms of organizing collective force to overcome the threat of unilateral force used by a state or a group of states it was natural that they should regard an international force to be an integral part of a collective security system. The rationale of an international force appeared so simple and logical that its absence should have been considered surprising. Yet the fact remains that the delegates at San Francisco had to start from a scratch; all that history offered them by way of precedents being a warning dictated by failures of the experiments conducted hitherto. (1)

Theoretically speaking, an international force could be conceived in several forms: a) a permanent force of an international nature over and above the national armies or even replacing them,

(1) It was not as though no attempts had been made in that direction. The League had planned a multinational force to deal with the Polish-Lithuanian conflict over Vilna. During the Columbian-Peruvian dispute both the states concerned accepted a League Council settlement which was carried out with the assistance of an international force. Although it was very small in number and consisted mainly of police force to supervise a plebiscite in Saar, and though mostly British, the force was referred to by F.P. Walters as "the first and the last international force in the service of the League." The experiments by the League, however, could not vouchsafe a reliable code of conduct for an international force fitting into the world situation as it existed at the end of the Second World War and was likely to develop thereafter. See Maxwell Cohen, "The UNIF: A Preliminary Review," International Journal (Toronto), 12 (1957) 110.
b) national contingents under international command which presupposed control by a permanent international military staff, c) national contingents at the disposal of an international body but remaining under the command of their national army. (2)

The first of these forms had been rejected at Dumbarton Oaks itself. The third corresponded to the system provided for in Art. 16 of the Covenant of the League and the failure of that experiment deterred its repetition in the Charter. The San Francisco Conference adopted Art. 5, corresponding to Art. 43 of the present Charter, which said, "in order that all members of the organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security." Special agreements should be negotiated as soon as possible and should in each case be subject to the approval by the Security Council and ratification by the signatory states in accordance with their constitutional processes. Also a Military Staff Committee was provided for to assist the Security Council in carrying out its task of raising national contingents for the international force. (3)

India supported the San Francisco plan for an international force but at that very stage she also warned that the proposed

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(2) UNCIO. 12, 111/3/3, 9 May 1945.
(3) Art. 47 of the UN Charter.
force could not and should not try to intervene in a war between the great powers or even between the small nations, if the great powers were divided. (4) In order to emphasize the special responsibility of the great powers, India supported the Australian amendment that the proposed agreements should be negotiated on the initiative of the Security Council on the one hand and the member states on the other. (5)

The agreements between the Security Council and the member-states upon which the entire military structure of the United Nations was expected to rest were never entered into. The Military Staff Committee reported its failure as early as 1947. All the five members agreed on three important points: they agreed on the desirability of establishing UN forces promptly, they agreed that the Big Five should contribute initially the major part of these forces and they agreed on the overall international command of these forces during their period of employment by the Security Council, although they would remain, at other times, part of the respective national contingents. They failed to reach agreement as to where the forces should be stationed while awaiting the call. They also failed to agree on the size and strength of the forces and as to whether each of the five powers should be asked for contributions of land, air and sea forces that would be equal in strength and composition or just compatible with each other. (6)

(4) UNCG, n. 2, 111/3/10, 12 May 1945.
(5) Ibid., 111/3/34, 28 May 1945.
The disagreements in the deliberations of the Military Staff Committee merely reflected the general break-up of the wartime co-operation among the great powers and presaged a dismal future for any move which gave greater importance to any one of them. This basic understanding influenced India's attitude whenever the issue of an international force came before the United Nations. Of course, it did not preclude the influence of other considerations relevant to each particular occasion.

An International Force for Palestine

In February 1948, the Palestine Commission recommended that an international army should be despatched to Palestine to take prompt and effective control of the situation likely to be created at the end of the British mandate in that region. The Commission made this recommendation on the basis of the authority given to it by the General Assembly resolution (181 (II)A) on the future government of Palestine. The resolution envisaged a partition plan for Palestine and requested the Security Council to take necessary measures for the implementation of that plan and treat any attempt to alter that settlement by force as a threat to peace, breach of the peace or act of aggression, in accordance with Art. 39 of the Charter. (7)

(7) The recommendations of the Palestine Commission were based on these considerations. The partition plan had been openly challenged by the Arabs. Powerful Arab interests both inside and outside Palestine were engaged in a deliberate effort to alter the proposed settlement by force. Prior to the coming into effect of the partition plan there were three kinds of armed forces in Palestine in addition to the forces of the mandatory power i.e. Britain: the Arab legion, the Palestine Police Force (a mixed force of the British, the Arabs and the Jews) and some forces in the Arab and the Jewish areas respectively. The Commission was aware that all these forces would be either unavailable or inappropriate for use. Special Report of the Palestine Commission, A/AC.21/9.
India was not a party to the discussions which followed the recommendation of the Palestine Commission. But her attitude towards creating an international force for Palestine was implicit in her reaction to the partition plan. India voted against this plan and declared emphatically that the United Nations should consider "a solution without the need of enforcement." (8) Palestine was a predominantly Arab country and in any solution that predominance should not be altered to the disadvantage of the Arabs. (9) It is quite possible that India's sympathy for the Arabs had something to do with her efforts to procure the wavering loyalty of the Muslims at home but her opposition to the enforcement of the partition plan stemmed from something much wider and more generally accepted. As realized by the great powers themselves, it was neither desirable nor possible to send an international force to Palestine. If the Council found that there was a threat to international peace or a breach of peace or an act of aggression in Palestine from outside, then it was required to make recommendations or take measures in accordance with Chapter VII of the Charter and member-states were obliged to assist the Council. (10) But the Charter did not empower the Council to enforce a political settlement and therefore, no international force was set up. (11)

(9) Ibid.
(11) The major powers held consultations among themselves vide U.S. resolution (S/685) and though it was decided that the Security Council should meet any possible threat to international peace in Palestine, nothing was done to set up a UN Force for that purpose.
A UN Guard Force

In June 1948 the Secretary-General Trygve Lie emphasized the need for a UN Force to back up the decisions of the Security Council and, in particular, to look after the security of the people working in the UN missions. He suggested that a beginning could be made through the establishment of a guard force, as distinct from a striking force, recruited by the Secretary-General and placed at the disposal of the Security Council. (12)

India agreed with the Secretary-General that the personnel sent by the United Nations ran very great risks and should be assured of all necessary protection — the memory of UN mediator Count Bernadotte's brutal assassination being the immediate cause for such a concern. She was prepared to support the UN Guard proposal provided it was made clear that it would be established on the lines suggested by the Philippines. (13) Firstly, the UN Guard would be a unit under authority granted by Arts. 100 and 101 of the Charter. (14) Secondly, it would not have the character of an army nor would it preclude the creation of the international armed force called for by the Charter and which was the responsibility of the Military Staff Committee. Accordingly it would not be empowered to undertake any of the measures provided in Arts. 42

(12) A/656. Secretary-General's proposal for a UN Guard Force.


(14) Arts. 100 and 101 deal with the appointment and duties of the UN staff.
and 43. Thirdly, its functions would be to provide personal protection for the members of the UN missions and guard UN property in the disputed areas or neutral zones and police places where plebiscites were being held under the UN auspices.

India voted in favour of the General Assembly's decision to appoint a 14-member committee, including the five permanent members, to study the Secretary-General's proposals in detail. (15) But no Guard Force could be created mainly because of the opposition by the Soviet Union and some others thinking on the same lines. They insisted that what was being contemplated was a special international army, not provided for in the Charter. The Charter did not authorize the Secretary-General to establish or command any armed guard, armed force or other armed contingent. The argument that the proposed guard was not, properly speaking, an armed force was untenable. Several hundred men equipped with revolvers, carbines and rifles and having at their disposal armoured cars, and if need arose, aircraft and vessels could be called nothing but an armed force. (16)

The UN Command for Korea

During the Korean crisis the United Nations succeeded in creating an international force which fought for the purposes enumerated in Chapter VII.

India was politically committed to the UN operations in Korea, but she refused to associate herself militarily with the UN Command. (17) Her inability to spare her troops in the early years of her independence was one reason. But the more important consideration was the character of the UN Command itself. It merely sanctified, as it were, the existing U.S. Command in the Far East. It was not under the executive control of the United Nations, the Secretariat had no part in its organization or deployment, it was not financed by the United Nations. Nor did the United Nations determine in any but the broadest terms the conditions and objectives of its employment. The response of the member-states to assist in this campaign was generally poor—NATO allies being the only enthusiastic supporters of the U.S. leadership. South Koreans apart, the UN Command in Korea consisted of about a quarter of a million Americans compared with only about 36,000 troops from all the other members of the United Nations.

The question of turning the UN Command into some sort of an international force for future use by the United Nations did not appeal even to its most blatant apologists and India was very keen to see the end of the whole show. (18) The thin veil of its international character was fully exposed when during the fag end of the UN campaign, many of the member-states tended to place


the U.S./UN Command on the same footing as the North Koreans and behaved as if both of them had equally violated the Charter.

The Collective Measures Committee

In November 1950 the United Nations for Peace resolution recommended, among other things, that each member-state should maintain elements within its armed forces for prompt use as UN units and that a panel of military experts be appointed by the Secretary-General for advisory and organizational purposes. (19) A Collective Measures Committee was duly set up and it developed a set of principles designed to maintain an international force. (20) The Secretary-General asked member-states to survey their resources to determine the nature and the scope of the assistance they might render and to report on the progress made. (21)

India abstained from voting on the United Nations for Peace resolution as a whole mainly because of the provisions relating to the establishment of armed forces. It was publicly stated by the Government of India that it did not favour the resolution because it was unacceptable to certain delegations. Most vocal and emphatic among those who opposed the resolution was the Soviet Union. The Soviet Foreign Minister, Mr. Vysichinsky, told the General Assembly that his delegation had no objection to Section A calling for the extraordinary sessions of the General Assembly. (22)

(19) For the text of the resolution, see 377 (V).


(21) Ibid.

They were also prepared to accept the establishment of a Peace Observation Commission proposed in Section B. But the Soviet delegation could not accept Section C and the points of the Preamble contemplating the setting up of armed forces of the United Nations because it constituted an attempt to usurp the authority of the Security Council and violated Chapter VII of the Charter. It was not sheer coincidence that India also objected to Sections C and D of the resolution.

India did not associate herself with the work of the Collective Measures Committee and her attitude reflected the general scepticism rather than an erratic exception. Out of the sixty member countries invited to tell the Committee what they proposed to do seventeen did not bother to respond at all. Two sent courteous acknowledgements but avoided an answer to the query. Twenty-one replies ranged in tone from negative to wholly non-committal. That left only twenty replies which could be considered friendly even in tone. Some of them like Canada sent replies which appeared favourable but were cautiously worded. Only four, Denmark, Norway, Greece and Thailand agreed to set aside some forces. Even the U.S. reply was only a skilled piece of draftsmanship which appeared favourable but was deliberately vague to avoid definite commitment. (23) Under those circumstances there was nothing left for the Collective Measures Committee to do except what was suggested

(23) Second and Third Reports of the Collective Measures Committee. A/2215 and A/2713 respectively.
by Britain and supported by India, i.e., to realize that there was no need for it to pursue further studies and that was what it did after the submission of its third report. (24)

The United Nations Emergency Force (UNEF)

The creation of a United Nations Force during the Suez crisis marked a new phase in the establishment of an international force. Mere establishment of the UNEF was surprising. The speed with which the task was accomplished was almost incredible in view of the many unsuccessful attempts made not much earlier. The UNEF differed from its predecessor, i.e., the UN Command in Korea in two important aspects which were clearly explained by the Secretary-General and repeatedly emphasized by India. (25)

Firstly, unlike the UN Command in Korea, the UNEF was a truly international force. The contingents of the Force although remaining in their national service were, during the period of their assignment to the Force, international personnel under the authority of the United Nations and subject to the instructions of the UN Commander. The functions of the Force were exclusively international. The Secretary-General seemed to treat the Force as a subsidiary organ of the General Assembly in accordance with Art. 22 of the Charter. It was evident also from the various documents relating to the UNEF which granted to the officers of that Force, privileges and immunities of Art. 105 which deals


(25) Secretary-General's Principles of the UNEF. A/3289 and A/3302 later codified in A/3941.
with experts on missions for the United Nations.

Secondly, whereas the UN Command for Korea was essentially a combatant force, the element of force in the UNEF was almost non-existent. As emphasized by the Secretary-General, in establishing the UNEF no use of force under Chapter VII had been envisaged. It was para-military in character, not a Force with military objectives. Its functions were to supervise the ceasation of hostilities and the withdrawal of foreign troops from Egypt and to patrol the frontier. (26) The UNEF was essentially interpository in character, "a moral U.N. presence given a physical embodiment on a scale sufficiently extensive to guarantee that neither side aim the slightest blow at the other without involving itself by the very act, in larger international consequences." (27)

The genuinely international character of the UNEF and its non-military functions accounted in part for India's prompt and generous contribution to the Force. (28) But she did not want the UNEF to be regarded as a pilot project or "an embryonic international force" of the future. (29) It was a temporary arrangement which

(26) The Secretary-General did not exclude the possibility of such a Force being used by the Security Council for the wider margins provided under Chapter VII of the Charter, if the occasion so demanded. Ibid.


(28) The consolidated strength of the UNEF on 15 September 1957 was 5,977 out of which 957 personnel belonged to India. It was the second largest single contribution, the highest being that of Canada. See A/3694 & Add.1.

the Assembly had fostered for the specific purpose of supervising the cease-fire and the withdrawal of foreign forces from Egypt. (30) Since it was not the kind of collective force contemplated by the Charter it did not abrogate the responsibility of the great powers for the establishment of an international force as and when they succeeded in resolving their disagreements. (31) India attached great importance to this aspect of the UNEF because the Soviet Union had been only a passive spectator and not an active supporter of this experiment.

The UN Observation Group in Lebanon (UNOGIL)

During the Lebanese crisis a suggestion was made by the U.S.A. that the UN Observation Group in Lebanon should be converted into an emergency force to protect the integrity of Lebanon and to ensure that there was no illegal infiltration of arms or personnel across the borders. (32)

India had actively participated in the UN activities regarding the situation in Lebanon. She was one of the 21 countries who contributed military observers for Lebanon and was also a member of the 3-man UNOGIL. (33) The recommendation of


(31) Menon, n. 29.


(33) During the peak of its activity, the UNOGIL had 591 military observers personnel serving with it, of whom 469 were ground observers, 32 were non-commissioned officers in support of ground operations and 90 were in the air section. United Nations Review, 5 (January 1959) 22.
the UNOGIL that the number of observers should be raised in order to carry effectively the patrolling of Lebanese borders was fully supported by India. (34) But she did not appreciate the idea of converting UNOGIL into an emergency force. India held that the situation in Lebanon did not call for any UN Force being sent there under Chapter VII. (35) It was a purely internal matter and the Lebanese leaders having made it firmly known that they were averse to having any foreign troops including those of the United Nations, the sending of a UN Force would create dangers out of all proportion to the issues involved. (36) Also, India did not share the feeling that if only a UN Force were available it could be quickly thrown into action in the Lebanese-Jordanian crisis. To rush a standard type of force into situations which could not be standardized was to court trouble. (37) Nor did India find any justification for exploiting the Lebanese crisis to create a standing army for the United Nations. If at all some consideration was to be given to this matter, it ought to come in the normal way; to slip it in, as it were, from the side door at an emergency session where a specific issue was being discussed was "unwise and wholly unwarranted." (38)

(35) Ibid., cols. 1662-7.
(37) Ibid., 69.
(38) Ibid.
The UN Operations in Congo (ONUC)

The Emergency Force established by the United Nations to deal with the situation in the Congo both differed from and resembled the earlier two experiments. Unlike the UN Command in Korea and like the UNEF, the UN Operation in Congo was a truly international force, its 18,000 soldiers and 1,200 civilians having been drawn from many countries, most of them belonging to Asia and Africa. Unlike the UNEF, the element of force played a decisive role in the success of the ONUC, although emphatic disclaimers were issued on this point in the earlier stages of the operation.

India committed herself heavily to the ONUC — politically, militarily and financially. She was one of the strongest supporters for sending the UN Force to the Congo in response to the appeal made by the Congolese Government — more so when it became fairly clear that neither of the two great powers was irrevocably opposed to such an experiment. She contributed the largest contingent to the ONUC when it seemed to stagger at one time in view of the hasty withdrawals of their contingents by some African nations. In terms of money India paid £105,000 to the Congo fund and unlike many others who fell far below the amounts promised when the time came for payment India fully paid up the amount she had volunteered to contribute. (39)

With all its international character and its authority to use force the ONUC was and remained an ad hoc arrangement.

improvised to meet a specific situation and it was on this understanding that India associated herself with it. Although there is the small staff at the United Nations to deal with Congo affairs and there is now a permanent military adviser, there is still no permanent military staff to plan the details for future contingencies, nor is there any permanent and standing system for the selection of troops for future crises. For both the UNEF and the ONUC there are separate advisory committees basically composed of representatives of countries supplying troops but there is no UN military or special organization outside the actual areas to backstop the UN forces in the Middle East or in the Congo. (40)

A Permanent International Force

India's viewpoint on the various occasions when the issue of an international force came up before the United Nations reflected her marked disinclination to agree to the establishment of a permanent international force or a stand-by army permanently available to the United Nations. The reasons for such an attitude may be stated.

The fundamental condition for the establishment of a UN Force as envisaged by the Charter has not been fulfilled, viz., not on a single occasion all the great powers have agreed to such a proposal. India believes that in order to be effective and consistent with the Charter the decision to establish a permanent

(40) Brian E. Urquhart, "UN Peace Forces and the Changing U.N.",( n. 27, 349-50.)
force should be collective and not sectional. (41) The UN Charter itself has made clear the distinction between the collective security of a universal system and that provided by an alliance in the Chapters VII and VIII respectively. The principle of agreement among the great powers has, in this context, a two-fold significance; without it a military action lacks the foundation necessary to make it effective and without it the United Nations is likely to be transformed into an instrument of military force in a conflict between the great powers, with all that this might mean to the other member-states. (42) As the events have unfolded so far, the great powers have placed greater reliance on the alliance type of collective security and there are very dim chances for the trend being reversed in the future. (43)

Propositions regarding a stand-by force for the United Nations for which contingents are to be earmarked by the states are considered entirely impractical by India. (44) Any discussions


(43) It is not easy to support a NATO or a Warsaw Pact and a UN Force at the same time. A mutual desire for a detente is more likely to take the form of multilateral, parallel measures of restraint by the two great powers rather than a joint force explicitly and permanently backed by both of them. So long as the great powers are engaged in a contest that may hopefully remain peaceful but is, nevertheless, going to last in the sense of being an ideological rivalry, they are unlikely to set up a force which neither of them could be sure of controlling and which could be used against the interests of either of them or even against their common interests to some extent. Stanley, Hoffman, "Erewhon or Lilliput? A Critical View of the Problem," n. 27, 414.

to implement such plans are almost certainly going to sink in the bog which devoured the 1946-47 negotiations in the Military Staff Committee as well as the later discussions on the proposal of the Collective Measures Committee under the Uniting for Peace resolution. The establishment of this type of Force presupposes either of the two things: either there has to be a decision by the relevant states to let an international organ such as the Security Council, decide in each case whether to mobilize the Force and for what reasons, or else there has to be an agreement defining in advance and in detail the kinds of circumstances in which the Force could be used and the kinds of missions it would perform in each case. In other words, the international law which would govern the use of an international force would have to be above the national laws of the various countries and be equally acceptable to all. (45) However, even the greatest optimist cannot imagine that nations, whose enthusiasm for the compulsory jurisdiction of the International Court of Justice has been rather poor, would permit an international organization to dictate laws to them.

India regards the composition of a permanent or a stand-by force to be a perennial problem. (46) Contingents for such a Force shall have to be raised in one of the three ways and each one is likely to be confronted with a difficult set of problems.

a) The great powers alone may pool together their forces towards

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(46) Menon, n. 44.
an international force. But such a proposition is unlikely to be accepted by the great powers themselves, because a common interest in peace is one thing and the creation of a common force is entirely another. (47) Moreover, it is doubtful if an international force composed wholly of great powers would invoke the confidence of the smaller powers and make them feel more secure than they do at present. (48) b) An international force may be established by a coalition composed of one great power, its allies and a large number of non-aligned states. In this case it will not differ materially from an enlarged NATO or an expanded Warsaw Pact; it could be easily and safely stored as an excellent recipe for a full-scale war. A bulk of smaller and middle rank powers would not like to support a permanent division of the world in the sense of each half being led by one great power. c) A world force may be drawn mainly from the group of non-aligned states. The effectiveness and capability of such a Force would be limited strictly to act in those situations where the great powers are not involved.

(47) When the contest involves an obvious risk of world annihilation each super-power may desist from the use of force in those particular areas where the danger of conflict is too formidable but that cannot be interpreted as a denunciation of the threat to use force or - even less - the establishment of a world force to repress and replace national resort to arms. Informal restraints which are keeping the super-powers away from a headlong crash have an additional advantage over explicit agreements: violations are less likely to produce crises. "Law operates as plate glass window, breaking it makes noise and brings out the police, whereas the throwing of a rock across an open field draws less attention." Hoffman, n. 43, 414.

either politically or militarily. But it would be difficult to
draw up an advance list of areas where the great powers would allow
an international force to act. A list of this type is bound to
prove thoroughly unreliable. Nor is it likely that the small
powers would commit themselves to an international force which is
likely to be used always against one of them.

Even if the United Nations succeeded in pooling together an
international force of some kind India wonders as to what would
the Force do when there was no occasion for its use. (49) If it
were a permanent Force maintained by the United Nations the problems
of its command and employment would give rise to serious complica-
tions inherent in every nation's desire to have a say in the
matter. If it were a stand-by force composed of national units
remaining under the control of contributing states themselves, the
problems would be no easier. If the contributing states kept their
units earmarked for international action and they did not take part
in the general military operations of the country they would
no longer be competent to perform the tasks for which they were
sent out; and if they were employed in the same pattern as the other
national contingents it would become very difficult for the states
concerned to keep alive the distinction between those who were to
cure the troubles of their own nation and those who were to deal
with the troubles of international community alone. (50)

India feels that a permanent or a stand-by UN Force is likely

(49) Menon, n. 44, 365.
(50) Ibid.
to be risky and unreliable. (51) A police force in order to be reliable must be loyal to the government authorities and share their conceptions of law and justice. An international force by its very nature cannot be at the service of a single government to which it gives allegiance and whose orders it executes unquestioningly because of that allegiance. (52) If those of the national contingents whose political views coincide with those of the international organization on one particular occasion are included in the international force, it may be too small to be effective and if a general force composed of various shades of opinion is put into operation it may give way under the strain of conflicting loyalties. The behaviour of the African contingents during the UN operations in the Congo illustrated fully the unreliability of an international force.

The relationship between national preferences and international force may be seen from these figures: no nation which did not support the UN military action by its vote in the Security Council or the General Assembly supplied contingents for the Force created and of those who supported them, only a few


(52) It is possible for some individuals to transfer their loyalties from their respective nation-states to an international organization either on a particular issue or even in general. But it is too much to expect that a large mass of individual members of different nations could so transfer their loyalties that they would execute reliably whatever orders the international organization might give them. Hans J. Morgenthau, "The Political Conditions for an International Force," n. 27, 399.
supplied units. Thus in 1950, out of the sixty members of the United Nations only 16 provided armed forces in Korea and of those only the U.S.A., the U.K., Canada and Turkey can be said to have contributed more than token forces. For the UNEF only 10 countries provided troops. The ONUC was initially composed of units from Ghana, Guinea, Morocco, Ethiopia, Tunisia, Sweden and Ireland. The composition of that force had to be changed frequently according to changes in the policy of the participating nations. (53)

India believed that the maintenance of an international force would be extremely costly in relation to the existing budget of the United Nations. (54) The Korean bill did not become a problem for the United Nations because the U.S.A. footed it. For the UNEF the Secretary-General estimated that the cost would not exceed £2 million per month. In the case of the Congo it was estimated at £10 million a month. That the United Nations failed to raise that amount was only to be expected in the era of Jukebox diplomacy of modern states who would part with a penny only to listen to the tune of their choice. By the end of 1962, the UNEF expenses of the United Nations stood at arrears of £27.3 million and the ONUC expenses at £76.2 million. (55) The main reliance for the UNEF assessments had been placed on voluntary contributions. But from the very beginning of the UN operations

(53) Ibid., 401-2.


(55) Mezerik, n. 39, 21-5.
the communist and the Arab countries refused to pay any assessments voted by the General Assembly. They held that France, the U.K. and Israel should be made to pay all the UNEF costs.

During the Congo operations it was decided by the General Assembly that a special ad hoc account be created and the member-states contribute amounts proportionate to that of their share in the regular UN budget. (56) However, the action of declaring assessment is not the same as the receipt of payment by the United Nations. The Soviet Union refused to pay its share because she considered that the Security Council as the organ responsible for the Congo action was competent to deal with the financial question and the action of the General Assembly to do so was illegal. (57) Czechoslovakia refused to pay because she did not want to have anything to do with the dirty role of the United Nations in the Congo. Venezuela was filled with horror at the enormous Congo bill. Peru refused to pay from the very beginning. Guinea and the U.A.R. felt that in all fairness the bill should be borne by Belgium. French refusal to pay was consistent with its general policy of aloofness towards the United Nations, more so because she was not interested in the UN policy to force Katanga back to the fold. Britain paid her share, less because she agreed with the principle, more because of her interest in the Union Miniere which was connected with her strong interests in Uganda, Rhodesia and


Tanganyika. In the face of so many defaulters, whatever contributions were made—India also paid her share—were insufficient. The greater financial burden of the Congo fell on the U.S.A., but the prudence of this reliance has been seriously questioned by the suspicions it aroused in the Soviet Union and elsewhere. (58) In order to clarify the responsibility of the member-states the General Assembly referred the issue of its competence to the International Court of Justice (59) which declared by a vote of 59 to 5 that the Assembly had the right to appropriate assessments. (60) Still many member-states were not prepared to pay anything for the ONUe. (61) The General Assembly proceeded to create a study group of 21-members to examine methods of financing peace-keeping activities of the United Nations and bringing up-to-date payments from those who have not contributed as yet. (62) Once the recommendations of the Group are accepted, the General Assembly will be in a position to consider the cases of those who defaulted under the terms of Art. 19 which provides that a member-state shall have no vote in the General Assembly if the amount of contributions due from it in the form of arrears equals or exceeds the amount of contributions due from it for the preceding two years.

(58) Hczerik, n. 39.
(59) A/RES/1731 (XVI) 20 December 1961.
(60) UN Press Release ICJ/187.
India doubts the capability of an international force for taking effective action in all possible situations. (63) Firstly, there is the problem of its acceptability. Despite the obligations of the member-states implicit in Arts. 24 and 25 read along with Arts. 39, 41 and 42, and the entire Chapter VII of the Charter precedents in the past years have shown that an international force cannot enter the territory of a sovereign state without its consent. Since the member-states in general have shown strong resistance to even the slightest intrusion on the part of the United Nations, unless the latter had been explicitly asked to intervene, it is essential that the host country should be willing to accept the contingents composing the Force. Units from one country may be acceptable in one situation/the same may not be acceptable in another situation. (64) Secondly, even the widest stretches of foresight would fail to create some kind of chameleon like force capable of changing its colour and character so as to act, if required, as an operation of the UNEF, the UNOGIL and the ONUC. (65) These operations were so different from each other that no single Force could have answered to their widely different requirements. The task of creating each one of them at a particular time was

(64) Menon, n. 44, 365.
(65) Lall, n. 63.
possible by a set of circumstances which did not repeat themselves. (66) It was not surprising that the late Secretary-General, who was closely associated with all those operations

(66) The UN Command for Korea could be created because the fact of aggression was quickly determined by the presence in Korea of a UN Commission (UNCOK). The only great power which had motives to challenge the decision of the Security Council and also possessed the capacity to do so was not present. Resilience could be quickly organized because the U.S.A. had its armies near the spot when the fighting broke out. Subsequent assistance was lent to the UN Command by those countries which felt themselves already bound to support the American action. But in terms of precedent the UN action in Korea had more of a warning than an encouragement - the very predominance of the U.S. strength which made the UN operation in Korea possible also diminished the UN aspect of that action.

During the Suez crisis the presence of the UN Truce Supervision Organization (UNTSO) served something of the same purpose in relation to the organization of the UNEF as the UNCOK had served in alerting the United Nations towards Korea. Beyond that there was nothing to offer even the faintest semblance to justify reliance upon any precedent. An entirely new set of circumstances determined the nature and character of the UNEF. Firstly, the Suez did not fall in the zone of great power confrontation but at the same time it was a key area strategically and economically vital for both the blocs. Secondly, the two permanent members, who had committed aggression, claimed that they had gone there to fill the vacuum of the UN presence and hence they could not refuse to quit when a UN Force decided to come in. Thirdly, the joint strength of the U.K. and France was not enough to put them in a great power class and this became apparent when pressure was put upon them simultaneously by the U.S.A. and the U.S.S.R. Equally important was President Nasser's aversion to exchange Anglo-French control for Soviet tutelage. The function of the UNEF was simple, i.e., to patrol a strip of desert where it was least likely to come into direct contact with the inhabitants of the states concerned and the occasions to use any force were not anticipated.

The legacy of the UNEF could not be utilized for the Congolese crisis without a lot of re-shaping. Firstly, instead of patrolling a strip of desert the Congolese crisis required the insulation of an almost land-locked sub-continent as well as the internal policing of that same huge area. Secondly, whereas the UNEF had only to keep the two organized and accountable states apart, the ONUC had the double task of excluding outside intervention and creating internal viability. Thirdly, while the UNEF had to operate in an area physically free from complicating interests or inhabitants the ONUC could not possibly avoid contacts with Congolese people at almost every point. Finally, whereas it was

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except the UN Command for Korea, himself doubted the prudence of projecting the details of any single operation into future. (67)

India believes that the world, as yet, is not ripe for the establishment of a permanent force. "With the present state of developments in the world and in the absence of world law and of the universality of the U.N., and in presence of the fact that we as an organization are far from free from group politics or yet capable of taking truly objective decisions, we don't think that it would be right to place at the disposal of such an organization forces which may be moved in without individual negotiations under the consent of the people concerned." (68) The time for establishing

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relatively easy to construct an UNEF out of the contributions of disinterested states, disinterestedness was a harder quality to obtain where the Congo was concerned.

ONUC's role was a dual one; the provision of both internal and external security. It could not assume as the UNEF did that the host country would look after its own internal security. Nevertheless, the Secretary-General took the view that the principles he had laid down in relation to the UNEF were equally valid for the ONUC. And certainly if a testing ground for the Secretary-General's principles were required, no more exacting could be devised than the Congo. The one to come under maximum strain was about the ban on the use of force. Such a power was given eventually and those who argued that the biggest error of the whole Congo operation was not to have given it earlier forget two vital considerations: firstly, in a continent super-sensitive about "neo-colonialists" interference and in a country tottering on the edge of mass hysteria it was important for the United Nations to preserve its image of being a pacific agent seeking only the help the Africans help themselves. Secondly, although some states that contributed to the Force, e.g., Ghana were willing to have their troops employed forcefully, others would have refused contributions to the Force which was involved in the killing of Africans even at the hands of other Africans.

Herbert Nicholas, n. 27, 394-31.

(67) A/3943, Secretary-General's summary of the lessons of the UNEF.

such a Force would come when a) the world has disarmed because it should not be possible for any great power or for any power at the disposal of the United Nations or any other bloc to be so powerful as to challenge the strength of that Force, (69) b) a world law is established so that aggression is clearly defined and states are pre-committed to meet aggression, (70) c) there is some sovereign authority that can make the states yield whenever their services are required and sanctions can be enforced. (71) India realizes that these conditions may take years to come about or may not come about at all in the foreseeable future.

(The strongest argument in favour of the establishment of a permanent force has been that in the face of a crisis the United Nations would not be compelled to make the hasty improvisations it did in the case of the UNEF and the ONUC and which it failed to do in the case of Hungary. (72) From the Indian standpoint it can be argued with a fair degree of reasonableness that the situations would not have changed materially even if the United Nations had a standing army ready to plunge into them. In Egypt, for example, it is true that if a Force were available for use, the pretext that was in fact used — that because the United Nations was not in a position to act they were going to separate the belligerents halt the fighting and protect the Canal — would not have seemed persuasive

(70) Menon, n. 44, 365.
(71) Ibid.
even to those who professed that. (73) But it is not less true that even if a Force was readily available to perform those tasks, the General Assembly would not have chosen to make use of it, until after some pressure on Egypt had lifted and the pattern of events would not have differed very much. In those circumstances the standing army could not have acted earlier than the UNEF did. Despite all the mistakes which accompany improvisation the first 45 men of the UNEF reached Egypt by 10 November, three days after the enabling resolution. (74)

In the case of Hungary it has been argued repeatedly that the mere physical presence of some UN troops on the spot would have made a difference. (75) Even a small detachment would have provided a glass screen through which Moscow could penetrate only with a resounding crash before it could rob and despoil what lay behind. Not only that, had some of the UN troops been Indians or Indonesians or Finnish or Yugoslav or Saudi Arabian, the political consequences to the Soviet Union of shooting them or even capturing and expelling them would have been very substantial indeed. With one stroke, it is argued, the Soviet Union might have wiped out great pockets of neutralism and hundreds of millions worth of propaganda would have been wasted. The results would have been only a few degrees less dramatic in the (more likely) event that the UN troops had been drawn from Western countries. (76)

(74) Ibid., 81.
(75) Ibid.
(76) Ibid., 34-5.
line of argument which seems almost perfect in its logic suffers from some serious snags. The great pockets of neutralism which are expected to have provided the glass-screen for Soviet manoeuvres are, by and large, those very countries which have repeatedly expressed themselves against the establishment of a permanent force. The chances of their being in a Force that could be thrust into Hungary are nil, unless, of course, they were conscripted – if conscription can be applied to nations. In any other stand-by arrangement where their consent was required they would have never fought the Soviet Union for much the same reasons as would not make them collide against the United States. Nor could the availability of a Force composed mainly of the Western powers make any great difference in the Hungarian crisis. Stationing of such a Force in Hungary before the crisis flared up would have faced the same difficulties as any efforts on the part of NATO to reach there. Sending of such a Force after the first shots were fired would have been prevented by the same considerations which checked the creation of an emergency force for Hungary.

So far as the sending of a UN Force to Lebanon is concerned, the absence of such a Force was a positive advantage from the Indian standpoint. Availability of an instrument encourages its use and rushing of such a Force to Lebanon would have definitely meant fighting for a wrong purpose, i.e., internationalizing a domestic situation which was best settled locally.

Regarding the utility of a UN Force to be sent to the Congo, it would be enough to say that the United Nations succeeded
in tackling the situation only because it created the type of force that eventually went there, viz., primarily African in its composition and deliberately vague in its purposes. Any other kind of force would have been unacceptable to that dark continent electrified by the sudden consciousness of its resurgence and allergic to any advances which had even the slightest resemblance to foreign power domination.

If the retrospects for a permanent force appear gloomy the prospects are gloomier still. Any future conflict which might require a UN force is likely to be one of the two types discussed below and in each case the chances for a permanent force to operate successfully are no rosier than those feared by India.

The most evident danger-spots for a future flare-up are those areas where the great powers are already committed to some degree directly or indirectly: Germany, Korea, Indo-China and numerous other big and small members of the same family. Any UN force would fail to force a settlement of the issues which have converted these areas into sensitive spots of world security. If an attempt is made by the United Nations to impose a settlement changing the present state of affairs it would reduce its status from an international organization to that of an alliance of one group of states only because no settlement is likely to be acceptable to both the great powers. They are not likely to agree even on an interpository function for the UN force in those areas and, even if they do, the United Nations should not accept that role in the ultimate interests of peace and justice among states. United Nations interposition in the areas artificially bifurcated for the
sake of irrevocable commitments in an ideological warfare world mean sanctifying the demarcation lines which should not have been there.

Only in those areas where the great powers are not committed irrevocably but are, nevertheless, permanently interested, can the future UN Force play a practicable and desirable role. It can serve as a "plate-glass window" to focus any aberration in the behaviour of the great powers. The strength of such a Force will be in its armbands and not the arms at its disposal. The mere physical presence of a small number of UN personnel in those areas would have a spectacular psychological effect. (77) Any power which tried to bypass or offend them in any way would get its full share of world condemnation—a factor which is likely to play a more and more important role as the search for security goes on.

India is an enthusiastic supporter of the moral presence of the United Nations in areas calling for such an arrangement but here again she seems to indicate that a permanent UN Force need not be created for this purpose. The objectives visualized can be attained equally well by an organ of the United Nations which has rarely shaken its slumber ever since its inception, i.e., the Peace Observation Commission. (78) The job of the Peace

(77) Frye, n. 73, 91.

(78) Section B of the Uniting for Peace Resolution 377 (V) established a Peace Observation Commission with the following fourteen states as its members: China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the U.S.S.R., the U.K., the U.S.A. and the Uruguay. The purpose of the Commission was to observe and report on the situations in any areas of international tension the continuance of which was likely to endanger the maintenance of international peace and security.
Observation Commission would be to send observer groups to trouble spots before the latter burst out into a crisis. It would also supply the United Nations with accurate information if and when the worst came about. The very name of the Peace Observation Commission is likely to make it more acceptable in any situation than a UN military force. Probably that was the reason why India supported the idea of a Peace Observation Commission in the Uniting for Peace resolution while she abstained from voting on the resolution as a whole.

The less conspicuous but more likely areas of future conflict are those which lie outside the periphery of great power commitment. A tentative list of the potential candidates of revolution in this category tends to be formidable and an idea of the same may be had from the following: (79)

1) The chief cause of internal conflict and disorders would doubtless continue to be the multiple and complex revolutions of the non-whites. One revolution is against their own traditional past, the other is against the dominant position of the European West. Eventually there may also be war with the very conditions that gave it birth and with the policies and people that carried the revolution through its earlier perilous stages.

2) In the nation-building processes it can be anticipated that the seemingly contradictory process of fragmentation will continue simultaneously with destabilizing results. Africa with some 2,000 tribes can be looked to as a continuous source of

potential disorders as people within essentially artificial national boundaries agonize in their search for nationhood.

3) Another potential source of internal disorder arises from the peculiar structure of internal rule with which many emerging countries have commenced their independent existence. Only a rashly hopeful person would predict a future of stability or even validity when some of the one-party governments lose their initial popular support; with no real provision for transfer of power trouble is certain.

4) In the communist world the split between the two major communist powers must be stretched far into the future, with all its implications.

b) A new phenomenon for trouble may be the neo-imperialism on the part of some new countries themselves. The ambitious and may be innocuous plans for Pan-Asianism, Pan-Africanism and Pan-Arabianism can be easily misunderstood as well as misinterpreted to set in motion the otherwise dying colonial tradition.

The number of areas which fall under one or the other category mentioned above is so large that UN presence in each one of them can be counted out as an impracticable proposition. Even the sending of a UN Force to any or few of these areas is likely to meet two sets of obstacles. Keeping in view the futility of prophesying international behaviour none can ensure that the so-called internal conflict areas would not become the targets for great power involvement when the conflagration assumes any proportions dangerous enough to justify UN presence. And once the great powers get interested in any area the UN Force would be
faced with the familiar phenomenon of great-power disagreements with all its known consequences.

Almost all the types of conflicts listed above can be seen as the manifestations of the desire for freedom from foreign domination, from outmoded institutions, from totalitarian policies and from human injustice based upon inhuman discrimination. It is likely that in its efforts towards the attainment of its goals a state like the Congo may ask the United Nations to come to its assistance. But it is more likely that the presence of the United Nations may be resented by a newly emerged nation-state. After all the United Nations is represented by member-states whose help may be considered degrading by those who have not won the established status for themselves. Any insistence on the part of the United Nations to be present where it is not wanted would not only hurt its prestige but also be contrary to the purposes and principles of the Charter.

The foregoing analysis should not lead to the hasty conclusion that India does not want the United Nations to prepare for future crises because the task looks formidable. On the contrary, India would like the United Nations to respond and not to withdraw in the face of a challenge. It is of the highest importance for world peace and security that the United Nations should act promptly in situations which left to themselves are likely to provide leakage points for great power overtures. In this context the United Nations has already done a valuable job in many troubled areas, most conspicuous being the achievements of the UNEF and the ONUC.
The UNEF brought peace to an area where there had been none for years and the ONUC has assisted in bringing stability where there would have been none for years to come. With its varied experiences it cannot be said about the United Nations any longer that in a moment of crisis it would be thrown back to a situation when everything had to be improvised when there was no precedent for making units available nor any practicable financial and administrative procedure to accomplish the tasks confronted with.

**Essentials of India’s View of an International Force**

In view of the problems involved in the establishment of a permanent international force India believes that the United Nations should try to meet the threats to international peace and security by relying upon *ad hoc* Forces established to suit the requirements of each particular situation. These Forces need not be necessarily military in character. For the realization of their objectives they may undertake responsibilities other than those explicitly stated in Chapter VII of the Charter. In this respect the experience from Korea to the Congo may be treated as a reliable code for their terms of reference.

A UN Force may be set up either by the Security Council or by the General Assembly. The authority of the Security Council to do so has been expressly provided in the Charter. (80) The General

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(80) The Council may establish such a Force in accordance with any of the three types of action it is authorized to take under Arts. 40-42. 1) It may consider that such a Force is necessary to ensure compliance with provisional measures ordered by it. For instance, having ordered a truce, the Council may

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Assembly may also establish *ad hoc* Forces on the basis of authority derived from Art. 11 para 1 of the Charter which empowers the Assembly "to consider the general principles of co-operation in the maintenance of international peace and security and to make recommendations with respect to such principles to the members or to the Security Council or both." (81) It may be argued that the recommendations of the General Assembly are not binding upon the members but their discretion to refuse compliance is always limited by their duty under para 2 of Art. 2 to fulfil in good faith all the obligations assumed by them under the Charter.

In the initial stages India was averse to the powers of the Security Council being transferred to the General Assembly and abstained from voting on the "Uniting for Peace" resolution partly

establish various subsidiary organs to supervise its observance, a commission, a corps of military observers, a truce supervision organization and even a Force of para-military character. 2) The Council may decide that the use of UN Force for such purposes as patrolling a border or occupying a disputed zone would not constitute a measure involving the use of armed force, but on the contrary, should be a measure designed to prevent the use of armed force by others, accordingly it may use its authority under Art. 41 to decide what measures not involving the use of force are to be employed to give effect to its decisions. 3) Finally, (and this seems to be the most likely situation in which the Security Council may establish a UN Force), a Force may be established under Art. 42 which authorizes "such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." Louis B. Sohn, "Authority of the United Nations to Establish and Maintain a Permanent U.N. Force," American Journal of International Law, 52 (1958) 229-30.

(81) "The U.N. must have those powers which, though not expressly provided in the Charter, are conferred upon it by necessary implication as being essential to the performance of its duties." Advisory Opinion of the International Court of Justice in "Reparations For Injuries Suffered in the Service of the U.N.,” 1949 ICJ Rep. 174, 182.
on that ground. It is very likely that India may not emphasize this point too much in the future, unless, of course, it provides a dignified explanation for a decision made on other grounds. It is very probable that India's willingness to place increasing reliance on the General Assembly stems from the realization that even if this body were enabled to set up a Force it would not succeed in establishing the type of Force which was contemplated by the Charter, i.e., a stand-by Force permanently available to the United Nations.

In a type of Force envisaged above, contingent contributions from the great powers, i.e., the five permanent members of the Security Council may be avoided. Once the great powers participate in an operation they are likely to dominate even if the smaller powers contribute man-power on a relation of parity. Not only are the great powers likely to develop some special interests in a troubled zone but also the acceptability of a great power force by the host-state might not be easy because some of them are likely to have deep seated fears of imperialism. The best way would be to restrict the composition of the Force to the UN members other than those permanently seated in the Security Council. (82)

Any UN Force must work as an integral part of the Organization and be answerable to the same at every stage of its operation. The establishing organ, i.e., the Security Council or the General Assembly may itself control the Force or delegate it

(82) "The Secretary-General's Plan for an Emergency Force," The United Nations Review, 3 (December 1956) 32-5.
to some other organ. They may delegate the powers to issue regulations for the Force to the Secretary-General acting in consultation with a special watch-dog committee generally consisting of the members who have contributed units to the UN Force. All such regulations shall have to comply with any basic provisions enacted by the establishing organ which would always constitute "the fundamental law of the Force."

Since in any future Force contributions shall be made by different member-states problems might arise regarding the relation between the UN Force and the members contributing forces. Questions may be posed as to the amount of control which would be retained by each contributing member over its troops. India holds the view that the contributing states would not retain any control over its troops except that which keeps them together as a self-contained unit. Unless a member-state reserves the right to herself or the Security Council or the General Assembly permit the premature withdrawal of a particular contingent in view of the pressing needs of that country any attempt by a state to withdraw its contingent in the middle of an operation should not be permitted. (83)

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(83) Thus when, after the refusal by the ONUC for the use of a radio station to Lumumba had provoked Ghana, Guinea, and the U.A.R. to threaten the withdrawal of their respective troops the Secretary-General elaborated the basic principles on which a composite UN Force operates as follows:

Were a national contingent to leave the U.N. Force they would have to be regarded as foreign troops introduced into the Congo and the Security Council would have to consider their continued presence in the Congo, as well as its consequences in this light.

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The relation between the host-state and the UN Force is likely to be the oft-repeated problem before a UN Force. The questions in this context might range from the consent of the host-state to permit the UN Force within its territory to the right of having a say in the selection of the troops to be admitted, the duties to be performed by these troops and the length of their stay in its territory. In the case of the Suez, India insisted that the UN Force should enter Egypt and remain there for a period and with the objectives agreed to by the host-state. In Congo, however, once the UN Force had entered with the consent of the host-state, India wanted that the United Nations should not withdraw the Force even after the host-state became hostile. The continued hostility of the host-state led the Secretary-General to maintain that "the relation between the U.N. and the Government of the Republic of the Congo is not merely a contractual relationship in which the Republic can impose its conditions as a host state and thereby determine the circumstances under which the U.N. operates. It is rather a relationship governed by the mandatory decisions of the Security Council. Only the Security Council can decide on the discontinuance of the operation and ... therefore conditions which by their effect on the operation would deprive it of its necessary

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This principle was emphasized further when Morocco ordered its brigade to "cease to perform" its functions while remaining in the Congo. The Secretary-General insisted that it could remain only as an "integral part of the U.N. Force" and any other position would be untenable. See S.C.O.R., (15th year), 296th Mtg., 8 September 1960, 20. Also S/4568.
basis would require direct consideration by the Security Council. (84)

Although India agreed with the stand taken by the Secretary-General in the Congo because of the peculiar complexity of problems involved there she is not likely to accept that trend for future. Her insistence would be on the side of the rights of the host state to permit the functioning of an international force within its territory. On the whole, she would like each situation to be dealt on its own merits while keeping in view the precedents set up during the operation of the UNEF.

As regards the financing of a UN Force, the basic rule followed so far has been that a nation providing a unit would be the responsible for all costs of equipment and salaries, while all other costs should be financed outside the normal budget of the United Nations. India is opposed to the idea that only the aggressor states should bear all the expenses of the UN Forces. Nor does she support the contention that the expenditure involved in the UN operations should be treated as the expenses of the United Nations in the meaning of Art. 17(2) of the Charter and also that the assessments made thereof against each member create binding obligations on the states to pay their shares. The basic reason for India's stand is that the creation of ad hoc forces is not the normal continuing activity of the United Nations. It may be financed by voluntary contributions but not by regular budget.

(84) S/4382. Add.5.
If all member-states were required to participate automatically in peace and security operations those among them whose financial capacities were limited would eventually come to regard membership in the United Nations as an expensive luxury. The type of activity to be financed has a bearing on the ability of the member-states to contribute. The under-developed countries, for example, might be more inclined to share the expenses connected directly with the maintenance of peace and security, e.g., aid to developing countries. The position of other countries who have a greater responsibility for the maintenance of peace and security might be the opposite. Also if such a solution were imposed upon the recalcitrant states, relations between the great powers, which are, it is hoped only temporarily strained, might well be aggravated. The only solution would be found in relying upon voluntary contributions, though the reliability of that method can be seriously questioned. (85)

Even if a UN Force fulfills some or all of the conditions mentioned above, it is not certain that India would support that Force financially, militarily or even politically. The ultimate decision to participate would depend not only upon the nature of the action proposed and the international context in which it takes place but also upon the capacity of the country to indulge in such an action at that time as well as the repercussions it might have on developments within the country.