Chapter - III

ROLE OF UNO FOR PEACE AND SECURITY

THE SECURITY COUNCIL

The role of the United Nations in building international peace and security is the basic object to save mankind from the scourge of war, and the Charter contains elaborate provisions for maintenance of world peace and order. Upon the Security Council falls the primary responsibility for peace-keeping and peace-making and the members of the United Nations which are not members of the Security Council agree that the Security Council acts on their behalf. The Charter meets the problems of peace and security, first by detailed provisions for the pacific settlement of disputes, and secondly, by equally detailed provisions for action by the Security Council in the event of threat to or breaches of the peace. The parties to any dispute the continuance of which is likely to endanger peace, agree first of all to seek a solution by one or other of the various procedure available. On its part, the Security Council has the right to investigate any dispute in order to determine whether its continuance is likely to endanger peace, and it has also the

1. As specifically stated in Art. 24.

2. Art. 33. This article supplements the principles of Article 2, pledging the members of the United Nations to refrain from the use of force and to resort to peaceful methods of settlement.

3. Art. 34.
right at any stage of a dispute, to recommend appropriate procedures or methods of settlement. In case attempts of the parties to a dispute failed to settle it by any of the various peaceful procedures, they agree to refer it to the Security Council which in its turn takes actions to settle the dispute by recommending appropriate procedures of settlement as it may consider adequate under the circumstances.

Failing a settlement of disputes between the concerned parties, it remains for the Security Council to determine whether the situation constitutes a threat to peace, and if so what measures must be adopted for peace maintenance. Provisional measures may be agreed upon and the Security Council may call upon the parties to comply with them. In case of failing, the Security Council may decide upon measures not involving the use of armed force, but if these should prove not adequate; the Security Council may then "take more action by air, sea or

4. Art. 36.
5. Art. 37.
8. Art. 41.

...89
land forces as may be necessary to maintain or to restore international peace and security. In this latter case, the Member States abide themselves to make available to the Security Council, on its call and in accordance with special agreement or agreements, the arm forces, assistance and facilities necessary to maintain peace. The unanimity of the Permanent Members at this stage of Security Council action under Chapter VII is, therefore, essential and it is unlikely that any enforcement action can be taken against any of the Permanent Members or any other state securing their support, the veto power ensures that result. It is for this reason, above all others, that the measures envisaged in Chapter VII are virtually useless in an age in which the threats to peace, breaches of peace or acts of aggression occur in situations in which there is a conflict of interests between the U.S.A. and the U.S.S.R. and consequently, no unanimity amongst the Permanent Members. Hence, after the Indonesian affairs in 1947, and until the Congo crisis of July 1960, there had been no occasion on which the Security Council effectively used its power under Chapter VII, except that of Korea in 1950, and this had happened due to the fortuitous absence of the Soviet Union. The

10. Ibid.,
11. Art., 43, 45.

13. Ibid., p. 481.
successive disputes of Berlin, Palestine, Indo-China, Hungary and Suez, have all involved the East-West conflict of interest and, therefore, the Council has refrained itself from using its enforcement powers. The East-West conflict destroyed the principle of unanimity upon which the whole structure of Chapter VII depends for its ability to work as intended under the Chapter.

The Congo crisis of 1960 appeared, at the outset, to be a unique example of a situation which called for UN action but did not involve the East-West conflict. Hence, the major resolutions of July 14, 22, and August 9 came from the Security Council, making the Secretary General to provide military assistance to the government of Congo. The resolution called on Belgium to withdraw its troops from Congo and requested the Secretary General, in consultation with the government of Congo, to provide such military assistance as was necessary until the security forces were able to perform their normal duties. The resolution was passed by 8 votes to 0, Britain, China, and France abstained.

14. See: Britain and the United Nations (London, Her Majesty's Stationery Office, 1970), p. 11. "The Soviet Union has used the power of 'Veto' 105 times, France four times, Britain three times, China once, and the United States not at all." The fact since the issue of the Palestinians in 1974 the United States for supporting Israel, used the veto powers more than four times.


16. S/4387. The text of the resolution is included in Burns and Heathcote, Ibid., p. 249.
The United States and the Soviet Union voted together to set up the United Nations operations in the Congo (ONUC) although neither was absolutely satisfied with the resolution, nevertheless, at the outset, the two powers whatever their ultimate interests, were generally willing to allow the United Nations to assume responsibility and save them from involvement in what might turn out to be a situation endangering world peace. Thus, the action taken was not "enforcement action" under Articles 41 or 42 but rather the "provisional measures" envisaged in Article 40, but it nevertheless marked an unprecedented and initially successful use by the Security Council of its powers under Chapter VII. 17

The determination of a "threat to the peace breach of the peace or act of aggression" under Article 39 must precede the use of the Council’s powers under Articles 41 and 42, whether the Article specifically invoked or not, the practice of the Council has been to avoid specific reference to that Article, 18 even in determining that the armed attack upon

17. The International Court of Justice in its advisory opinion of July 20, 1962, on certain expenses of the UN, took the view that ONUC was not "enforcement action" against any states and that the Security Council could "police a situation", p. (167) without agreement existing under Article 43 and without characterising its actions as "enforcement action."

the Republic of Korea constituted a "breach of the peace", no specific reference to Article 39 was made by the Council in its resolution of June 25, 1950. The word "Peace" in the Charter means "international peace"; the Council in this respect should not take any action if a civil war exists in any state unless the situation shows that world peace really in danger. Both in the Korean question and in the earlier Indonesian question the argument was advanced that action by the Council was barred on the ground that it intervened in the purely domestic jurisdiction of the State concerned. But such argument in both the referred cases implicitly rejected. In Congo, although the Security Council acted under Article 40, at the time there was a specific request from the Government itself for United Nations intervention, it may be also recalled that the principle of non-intervention guided the Secretary-General in instructing the UN Force not to intervene in the internal struggle for political power but to confine its activities to the maintenance of law and order, the protection of human life and the elimination of the foreign elements which tended

19. S/1501, similarly in the resolution of June 27, 1950 (S/1511) it may be noted that neither resolution, the latter of which recommended Members to furnish assistance to the Republic of Korea cited Article 41 or 42. One construction of these resolutions is that they were in exercise of the power of recommendation under Article 39. See: UN General Assembly, Fifth Session, UN Doc A/148 of November, 1950. See: Annual Review United Nations Affairs, New York University Press, 1951, pp. 3-31.
to create a threat to international peace. The absence of the definition of aggression to guide the Security Council was an obstacle for proper guidance to determine firm measures to stop aggression at once. The practice shows that the requirement for accurate factual knowledge of events, rather than one of legal definition is useful and very practicable, the Council relied heavily on the report of the United Nations Commission on Korea, (UNCOK) the same reliance also in United Nations Observer Group in Lebanon (UNOGIL) when the civil war started there. The presence of such groups "on the spot" is a great advantage which the Council possesses the power under Article 34 to send a committee or group where none already exists. However, after the declaration of the Definition of Aggression by the General Assembly on 14 December 1974, by which the General Assembly called upon all the States to refrain from all acts of aggression and other uses of force contrary to the Charter of the United Nations, and also called the attention of the Security Council to use the Definition of Aggression as guidance in determining, in accordance with the Charter, the existence of an act of aggression after the adoption of such a definition, the performance of the Security Council, certainly shall be more easier to determine an

20. Secretary General Statement to the Security Council (UN Doc. S/P. V./687).

act of aggression in the future. 22

The usual habit of the Security Council illustrated that the power under Article 40 to call upon the parties to comply with "provisional measure" did not depend upon a prior determination under Article 39. In the Palestine question Article 40 was specifically invoked, in ordering a ceasefire and calling for a withdrawal behind provisional truce line, similar measures were ordered by the Council in Kashmir. In Congo, while there was sufficient evidence in the terms of the request for assistance by the government of Congo and in the statements by the representatives in the Security Council that a "threat to international peace" existed, no specific determination under Article 39 was made. It was however, clear that the three resolutions of July 14, 22 and August 9 were considered as mandatory, for the Secretary General's conclusion 23 that Article 25 and 49 applied was confirmed by the Security Council in the resolution of August 9.

The difficulty which the Security Council confronted from the start was the creation of the armed forces which was considered very necessary to enforce its


decisions against recalcitrant states which required an agreement between the Member States and the Council for which provisions were made in Article 43. No such agreement or agreements have ever been reached that makes the Military Staff Committee for which provision is made in Articles 46 and 47, though it was established since 1946, and no real function happened since its purposes were to make plans for the application of armed force placed at its disposal.

The Soviet Union has always insisted that because Article 43 has never been implemented, therefore, Articles 41 and 42 which give the Council binding authority to take collective enforcement measures, are inoperative. But those who supported the action the United Nations took in Korea have considered its validity under Chapter VII and have justified it by reference to Article 39. However, the fact is that the Article only empowers the Security Council to make 'recommendations'; it does not authorise it to oblige members to participate in collective action. The Security Council in 1966 when the strong feeling grew so strongly in the United Nations, was able to take for the first time explicit enforcement action under Chapter VII in relation to Southern Rhodesia. In April the United Kingdom secured authority 'to prevent by the use of force if necessary' the arrival of oil tankers at Beira bringing supplies to Southern Rhodesia, on the ground that the continuance of Rhodesia's illegal independence was a 'threat to peace.' When Smith's regime despite all pressures continued in its defiance, the Security Council in December 1966 for the
first time in the history of the United Nations imposed economic sanctions. Finding that the situation in Southern Rhodesia constitutes a threat to peace and security, it explicitly invoked Articles 39 and 41 and called on all Member States (and non-Members) to ban the import of a wide range of Southern Rhodesian products and the export to her of oil, aircrafts, arms, or equipment and also to deny her any financial or other economic aid.

In May 1968 the Security Council unanimously made the sanctions both comprehensive and mandatory, an action of authority that went beyond anything previously attempted by either the League of Nations or the United Nations. But the sanctions proved ineffective due to the total non-compliance of South Africa and Portugal and the inability of dependent and adjacent African States to cut off all trade. Thus, Smith's regime was able to strengthen its internal position, proclaimed a republic and took drastic measures on its black majority. The Security Council in March 1970 adopted a resolution which calls upon states to sever all relations, diplomatic and economic, with the regime of Southern Rhodesia, and also interrupt all transport links. However, the Security Council...

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Council continues its efforts to make the sanctions more successful and on 6th March, 1976, adopted a resolution unanimously which in it strengthening its economic sanctions against the racist regime of Southern Rhodesia and appeals to all the international firms and companies not to enter with the South Rhodesian regime in matters concerning trade and commerce. The new resolution, brought in its provisions new elements in order to consolidate the efforts of the Security Council to bring down the racist regime or to force it to enter into peaceful negotiations with the leaders of the African national movements in Rhodesia. Even this resolution is not sufficient to solve the issue and shall remain unsolved till political situations bring a change either in Southern Rhodesia itself where now the national movement becomes more stronger or when the Security Council unanimously agrees to take a strong action in order to enforce its series of resolutions, though such an action is still far impossible because both the United Kingdom and the United States of America are not willing to do so.

27. Security Council Resolutions on Southern Rhodesia are as follows:

(216) of 12 November 1965
(217) of 23 November 1965
(221) of 9 April 1966
(232) of 16 December 1966
(253) of 29 May 1968
(277) of 18 March 1970
(288) of 17 November 1970.
The Charter, though it conferred on the Security Council exclusive competence in the enforcement field, never regarded this as the only task appropriate to its nature. The Security Council in its dealing with world political problems which are threatening international peace adopted always methods of recommendations, investigations, interpositions and conciliations in accordance to Chapter VI of the Charter, which deals with the "Pacific Settlement of Disputes.

The Security Council for instance in Kashmir issue used the conciliation instrument by forming a committee of Good Office consists of three members as a negotiator or a conciliator.28 The Committee of the Commission was, however, unable to reach agreement with the parties (INDIA AND PAKISTAN) on the terms of demilitarisation of the state before a plebiscite could be held. Despite mediation by various United Nations representatives, differences between the two countries remained and the problem officially called the India-Pakistan question came before the Security Council time and again. It remained a political case which the Security Council failed to solve.

In the Suez Canal dispute in 1956 the Security Council used the recommendation method when it formulated certain principles or courses of action for settlement such as freedom for users from all discrimination, respect for the


sovereignty of Egypt, and the allocation of a fair proportion of the dues to development. However, attempts of the Security Council were all failed in solving the dispute.

The Security Council sometimes because of its failure in other methods to solve a political issue may simply address a direct appeal to the disputant to refrain from improper behaviour. The appeal have been as diverse as the situations giving rise to them. As fairly typical example to quote the Security Council resolution of 4 July, 196929 on the Israeli attempt to change the status of the captured city of Jerusalem. In this the Council:

(1) "Censured in the strongest terms" all measures taken to change the status of the city of Jerusalem and deplored the failure of Israel to show any regard for previous resolutions on this subject;

(2) Confirmed that all legislative and administrative measures and actions by Israel which purport to alter the status of Jerusalem are invalid and cannot change that status;

(3) requested Israel to inform the Council of its intentions with regard to implementing the resolution and warned that "in the event of a negative response or no response" it would reconvene without delay "to consider what further action should be taken."

Such an appeal of the Security Council is virtually unlimited except which is imposed by the good sense of its members. But the appeals of this kind bear only exhortations, implorations and in real sense has no power to be enforced. The nearest the Council has come to try to enforce such a recommendation was its resolution of 15 July 1948 provoked by the truce violations in Palestine. This reads:

(The Security Council) Determines that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter; Orders the Governments and authorities concerned, pursuant to Article 40 of the Charter of the U.N., to desist from further military action ... no later than three days from (this date and) Declares that failure by any of the Governments or authorities concerned to comply ... would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter, requiring immediate consideration by the Security Council
with a view to such further action under
Chapter VII of the Charter as may be decided
upon by the Council). 30

In fact, this is the only occasion on which
the Security Council found to stand very seriously when
its recommendation under Chapter VI was ignored. The Security
Council always refuses to try to enforce a political decision.
This is very clearly shown in some vital international issues as
Southern Rhodesia, Middle East, Namibia, Cyprus and Kashmir. In
most of the world issues which threaten world peace and security,
it is found the Security Council unable to do anything, for one
reason that the great powers have been involved directly or
indirectly. Some of these issues where more than two great
powers are taking part, the whole issue might be kept even out
of the Security Council work. This clearly is seen in the
Vietnam war where no State tries to bring the attention of the
Security Council to the disastrous war in South East Asia which
threatens peace and security of the world and mankind. Such a
behaviour of the Security Council with vital world issues
illustrates that if a great power becomes an aggressor, the
United Nations Organisation will not be able to act, and the
situation will have to be handled outside the organisation. 31

30. See H.C. Nicholas, loc. cit., p. 90.
31. In 1956 two Great Powers, Britain and France with
the help of Israel invaded Egypt. The Security
Council kept itself inoperative. The Hungarian issue
also dealt the same when the Soviet Union invaded
Budapest.
This illustrates that the world collective security remains weak due to the absence of sufficient world authority to coerce a great power. 32

The veto power which enables any of the five Permanent Members of the Security Council to block decisions on substantive matters in that organ, including the determination that aggression has taken place, the designation of the aggressor, and the decision to resort to sanctions military or otherwise against the invader, it is the main cause which kept the Security Council in a world crisis inoperative. It clearly gives each of the great Powers the capacity to prevent the operation of the United Nations enforcement system against itself, against any state which it chooses to support and protect, or in any other case in which it prefers not to participate or to have others participate in an enforcement venture under United Nations auspices. It is in short, renders collective security impossible in all instances most vital to the preservation of world peace and order. 33 The veto in the opinion of Morgenthau has three consequences:


First, it reintroduces into the system of law enforcement of the U.N. the principle of decentralisation by making the operation of the system dependent upon the will of each of the Permanent Members. A Permanent Member, as the prospective victim of any enforcement measure proposed to be taken by the U.N., would simply veto the measure and exposes the impotence of the World Organisation in the face of threat to the peace, breach of the peace or act of aggression.

Secondly, the Security Council may take enforcement measures against small and medium Powers, that is, those which are not the Permanent Members of the Security Council and hence cannot veto the enforcement measures. But, in the view of the veto of the great powers, even this will be possible only under extra-ordinary circumstances.

Morgenthau notes: 34 "As international politics is constituted today, many of the small and medium powers are intimately aligned with one or the other of the great powers that dominate the international scene. They are unlikely to commit a breach of international law calling for enforcement measures under Chapter VII of the Charter without the encouragement or, at least, the approval of the great power with which they are aligned ...."

The Security Council was built upon the hopeful assumption that the great powers would agree and the veto would force them to compromise, but in practice it becomes difficult especially when the great powers think only about their interest of influence in the world.\(^{35}\) It seems the weakness of the Security Council will remain while the veto article is there in the Charter and definitely its abolition is very significant to the principle of sovereign equality of all the members of the United Nations.\(^{36}\) The veto commits Permanent Members of the Security Council to act differently without considering the reactions of the majority members of the organization. The veto, therefore, is an antithesis of the equality principle and the democratization of the United Nations system as reflected in the General Assembly. The great powers split, together with the admission of large numbers of African and European nationalist States has almost destroyed the collective security functions that were to be the organisation's principal


reason for existence. East-West rivalry is still a prominent feature of United Nations affairs specially in the Security Council where the two super powers, the United States and the Soviet Union acted rigidly against each other at the expense of world peace and security. The veto power was used frequently by both the two super powers that made the Security Council inoperative even when there is a serious declared war exists in the world. This clearly appeared during the Indo-Pakistan war in December 1971. The Security Council because of the veto casted partly by Communist China and partly by the Soviet Union, was unable to do anything to stop the war in the Indian Sub-Continent. The frequent use of the veto power by the U.S.A. in the recent years supporting Israel's continuous aggression, made the Security Council unable to force Israel to implement its resolutions for establishing peace in West Asia. The Security Council failed to reconcile itself with the General Assembly which reaffirms the inalienable rights of the people of Palestine. In June 1967 the Security Council was torn by


38. General Assembly Res. 3236 (XXIX) and 3237 (XXIX) of 22 November 1974. See also official Records of the General Assembly, Twenty ninth Session, Plenary meetings, 22nd meeting, para, 3-83.
disagreements among its members, particularly among the Great Powers, and had to avoid the danger of once more presenting a spectacle of utter impotence as had the previous emergency sessions of the Security Council and the General Assembly. 39 The resolution 242 remains the only instrument of international authority which can still be considered a point of departure in the search for a solution to this warisome conflict, which continues to jeopardise the peace of the world. But the resolution at the same time still refers to the problem of the Palestinians as a "refugee problem", and it does not give justice to the people of Palestine. The General Assembly by its two resolutions 3236 (XXIX) and 3237 (XXIX) of 22 November 1974 corrected this mistake in the Security Council resolution 242, but when the later tried to follow the General Assembly to recognise the status of the people of Palestine, the United States vetoed the draft resolution of the Afro-Asian group though all the members of the Security Council voted in favour of the resolution. The power of veto in other words is still remain to rob any resolution of the moral force that comes of

39. The special session of the council held from May 24 to June 14 was suspended sine die without having been able to agree on a solution to the conflict, other than a ceasefire resolution and one other concerning the treatment of prisoners of war (S/Res/232, 233). The General Assembly sat in urgently convened emergency session from June 17 until July 14 without taking any significant decision.
unanimity. One may question whether there is any practical difference between a resolution which secures 14 votes out of 15 but fails of passage because the fifteenth is cast by a Great Power, and a resolution which passes by 14 votes to 1? Does not the first represent as significant a mobilisation of opinion as the second?  

Thus, one can say that the United Nations and particularly the Security Council can play a vital role on many occasions just to defuse and de-escalate the problem brought before it. The Security Council in practice can function successfully only when the great powers and particularly the United States and the Soviet Union are in term of complete agreement. Obviously, the relaxation of international tension by any means contributes to the general search for peace in the world, and it is to be hoped that the effect of great powers detente will have an important influence in areas of special United Nations concern, such as disarmament, although the achievement of political detente is no automatic guarantee of progress in this field. Quite a part from the peril which the continuing world wide escalation of armaments presents to world peace, mankind will continue to be deprived of vast human and material resources urgently required for more constructive purposes unless real progress can be made in disarmament. The Conference of the Committee on Disarmament continued to hold

series of meetings in 1975 giving priority to the question of the prohibition of the development, production and stock-piling of chemical weapons and to the question of the cessation of nuclear weapon lists. Effective measures relating to the early cessation of the nuclear arms race and to nuclear disarmament as well as general and complete disarmament were also considered. The disarmament issue is the oldest one under discussion in the General Assembly but the progress is very slow. The real disarmament discussion usually done secretly between the two super powers in Helsinki and Geneva where the Security Council has no much role in this respect. However, bilateral and regional negotiations are no doubt very important for achieving the larger objective of a moral general process of disarmament. Complete and General disarmament is still a dream specially after Communist China became a nuclear power when it exploded its first atom bomb on October 10, 1964. China seems to have blocked further progress towards disarmament. India after having exploded its first atom bomb four years ago, is also becoming

41. General Assembly Res. 26028 (XXIV) of 16 Dec. 1969
   General Assembly Res. 3261 F (XXIX) of 9 Dec. 1974
   General Assembly Report of the Committee on
   Disarmament (A/9788-DC/237) and (A/10027-DC/238).
   See also Official Records of the General Assembly
   Twenty-ninth Session, Supp. No. 27 (A/9627) and idem,
   See A Ale-Keivy, 'Vital Problems in Disarmament',
   International Affairs of 9 September 1976 (All Union
   Society ZANIE), pp. 30-35.
   See Daniel S. Cheever, "The UN and Disarmament"
   International Organisation, Vol. 19, 1965, pp. 463-
   483.

42. Clark M. Eichelberger, loc. cit., p. 56.
very important in this field, though the Indian leadership has reaffirmed its aim to use nuclear technology for peaceful purposes only. However, the split between the major powers of the world, that is, between the Soviet Union and Communist China on the one side, and the United States, Britain and France on the other, has also prevented the progress on the most crucial issues of international security, the international control of military and of nuclear weapons. The danger of nuclear proliferation not only still exists, but has increased; nuclear testing continues, weapons are increasingly sophisticated and the technological arms race continuously promises new and more horrible developments.

The fact is that, while the development of new weapons, nuclear and conventional, continues unabated, disarmament negotiations in the United Nations framework have not led to any significant new agreement in recent years. Disarmament negotiations outside the United Nations are also moving very slowly in comparison to the obvious perils of the world situation. The Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held at Geneva in May, 1974, demonstrated the difficulties of reconciling the policies of the nuclear and non-nuclear states. It is a matter of satisfaction that additional states became parties to the

43. For detailed studies, see George Zadorozhny, Peaceful Coexistence (Progress Publisher, Moscow, First Printing, 1968), pp. 177-205.
Treaty, raising the total to more than ninety. Although all are agreed on the desirability and significance of preventing both the vertical and horizontal proliferation of nuclear weapons, the conference demonstrated the fundamental divergence of view which still persists in regard to the implementation of the Treaty.

One can only conclude that the role which the United Nations is playing in disarmament is far from adequate. As Dr. Kurt Waldheim, the Secretary-General of the United Nations, once stated, "But the world is still waiting for a more decisive breakthrough in reaching an effective agreement on the limitation of strategic weapons and in particular at present concerning the urgent question of multiple independently targetable re-entry vehicles."

A part of the issue of disarmament which as already notified that it works not in the Security Council but in fact outside it though the role of the United Nations in principle cannot be ignored, a part of this, the United Nations during two and a half decades has developed a body of


rules, principles and practical experience in the establishment, organisation and control of peace-keeping operations. This wealth of experience has enabled it to respond rapidly when the need for peace keeping arises. This was particularly the case in the wake of the October war in the Middle East, when the United Nations was once again, in a situation of extreme gravity called upon to set up a new peace-keeping force. 46 The situation also was serious in Cyprus when the coup d'etat took place on 15 July 1974, and in response to the request of the President of Cyprus, Archbishop Makarios, the Council at once adopted a resolution which called for a ceasefire and laid the basis for negotiations designed to reach a settlement of the Cyprus problem. 47 The United Nations peace-keeping force is in Cyprus since fighting between Greek and Turkish Cypriots started while the United Nations efforts continue towards mediation of the problem confronting the Island Republic. 48 Hence the United Nations peace-keeping operations are very significant for the process of peace making in the world; and it is worthwhile to


See V. Yelizarov, 'The Problem of the UN Budget' in International Affairs, of 7 July 1976 (All-Union Society "ZNANIYE"), pp. 68-74.
trace briefly this new role of the Organisation to work more effectively in maintaining international peace and security, which is its primary task, immediately after examining the various types of international disputes.

**UNO AND INTERNATIONAL DISPUTES:**

The United Nations treatment of an international dispute may fall into three categories where the United Nations interference has been extensive, minimal or nil. The third category is self-explanatory, by its meaning simply that the matter has either not been referred to the UN or which, having been referred, gave rise to a discussion within UN organs which, in any formal sense, was so perfunctory that for all practical purposes, it is afforded to ignore it.49

The United Nations treatment of an international dispute may be described as extensive when the question has been more or less continuously before a UN organ or organs for a period of time extending into months or years, or when one or more definitive resolutions has been adopted with a view to the peaceful solution or adjustment of the dispute, or when something in the nature of a UN presence, in the form of peacekeeping force, an observer group, fact-finding or mediatory mission has been despatched to the site of the dispute or when

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UN organs or representatives, as for instance agents of the Secr ectariat have been more or less actively engaged in exchange between the parties with a view to a peaceful solution being arrived at. A minimal United Nations intervention, on the other hand may be described as one in which an issue was referred to a UN organ without being discussed or without any substantive action being taken, or where an inadequate consensus existed among Member-states for anything in the nature of a UN position on the particular issue to be formed, however, influential or otherwise such a position might have been for the parties concerned had it in fact been reached. It must be

50. Disputes as:

- Indonesian Independence, 1945-49.
- Palestine 1945-49.
- Kashmir, 1947 (including the Indo-Pakistani war in 1965 and 1971).
- Korea 1947-53.
- South Africa, 1948 to present (including the two issues of apartheid and South-West Africa (Namibia)).
- Gibraltar, 1963 to present. Indonesia
- Rhodesia, 1965 to present.
- Arab-Israeli Conflict, 1967 to present.

51. Disputes as:

noted that in distinguishing between extensive, minimal and nil roles of the organisation in the resolution of the referred international disputes, it did not base on the success or lack of it in effecting a peaceful outcome, as to the more extent of the United Nations participation in the process of resolution.

As for the factors which account for the discussion of positive UN intervention in international disputes into extensive and minimal groups respectively, these are naturally much more difficult to isolate. It is obvious, however, as in the case of the "nil role" disputes that the non-representation of one or other of the parties concerned weighs heavily against any active UN intervention. The Tibet problem, the Vietnam conflict, and Sino-Indian border disputes are examples of this, the strong global interest, of a moral as well as of political nature aroused by the first and second of these questions and the fear excited in India, which enjoyed for many years the status of being a highly respected UN Member, by China's pressures against her northern borders, may be said in each case to have offset to some extent the absence of Chinese Communist representation at the UN in bringing these questions to the Organization's attention at all. Again, as in the case of the "nil role" disputes, the super Power type of conflict is by its very nature not amendable to effective treatment by the General Assembly, while the existence of the Great Power veto on the Security Council means that any discussion of super power differences in that organ must be largely restricted to
propaganda function only. Thus, in the Greek civil war, the
Austrian question, the Berlin crisis, the U2 incident of 1960
and the Cuba missile crisis of 1962, were necessarily beyond any
significant UN intervention since the ultimate decisions lay in
the hands of the super powers.

Thus, many disputes are referred to the
Organisation, remain on its agenda, simply because under
existing conditions there is no way in which they can be resolve.
The Organisation has to a large extent become the depository of
the world's lost causes, what other means of peaceful resolution
cannot achieve tends to be relegated to the UN as a place of
last resort. There is also the point that the more ventilation
of a dispute before a UN organ and the existence of the
Organisation as a meeting place for the world's diplomats
provide an opportunity for other means of peaceful solution
as bilateral and multilateral diplomacy which takes place while
the public argument at UN proceeds, and it may be that it is
those other means which reap the credit for any successful
termination of the dispute which may be reached. The United
Nations, by interposing delay through public debates and the
"letting off steam" in a crisis through its missions of inquiry,
by its calls for a ceasefire when hostilities have actually
broken out and the provision of teams to establish an agreed
casefire, and by organising and sending peace keeping forces,
can render a useful service by "de-fusing" a tense situation of
"keeping it on ice". But the Organisation's record is far less
impressive when it comes to actually working out the terms for an agreed solution. It is also argued that the public form of debate at UN is a hindrance rather than a help to make the parties to agree peacefully. It has been argued also, that the United Nations, by keeping international disputes "on ice" rather than making an effective contribution towards resolving them, tends to conceal the real nature of these problems. This is a stricture which could be passed on the United Nations Emergency Force in the Middle East at the time when its withdrawal was demanded by the late President Nasser just before the outbreak of the six-day Arab-Israeli war in June 1967; the world seemed up to that moment have forgotten about the Middle East conflict owing to the appearance of quiescence stimulated by the presence in the areas of the United Nations Emergency Force for the preceding ten years. Secretary General U Thant, surveying this incident wrote that the "tendency for peace keeping operations originally set up as temporary expedients to assume a semi-permanent character because no progress is made in settling the basic causes of the conflict is a serious reflection on the capacity of the UN to settle disputes." 52 The United Nations

52. *Introduction to the Annual Report of the Secretary General on the work of the Organisation, 16 June 1966–15 June 1967* (Document A/6701/Add. 1). It has been argued that the total withdrawal of UNEF from Gaza and Sharm al-Sheikh, as well as from the Israeli-Egyptian borders was more than President Nasser asked for, and hence that the six-day war of June 1967 was partly touched off by UN action.
in many respects has not proved as an effective instrument for maintaining world order as was hoped in 1945. The sudden onset of breach between the Western Powers and the Soviet Union ended enfeebled an Organization, the Charter of which gave such primary emphasis to cooperation between the Great Powers. Subsequently, with the rapid expansion of the Organization’s membership resulting from decolonization, resolutions of United Nations organs tended to lose much of their force, based as they were on the equality of the voting power of the greatest with that of the smallest states. But with all the shortcomings, the Organisation does not lack machinery or procedure for the peaceful solution of disputes if the parties are disposed to make use of them. Undoubtedly, there is an intention here and there to improve the procedure, but almost all proposals for such improvements as for instance the advance formation of permanent “stand by” forces ready to be rushed at a moment’s notice to a site of a dispute during its critical phases, encounter a fatal stumbling block in the form of an inadequate consensus among Member-states to implement them.

However, although the Security Council seldom operates in the magisterial manner provided for in the Charter, it has adopted itself to the realities of the times by providing a forum where the most dangerous and acrimonious disputes and conflicts can be openly discussed, and where time and opportunity can be gained for the process of conciliation. This, of course, in the nuclear age, is an indispensable function. The Council
may not always be able to solve problems. But when problems are by their very nature not susceptible to immediate solution, a process of cooling off, adjustment and containment of actual conflict is certainly the next best alternative. The United Nations played a limited role in the affairs of the Arabian Peninsula especially in Buraimi Oasis Issue (in Arabic Wahat Al-Buraimi). The Organisation did some efforts to cool off the conflict between Saudi Arabia and Britain, but this role was an ordinary one because one of the Big Powers was involved. The United Nations General Assembly gave much attention to the affairs of independent movements in Morocco, Tunisia and Algeria. Both Morocco and Tunisia achieved independence and became member in the United Nations on 12 November, 1956. In case of Algeria, the question was raised for the first time at the tenth session of the General Assembly in 1955 on the request from 14 Afro-Asian States under article 11 and 14 of the Charter. These states complained that the French authorities had been suppressing by the use of force the movement of the Algerian people for self-determination and that the situation in Algeria was a "political source of international friction and of concern to international community". (Doc. 19/2994 of 29 July, 1955, and GA OR 10th session). Algeria achieved its independence after a long struggle against French imperialism and became a member in the United Nations on 8 November, 1962. 53

53. For Morocco, see G.A. Res. 812 (IX) of 17 December 1954. See also: M.S. Rajan, United Nations and Domestic Jurisdiction. (Orient Longmans, Bombay, 1961 pp. 201-218. For Tunisia, see ibid., pp. 219-234. For Algeria, see ibid., pp. 247-259.
There have been many local conflicts since 1945 but none has led to a world war. This is because those conflicts have not escalated, is due to a considerable extent to the existence of the United Nations, and especially of the Security Council, as a place of appeal, and to the tireless efforts of the Members to discharge their exacting duties. But the United Nations is in need of great efforts to be improved or in the words of Mrs. Indira Gandhi, the former Indian Prime Minister, "If the United Nations were to disintegrate, it would be necessary to establish another international organization with the same objectives. Let us, therefore, breathe now meaning and purpose into the Organization so that it can create an order where the use of force will defeat its own purpose."

**PEACE KEEPING OPERATIONS**

Apart from the United Nations peace-keeping operations in Egypt in 1956, the Organization undertook

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many operations in certain areas to preserve peace and order. Four of these operations are very significant for analytical studies. These are in Lebanon in 1958, Congo 1960, West Irian 1962 and Cyprus 1964. It is in the opinion of E.S. Haas that the operations were based on the concepts of organizational purposes, tasks, task performance and task type, it is an innovation in the context of both the Organisational formal objectives as stated in the Charter and the empirical realities of UN practices in this sphere before 1956. However, the significance of the stated four United Nations operations should be considered an example of organizational task expansion.

The four operational cases which the United Nations peace keeping forces undertook were unique in type because the United Nations supposed to perform in this respect the fundamental duty of any civil government. The United Nation

57. E. Haas, beyond the Nation-State, (Palo Alto,1964)

...121
Charter while calls for universal collective security but also puts limits for the intervention of the organisation to matters which are not eventually within the domestic jurisdiction of the Member States. The United Nations intervention in the countries already referred about was done without invoking Chapter VII of the Charter and the presence of the United Nations forces was sanctioned by the host government of the countries themselves. The Security Council agreed to take such actions which are best described as instances of preventive diplomacy.

LEBANON:

The main reason of the 1958 civil war in Lebanon was the widespread and growing dissatisfaction of the Muslim population with the government of President Chamoun, who himself


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is a Christian Maronite. The Lebanese government when calling the United Nations for assistance did not appeal for support to defeat its domestic opposition. It claimed, rather that armed conflict had been fostered by the interference of the United Arab Republic in the affairs of Lebanon. The United States on 14 May announced that it was sending a small arms and police equipment to the Chamoun Government. The Sixth-fleet in the Mediterranean was reinforced and on May 16 the US announced that it was ready to send tanks and men if requested to assist to restore normal conditions. The Soviet Union, for its part, warned that it regarded the Lebanese crisis as an essentially domestic matter. Thus, when the Security Council took up the Lebanon complaint, the Big Powers had already taken opposing sides on the issue. In the debate of the Security Council, the United States, United Kingdom and France sided with Lebanon, the Soviet Union with the United Arab Republic. Some of the members notably Sweden, expressed uncertainty as to the nature of the evidence of

61. See F. Hucbain: Lebanon in Crisis, (Washington, 1961) Chap. III. However, the main reasons of the civil war of 1958 also repeated itself in the civil war of 1978 and when this Chapter is under drafting process, the civil war in Lebanon is still continuing for the last eleven months. It is said that more than fifty thousands people were killed and more than sixty thousands are wounded. The whole of Lebanon towns especially the Capital Beirut were destroyed.

foreign interference in Lebanon. Mr Lodge, the United States Representative asserted that "this interference has been designated to promote civil strife ...." 63 Finally, after a hot and long debate the Security Council on 11 June passed a Swedish resolution which called for the urgent establishment of an observation group which could proceed to Lebanon "so as to ensure that there is no illegal infiltration of personnel or supply of arms or other material across the Lebanon borders." 64 The Secretary General was authorised to make the necessary arrangements and to inform the Security Council of the observation group's activities.

However, the wording of the resolution was done in such a way that it possessed both broad and narrow interpretation. For both Lebanon and United States stressed that the observation group was to ensure that illegal infiltration of arms or personnel took place. 65 This means that the United Nations Observer Group in Lebanon (UNOGIL) can act to prevent such infiltration by arresting suspected infiltrators, confiscating


64. See the text of the resolution in ORSC, 825th meeting p. 7. Both Lebanon and UAR accepted the resolution. This resolution was supported by Colombia, China, France, Iraq, Japan, Panama, Sweden, Canada, the United King and the United States. The Soviet Union abstained.

arms, and so on. The Secretary General, Mr Harrarmarkjold, however, took the narrower view. He made it clear that he envisaged UNOGIL as an observation group designed to gather information and not a police force. Its task not to take action against an alleged aggressor. It was rather to determine whether or not the dispute should properly be taken a domestic matter. The observation group was headed by a three-man Executive Committee composed of Mr Galoploza (Norway), Mr Dayal (India) and General Bull (Norway) who supervised the observation operations. 66 But while the United Nations doing best efforts to implement the Security Council Resolution, the situation has been transformed by the landing of United States marines in Lebanon on July 15. The United States intervention militarily levered by the revolution in Iraq and feared that this might take place in pro-western Lebanon and Jordan, completely transformed the nature of UNOGIL's position. 67

The Security Council met from July 15 to 22 to re-evaluate the situation but failed to take any action. 68

66. Ibid.
68. Mr Lodge, the USA Representative explained the US intervention, renewed rebel suspicions about the U.S. role and caused to lose ground in its efforts to preserve freedom of movement across rebel held areas (ORSC), 827th Meeting; see also: New York Times, July 1958, p. 1.
The Soviet Union resolution calling both the United States and the United Kingdom to cease their illegal armed intervention in Lebanon and Jordan and the withdrawal of their troops immediately failed to be adopted, and the same also in case of the United States resolution calling to establish United Nations command, similar to Korean force, the resolution failed when the Soviet Union cast a negative vote. 69 The Japanese draft resolution requesting the Secretary General to take additional measure necessary to fulfil the general purposes of the June 11 resolution and to protect the territorial integrity and political independence of Lebanon, the Soviet Union, however, vetoed the resolution because it failed to condemn the United States and United Kingdom for "aggression acts." 70

At this critical juncture when the Security Council became inoperative, the Secretary-General invoked the doctrine that "the Secretary General should act to fill a vacuum in the system provided for the safeguarding peace and security", 71 and made clear that he would continue to develop the United Nations Observer Group in Lebanon (UNOGIL) in a manner consistent with June 11 resolution unless instructed to

70. See the text of the Japanese draft resolution in UN Doc. (S/PV 835), p. 6.
71. (GA OR) 15 Session IA (A/4390, Add. 1).
the contrary by the Security Council or in other words he proposed to act as though the Japanese resolution had been adopted. The Soviet Union in his part did not object to the continuance of UNOGIL in its original form. 72

The General Assembly at this stage took up the Lebanon issue from August 8 - 21 but no decision was reached; however, the Emergency Session then began. The Soviet Union emphasised on the withdrawal of Western troops while the United States stressed the need for a long term policy and consolidation in the region. However, the outcome of the debate was primarily influenced by events in Lebanon when General Chehab, the Army Chief of staff and the person accepted to the majority of both sides in the dispute, was elected President by the Chamber of Deputies on July 31. The intensity of the conflict diminished and armed fighting became rare. The UNOGIL reported that no instances of infiltration were found. 73

The General Assembly owing to considerable diplomatic activity among the Arab States produced a resolution which the General Assembly passed unanimously on August 21 calling the Arab States to live together in a spirit of mutual tolerance and good neighbourliness in pursuance of the Charter of the Arab League. It called the Secretary General to facilitate the ear

72. The difference between this attitude and Soviet actions during the Congo crisis is striking.

withdrawal of foreign troops. At the same time Lebanon withdrew
its original complaint about the United Arab Republic interference
in its domestic affairs. The Lebanon crisis ended when Mr Rashid
Karami formed a coalition government at the end of October. On
14th November, the Secretary General announced the withdrawal of
the United Nations Observer group in Lebanon. The United States
marines also departed Lebanon one month before.

The role played by the United Nations through
UNOGIL demonstrated the unsuccessful attempts exerted following
the doctrine of preventive diplomacy which implies the prevention
of direct intervention of the Big Powers by the method of United
Nations intervention. The intervention of the United States
obviously meant that the United Nations failed in one of its
most important aims. The United States felt that the coup d'état
in Iraq was not subject to UN control. But one can not deny that
the United Nations Observer Group in Lebanon was most efficient
in services though it was upset by the United States intervenion.
The Secretary General, Mr Hammarskjold acted his role as "Foreign
Minister of the UN" and emerged in this crisis with more personal
prestige and power in his concept of "preventive diplomacy." 75
The presence of the United Nations certainly helped to minimise


75. J. Lah., 'Hammarskjolds' Conception of his Office',
Dag Hammarskjold, "The Charter and the Future of the
United Nations Secretary-General", American Journal
of International Law, Vol. 56, No. 1, January, 1962,
p. 28.
See Annual Review of United Nations Affairs
the level of intensity and its neutral behaviour infused more trust and confidence that the Non-aligned States and the Soviet Union may render their support for future United Nations peacekeeping operations. The wisdom of the Secretary General to limit military intervention combined with political non-interference through maximal compliance with the domestic jurisdiction clause was highly appreciated.

THE CONGO (UNUC):

The Democratic Republic of the Congo, a former Belgian Colony, became independent on 30 June 1960. In the days that followed, disorder broke out, Belgium sent military troops to the Congo, stating that its aim was to protect and evacuate Europeans. The Congolese Government on 12 July asked for United Nations military assistance to protect the national territory of the Congo against external aggression. The Security Council responded by authorising the Secretary General to provide the Congolese Government with such military assistance and called upon Belgium to withdraw its troops. 76 Briefly speaking, the primary objective of the United Nations in the Congo was to

prevent a direct confrontation of the Soviet Union and the United States, or of Belgium with some of the African States. More than that, is to expel the Belgians, the maintenance of law and order, the unification of the Congo, fair and equal treatment of all domestic factions. The intention was to achieve all these aims without intervention in the Congo's internal political conflict, at first the use of force was not arised. As Hoffman stated, that the means were simply not commensurate with the ends. But due to worst situation happened later on, the Security Council passed its resolutions of February 11, and November 24, 1961 authorised ONUC by the end of 1961 to resort to the use of force, if absolutely necessary, to avert civil war and to expel unauthorised foreign personnel from the Congo.

The United Nations finally was obliged to deal with the domestic issue by the use of force, supporting the central government against both Tshombe and L'izenga. Thus

77. E. Haas, loc. cit., p. 125.
79. UN Doc. S/4741.
80. UN Doc. S/5302.
temporary peace and order were imposed by the abandonment of the non-political approach developed by Hammarskjold. But, the political solution came when the great powers, no longer could support the same central government. The case of ONUC, despite its failures, must therefore be taken as an instance of organisational growth relative to previous UN operations.

The scope of the military activities undertaken by the United Nations Operations in the Congo (MONUC) without invoking the Charter's enforcement procedures certainly represented the assumption ad hoc of far greater responsibilities by the United Nations in the military field, but did not lead to the creation of stronger United Nations structures, it is in the contrary. Furthermore, the policy of non-intervention and political neutrality was never truly observed because ONUC did not refrain from taking action to preserve human life and public property.

In comparison to the activities of the United Nations Observer Group in Lebanon (UNOGIL), the ONUC were less specific and its achievements were not permanent for one reason is that the same situation was repeated when foreign mercenaries again serve Tshombe, while Afro-Asian radicals particularly the United Arab Republic reportedly were supplying and training the rebels. The United Nations in its turn undertook a policy of "wait and see" but never intervened again.
WEST IRIAN (UNTEA):

When Indonesia achieved its independence in 1949 from Netherlands, the future of West New Guinea or West Irian remained unsettled. Indonesia brought the issue before the United Nations in 1954 claiming that West Irian belongs to it. The Netherlands maintained that the Papuans of West New Guinea were not Indonesians and therefore should be allowed to decide their own future. The United Nations General Assembly discussed the crisis on four occasions between 1954 and 1961 without any progress. In December 1961 the relation between the two countries deteriorated when President Sukarno called for the general mobilisation of the army and the population to "free West Irian."

In the final years of the dispute the Dutch became increasingly inclined to see the United Nations able to solve the issue. It suggested first a UN mission and in September 1961 UN Trusteeship for the territory, but Indonesia refused to consider any UN role which was not directly connected to her demand. However, later due to United States and United Nations efforts an agreement reached on August 15, 1962 in which both Indonesia and Netherlands had agreed that a temporary Unit

Nations trusteeship over West Irian would be established beginning October 1, 1962. It would be headed by mutually acceptable non-Indonesian administrator, and the Dutch officials would be replaced by Administrators drawn from other Member-States. The first phase of UN administration would expire on May 1, 1963 and then the administration of the territory would be handed to Indonesia. Within seven years of the Indonesian takeover, in 1969 a plebiscite would be held to determine whether the people of West Irian wished independence or joining Indonesia. It is also stated that during the period of Indonesian administration the United Nations representatives could remain in West Irian, one year before the plebiscite, a United Nations Special Representative would be appointed to help in the supervision of its conduct. The residents of West Irian were guaranteed the rights of free speech and free assembly; the right to elect local officials was to be expanded. It was hoped that diplomatic relations between the two countries would be resumed very soon. The agreement would take effect when ratified by the United Nations General Assembly and the constitutional authorities in Indonesia and Netherlands.84

The United Nations General Assembly endorsed the Agreement, and on 1 October 1962 the United Nations took over

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administration of West Irian from Netherlands. A security force of 1500 was supplied by Pakistan. In fact, however, the United Nations Temporary Emergency Authority (UNTEA) was confined to policing activities; invasion of West Irian was no longer a real possibility and the only potential large military opposition to UN, a Papuan revolt, never materialised. Thus, one can say the UNTEA's security functions were specifically high. There have been no reports of any military actions taken by the UN forces, and nothing serious disturbances to law and order had occurred and the United Nations force functioned its police duty very efficiently. Therefore, the question of the United Nations use of force never became an issue.

No great Power was involved in UNTEA itself. The Soviet Union showed no much interest though supported Indonesia, therefore, Great power intervention in the dispute was never imminent, the only danger of this would have been a major war between Indonesia and Netherlands. Thus, the objective of the United Nations was not to see Indonesia and Netherlands come into war. This objective was achieved. UNTEA was a structural innovation which helped the United Nations to secure a settlement.

mutually acceptable to all conflicted parties. Since cold war issues were not involved in this issue, the great powers refrained themselves of opposing each other. The United Nations in this respect pursued a policy of preventive diplomacy, acting as a buffer between Member States on the verge of arm confrontation. The role played by the Secretary General U Thant was consonant with Hammarskjöld's views that the Secretary General does not need an explicit mandate from the General Assembly or Security Council to perform diplomatic activities designed to end threats to international peace and security.

**CYPRUS (UNFICYP):**

Cyprus obtained its independence in August 1960 with a constitution that was intended to balance the interests of the island's Greek Cypriot minority. The Treaty of August 1960, entered into by Greece, Turkey and the United Kingdom, guaranteed the basic provisions of the constitution and the territorial integrity and sovereignty of Cyprus. However, several incidents of inter communal violence occurred in 1962 and a large scale conflict arose in 1963. 87

On 18 February 1964, the Security Council again convened against a backdrop of renewed violence on the Island.

On March 4, the Security Council unanimously authorised a United
Nations peace-keeping force in Cyprus (UNFICYP) for three months
period. The three months limit the UNFICYP’s operations was a
built in control of its activities by the Security Council, for
its extension would require the unanimous consent of the Permanent
Members. The appointment of a mediator also demonstrated a
recognition that the force’s success depended on a political
solution to the crisis.

The scopes of UNFICYP’s military activities were
broader than those of UNOGIL but more limited than those of
ONUC. Its main concern was to arrange a ceasefire whenever
fighting broke out. The procedure followed in such cases was
to confer with the leaders of both Greek and Turkish Cypriot
forces and try to convince them to accept a ceasefire and the
inter position of UN troops to create a neutral zone. Other
important activities of UNFICYP were dismantling military
fortifications and disarming irregulars. But attempts at
political mediation have so far failed to produce a solution. It
appears only to freeze the political crisis at its original level.
The communal tension and incidents of violence continued in the
Island till 15 July, 1974, when an abortive coup d’etat took
place that obliged Turkey to invade the Island in order to extend
strong support to the Turkish Cypriots. On 20 July, the

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88. See United Nations Monthly Chronicle, Vol. II, No. 4,
April 1964, contains a good summary of the Security Council debate
and includes the text of the resolution, p. 8.

89. Secretary General Report (S/11336). See also Official
Records of the Security Council Twenty Ninth year, 1779th and
1780th Meetings.
Security Council met\(^\text{90}\) at the request of the representative of Greece to consider the situation following the landing of Turkish forces in Cyprus. The Security Council unanimously adopted resolution 353 (1974) of 20 July 1974 by which it called upon all States to respect the sovereignty, independence and territorial integrity of Cyprus; called upon the parties concerned to stop firing and demanded an immediate end to foreign military intervention.\(^\text{91}\)

The Cyprus crisis as Secretary General Kurt Waldheim once stated "was a classic example of a problem which United Nations peace keeping operations always face in times of crisis namely the problem of credibility."\(^\text{92}\) Thus, the search for peace is still much needed and the peace keeping force of the United Nations plays an indispensable role in maintaining peace and in performing a variety of humanitarian tasks while the search for a permanent settlement goes on though even if it appears such a solution is still far away.\(^\text{93}\) As the Secretary General Kurt Waldheim expressed, "The fact remains, however, that

\(^{90}\text{Ibid., 1781st Meeting.}\)

\(^{91}\text{For detailed report of the situation, see Security Council reports (S/11339) of 12 July 1974, (S/11340) of 18 July 1974, S/11353/Add.2-6) of 22 and 25 July 1974, (S/11568) of 23 May to 5 December (S/11568) contains a summary of UNFICYP operations since the coup d'etat on 15 July 1974.}\)

\(^{92}\text{UN Monthly Chronicle, Vol. XI Number 8, of August-September 1974 (UN Office of Public Information), p. 122.}\)

\(^{93}\text{Ibid., p. 65.}\)
a settlement can only be reached through the political will and
determination of the parties to settle their differences by
negotiation."\(^94\)

Few points are required here to be noted about the
experiences which the United Nations found of the four instances
in Lebanon, the Congo, West Irian and Cyprus.

Firstly: The enforcement procedures authorised
by the Charter were by passed in favour of the less institutiona-
lised and more flexible techniques of preventive diplomacy. In
each case, the United Nations intervened in what was, to
considerable extent, an internal political dispute which might
turn into a large scale armed conflict between several states.
This is quite different from the issue of the Middle East in 1956
and 1967 between the Arab States and Israel which was left for th
last Chapter of this thesis.

Secondly: Generally, it seems to be a precondition
of United Nations military involvement in disputes of this
character that the great powers, mainly the United States and the
Soviet Union refrained from taking an independent action. The
cooperation of the host government, and the initiatives of the
Secretary General to secure from the Member States, the men,
material and money required to deploy an effective UN Force are
all very necessary elements in the functioning process. The

\(^94\) Ibìd., p. 123.
experience of UNOGIL and ONUC demonstrated that whatever its own preference, neither the Great Powers can secure the dismantlement of a United Nations force while its existence and activities are supported by a great majority of the lesser powers and uncommitted states. But this does not mean that the Great Powers may act independently and unilaterally in order to bring the outcome of the dispute in their own interest.

Thirdly: More limitation in the forces makes the United Nations less in its involvement in non-military administrative activities, the less controversial were its programmes and the greater was the Organisation's ability. Although UNOGIL'S activities were not always smooth. ONUC's more ambitious programme failed to obtain the political pacification and unification of the Congo. UNOGIL observers at no time used armed force in the performance of their duties, while UNFICYP duties were more broadly defined and the use of force became essential which include for instance the safety assurance of civilian traffic on the Kyrinia Road which made greater inroads on the normal jurisdiction of the host government than was true in the case of the UNOGIL.

Fourthly: The ad hoc and improvised nature of peace keeping operations also has practical implications. Such operations are usually mounted at very short notice in response to a crisis. They depend on the immediate availability of the appropriate national contingents and, so far, government
have not failed to respond in the needed hour. In the absence of permanent peace keeping establishments, the logistic and administration of these operations are different especially in the early stages. Their adequate financial support, particularly when the operations continue for a number of years, can also be a serious problem which, if it is not solved, imposes an undue burden on the governments providing contingents.

Fifthly: The UN activities in the four related instances revealed the increasing centralisation of administrative control in the person of the Secretary General. These powers appeared at a maximum in the management of UNMUC, but the Congo trial also served as a lesson that the very scope of his power can be a threat to the Secretary General, making it simple for opposition to the United Nations policy to focus on him. The influence of the General Assembly was also at its peak in the Congo case. Both major powers emerged from the experience apparently more cautious of permitting the Afro-Asian dominated Assembly to enjoy a large role in the guidance of peace keeping operations. The Cyprus question illustrates the point, was discussed only in the Security Council and by making the existence of UNFICYP subject to periodic votes of extension, the Security Council also curtailed to some extent the Secretary General freedom of action.

Sixthly: It has been stressed that a sense of mutual trust and confidence between the United Nations and the host government is very essential for smooth function of the
United Nations Forces. The UN position in the Congo was difficult where the legitimate government of the host country appeared ambiguous. Therefore, in the absence of general principle to guide the United Nations in such a situation, the best course for the chiefs of the Force is to follow the Security Council and the General Assembly guidance.

It is very much convenient to conclude by saying that peace keeping operations, despite their shortcomings have so far proved extremely very essential and useful in certain conflict situations. They are, for example, an indispensable part of the maintenance of quiet and search for a settlement in West Asia and Cyprus. But one thing has to be notified in this respect, that is, the United Nations peace keeping is still an ad hoc expedient, working only when all the parties to a conflict accept it. It is in no sense a measure for the enforcement or imposition of the decisions of the Security Council, nor can peace keeping forces turned into military strength competitions. These limitations in no way detract from the very great usefulness of peace keeping operations. They can also in critical situations, create a considerable degree of public disillusionment, based on a misunderstanding of the natures of the United Nations peace keeping operations. But with all the disadvantage either of the peace keeping operations of the United Nations or its role in solving international disputes, no two persons disagree that the United Nations is the only useful institution
for world peace and welfare must prevail. The Secretary General, Dr Kurt Waldheim, stated "... there was no rational alternative in the international relations to the principles and procedures of the United Nations."95
