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**The non-aligned states and the United Nations peace-keeping,
1948–1976**

Rowe, Sylvester Ekundayo, Ph.D.

City University of New York, 1994

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THE NON-ALIGNED STATES AND UNITED NATIONS PEACE-KEEPING 1948-1976

by

SYLVESTER EKUNDAYO ROWE

**A dissertation submitted to the Graduate Faculty
in Political Science in partial fulfillment
of the requirements of the degree of Doctor of Philosophy**

The City University of New York

1994

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This manuscript has been read and accepted for the Graduate Faculty in Political Science in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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ABSTRACT

THE NON-ALIGNED STATES AND THE UNITED NATIONS PEACE-KEEPING
1948-1976

by

Sylvester Ekundayo Rowe

Adviser: Professor Seymour M. Finger

This study assesses one of the many roles of the non-aligned states in international relations. The focus is on their political contribution to the evolution of the concept and practice of peace-keeping, and on the political influence which they exerted in the establishment and maintenance of nine major United Nations peace-keeping activities, from the despatch of observers under the United Nations Truce Supervision Organization (UNTSO), in 1948, to the deployment of the second United Nations Emergency Force (UNEF II), and the United Nations Disengagement Observer Force (UNDOF), in 1973/74.

The non-aligned states once claimed that they had made the most significant contribution to the various United Nations peace-keeping operations, and pledged their support for the realization of speedy resolution of differences on the initiation, control and financing of United Nations peace-keeping activities. The study examines critically evidence of their influence.

This study proceeds from three main premises. First, that in the United Nations, as in any modern political or parliamentary organization, members with common interests coalesce in order to articulate such interests, and co-ordinate their attitudes to specific issues. The main objective of such coalitions is to influence the policy outcomes of the organization.

Secondly, that where there are two powerful forces which are ideologically opposed to each other, and where their competitive policies tend to impede co-operation, a third force often emerges to initiate compromise and conciliatory options, and thus maintain a balance of influence between the two powerful forces. Thirdly, that in instances of serious confrontation and threats of conflict between those two powerful forces, the third and relatively less powerful force could become influential by attempting to act as a mediator.

The relevance of this study is that it identifies a group of international mediators in the context of activities related to a primary objective of the United Nations, namely, the maintenance of international peace and security. It adds to our knowledge of group behaviour and political influence in the United Nations by relatively weak states, and provides a basis for a possible approach to the comparative study of political role performance in the Organization.

Acknowledgement

This dissertation is a symbol of perseverance against all odds, and of determination on the part of a number of people to support me all the way.

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Of course, without the special support of Juliana ("John"), my wife and co-head of the Rowe family, and the electronic skill of Florence Poblete-Enriquez ("Beng"), who assisted me in the preparation of the manuscript, my task would have remained unaccomplished.

Finally, this dissertation is dedicated to my sons, Ekundayo and Soladé, as a sign post to their future endeavors.

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PART I INTRODUCTION

CHAPTER I

PEACE-KEEPING, NON-ALIGNMENT AND POLITICAL INFLUENCE

1. Approaches to the study of peace-keeping

The literature on United Nations peace-keeping activities is among the most voluminous of United Nations-related topics. Some authors (including Burns and Heathcote, 1963; Bowet, 1964; Russell, 1964; and Bloomfield, 1966), provide either a general or detailed survey of past United Nations peace-keeping operations. Others (including Rosner, 1963; von Horn, 1966; Lall, 1968; Stegenga, 1968; Higgins, 1969; and Wainhouse et. al., 1966), deal in depth with one of the peace-keeping operations or with one area of peace-keeping. Still others (including Cox, 1967; Bloomfield, 1971; Fabian, 1971; James, 1969; and Rikhye et. al., 1974), bring into focus such problems as the creation of a permanent peace-keeping force, the degree of preparedness to intervene in conflicts, and the future of United Nations peace-keeping activities. Following the 1964 constitutional crisis over payment of assessed contributions for the peace-keeping operations in the Middle East and the Congo, financing of future operations became the subject of many a separate or individual scholarly work, including one by Stoessinger in 1964.

Many authors, (including Cassese, 1978; and Bowett, 1965) have examined the institutional politics and legal problems pertaining to peace-keeping. They have been concerned with the power and authority of the Security Council, and of the General Assembly to authorize peace-keeping, and the role which the United Nations Secretariat should play in the functioning of peace-keeping forces. There have also been some studies and references to peace-keeping, written by members of the Secretariat and former commanders. These include Urquhart, 1973; Rikhye et. al., 1968; Burns, 1963; and Erskine, 1989.

While a few scholars (including Young, 1967 and 1968), have considered the subject in the context of conflict management and third-party roles, and while some have written about the role of the Nordic and Western neutral states in United Nations peace-keeping, there is a dearth of literature on the role of the non-aligned states which constitute the largest single group in the United Nations, and on whose territory virtually all peace-keeping operations have been conducted. This study attempts to fill that gap.

If the United Nations as a whole has been identified as an international conflict manager, in terms of its role in peace-keeping in the Middle East, Africa and other areas of conflict, it stands to reason that the behaviour of those

states which constitute the majority in the Organization, and which account for about one-third the membership of its Special Committee on Peace-keeping Operations, should also be recognized in the political processes of the evolution and practice of peace-keeping.

There has been no precise and universally acceptable definition of the term 'peace-keeping'. Some authors have defined it in such a way as to cover a host of activities, including those carried out by functional and humanitarian organizations, such as the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), and the International Committee of the Red Cross (ICRC), as well as the mediatory job of the late United Nations Under-Secretary-General Ralph Bunche on the question of Palestine. The military/civilian assistance group set up by the Security Council to supervise a cease-fire and the conduct of elections in Namibia in 1989, has also been categorized as a peace-keeping operation. And so have the various political and para-military missions authorized by the Council in Central America in recent years. The term peace-keeping has come to assume connotations which suit a number of variables in conflict situations.¹ Discussing it from a so-called legal point of view, and using the United Nations Charter as a guide, one author suggests that peace-keeping or 'collective peace-keeping', comprises two main kinds of conflict-related

action -- prevention and enforcement:

Prevention of civil strife with foreign intervention or of hostilities across a frontier may be achieved in a number of ways. Observer groups may be established to supervise an armistice or cease-fire already agreed upon. In situations where opposing military forces are already in position or even engaged in skirmishes, a force of interposition may be needed. But where preventive action fails, or there is no time for it, the community will be faced with the task of restoring peace, if necessary, by force.²

By this interpretation the collective military enforcement action taken under United Nations auspices in Korea, is regarded as peace-keeping. Thus, the United Nations troops in Korea (described as an alliance of like-minded states fighting under the banner of the United Nations, rather than a United Nations Force), have been listed with 12 other United Nations activities, from 1946 to 1966, as peace-keeping.³ However, for the majority of researchers, the term peace-keeping has been restricted to non-enforcement activities carried out by military personnel in areas of armed conflict. The scope of these activities is of course fairly wide. One broad definition of peace-keeping covers activities ranging "from the setting up of a commission of inquiry, to the establishment of an international police force, and including missions of observation and supervision".⁴ Another study lists as many as 70 United Nations activities and subsidiary organs set up

between 1946 and 1965 and dispatched to their respective zones to help in the pacific settlement of disputes".⁵ And yet another study goes on to distinguish between three non-enforcement measures; peace-keeping, peace-making (conflict resolution/pacific or peaceful settlement), and peace-servicing.⁶ It is claimed that since the boundaries between the concepts of peace-keeping and peace-making are highly imprecise, a study of United Nations non-enforcement measures could include supervision, plebiscites and elections, as well as the work of subsidiary organs such as the United Nations Commission on Korea (UNCOK), and the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK).⁷ This approach is not different from one taken by Ciobanu:

In brief, one could say that lato sensu, the concept designates everything, from the one-man 'presence' through mediatory and conciliatory mission, observer and investigatory groups, truce teams, and up to the formally organized peace-keeping forces. Strictu sensu, the concept designates those operations which are carried out by organized armed forces of the United Nations, acting as a rule, with the co-operation of the parties involved in the political or military conflict which caused the organization of the operation.⁸

Summarizing the various approaches to and definitions of the concept of peace-keeping, Higgins concludes that there is no one 'correct' definition, and that all definitions may be permissible according to the purpose of

the particular activity. She offers the following definition:

..United Nations peace-keeping has been taken to refer to operations in which personnel owing allegiance to the United Nations are engaged in military or para-military duties, and/or are carrying weapons for their own defence in pursuit of duties designated by the United Nations as necessary for the maintenance or restoration of peace.⁹

According to Wainhouse, because there is no agreed definition, it is not worthwhile to attempt to define the precise theoretical boundary of the concept, rather a definition should be based on what he describes as a "pragmatic approach", and used in the generic sense to cover "both peace-keeping forces and peace observation mission, with distinction drawn between the two when needed for clarity".¹⁰

For the purpose of this study, a similar approach has been adopted. Here, peace-keeping is broadly defined as those activities of the United Nations involving the deployment and emplacement of armed forces and/or para-military observers in an area of conflict, and with the consent, tacit or implied, of the parties concerned, for the purpose of separating the armies of parties to the conflict while efforts are being made to resolve the conflict peacefully.

The definition of peace-keeping used in this study is based on what could be described as the traditional United Nations interpretation and typology.¹¹ Although there is no official United Nations definition of the term, and although the Organization has devised various methods and machinery for preventing or terminating conflicts, including those referred to as peace-making, fact-finding, good offices, conciliation and mediation commissions as well as the supervision or organization and observance of elections in Namibia, Angola and Haiti for instance, in practice peace-keeping operations comprise military observer missions and military forces authorized by the Security Council or perhaps the General Assembly, with the consent of the parties concerned. United Nations observer missions comprise a small number of unarmed personnel made available to the Secretary-General of the United Nations by member states. The para-military officers observe or supervise cease-fires and truces, and report violations directly to the Secretary-General. The peace-keeping forces are relatively large armed troop contingents contributed by member states, with a much wider function; that of preventing resumption of hostilities and assisting in maintaining law and order in the area of conflict. The troops may use force only in self-defence. The main purpose of these observers and peace-keeping operations, as Goodrich points out, is not to influence the conduct of states by coercive methods, but rather "to assist in the

implementation of agreements already reached and incidental thereto, to perform such functions as observer, report and assist in the settlement of minor differences and perform local police functions, and in general to do those things that are thought to contribute to the ultimate goal of peaceful settlement".¹²

Although, for instance, in the Congo, some amount of force was used to maintain law and order, United Nations peace-keeping forces and observers are not as a rule deployed for the purpose of fighting an aggressor or of defending a victim of aggression, a purpose for which ample provisions have been made in Chapter VII of the Charter. Of course, unlike collective security or enforcement measures, there is no explicit provision in the Charter for peace-keeping as defined in this study, or as practised by the United Nations. This novel phenomenon has been characterized as an unwritten provision lying between Chapter VI (peaceful settlement) and Chapter VII (enforcement measures) of the Charter. In 1964, Brazil suggested that this new concept should be incorporated into the Charter and placed in a "graduated crescendo" between Chapter VI (Pacific Settlement of Disputes), and Chapter VII (Action with respect to threats to the peace, breaches of the peace, and acts of aggression). This is commonly described as the 'Chapter six and a half' proposal. An attempt will be made in this study to trace the evolution of

the concept and practice of peace-keeping, at least to distinguish it from the traditional collective security system, and also to help throw some light on the major roles which the non-aligned have played in effecting those changes.

2. Non-alignment and the non-aligned states.

The non-aligned group of states is the largest single coalition in the United Nations. It is also the most heterogenous. Membership of the group is as diverse as the United Nations itself, embracing all continents, and various political systems. The Fifth Conference of Heads of State and Government of the Non-Aligned Countries, held in Colombo, Sri Lanka, observed that the movement had increased from 25 at the First Summit Conference in Belgrade in 1961, to 47 at the Second Summit in Cairo; and from 53 at the Lusaka Conference, to 75 at the Algiers Summit. By the Fifth Summit, the membership had increased to 86, representing "not only all the continents, but a diversity of economic, social and political systems". The increasing adherence to the non-aligned movement, the Colombo summit conference claimed, was the growing appreciation of the efficacy of the movement.

On the basis of their numerical strength alone, the nations which profess non-alignment as the cornerstone of

their foreign policy, and are members of the group, cannot be ignored in the study of international relations. As a large group of states within the international system -- most of them former colonies -- the non-aligned are said to have changed the political environment in which the United Nations operates, as well as the pattern of interaction within the Organization itself.¹³ It is no longer true, former UN Secretary-General Kurt Waldheim once observed, that only the major powers wield decisive influence in the shaping of international relations. It is becoming increasingly evident, he added, that the other nations, most particularly when they join together, do have the possibility of taking initiative for effective international action.¹⁴ But does the influence of the non-aligned states rest on their numerical strength alone? Their influence, it is suggested, is both quantitative and qualitative:

..the non-aligned countries have brought new ideas, new voting patterns, and new problems to the United Nations. In both number and outlook, they are making a significant impact upon the United Nations. It may well be true that the non-aligned now hold in their hands the future and destiny of the Organization. They can make it or break it.¹⁵

The question of whether or not they are capable of breaking the United Nations is debatable. However, considering their demand for a new international order, in the areas of economic cooperation and the law of the sea for

instance, and taking into account some of the strategies which they may have employed in their attempt to change the old order, they could create strains and stresses in international relations. In fact the strength of the coalition which manifested itself in what was once disparagingly referred to as 'the mechanical majority', for instance, led the United States to withdraw from certain United Nations agencies, or to reduce its financial contributions to them. In this sense, the non-aligned could break the Organization.

Most of the studies already undertaken on the role of the new nations, including the non-aligned, in the shaping of international relations, tend to concentrate on the subject of decolonization. Decolonization is often regarded as the central focus of their diplomacy, and the topic with which one expects to find the most intense and consistent exercise of their political influence.¹⁶ This is not surprising, since the demand for complete decolonization was the first policy on which the non-aligned states initiated their own organized international action.¹⁷ In his contribution to the current literature on the influence of these states, Kay, for instance, uses decolonization as his focus in order to examine the demand which they have made upon the international system, and their degree of success in achieving those demands.¹⁸

The non-aligned states have been active in other areas as well. They have been credited for example with a crucial role in the discussion which led to the programme for achieving a new international economic order and its adoption by the United Nations.¹⁹ In the area of disarmament, Samir Ahmed has analyzed the efforts of the non-aligned states in the negotiations between 1962 and 1963 for the nuclear test-ban treaty.²⁰ In a similar study, Berhanykun focuses on their role and impact in the disarmament negotiations between 1960 and 1970.²¹ The present study looks beyond decolonization and disarmament, and examines the role of the non-aligned states in one important aspect of international peace and security.

The United Nations is an appropriate setting for the study of the non-aligned states and peace-keeping, since the Organization has become a forum for the articulation and practice of the policy of non-alignment.²² In the view of the non-aligned states themselves, the United Nations not only has a vital role to play in safeguarding their independence and sovereignty, it also provides the most suitable forum for co-operative action by the non-aligned; a forum which, in their words, facilitates the democratization of international relations.²³ This democratization has provided them with an opportunity to participate in the political processes of international decision-making. This is why perhaps non-alignment has been described as a policy

designed to improve the prestige and influence of a country in the international community, and enabling it to participate on an equal footing in the life of that community. This is also why the non-aligned could also be described as a type of international trade union organization whose members are seeking to strengthen their negotiating powers, or to exert political pressure in order to achieve their collective goals.²⁴

There are obvious conceptual problems involved in any study of the non-aligned states or the non-aligned movement. Some of these problems have been attributed to attempts by certain students to provide an ideological definition of the movement. As Singham points out, non-alignment cannot be defined in ideological terms with any degree of precision, since it is a global social movement, a coalition of a variety of governments which share certain broad international objectives, and whose governments "coalesce on certain occasions to obtain specific objectives".²⁵ Over the years, the concept of non-alignment, often used synonymously with 'neutralism', has been subject to various interpretations and criticisms which were based on misunderstanding and suspicion about the real objectives of those who claimed to be non-aligned. The United States, for its part, according to Stoessinger, "frequently became impatient with the 'neutralism' shown by the new nations toward the issues of the East-West struggle; viewing their

reluctance to join the American-led system of alliances as less than responsible, and saw their inclination to abstain in voting on East-West issues in the United Nations as, at best, blindness to what was really at stake in international relations".²⁶ Other interpretations of non-alignment have suggested that non-aligned states are indecisive as to which of the two ideological blocs to enter, or are in fact pro-communists seeking the best of both worlds.²⁷ Although late Prime Minister Indira Gandhi described India's foreign policy as non-aligned, wrote one American columnist, her government was widely perceived as being more friendly to the Soviet Union than to the West.²⁸ Giving what could be described as a typical ideological perception of the non-aligned states by the West, former Greek Deputy Premier, Professor Panayotis Kannelopoulos, expressed doubts that such concepts as non-alignment and neutralism offer the promise of practical solutions to the problems created by the basic division of the world into opposing ideologies:

I truly believe, that there is a score of great moral value in the non-aligned world, which adheres neither to the East nor to the West. But in the exercise of politics this attitude of neutrality, reflected in passivity, represents adherence to abstraction that is in fact utopian. The neutrality or non-alignment of the Afro-Asian 'third world' -- despite the intentions and hopes of those who espouse it -- cannot be a true neutrality. For neutrality implies a lack of resistance and such passivity can only serve the aggressor.²⁹

Many earlier explanations of non-alignment had the tendency of equating it with traditional European neutrality which emerged from a war situation. Non-alignment, on the other hand, is a movement which developed from a cold war and balance of power international environment. The pioneers of non-alignment, as Burton explains, meant more by the term than mere neutrality because neutrality failed to convey the nature of their approach to the East-West conflict.³⁰ Traditional Swiss-type neutrality was recognized in international law as the status of states which formally declared not to participate in actual war. Non-alignment, on the other hand, is still to be recognized as a legal status or to be respected as a genuine policy stance. Willets puts it succinctly:

By their contrast, the cold-war belligerents, with their 'those who are not for us are against us' approach, do not recognize or respect any decision to abstain from cold war. Neutrality involved abstention from all conflicts, whereas non-alignment only involves abstention from the cold war. Non-alignment has not implied neutrality in the anti-colonial struggle, nor in conflicts between the developing and developed nations.

Indeed, the claim has often been made that non-alignment may involve active participation in cold-war disputes, provided that each issue is decided 'on its merits', rather than by regular support of a bloc leader.³¹

Much of the criticism and misconceptions about non-alignment and the non-aligned states have been blamed on Western political and academic circles, who have been

accused of assuming that only great Powers determine the content of world politics, while the small Powers of necessity fall within the spheres of great power influence and subordination.³² However, there were Western politicians and scholars who were less critical and suspicious of the non-aligned. Spainier, for instance, observes that newly-independent America had called its policy of non-alignment "non-entanglement", or the determination not to align itself with the former colonial power, and to abstain from continuing involvement in the quarrels of the great Powers.³³ This is how the earlier proponents of the concept saw it; as a response to the cold war, and a determination to pursue peace "not through alignment with any major group of Powers, but through an independent approach to each controversial or disputed issue".³⁴

The study of non-alignment or the non-aligned states is made even more difficult because those who profess non-alignment have themselves found it difficult not only in defining the concept, but also in deciding on who should be invited to their summit meetings.³⁵ The criteria established for attendance at the first summit conference of non-aligned states in Belgrade, 1961, was that states must demonstrate clear tendencies and efforts to sustain a policy of independence; maintain a policy of co-existence with states of different social systems; abstain from military blocs, and for those in military alliance, evidence of freedom from

involvement in conflicts. At the Cairo summit in 1964, the criteria for participation suggested were that states: (a) follow an independent policy; (b) support liberation movements; (c) abstain from membership of multi-lateral military pacts with big powers in the East-West struggle; and (d) refrain from granting military bases to foreign powers.³⁶ Now and again attempts are made within and outside the non-aligned movement, to question the non-aligned status of a particular country, in order to prevent it from participating in a summit conference. For instance, months before the 1978 Non-aligned Foreign Ministers meeting in Belgrade, Somalia had suggested that Cuba's relationship with the Soviet Union was such that Cuba no longer qualified to remain a member of the non-aligned movement. Somalia also led a campaign to have the venue of the 1979 Non-Aligned Summit moved from Havana to a "truly non-aligned country". The Somali action was seen in the context of the country's own strained relations with the Soviet Union and Cuba's military assistance to Ethiopia during the Somali-backed rebel invasion of Ethiopia's Ogaden province.

Notwithstanding the fact that there are many perceptions and definitions of the concept of non-alignment as perhaps there are non-aligned states, and notwithstanding occasional attempts by individual states to bar certain members from participating in summit conferences, the movement does exist. The question of who is non-aligned or

who should participate is based on a consensus of the members of the group, just as the question of who is qualified to become or to remain a member of the United Nations is a matter for the Organization as a whole. In a sense, it is a matter of diplomatic credentials. Membership in the non-aligned movement appears to be based not only on the consensual acceptance of a state by the movement, but also on the willingness of a state to seek membership. Indeed, a number of countries have remained outside the movement because they do not meet the general membership criteria or because they did not apply for membership due to national considerations.³⁷ In 1964, while Cuba participated in the non-aligned summit as a full member of the movement, countries such as Argentina, Bolivia, Chile, Jamaica, Mexico, Trinidad and Tobago, Uruguay and Venezuela, most of which have since taken active part in the movement, were present as observers. Some members have at times even opted to be less active. Three states missed the 1970 summit, only to attend again in 1973 and 1976.³⁸ Arrangements for the inclusion of states and organizations (liberation movements) in the categories of 'observers' and 'guests', have also been revised.

The approach to non-alignment in this study is operational rather than conceptual. We are concerned here not so much with the concept or the idea of non-alignment, but with the group of states which call themselves non-

aligned; states which have been formally or otherwise accepted by the group as a whole. Unlike the United Nations and other international organizations, the non-aligned movement does not have a definitive membership list. The names of members can be derived and compiled from the list of participants and observers at each summit or ministerial conference convened by the group. Each list, unfortunately does not include the names of absentees.

In spite of the informal nature of the movement and the somewhat ad hoc arrangements concerning membership, a large number of states have been identified with the movement, and for all intents and purposes, they can be characterized as non-aligned. Four main criteria are used here for the selection of the independent states which comprise the non-aligned group for the period covered in this study:

- i) Ten of the 11 Arab-Asian states organized by the head of the Indian delegation, Sir Benegal Rau, at the 5th session of the UN General Assembly in 1950, for the purpose of mustering support for India's initiative for a cease-fire in Korea.³⁹
- ii) All participants at the 1955 Bandung conference of Afro-Asian nations, with the exception of China, Japan, Pakistan,

Philippines and Turkey which up to 1976 had not been identified with the non-aligned nor accepted as members of the group.

- iii) All states which satisfied the five criteria prepared in Cairo for participation in the first summit conference of non-aligned countries in Belgrade 1961.
- iv) All independent states members of the United Nations which have participated actively or as observers in one or more non-aligned summit conference between 1961 and 1976, with the exception of Austria and Finland. The two European countries have been observers on at least one occasion, but have since been placed in the category of 'guests'.

The following list of non-aligned states used in this study was compiled on the basis of the above historical development of the non-aligned movement and the various lists of participants and observers at all the summit conferences up to 1976.

TABLE I

LIST OF NON-ALIGNED STATES (1976)

Afghanistan	India	Somalia
Algeria	Indonesia	Sri Lanka (Ceylon)
Angola	Iraq	Sudan
Argentina	Ivory Coast	Swaziland
Bangladesh	Jamaica	Syria
Bahrain	Jordan	Tanzania
Barbados	Kenya	Togo
Benin (Dahomey)	Kuwait	Trinidad & Tobago
Bhutan	Laos	Tunisia
Bolivia	Lebanon	Uganda
Botswana	Lesotho	Uruguay
Brazil	Liberia	United Arab Emirates
Burma	Libya	Venezuela
Burkina Faso (Upper Volta)	Madagascar	Viet Nam
Burundi	Malaysia	Yemen Arab Republic
Cambodia	Malawi	Yemen, Democratic Peoples Republic
Cameroon	Mali	Yugoslavia
Cape Verde	Malta	Zaire (Congo, Leopoldville) or Democratic Republic of the Congo
Central African Republic	Mauritania	Zambia
Chad	Mauritius	
Chile	Mexico	
Comoros	Morocco	
Congo	Mozambique	
Cuba	Nepal	
Cyprus	Niger	
Ecuador	Nigeria	
Egypt (UAR)	Oman	
Equatorial Guinea	Panama	TOTAL: 91
Ethiopia	Peru	
Gabon	Qatar	
Gambia	Rwanda	
Grenada	Sao Tome & Principe	
Guinea	Saudi Arabia	
Guinea-Bissau	Senegal	
Guyana	Seychelles	
	Sierra Leone	
	Singapore	

The concept of non-alignment as a foreign policy posture can be traced back to the 1940's; that is immediately after India's independence and the start of the ideological cold war between the East and West. According to Willett, it cannot be traced any further back than the late 1950s when India, Egypt and Yugoslavia began to work together to develop a common ground or approach to international relations:

If there is any point at which non-alignment was conceived, it was in the 1956 Suez-Hungarian crises, the greatest confrontation between radical nationalism and the major powers to occur in the first 20 years of the post war era. This double crisis brought the three countries, Yugoslavia, Egypt and India together.⁴⁰

However, we must distinguish between the origins of the policy of non-alignment and the practice of non-alignment as a collective diplomatic action in international organization. Thus, while the idea could be traced back to the period immediately after India's independence in 1947 when Nehru declared that India proposed, as far as possible, to keep away from the power politics of groups, alignment against one another which had led in the past to world wars,⁴¹ the first signs of a non-aligned group behaviour in the United Nations could be found in the joint action taken by India, Pakistan, Afghanistan, Burma and the Arab League states, during the third and fourth sessions of the UN General Assembly, 1948-49. As one writer suggests, they

succeeded in mustering enough voting strength in the General Assembly to defeat a recommendation of the First Committee regarding the former Italian colonies which embodied an Anglo-French package deal, prepared with the support of the United States. This substantial venture in opposition to the Western Powers seemed to lay the basis for a substantial measure of Arab-Asian co-operation.⁴² Although the group did not describe itself as non-aligned, it did organize itself as the nucleus of a new caucusing group of smaller nations within the United Nations. The Korean war provided an opportunity for the group to begin collective action. India, for its part, became chairman of the Neutral Nations Repatriation Commission during the Korean crisis, and the head of the Indian delegation to the Fifth Session of the UN General Assembly, Sir Benegal Rau, organized an Asian-Arab group to secure a cease-fire resolution.⁴³ India's policy of non-alignment became operational in the international organization context during this period. It has been suggested that the outbreak of the Korean war was the turning point:

The Korean crisis proved a challenge to its non-alignment, for in relation to this greatest trial of strength between the two antagonistic power blocs it had to take a clear stand which antagonized one side or the other. These years opened a new and effective negotiating and mediatory role for the non-aligned countries.⁴⁴

During those Korean war years, the Latin American

states had also been observed as potential supporters of the Asian-Arabs on decolonization issues, issues which were part of the main pre-occupations of that emerging group. The trend, it has been suggested, symbolized the growing independence of countries usually included in the Anglo-American majority, and on which could in time lead to a new power alignment.⁴⁵

The Bandung Conference of April 1955 was a gathering of ranks; a mobilization of a new force in world politics. Bandung opened an umbrella for Afro-Asian economic, political and cultural co-operation. Whether or not it is considered a forerunner of the non-aligned movement, Bandung did contribute to the development of non-alignment in world affairs. As far as the Suez and Hungarian crises were concerned, they prodded the conveners of the Belgrade Conference of Non-aligned Countries in 1961 to re-define the principles and objectives of those who had made or would like to make non-alignment the cornerstone of their foreign policy. As the cold war prevailed, and as the smaller nations began to perceive threats to their newly-won independence, Belgrade was designed to consolidate the practical action of non-alignment which had been gathering momentum over the years. As we shall see in a review of the emergence of the non-aligned states in the international system, the cold war gave the non-aligned movement a breeding ground, so to speak, and a leverage in

international politics. It also widened the scope of the potential political influence of the non-aligned states in the United Nations.

Another reason why students of the non-aligned states find it difficult to analyze their behaviour, is that the group of non-aligned states is an evolving organization. Not only has its membership changed, until recently its organizational structure was not well defined. Unlike the United Nations it has no charter. Its objectives and principles are outlined in the various declarations and official documents adopted by its ministerial and summit conferences. The Lusaka Declaration issued at the end of the Third Summit in 1970, for instance, reiterated the aims and objectives of the non-aligned movement. They included:

The pursuit of world peace and peaceful co-existence by strengthening the role of non-aligned nations within the United Nations, so that it will be a more effective instrument against the threat to their freedom, independence...opposition to the establishment of foreign bases and foreign troops on the soil of nations in the context of great power conflicts...⁴⁶

In spite of this and similar statements and declarations of principles and objectives, it was not until 1973 that the non-aligned formally established a Co-ordinating Bureau at the ministerial level to follow up action and liaison between one summit meeting and another. Co-ordinator

countries were later selected for specific fields of activities. For instance, there is a group of Co-ordinating Countries for the Action Programme for Economic Co-operation among Non-Aligned Countries; in which two or more countries co-ordinate action on trade, transport and industry, food, agriculture, fisheries, employment and human resources, health and so on.⁴⁷ Observer countries such as Brazil participate in these groups. Although they function informally, they are part of "a broader and increasingly intricate set of consultative and co-ordinating efforts at all levels".⁴⁸ The establishment of a co-ordinating bureau at the United Nations has also strengthened its organizational structure. The trend towards institutionalization reflects a change in the pre-occupation of the member states of the movement who had earlier been more concerned with decolonization and keeping out of the cold war.⁴⁹ It has slowly transformed itself from a social movement into a much more tightly knit and organized pressure group.⁵⁰ If this transformation continues, and notwithstanding the end of the cold war, studying the non-aligned group of states could become much less difficult.

Another factor which has not enhanced an analytic study of the non-aligned group of states is that it is not a bloc in international organization. In fact, over the years, several sub-groups could be identified within the movement, such as the Afro-Asian group during the formative years of

the non-aligned movement, and the Arab and African groups of states. Even the Afro-Asian group itself, as one writer points out, consisted of many sub-groups which often are split within and between themselves on some issues:

It is hardly surprising that it has seldom functioned effectively as a unified group, and has not realized its full potential as the largest single group in the United Nations constellation. But it is a functioning and organized group, and its members have achieved a higher degree of unity on issues that have come before the United Nations than they showed prior to its existence. On issues on which they can unite, such as colonial issues, the group can have decisive influence in the United Nations.⁵¹

While the non-aligned group has no reserved seat in any organ -- perhaps with the exception of the former Conference of the Committee on Disarmament -- it has acquired potential influence to the extent that it could block the election of a state to any organ or body of the United Nations. In many instances, candidates for electoral offices not only have to receive the support of the geographical grouping to which they belong, but also that of the non-aligned group as well. This is a source of strength for the group and may account for its growth and viability. It is an umbrella coalition, a caucusing group, and should be studied as such.

3. The sources and indicators of political influence

Influence has been described as a primary and

ubiquitous concept in the study of politics.⁵² Another suggestion is that it is probably the most pervasive in the literature of political analysis, especially when an attempt is made to measure the extent of influence possessed or used.⁵³ Although some political analysts have tried to distinguish between power and political influence, there is still a tendency to associate influence with the use of power, and to explain power in the context of influence. The conceptual tangles become more intricate when power is given both negative and positive connotations:

Power is a relative term. In a positive sense it is the ability to influence others to behave in a manner desired by the one wielding power. In a negative sense, it is the ability to prevent others from exerting influence on one's own behaviour...Because there are many different ways in which influence may be exerted, there are many different manifestations of power.⁵⁴

A much clearer distinction between the two concepts is offered by Cox and Jacobson, who define influence as the modification of one actor's behaviour by that of another:

It is thus a relationship between actors, something that emerges in the political process, not something 'given' or calculable at any time. Power means capability; it is the aggregate of political resources that are available to an actor. These resources may be material or not. Power may be converted either at all or to its full extent. Although those who possess the greatest power may also exercise the greatest influence, this is not logically necessary.⁵⁵

This explanation of political influence is similar to

one offered by Keohane in his study of political influence in the United Nations General Assembly, namely, the ability of a state or group of states to achieve its ends by altering the behaviour of other states without the exertion of physical force.⁵⁶ Dealing specifically with United States influence in the United Nations General Assembly, Riggs observes the methods and extent of such influence which he expresses in terms of 'positions fought for and won, positions compromised, position abandoned, and a few fought for and lost'.⁵⁷ Many of the definitions and explanations of political influence in organizations such as the United Nations are not too different from Dahl's understanding of influence as a relation among actors -- individuals, groups, associations, organizations, states -- in which one actor induces other actors to act in some way they would not otherwise act.⁵⁸ In accepting Dahl's definition, Kay explains political influence in terms of a process of change, and of demands made, for example by African and other new states on the United Nations system.⁵⁹

Drawing from the various definitions and interpretations, one can conclude that political influence does not and should not merely imply the ability to induce change, for better or for worse, but also the capacity to participate actively in the process of decision-making. In other words, an influential actor need not change the existing situation or alter the behaviour of others.

Influence can also be exerted in the development or shaping of a new policy. We are concerned here with the political role of and process by which the non-aligned states coalesce to articulate their interests and formulate their ideas for the development and operation of United Nations peace-keeping activities. Their influence is observed in terms of their contribution to the policy outcomes and management of peace-keeping. As in any large-scale organization, especially one of a quasi-parliamentary type, decisions of the United Nations are based not only on the policies and attitudes of individual members, but also on the ability of groups of states to work together and take a collective approach to issues. As Holmes observes, what turns out to be the collective will and convictions of the United Nations are determined not just by the validity of the respective arguments advanced by disputants in the debates, but also by the weight which partisans can throw in the councils.⁶⁰ This weight-throwing, which could be interpreted as political influence, manifests itself in several ways including the utilization of a constitutional instrument such as the veto in the Security Council, and the ad hoc parliamentary strategies of caucusing, coalition-building, persuasion and bloc-voting.

Although it may be difficult to discuss a political issue without comparing the influence of different groups,⁶¹ for instance how much influence one has over another (a task

which in itself is formidable), no attempt will be made in this study to compare the relative influence of the non-aligned states with that of any other group. Rather, we shall observe the behaviour, describe and analyze the processes through which the non-aligned exert influence in one area of United Nations activities. The study could provide the groundwork for comparative studies.

In discussing the political influence of any group of states in the United Nations, no one can claim that that group acts in isolation, nor can any group claim absolute credit for a particular decision. The process of exercising or exerting influence is one of interaction. Indeed, while one state or group of states can be blamed for failure on the part of the Organization to act in a given situation, no individual government can claim all the credit nor need it assume all the blame for the fate of a particular proposal, since the Organization functions on the basis of compromise and general agreement:

No one delegation can railroad anything through entirely on its own; it must work with others and sometimes a little modesty will yield good results. A delegation may therefore, for technical reason, sometimes let another delegation take or share the public credit for a resolution it originated.⁶²

Even the United States, perhaps the most influential member state in the United Nations, has been studied in the

context of the less powerful and less influential members of the Organization. American influence, as Riggs points out, was "characterized by American-led majority",⁶³ meaning that at a point in time the United States was capable of securing the votes of a large number of states in the General Assembly, and thus exert greater influence than say, the Soviet Union. It is no surprise then that the extent of United States influence is sometimes backed by a quantitative summary of voting patterns in the General Assembly, including details of the number of times other states voted with the United States or with the Soviet Union.⁶⁴

Thus, while the focus is on the non-aligned states, attention will also be given to their interaction with other states or groups of state, including the two super-Powers. Another reason why it is perhaps necessary to observe their behaviour in the context of the super-Powers, is that it has been empirically determined that the super-Powers dominate the international influence system in that most nations maintain symmetrical or asymmetrical relationships with them.⁶⁵ In short, the behaviour of the non-aligned would be observed and examined in relation to other states of the Organization in the area of peace-keeping. The purpose is not to compare the extent of the influence with that of other states, nor to determine which is more or less influential than the other, but rather to find out how the non-aligned,

interacting with the super-Powers and others, have contributed to the political aspects of United Nations peace-keeping activities.

There are many instruments of political influence, and influence can be exerted in a variety of ways. These can range from the mere active participation in a debate and the mustering of votes to resolve an issue, to the staging of a walk-out and boycott of a decision-making process. For instance, the Soviet Union's non-participation in the UN Security Council's decision to take enforcement action in Korea when the Soviet delegation walked out of the Council influenced the outcome of the debate. Although not all international visits by political leaders constitute exertions of influence, official visits have often been motivated by a desire to exercise influence or ascribe status.⁶⁶

In studying influence in a quasi-parliamentary type organization such as the United Nations, there is a tendency to over-emphasize one particular instrument of influence, namely, voting patterns. Although voting patterns do reflect the full extent of influence in the Organization, and although voting behaviour does have some degree of relevance, it is only one indicator of influence. Many writers have rightly pointed to the inadequacy of voting patterns or roll-call votes as indicators of influence. The

late Secretary-General of the United Nations, Dag Hammarskjöld once admonished political analysts to broaden the scope of their inquiry when assessing influence in the United Nations. He declared that there was a tendency to over-estimate the significance of votes in the General Assembly, when in practice resolutions often reflect only part of what has in fact, emerged from the deliberation, and what was likely to remain as an active element in future developments.⁶⁷ According to Keohane, it is not sufficient to limit ourselves to roll-call voting analysis however sophisticated; participation in issues must be investigated in detail, delegates interviewed, and patterns of behaviour discovered.⁶⁸ Influence in the General Assembly, he suggests, may result not only from votes and power conventionally defined, but also from prestige, clever procedural manipulation or intense involvement in an issue.⁶⁹ In addition to voting analysis, Rowe has utilized two other data, participation and financing support, in ascertaining the extent to which member states have been committed to the expansion or contraction of United Nations authority and activities.⁷⁰ All three data could be applied to an examination of the extent of non-aligned influence in the peace-keeping activities of the Organization.

Since the exertion of influence may take many instrumental forms and be transmitted through a variety of channels, and since the concept of influence is multi-

dimensional,⁷¹ it would be necessary to utilize as many indicators or instruments of influence as possible. Because of what he describes as serious conceptual problems and limitations of various methods of measuring influence, Kay has suggested that one should spread the risk by using, not one, but three parameters of influence.⁷² Guided by the acknowledgement that although it is not possible to define influence in reasonably precise terms -- and even to illustrate its components with mathematical symbols and equations -- and realizing that no method has yet been discovered for satisfactorily giving quantitative expression to influence in the context of international organization,⁷³ and furthermore, taking into account the use by other researchers of several methods in combination to "make it possible to take into account the inadequacies of each",⁷⁴ we shall identify and use the following seven indicators of influence:

1. Initiative: This can take the form of a complaint, followed by a request for a meeting of the Security Council or of the General Assembly, to consider a particular issue pertaining to the maintenance of international peace and security. A state is thus likely to exert influence on an issue, or in the processes for its resolution if that state had taken the initiative to bring the matter to the attention of the Organization. The mere act of asking the

Organization to get involved is, in itself an attempt to be influential. Although not all initiatives necessarily imply United Nations involvement, once the Organization decides to get involved, the initiator would thus exert some influence in the debate or any other effort to resolve the issue.⁷⁵ For whatever reason or motive the initiative was taken to place the issue on the agenda of the United Nations, the initiator increases the possibility of altering positions in the Organization, not only on that particular issue, but also on other related issues of war and peace. New attitudes and precedents often emerge, or old attitudes re-inforced and consolidated from such initiatives, especially when other influential factors are applied to secure organizational debate and, or action.⁷⁶

Those who take the initiative to request United Nations involvement are often those who regard themselves as victims of aggression and other acts which violate the principles of the Charter. However, the aggressor perceived or real, could also be regarded as an initiator of organizational debate or action. In other words, United Nations involvement can be 'initiated' by launching an armed attack on another state. Indeed, such attack could well be a means of exerting influence in the United Nations, especially on the part of a

state which intends to gain recognition as militarily stronger than its neighbours. The attack itself could be a means of altering the balance of power in a particular region.

Initiative for organizational consideration of an issue can also be taken by third parties in a conflict situation. The initiative, irrespective of the motive behind it, provides the opportunity to exert influence.

2. Participation and non-participation: Participation in the discussions and decision-making processes of an organization, indicates a desire to contribute ideas and thus to influence the policy outcomes of those processes. Participation provides an indication of interest in or concern for what the organization does and decides about an issue.⁷⁷ Participation is often a reflection of concern, so that an actor with relatively limited resources but greater intensity or concern, may achieve greater influence in a particular area than another who has greater resources but less immediate concern.⁷⁸ Participation also provides an opportunity for a state to present general views and ideas for resolving a conflict, and to articulate policies and enunciate concepts. Participation is one of the most effective means at the disposal of a state to influence decisions in international affairs.

At the same time, inactive participation or non-participation in an organizational debate could produce negative influence and thus weaken a state's influence in that organization. Suggesting that pursuance by the United States of a more active role in the United Nations General Assembly for instance, might alter its current position in relation to third world states, Jacobson underlines the fact that the United States position in relation to the third world majority in the Assembly was more favourable in the early and mid-1960s when it pursued a more active policy:

When the United States simply reacts negatively, it facilitates the USSR's aligning itself with the third world. The USSR is not called upon to act, but merely to join in condemnation. When the US advances positive proposals, the question of what the USSR will do to assist the third world is less easy to evade. A more active and positive US policy might produce cross cutting cleavages rather than polarizations in the General Assembly.⁷⁹

Non-participation, the advancement of negative proposals or the pursuance of a relatively less active policy in an organization can also facilitate change in one direction or the other. Since influence is a relative term, refusal by certain states to participate, in some instances, could itself have an indelible impact on an organization. The absence of the Soviet Union in the Security Council when the Council voted for United Nations intervention in Korea, had a

great impact on the United Nations as a whole. Its absence facilitated United Nations enforcement action. Unwillingness on the part of any state to participate in the deliberations on any issue or in any organ, more often than not provides the opportunity for others to increase their influence or dominance. Participation becomes even more important in an organization when consensus, rather than voting, is the final act of decision-making. For minority groups, participation in consensus-building is the most effective means of exercising influence.

3. Sponsorship and co-sponsorship: Influence can also be exerted by drafting, sponsoring and co-sponsoring resolutions. As a set of parliamentary techniques for exerting influence, sponsorship and co-sponsorship of proposals are acquiring more significance in coalition-building within modern large political organizations. They are techniques available to states and other actors as they try to promote their interests and make their positions clear in the early stages of negotiations.⁸⁰ It is the process of drafting and bargaining that demands are made on the organization or its individual members; and it is in this same process that states either derive or exert influence.⁸¹ The organization would thus come under the impact and influence of a state or group of states when it

succeeds in getting what it had demanded.⁸²

When states do not take the initiative of placing an item on the agenda of a major organ of the United Nations, for instance, or do not participate in the ensuing debate, they could still identify with the particular issue by co-sponsoring a draft resolution. Thus, sponsoring and co-sponsoring could be a third option in exercising influence. Emphasizing the importance of sponsorship of proposals as a parliamentary technique available to members of the United Nations as they endeavour to promote their interests through the General Assembly, Mower identifies three types of sponsorship and explains why they are utilized:

A government resorts to open, individual sponsorship when it wants to make its own position clear or to avoid compromise in early negotiating of a recommendation; to open joint sponsorship when this would increase the political impact of a proposal; and to indirect sponsorship through others.⁸³

Indirect sponsorship often takes the form of a tacit expression of support for the main principles and objectives of a draft resolution without formally appending a state's name to the list of sponsors or co-sponsors of the draft. States which have relatively minor reservations about certain provisions of the

draft may well decide not to openly sponsor the entire draft, but rather to assure the sponsors before hand, that they support it as a whole and would vote in favour of it.

4. Voting: Where formal voting is the final action of the decision-making process, voting can be the most effective means of acquiring and exercising influence within an organization. Votes can be used or withheld in order to effect change. Voting power -- either numerical, or constitutional, such as the veto -- can be used as the most decisive factor in the whole process of decision-making.

5. Institutional membership: Membership of a standing or ad hoc advisory committee of any of the organs of the United Nations can be a source of influence. These subsidiary bodies are involved in the formulation of ideas and recommendations which often provide the basis of policies and decisions on various issues. Membership of an advisory committee of peace-keeping troop contributing countries, for example, can be as influential as the vote of a non-permanent member of the Security Council in authorizing the establishment of a peace-keeping operation. Since the Security Council itself is an influential body on matters relating to international peace and security, membership of the

Council, especially during conflict situations, can be a source of influence. Indeed, the composition of the Council at a given time often determines the attitude of the Council and the type of action which the Council is likely to take on an issue. Although non-permanent membership is based on a system of equitable geographical distribution, the actual political spectrum of the Council varies from time to time. The fact is that a state may even delay bringing an issue before the Council until the membership of the Council changes to what it considers advantageous. The idea is that if a state wants to exercise influence effectively, and to secure action which is in its own interest, influence should be brought to bear on others at the right place and at the right time.⁸⁴ It is the desire to seek their own interest and to exercise influence which inspired a group of states in recent years to press for another increase in the membership of the Security Council.

6. Diplomatic Leadership: Although decision-making in all the organs of the United Nations or of its committees, is based on negotiations and bargaining, an individual state can significantly influence the outcome of those negotiations by virtue of its position as leader of the organ as a whole, or of a sub-group within that body. Thus the resolution of an issue before the Security

Council could be attributed to the spirit of co-operation of its members or individual members, as well as to the diplomatic skill of the President for that particular period.⁸⁵ However, it is often the nationality of the President or chairman which ultimately gives the presidency character. The President projects not only his own personality and diplomatic skill, but also the image, and thus the influence of the state which he represents. After all, it is the state member of the Council which holds the presidency, and not the individual.

Diplomatic leadership, such as chairmanship of other bodies, can also be a source of influence.

Chairmanship of the Committee on Peace-keeping Operations, for instance, provides a state an opportunity to direct the proceedings for developing recommendations on the Organization's peace-keeping activities.

Another aspect of diplomatic leadership as a source of influence has to do with group coalition interaction. Leaders of negotiating groups are, generally speaking, influential. Keohane observes, in his study of influence in the UN General Assembly, that when a group leader has a definite policy of his own which is worthy of endorsement by others, that leader is likely to become even more influential:

Thus the position of a state that is generally recognized as a leader of an established regional group -- for example Brazil, India or the United Arab Republic -- is primarily a corollary result of the general principle that leadership of a group with a distinctive point of view is the best way for a state that is not a great power to exercise influence in the Assembly. The regional group's leader works with the continuing organization. This may enable him to construct coalitions with more regularity than if the group did not exist.⁸⁶

It should be added that group leaders are either self-appointed or delegated, usually on a rotational basis, to act as spokesmen and chief negotiator for the group.

Another form of leadership, bureaucratic leadership; one which is not covered in this study, involves the exercise of influence by the Secretary-General and senior members of his secretariat, for example, who interpret and implement policies of the Organization, or perform mediatory roles and functions as special representatives of the chief administrative officer of the Organization. Although these individuals are theoretically international civil servants, in practice their nationality becomes an important aspect of their functions or roles. The capacity of bureaucratic leaders to exercise influence is derived not only from their official position and their personal attributes, attitudes and perceptions, but also from their national origin.⁸⁷ Secretariat members with the 'right' nationality, coupled with

their own integrity, could well be considerably influential in the formulation and implementation of the Organization's policies.⁸⁸ It is not surprising then, that states often seek bureaucratic leadership positions for their nationals in order to derive and exert influence in the operational activities of the Secretariat.

7. External mobilization: Increasing use is being made of regional and other organizations in mobilizing support for issues and individual states in the United Nations. In order to influence the attitudes and decisions of the United Nations on a particular issue, members of those organizations adopt resolutions which are later transmitted to the United Nations as the joint or collective position of those organizations. The non-aligned group of states, the Organization of African Unity, and to a lesser extent the Arab League, all adopt resolutions which subsequently become the basis of United Nations resolutions. They delegate spokesmen to present their views in the Security Council, and to ensure that the Council endorse their action or recommendation.

In summary, a state or group of states can be considered to have exerted political influence in the United Nations on any issue, if it had done one or more

of the following: initiated debate on the issue; participated in the ensuing discussions and debate; sponsored or co-sponsored a draft resolution; worked as a member of an advisory committee or body set up to provide an input into the processes aimed at resolving the conflict; presided over an organ or committee involve in dealing with the conflict; delegated by a regional organization to be a spokesman for the organization in the United Nations when the issue is being considered by the Security Council. How the non-aligned states use some or all of these indicators of influence in the area of peace-keeping is the main focus of this study.

4. Scope and main hypotheses of the study

Following a theoretical overview of peace-keeping, non-alignment and the non-aligned states, an attempt will be made to trace the evolution of the non-aligned movement in the international system and of peace-keeping by the United Nations. Major world events and patterns of state interaction during the period 1945 to 1976 are identified and analyzed in order to determine their impact on both non-alignment and United Nations peace-keeping activities. Since peace-keeping as we know it today is not mentioned in the Charter of the United Nations, an attempt is also made to survey the development and history of the concept, from

the charter principles of collective security and enforcement measures to peaceful settlement of disputes or conflict management.

Part III, the central focus of this study, examines the major peace-keeping operations, including the peace observation missions, conducted by the United Nations between 1948 and 1976, and the attempts of the non-aligned states to influence those activities.

In Part IV attention is given to the political problems of financing peace-keeping operations, the controversy over the applicability of Article 19, and work of the United Nations Special Committee on Peace-keeping Operations, the body which has been mandated by the General Assembly to undertake a "comprehensive review of peace-keeping in all their aspects".

The main hypotheses to be tested are as follows:

1. There is a direct relationship between the state of the international political system and the ability of the non-aligned states to influence United Nations peace-keeping activities. The non-aligned states do not operate in a vacuum. They are part of the international political system; a system which changes from time to time, and in which the non-aligned have to contend and interact with

other states as coalitions in decision-making. The very concept of non-alignment emerged from a particular set of circumstances in international relations, primarily relations between the Soviet Union and the United States, and between those that are aligned with the two super-Powers. Peace-keeping operations have been established after armed conflicts, mostly in or involving non-aligned states. The intensity of these conflicts is often attributable to the support which the parties involved receive from the super-Powers and their allies. The state of the international political system is also determined by the membership size of the United Nations, the number of non-aligned states in the Organization, as well as international events outside the Organization.

2. The greater the differences between the two super-Powers, or the more intense the ideological conflict between them, the greater the potential for non-aligned influence.

It can be argued that if there had been no cold war, a non-aligned movement would not have been born. Furthermore, there is reason to believe that non-alignment as a foreign policy stance would remain viable as long as the super-Powers continue to allow remnants of the cold war to prevail in any issue before the United Nations. In the absence of cold war politics, and in spite of super-Power concurrence in the authorization of a particular peace-keeping

operation, general differences in their perception of peace-keeping are likely to continue. Until those differences are resolved, there will always be some scope for greater non-aligned influence in peace-keeping.

3. The extent of non-aligned influence varies with each peace-keeping operation.

Although all United Nations peace-keeping activities share certain basic characteristics, they are different in many respects. Each operation is based on a particular set of circumstances and on specific mandates from the Security Council or, as in the case of the first emergency force in the Middle East, the General Assembly. The political circumstances surrounding the conflict, and the type of mandate envisaged for a peace-keeping operation, often determine the extent to which the non-aligned states can influence that operation.

4. Some non-aligned states are more influential in peace-keeping than others.

For instance, in terms of participation, one of the seven indicators of influence identified in this study, some of the non-aligned states may participate more or less actively than others in the political processes leading to the establishment and maintenance of a peace-keeping

operation. The level of participation and sponsorship of resolutions by each non-aligned state also varies. Thus, some members of the movement contribute more or less than others to the cumulative influence exerted by the movement as a whole.

CHAPTER I NOTES

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88. Secretary-General Hammarskjold had a group of senior members of the Secretariat, including Ralph Bunche who belonged to what was known as the 'Congo Club', an inner circle of advisers on the question of the Congo.

PART II. ORIGINS OF NON-ALIGNED MOVEMENT
AND UNITED NATIONS PEACE-KEEPING

CHAPTER II

THE NON-ALIGNED IN THE INTERNATIONAL SYSTEM

A study of the influence which states exert on others is a study of political interaction in the international system. As Singer describes it, the international system itself is an influence environment and the key element in explaining how nations attempt to influence the behaviour of one another. In more simple terms, he explains, influence and counter-influence are the dominant characteristics of the international system.¹ Since the international systemic power stratification pattern, as indicated by such terms as 'multi-polarity' and 'bi-polarity' can also impinge on foreign policy behaviour,² and since the non-aligned states are part of the international system, their role in conflict management through the United Nations and its peace-keeping operations, must be seen in the context of the nature of the international system during the period covered by this study. The system is, in short, the power configurations, patterns of interaction among nations, their alliance participation, coalitions, bloc and treaty commitments, as well as the events and decisions which either alter or have significant impact on state interactions and relationships.³ As Boyd also observes, the ability of the United Nations to undertake a number of peace-keeping measures has, to a large

extent, taken place in the context of, and has been compatible with the prevailing system of international relations.⁴ There is a correlation between the international political system and the ability of the United Nations to establish peace-keeping operations, as well as the ability of the non-aligned to influence decision-making leading to those operations. This correlation explains why for instance the United Nations did not respond to the 1973 Middle East crisis with coercive or a Korean-type enforcement measure. The type of action taken by the United Nations to restore or maintain peace is a reflection of the prevailing international system. As Citrin explains, whether or not organizational task expansion (innovation in the activities of the United Nations relating to the maintenance of international peace) takes place, the particular nature of the new tasks or activities, "depends in part on the nature of the international system and environment".⁵ He defines the international system as "the pattern of recurring relationships between its component units, the international actors, the international environment by the level of technology, culture and modal values of a given historical epoch".⁶ In studying United Nations peace-keeping operations, he suggests, the prevalence of a bi-polar distribution of ultimate military power, the existence of nuclear weapons, the ideological conflict between the Soviet Union and Western blocs, and the priority given the value of decolonization by the

uncommitted states of Africa and Asia, are all considered important determinants of the Organization's actions.⁷

There is not only a correlation between the nature of the international system and the type of United Nations activity in respect of peace, but also a correlation between the size of United Nations membership and the sources of political influence within the Organization.

The international system during the period covered by this study could be considered in four phases.

1. The First Phase, 1945 - 1952

The international system of the post-war years was pervaded by the so-called cold war between the East (led by the Soviet Union) and the West (led by the United States). The Soviet American 'alliance of convenience' had ceased soon after World War II. Attempts to preserve the anti-Hitler coalition had failed. The period saw the emergence of the United States as a world power, with the ability to influence relations between European countries, and to penetrate the national decision-making institutions of some of those countries. The same period also witnessed a crucial stage in the demise of European empires around the world. Both the United States and the Soviet Union began systematically to build their own empires in the form of spheres of influence.

The nature and extent of those spheres of influence were reflected in the United Nations, where the United States and its friends and allies out-numbered the Soviet and East European bloc of nations. American obsession with communism, and its antagonism toward the Chinese revolution resulted in a further reduction in Soviet influence and sympathy in the United Nations. Neutral and uncommitted nations which could have held the balance of influence in the Organization were relatively few. Many of those nations were still struggling to gain international recognition and membership in the United Nations.

The ability of the United Nations to keep the peace by enforcement action, and in the context of collective security in the case of Korea, was, to some extent, determined by the international system and climate prevailing at that particular point in time. Distribution of power and political influence was such that despite the lack of consensus to sustain the United Nations' pre-occupation with collective security and enforcement, the Organization could still go ahead to support a military force in Korea. The same distribution of political influence during the period 1945 to 1952, made it possible for the General Assembly to adopt the historic 'Uniting for peace' resolution which in effect strengthened the peace-keeping role of the General Assembly.⁸

Many writers have pointed to American-initiated attempts to completely isolate the Soviet Union and its few allies in the United Nations -- attempts which affected the ability and capability of the Organization to prepare for peace-keeping and to create the necessary machinery for that purpose. As Fabian puts it, in this generation of United Nations peace-keeping preparedness, relations between the Soviet Union and the United Nations were carried on in a state of fundamental antagonism, despite some isolated ambivalence in Soviet behaviour in the Organization:

Besides the structural disadvantages the Russians experienced as the parliamentary and political minority, Moscow was progressively embittered by a succession of specific events during this generation. On a number of occasions Western Powers had succeeded in excluding Soviet participants from United Nations field missions, and neutralizing Soviet vetoes by transferring certain issues to the General Assembly.⁹

In this early period of United Nations peace-keeping, in the form of peace observation, United Nations actions were often identified with United States policies. All United Nations peace observation missions established during this period in the development of the Organization's capacity for peace-keeping had the full support of the United States, and in most cases resulted from American initiatives:

The United States was represented on almost all of them and it supplied the major portion of observers and most of the logistic support.¹⁰

The records reveal that the Soviet Union was not represented in United Nations field missions during this period, and that for example, a Soviet-supported Polish proposal for the dispatch of a commission representing all members of the Security Council to Indonesia, was rejected. So was a Soviet proposal that all members of the Security Council be given the opportunity to supply observers in Palestine.¹¹

In summary, the international system during the period 1945 to 1952 was dominated by the United States, with the Soviet Union emerging as a counter-force in a bi-polar situation. The period saw the beginning of the cold war, the decline of European influence, the creation of NATO (the North Atlantic Treaty Organization) and Soviet and American spheres of influence. Events such as the Berlin blockade of July 1948 also had an impact on decision-making in the United Nations and on the Organization's ability to develop peace-keeping machinery.

2. The Second Phase, 1953 - 1955

Although the East-West ideological struggle or cold war continued during the period 1953 to 1955, there were some fundamental changes in the international system. The West perceived the death of Stalin in 1953 as the end of an era of inflexibility in Soviet foreign policy. The new Soviet

leadership, according to Fabian, combined greater flexibility in external policies with occasional glimmers of comparative amiability, and the effect was soon felt at the United Nations:

The cold war was to be waged, if not with duller weapons, at least in a somewhat softer style, a strategy soon to be embodied in 'peaceful coexistence' slogan.¹²

This Western perception was perhaps confirmed three years later when Krushchev denounced Stalin, and when the West witnessed increasing Soviet acquiescence in the establishment of more peace missions by the United Nations. The resignation of Trygve Lie, whom the Soviet Union had often regarded as a die-hard anti-communist and a 'pliant tool' of American-led "capitalist imperialism", and the appointment of Dag Hammarskjold as United Nations Secretary-General, were also important elements of the international scene during this second phase. Hammarskjold, as it turned out, became the target of the wrath of the Soviet Union to the extent that the peace-keeping activities of the United Nations in the Congo, created serious constitutional and financial problems for the Organization.

This same period could also be described as the peak of the cold war. Other major events which contributed to the shaping of the international system, included the signing of the United States-Japanese defence agreement; the Sino-

Indian 8-year peaceful co-existence agreement; the establishment of more regional security organizations (SEATO, CENTO and the Warsaw Pact); the Anglo-Egyptian Treaty for ending British occupation of the Suez Canal; the proclamation of the Federal Republic of Germany as a sovereign state; the US-USSR-UK-French agreement restoring sovereignty to Austria (a neutral state); the package deal by which 16 new members were admitted to the United Nations,¹³ and the proclamation of Egypt as a republic, with Colonel Nasser as Prime Minister, and the testing of America's first hydrogen bomb.

There was of course the Bandung Conference of 1955, the first major gathering of Afro-Asian nations, and the forerunner of the non-aligned summits. The Conference emphasized "the risks confronting the whole human race from the outbreak of global war in which the destructive power of all types of armaments, including nuclear and thermo-nuclear weapons, would be employed".¹⁴ The Conference drew the attention of all nations to the terrible consequences that would follow if such a war were to break out. Bandung introduced a new force in international relations:

This Conference acted as a connecting force between the two Continents of Asia and Africa, and helped to create a favourable atmosphere for the reduction of international tensions and the promotion of world peace...The Bandung Conference proclaimed to the world the awakening of Asia and Africa, and their desire to come together in a spirit of brotherliness despite the diversity of

their opinions. It opened a new era where the people of Asia and Africa began to feel a certain spirit of self-respect which would prevent them from bowing to the dictation of other countries.¹⁵

What made Bandung perhaps more significant was that it almost coincided with the introduction of the cold war into the Middle East, following the signing of the Baghdad Pact in February of that year. Jansen recalls that the military pact immediately aroused the bitter opposition of Colonel Nasser and other nationalist Arab countries:

Four days later, on 28 February, the Israeli army made a raid in force on the town of Gaza, in which 38 Egyptians and 8 Israelis were killed. Though small in scale, this action was one of the turning points in West Asian history. Under strong pressure from his ill-equipped army, Colonel Nasser went shopping for arms. When the West refused to sell him these in any quantity, he turned to Russia, and in September a massive arms deal was concluded, ostensibly with Czechoslovakia.¹⁶

One can also point to the cancellation of American and British assistance for the Aswan Dam, and its effect on Egyptian foreign policy.

Disagreement with the West over the Suez Canal issue also became part of the background against which the first United Nations Emergency Force (UNEF) was created.

Nehru was opposed to the creation of the regional defence organization, (SEATO), in 1954. Nasser took the same attitude to the Western-inspired Baghdad pact a year

later. Thus, India and Egypt saw the need to develop closer co-operation with each other. That co-operation, symbolized in the Indo-Egyptian Friendship Treaty, also became part of the foundation of the non-aligned movement:

In the early months of 1955, Colonel Nasser was turning not only towards the communists but also towards India and non-alignment. He saw a parallel between India's hostility towards SEATO and his own objections to what he called the 'crazy' Baghdad Pact aimed at isolating and disrupting the Arab League.¹⁷

This period also witnessed another sign of Egyptian non-alignment when Egypt recognized the Chinese communist regime in Peking, a move which did not please the United States. It turned out to be a tactical move which has been attributed to President Nasser's apprehension that during Marshall Bulganin and Premier Krushchev's visit to London, the two Soviet leaders would be persuaded to impose an arms embargo against Egypt.¹⁸

This phase has been described as the stage of adolescence of the United Nations, when in 1950, six Arab and six Asian members of the United Nations began to consult each other regularly about the positions to adopt during the Korean war.¹⁹ The admission of six more Afro-Asian states in 1955 strengthened the emerging anti-colonial struggle which was to become another milestone of the non-aligned movement itself.

In September 1955, on the recommendation of the Bandung Conference, 17 Afro-Asian states formalized their caucusing arrangement and established the Afro-Asian group within the United Nations:

After Bandung what had been an informal ad hoc Asian caucusing group in the United Nations became formally organized as the Afro-Asian caucusing group. Probably the most important aspect of the Bandung Conference was that it gave the Asian and African states a vision of the role they could play in international relations...The Bandung states tended to stand clear of the cold war and to support neither the West nor the East but rather the principles that expressed the aspirations of Asia and Africa.²⁰

The Soviet Union matched the western alliance (NATO), with a new regional defence treaty for Eastern Europe -- the Warsaw Pact -- in 1955. This was another significant development in the international scene; one which marked a watershed between the bi-polar system of the Korean period and the beginning of the multi-polar system. Although the cold war was still on, there was a relatively slight relaxation of tension, a phase described as one during which the super-Powers' struggle assumed a less perilously military stance; one in which leaderships changed and mutual possession of nuclear weapons made war between the Soviet Union and the United States unthinkable as a basis for advancing national ambitions in imperial systems.²¹ Although the Western world was still the most influential group in the United Nations, the Eastern bloc countries had become a formidable parliamentary-type opposition party in the

General Assembly, as well as in the Security Council where the Soviet Union did not hesitate to use its veto power.²² The Soviet Union and its East European allies, however, continued to be kept out of United Nations peace missions. Invariably the international political environment was not conducive to the use of East European bloc countries in such missions.

3. The Third Phase, 1956-1967

The period 1956-1967 marked an important turning point in international relations. The international system was transformed from bi-polarity to multi-polarity; a transformation which one writer has attributed to the neutralist movement:

As much as any other single factor, it was responsible for shattering the bi-polarized pattern of global power and for creating a 'multi-polar' system. As a matter of principle, neutralist nations deliberately encouraged the disintegration of rival cold war power blocs and, by demonstrating their ability to remain non-aligned in a crisis dominated world, opened up possibilities for new international relationships that seemed precluded by a bi-polar global system.²³

Elaborating on the six forces that "destroyed the old bi-polar pattern and ushered in an international system in which relationships among the members tended to be infinitely more complex, subtle and difficult to categorize simply", Crabb ranks the emergence of the newly-independent

Afro-Asian states with the nuclear stalemate as one of the factors rendering bi-polarity obsolete.²⁴ He suggests that the emergence of these new states -- by the 1960s a majority in the United Nations -- had a four-fold impact upon the old cold war dichotomy, accelerating the tendency towards multipolarity in global affairs.²⁵

If we accept Brams' conclusions in his study of the structure of influence relationships, and assert that international visits between heads of state and other high-level government officials are indices of the exercise of influence,²⁶ then one should not underestimate the significance of the summit meeting of Tito, Nasser and Nehru on the island of Brioni in July 1956. Although there was no mention of the term 'non-alignment' the meeting of the three leaders established a new structure of influence in international relations now known as non-alignment. As was manifested a week later on July 26 when President Nasser nationalized the Suez Canal and imposed a tariff to help finance the Aswan High Dam, the Brioni meeting added new vigour to the concept of non-alignment.²⁷

President Nasser's action was a demonstration of Egypt's independent foreign policy; one which precipitated an international crisis from which the first major United Nations peace-keeping operations (UNEF I) emerged in November 1956. As we shall consider later, the fact that it

was the General Assembly which had created UNEF I afforded the non-aligned and other small powers greater leverage in decision-making in the United Nations. Differences between the United States and Britain and France over the Anglo-French invasion of Egypt also enhanced the political influence of the emerging non-aligned group of nations:

As a result of Suez, nationalism and non-alignment were given new impetus which attracted new nations to the latter's fold. Also, as a result of Suez the composition of the United Nations itself changed. As it developed, the balance of power at the world Organization favoured Asia, Africa and Latin America.²⁸

If Suez enhanced the position of the Afro-Asians and other emerging states, so did the Hungarian crisis, in the sense that within a space of weeks three major Powers, Britain, France and the Soviet Union had been involved in acts of aggression and breaches of the peace against a relatively smaller nation. These events succeeded in unifying the new states of Africa and Asia, at least in the United Nations where they have perhaps their greatest opportunity to influence international politics. The large influx of African states, together with Cyprus, into the United Nations in 1960, gave the emerging non-aligned group a numerical advantage which further transformed the international system. One important effect of this influx was a change in what Kay describes as "the pattern of demands" on the political system of the United Nations.²⁹ In other words, the newly emerging states brought into the

United Nations a new set of demands and pre-occupations to which the Organization was obliged to respond. There was a recognizable shift from an emphasis on security related issues to decolonization.

Although many international relations scholars are still inclined to consider the role of the Afro-Asian and other non-aligned states in the United Nations during this phase of the international system only in terms of the number of times they had voted with either of the two super-Powers, perhaps a more objective assessment would reveal that during this phase (1956 - 1967), the super-Powers were in fact trying to compete for the support of these states. The Soviet Union in particular went all out to demonstrate that it was more anti-colonial than the United States. Since one of the main pre-occupations of the non-aligned states was evidently the question of decolonization, the attitude of the super-Powers to decolonization became more relevant in the context of political interaction and cleavages within the United Nations. Indeed, the Soviet Union took credit for having initiated what became the 1960 United Nations General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples. The initiative could be described as an effort to improve the Soviet Union's own anti-colonial image, and simultaneously to expose what it saw as the hypocritical attitude of the United States to decolonization, at least prior to the

Kennedy administration. Thus, decolonization not only democratized the United Nations, it became an image-building phenomenon and a barometer of solidarity with the newly-independent nations:

Within the United Nations the appeal of non-alignment generated democratizing pressures for greater involvement in international decision-making by the mushrooming membership of small nations; and these tended also to mitigate cold war cleavages. Increasingly the super-Powers competed for the favour of the Third World and worked to improve their image abroad.³⁰

Two major developments in 1960 and 1961, involving the emerging states, had a profound impact on the international system. First, there was the Congo crisis and the east-west ideological conflict which it bred. The conflict also indirectly exacerbated a constitutional crisis over the application of Article 19 of the United Nations Charter; produced the most elaborate United Nations peace-keeping operation; and created stresses and strains on the office of Secretary-General. Perhaps one could add that the conflict in the Congo accounted for the death of Secretary-General Hammarskjold and the election of the first UN Secretary-General from a non-aligned nation.

The second major development was the formal consolidation of Afro-Asian and neutralist tendencies or neutralism into non-alignment at the Belgrade Conference of September 1961. Belgrade, and later Cairo in 1964,

translated the spirit of Bandung and Brioni into a new force in international politics.

The period 1956-1967 witnessed other events which also had some impact on the international system as a whole and on the ability of the United Nations to cope with the Middle East problem and peace-keeping in general. There was for instance, the internationalization of the civil war in Lebanon in 1958; the creation of the Syrian-Egyptian federation (the United Arab Republic), and the Iraqi-Jordanian response in the form of an announcement of an Arab union between the two countries. At the international level, related events included the U-2 spy plane incident; the signing of the partial Nuclear Test Ban Treaty; the Cuban missile crisis; the establishment of more United Nations peace-keeping missions in non-aligned states, including Cyprus, and the outbreak of yet another major battle in the Middle East. Soviet acquiescence in the setting up of more peace-keeping operations could be attributed to the atmosphere of "detente" which began to prevail during this same period.

By now the old order of emphasis on collective security or enforcement action was fading. Enforcement as one of the manifestations of military might gave way to peace-keeping and what Hammarskjold called preventive diplomacy. Accordingly, the less militarily powerful, including the so-

called 'middle powers' such as Canada, Ireland and the Nordic countries, as well as the non-aligned, assumed an increasing role in the maintenance of international peace and security. Neutrality and non-alignment became the foreign policy symbols of contributors to peace-keeping operations. If the willingness to wear the badge of 'middle-power-manship' in peace-keeping was greatly facilitated by the refocussing of international organization concerns away from traditional collective enforcement,³¹ so was the willingness to wear the badge of non-alignment or of neutrality. Participants in peace-keeping were now identified with 'middle-power-manship', neutrality and non-alignment. They saw their role as an assertion of their independence and neutrality:

...as the post-Stalinist thaw in the cold war moderated some of its harsher manifestations, NATO members like Canada, Denmark and Norway...were able to use their positions in the UN and their devotion to peace-keeping goals as counterbalances to their association with the Western military alliance, European neutrals -- Sweden, Finland, Austria and Ireland -- were able to rely on peace-keeping involvement not just to underline their apartness from either of the military blocs but also to re-inforce it. Ideologically "non-aligned" peace-keepers like India or Indonesia or Yugoslavia were likewise able to demonstrate cold detachment and to display peace-keeping credentials that improved their leadership standings in the eyes of the Third World.³²

Detente and peaceful co-existence notwithstanding, the international political climate was still not conducive to

active participation by the super-Powers in United Nations peace-keeping operations. This exclusion shifted the burden of peace activities to the middle, neutral and non-aligned states; a development which saw the emergence of a grouping of "relatively like-minded, dependable peace-loving nations" whose interest in providing soldiers and services has been stimulated by the fact that peace-keeping involves impartial, non-coercive services, and not the sanctions of war-making which the Charter's collective security obligations would have entailed.³³

According to Finger, while the logistic and political support of the United States for instance have been crucial, "without the willingness of the middle powers, such as Canada, Brazil, Ethiopia, India, Yugoslavia, Ireland and the Scandinavian states, to provide personnel and financing, peace-keeping would not be possible".³⁴

Peace-keeping suffered a serious setback in 1967, following the withdrawal of the United Nations Emergency Force (UNEF) from the Sinai. Although there was still a United Nations presence in the area, the withdrawal of UNEF left a security vacuum which the United Nations Truce Supervision Organization (UNTSO), could not adequately fill. Extensive Israeli occupation of Egyptian, Syrian and Jordanian territories changed the balance of power in the region; Egypt, Algeria and Iraq broke off diplomatic relations with the United States; the Soviet Union also broke off relations with Israel. Thus the necessary consensus for redeploying a proper peace-keeping force in the months after the 1967 war did not exist. However, in spite of the apparent set-back in 1967, the international

system had by then given the Hammarskjold framework or model of peace-keeping an institutional character which was to become a lesson for future operations.

4. The Fourth Phase, 1968 - 1976

Israel had occupied so much territory during the 1967 war that out of sheer national pride, none of the Arab states was prepared to enter into agreement with the United Nations or to give its consent to a large United Nations peace-keeping force on its soil. At the beginning of this fourth phase, United Nations peace-keeping machinery in the Middle East consisted of a token number of observers of the Truce Supervision Organization (UNTSO). Perhaps the only encouraging aspect of the situation was the mission of Dr. Gunnar Jarring, the representative of UN Secretary-General, who had been authorized by the Security Council to "establish and maintain contacts with the states concerned in order to promote agreement and assist efforts to achieve a peaceful and acceptable settlement on the basis of Security Council resolution 242, of November 1967."

Between 1967 and 1973 no major peace-keeping operations were launched. Emphasis was on peace-making in the Middle East, a process which appeared to have been based on the theory that international conflicts could be resolved by reducing the number of actors involved in that process. Contrary to Deutsch and Singer, Volgy for example suggests that the heterogeneity of the international environment (the vast number of actors and wide variety of societal and cultural milieu) may be detrimental to the resolution of international conflict.³⁵ This is one explanation for the four-power diplomatic peace initiatives (in New York hotels) among the Ambassadors of Britain, France, the Soviet Union and the United States. Attempts were made to shift the peace-making effort away from the glare and publicity of the

15-member Security Council, to dimly-lit corridors and hotel suites, with the four states (all of them permanent members of the Council) as the only actors. The United States and the Soviet Union also held separate discussions on the same issue. It has been suggested that major outside powers might help break the negotiating deadlock, and that the discussions were aimed at 'formulating compatible great powers' views which could be relayed to Dr. Jarring and the parties to the Middle East conflict.³⁶ However, it can be argued that both four-power and two-power peace-making initiatives did not enhance the Jarring mission, particularly since Dr. Jarring's terms of reference were rather vague.

The joint effort of the Soviet Union and the United States at that stage was a reflection of the trend towards detente and, in the words of the Soviet Ambassador to the United Nations, the auspicious changes which had been achieved in the international situation. One could point for instance to the successful negotiations towards the Non-Proliferation Treaty (NPT).

But this period also witnessed Soviet intervention in Czechoslovakia, the Tet offensive which humiliated the United States and compelled President Johnson to restrict United States bombing south of the 20th parallel, and to begin negotiations with North Viet Nam.³⁷ Concurrently with the big power diplomacy for peace, was the escalation of the arms race in the Middle East. The parties directly involved in the conflict were re-armed after the 1967 war by the same powers which were at the forefront of the peace-making process.

Israel's rejection of the peace initiatives of the Organization of African Unity's "ten wise men", led to the severance of diplomatic relations between Israel and

virtually all the African states. Egypt and other Arab states were now winning considerable diplomatic support in the non-aligned movement. European solidarity with the Arabs was fueled by the energy crisis. This solidarity was to be demonstrated in the Security Council in the months ahead.

The United States and the Soviet Union were undoubtedly partisans in the Middle East conflict. The Americans armed the Israelis and the Soviets armed the Arab states. American support for Israel was also demonstrated in July 1973 when the United States vetoed a draft resolution sponsored by eight non-aligned members of the Security Council which would have expressed the Council's deep regret over the inability of the Secretary-General to report any significant progress in terms of Resolution 242. The resolution would have deplored Israel's continued occupation of the territories occupied as a result of the 1967 war and expressed the Council's serious concern at Israel's lack of co-operation with Dr. Jarring. Austria, Australia, Britain, France and the Soviet Union joined the non-aligned in voting for the resolution which was blocked by the negative vote of the United States.

The United States veto suggests that the ability of the United Nations to effect peace-keeping and peace-making action also depends, to some extent, on such political factors as the nature of the relationships between the states involved in the conflict, and those they maintain with their allies and political godfathers.

Despite its strained relations with the Soviet Union on the eve of the 1973 war, Egypt was, in the context of the Middle East conflict, a client state of the Soviet Union as much as Israel was a client state of the United States. It was out of this partisanship and the serious crisis which

arose between the super-Powers, including the military alert ordered by the United States in 1973, that two new major United Nations peace-keeping operations (UNEF II and UNDOF) emerged. Once again, the international system became an important factor which influenced the ability of the United Nations to respond to a crisis and to organize peace-keeping operations. Invariably tension between the two super-Powers and the ensuing crisis enhanced the role of the non-aligned as conflict managers.

5. Non-alignment a Peace Movement?

Since its first summit conference in Belgrade in 1961, the non-aligned movement has made the pursuit of peace one of its principal objectives. The purpose of the Belgrade Conference was "to exchange views on international problems with a view to contributing more effectively to world peace and security and peaceful co-operation". In the Final Declaration the heads of state and government expressed their deep concern for the future of peace, and recognized that acute emergencies threatening world peace did exist during that period in Africa, Asia, Europe and Latin America. The Declaration also stated that:

The participants in the Conference consider that, under present conditions, the existence and the activities of non-aligned countries in the interests of peace are one of the more important factors for safeguarding world peace. The participants in the Conference consider it essential that the non-aligned countries should participate in solving outstanding international issues concerning peace and security in the world as none of them can remain unaffected by or indifferent to these crises.³⁸

As a further expression of their commitment to world peace, the Belgrade Summit issued a Statement on the Danger of War and an Appeal for Peace. The Statement, inter alia, called

upon the United States and the Soviet Union to suspend their recent war preparations and approaches, and to take no steps which would aggravate or continue to further deterioration in the situation:

While decisions leading to war or peace at present rest with these Great Powers, the consequences affect the entire world. All nations and peoples have therefore, an abiding concern and interest that the approaches and actions of the Great Powers should be such as to enable mankind to move forward to peace and prosperity and not to the doom of extinction.³⁹

The Belgrade Summit sent a message to President Kennedy and Prime Minister Krushchev appealing for peace because of what the latter described as "our love of peace and horror of war and the compelling desire that a way out must be found before mankind is faced with a terrible disaster".⁴⁰

Final documents of subsequent meetings of the summit and Foreign Ministers conferences of the non-aligned countries contain similar declarations and appeals for world peace. The Lusaka Declaration issued after the Third Summit Conference in 1973 re-iterated the aims and objectives of the non-aligned movement in the context of peace:

The pursuit of world peace and peaceful co-existence by strengthening the role of the non-aligned nations within the United Nations so that it will be a more effective instrument against all forms of aggressive action and the threat or use of force against their freedom and independence.⁴¹

Have the non-aligned lived up to their objective of

safeguarding world peace? Reviewing the literature on this and similar questions, Oran Young observes that doubts are being raised about the impartiality of some of the non-aligned states; that some critics consider it foolish to expect the non-aligned to play an essentially stabilizing role in contemporary international arena, when in actuality they are basically "disruptive forces themselves"; that the lack of objectivity by many of these states and their general desire to profit from the cold war, may lead them to act more often as "divisors" than "mediator-moderators".⁴² Young also observes that various authors have even suggested that the "uncommitted states" lack the prestige and influence in the eyes of the super-Powers that would be necessary if they were to have any important role during crises.⁴³

The degree of influence which the non-aligned states are capable of exerting in a conflict situation depends not only on the disputants' perception of the status, prestige and neutrality of the non-aligned, but also on the type of peace role they attempt to play. Their ability to influence a dispute or conflict also depends on whether they are acting as third party mediators, conciliators or arbitrators. In short, it depends on whether their action is aimed at either conflict management or conflict resolution. In this context the non-aligned should be seen not necessarily as mediators in conflict resolution (peace-makers), but as another type of conflict managers -- actors

involved in the input of ideas during decision-making processes leading to the solution of the actual terms for resolving the conflict. Thus an assessment of the peace roles of the non-aligned could be done either on the basis of the direct or indirect contribution to what Akinyemi describes as the activities designed to implement or operationalize the terms of settlement.⁴⁴

It is true that the non-aligned states benefit from the East-West struggle, and perhaps even exploit the differences and conflicts between the two major ideological blocs. It is equally true that their influence is greater when the two major Powers reach an impasse on a crisis stage. Rothstein, for one, contends that the efforts of the non-aligned have been directed at facilitating any settlement which appears to reduce tension irrespective of the quality of the settlement, and that in practice the theory of non-alignment is a device to extract or extort minimal gains. But he does admit that their concern is to ensure that no crisis gets so out of hand that it leads to war.⁴⁵

The non-aligned have derived some of their peace roles from the rivalry of the super-Powers and the decision of those Powers not to go to war:

The important role of small powers in international crises has arisen when the great Powers decided not to seek a military settlement and to negotiate the dispute. At this point they

are willing and frequently anxious to allow the international machinery of the United Nations to come into operation and welcome the conciliatory role of the small non-aligned powers.⁴⁶

But this does not mean or imply that their role in the maintenance of international peace and security has been passive, in the sense that they do not take any initiative or active part until the permanent members of the Security Council are stalemated, or until the permanent members allow the non-aligned states to take such active part.

One aspect of the peace-keeping functions of the United Nations which is often ignored is that the non-aligned states have been parties to all the conflicts which the Organization has tried to manage through peace-keeping. Whether in Cyprus, in the Sinai, Kashmir or the Congo, at least one principal party concerned has been a member of the non-aligned movement or has claimed to be pursuing a policy of non-alignment. The non-aligned have a stake in the easing of international tension and in averting war, indeed they are part of the international system, and non-alignment could be considered a sub-system of that system.⁴⁷ Their interest and involvement in United Nations peace-keeping is predicated by the following:

- a) Non-alignment would become obsolete or irrelevant in a war situation involving the major Powers.
Non-alignment is essentially a peace time concept.

- b) As relatively weak states the non-aligned stand to lose most in any major war. They are militarily incapable of defending themselves in such a war.
- c) Non-aligned states provide the breeding ground for local wars and conflicts which necessitate peace-keeping operations.
- d) Non-aligned states are potential spheres of big power influence.
- e) The presence of UN peace-keeping forces on their territory reduces the chances of intervention by more powerful states. UN forces can become the most reliable security blanket for a militarily weak non-aligned state.

It is in the interest of the non-aligned to prevent war. They are indeed compelled by circumstances to try to prevent war and to take an active part in peace processes of the United Nations. This is why Mazrui rightly endorses the notion that non-alignment is a peace time form of neutrality, "at best a neutrality of trying to prevent war rather than of keeping out of it".⁴⁸

In their effort to participate in the peace processes of the United Nations, the non-aligned have become intermediaries. As Holsti puts it, one of the characteristics of the international system which helped moderate Western-communist conflict was the presence, since

the middle 1950's of a large number of non-aligned states:

While in some ways these states serve as a new battle ground for Soviet-American-Chinese competition, in others they help moderate direct confrontations between these Powers...They have made numerous appeals against imprudent actions and have on occasion proposed compromise formulas on such issues as disarmament and Viet Nam.⁴⁹

Although, as Holsti also points out, the non-aligned may not have accomplished much as mediators in serious cold war crises such as Berlin and Quemoy in 1958 and 1961, and the Cuban missile in 1962, they had been instrumental in achieving solutions for other crises "involving Soviet-American rivalry in underdeveloped areas" such as the Congo and the Middle East:

Today, though the non-aligned nations do not constitute any permanent bloc, their growth in influence on many international political issues has fundamentally changed the polar bloc structure that existed through the 1950's. In diplomatic crises where their own interests are involved they have been able to impose restraint on the actions of the United States and the Soviet Union.⁵⁰

Assessing the role of the non-aligned states in United Nations peace-keeping does not imply a cataloguing of the positive aspects of their contribution. Since they influence the international system and are influenced by it, and since the main thrust here is role performance involving the interaction between the non-aligned, the super-Powers and others, this study should include, where necessary, any action by the non-aligned to change and influence United

Nations peace-keeping one way or the other. It will cover both the positive and negative aspects of their role in United Nations peace-keeping.

Chapter II Notes

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CHAPTER III

THE UNITED NATIONS AND THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY -- FROM 'ENFORCEMENT' TO 'PEACE-KEEPING'

1. The Charter and the roots of peace-keeping

The roots of peace-keeping can be traced to previous attempts to establish an effective system of collective security under the aegis of the United Nations.

International peace and security was the subject of the 1941 mid-ocean meeting between President Roosevelt of the United States and the British Prime Minister, Mr. Churchill. At their Moscow meeting, representatives of the Big Four were also concerned about the same problem. The discussions, within the context of creating an organization to promote international peace and security, continued during the preparation of the draft United Nations Charter at the Dumbarton Oaks Conference. The subject was taken up again at the Yalta Conference of February 1945, and at the San Francisco Conference where the draft was completed and adopted. It is not surprising then that the maintenance of international peace and security was made a primary objective of the United Nations.

The Charter has given member states some assurance, in Article 1 for instance, that in the event of an armed attack against any member of the Organization, the Organization would take effective collective measures to assist the victim of such attack in repelling the aggression. The roots of peace-keeping lie in this assurance of collective action on the part of the United Nations. However, the type of collective action envisaged in the Charter is more directly related to what is often referred to as 'collective security' than it is to the concept of 'peace-keeping'. Collective security has been identified as one of the current approaches to war prevention or to the maintenance of international peace and security.¹

Much has been written about collective security, its validity and fallacy in international relations, to suggest that the term comprises two aspects; namely, collective security under regional arrangements and defence pacts specified in Article 52, as well as the ideal and more comprehensive type of collective security under the aegis of the United Nations. For those who see collective security in the context of the United Nations, it is a concept "based upon the agreement of all members of an international system that if any one of them attacks another, all other members of the system will come to the aid of the nation-state that is attacked".² Another interpretation is that the word

'collective' implies more than one, and that if some states act together to ensure their own security and that of others who may lack the military capability to defend themselves, such an arrangement implies a collective.³ This interpretation has been criticized as "an imprecise generality which has not helped identification or understanding of the issues or prospects of the wide variety of measures that are falsely included under the single category of collective security".⁴ John Foster Dulles perceived collective security in terms of regional arrangements. In a 1954 article, the former American Secretary of State referred to the Inter-American Treaty of Reciprocal Assistance (Rio Pact) of 1947, as one which had set a post war example in establishing the principle that an armed attack against one would be considered as an attack against all.⁵ This is the principle on which NATO and the Warsaw Pact were based. Both arrangements were of course backed by appropriate military forces for regional defence.

Dulles held the view that security organizations are to be formed as authorized by Article 51 of the United Nations Charter,⁶ meaning that states have the inherent right of individual or collective self-defence prior to any enforcement action authorized by the Security Council to maintain international peace and security.

The term collective security, according to Claude, has been considerably diluted and interpreted as any favourably regarded alignment of two or more states with the ideological attachments possible:

Since World War II, collective security has been used with increasing frequency to mean "a good alliance" or collection of alliances. An alliance is collective in the sense that it binds two or more states to act together; its a security arrangement if it is judged to be, or if it is presented as, a pact intended for legitimate defensive purposes rather than for aggression. Thus, in the Cold War, each side tends to appropriate the label of collective security for its pattern of alliances and to deny that label to the arrangements formulated by its rival.⁷

Claude has described regional security arrangements as 'selective security'. This view is shared by Naidu, who says that regional alliance is based on the principle of some for some, and not for all:

Being a selective security system, a regional alliance may become incompatible with the collective security system. Even when a regional organization like NATO or the WTO swears loyalty to an international organization like the United Nations, its very creation is an act of distrust in or a sign of the failure of the collective security.⁸

The suggestion that regional defence arrangements could be regarded as one type of collective security is subject to criticism by Wilsonians and others who conceive of the ideal

or more universal type of collective security arrangement under the aegis of an international organization such as the United Nations. Dulles' reference to collective security within the regional context is distinct from the Wilsonian concept of a "single and overwhelmingly powerful group of nations who shall be the trustee of the peace of the world".⁹ As Claude points out, the Wilsonians "are stood on their heads by a semantic practice which tags an alliance system as a collective security arrangement".¹⁰

..collective security implies a general alliance, a universal alliance, which is disentangling in the sense that it eliminates the pattern of competitive alignments which characterizes the balance system; it avoids the sort of entanglement in organized rivalries which Wilson frequently castigated as conducive to war. It calls for an alliance system which unites the nations in defence of the order of the community, instead of one which divides them into antagonistic groups, jockeying for position against each other.¹¹

Haas, for his part, makes no distinction between regional and ideal/universal collective security systems. He defines collective security as a technique used by inter-governmental organizations to restrain the use of force among the members; a definition which he says provides the norms and procedures for dealing with acts of aggression. These include the norms and procedures for inducing the members to delay hostilities; norms and procedures summed up under the label of "pacific settlement of disputes", as well

as the organization's own ability to use force against a member if pacific settlement failed.¹² According to Haas, in terms of the United Nations, collective security is defined by the provisions of Chapters VI and VII of the Charter. Naidu does not see how pacific settlement of disputes (the provisions of Chapter VI) can be categorized as collective security, and how economic and diplomatic measures (Chapter VII) can also be identified as actions special to collective security.¹³ As he sees it, the United Nations Charter does not provide the legal basis for the ideal system of collective security. What in constitutional terms the Charter does provide, Naidu suggests, is a security system which is referred to in Article I (1), and especially in Chapter VII as "collective measures" or "collective action". His argument is that the term "collective" security does not appear in the Charter.¹⁴ After distinguishing the system of collective security from other formulations such as preventive diplomacy, peace-keeping and international sanctions, he concludes that the United Nations security system cannot be called a system of collective security, but a system of measures that functions through collective police measures, or collective peace-keeping measures:

Collective security is security of all states, by all states, for all states; security measures will be taken on behalf of all states and not any political power or alliance; every state shall be entitled and obliged to participate in the decision-making

and the enforcement action of the system. Universalization and centralization are the fundamental characteristics of the collective security system. While an alliance is aimed at increasing the power of some nations at the expense of others, collective security hopes to enhance the (collective) power of all states against the peace-breaker.¹⁵

It can of course be argued that Article 43 of the Charter does make provision for the contribution and participation of member states in a United Nations military force. However, the decision-making process of organizing such a force, and for deploying it, is reserved to the selected few in the Security Council which has primary responsibility for the maintenance of international peace and security.

For those who would have liked to see a strong international force established and controlled by the United Nations, the Charter does not provide for an adequate collective security system. All the enthusiasm about collective security at the San Francisco Conference, Claude recalls, was a sort of ideological gloss upon the proceedings, unrelated to what was actually taking place at the Conference:

The truth is that the Conference paid its glowing respects to the principle of collective security and then announced its firm conviction that it would be impossible to create a collective security system which could cope with threats to the peace posed by the great Powers.¹⁶

The rest of the world had been given the impression that the Allied Powers were ready to institutionalize into a permanent machinery the collective security arrangements they had made in their effort to defeat the Nazis during the World War II. Chapter VII of the United Nations Charter was to contain the assurance that members of the Organization would unite their strength to maintain international peace and security. Yet, at the very outset, and as Chapter VIII (under regional arrangements) makes patently clear, the founders of the United Nations were not really prepared to rely entirely on a collective security system of the Organization they had created for the purpose of saving succeeding generations from the scourge of war. The post-war realism could be attributed to the experience of the League of Nations. The idealist League had apparently failed to provide collective security when it was required to act in repelling aggression. In short, the United Nations was intended to provide only a limited security system, one which the five permanent members of the Security Council would virtually control.

Many of the medium and small states were not too happy about the draft Charter of the United Nations which were embodied in the Dumbarton Oaks proposals prepared by the 'Big Four', China, Britain, the United States and the Soviet Union. They wanted an organization which would be effective in the maintenance of international peace and security.

They made it clear that their relative military weakness was no excuse for depositing extensive powers in the hands of the conveners of the San Francisco Conference. As the head of the Canadian delegation, Prime Minister Mackenzi King told the Conference, the medium and small states recognized the principle that power and responsibility go hand in hand, and that international security depends primarily upon the maintenance of an overwhelming preponderance of power on the side of peace:

Power, however, is not exclusively concentrated in the hands of any four or five states, and the Conference should not act on the assumption that it is. Experience has shown that the contribution of smaller powers is not negligible, either in preserving of the peace or to its restoration when peace has been disturbed.¹⁷

Because of their association with the United States, most of the Latin American delegations represented at the San Francisco Conference were more inclined to support the international security proposals of Dumbarton Oaks. However, they were skeptical about voting arrangements in the Security Council, especially those related to preventive measures to be undertaken in instances of acts of aggression.

Generally speaking, the medium and small states sought, among other things, to broaden the role of the General

Assembly (while at the same time curtailing that of the Security Council), and to strengthen international diplomacy within the United Nations system, with less emphasis on regional arrangements. Perhaps their greatest success was in the establishment of the principle of accountability, namely, that the Security Council should report on its activities to the General Assembly, and that the General Assembly should have the power to supervise the activities of the Security Council, to approve them and make recommendations tending to the observance of its duties.¹⁸ These were embodied in the Canadian compromise amendments to the effect that the Security Council should submit annual, and when necessary special reports to the General Assembly for its consideration, and that non-members of the Council should be represented on the Council when decisions are taken concerning the use of military forces placed at the disposal of the Organization.

Very little change was made in the draft concerning the role of the General Assembly in enforcement measures. The majority of states in Commission III, which discussed the role of the Security Council, stated:

...that the application of enforcement measures in order to be effective, must, above all, be swift. They recognized in general that it is impossible to conceive of swift and effective action if the decision of the Council must be submitted to ratification

by the Assembly, or if the measures applied by the Council are susceptible of revision by the Assembly. This, moreover, would be contrary to the basic idea of the Organization, which contemplated a differentiation between the functions of the Council and those of the General Assembly. Under those conditions, the Committee formally declared itself, by several votes, against intervention by the Assembly in this procedure.¹⁹

The major Powers and their supporters tried to convince others at San Francisco that the United Nations would constitute collective security against aggression and an alternative to the balance of power system; a force in itself to "militate against the establishment of and effective functioning of a broader system of general security in which all states will have their part", to ensure that there will be no spheres of influence, alliances, "balance of power, or any other of the special arrangements through which, in the unhappy past, the nations strove to safeguard their security to promote their interests".²⁰

2. Regionalism, the veto and other constraints on a collective security system

If Chapter VII of the present Charter contains any assurance that spheres of influence and balance of power would be replaced by collective security, and if the five permanent members of the Security Council have convinced the

other nations of the world that they are trustees of international peace and security in a system of collective action, Article 51 of Chapter VII, and the entire provisions of Chapter VIII concerning regional arrangements, are somewhat inconsistent with the idea of eliminating balance of power politics. Apparently, proponents of regional arrangements had the edge during the drafting of the Charter. The problem of regional versus global security organizations was one of the thorniest issues at the San Francisco Conference:

Many prospective members of the world Organization were deeply committed to regional arrangements that ante-date the United Nations Charter...On the other hand, some members of the Conference were deeply committed to universalism and tended to regard regional arrangements as a menace to peace and order. The interplay among these forces produced a compromise solution that was reflected in the Charter in a grudging acceptance of the fact that regionalism was here to stay, and that its existence had to be reconciled with the principles of world organization.²¹

Article 51 which concerns the right of individual or collective self-defence, could be interpreted as an emergency clause, and one which does not necessarily sanction alliances prior to armed attacks. At the same time, Article 51, together with Chapter VIII, suggest that states are free to maintain or create alliances within the regional context for collective self-defence, as long as the

activities of those alliances or agencies are consistent with the purposes and principles of the United Nations. Under Article 33, members are free to resort to regional agencies or arrangements for the pacific settlement of disputes. One can also read in the Charter the possibility of using these regional arrangements as agencies of the United Nations. This, in addition to the fact that regional organizations were already a reality, assured regional arrangements a prominent place in the Charter, with the provision that they could be of direct benefit to the United Nations. The French delegation at San Francisco cited the invasion of France by German ranks in 1914 as part of its argument in support of regional arrangements. Underlining the element of speed, the French delegation pointed out that only the prompt arrival of the "valiant British army" had saved the French left frontier:

(France had sought) and will continue to seek through pacts of mutual assistance and regional agreements, the means of taking action on the very day or minute when brutal aggression is committed -- aggression which can be made all the more deadly by the speed of technical devices.²

While admitting the dominance and supremacy of the United Nations in the maintenance of peace and security, an American delegate to the San Francisco Conference, Senator Vandenberg, declared:

With full fidelity to the international fraternity which we here create, we have found the way to utilize for our common advantage those regional relationships which bind good neighbours together in mutual pursuit of their own more intimate welfare and peace. In my view, we have infinitely strengthened the world Organization by thus enlisting within its over-all supervision, the dynamic resources of these regional affinities. We do not thus subtract from global unity on behalf of the world's peace and security; on the contrary, we weld those regional rings -- links within the global chain.²³

The Senator, who had described the Pan American Union as the oldest and happiest regional arrangement in the world, argued that the United States recognized the continuous validity of mutual protection pacts to prevent a resurgence of Axis aggression, pending the time when all states concerned may be satisfied to rest this exclusive responsibility with the new Organization.²⁴ This and similar views of the proponents of regionalism lead to the conclusion that despite the optimism of the founders of the United Nations, they appeared to have displayed a lack of confidence in the ability and capability of the new Organization they were creating to maintain international peace and security effectively. It was obvious that they wanted to rely first and foremost on their own power and capability of self-defence, then on regional alliances of mutual assistance, and then, if necessary, seek multilateral military assistance at the level of the United Nations. Again, in spite of the principle of accountability which is

inherent in several Articles of Chapters VII and VIII (to the effect that the Security Council be kept fully informed about activities undertaken in self-defence and under the auspices of regional organizations), the United Nations Charter appears to give regional alliances a greater responsibility for collective international security than the Organization itself.

At San Francisco, many of the opponents of the dominant role of regional security arrangements, among them Egypt, wanted regional arrangements maintained solely for economic and social co-operation, and for peaceful settlement of disputes rather than for military or enforcement action. The Egyptian representative specifically asked for the removal of all allusions to military alliances and pacts of mutual assistance from the text of the draft Charter dealing with regional arrangements. The head of the Ethiopian delegation was skeptical that regional arrangements might even weaken the ability of the Security Council to exercise its primary responsibility of maintaining peace and security:

Ethiopia finds it necessary to express the considered conviction that the direct responsibility imposed upon the Security Council to act on behalf of all members should at no instance be any way diminished or relaxed, nor should its effective intervention be in any wise retarded or impeded by the operation of regional agreements. The Security Council should not

be compelled, as was the Council of the League of Nations, to stay its hand until the machinery for the regional solution of conflicts should have failed in its functions.²⁵

The question is what happens when the Security Council, through the use of the veto, fails to take action? A counter argument to the Ethiopian view was that regional systems would offset against the dominance of the veto. In other words, some alternative machinery for maintaining international peace and security should be made available and used in the event of a veto blocking Security Council action. Since swift action is essential in repelling armed attack, it can be argued that states, especially those generously endowed with the physical and material attributes of power, would not rely on the slow diplomatic processes of decision-making in the United Nations.

With so much emphasis on regional arrangements in the Charter it is hard to believe that the founders of the United Nations really believed that the principle of collective security, if rigorously applied, as Stoessinger suggests, would render the age-old military alliances and counter alliances, power politics and aggression, superfluous.²⁶

The inability of the five permanent members to act in concert on matters of war and peace often created an

opportunity for others to resort to regional security systems. Claude thinks it is a fallacy to assert that it was the breakdown of the efforts to achieve an effective system of collective security through the United Nations which led the nations of the Atlantic region to turn to the creation of NATO in order to counter "the menace of overweening Soviet power".²⁷ But he also asserts that it is clear that the United States did not seriously contemplate placing major reliance upon the United Nations for mobilizing the collective military forces which might be needed "to meet communist aggression":

Under American leadership, the Western bloc turned to the military and institutional strengthening of NATO, looking to that organization for the development of a defensive system.²⁸

The provision in the Charter for regional collective defence did not seem to have enhanced the ability of the United Nations, at least in 1950s, to develop a universal collective security system.

Another source of constraint is the question of compulsory jurisdiction of the International Court of Justice. At the San Francisco Conference, everyone with the exception of the United States and the Soviet Union, wanted the Court to have compulsory jurisdiction. The United States had argued that its Senate would not ratify a Charter

which would decide to take the Panama Canal away from the United States. The jurisdiction of the Court is not compulsory unless members of the United Nations, parties to a dispute, so desire. The records of the San Francisco Conference also show that the Soviet Union and the United States had also opposed numerous proposals which would have given the Security Council power to enforce judgements of the Court if one party failed to abide by those judgements.²⁹ Reluctantly, the majority of states supported the idea of the Soviet Union and the United States to, in effect weaken the role of international law in the maintenance of peace and security under the United Nations, and to leave immobilized at the very hour of its creation, a machinery for peaceful settlement of disputes. An American delegate, Senator Arthur Vandenberg, was proud to remark and assure his colleagues that the United States had retained every basic attribute of its sovereignty, and that it would not be called to participate in any sort of sanctions, military or otherwise, without the free and untrampled consent of the United States:

We cannot be taken in the World Court except at our own free option. The ultimate disposition of enemy territory which we have captured in this war is dependent solely upon our own will so far as this Charter is concerned... Our inter-American system and the Monroe Doctrine are unimpaired in their realities. The Charter gives us a veto on war and on any steps leading to war. The Charter can do no more. It says that our agreement covering the contribution of troops

to any joint action must be approved by our own constitutional process.³⁰

In seeking ratification of the United Nations Charter, the Soviet delegates to San Francisco Conference may have given their Praesidium similar assurances.

Another constraint which seemed to have affected the ability of the United Nations to take effective action in the maintenance of international peace and security is embedded in Article 2 (7) of the Charter, under which the Organization is forbidden "to intervene in matters which are essentially within the domestic jurisdiction of any state". Although, under the same Article the principle of domestic jurisdiction should not prejudice the application of enforcement measures, the fact that enforcement measures cannot be taken against any state without the concurrence of the five permanent members of the Security Council, made it more difficult for the Organization to act decisively in maintaining international peace and security. The main reason is, of course, that concurrence on the part of the five had not been easy to come by. It is not surprising then that the Organization authorized 'collective' enforcement action for the first time in its history, in the absence of the Soviet Union from the Security Council when the decision was taken. The Soviet Union would have vetoed the resolution for enforcement action.

The basis for enforcement action is the identification of the aggressor and the institution of collective military measures against that aggressor. In peace-keeping, the question of identifying the aggressor does not arise. While individual states may name or brand any one of the parties to a conflict as the aggressor, the Security Council, traditionally does not officially name the aggressor where peace-keeping is concerned; rather, the objective has been to make every effort to assist the parties to a conflict in effecting and maintaining a cease-fire or truce until the conflict can be resolved peacefully. The inability of the League of Nations and the United Nations to implement collective security has been attributed partly to the "unrealistic requirements that are made upon members...that aggression has occurred and collective action is required", and partly to the "unrealistic assumption that an aggressor always can be identified clearly in a conflict situation".³¹ Since Korea, and until Iraq's invasion of Kuwait, the Security Council had not been inclined to single out aggressors for the purpose of inflicting punishment through collective military or enforcement action.

Although Article 2 speaks of collective measures for the prevention and removal of threats to the peace, breaches of the peace and for the suppression of acts of aggression, the Charter does not define aggression; rather, it leaves it

up to the Security Council to determine the existence of an act of aggression.³² Again, the veto right prevails over the process of determining the existence of an act of aggression.

Voting procedures and decision-making in the Security Council have been designed in such a way as to place the responsibility for maintaining international peace and security virtually in the hands of the five permanent members of the Council. Since members confer on the Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties in that regard the Council would be acting on their behalf (Article 24), and since, by virtue of their veto power any of the five can block the collective will of the rest of the Council, one can infer that collective security under the aegis of the United Nations is essentially the responsibility of the five permanent members of the Security Council. In short, the ability of the Organization to create a collective security system depends on their willingness to act in concert.

The veto power of the permanent members of the Council constitutes another measure of constraint on the ability of the Council and of the Organization as a whole to maintain international peace and security.

3. Mobilizing national forces for collective enforcement

Peace-keeping emerged not only from the failure of the Security Council to develop enforcement action -- one of the basic Charter prescriptions for maintaining international peace and security -- but also from the related failure to implement Article 43 of the Charter. It had been anticipated that the conclusion of special arrangements (under Article 43) for making national contingents of armed forces available to the Security Council for use in prevention and enforcement measures, would have facilitated arms control as another alternative approach to the maintenance of international peace and security.³³ However, the fact that peace-keeping operations, including peace observation missions, have been established over the years suggest that the problem of implementing Article 43 does not necessarily stem from the inability of member states to make arrangements by which national armed forces would be made available to the Council, but rather from the difficulty of determining the kind of forces to be made available and the use to which those forces would be put. In other words, the problem is that of failure to muster military forces for enforcement action under Chapter VII of the Charter. Again, this failure could be attributed to lack of the necessary consensus among the permanent members of the Security Council.

In the early years the Council did take measures in the area of peaceful settlement (in the form of fact-finding, peace observation and truce supervision) as another approach to the maintenance of international peace and security. For instance, in 1948 it approved the setting up of the Truce Commission for Palestine and gave instructions for supervising the observation of the Council's cease-fire order. No vetoes were exercised during the decision-making processes for the United Nations Truce Supervision Organization (UNTSO), the United Nations Military Observer Mission in Indonesia, 1947-1950, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) and other forerunners of United Nations peace-keeping activities. Although peace observations can be established by the Secretary-General without the formal consent of the Security Council, these were great achievements for the Security Council and should be considered significant contributions to the maintenance of international peace and security. However, the fact remains that those measures did not involve enforcement action under Chapter VII of the Charter, and that the consensus for taking such action at that time did not exist. Earlier discussions in the Council's Military Staff Committee on the question of military requirements reflect the nature and extent of disagreement among the permanent members of the Council over the enforcement aspects of international peace and security:

Once it became clear that the community of interest among the permanent members no longer existed in discussions (in the Military Staff Committee to deal with the use of military forces in United Nations service for preventive and enforcement action) those discussions were not pursued.³⁴

Prospects for the Council taking decisions involving large-scale operations were dim so long as the threat of the veto prevailed. It was evident that if the Soviet Union had been present in the Security Council when the decision was being taken to crush 'North Korean aggression', the Soviet Union would have exercised its veto right to prevent the Council from authorizing enforcement action.

4. Peace-keeping and the Charter principle of peaceful settlement of disputes

The origin and character of peace-keeping could also be seen in the context of the Charter provisions for the peaceful settlement of disputes, although of course the function of peace-keeping forces is not to settle a dispute but rather to lay the groundwork for the political settlement through a process which has come to be known as peace-making.

By allowing or consenting to the deployment of United Nations peace-keeping forces on its soil, a party to a dispute is in effect seeking a solution by peaceful means of

its choice; a choice implicit in Article 33. At the same time, it can also be argued that Article 36 paragraph 1, and Article 37 paragraph 2 are perhaps the nearest authority for the Organization to undertake peace-keeping operations. Both provide for the Security Council, at any stage of a dispute, recommend appropriate procedures or methods of adjustment, or recommend appropriate terms of settlement. On the basis of this argument, one can suggest that the General Assembly's own authority for authorizing peace-keeping operations seem to lie in Article 14, which stipulates that the Assembly may recommend measures for the peaceful settlement of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the Charter.

However, from another perspective, the pacific settlement articles (Chapter VI) of the Charter do not provide adequate constitutional basis for peace-keeping operations since such operations do not exclude the use of armed force in all circumstances.³⁵ Chapter VI (pacific settlement of disputes) is only indirectly related to peace-keeping only as far as it represents the last step towards enforcement action under Chapter VII. Other articles of the Charter which have been suggested as the constitutional basis of peace-keeping, include Article 41 (measures not involving the use of force); Article 43 (making available under special agreement armed forces to contribute to the

maintenance of international peace and security); and even Article 48.

5. Uniting for Peace and Peace-keeping -- a source of non-aligned peace role

Peace-keeping has some roots in the historic attempt in 1950, by one of the permanent members of the Security Council, the United States, to circumvent the use of the veto. That attempt, over the question of Korea, was based on the idea that when a permanent member prevents or is determined to prevent the adoption of a resolution by the exercise of its veto power, those members that support the conclusions of the majority are still free to use their influence to obtain acceptance of those conclusions.³⁶ Attempts at circumventing the use of the veto in the Security Council often gives the General Assembly responsibility in the area of peace and security. Of course it could be argued that since Article 24 gives the Security Council primary responsibility, the same Article, implicitly, gives the Assembly secondary or residual responsibility for maintenance of international peace and security. Incidentally, for the Soviet Union the word 'primary' was interpreted as 'exclusive'.

Perhaps no other document has provided the General Assembly with the widest scope for its peace-keeping role than the 'Uniting for Peace' resolution (377 [V]), adopted on 3 November 1950. Also known as the 'Acheson Plan', it strengthened the Assembly's ability to authorize peace-keeping operations, and thus gave the non-aligned and other less powerful states a greater voice in decision-making for international peace and security. Although Articles 10, 11 (2) and 14, of the United Nations Charter provide the Assembly with some residual power to discuss and make

recommendations on any matter within the scope of the Charter, including those relating to the maintenance of peace and security, the Assembly inherited its peace-keeping role from the 'Uniting for Peace' resolution.

In spite of the objections of the Soviet Union and other East European countries, 'Uniting for Peace' enhanced the prestige of the General Assembly. It broadened the consensus and political basis of the peace-keeping functions of the Organization. In the words of Brian Urquhart:

(Uniting for Peace) has been the basis upon which the consideration of matters affecting peace and security have come within the purview of the whole membership of the United Nations, and upon which quite new methods of resolving crises, such as the extension of the role of the United Nations as mediator and the use of the United Nations peace-keeping forces, have been built.³⁷

What was intended as a means of breaking a deadlock resulted in an elaboration of the General Assembly's power to contribute to the maintenance of international peace and security, including the establishment of peace-keeping machinery:

In adopting the 'Uniting for Peace' resolution the General Assembly affirmed its right to make recommendations for collective measures including when necessary, the use of armed force in the event of a deadlock in the Security Council. This assertion of responsibility (and the steps taken to expedite Assembly action through provisions for an emergency special session and revision of its rules) proved to be of considerable importance when a few years later, the United Nations launched its first peace-keeping operation.³⁸

The motive of the United States, the principal proponent of the 'Uniting for Peace' resolution, was not merely to enhance the power of the General Assembly, but rather to circumvent the Soviet veto and facilitate United Nations action in enforcement-type measures, perhaps even of the Korean-type. This strategy of circumventing the veto is inextricably linked to the confidence of mustering the required parliamentary majority in the General Assembly. United States and Western influence at that point in time was such that they could count on the support of a large number of states in the General Assembly. This is the character of what Young describes as the uniting for peace model or image of international peace-keeping:

The new image of international peace-keeping was institutionalized primarily through the shifting of the focus of peace and security activities from the Security Council to the General Assembly, and secondarily through the development of several devices designed to lessen the effect of the veto in paralyzing Council activities. The shift to the Assembly was at that time opportune for the West since in that organ there would be no veto since the West still enjoyed the benefits of a more or less 'permanent majority' in the Assembly.³⁹

'Uniting for Peace' has brought the United Nations full circle from enforcement to peace-keeping. Although the Collective Measures Committee and the Peace Observation Committee established under the terms of the 'Uniting for Peace' resolution have been inactive over the years, the

resolution did pave the way for the creation of UNEF, the United Nations Emergency Force, in 1956, and maintenance of the United Nations Operations in the Congo (ONUC), in 1960-1961.

Adoption of 'Uniting for Peace' was the culmination of a series of attempts and actions to give the General Assembly a greater share in the peace functions of the United Nations. By a number of resolutions, the Assembly had indicated that if the Security Council failed to make binding decisions, the Council might create a very "undesirable effect in the minds of representatives of sovereign nations".⁴⁰ As far back as 1947, an attempt had been made to institutionalize procedures in what came to be known as a little Assembly, as an alternative forum to the Security Council for regularly escaping the Soviet veto.⁴¹

The creation of the Interim Committee on 13 November 1947 was a further evidence of the disenchantment of the General Assembly over the inability of the permanent members of the Security Council to co-operate for world peace. The support which the resolution establishing the Interim Committee received has been described as a reflection of the collective disappointment of a large number of members with the failure of the Security Council to fulfil its primary responsibility for the maintenance of international peace

and security.⁴² The United States was influential in efforts to broaden the role of the General Assembly:

The United States took the lead in building up the political role of the General Assembly. One result was the Interim Committee, which the Soviet Union condemned and boycotted, and which did not prove to be a very effective instrumentality. But its creation was of importance in stressing the continuing political role of the General Assembly and in providing alternative forum which could be used between Assembly sessions in the event of a deadlock in the Security Council.⁴³

In December 1948 another attempt had been made to reactivate the Interim Committee and thus broaden the role of the General Assembly.

As will be discussed later, the democratization of the peace-keeping role of the United Nations through the General Assembly was further enhanced by the International Court of Justice in 1962 when the Court gave its opinion on the question of expenses for peace-keeping operations authorized by the General Assembly.

Although the Assembly has expanded its responsibility by means of normative resolutions and structural changes in the framework for peace, it has, by and large derived much of its mediating and peace-keeping roles from the lack of big power consensus to take effective action for peace and

security.⁴⁴ This is where the non-aligned and other less powerful states have derived much of their role in the peace-keeping activities of the United Nations.

The inability of the big Powers to achieve the concurrence and collaboration envisaged by the architects of the United Nations Charter, often provides an opportunity for the relatively small and medium Powers to assume greater responsibility in the creation of alternative machinery for maintaining international peace and security. As former Canadian Foreign Minister, Sidney Smith once remarked, if the basis for collaboration among the great Powers to keep the peace is not yet possible, then it is up to the lesser Powers to do what they can in the meantime.⁴⁵ This view is central to our hypothesis that in the event of serious differences and conflict between the two super-Powers, a third or less powerful state or group of states will endeavour to maintain a balance of influence between those two Powers, and to assume a more significant role in international politics.

In one discussion of the legal problems of establishing United Nations security forces, attention has been drawn to the fact that it was non-aligned Yugoslavia which, invoking the spirit of 'Uniting for Peace', proposed the holding of an emergency session of the General Assembly on the Suez

crisis, a move by which the Soviet Union "unequivocally recognized the subsidiary authority of the Assembly and the Uniting for Peace Resolution".⁴⁶

If by initiating the 'Uniting for Peace' resolution the United States paved the way for the smaller and uncommitted states to play an active role in the peace processes of the United Nations, the Soviet Union which had been opposed to 'Uniting for Peace', further enhanced that influence by voting in favour of the Yugoslavia-sponsored resolution shifting the debate of the 1956 Suez crisis from the Security Council to the General Assembly.

Without any reference to the 'Uniting for Peace' resolution, the Soviet Union, apparently convinced about the inability of the Security Council to avert the 1967 Middle East crisis, made an unprecedented appeal to the General Assembly by proposing a special session to discuss the issue.

The Soviet initiative, according to Foreign Minister Gromyko, was based on Article 11 of the Charter which gives the Assembly power to consider or discuss "any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations..."

The United States interpreted the Soviet initiative in the context of the 'Uniting for Peace' resolution. According to Ambassador Goldberg, the choice before the Assembly was clear: "we can unite for peace or we can divide in discord".⁴⁷

Whether or not the initiative was based on Article 11 or on the 'Uniting for Peace' resolution, the result was a further enhancement of the peace role of the General Assembly and that of the non-aligned states.

Super-Power rivalry has often manifested itself in super-Power competition for General Assembly and non-aligned support through the championing of the cause of the smaller states in the Assembly:

...when the cold war was at its severest, there was a strong united front by the United States and its allies on the one side, and a considerable effort by the Soviet Union on the other side to gain the sympathy of the non-aligned countries by assiduous championing of the cause of decolonization, by assailing exploitation of various kinds, and by favouring their proposals in the field of disarmament.⁴⁸

In 1950, over the question of Korea, the United States appealed to the General Assembly under 'Uniting for Peace' with an assurance of majority support. The Soviet Union made a similar appeal when it took the Middle East conflict

to the General Assembly in 1967. The Soviet Union wanted to demonstrate that the United States could no longer count on the unqualified support of the Assembly. Above all, it wanted to rally support for Egypt. Of course in requesting the special session of the Assembly to consider the situation and to "adopt a decision to bring about the liquidation of the consequences of aggression and the immediate withdrawal of Israeli forces behind the armistice lines"⁴⁹ Mr. Gromyko realized that the Assembly may not adopt such a decision. However, he was assured of wide support for the idea of having the Assembly consider the situation. The United States, for its part, was not in favour of a special session. In order not to give the impression that it was opposed to the full participation of the large majority of states in the search for peace in the Middle East, or perhaps in seeking ex post facto support for its 'Uniting for Peace' initiative, the United States went in for the special session with the hope that "the debate would have been a helpful influence in encouraging and enabling all states concerned to deal effectively with the underlying causes of tension and conflict in the Middle East".⁵⁰ The General Assembly had another opportunity to contribute to the maintenance of international peace and security.

CHAPTER III NOTES

1. For a discussion of collective security, disarmament, mutual deterrence (balance of terror), balance of power and other approaches to international peace and security, see: John Lovell, The Search for Peace: an appraisal of alternative approaches, International Studies Association Occasional Paper No.4 (Pittsburgh: ISA, 1974)
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3. Inis L. Claude, Swords into Plowshares, (New York: Random House, 1959) p. 275
4. M.V. Naidu, Collective Security and the United Nations, (New Delhi: McMillan & Co., 1974) p. 13
5. Quoted in Robert A. Goldwin et.al., Readings in American Foreign Policy (New York: Oxford University Press, 1959) p. 482
6. John Foster Dulles, Speech before Sub-Committee of Senate Foreign Relations Committee on "UN Charter". Press Release of 19 January 1954, p.4
7. Inis L. Claude, Power and International Relations, (New York: Random House, 1962) p. 115
8. M.V. Naidu, op. cit., p. 16
9. Cited in Claude, Power and International Relations
10. Ibid., p. 116
11. Ibid., pp. 144-145
12. Ernst B. Haas, Collective Security and the Future of the International System, (Denver: University of Denver Press, 1968) p. 33
13. Naidu, op. cit., p. 11
14. Ibid., pp. 66 & 89
15. Ibid., p. 15
16. Inis Claude, Power and International Relations, p. 15
17. United Nations Conference on International Organization, Second Plenary, April 27, 1945, U.N. Information Organization Doc. (New York: 1945)

- Vol. I, p. 194
18. Ibid., Vol. II, p. 113
 19. Ibid., p. 15
 20. Quoted in Arthur Schlesinger, Jr., "Origins of the Cold War", Foreign Affairs, Vol. 46, No. I, October 1967, pp. 27 & 37
 21. John Stoessinger, The Might of Nations, (New York: Random House, 1967) p. 329
 22. UNIO Document, op. cit., Vol.I, p. 364
 23. UNIO Document, op. cit., Vol.II, p. 53
 24. Ibid.
 25. UNIO Document, Vol. I, p. 430
 26. John Stoessinger, op. cit., p. 430
 27. Claude, op. cit., p. 161
 28. Claude, op. cit., p. 170
 29. Frank Donovan, Mr. Roosevelt's Four Freedoms - the story behind the U.N. Charter, (New York: Dodd, Mead & Co., 1966) pp. 165-166
 30. Congressional Record, Vol. 91, Part 6, 23 July 1945
 31. John P. Lowell, The Search for Peace - an appraisal of alternative approaches, International Studies Association Occasional Paper No. 4, (Pittsburg: ISA, 1974) p. 17
 32. The United Nations General Assembly adopted a definition of aggression in 1974.
 33. David W. Wainhouse, International Peace-keeping at Crossroads, (Baltimore: John Hopkins University Press, 1973) p.5. Wainhouse states that the Charter accorded a relatively low priority to arms regulation, reflecting expectations that the establishment of arms control system would follow upon the conclusion of the special arrangements under Article 41. But of course, arms control has since been given priority as a result of the nuclear arms race.
 34. Godfrey L. Hearn, "United Nations Peace-keeping: unresolved problems", UNITAR NEWS (United Nations),

- Vol. 5, No. I, 1973, p. 8 The Military Staff Committee of which the USSR is a member could not function in the enforcement action for Korea.
35. See Dan Ciobanu, "The Power of the Security Council to organize Peace-keeping Operations" in United Nations Peace-keeping, Legal History, A. Cassese, ed., (Alphen, Netherlands, Sighoff and Noordhoff, 1978) pp. 17-19
 36. Leland M. Goodrich and Anne P. Simons, The United Nations and the Maintenance of Peace and Security, (Washington D.C., The Brookings Institution, 1955) p. 604
 37. Brian Urquhart, "U.N. Peace Forces and the Changing U.N.: an institutional perspective", International Organization, Vol. 17, 1963 p. 340
 38. David Wainhouse, op. cit., p. 11
 39. Oran Young, "Third-Party Intervention in International Crisis", Ph.D. Dissertation, Yale University, 1965, p. 165; subsequently published as The Intermediaries.
 40. Indra N. Tewary, The Peace-keeping Power of the U.N. General Assembly (New Delhi: S. Chand & Co., 1974) p. 31
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 42. Tewary, op. cit., p. 33
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 44. Tewary, op. cit., p. 8
 45. John G. Hadwen and Johan Kauffman, How United Nations Decisions are Made, (New York: Oceana Publications, 1962) pp. 66-67
 46. Jens Evensen, "Problems of international law relating to the establishment of U.N. security forces", in Peace-keeping - Experience and Evaluation, Per Frydenberg, ed., (Oslo: Norwegian Institute of International Affairs, 1964) p. 229
 47. See Ambassador Goldberg's statement, U.N. Document A/P.V. 1527, 20 June 1967, p.2
 48. Arthur Lall, "The Super-Powers, the U.N. and Disarmament: A View from the Third World", in Soviet &

American Policies in the United Nations, Alvin Z. Rubinstein & George Ginsburgs, eds., (New York: New York University Press, 1971) p. 63

49. Letter from the Minister for Foreign Affairs of the U.S.S.R., U.N. Document A/6717, 13 June 1967
50. U.N. Document A/6718, 15 June 1967

PART III THE PEACE OBSERVER MISSIONS AND PEACE FORCES

CHAPTER IV

THE OBSERVER MISSIONS

Peace-keeping by definition involves the use of either military observer missions or lightly armed forces. Peace-keeping, as defined in this study, had its origin in peace observer missions. Before the first United Nations Emergency Force, now referred to as UNEF I, was created in 1956, and even before the term 'peace-keeping' was coined, United Nations observers had been performing peace-keeping functions in the Middle East and in Kashmir. Not only did observer missions precede military peace-keeping forces, the observers have often been reassigned to functions which are generally performed by those forces. In 1956 for instance, when the General Assembly set up UNEF I, the Chief of the United Nations Truce Supervision Organization (UNTSO), General Burns of Canada, was reassigned to be Chief of Command of UNEF. He was also authorized to recruit "from the observer corps of officers who shall be nationals of countries other than those having permanent membership in the Security Council...and in consultation with the Secretary-General to undertake the recruitment directly, from various member states other than the permanent members of the Security Council, of the additional number of

officers needed".¹ Thus, UNTSO provided UNEF with its first contingent for the Sinai operation.

On 10 November 1956, 10 observers from UNTSO were transferred from service in Egypt with UNEF I. After UNEF's withdrawal at the request of President Nasser in 1967, observers from UNTSO performed an invaluable service in the Sinai until the outbreak of the 1973 war and the subsequent deployment of a second United Nations Emergency Force (UNEF II). Although, as Alan James points out, the functions of the UNTSO observer corps was much less comprehensive than that of UNEF I, it was in fact far more important than any of those which UNTSO had been called upon to perform in the region during the previous 19 years.²

Since United Nations peace-keeping activities began with observer missions, and since these missions have not only continued to operate concurrently with peace-keeping forces, but have also been recruited to serve with those forces, this assessment of the non-aligned states and United Nations peace-keeping should begin with the establishment and activities of the major observer missions since 1948.

1. The United Nations Truce Supervision Organization,
(UNTSO)

In 1948, the United Nations Security Council expressed the need for the services of military advisers and truce observers in Palestine and created a Truce Commission composed of representatives of member states of the Security Council which had career consular officers in Jerusalem. The same year it established its first observer mission, the United Nations Truce Supervision Organization (UNTSO), to assist the United Nations Mediator and the Truce Commission in supervising the observation of the truce in Palestine.

When the decisions were taken, there was no non-aligned group in the United Nations. Among the principal parties involved in both the military action in Palestine, and the political decision-making processes for the establishment of UNTSO, were a small group of Arab States, Egypt, Jordan and Syria, which were part of what could be described as the emerging coalition of Arabs and Asians.

The Palestine question and the establishment of UNTSO, as well as the 1948 military conflict between Indonesia and the Netherlands, and the Korean War, prodded the Arabs, Asians, and later the few Africans in the United Nations, to take steps towards the creation of the diplomatic/parliamentary coalition called the Afro-Asian group, now an

of the non-aligned movement.

The outbreak of hostilities between Indonesia and the Netherlands, which was viewed in the context of colonialism, led to a meeting of 15 Asian nations at New Delhi in January 1949:

At this meeting, the 15 agreed on certain collective measures against the Netherlands, and also decided to co-ordinate their actions at the United Nations. The following autumn, the Indian delegate, Sir Bengal Rau, convened the first ad hoc Afro-Asian caucus at the United Nations, and this group remained sporadically active, especially during the Korean War.³

Until there was a discernible pattern of behaviour or of co-operation and co-ordination among the Afro-Asians in the United Nations, they cannot be said to have made more than a marginal impact on the establishment of UNTSO. The number of Afro-Asian states in the Organization was relatively small, which means that the degree of their influence was limited, at least during the first phase of UNTSO.⁴

The role of the Afro-Asians, and later the non-aligned states in UNTSO should be assessed during the second, third and fourth phases; that is, from the period of supervision of the Mixed Armistice Agreements between Israel and Syria, Jordan and Egypt, August 1949 to June 1967, and from June 1967 to the end of 1973.

The election of Yugoslavia and India to the Security Council as non-permanent members with effect from January 1950, was an important event for the states which were in the process of creating a non-bloc coalition as one manifestation of their 'independent' foreign policy. It was the beginning of the cold war, a time when the concept of collective security under the umbrella of military alliances or pacts was becoming a reality. It was also a significant period for the smaller emerging nations because six of them (all Asians), were able to secure admission to the United Nations, while the Soviet Union and the United States were employing various tactics to block the admission of each other's European friends. As the Yugoslav representative put it when he assumed the presidency of the Security Council for the first time in the Organization's history, the presence of small states in the Council was not only a fine example of the application of the democratic principle of the sovereign equality of states or nations, great or small, but also an expression of "the just and repeatedly proclaimed concept that the small countries should bear their share of responsibility for the maintenance of international peace and security". He expressed concern that 15 states, including Italy, had for many years been applying for membership without success.⁵

Although neither India nor Yugoslavia was in a position

to make any significant impact on the Security Council's approach to the question of Palestine, their membership in the Council provided some moral support for Egypt, also a non-permanent member and one of the principal parties in the Palestine conflict. Yugoslavia, for its part, had reduced the Soviet bloc's influence by one vote when it replaced the Ukraine in the Security Council that year. On the Palestine question, the Soviet Union was isolated. It wanted the Palestine Commission dissolved. Its objection to the nomination and election of the Secretary-General "without a recommendation of the Security Council", and its insistence on having the Council invite the Peoples Republic of China to participate in the debate on Korea, isolated it further, and thus aggravated the cold war. It was the isolation over Korea, more than its isolation over the Palestinian question which paved the way for Afro-Asian, and later, non-aligned solidarity in the United Nations. Korea gave the emerging states the opportunity to pursue and even pretend to pursue an independent foreign policy in the Organization. For instance, when the Soviet Union expressed the view that the Peoples Republic of China could not have expected an equitable discussion or just decision on its complaint in view of the attitude of the "Anglo-American bloc and its ally, the President", the Egyptian delegate in the Council objected on the grounds that he was one of the eight who had voted in favour of the motion to allow the United States to speak first:

My country is not a member of any bloc. It is a member of the United Nations, and wishes to remain so.⁶

Indeed, the Korean War led to the formation of the Afro-Asian Group, and increased awareness of the nature of the cold war.⁷ The support which the United States received in the United Nations for its Korean policy, no doubt strengthened what the Soviet delegate had described as the "Anglo-American bloc". However, a bi-polar international system had already become apparent; a system which also enhanced the attempt by the emerging non-Western states, especially the Afro-Asians and Yugoslavia, to develop a non-bloc solidarity group. This was how India, Yugoslavia and Egypt assumed their political leadership role in the non-aligned movement. When the United States in its efforts to muster the two-thirds majority required to have the General Assembly condemn the Peoples Republic of China, it had to rely not only on its Western allies and their supporters, but also on what was in the Spring of 1951 the "conciliatory effort" of the Afro-Asian group, including Egypt and India.⁸ One interpretation of that effort was that many leaders of the less-developed countries had supported American policy in Korea only half-heartedly or not at all.⁹

The emerging coalition of non-bloc Afro-Asian states was dragged into the Korean crisis. It appeared that they

were more involved in it than in the activities of UNTSO, the United Nations Truce Supervision Organization.

The relatively insignificant role which India and Yugoslavia and others played in those activities in 1951 for instance, could also be attributed to the fact that the situation in the Middle East was relatively quiet, in spite of complaints of violations of the Mixed Armistice Agreements, and the fact that India and Pakistan were at war over Kashmir. Furthermore, none of those states were represented in the observer corps of UNTSO during that period. The main influential actors in the political processes, besides the parties directly involved, were the United States and the United Kingdom. For instance, the United States and the United Kingdom, together with their allies, France and Turkey, co-sponsored a resolution in 1951 noting with concern the fighting in and around the demilitarized zone established by the Syrian-Israel General Armistice Agreement, despite the cease-fire order of the Acting Chief of UNTSO, and calling upon the parties concerned to end the fighting.¹⁰ The resolution was adopted by an overwhelming majority, with the Soviet Union abstaining. A week later, the same states co-sponsored another resolution, among other things, calling upon Israel and Syria to take complaints to the Mixed Armistice Commission or its chairman, and to abide by their decisions.

While the United Kingdom, the United States and France made lengthy speeches on the issue and questioned the Chief of Staff of UNTSO, General William Riley, during his appearance in the Security Council, India and Yugoslavia were virtually silent. The Indian representative declared that much of what he had intended to say had already been stated by the representative of Turkey, one of the co-sponsors of the draft resolution. India and Yugoslavia however, voted in favour of the draft (Resolution 93 of 18 May 1951), while the Soviet Union abstained once again.

By contrast, India and Yugoslavia were relatively more active in the debate later in the year on the question of restrictions imposed by Egypt on the passage of ships through the Suez Canal, with India supporting the legal premise on which Egypt had defended its action. The support was based on the principle of sovereignty; specifically Egypt's sovereignty over the canal.

All throughout its first and second phases; that is, up to 1965, the activities of UNTSO were dominated by the United States and its Western friends and allies. Before the expansion of the observer team in 1954 to include what Fabian describes as neutral and disinterested States,¹¹ the composition of UNTSO, to a large extent, reflected the ideological polarization of the Korean War period. It can

be argued that the composition of UNTSO as an observer mission was determined by the Secretary-General of the United Nations in consultations and agreements with the parties concerned. It can also be argued that the observers served on individual basis, and that they were responsible solely to him, through the head of mission, and not to their respective governments. However, in determining the national composition, he was guided by the discussions and decisions of the Security Council. This meant that he could have excluded from participation observers from states which the majority or the most influential members of the Council did not approve. Until 1973 when 36 Soviet observers were assigned to UNTSO, there had been a deliberate effort to exclude the Soviet Union and its satellite states of Eastern Europe from all peace missions. The Afro-Asians or non-aligned on the other hand, were not deliberately excluded. Apart from their marginal input into the political processes for maintaining the observers in the conflict area, and their indirect financial contributions through the regular budget of the United Nations, they played a limited role in the activities of UNTSO. As far as is known they did not offer any observers for service with UNTSO before 1967.¹²

Once the first United Nations Emergency Force (UNEF) had been withdrawn, in May 1967, UNTSO was to assume a new peace-keeping function by providing information to UN

Headquarters in New York during the June war:

UNTSO sought to organize cease-fire on the ground...UNTSO could not of course contain a fully-fledged war of this sort, but it performed a dual function during the fighting -- acting as a channel of communication between the belligerents and a source of information for the UN. As soon as the fighting halted, UNTSO contributed to security the cease-fire agreed upon, especially on the Jordanian and Syrian fronts.¹³

The acceptance of a cease-fire underlined the necessity of maintaining a United Nations peace-keeping presence in the area. The non-aligned states were not inclined to support the idea of strengthening UNTSO. India supported the Secretary-General's proposal to reactivate the Egyptian-Israel Mixed Armistice Commission and the Israel-Syria Mixed Armistice Commission (which Israel had denounced), and thus activate or reactivate UNTSO itself.¹⁴ In the General Assembly debate of June/July, the Foreign Minister of India also supported the enlargement and strengthening of UNTSO in order to ensure strict compliance with the various provisions of the General Armistice Agreements and the appointment of a special representative of the Secretary-General to help reduce tension in the area, as well as to assure the safety and security of civilian Arab population under Israeli occupation. Ceylon also supported reactivation of any peace-keeping organization.

While a rival Latin American draft resolution tabled during the emergency special session of the General Assembly after the June 1967 war made only an oblique reference to the need for United Nations presence in connection with the proposed Israeli withdrawal, the non-aligned draft, which gave priority to withdrawal of Israeli forces, would have had the Assembly also request the Secretary-General to ensure such withdrawal with the assistance of UNTSO, in order to secure observance by all states of the Agreements. Later in the Security Council, the non-aligned position concerning UNTSO was incorporated into the consensus statement read by the President of the Council on 9 July 1967, endorsing the Secretary-General's view that UNTSO's Chief of Staff be authorized to work out with the Governments of Israel and Egypt as speedily as possible the necessary arrangements to station United Nations military observers in the Suez Canal sector under the Chief of Staff of UNTSO.¹⁵ For the first time, the geographical spectrum of UNTSO observers was extended beyond the Western world, to include observers from countries such as Argentina, Burma and Chile. Observers from those countries were mutually acceptable to Egypt and Israel. As U Thant pointed out, whenever United Nations observers have been deployed, it has been the established practice to have the approval of the governments directly concerned, regarding the countries from which military observers for particular operations may be

drawn.¹⁶

Persistent violations of the cease-fire between July and October 1967 made it extremely difficult for the small UNTSO contingent to perform its peace-keeping function. As the Secretary-General stated, UNTSO was ill-equipped to help maintain the cease-fire in the Suez Canal sector. Apart from the token observer presence in the Israel-Syrian and Jordan-Israel sectors, there was no machinery to expand the peace-keeping activities to all areas of the conflict.¹⁷

Although the Soviet Union and the United States appeared to have been concerned over the escalation of fighting, including the incidents surrounding the sinking of the Israeli destroyer "Eilat", and although they wanted Israel and Egypt to co-operate with the UN observers in maintaining the cease-fire, they presented separate and rival draft resolutions in the Security Council. In an effort to come up with a compromise, Nigeria told the Security Council that it would be reckless proceeding to vote on either draft, and that from the experience of its members a partial resolution was a futile one.¹⁸ Nigeria appealed for an adjournment in order to allow time to break the impasse over the Soviet and American drafts. As Ambassador Adebo put it, a compromise draft would have to be formulated; one which would not damage the position of the

two major Powers but produce an effective decision as a necessary step towards continuing efforts to deal with the Arab-Israel question as a whole.¹⁹ The Council subsequently decided to condemn the violations of the cease-fire, and to demand an immediate end to all prohibited military activities in the area, and full co-operation with UNTSO.²⁰

The two super-Powers were thus persuaded to concede their conflicting positions during what was perhaps the most crucial period since the June war. The adoption of the compromise resolution paved the way for the Security Council to support the Secretary-General's appeal for strengthening the observer operation in the Suez Canal sector. His proposal included an increase in the number of observers from 43 to 90; an increase in the number of observer posts from 9 to 18; and the acquisition of patrol boats and a helicopter.

As in the previous months, there were differences between the Soviet Union and the United States over the role of the Secretary-General in authorizing any extension of the observer operation. As Higgins observes, the United Kingdom and the United States regarded the stationing of personnel along the Suez Canal as a mere extension of UNTSO's function, and something within the discretion of the Secretary-General if the parties directly interested were in

agreement:

The Soviet Union was opposed, not to the idea of stationing such observers in the Canal zone, but rather to the notion that this lay within the competence of the Secretary-General. A vote on the issue was avoided by the usual means of having the President of the Security Council issue a statement of consensus which no member of the Council opposed.²¹

In October 1967, while expressing its readiness to examine the proposals of the Secretary-General, the Soviet Union insisted that the question of increasing the number of observers must be examined by the Security Council on the basis of its function under the Charter. The Soviet position was incorporated in a draft resolution which would have had the Council specifically authorize the Secretary-General to increase the number of observers from 43 to 90. Once again the non-aligned states, members of the Security Council, Nigeria in particular, tried to break the deadlock:

In resolving this dilemma, this time even a meeting of the Council was avoided. Instead, the President, Chief Adebo of Nigeria, talked to all the members about the terms of a possible consensus which he then circulated. The Secretary-General acted on the authority of this, without any meeting of the Security Council being called.²²

In support of the Jordanians, the non-aligned were not inclined to accept the idea of sending UNTSO observers to the Israel-Jordanian sector to supervise the cease-fire, especially after the series of reprisals early in 1968. As

the Jordanians put it, if the Security Council saw fit to deal with the question of observers, it should take action that was not in conflict with existing arrangements concerning peace-keeping in the area, namely, the Armistice machinery:

The Secretary-General could not submit a helpful report because the Israelis would not permit the stationing of observers within the occupied territories. The immediate withdrawal of Israeli troops would re-activate the only valid machinery in the area, the Armistice machinery; then observers could function effectively on the ADL.²³

The non-aligned states, members of the Security Council, did not press for a reactivation of the Armistice Agreement as an alternative to, or in conjunction with the stationing of UNTSO observers. Instead, they tabled a draft resolution by which the Security Council would have condemned the military action launched by Israel on 21 March 1968, with a warning to Israel that reprisals would not be tolerated.²⁴ However, this was not adopted. It was incorporated in a compromise presented by the President of the Council, to the effect that the Council would deplore all violent incidents in violation of the cease-fire.²⁵

In what they claimed was an effort to prevent a division among the permanent members of the Security Council on the eve of the Four-Power talks on the Middle East in

1969, that is by not insisting on their original view of the situation, the non-aligned states members of the Council submitted a draft resolution on cease-fire violations along the Jordanian sector. They admitted that even while trying to aim at some "balance", they could not give equal emphasis to "premeditated attacks launched by a Government, and sporadic violent acts of a resistance movement directed against foreign military occupation".²⁶

This was one of the many occasions when the non-aligned states faced the dilemma of having to play a mediatory third-party role, while at the same time, having to act in solidarity with their other non-aligned friends directly involved in the conflict, namely, Egypt, Jordan and Syria. Yet the non-aligned states were to be criticized by both super-Powers; first, by the United States for not presenting a balanced draft resolution, and by the Soviet Union for omitting paragraphs by which the Council would have warned Israel and those who were attempting to undermine the efforts of a peaceful solution and implementation of Resolution 242 (1967).²⁷

When they found it necessary, the super-Powers did not hesitate to frustrate the mediatory role of the non-aligned states. The Soviet Union, which perhaps was more inclined than the United States to support the Arab and non-aligned

positions on most aspects of the Middle East problem, opposed attempts by the non-aligned to take what appeared to be a 'balanced' view of the situation. As Higgins observes, any resolution in the pre-1967 period condemning Syrian activities which provoked Israeli retaliatory raids across Syria, had no chance of success in the Security Council.²⁸ For instance, when three non-aligned members of the Council, Nigeria, Uganda and Argentina joined Japan, Netherlands and New Zealand in supporting a draft resolution inviting the Government of Syria to strengthen measures for preventing incidents which constituted a violation of the Armistice Agreement; inviting Israel to co-operate with the Mixed Armistice Commission, and calling on both Israel and Syria to facilitate the work of UNTSO, the Soviet Union did not hesitate to use its veto power. Ironically, non-aligned Mali also voted against. Seven months before the 1967 war, the Soviet Union once again vetoed another draft resolution which had the broad support of Nigeria, Uganda and Argentina. It can be argued that the Soviet opposition was not directed against the non-aligned, nor even against the Netherlands, Japan and New Zealand, but rather it was intended to protect Syria. As the Soviet Union once put it:

The right of veto in the hands of the Soviet Union is an important guarantee of the independence and sovereignty of smaller states. The Arab and other independent states know from their experience, how, in the Security Council, the Soviet Union opposes

attacks by the imperialist states on newly-independent states...²⁹

Later, the United States, employed, though far less often, a similar use of the veto to "protect" Israel from condemnation by the Security Council.

This 'protective' shield of the super-Powers, whether displayed in the form of a veto or otherwise, underlined the fact that either Power could frustrate any attempt by the non-aligned states to mediate in the context of United Nations peace-keeping. Occasionally, the super-Powers demonstrated that they could also acquiesce, as in October 1973, in connection with the establishment of the second United Nations Emergency Force (UNEF II), the mediatory role of the non-aligned states. On such rare occasions the non-aligned have been known to encourage the United States to acquiesce and facilitate the contribution of the East European states in United Nations peace-keeping activities. Thus, in 1973, with the consent of the Security Council, the Secretary-General accepted the offer of the Soviet Union and the United States to make available observers to serve with UNTSO. The Soviet Union provided 36 observers, and the United States 28, to join the 8 who were already serving with UNTSO.³⁰

Once a new United Nations Emergency Force (UNEF II) was

established after the 1973 war, the activities of UNTSO became relatively less significant. As far as financial contributions to UNTSO were concerned, only one non-aligned state, Cuba, had indicated before 1967 that it was not prepared to contribute to that part of the United Nations regular budget reserved for UNTSO. The argument was that decisions on the financing of United Nations peace-keeping activities, including special observer missions, should be taken by the Security Council before such funds were appropriated by the General Assembly. Another argument by Cuba, among others, was that appropriations for UNTSO and other missions should not have been included in the regular budget of the United Nations.

2. The United Nations Military Observer Group in India and Pakistan (UNMOGIP), and the United Nations India Pakistan Observer Mission (UNIPOM)

(a) UNMOGIP

India, a founding member of the non-aligned movement, and by virtue of its geopolitical status, military strength, and length of membership in the Organization, has been one of the leading contributors to United Nations peace-keeping activities. It has also provided contingents for all the major peace-keeping operations, as well as commanding officers for some of them, such as Generals Indar Rikhye and Prem Chand. Peace-keeping appears consistent with traditional Indian foreign policy, a policy inspired by the Gandhian philosophy of non-violence, and Nehru's idea of non-alignment. Together with its neighbour, Pakistan, India also gave the United Nations an arena for the Organization's first military observer mission outside the Middle East.³¹

The request of the United Nations Commission for India and Pakistan (UNICIP), in August 1948, for 20 military observers to be posted on both sides of the cease-fire lines in the state of Jammu and Kashmir, created the conditions for the establishment in January 1949 of what was to become one of the oldest United Nations peace-keeping activities, namely, the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

While India was actively involved in the process of shaping the non-aligned movement, and in the evolution of United Nations peace-keeping, it was also deeply involved in a conflict with Pakistan over Kashmir. India had complained to the Security Council in 1948, of Pakistani assistance to invading tribesmen into the state of Jammu and Kashmir. The decision to take the issue to the United Nations and to accept the investigative and mediatory functions of a United Nations Commission, was in itself a practical demonstration of India's avowed commitment to the peaceful settlement of disputes in the spirit of the United Nations Charter. By taking the issue to the United Nations Security Council, India set in motion the peace-keeping process which culminated in the despatch of the first team of military observers of UNMOGIP, in January 1949.

Although India asked the Security Council to condemn what it described as Pakistani aggression, it did not expect the Council to go to the extent of taking enforcement action against Pakistan to crush the alleged aggression in the event of Pakistan's refusal to end its invasion and occupation of what India considered part of its territory. Instead of a condemnation of Pakistan, it got an instrument of mediation from the Security Council. The situation was not considered a threat to international peace and security, but rather, one which was likely to endanger international peace and security. Until the Council was in a position to

determine the existence of a threat as a result of an act of aggression, it was unlikely that the Council would have taken effective action to remove such threat.

Although the international community later became preoccupied with the relatively more dangerous situation and threats to the peace in Korea and Suez, the Kashmir dispute warranted the continued presence of the Military Observer Group. It was also in India's own interest, in terms of its international credibility as a 'peace-loving' state, to have the observers remain in the area, at least until a solution could be found. India's international prestige was later enhanced by, among other things, its peace-keeping and peace-making roles between 1949 and 1956. Its role in the convening of the 1955 Afro-Asian conference at Bandung, and of the first Non-Aligned summit conference in Belgrade six years later, also added to its international status. However, other significant changes in the international system influenced the Indian attitude to United Nations peace-keeping activities in the sub-continent. Among those changes were, the American promise of military assistance to Pakistan, and Pakistan's membership in two military alliances -- the South East Asia Treaty Organization (SEATO), and the Central Treaty Organization (CENTO).³²

As the Indian attitude to the question of Kashmir

hardened, and as tension rose, so did the continued presence of UNMOGIP become a matter of concern. The United Nations was blamed for having failed to see the question in the light of aggression on the part of Pakistan:

She was prepared in the interest of peace and friendship, to engage in bilateral talks with Pakistan, but was anxious for it to be understood that Pakistan's status in the matter was that of an aggressor, who was unlawfully holding on to a part of India. Certainly in the Indian view, there could be no question of the United Nations continuing to interest itself in the question, for mediation and the plebiscite it was designed to facilitate were unacceptable on an issue involving her sovereignty.³³

It was not surprising when in 1962 India rejected, with a Soviet veto to back it, a Security Council draft resolution proposing direct talks with Pakistan, and a request that the Secretary-General provide the necessary support services for such talks.

The lack of a solution to the question of Kashmir not only prolonged the presence of the United Nations military observers there, but also raised doubts as to the purpose of keeping the matter in the United Nations. This appeared to be the Indian view:

The Government of India was very much saddened to see the United Nations position in the Kashmir issue. The resentment among Indians aroused a desire to withdraw the

issue from the United Nations. But the Government wisely observed that India was not going to withdraw the Kashmir issue, for India had lodged a complaint against Pakistan's aggression. This aggression has not ended, and so the complaint continues on the agenda of the Security Council.³⁴

The question of the impartiality of certain members of the Observer Group was also raised when it was alleged that the United States had promised Pakistan military assistance:

Prime Minister Nehru advised the Secretary-General of the United Nations that the 18 military and 3 civilian Americans serving in UNIPOM could no longer be treated by the Indians as neutrals in this dispute, and hence their presence appeared improper.³⁵

From the outset, India had been getting impatient over what it saw as the Security Council's failure to find a solution to the root cause of the conflict, namely, "the unlawful occupation of nearly half of the state, and the creation of subversive forces and authorities therein by Pakistan".³⁶

Impatience and frustration led India to entertain doubts about the continued presence of United Nations observers in Kashmir. As Misra describes it, the Kashmir dispute offered an outstanding illustration of the unfortunate state of affairs in which many conflicts brought before the Organization for settlement, are allowed to get bogged down in a mess of great Power politics:

A whole quarter of a century has since passed, but the United Nations is still far from finding a solution. The great Powers have, by their interest, further complicated the situation, and it has been a frustrating experience for both parties. India is so disgusted with the United Nations that in spite of all its lip sympathy and support for the world body, it has never cared to take any other major political question to it for settlement.³⁷

The extreme view of the United Nations peace-keeping role was apparently an element of internal Indian politics, and not that of the Government. The United Nations observers came under strong criticism from some Indian politicians who saw their role as unsatisfactory, and one which would undermine the country's defence in Pakistan's favour. Others had even gone to the extent of calling for the expulsion of the observers from Kashmir.³⁸ In spite of the frustration, India did not insist on the withdrawal of the Military Observer Group, nor did it ever attempt to have the conflict removed from the agenda of the Security Council. For a country which was participating in the peace-keeping operations of the United Nations in Suez, India could not have taken any action, unilateral or otherwise, to interrupt the peace-keeping activity in Kashmir. The 1956 Suez crisis (one involving two of the permanent members of the Security Council), could have had a stabilizing effect on the situation in Kashmir. The attention of India and Pakistan had been diverted to the more explosive situation along the Suez Canal. As was expected, both countries gave Egypt

political and moral support during the crisis which had brought the world to the brink of a third world war.

The Security Council did not resume debate on the Kashmir dispute until January 1957 at the request of Pakistan. UNMOGIP continued its peace-keeping functions, while the peace-making process gathered momentum between 1957 and 1964. The functions were carried out mostly by observers from Western countries.³⁹ Chile, Ecuador and Mexico also provided observers, all at the request of the Secretary-General.

(b) UNIPOM

Non-aligned India and its neighbour, Pakistan, were to create the conditions for the establishment of the third United Nations observer force, the United Nations India Pakistan Observer Mission (UNIPOM), in 1965, to supervise the cease-fire along the India-Pakistan border, excluding the state of Jammu and Kashmir. UNIPOM was, in effect, an extension of the existing Military Observer Mission (UNMOGIP), established 16 years earlier to observe the cease-fire along the border in Kashmir Jammu.

It was clear from the Secretary-General's report of 3 September 1965; a report based on information provided by the Chief Observer of UNMOGIP, that the conflict had

escalated as a result of violations of the cease-fire from the Pakistani side of the Line. Indian culpability for the escalation was to some extent reduced when the Secretary-General was unable to secure assurances from the government of Pakistan that it would respect the cease-fire. Any political support for the Indian position could have been based on the information made available to the Security Council concerning infiltrations of armed men from the Pakistani side of the cease-fire line. Pakistan, for its part, claimed that the state of the cease-fire in Kashmir had been such that a technical report from UNMOGIP could not bring out the relative magnitude of the incidents of violence. Claiming that there was a difference between violation and invasion, Pakistan argued that India had "staged an invasion of Kashmir", and had thus reduced the cease-fire line to a "nullity".⁴⁰

The two super-Powers apparently did not want the new conflict to deteriorate further, nor were they inclined to become identifiable partisans. This reduced the mediatory role of the non-aligned countries. Although Egypt and Yugoslavia offered to help in resolving the conflict, the non-aligned did not seem to have exerted any influence on the situation. Unlike Suez, the Indian-Pakistani conflict did not involve any of the major Powers. There was no need to mobilize non-aligned support for India. The conflict was

seen as one between two Asian nations; two which, in the words of the representative of Malaysia, had been and should continue to be an example to the Afro-Asian world.⁴¹

Malaysia later took the lead in the political effort in the Security Council to formulate two cease-fire resolutions.

The non-aligned, like the super-Powers wanted to maintain their neutrality over the India-Pakistani dispute. They felt that although Pakistan was not a member of the emerging non-aligned movement, they had ties with both Pakistan and India. However, as the Jordanian representative stated, there was a determination on their part not to let those ties, however strong, prevent them from taking a position in terms of support for firm action for resolving the conflict. "Our first desire and duty" the Jordanian delegate said, "is to stress as a basic principle, the necessity of respecting the decisions of the United Nations." To this he added:

Jordan has the greatest admiration for the ancient cultural heritage of India. It also stressed the importance of India as a major Power in the forces of non-alignment, the aim of which is to maintain world peace and security. With Pakistan, Jordan has close links of culture and religion, but neither of these factors can influence any country's position vis a vis the decisions of the Security Council, respect for which must be an unquestionable principle to be upheld by all member states in the interest of the United Nations and of world peace.⁴²

The Security Council cease-fire resolutions of 4 and 5 September 1965 (Resolutions 209 and 210), were sponsored not by the non-aligned or the Afro-Asian states, but by all six non-permanent members of the Council. A third resolution (211 of 20 September), was sponsored by the Netherlands. If the cold war between the super-Powers increased the mediatory and conflict management role of the non-aligned, the India-Pakistani war of 1965 underlined a corollary, namely, that a substantial degree of agreement and detente between those Powers, tend to reduce that role. As James interpretes it, the Soviet Union and the United States, both of which had special ties with India and Pakistan, led world opinion over the 1965 conflict, and displayed a keen interest in the restoration of peace in the sub-continent:

Both major Powers therefore were anxious to maintain an impartial attitude to the war that this could become difficult if it was allowed to continue on account of the possibility of one side clearly gaining the upper hand...

There was therefore appreciable diplomatic pressure on India and Pakistan to agree on a cease-fire, and they could not discount the possibility of sanctions being organized, either through the United Nations or independently.⁴³

The Soviet Union, which had special traditional ties with India, described itself as a friend of both India and Pakistan who had fears that any further exacerbation of the

conflict in Kaskmir might aggravate tension on the Asian continent. According to the Soviet representative, the Soviet Union not only had high esteem for India's adherence to the policy of non-alignment and to the principles of peaceful coexistence, it was also strengthening the ties uniting the Soviet Union and Pakistan:

That is why at this time we would like to express our confidence that, above all, India and Pakistan themselves will find a way to put an immediate end to the bloodshed in Kashmir, and to halt this conflict. The two neighbouring states must resolve the outstanding issues between them peacefully, with due regard for their mutual interests.⁴⁴

In expressing support for the draft resolution for a cease-fire, sponsored by the six non-permanent members of the Security Council, the United States also referred to its friendly ties with India and Pakistan, and spoke of the devastating consequences which a war between the two countries would have on the peoples of the sub-continent, and on the entire world.⁴⁵

Despite the general convergence of views on the need to settle the conflict by peaceful means, the super-Powers took a different approach to the establishment of what the United Nations Secretariat described as an administrative adjunct of the Military Observation Group in India and Pakistan. The Secretary-General's attempt to go beyond the

strengthening of UNMOGIP and to create the United Nations India Pakistan Observer Mission (UNIPOM), brought into perspective the attitude of the major Powers to the authorization and conduct of United Nations peace-keeping activities. The Soviet Union raised objections to the way in which the Secretary-General had increased the number of United Nations observers on the basis of the cease-fire resolutions of 6 and 20 September 1966. Only the Security Council, the Soviet Union argued, was competent to take the necessary decisions on all specific matters connected with United Nations observers in terms of their functions, number, command and financing:

All these questions are being settled outside the Security Council, whose members are merely informed about measures that have already been taken. This situation is, of course, abnormal and, as we noted, at variance with the Charter.⁴⁶

The Soviet representative also stressed that the Council set a three-month time limit for the observers in the area of operation. The Council had requested the Secretary-General to take all possible measures to strengthen the UNMOGIP.

As far as the United States was concerned, the Secretary-General had not over-stepped the mandate given to him by the Security Council.

I wish to make it clear that my Government emphatically rejects the suggestion that the Secretary-General acted beyond his mandate,

or that he should have consulted the Council in advance on the details of the actions he took under that mandate...We made it very clear that we asked and requested, and directed the Secretary-General to take steps to see to it that there was appropriate supervision of what we had demanded that India and Pakistan should do.⁴⁷

France took the opportunity to speak on the principles which should guide state action when the Security Council decides to set up a peace-keeping operation, including the sending of observers of inspection mission:

Without challenging the emergency measures which the Secretary-General may be led to take we consider that it is for the Security Council, taking into account the information the Secretary-General gives it, to decide on the size and the command, as well as the principal characteristics of the mission or force it has established.⁴⁸

As France saw it, the Security Council should not get lost in details which would paralyze it, but make sure that the proposed methods correspond, at all stages, with the political data about the problem assessed by the Council itself.⁴⁹ In this way, the French representative argued, the Secretary-General's action would avoid the difficulties which could arise if his terms of reference were defined too vaguely, thus leaving the door open to deep differences of interpretation by members of the Security Council.

What the Soviet Union objected to was not the

strengthening of UNMOGIP, but rather the creation of "a completely new body" or a new United Nations military observer mission, which, in its view, the Security Council had not authorized.

A large number of military observers is being sent to India and Pakistan -- to be precise, four times more than the original number of the existing Group. A new military observation mission is being set up, and the posts of command are being assigned mainly to senior NATO officers. Considerable expenditure is being planned for the maintenance of these military observers, and the representative of France has rightly and with a sense of responsibility stressed this fact. All this is being done in circumvention of the Security Council.⁵⁰

The United Kingdom was apparently satisfied that the Secretary-General had acted in complete accord with the clear mandate given to him by the Security Council. Jordan and Malaysia spoke in favour of the Secretary-General's action. So did the Ivory Coast which observed that what was necessary in the Council's request for assistance to ensure supervision of the cease-fire and withdrawal of troops, depended on the length of the frontiers and the kind of warfare the parties were engaged in. Thus, the Secretary-General had not exceeded his mandate.⁵¹

U Thant's interpretation was that since the conflict had extended beyond the Kashmir cease-fire line, an administrative adjunct of UNMOGIP was to be set up as a

temporary measure for supervising the cease-fire along the India-Pakistan border outside the state of Jammu and Kashmir. This adjunct (UNIPOM), was to be closely coordinated administratively and operationally with UNMOGIP, and the Chief Military Observer of UNMOGIP was initially placed in charge of the UNIPOM, although there were later two Commanders, with the Commander of UNMOGIP having over-all responsibility.

UNIPOM's establishment did not only reveal the divergencies of big Power perception of United Nations peace-keeping operations, but also brought about strained relations between India and the world Organization. Having rejected the idea of a peace-keeping force, India was opposed to the creation of UNIPOM. In its view, the cease-fire in the entire conflict should be under a single military observation group, and under a single command. Pakistan, on the other hand, insisted that "any attempt to merge UNMOGIP and UNIPOM would be illegal and arbitrary".⁵²

India's response to the Secretary-General's apparent concession to Pakistan was to withhold its equivalent net contribution to the financing of UNIPOM. It informed the Secretary-General in October 1965 that as a victim of aggression, it could not be expected to participate in the financing of the expenses of UNIPOM. Although India did not

withhold its financial contribution to UNMOGIP, it did state that it could share in the expenses of the Observer Group only at the level regarded as normal on and before 5 August 1965.

By then, the financing of United Nations peace-keeping had become a crucial issue for the Organization. The Indian action only invoked the nightmare of the General Assembly's 19th session and the crisis over the same issue. It must have also cast some doubts on India's sincerity in support of United Nations peace-keeping activities in other areas of the world. The question was, how could India, one of the main supporters of peace-keeping in the Middle East and the Congo, take such an attitude to a peace-keeping activity in its own backyard?

James offers a number of explanations of the Indian attitude including, first, the possibility that the Indian Government had been upset by what it saw as the United Nations Secretariat's insufficient regard for India's view on the cease-fire supervision. Thus, it may have found it necessary to respond by reasserting itself in order to keep the international community in its place. Secondly, that India was making it clear that it must be shown proper respect -- an attitude similar to that of Egypt when Egypt held up the arrival of the United Nations Emergency Force

(UNEF), in November 1956.⁵³

The Indian action may have also been intended to appease the Government's critics in Parliament who were not only opposed to the creation of UNIPOM, but had also expressed the view that India had given in to United Nations pressure to have the observer mission extended, as Pakistan would have it. Indian objection to any aspect of the peace-keeping function of the United Nations was expected, because of its general dissatisfaction with the ability of the Organization to put an end to what it saw as Pakistan's aggression and occupation of Kashmir.

In the final analysis, India would not have acquiesced over the creation of UNIPOM if there had been no implicit time-frame or deadline for the Mission's mandate. The Soviet Union and India had to be convinced that UNIPOM was a temporary measure, and that its mandate was limited or more specific than that of UNMOGIP. It was understood that UNIPOM would supervise the cease-fire along the India-Pakistani border outside the state of Jammu and Kashmir, and ensure the withdrawal of troops by 22 December 1965; that is, within three months of the adoption of the Security Council's cease-fire resolution.⁵⁴ By the mutual consent of India and Pakistan, the Secretary-General later extended the mandate of UNIPOM for another three months, until March

1966. Of course the January 1966 Tashkent Agreement between India and Pakistan, initiated by the Soviet Union, facilitated the troop withdrawal and disengagement process, as well as the successful conclusion of the United Nations peace-keeping function on 25 February 1966.

The political process leading to the establishment and maintenance of both UNMOGIP and UNIPOM, could have been complicated by the fact that India, a leading member of the emerging non-aligned coalition, was also a party to the conflict. However, by bringing the issue to the Security Council and subsequently allowing the UN military observers to remain in the area the other non-bloc states only had to persuade India to exercise patience in the absence of a political solution to the Kashmir dispute. Their role was more practical, in the form of military observers, than political or diplomatic.

While UNMOGIP was made up essentially of observers from Western countries, there was a relatively high proportion of non-aligned contribution to the activities of UNIPOM. Observers for UNIPOM were provided by Brazil, Burma, Canada, Ceylon, Ethiopia, Ireland, Nepal, Netherlands, Nigeria and Venezuela.

3. The United Nations Observer Group in Lebanon, (UNOGIL)

Super-Power confrontation and United Nations peace-keeping activities in regional conflicts could be avoided where there is an effective regional machinery for peaceful settlement as envisaged under Chapter VI of the United Nations Charter. The inability of organizations such as the Arab League, the Organization of American States (OAS) and the Organization of African Unity (OAU), to settle regional disputes among their member states, increases the risk of outside intervention. The possibility of such intervention can be even greater than in areas where there is no machinery for the settlement of regional disputes. No regional political organization existed in that part of the world (Asia), to which India and Pakistan could have taken their dispute over Kashmir. In the Middle East, there was the Arab League. Yet it failed, initially, to resolve the Lebanese problem in 1958. So, two years after the establishment of the first United Nations Emergency Force (UNEF) to keep the peace between the United Arab Republic (Egypt) and Israel, a new peace-keeping machinery, the United Nations Observer Group in Lebanon (UNOGIL), was despatched to another Middle Eastern location, Lebanon.

The United Arab Republic (UAR), was indirectly involved in the conflict for which UNOGIL was created. Lebanon had complained of UAR intervention by armed bands and

terrorists, in the internal affairs of Lebanon. The involvement of one of the super-Powers, the United States (which had sent troops to Lebanon at the request of the Lebanese Government), made the situation potentially dangerous. Equally dangerous was the landing of British troops in Jordan. Jordan had also complained of interference in its internal affairs by the UAR.

It can be argued that it was not the League of Arab States which had failed to resolve the matter, but Lebanon itself which had found it necessary to have the United Nations Security Council discuss the matter. Lebanon's reluctance to leave the matter in the hands of the League, according to James, was probably due to the fact that the United Nations was a much more suitable forum to denounce President Nasser; and also, that the United Nations was more likely to provide the necessary material assistance it needed to prevent further infiltration by terrorists from the UAR.⁵⁵ Of course, the Lebanese Foreign Minister went a step further by stating that only when the United Nations Observation Group had failed in its task of ensuring that there was no illegal infiltration of armed personnel or supply of arms across the Lebanese border, that Lebanon invoked Article 51 of the United Nations Charter and requested assistance from the United States.⁵⁶ There was no guarantee that either Jordan or Lebanon would have requested

the assistance of a United Nations standby force if one had existed. The Arab League could have defused the situation if Lebanon had not insisted that the Security Council take up the matter.⁵⁷ As one Arab delegate observed, the League had the appropriate machinery for solving the problem, but it had been denied the opportunity to prove its effectiveness as a regional organization.⁵⁸

The Lebanese complaint against the UAR did not only result in the establishment of a third United Nations peace-keeping activity in the Middle East, it also generated more interest in the idea of a standby United Nations peace-keeping force. Furthermore, it revealed the perceptions of the smaller Third World nations to United Nations peace-keeping in general, and to the question of when and under what circumstances United Nations troops should be deployed on the territory of a state.

The irony was that two years after two permanent members of the Security Council (the United Kingdom and France) had invaded Egypt, a relatively weak non-aligned state, the United Kingdom and another permanent member of the Council, the United States, would be invited to the same area to intervene militarily in Jordan and Lebanon. As far as Jordan and Lebanon were concerned, the 'external threat' was the UAR, and not the United States and the United

Kingdom. After the experience of the United Nations Emergency Force (UNEF) in securing the withdrawal of French and British troops from Egyptian territory, one would have expected Jordan and Lebanon to be less reluctant to have United Nations peace-keeping forces on their territory. It would appear that they felt more secure with foreign troops furnished by the big Powers, even at a time when the spirit of Bandung⁵⁹ had become the principal motivating factor in the foreign policy action of many an Afro-Asian state.

While British troops were occupying Jordan, the Jordanian delegate in the General Assembly was expressing opposition to a possible United Nations peace-keeping operation in Jordan. He saw a role for the Organization in the area, but categorically rejected the idea of deploying United Nations forces or observers:

It becomes the responsibility of the United Nations to decide on the adoption of practical arrangements to secure effective international guarantees which will prevent aggression, as well as direct and indirect interference, in the internal affairs of Jordan. Such measures and arrangements must envisage by any means, the despatch of United Nations forces or United Nations observers to be stationed in Jordanian territory, or to guard the Jordanian frontiers. My Government will oppose such decisions.⁶⁰

The attitude of India was also interesting. An Indian contingent was serving with UNEF in the Sinai. It had also contributed to the replacement of the invading and occupying

Anglo-French forces with United Nations peace-keeping forces. Yet, in the case of Lebanon, India contended that United Nations military presence should not replace American troops. As the Indian representative put it, one armed presence should not be substituted for another:

There could be no greater folly than this. Thus there would seem to be no question whatsoever of sending United Nations or other forces to the Middle East. And there can be no question of the United Nations devising means to correct the developing Arab nationalism in each state in the area.⁶¹

The Indian delegate also argued that it would be an interference if the United Nations should seek to exercise any form of police powers within the jurisdiction of Lebanon or any other state. Rather, each situation should be treated differently:

I wonder whether we could devise a formula which would create a kind of chameleon-like force capable of changing its colour or character so as to act, if required, as an operation of the UNTSO, of the UNEF, or of the Observation Group in Lebanon. I submit that we could not do so. Those operations are so different one from another, that no single force could answer to all these widely differing requirements to rush a standard type of force into delicate situations which cannot possibly be standardized, is to court added trouble and disaster.⁶²

It would seem, from the Indian point of view, that the situation in Lebanon or Jordan, unlike Sinai, did not

warrant the deployment of United Nations forces, nor was there a necessity of creating a stand-by United Nations force which could serve as a fire brigade for armed conflicts anywhere in the world. The two main schools of thought in the debate on the United Nations role in Lebanon and Jordan were summarized by the Burmese delegate, U Thant, who, as Secretary-General of the Organization a few years later was to influence the theory and practice of peace-keeping. He observed that there was general agreement that some kind of United Nations presence in Lebanon and Jordan was necessary in order to ensure the speedy withdrawal of foreign troops. What was in dispute, he said, was the nature of that presence:

Some members favour the strengthening of the United Nations Observation Group in Lebanon...and to send a fresh United Nations observation group to Jordan to perform similar functions. The advocates of this action insist that the enlargement of the functions of the Observation Group is not warranted by the prevailing circumstances. The other school of thought, however, prefers to enlarge the functions of the United Nations force. It advocates some kind of international constabulary, with police if not strictly military, functions. The functions of this constabulary, recruited from among the small nations, if my interpretation is correct, would fall short of the normal functions of a fighting force. It would be authorized to shoot but would carry only small arms.⁶³

U Thant stated that there was no harm in exploring the possibilities of establishing a stand-by United Nations

constabulary with specifically defined functions, to be used in contingencies. But he realized that the political situation in Lebanon and in Jordan -- a situation dominated by fear and suspicion -- was not conducive to the formation of "an international semi-military force".⁶⁴ This view was shared by most of the other non-aligned states. As they saw it, the deployment of another United Nations peace-keeping force would be inconsistent with the emerging Arab nationalism. The representative of Yemen, for example, put it this way:

If, as is obvious, it is not permissible for a foreign country to send its forces into the area to suppress a genuine tide of nationalism and prevent the Arab people from exercising its inherent right to self-determination and liberation, it is even less permissible to thrust such a thankless task upon the United Nations, for the United Nations was set up primarily to prevent war. It was not set up to stop liberation movements in the world. If, under the pretext of indirect aggression, the United Nations should undertake a thankless task, it could well become a body for the perpetuation of tyranny. Such an action would debase the United Nations; it would send it to its doom.⁶⁵

Notwithstanding the British and American declarations to withdraw, most of the non-aligned were determined to secure a better guarantee of such a withdrawal. They refused to support a Norwegian draft resolution, co-sponsored by six other states, because it did not demand the

withdrawal of British and American troops. ⁶⁶ The draft resolution referred to declarations made in writing to the President of the United Nations General Assembly by the United Kingdom and the United States, declarations of intent to withdraw. The non-aligned saw no reason why the draft should not contain a clause referring to the request for the withdrawal of troops. They did not understand why withdrawal had to depend on the fulfilment of certain conditions.⁶⁷

The recurring themes of the debate during the emergency special session of the General Assembly, convened to consider the situation in Lebanon, were 'Arab nationalism' and 'big Power rivalry in the area'. The intensity of that political and diplomatic rivalry, the Mexican delegate observed, had transformed the Middle East, to all intents and purposes, into a battlefield of opposing forces, and a threat to peace and security:

There is an urgent need to guarantee the territorial integrity and political independence of the states of the area, and to safeguard fully their inalienable rights freely to decide their own future. The national resurgence of the peoples of the Middle East cannot and must not be ignored or repressed. It is therefore imperative as a first step, that the principle of non-intervention should be fully respected not only by the states of the area in their relations among themselves, but also -- and I might almost say -- mainly by the great Powers.⁶⁸

When the Soviet Foreign Minister, Mr. Gromyko addressed the emergency special session of the United Nations General Assembly on 20 August 1958, he revealed other elements of the diplomatic rivalry between the super-Powers. He stated that the Soviet Union, unfortunately, had received no response from the United States on a joint action to secure adoption by the Assembly of "a concerted decision providing for the immediate withdrawal of United States and United Kingdom troops from the Near East, and for simultaneous appropriate action by the United Nations."⁶⁹ Mr. Gromyko's objection to reference in the seven-Power draft resolution to "plans for the establishment of a United Nations police force which the President of the United States, Mr. Eisenhower light-heartedly described as a United Nations 'peace force,'⁷⁰ was another evidence of the differences between the two super-Powers on the problem of the Middle East. In the opinion of the Soviet Union, as stated in its rival draft resolution calling for the immediate withdrawal of United States and United Kingdom troops from Lebanon and Jordan, there was an apparent need for a third-party mediatory role and a compromise proposal. Ceylon, for one, proposed that the Assembly instruct the Secretary-General to arrange a meeting of the Heads of Government of the big Powers and the Arab countries, in order to resolve the issue.⁷¹ Recalling its own initiatives over the years in getting the big Powers to meet and try to settle their

differences, Mexico thought that advantage could have been taken of the presence in New York of the Foreign Ministers of those Powers and their counterparts from the Middle East, to arrange for an informal meeting "at which impressions on the various aspects of this difficult question could be exchanged, and an attempt be made to reach agreement on possible long-term solutions".⁷²

The moderating influence which the 'middle powers' such as Norway and Canada, could have had on the situation as it existed, was drastically diminished by the refusal of most of the Africans and Asians to support the seven-nation draft resolution. That role was to be played by the Arab states themselves. What they had failed to accomplish within their regional organization, the Arab League, was subsequently attempted in the United Nations when no other group of states was able to muster adequate support for a compromise resolution in the General Assembly. The ten Arab states co-sponsored their own proposal for breaking the deadlock between the Soviet draft and the seven-Power draft. The latter was described by the Soviet Union as American inspired. Essentially, the Arabs agreed that the General Assembly request the Secretary-General "to make such practical arrangements as would adequately help in upholding the principles and purposes of the Charter in relation to Lebanon and Jordan in the present circumstances, and thereby

facilitate the early withdrawal of the foreign troops from the two countries".⁷³ There had of course been differences within the non-aligned, to the extent that the matter had to be left in the hands of the Arabs. Those differences were down-played by a spokesman of the Group when he addressed the Assembly on the final day of the emergency special session:

It is true that there is no closely knit, formal, hidebound body of men functioning as a group without flexibility. But there are in this Assembly member states from Africa and Asia which are animated by a common desire to secure for all peoples their freedom and their independence, and to work together for the welfare of humanity as a whole. These countries have been considering this problem and have been making a great effort to reach a solution, and their efforts have certainly helped in producing this great gesture -- a gesture which should be an example to this Assembly for all time, and one which is clearly in keeping with the Charter of the United Nations.⁷⁵

He admitted though, that the other Afro-Asian states had left it to the Arabs to see what could be done, adding that they were glad that the Arab states shouldered their responsibility so successfully.

The Arab proposals which were adopted unanimously by the General Assembly not only brought a compromise over the question of the withdrawal of United States and United Kingdom troops from Lebanon and Jordan, but also ironed out the differences over the creation of the United Nations

stand-by force. As the Indian representative observed, the decision was that the question of a stand-by force would be taken up by the Assembly "in the normal course, and not slipped in by a side door at this Assembly which is not considering the issue".⁷⁶ Reference to the Secretary-General's studies of a stand-by force, contained in the Norwegian draft resolution, was dropped in the Arab resolution, much to the regret of some of the Western countries. Fears that the American and British troops would be replaced by a United Nations force ^{here} ~~was~~ allayed. Instead of a UNEF-type presence, UNOGIL was strengthened with additional observers provided at the request of the Secretary-General. As if to provide an assurance to the majority of who had been opposed to the creation of a stand-by force at that point in time, the Secretary-General requested most of the observers from Asian states, namely, Afghanistan, Burma, Ceylon, India, Indonesia and Nepal. The inclusion of those states in the observer group was in effect a tribute to the success of the Arab states in reaching a compromise, albeit belatedly, on 21 August.

By mid-September, UNOGIL had reported minimal or insignificant infiltration of armed men and arms into Lebanese territory. So, there was perhaps no need to increase the number of observers by 704 within a space of just over two months, and at a time when a substantial

withdrawal of American troops was well under way. In his attempt to offer an explanation of what he describes as this strange course of events, Alan James suggests that the Secretary-General was not anxious to demonstrate the ability of the United Nations to organize a large observer group speedily and efficiently, "both as a reproach to the United States for not having relied on the expansion of UNOGIL when the July crisis arose, and as an indication of the kind of operation which could be launched in the future".⁷⁷ For one thing, Hammarskjold wanted to demonstrate that there was in fact an alternative to the deployment of United Nations peace-keeping forces in the area. The notion of filling the vacuum created by the withdrawal of the American marines, could not be ruled out as another possible explanation for increasing the size of UNOGIL at a time when neither the local nor the international situation necessitated such an increase. The sending of additional observers was not a condition of United States withdrawal, nor was it a reproach to the United States. It could have been done to underline the good faith demonstrated by the United States in responding to the demand of the Afro-Asians and others for a withdrawal of its forces. United States support for the Arab compromise resolution and the decision to withdraw the marines have been described as the most striking case in which the expression of massive United Nations opinion has had some effect on the political behaviour of the super-

Powers.⁷⁸ The Secretary-General's response was to create the impression that the marines were being replaced by a multilateral observation group which commanded the support of the majority of member states of the United Nations. As a matter of fact, the United States had assured the Security Council that its forces, provided at the request of the Lebanese Government, would be withdrawn as soon as the United Nations was ready to take over. This also explains why the Secretary-General increased the strength of UNOGIL while the United States was withdrawing its 14,000 strong military force. As the Americans left, it was politically necessary to dramatize United Nations presence in the area. Furthermore, Hammarskjold's "hurried and huge increase" in the size of UNOGIL, was not unrelated to his October 1958 historic Summary Study of the Experience Derived from the Establishment and Operation of UNEF,⁷⁹ in which he attempted to change peace-keeping from an ad hoc exercise to a formal and institutionalized arrangement.

Finally, the strengthening of the observer mission at a time when the local and international situations did not warrant such an increase, could also be regarded as a confidence-building exercise. Lebanon had been disappointed by the initial report of UNOGIL to the effect that the Group had been unable to determine whether the armed infiltrators had come from the Syrian side of the United Arab Republic; a

conclusion which the Government described as misleading and unwarranted. In its effort to maintain its credibility, the Group not only consolidated its work and increased the strength of its personnel and equipment, its techniques of observing and evaluating information were also improved. Hammarskjold increased the number of observers in September on the basis of the Group's conclusion that its main observer posts had to be supplemented by a series of posts at road junctions and other parts from which the area behind the frontier could be patrolled and observed. If, in the view of some, the United Nations had been inadequately equipped to do its job in July, and if it is also argued that the United States had gone into Lebanon as a result of the failure of the United Nations to do its job, then it was even necessary for the Secretary-General to help restore confidence in the Organization's ability to deploy an effective peace-keeping machinery.⁸⁰ The General Assembly had given him the authority to do so, in the resolution adopted unanimously on 21 August. He increased confidence in the Organization further by expanding the national composition of the observer Group and by appointing observers from some of the ideologically uncommitted Asian states, states which were of course acceptable to Lebanon.

4. The United Nations Yemen Observer Mission, (UNYOM)

On 11 June 1963, the Security Council requested the Secretary-General to establish an observation mission in Yemen, as defined by him. By that decision, Saudi Arabia, the United Arab Republic and Yemen, indirectly set in motion another United Nations peace-keeping operation. They also, unconsciously, created the opportunity for the Organization to set up an unprecedented operation; one which was not based on a cease-fire agreement or a cease-fire supervision. Once again, a conflict involving at least one non-aligned state resulted in the despatch of a United Nations military team to the territory of a non-aligned state to help keep the peace. The conflict in Yemen was the fourth Middle East conflict in which Egypt, a leading member of the non-aligned movement, had become involved, and in which the United Nations had been called to send a peace-keeping force or an observer mission. It was estimated that the United Arab Republic (UAR), had between 15,000 to 30,000 troops in Yemen to support the new Republic regime against the Saudi Arabian-backed royalists.⁸¹ Unlike the Suez and Lebanese conflicts, no 'outside Power' was involved. In other words, whatever act of aggression had been committed was attributable to a member of the Arab League. It was a conflict involving members of the non-aligned movement.

The United Nations Yemen Observer Mission (UNYOM), has been one of the least controversial peace-keeping activities

activities undertaken by the United Nations, and the shortest in duration. The parties involved had not only accepted a disengagement agreement, but had also agreed to defray the cost of the operation over a two month period. There was no disagreement on the necessity of launching the operation. In the words of U Thant, the Secretary-General, the only question was what and how much should go into a Security Council resolution about the matter.⁸² The Soviet Union supported the idea of sending a limited number of observers, but qualified that support with the view that experience in recent years had shown that the sending of observers, or the stationing of troops of the United Nations in different regions of the world, had been "used by the imperialist Powers for the purpose of establishing, under United Nations flag, their control over certain areas".⁸³ In abstaining in the vote on the resolution setting up UNIPOM, the Soviet Union did not object to the idea of sending the observers, since both the United Arab Republic and Saudi Arabia had agreed to share the cost of the operation. It however objected to the failure of the resolution to give a direct indication of the specific amount of time for which the observation mission was to serve in the region of the frontier between Yemen and Saudi Arabia:

In fact no one in the Council suggested sending the observers to the region for an indefinite period. But in general, can we adopt a serious decision if we fail to

consider specific time-limits?..What is clearly contemplated under the agreement reached by the parties concerned during the talks in which the Secretary-General took part is a limited, completely definite period of time during which the observers are to be present.⁸⁴

In the opinion of the United States, which had been instrumental in the peace-making process leading to the disengagement agreement between the parties concerned, the agreement placed no limitation on the duration of the United Nations operation to two months or any other time:

The reference to two months arose solely because the Governments of Saudi Arabia and the United Arab Republic agreed to finance the operation for two months, but without prejudice to the manner of financing thereafter if a longer operation should prove to be necessary.⁸⁵

Two non-aligned states, Ghana and Morocco sponsored what was in effect the compromise resolution requesting the Secretary-General to establish the observation operation as defined by him, while noting that the parties directly concerned with the situation had confirmed their acceptance of identical terms of disengagement, and that the Governments of Saudi Arabia and the United Arab Republic had agreed to defray the expenses over a two-month period.⁸⁶

To allay the fears of those who thought that the UNYOM experience could be used as a precedent for future United

Nations peace-keeping operations, the co-sponsors stated emphatically that they did not want their draft resolution to constitute a precedent with regard to either the political aspect of the solution which it had recommended, or to the means proposed to meet the expenses arising from that solution:

We thought that the crisis in Yemen was so unprecedented that the solution to be sought for it should also be unprecedented. In our opinion, the details of the solution cannot in any way affect the permanent means prescribed by it for the settlement of the problems, methods of financing or the establishment of the periods during which the United Nations should be responsible for ensuring the maintenance of international peace and security anywhere.⁸⁷

With the authority to establish the mission "as defined by him", the Secretary-General was able to negotiate with the parties to defray the expenses of the operation for a further two-month period, without having to seek the tacit consent of the Security Council to keep the observation mission beyond 4 September 1963. If the mandate of UNYOM had been restricted to a two-month period, and this was incorporated into the resolution as the Soviet Union had suggested, U Thant would have had to go back to the Security Council to have the operation's mandate formally renewed.⁸⁸ Although the character of the UNYOM mandate was, in the words of the Secretary-General, limiting and restrictive, it did allow him scope to shape the operation without having to

seek the authority of the Security Council to do so. All he had to do was to work closely with the parties involved and to consult with members of the Council informally. Although any member of the Council could have objected to or opposed extension of the UNYOM mandate, the fact that there was no open meeting of the Council to debate the question of renewing the mandate meant that the mission could stay in the area a little longer and maintain its pacifying influence on the situation in the frontier region.⁸⁹

UNYOM was created as a result of a conflict involving non-aligned states. Members of the non-aligned movement were not only influential in the political process of the mission's mandate, but they also contributed observers. Yugoslavia provided a 114-man reconnaissance unit during the initial two-month period. Ghana and India also contributed military observers at the request of the Secretary-General for the mission, which lasted 14 months.

In response to the argument that UNYOM was considered the least successful of all United Nations peace-keeping operations, Rikhye suggests that part of the blame could be attributed to the initial operational and administrative problems and difficulties over the commitments of the UAR and Saudi Arabia; commitments on which the United Nations based its operations.⁹⁰ But even if both parties had

fulfilled their undertakings earlier, and had made UNYOM's verification responsibilities meaningful, Rikhye adds, the size of the mission would still have been totally insignificant for such a roving commission.⁹¹ Blame for the partially successful operation has also been put squarely on the United Nations and the UAR, with the suggestion that the UAR managed to get away with it because of its leadership in the non-aligned movement, while the United Nations failed to assert itself or condemn the UAR:

The United Nations was not minded to assert itself, for the UAR was a favoured state at the United Nations. Colonialists could be expected to be brought to book should they act in contempt of United Nations presence, but the Afro-Asians want to indulge their own kind. Furthermore, the cause which the UAR was supporting in the Yemen was high, on the approval list: a progressive Republican movement was being defended against reactionary monarchical forces. And her immunity was completed by virtue of the fact that she was a leader of the neutralists, and therefore a state which Western, no less Eastern, members were not anxious to offend.⁹²

Although the UAR was indeed behaving like one of the leaders of the Arab world, and of the non-aligned movement as a whole, it was not a favoured state in the United Nations. Open criticism of its action in Yemen after the disengagement agreement with Saudi Arabia would not have enhanced the cause of peace in the area. The situation demanded quiet diplomacy and the good offices of the Secretary-General, not only to ensure that UNYOM maintained

its peace-keeping function, but also to maintain the delicate balance in the Sinai where the UAR was hosting another United Nations peace-keeping operation, the United Nations Emergency Force (UNEF).

Chapter IV - Notes

1. United Nations General Assembly Resolution 1000 (ES-1), 5 November 1956
2. Alan James, The Politics of Peace-keeping, (London: Chatto & Windus, 1969) p.425
3. Lawrence W. Martin, ed., Neutrality and Non-alignment (Wesport, Conn: Greenwood Press, 1976) p. xiii
4. The United Nations Secretariat has divided the role of UNTSO into four phases, namely truce supervision (1948-1949); supervision of armistice (1967 - June 1967); cease-fire observation (June 1967 - October 1973); and the post 1973 phase. Higgins and Wainhouse also divide the UNTSO role into four similar phases. See United Nations Peace-keeping 1946 - 1969, Vol .1 (London: Oxford University Press, 1969) and Peace-keeping at Crossroads (Baltimore: Johns Hopkins U. Press, 1973)
5. U.N. Document S/PV.518, 6 November 1950
6. U.N. Document S/PV.526
7. Arthur Lall, "The Asian Nations at the UN", International Organization, Vol. XIX No. 3, 1965, p.736
8. See John Spainier, Games Nations Play (New York: Praeger, 1972) p.234
9. Robert G. Wesson, "The UN in the Outlook of the Soviet Union and the United States", in Soviet and American Policies in the United Nations, Alvin Z. Rubinstein & George Ginsburgs, eds., (New York: New York University Press, 1971) p.11
10. U.N. Document S/2150, 8 May 1951
11. Larry L. Fabian, Soldiers Without Enemies (Washington D.C.; The Brookings Institution, 1971)
12. Offering observers does not necessarily assure acceptance, since the approval of the parties directly concerned in the conflict is the most significant factor in United Nations peace-keeping activities. With some exceptions, Israel did not approve for territories under its control, observers from states maintaining no diplomatic relations with Israel. Until 1974, Syria would not accept observers from certain countries.

13. Rosalyn Higgins, op. cit., p.55
14. By its draft resolution presented on 31 May 1967, to the Security Council, Egypt had declared that the Mixed Armistice Commission was still valid, and that UNTSO should be, fully operative. The draft also required that the headquarters of the Commission in El-Auja, from which Israel had expelled the UNSTO Chief of Staff, be reinstated.
15. Yearbook of the United Nations, 1967, p.228. Burma which had agreed to provide observers only for a limited period, withdrew in March 1969.
16. U.N. Document S/PV. 1366 9 July 1967
17. See U.N. Documents S/8053/Add. 3 & 4; S/8182 of 31 October 1967
18. U.N. Document S/PV. 1370, 25 October 1967
19. Yearbook of the United Nations 1967, p.234
20. United Nations Security Council Resolution 240 (1967)
21. Rosalyn Higgins, op. cit., p.62
22. Ibid., p. 63. See U.N. Document S/8289 of 8 December 1967, for statement.
23. Yearbook of the United Nations 1968 p.202
24. U.N. Document S/8498
25. United Nations Security Council Resolution 248 (1968)
26. Yearbook of the United Nations 1969, p.191
27. Ibid.
28. Higgins, op. cit., p.193
29. See Sydney O. Bailey, Voting in the Security Council (Bloomington: Indiana University Press, 1971) p.43
30. Israel did not allow observers from the Soviet Union on the territory under its control, on the grounds that it was its policy not to give access to observers from countries which did not maintain diplomatic relations with Israel. Exceptions have been made to that rule.
31. Of the leading founders of the non-aligned movement, only Yugoslavia, until 1992, had not been a party to a

conflict which the United Nations has helped to manage through peace-keeping.

32. India used both developments to block Pakistan's attempts to join the Non-aligned Movement.
33. James, op. cit., p.26
34. Francis Parakatil, India and United Nations Peace-keeping Operation (New Delhi: S. Chand & Co., 1975) p.163
35. Ibid. Note: After 1954 observers from the United States were no longer employed by UNMOGIP.
36. U.N. Document S/PV. 533, 1 March 1951 p. 6
37. K.P. Misra, The role of the United Nations in the Indo-Pakistani Conflict, 1971 (New Delhi: Vikas Publishing House, 1973) pp.31-32
38. Parakatil op. cit., p.165
39. Contrary to Higgins' view that neither India nor Pakistan raised objections to any of the nationalities represented in UNMOGIP, observers from the United States were withdrawn in 1954 at the request of India. The Indian objection was not unrelated to United States promise of arms shipment to Pakistan.
40. U.N. Document S/PV. 1238, 6 September 1965 p.5
41. U.N. Document S/PV. 1237, 4 September 1965 p.30
42. U.N. Document S/PV. 1248, 27 October 1965 p.5
43. James, op. cit., pp. 118-119
44. U.N. Document S/PV. 1237, pp. 36-37
45. Ibid. p.40
46. U.N. Document S/PV. 1247, 25 October 1965 p.50
47. Ibid. p.54
48. Ibid. p.56
49. Ibid.
50. Ibid. p.58
51. U.N. Document S/PV. 1248, 27 October 1965 p. 11

52. Yearbook of the United Nations, 1965 p. 172
53. James, op. cit., p.121
54. United Nations Security Council Resolution 211 (1965) of 20 September 1965
55. James, op. cit., p.217
56. U.N. Document A/PV. 740 19 August 1958 p. 89
57. Urquhart, Hammaraskjold (New York: Alfred Knopf Inc., 1972) p.264
58. U.N. Document A/PV. 742, 20 August 1958 p.118
59. The 1955 Afro-Asian Conference in Bandung, Indonesia
60. U.U. Document A/PV. 735, 14 August 1958 p.26
61. U.N. Document A/PV. 738, 18 August 1958 p.68
62. Ibid.
63. U.N. Document A/PV. 740, 19 August 1958 p.96
64. Ibid.
65. U.N. Document A/PV. 742, 20 August 1958 p.120
66. Urquhart, op. cit., p.291
67. U.N. Document A/PV. 742, 20 August 1958 p.116
68. U.N. Document A/PV. 744, 20 August 1958 p.157
69. U.N. Document A/PV. 743, 20 August 1958 p.139
70. Ibid.
71. U.N. Document A/PV. 742, 20 August 1958 p.117
72. U.N. Document A/P.V. 744 20 August 1958 pp. 156-157
73. Resolution 1237 (ES-111) 21 August 1958
74. U.N. Document A/P.V. 746, 21 August 1958 p.171
75. Ibid.
76. Ibid., p.177
77. James, op. cit., p. 228

78. Arthur Lall, "The Super-Powers, the UN and Disarmament: A view from the Third World", in Ginsburgs Rubinstein eds., op. cit., p.62
79. U.N. Document A/3943, 9 October 1958
80. As James, op. cit., observes, the purpose of the landing of 14,000 United States forces, like the dispatch of British troops to Jordan, "was to prevent a disintegration of the western position in the Middle East", and the fact that the United States "was determined to make it plain that she was not going to allow the Lebanese opposition to overthrow Chamoun".
81. James, op. cit., p.109. See also Indar J. Rikhye et al. The Thin Blue Line (New Haven: Yale U. Press, 1974, p.135
82. U.N. Document S/PV. 1038, 11 June 1963 p.2
83. Ibid., p.4
84. U.N. Document S/PV. 1039 11 June 1963 p.3
85. Ibid.
86. U.N. Document S/5330 or Resolution 179 (1963)
87. U.N. Document S/PV. 1038 11 June 1963 pp.7-8
88. The Soviet Union did not succeed in having the Security Council resolution of 11 June 1963 include a time-limit for the operation of UNYOM, but in less than a year, in the case of Cyprus, the Council for the first time set a time-limit for a peace-keeping operation.
89. U.N. Document S/5501, 2 January 1964
90. Rikhye, et al., op. cit., pp.133-134
91. Ibid., p.136
92. James, op. cit., p. 115

Chapter V

THE UNITED NATIONS EMERGENCY FORCE (UNEF I)

Non-alignment and peace-keeping emerged from international conflict and tension. Both concepts were conceived in identical political environments in which certain states felt obliged to take collective action to find an alternative to war and super-Power confrontation.

Non-alignment began to take shape as a foreign policy concept, and as an effective instrument of political influence immediately before and during the 1956 Suez crisis; a crisis which, coincidentally, culminated in the establishment of the first major United Nations peace-keeping operation. Willetts observes that if there is any point at which non-alignment was conceived, it was the 1956 Suez-Hungarian crises, during "the greatest confrontation between radical nationalism and the major Powers to occur in the 20 years of the postwar era", and a double crisis which brought three founders of the non-aligned movement, Egypt, India and Yugoslavia close together.¹ It is no surprise that both India and Yugoslavia were to make a significant contribution to the United Nations Emergency Force (UNEF), the first United Nations peace-keeping operation involving a military armed force.

Before the onset of the Israeli and Anglo-French invasion of Egypt over the Suez Canal issue, Egypt had already established a small constituency of support for its nationalization policy. The act of nationalization itself was perhaps the most daring expression of an independent or non-aligned foreign policy by an "emerging" state. President Nasser had associated himself with the outcome of the Nehru-Tito meeting of 1954, by inviting Nehru to Egypt, and by joining both Tito and Nehru in the historic tripartite meeting at Brione, Yugoslavia in July 1956. The Suez crisis came soon after. The bonds of friendship forged at Brione was a source of moral and political support for Egypt.

The Soviet intervention in Hungary was another source of solidarity for the smaller states which felt insecure in the face of another attempt by a big Power to crush their nationalism:

When the nationalization of the Suez Canal led to the invasion of Egypt by Israel, Britain and France, India supported Egypt for obvious reasons of sympathy, but also had a close strategic interest in the Suez Canal, which was crucial for her trade routes... Equally, it was only to be expected that Yugoslavia, like the other communist countries would support Egypt against the two Western Powers. But in addition, Yugoslavia felt seriously threatened by the Soviet invasion of Hungary, which occurred in the same month as the Suez invasion. Yugoslavia felt close to Egypt as both were small states threatened by the narrow interests of the great Powers.²

As far as Egypt, India and Yugoslavia were concerned, both Suez and Hungary bore the imprints of neo-colonialism. It was only natural for the three, whose leaders had already met in Brione, to seek a common approach in consolidating their own territorial integrity, and to assume a leadership role in a movement which was to help secure freedom for those which were still under the yoke of colonialism.

1. Establishment of an Emergency Force

The fact that both the United States and the Soviet Union were opposed to the three-pronged attack on Egypt did not necessarily mean that a coalition of interests between the two super-Powers had been formed. Their separate draft resolutions calling for a cease-fire and withdrawal of all forces from the Suez Canal zone, were rejected by the Security Council. In spite of their agreement at the voting level, the two super-Powers were not prepared to co-operate in any joint action to end the crisis and ease the tension in the area. A Soviet proposal for a joint US-USSR peace force in the Canal area was rejected by the United States.³ Later, the Soviet Prime Minister, Mr. Bulganin was reported to have warned of the possibility of a third world war, and of his country's readiness to send volunteers to assist Egypt.⁴

The double veto by France and the United Kingdom had

further aggravated the tense situation. Thus, the scene was set for an independent mediatory role. India made some attempts to bring Egypt and the United Kingdom together. A series of compromise proposals released by the Indian Government on 24 October 1956, were favourably received by the Egyptians, but not by Britain.⁵

In the face of the crisis and tension among the major Powers, non-aligned Yugoslavia assumed the role of conflict manager by initiating Security Council action to transfer the question to the General Assembly under the provisions of the 'Uniting for Peace' resolution.⁶ The Yugoslav initiative led to a special emergency session of the Assembly, and paved the way for the Soviet Union and the United States to support a resolution calling for a cease-fire and for a withdrawal of the invading forces. While Yugoslavia should not be given all the credit for the General Assembly cease-fire resolution, it deserves special mention as one of the main or principal contributors to the political processes leading to the first major United Nations peace-keeping operation. The United States should of course be credited for having submitted the first in a series of General Assembly resolutions during the special emergency session, urging all parties to agree to an immediate cease-fire and promptly to withdraw all forces behind the Armistice lines.⁷ However, the Yugoslav resolution invoking the 'Uniting for

Peace' resolution had broken the deadlock in the Council. The initiative underscores the hypothesis of this study that when there is tension or even conflict among the great Powers in the United Nations, the non-aligned would endeavour to play a third party role to the extent that those powers would likely acquiesce and create the condition for concrete action by the United Nations. This is how the non-aligned states have come to assume the role of conflict managers.

During the Suez crisis 24 non-aligned states met on 30 October 1956, to consider the situation, and to find out what contribution they could make to a solution of the conflict. They urged the Security Council to get Israel to comply with the terms of the Mixed Israeli-Egyptian Armistice Agreement, while at the same time declared that both Britain and France had arrogated to themselves the powers of the Security Council.⁸ India, introduced a draft resolution on behalf of 19 non-aligned, expressing regret that the American-initiated cease-fire resolution had not been complied with. The draft which was subsequently adopted by 59 votes in favour, 5 against and 12 abstentions, authorized the Secretary-General to arrange immediately the cease-fire and withdrawal, and to report compliance within 12 hours.⁹

The non-aligned saw the military assault on Egypt by Britain and France from the perspective of colonialism. As the Saudi representative described it:

In the world today, we are witnessing the real motives of those two imperialistic Powers in their attempt to reassert their domination over Egypt, the Arab world and other areas of Asia and Africa...(in our resolve to resist such attacks) we have the support of our Asian and African friends in this struggle to free ourselves from the last vestiges of abject colonialism.¹⁰

Another non-aligned, Ceylon, emphasized that the anti-colonial struggle cannot be reversed by France and the United Kingdom in the continuation of the tradition of colonialism:

It does not require much foresight to see that no nation, however, powerful, can turn back the clock in Asia and Africa, and resist the inexorable march of events. The nations of resurgent Asia and Africa are determined to exercise their sovereign rights in conformity with the principles of the United Nations Charter. It is naive to assume that this process of change can be arrested by the crushing of a leader or leaders. The spirit of Asia and Africa can never be crushed. It would be both expedient and dignified for the colonial Powers to accept the change with grace.¹¹

The anti-colonial spirit of Bandung was invoked by the Indonesian delegate in solidarity with Egypt:

In this moment of trial for the Egyptian people, the Afro-Asian group at the United Nations already expressed in unmistakable terms, the sentiments of our countries and peoples, in conformity with the principles and purposes of the Bandung conference. I believe that this will give the Egyptian people moral strength in their fight to ensure the very principles enunciated at Bandung.¹²

The non-Western members of the British Commonwealth did not threaten to leave the Commonwealth, in protest against the British participation in the armed attack on Egypt. However, the Suez crisis did, among other things, cast serious doubts on the ability of the Commonwealth, as Ceylon put it, "to foster international peace and the principles of liberty and justice".¹³ It also strengthened the foundations of the non-aligned movement. The non-Western members of the Commonwealth realized that inspite of their strong historical ties with Britain in the Commonwealth of nations, it was now necessary for them to formalize their emerging coalition of newly-independent states. Indeed, this marked the beginning of the move to have the so-called Commonwealth seat in the Security Council abolished in order to accommodate the Afro-Asian group. The fact that the 'older' Western members of the Commonwealth, such as Australia and New Zealand supported the 'mother' of the Commonwealth, Britain, and voted against the American resolution in the General Assembly calling for a cease-fire, aroused skepticism among the non-Western members about the

usefulness of belonging to the Commonwealth caucusing group in the United Nations. Membership of the Afro-Asian group was now becoming more meaningful.

Afro-Asian solidarity was further strengthened by the reaction of the United States to the invasion of Egypt. The United States was embarrassed by the action of its two principal allies and Israel. It openly expressed disagreement with, in the words of John Foster Dulles, "three nations with which it has ties of deep friendship, of admiration and respect", and two of which constituted its oldest and most trusted and reliable allies.¹⁴ The invasion was also a source of embarrassment for the United States because it could not intervene in defence of Egypt. However, Washington was not unsympathetic with Egypt. This, to some extent, helped to arouse the conscience of most of the world:

The world was aghast at the sight of a non-aligned and relatively weak state being assaulted by two colonial Powers. Clearly, something had to be done, but what could be done was less clear. The Afro-Asians were unable and the United States was unwilling to bring armed force to bear on the invaders, and whatever she said in public, the Soviet Union was not prepared to make such a move on her own.¹⁵

Although neither the Soviet Union, nor the United States was prepared to intervene militarily, there was ample

scope for their mediatory role. That role could have been initiated in the form of a joint cease-fire resolution in the Security Council when it was convened at the request of the United States to seek immediate withdrawal of the invading Israeli forces behind the armistice line. Their separate resolutions were vetoed by Britain and France. However, the mediatory role of the two super-Powers could have been enhanced if they had voted in favour of each other's draft resolution. The Soviet Union had voted in favour of the United States draft, but the United States had abstained on the Soviet draft.

It should be pointed out however, that Soviet support for the United States draft cease-fire resolution in the emergency special session of the General Assembly, one which also received the approval of the Afro-Asian states, with the exception of Laos which abstained, did reflect the desire of both super-Powers to see, at least a break in the fighting. Even more important in terms of the initial consensus necessary for the creation of UNEF, was the fact that the Soviet Union did not vote against the Canadian-sponsored resolution of 4 November 1956, requesting the Secretary-General "as a matter of priority to submit a plan within 48 hours, for the setting up of an emergency international United Nations force to secure and supervise hostilities in terms of Resolution 997".¹⁶ As James Boyd

explains, there was, in effect, a convergence of interests on the part of the United States and the Soviet Union, who shared the belief that the crisis should be tempered.¹⁷

Notwithstanding their abstentions, Britain, Egypt, France and Israel, together with the Soviet Union, were apparently not opposed to the creation of UNEF. Each abstention was a tacit acceptance of the Canadian draft resolution by which the Force was created.¹⁸

It is true that without the co-operation of Britain, France and Israel, there would probably have been no United Nations peace-keeping operation in the Sinai.¹⁹ It should also be emphasized that the work of UNEF would have been seriously jeopardized without the acquiescence of the Soviet Union and the United States. Above all, the peace-keeping force would not have been deployed without the express consent of Egypt. Indeed, Egyptian consent was the political and legal basis for the despatch of UNEF to Egypt, and, as one writer observes, it is untenable to argue that such consent can and should be given without restriction:

From a political point of view, it is improbable that a government could be persuaded to accept a force on a carte blanche basis, which might turn out to become a Trojan horse once inside the country, and possibly taking armed action against the government itself. And legally, it seems to be a necessary corollary of the requirement of consent that the government is entitled to set forth legal restrictions on a condition for receiving the force.²⁰

In the words of the resolution establishing the force, it was "to enter into Egyptian territory with the consent of the Egyptian Government in order to maintain quiet during and after the withdrawal of foreign troops".²¹ Thus, Egypt as host country, influenced the selection or choice of national contingents for the force:

Egypt, the host country, was permitted the discretion of saying which member states would be acceptable as contingent contributors to UNEF. Naturally, this limited the number of nations both medium and small, from which the Force could be formed.²²

Hammarskjold specifically asked the Egyptian Government whether it had any objection to the participation of contingents from countries which he had chosen to form the initial operation, namely Canada, Colombia, Denmark, Finland and Sweden. He made it quite clear that as soon as he received a reply from Egypt he would formally ask those Governments to make contingents available immediately.²³ During the long hours of diplomatic consultations in the General Assembly corridors and caucusing rooms, by telephone between New York, London, Cairo, Tel Aviv, Paris and other world capitals, and in his office on the 38th floor of the United Nations Secretariat, Hammarskjold realized that the success or failure of his novel idea of conflict management depended, to a large extent, on the Egyptian Government. While it was to Egypt's advantage to agree as expeditiously

as possible to the deployment of UNEF in order to ensure the withdrawal of the invading foreign troops from its territory, President Nasser was obviously cautious. He wanted to know exactly the composition of the peace-keeping force, the conditions under which it was to operate. At the same time he was concerned about the possible effect of the operation on Egyptian nationalism and sovereignty:

The securing of Egyptian agreement on the composition and nature of the Force and on the conditions under which it would operate in Egypt proved to be the most difficult of the problems involved in establishing UNEF. The Assembly had set up the Force and established the command, but had left to the Secretary-General the task of negotiating its entry into Egypt. The stationing of a United Nations force on the territory of a member state had never occurred before, and would have aroused the sensibilities of any sovereign government. In Egypt's case, a history of foreign occupation and the recent invasion of its territory by the armies of the three other Powers had heightened the sensitivity of the government on all questions relating to its sovereignty. ²⁴

One of President Nasser's fears was that the Force, which was armed, could be used against Egypt in connection with the dispute over the Suez Canal. Although Hammarskjöld did not see how UNEF, as created, could be instrumental in forcing on Egypt a solution of the Canal issue other than one freely negotiated with Egypt, he did assure Nasser that UNEF would not infringe on Egyptian sovereignty, nor detract from Egypt's power to freely negotiate a settlement of the

Canal dispute.²⁵ Perhaps the best assurance Nasser got from Hammarskjold was that UNEF would not remain or operate on Egyptian soil if Egypt withdrew its consent. President Nasser apparently tried to ensure that in the event of an infringement on Egyptian sovereignty by any contingent of UNEF, there would be at least one contingent from a friendly country in UNEF to help protect Egyptian interest. Acceptance of contingents from two of its friends in the emerging non-aligned movement, India and Yugoslavia turned out to be a crucial decision 11 years later when Nasser requested the withdrawal of UNEF. In contributing to UNEF, India enunciated the principal elements of peace-keeping. It stated, among other things, that it was sending troops on the understanding that the UN Force was not a successor to the invading Anglo-French forces; that it would function with Egyptian consent, and that the Force was a temporary or emergency one.²⁶ Under the consent principle, Egypt was able to ensure that UNEF included contingents from countries sympathetic with its cause. The application of this principle, according to Frye, places any prospective host country in a position to place conditions of various kinds on the operation of UNEF in its territory:

Therefore, Egypt was successful for example in rejecting the participation in the Force of contingents from Pakistan, and restricting Canadian participation to certain types of personnel. The resulting Force is heavily

weighted with national contingents from nations sympathetic to her cause and perhaps even subservient in the final analysis.²⁷

Afro-Asian states, most of them non-aligned were fairly active in the political process for the creation of UNEF. Concerned about the continued presence of foreign troops on Egyptian territory, and the failure of Britain, France and Israel to comply with the cease-fire resolutions adopted by the General Assembly on 2 and 4 November, they presented another cease-fire draft similar to that of the United States. The non-aligned 19-power draft noted with regret that not all parties had agreed to comply with the cease-fire resolution of 2 November; authorized the Secretary-General to arrange immediately with the parties concerned for the implementation of the cease-fire and the halting of the movement of military forces and arms into the area; and requested him to report compliance not later than 12 hours.²⁸ The 19 co-sponsors worked closely with Hammarskjold in drafting their cease-fire resolution:

Their resolution in its original draft had merely "requested" the Secretary-General to undertake this duty, but Hammarskjold said he preferred the word "authorize", as this would make it clear that he would negotiate on behalf of the General Assembly.²⁹

Since Egypt did not raise any objection, the non-aligned states, including Yugoslavia, supported and voted

for the resolution approving the Secretary-General's plan for the deployment of UNEF, and for the establishment of an Advisory Committee to undertake "development of those aspects of the planning of the Force and its operation not yet dealt with by the General Assembly, and which do not fall within the area of the direct responsibility of the Chief of the Command".³⁰ The composition of the Committee was to influence the Secretary-General's decision to heed the request of Egypt for UNEF's withdrawal in 1967. The same day, 19 non-aligned states sponsored another draft resolution calling for Israeli withdrawal behind the armistice lines, and for the withdrawal of British and French forces from Egyptian territory.³¹

Non-aligned and Afro-Asian solidarity with Egypt prevailed throughout the emergency special session and the regular session of the General Assembly. They co-ordinated their approach to the crucial question of withdrawal of foreign troops from Egyptian territory. As far as they were concerned, Egypt had gone far enough to help expedite the deployment of the United Nations Emergency Force (UNEF), by accepting the so-called "good faith" agreement with Secretary-General Hammarskjöld during his visit to Cairo. By that agreement, Egypt's undisputed sovereign right to request the withdrawal of UNEF was recognized, while Egypt, in exercising that right, was expected to be guided in good

faith by its own acceptance of the UN resolution establishing the Force. It was also understood that the request for the withdrawal of UNEF would be made dependent upon the completion of UNEF's tasks, "a question which obviously would have been submitted for interpretation to the General Assembly."³² The presentation of the "good faith" agreement to the General Assembly on 20 November 1956, strengthened the demand of the Afro-Asians and non-aligned for the withdrawal of British, French and Israeli troops and thus facilitate the full deployment of UNEF. Once they were assured that the good faith agreement recognized the concept of consent, moreover, Egyptian consent, as the basis of the peace-keeping operation, they were ready to assist Hammarskjold in his diplomatic effort to make UNEF fully operational. Of course that assurance did not diminish the demand of the non-aligned for the withdrawal of British, French and Israeli troops, and thus facilitate the full deployment of UNEF.

On 24 November, they sponsored and the Assembly adopted a resolution noting with regret the continued presence of French troops (two-thirds of the original number), and all the invading British and Israeli troops on Egyptian territory, and calling for their withdrawal.³³ Two of the pioneers of the non-aligned movement, India and Yugoslavia, co-sponsored with Canada, Colombia, Norway and the United

States, a resolution on the same day, noting receipt by the Secretary-General of a report on the functioning of UNEF, and approving the contents of Hammarskjold's aide memoire setting out the basis for the presence and functioning of UNEF.³⁴

If Egypt and her non-aligned friends had had their way, the so-called "good faith" agreement would have contained nothing more than an explicit recognition of Egyptian sovereignty and consent on the question of acceptance and withdrawal of the United Nations peace-keeping forces. Nonetheless, they were satisfied with the ambiguity and weakness of the agreement which Canada's Lester Pearson, one of the architects of the UNEF operation, was not too happy about, and which Hammarskjold had to accept reluctantly:

The terms that Hammarskjold had been able to get in Cairo, although just adequate to allow the operation to go ahead, were in many respects vague and far from satisfactory, especially after the Assembly gave UNEF a new task on the line between Egypt and Israel in February 1957. Their weakness became abundantly clear a decade later in May 1967, when Nasser finally requested the withdrawal of UNEF. Certainly, Hammarskjold himself was anything but satisfied with what he had been able to achieve. ³⁵

One advantage which the non-aligned, mostly Afro-Asian states, had in influencing the United Nations peace-keeping

operation in the Sinai was the fact that UNEF was created by the General Assembly where they had begun, by their numerical strength, to demonstrate the emergence of a new force in international politics. They brought diplomatic pressure to bear on Israel to withdraw its troops unconditionally from Egyptian territory. They insisted on a five-day deadline for Israeli withdrawal. Hammarskjold was requested in a resolution tabled by Ceylon, to pursue his efforts to secure Israel's withdrawal within five days.³⁶ They also threatened the imposition of sanctions against Israel:

Israel's negative position on withdrawal put Hammarskjold in a serious quandary, for he knew that it would not be long before the Assembly demanded further action and that it was he who would be asked to take it. The Afro-Asian countries were already drafting a resolution demanding sanctions against Israel, and a new debate could not be long postponed.³⁷

India, Indonesia and Yugoslavia had joined in sponsoring a resolution calling upon Israel and Egypt to scrupulously observe the 1949 General Armistice Agreement. The resolution also called for the withdrawal of Israel from Sharm-el-Sheikh and Gaza areas, and considered that scrupulous maintenance of the Agreement required the placing of UNEF on the Egyptian-Israeli armistice demarcation line and the implementation of other measures proposed by the

Secretary-General in his report to the General Assembly concerning the functioning of UNEF.³⁸ Voting on the resolution which was also co-sponsored by the United States, reflected the mood of the Arab states (including Libya and the Sudan), over the question of Israeli withdrawal. They abstained in the vote and later persuaded the rest of the non-aligned to go ahead with their sanctions resolution.

There were also pressures from the United States, which had tried through President Eisenhower, Foster Dulles and Cabot Lodge, to get the Egyptians to postpone a new General Assembly debate until 21 February.³⁹ In their effort to secure Israeli withdrawal and the full operation of UNEF, the non-aligned, on 22 February, introduced a draft resolution calling on all states to deny military, economic or financial assistance and facilities to Israel because of Israel's defiance of the Assembly's earlier resolutions calling for withdrawal from Egyptian territory. It appeared that the Israeli Government had under-estimated the increasing role of the Afro-Asians and the non-aligned in the General Assembly. The fact that the United States was itself applying pressure on Israel enhanced their diplomatic offensive. As Brecher puts it, there was massive pressure from the United States. The President and the State Department had threatened severe economic sanctions including suspension of private Jewish grants, and the

possibility of expulsion from the United Nations.⁴⁰ The diplomatic pressure seemed to have worked, and by 8 March 1957, Israel had withdrawn and UNEF had been deployed in Gaza and Sharm-el-Sheikh.

Immediately before and during the first phase of UNEF's operation, Israel sought guarantees from Hammarskjold that he would consult the General Assembly before heeding any Egyptian request for withdrawal of UNEF from Sharm-el-Sheikh. Hammarskjold stated clearly in his report to the General Assembly what would happen if the Egyptians were to demand UNEF's withdrawal:

What would happen, of course, would be that the matter would be brought to the General Assembly. If the Assembly happened to agree, well and good. If it did not agree, there would be a problem to be settled because of the lack of agreement as to the extent of the task.⁴¹

Dag Hammarskjold, in his vantage position as Secretary-General of the United Nations, was fully aware of the prevailing international political environment and its effect on the Organization's peace-keeping activities. He realized that the environment, at that point in time, was not conducive to the creation of a permanent peace-keeping force. The ad hoc arrangements of UNEF, in his view, was to be used as a guide to the establishment of future

operations. As Urquhart points out, the object of Hammarskjold's 1958 Report on the experiences of UNEF was to register notions on such delicate matters as the Organization's relationship with the sovereign government on whose territory a United Nations force was operating.⁴² The emphasis was on legal restrictions imposed on the United Nations by the principle of national sovereignty. Although the experience report and the so-called "good faith" principle were later used as a basis for Secretary-General U Thant's decision to heed Nasser's request for the withdrawal of UNEF, Hammarskjold never intended to lay down legal rules for peace-keeping operations which would be binding in all circumstances.⁴³

The fact that Israel had refused to have United Nations forces on its territory or on its side of the armistice demarcation line weakened whatever quasi-legal obligation could have been implied from Hammarskjold's UNEF experience report and "good faith" principle. Egypt took advantage of the Israeli refusal to place UNEF on both sides of the line and exercise its sovereign right by demanding the withdrawal of UNEF from its territory in May 1967. The demand and U Thant's response were to have a lasting impact on United Nations peace-keeping in the years to come.

2. The Non-aligned and the principle of consent

(i) Consent as the basis of peace-keeping

If President Nasser's decision to order the withdrawal of UNEF from the Sinai was regarded as one of the causes of the 1967 Middle East crisis, it should also be regarded as having provided the first litmus test of the very concept of United Nations peace-keeping and its underlying principle of consent of the parties concerned. By asking the Secretary-General to withdraw the United Nations force, President Nasser initiated a test case; a case in which the non-aligned states were to make a significant contribution.

By definition, peace-keeping is based on the principle of consent and co-operation of the host country; that is, the country on whose territory the United Nations forces are to be deployed. For it is the consent principle which distinguishes peace-keeping from enforcement action under Chapter VII of the United Nations Charter. Without it, Egypt and the non-aligned states would not have supported the Canadian resolution for the establishment of UNEF. As Dag Hammarskjöld himself declared, the use of military force by the United Nations other than that under Chapter VII of the Charter, required the consent of the states in which the force is to operate.⁴⁴ The General Assembly had requested the Secretary-General to submit "a plan for the setting up,

with the consent of the nations concerned, of an emergency international United Nations Force to secure and supervise the cessation of hostilities..".⁴⁵

Recognition of the consent principle is in effect a recognition of the sovereignty of states. Indeed, in the so-called "good faith" agreement between the Egyptian Government and the Secretary-General of the United Nations, Mr. Hammarskjold, Egyptian sovereignty in respect of the operations of UNEF was fully recognized. It was understood that Egypt could exercise "its sovereign rights on any matter concerning the presence and functioning of UNEF.." and that United Nations and Egypt would "explore jointly concrete aspects of the functioning of the United Nations Emergency Force, including its stationing and the lines of communication and supply..⁴⁶

There have been several interpretations of the basic points for the presence and functioning of UNEF in Egypt. One interpretation is that:

The legal relationship between the agreement of Egypt and the United Nations pertaining to UNEF draws line between the right of the international organization to act in fulfilling its general peace-keeping role and the specific approved mandate on the other hand, and the sovereign rights of a host which is not being subject to international coercion action on the other. The consent of Egypt was obtained to direct and govern the

establishment of the Force, its composition, functions, stationing, freedom of movement ability to decide on its withdrawal.⁴⁷

Another interpretation is that the United Nations force should not have to fight its way on to the scene of operations:

The co-operation of the host state should make this unnecessary and permit the United Nations force to deploy more quickly than if it had to be transported into a fighting configuration of fight its way into the *operational area. However, the consent of the host state does not confer on the United Nations force unlimited privileges nor does it confer on the United Nations the right to interfere with the otherwise sovereign operations of the consenting state.⁴⁸

Although Boyd adds that likewise, the consenting state does not have the right to veto United Nations actions taken in accordance with the agreed force mandate, and although he points to another limitation on the extension of the consent principle, namely, that the host government or host country does not have veto power concerning the national contingents, he is inclined to support the view that the consent principle is a sine qua non in United Nations peace-keeping operations.⁴⁹ As Jonah puts it, it is often forgotten that peace-keeping is not an enforcement action, that it could be established only with the consent of the host government, and that the denial of consent and cooperation seriously interferes with the effectiveness of

peace-keeping operations.⁵⁰

Those who have identified potential weaknesses in the consent principle have nevertheless admitted that it is the keystone of United Nations peace-keeping, especially when the operation is set up by the General Assembly:

Without consent the operation, by definition would be coercive and thus, for the General Assembly at least, both illegal and politically unwise; illegal because the Assembly has no authority to coerce; politically unwise because it would risk inviting opposition by a great Power.⁵¹

Referring to the "consent of the nations concerned" contained in General Assembly Resolution 998 (ES-1) of 4 November 1956, requesting the Secretary-General to submit a scheme for the establishment of UNEF, Di Blase observes that unlike actions envisaged under Article 42 of the United Nations Charter, peace-keeping operations up to the present day "have always pre-supposed the consent, at least in principle, of the state upon whose territory the Force has been sent".⁵² Such consent is expressed in different ways and contexts, by means of a declaration within the framework of the body establishing the Force or in a message addressed to the Secretary-General.⁵³

In his second and final report to the General Assembly on the plan for setting up an emergency force, Dag Hammarskjöld declared *inter alia*:

The Force, if established, would be limited in its operations to the extent that consent of the parties concerned is required under generally recognized international law. While the General Assembly is enabled to establish the Force with the consent of those parties which contribute units to the Force, it could not request the Force to be stationed or operate on the territory of a given country without the consent of the government of that country.⁵⁴

Israel, defending the consent principle from another perspective, pointed out that the principle applied not merely to the states contributing contingents to the United Nations force, but chiefly to those states in control of the territory on which the force would be stationed:

It would seem to my delegation to be axiomatic under the law of the Charter that the stationing of any force in a territory under Israel's jurisdiction or control is not possible in law without the Israel Government's sovereign consent and that this principle would of course apply to the territory of any other state under whose jurisdictional control it was proposed to station these forces...If this question of sovereign consent were not clarified, then a precedent would be created whereby a majority of the Assembly could decide to station forces in the territory of any state irrespective of its prior consent.⁵⁵

If, as Israel claimed, the consent principle applied to the occupying power, it followed then that it should also apply to Egypt. Recognition of the consent principle was clearly demonstrated in the fact that Israel withheld its consent to the stationing of United Nations forces on its side of the Armistice Demarcation Line. The United Nations would have abrogated the principle to the extent of violating Israel's jurisdiction if it had ignored the lack of consent and had gone ahead to deploy its forces on the Israeli side of the Line.

Recognizing the controversy over the consent principle, Higgins has extended the principle beyond the question of establishment of a United Nations peace-keeping force to include the question of composition of the force:

Although the Secretary-General has over the years asserted that the host state's consent was not needed so far as the composition of the force was concerned, in practice there has obviously been every desire to accommodate the host state, at least so far as the exclusion of unwanted contributors is concerned. In the resolutions establishing UNFICYP was expressly provided that the host state was to have a voice in the composition of the Force.⁵⁶

Specifically, on the consent principle as it relates to the continuation and withdrawal of the force, she maintains that in reconciling the different rights of international concern

and territorial sovereignty, it is necessary not to lose sight of the fact that consent is given by a host state for a specific purpose; and that the task of ascertaining whether that purpose has been set is one for the international community, and not for the host state alone.⁵⁷

While the consent principle pertains to the questions of the composition, deployment and maintenance of the peace-keeping force, the most controversial aspect of the principle has been that of the withdrawal of the force.

The controversy emerged when President Nasser demanded the withdrawal of UNEF in 1967. Among the question raised were: (a) Did U Thant have the authority to comply with the Egyptian demand? (b) Should he have referred the matter to the General Assembly which had authorized the establishment of UNEF in the first place? (c) Did the consent principle extend to or include an Egyptian veto on the continued presence of the Force in the area?

Lall argues that demand for the withdrawal of the Force in order to battle effectively with the adversary was in direct opposition to the whole series of actions comprising the creation of the Force and its deployment in the area.⁵⁸ However, he also recognizes that since UNEF had been deployed on Egyptian territory with the consent of that

country, the withdrawal of consent by the sovereign power would in fact extinguish an essential part of the basis for the continued deployment of the Force.⁵⁹

In 1957, Noyes had suggested that any intimation by the Secretary-General that the Force might be ordered to stand its ground against Egyptian armed forces would have raised the most difficult practical questions for the nations whose contingents were included in the Force:

It seems probable that in the face of a show of force by Egypt to back up a demand, the UN Force would have no alternative to complying under protest. The Secretary-General probably could not, as a practical matter, whatever the legal rights in the situation, take responsibility for an order which would involve the UNEF in a military action with the host state.⁶⁰

The late Dag Hammarskjöld had himself stated 'that while UNEF was a military organization, it was not established to undertake enforcement actions:

While UNEF is a military organization, it does not use all normal military methods in achieving the objectives defined for it by the General Assembly. As indicated in the Secretary-General's report 6 November 1956, Document A/3302) the functions forseen for UNEF, when the cease-fire was being established, were to enter Egyptian territory with the consent of the Egyptian government in order to help maintain quiet during and after the withdrawal of non-Egyptian troops.⁶¹

Again the legal point of view, as Higgins correctly observes, is that the General Assembly had itself called for the placing of the Force along both sides of the Armistice Demarcation Line, and that since Israel had not accepted this proposal, Israel never become a host to UNEF:

Egypt was the host to UNEF, and the very fact that UNEF was in that country. Egypt's consent led to the establishment of a relationship with the United Nations was to serve as a precedent for subsequent UN peace-keeping.⁶²

To this should be added the corresponding legal implication of the principle of consent, that consent was directed to all phases of the peace-keeping operation, namely, stationing, composition, freedom of movement, relationship with the civil and criminal system of the host country and the ability to determine the appropriate time for withdrawal of the Force.⁶³

Quite apart from the legal implications there was also the political weight given to the consent principle. The attitude of the troop contributing countries threw some light on the interpretation of the principle of consent. Troop contributors such as India, Yugoslavia, Finland, Norway and Sweden had, at the outset, made it quite clear that they were participating in the operation on the basis of the host country's consent. Sweden, for example, in a

letter to the Secretary-General, had pointed out that the Swedish contingent would not be stationed in a foreign territory without the consent of the state concerned, and that the costs involved would, to a considerable extent, be borne by the United Nations in accordance with a specific agreement to be concluded for that purpose with the United Nations.⁶⁴

(ii) The Non-aligned connection

The composition of UNEF, in terms of national contingents, was directly related to the question of compliance with President Nasser's request for its withdrawal. In exercising its sovereign right, Egypt was aware of the political support she had or could count on from the major troop contributors. Two non-aligned states, India and Yugoslavia, provided about half the number of men in the Force on the eve of the request for withdrawal. Their views on the question of withdrawal were the main determinants of U Thant's decision to comply with that request. As one Indian writer puts its:

The Indian Government's decision to withdraw its troops from UNEF had greatly influenced the Secretary-General in his decision to accept the Egyptian request. In fact, U Thant had very little choice, because both Yugoslavia and India who provided two large contingents of the UN force, insisted on withdrawal once Nasser had called for it. There is no doubt that the Secretary-General would have had the greatest difficulty in

replacing the Yugoslav and Indian troops, especially at short notice.⁶⁵

In addition to providing a large contingent, the Yugoslavs were deployed near such sensitive areas as the Israeli port of Eilat and at Sharm-el-Sheikh. At a meeting with representatives of troop contributing states, the two non-aligned states told U Thant that Egypt was entitled to request the removal of UNEF at any moment, and that that request would have to be respected regardless of what the United Nations or the General Assembly might have to say in the matter. They pointed out that the agreement for UNEF's presence had been concluded between the former Secretary-General, Dag Hammarskjold and the Government of Egypt.⁶⁶ The political imperative of compliance with the Egyptian request stemmed from the attitude of Egypt's non-aligned partners, India and Yugoslavia. As U Thant reported to the General Assembly:

Quite apart from its position in the UAR, the request of that Government for UNEF's withdrawal automatically set off a disintegration of the Force, since two of the Governments providing contingents would be withdrawn, and there can be little doubt that other such notifications would not have been slow in coming if friction had been generated through an unwillingness to comply with the request for withdrawal.⁶⁷

According to Higgins, in several of the key positions, including Sharm-el-Sheikh, UNEF had already been rendered ineffective before the request for its withdrawal was

transmitted, and that factor together with the attitude of India and Yugoslavia, had placed U Thant in an exceedingly difficult situation.⁶⁸

During U Thant's meeting with troop contributors to UNEF, Brazil and Canada did express serious doubts about the consequences of agreeing to a pre-emptory request for the withdrawal. However, Brazil was inclined to support the principle of consent and Egypt's right to curtail or repudiate such consent. As we shall see later, Brazil was among those states which spoke out publicly in support of Egypt, and of the consent principle, as the basis of United Nations peace-keeping operations.

TABLE II

Advisory Committee on UN Emergency Force (UNEF I)

Members	Nature of Membership	Mandate	Decision-making Procedure
Brazil Canada Ceylon Columbia India Norway Pakistan	Original troop-contributing countries ¹	Derived from General Assembly Resolution 1001 (ES-1) of 7 November 1956, approving the Secretary-General's plan for establishing UNEF. To assist the Secretary-General in the planning of the operation and relevant matters which did not fall within the direct responsibility of the military Chief of Staff.	No voting. Meetings chaired by the Secretary-General, who also reported informally to the group. Ultimate decision rested with the Secretary-General who was responsible for the administrative direction of the operation. Dissenting views noted and placed on record of the Committee's proceedings.

¹Other troop contributing countries consulted in U Thant's decision-making process for withdrawing UNEF in 1967 were: Brazil, Canada, Denmark, Finland, India, Indonesia, Norway and Yugoslavia.

The two Scandinavian troop contributors to UNEF, Finland and Norway, could have used their prestige as neutral states to persuade the other contributors to UNEF to advise U Thant against immediate acceptance of the request for withdrawal. However, at the outset of the operation, both countries had made it known that their contingents would participate only with the consent of the host country, Egypt.⁶⁹

For their part, the Canadians could not have made any significant impact on the outcome of the meeting of troop contributors, apparently because of the initial Egyptian opposition or objection to Canadian participation in the peace-keeping force. Canadian participation had been subsequently restricted to certain types of personnel.⁷⁰ Another indication that Canada would not have influenced the outcome substantially came during the actual withdrawal process. President Nasser specifically instructed U Thant to expedite within 48 hours, the withdrawal of the Canadian contingent.

The two non-aligned states, India and Yugoslavia were in a relatively much better position to influence the outcome of U Thant's meeting with troop contributing states. The Belgrade Government had instructed its Ambassador in New York to inform U Thant that the moment the request for the

withdrawal of UNEF was officially known, the Government would comply with the Egyptian request and withdraw the Yugoslav contingent.⁷¹ According to Finger, the contingents of India and Yugoslavia, countries tightly aligned with Egypt as leaders of the non-aligned movement, had already pulled out of the line without waiting for the Secretary-General to act, leaving only about half the Force.⁷² The ties of non-alignment between Egypt, India and Yugoslavia were the decisive factor. As far as Yugoslavia was concerned:

Tito was not prepared to jeopardize its unique relationship with Nasser by equivocating at a crucial moment. Nor is there any evidence that the other non-aligned countries would have either. Had the contingents not withdrawn as when requested by the host government, it is unlikely that any country would have again voluntarily agreed to the stationing of UN peace-keeping force on its soil.⁷³

There was no guarantee that Yugoslavia or India would have allowed its troops to remain on the territory of another leading member of the non-aligned movement -- territory which had been invaded and occupied by Britain, France and Israel -- even if U Thant had decided to delay or deny the request for withdrawal of the Force.

U Thant had not only consulted with representatives of troop contributors to UNEF, but also with members of the Advisory Committee on the United Nations Emergency Force.

The composition of the Advisory Committee also influenced the decision-making process leading to the actual withdrawal. Non-aligned and other defenders of the principle of consent, namely, Brazil, Ceylon (Sri Lanka), India and Pakistan, were members of the seven-nation Committee. Others were Canada, Colombia and Norway. Incidentally, Colombia had withdrawn its contingent from UNEF since October 1958.

As the late Dag Hammarskjold had indicated, the procedure for the withdrawal of UNEF from the Sharm-el-Sheikh area was for the Secretary-General to inform the Advisory Committee, and it was for that body to determine whether or not the matter should be brought to the attention of the General Assembly.⁷⁴ Secretary-General U Thant did seek the advice of the Committee. In his study of the crisis, Lall finds inexplicable the failure of the Committee to request an immediate session of the Assembly:

There was no question but that the UAR's demand for the extinguishing of the Force in terms both of jurisprudence and Hammarskjold's statement to the Assembly on 7 November 1956, warranted the convoking of the General Assembly.⁷⁵

He argues that if the full range of procedure implied and assumed when the Force was created, had been put into effect, either by some of the parties concerned or by the

Advisory Committee, an opportunity would have been given to exert significant diplomatic pressure on Egypt to reconsider its request for withdrawal.⁷⁶ The non-aligned members of the Committee were not inclined to use their political or diplomatic influence to have the matter considered by the General Assembly. If the Committee as a whole was to be blamed for the failure to recommend General Assembly action, then its more influential members, the non-aligned and their sympathizers, should perhaps share that blame.

Side by side with the legal and political implications of the principle of host country consent on which the non-aligned based their argument in support of withdrawal, there was the practical imperative for U Thant's compliance with the Egyptian request; namely, the safety of the men serving in the peace-keeping Force. While attempts were being made at the diplomatic level to delay the withdrawal, Egyptian troops were moving into UNEF areas. Egyptian officers had ordered the commanding officer of the Yugoslav camp at Sharm-el-Sheikh to leave the camp. Yugoslav soldiers at another post near the El Amr camp were forced to withdraw, and a Yugoslav detachment also reported artillery shells between two other Yugoslav camps.⁷⁷ All these events took place between 17 and 18 May, or within two days of the Egyptian request to UNEF's Commander, Major-General Rikhye for the withdrawal of all United Nations troops from

Egyptian territory.

Contingents from the non-aligned states were apparently the last to leave the Sinai area. As a result they suffered the highest number of casualties. On June 5, strafing of a UNEF convoy by Israeli aircraft near Gaza, killed three Indian soldiers and wounded others. Later that day, artillery firing on the Indian contingent's main camp killed an Indian officer and an Indian soldier, nine others were wounded. Israeli artillery also killed three Indian soldiers and wounded three others near UNEF's headquarters.⁷⁸

No one is certain whether or not the June 1967 Middle East crisis would have been averted if Israel had accepted U Thant's suggestion that UNEF be placed on its side of the armistice demarcation line, immediately President Nasser requested the withdrawal of the United Nations Force. It is equally uncertain that war would have been averted if Yugoslavia and India had used their influence, first as non-aligned states, and secondly as major troop contributors to UNEF, to persuade President Nasser of Egypt (another non-aligned state) to reconsider his decision to request the withdrawal. The two leading non-aligned states could have perhaps used their political influence in prevailing on U Thant to delay his response to President Nasser; a delay which, according to the Israeli Foreign Minister, Mr. Eban

"would have enabled alternative measures to be concerted for preventing belligerency by sea, and a dangerous confrontation by land".⁷⁹

While the non-aligned states may have failed to have the withdrawal delayed, and thus afford the United Nations time for the further diplomatic initiative to avert the impending crisis, they did succeed in enunciating the principle of consent in United Nations peace-keeping operations. Most of the Western countries came out in full support of the principle of freedom of passage through international waters, in the context of President Nasser's decision to close the Straits of Tiran and the Gulf of Aqaba to Israeli shipping. Yet there were no such public statements in support of or questioning the principle of consent.

It could be argued that the closure of the Straits of Tiran to Israeli shipping and to others transporting arms to Israel aggravated an already dangerous situation. But the closure cannot be divorced from the withdrawal of UNEF, since, on the one hand, it had been suggested in Western circles that the request for withdrawal was a primary cause of the May-June 1967 Middle East crisis, and since Egyptian troops did in fact take up positions at Sharm-el-Sheikh, following the withdrawal of UNEF. In spite of this linkage

between the withdrawal of UNEF and the closure of the waterway, the Western states and the Soviet Union remained silent on the question of withdrawal, and thus failed to either question or uphold a principle which has become the cornerstone of United Nations peace-keeping operations.

Although Canada and Denmark, on 24 May, submitted a draft resolution in the Security Council asking the Council to express full support for the efforts of the Secretary-General, U Thant did not, as a matter of fact, receive the tacit support of those states when the question of withdrawal of UNEF was raised.⁸⁰ The support mentioned in the draft resolution was intended for U Thant's effort to pacify the situation by his visit to Cairo for talks with President Nasser. Egypt saw the draft as an attempt to sabotage the Secretary-General's visit. Two non-aligned members of the Council, India and Mali, thought the convening of the Council at the request of Canada and Denmark was premature and untimely. In their view, the Council's meeting was likely to complicate U Thant's mission. Two other non-aligned states, Nigeria and Ethiopia, were more inclined to have the Council await the Secretary-General's return from Cairo. The American Ambassador, Mr. Goldberg, thought that it was unnecessary to indulge in "wasteful recriminations over the response of the United Nations to recent events". He dwelt upon the

admirable service of UNEF and UNTSO, in maintaining peace however fragile, in the Middle East. In an oblique reference to the withdrawal of UNEF controversy, Mr. Goldberg declared that although the door had become unhinged, "this fact was not a reason to question the motives of the United Nations handling of the matter".⁸¹

Lord Caradon of the United Kingdom, also spoke of the salutary, effective and essential service of UNEF and UNTSO, as well as that of the Mixed Armistice Commission. He expressed his government's hope of seeing re-established a UNEF-type operation or other alternative but effective means. However, for the United Kingdom, one of the most urgent and most dangerous was the "question of rights of passage for shipping of all nationalities through the Straits of Tiran".⁸²

The Soviet Union's view on the question of the withdrawal of UNEF and the principle of consent was not made known in the Security Council either. However, Bulgaria, the only other East European member of the Council at that time, did give some indication of where it stood on the consent principle. Ambassador Tarabanov observed that the withdrawal of the United Nations Emergency Force had unreasonably annoyed "those same imperialist circles which were responsible for the tense situation in the Middle East

and their representatives, who have the habit of regarding any United Nations peace-keeping operation as a military expedition designed to protect their interests, and in this case, to prevent the United Arab Republic from exercising sovereignty over its territory".⁸³ He added:

They even went so far as to censure the withdrawal of the Force, to which the Secretary-General consented without asking their specific permission, as contributing to the present crisis in the Middle East...The fact that the presence of the United Nations Emergency Force in the territory of a host country, the United Arab Republic was in this case conceived as an extraordinary and hence temporary measure, and the fact that that was the consent of the Government of the United Arab Republic which constituted the legal basis for that presence do not seem to bother those circles.⁸⁴

Whether their's was an expression of solidarity with another non-aligned country (Egypt), or of support for the Secretary-General, the record shows that it was they, the non-aligned states which spoke openly in support of U Thant's response to the Egyptian request for the withdrawal of UNEF. Even more significant was their enunciation of the principle of consent in United Nations peace-keeping operations. In the Security Council the Brazilian representative, Mr. Sette Camara, who had previously expressed serious doubts about the consequences of agreeing to preemptory request for withdrawal was in full

agreement with U Thant's explanation contained in his report to the Security Council.⁸⁵ Mr. Camara declared:

The Brazilian Government wishes to put on record the fact that it fully endorses the principle that the consent of the host country is the basis of any peace-keeping operation.⁸⁶

The Indian Ambassador, Mr. Parthasarathi, observed that the Secretary-General had acted correctly and wisely in agreeing to the withdrawal of UNEF. He quoted his Foreign Minister as saying:

India could not be a party to any procedure which would make UNEF into an occupation force, nor could the Government of India agree to UNEF's continued presence in the United Arab Republic in absence of the latter's consent and, in any case, Indian troops could not remain part of UNEF without the UAR's approval.⁸⁷

During the emergency special session of the General Assembly, convened on the initiative of the Soviet Foreign Minister after the June 1967 war, the non-aligned states saw the opportunity to uphold the principle of consent. The Prime Minister of Yugoslavia, Mr. Spiljak declared that U Thant had acted in conformity with the Egyptian demand; an act which he said was based on the sovereign right to have the United Nations Force withdrawn from the territory where it had been stationed exclusively with the consent of the host country.⁸⁸ India, which had contributed the largest

single national contingent to UNEF, once again supported the position of U Thant that UNEF, by staying on in the region once the consent of Egypt to its presence had been withdrawn, might have become an army of occupation. Quoting the late Jawaharlal Nehru, the Indian Foreign Minister, Mr. Chagla, recalled that in 1956 India had made it clear that it was only if the Government of Egypt agreed that India would send its contingent to UNEF, and that India was not prepared to agree to its force or any other force remaining there indefinitely.⁸⁹ Indonesia also supported the Egyptian request and U Thant's response on the premise that the Egyptian Government had the sovereign right to take measures in defence of its legitimate national interests.⁹⁰ Brazil, another troop contributor, again made it clear that since the presence of its contingent in the Sinai was based on a consensual agreement, it had never disputed the right exercised by Israel to decline to admit the United Nations Emergency Force (UNEF) on its territory, nor the right of Egypt to request the Force's withdrawal.⁹¹ Another non-aligned state, Cyprus, expressed its views on the question of withdrawal in these words:

The Secretary-General had no alternative but to withdraw the United Nations Force after the consent for their stationing had been cancelled. In so doing, the Secretary-General not only complied with a legal obligation, but also acted in the best interests of the United Nations and its peace-keeping functions. These peace-keeping

operations have been clearly defined as voluntary or consent operations, and as such were expected by the United Arab Republic.⁹²

As far as U Thant could reckon, the permanent members of the Security Council were divided over the question of the request for UNEF's withdrawal. France and the Soviet Union were of the view that the Egyptian request must be complied with, while the United States and the United Kingdom "felt that the Secretary-General should defer the decision to withdraw, in the hope that the United Arab Republic would change its mind or that some other alternative arrangement could be devised".⁹³ Neither the United Kingdom, nor the United States had apparently raised the question of referring the matter to the General Assembly. It would seem that while the United States and the United Kingdom were particularly concerned about the dangerous consequences of the withdrawal of UNEF, they saw no legal justification for rejecting the Egyptian request for withdrawal of the UN Force. Where they saw legal grounds to support their arguments over the question of passage through the Straits of Tiran, they did so articulately. In view of the division among the permanent members of the Security Council; in the absence of legal arguments on the part of the United States and the United Kingdom, and in view of the inclination of the principal troop contributors to withdraw their contingents, U Thant

was obliged to take the non-aligned view that the principle of consent should prevail. As he saw it, the question of deferring the decision to withdraw the Force had been invalidated by the fact that the Egyptians had already moved into areas under UNEF's supervision.

The non-aligned states, members of the Security Council, failed to match their vocal support of the consent principle with effective action to fill the vacuum created by the withdrawal of UNEF at the request of President Nasser. However, Nigeria and India did in fact express support for U Thant's suggestion for the reactivation of the Egyptian-Israeli and Israeli-Syrian Mixed Armistice Commissions. Egypt itself wanted the Commissions reactivated. Egypt tabled a draft resolution to that effect. The draft would have also had the Council instruct the Chief of Staff of UNTSO (the UN Truce Supervision Organization), to proceed promptly and reinstate within two weeks the headquarters of the Egyptian Israeli Mixed Armistice Commission (EIMAC) at El Auja, from whence UNTSO had been expelled by Israel's unilateral action.⁹⁴

India had indicated that it would request a vote on the Egyptian draft. The Indian representative emphasized the necessity of reactivating and strengthening the United Nations machinery (UNTSO) in the area to enforce the cease-

fire, and of securing withdrawal on the lines proposed by the Secretary-General on 26 May, before the outbreak of hostilities.⁹⁵ The non-aligned did not come up with fresh initiatives of their own in the form of a draft resolution aimed at containing the already dangerous situation. In short, their solidarity with Egypt, a member of the non-aligned movement, and the other Arab states, ranged from open support of U Thant's decision on the withdrawal of UNEF, to inaction. The initiative for concrete action by the Security Council came from the Western states. As Lall points out, the preponderance of activity during the initial period was with the Western Powers who directed their efforts to restrain and the removal or containment of factors which could erupt in hostilities.⁹⁶ He attributes the non-aligned inaction to the wish of the Arab states directly involved not to have friendly members of the Security Council to act and thus reverse the accelerating situation.⁹⁷ Until it became apparent that the Arab states were losing the war, the non-aligned kept their solidarity intact, and thus failed to propose Security Council action such as the authorization of a United Nations peace-keeping presence in the area. As far as they were concerned, concrete action before 7 June, when the war took a dramatic turn in favour of Israel, would have been premature and detrimental to the Arab states.

3. The Non-aligned and the Latin Americans

(i) Polarization and the search for a 'third force'

When the Soviet Union requested the convening of an emergency special session of the UN General Assembly to consider the situation in the Middle East, it did not admit that it was doing so under the 1950 'Uniting for Peace' resolution. The United States, which was not too keen on the idea of such a session, observed however, that the Assembly had been convened under the Resolution; in other words, because of the failure of the Security Council to fulfil its responsibility for the maintenance of international peace and security. The Council had been unable to endorse a proposal to condemn Israel and to insist that Israel withdraw from Arab territories occupied during the so-called six-day war. According to Foreign Minister Gromyko, the Soviet initiative for convening the emergency special session was based on Article 11 of the United Nations Charter. Mr. Gromyko's letter specifically requested the Assembly to consider the situation which had arisen in the Middle East, and to "adopt a decision to bring about the liquidation of the consequences of aggression and the immediate withdrawal of Israeli forces behind the armistice line".⁹⁸

There is no evidence to support the notion that the

Soviet Union had entertained any hope of getting Third World or non-aligned support of its attempts to have the United Nations condemn Israel unequivocally, and to order withdrawal of Israeli forces from territories occupied after 5 June 1967. However, by sending Prime Minister Kosygin to lead the debate in the emergency special session of the Assembly, the Soviet Union did succeed in demonstrating its solidarity with the Egyptians and the other Arab states. The Soviet initiative was an attempt to internationalize the conflict and to underscore the fact that neither the Soviet Union, nor the United States had the ability to muster enough support for its position in the Security Council.

Kosygin knew at the outset that the draft resolution which he had submitted to the emergency special session of the General Assembly, had no chance of adoption.⁹⁹ The issue was too sensitive for the Soviet Union to expect the kind of support which the United States was able to muster in the Assembly during the Korean war. Seventeen years after the adoption of the 'Uniting for Peace' resolution, neither of the super-Powers expected a comfortable majority support for its resolution in the General Assembly. The political spectrum of the Assembly had changed considerably since the Korean war by the emergence of the non-aligned movement. While both Powers still maintained a considerable degree of influence, they now found it much harder and perhaps

impossible to muster a two-thirds majority on resolutions initiated by them.

In its attempt to demonstrate solidarity with Israel, while at the same time maintaining some semblance of neutrality, the United States presented its own draft resolution, which like the Soviet draft, had no chance of adoption by the Assembly.¹⁰⁰ Although both drafts spoke of the need for peace and security in the area, they were diametrically opposed to each other in terms of a formula for achieving those objectives. One basic difference was that the Soviet draft envisaged a broad international or United Nations solution, while the United States draft apparently advocated a more limited number of actors playing a third-party role. Both drafts reflected the basic positions which the two super-Powers had taken in the Security Council on the issue. While the Soviet draft was explicit on the question of Israeli withdrawal from territories occupied during the June war, the United States draft contained no specific call for such a withdrawal.

In the face of this super-Power polarization of the conflict, the stage was set for the non-aligned and others to attempt to bridge the gap between the Soviet Union and the United States, and in a sense play a third party role. This was one of those instances in which the influence of

the non-aligned can be measured on the basis of the extent to which the super-Powers and their allies are prepared to accept the views of the non-aligned, or to acquiesce and thus facilitate the adoption of those views. As Muzrui puts it, one measure of the impact of non-alignment is the degree to which the big Powers are prepared to respond to the arguments of the non-aligned states.¹⁰¹

The non-aligned states made it quite clear that their first objective was to have the emergency special session of the General Assembly secure the withdrawal of Israeli forces to positions they had held prior to June 5 1967. The Security Council having taken the first necessary step to halt the fighting, the non-aligned wanted the cease-fire linked with Israeli withdrawal. Once withdrawal of Israeli occupation forces had been completed, the non-aligned expected the Security Council to take up the problem of seeking a long-term solution to the conflict. The sponsors of the non-aligned draft resolution held the view that the Assembly should not concern itself with ancillary questions at that point in time. In view of the enactment by the Israeli Parliament of a law on the annexation of the Jordanian sector of Jerusalem, the non-aligned requested priority consideration of their draft resolution.¹⁰²

Unlike the Soviet and Albanian drafts, the non-aligned

draft did not attempt to identify an aggressor. The sponsors were aware of the new approach to keeping the peace. In deliberately refraining from identifying an aggressor who would have had to be condemned, they demonstrated that the United Nations had moved from an era of enforcement action to one of peace-keeping, and that the Korean syndrome had been nullified, at least for the time being, by the concept of peace-keeping or non-enforcement action.

As the debate continued, the non-aligned found it necessary to revise their draft and add a new element; a request that the Secretary-General designate, at an appropriate time, a personal representative who would be in contact with the parties concerned in dealing with the problems in the area itself.¹⁰³ The revision was apparently made in order to incorporate one aspect of the United States draft, namely, the provision for negotiations among the Arab states and Israel with third party assistance. It also incorporated, to some extent, the views of some of the Latin Americans, Peru in particular, for the appointment of a commission or, as the Foreign Minister of Argentina, Costa Mendiz put it "a person -- or if it (the Security Council) prefers, a group of persons -- with the task of maintaining contact with the parties, hearing their claims, getting to know their views and striving to bring about a real

raproachment..."¹⁰⁴ The revised draft was intended to offer what the sponsors believed was "the broadest possible basis for having the General Assembly respond to the priority and immediate task of securing the withdrawal of Israeli troops in the spirit of the Charter and in the interest of peace".¹⁰⁵ Israel did not believe that the non-aligned draft was 'non-aligned' in nature. According to Foreign Minister Abba Eban, the question was whether it was aligned with peace and security:

In our view, it is not; it is aligned with the concept of continued belligerency, which is nowhere ruled out of order in this text.¹⁰⁶

None of the Latin-American states co-sponsored the non-aligned draft resolution. It could be argued that most of them had not yet fully identified themselves with the non-aligned movement and that non-alignment was, to some extent, a predominantly Afro-Asian concept.¹⁰⁷ Another possible explanation was that on highly political issues on which the United States had strong views (Chinese representation in the United Nations and the Middle East question, for instance) the non-aligned did not always count on the support of the Latin-American group.

The Latin-American group, with the exception of Peru, presented a draft resolution of its own; one which,

according to Ambassador P.V. Solomon of Trinidad and Tobago, was prepared after extensive consultations with other regional groups, as well as with the Soviet Union and the United States. It was claimed that the Latin-American group was inclined to view the situation more objectively than the non-aligned group:

...because we are not immediately involved, we have been able to view the situation more objectively perhaps than those who are directly involved and whose personal feelings and national interests are implicated more deeply than ours are. We hope that as a result of this objectivity we have been able to strike a balance between the interests of all the parties concerned, and to reconcile those interests with the fundamental principles of justice, freedom and equity as outlined in the Charter.¹⁰⁸

In attempting to play a third-party role, the Latin-American group created the impression that since three of the principal parties involved in the conflict, namely, Syria, Egypt and Jordan, were members of the non-aligned movement, the non-aligned draft was perhaps more supportive of the Arab position. As Lall points out, the non-aligned draft might normally have been expected to locate the middle ground between the parties, but, he adds, the crisis itself was a test for the non-aligned:

Some of the Arab countries directly involved, notably the UAR and Syria, were stalwart members of this group of states, Algeria and Iraq also belonged to this general grouping. The test of the non-aligned states as a whole

became whether they could or could not take a strictly non-aligned position in the General Assembly on an issue which engaged some of their own members in conflict with another state -- Israel. This is not to be construed to mean that neutrality was required of the non-aligned. They have never regarded themselves as neutral. They have been non-aligned with the power blocs, but have professed to be for a lowering of tensions, peaceful settlement, disarmament, decolonization and equity and fair dealings..¹⁰⁹

In spite of all the concessions which the 18 sponsors of the non-aligned draft claimed to have made in revising their text twice, they failed to muster the required two-thirds majority. The failure could be attributed to the determination of the Latin American group to take what it believed was the most objective and non-partisan approach to the problem. In an apparent appeal for Latin-American support, the Guinea delegate urged the Latin-Americans to "march in step with history, in the sense that they should be much more concerned with the future than with the present".¹¹⁰ The Latin-Americans were urged to fall in line with the common objectives of Asia, Africa and Latin-America.¹¹¹ Again, the non-aligned states felt that they were morally bound to lend their support to the Arabs, particularly when Arab territories were under foreign occupation:

The non-aligned states could not let down Egypt and Syria, especially when the territories of these countries had been occupied, thereby creating a tangible wrong

that, in the view of the non-aligned had to be urgently undone whatever else might require attention. If they did so, other powers not non-aligned would champion the Arab cause and this could lead to political repercussions and realignments which governments would have to ponder over and could not accept at short notice.¹¹²

(ii) The 'small state' perspective

In their effort to win support for their draft, the non-aligned used the notion of 'this-could-happen-to-you', namely that a foreign power could occupy the territory of any small state. The Egyptian Assistant Minister for Foreign Affairs himself appealed for support from that premise with rhetorical questions:

In 1956 Egypt was singled out for attack. In 1967, Syria and Jordan have been brought in. Who next? Who is next in line? You? You? You? In Africa, Asia, Latin-America, the Balkans and God knows where else? Who is next in line?¹¹³

In a similar vein, the Yugoslav Prime Minister remarked that it was unacceptable to have the small countries live in a state of permanent fear for their independence, and to witness blows being inflicted upon them in turn.¹¹⁴

Tanzania's Minister of State, also speaking during the 1967 emergency special session of the General Assembly, pointed out that small member states, particularly those in Africa,

Asia and Latin America, should take note of the use to which military force was put as an instrument of territorial expansion, an episode which he said threatened the security and territorial integrity of small nations.¹¹⁵ As the Moroccan representative saw it, whereas the great Powers may now be safe from aggression by each other because of certain balance of forces between them, and because of their sincere desire to settle their disputes by negotiation, the small Powers would certainly be the first to suffer if the General Assembly were to take a negative attitude towards the situation.¹¹⁶

The failure of the non-aligned draft should also be attributed to the fact that the Latin-American group had been aware of a division within the non-aligned group. At least fifteen non-aligned states did not support the non-aligned draft resolution. Seven voted against it, and at least eight abstained. On the other hand, the Latin-American group was more cohesive. All members of the group supported the Latin-American draft. Another reflection of the relative incohesiveness of the non-aligned group was the fact that while all the Latin-Americans voted against the non-aligned draft, at least 11 non-aligned states voted for the Latin-American draft.

Until 1970, Arab influence within the non-aligned

movement had been relatively weak, and this inspite of the strong leadership role of Egypt in the movement. On the other hand, before the June 1967 war, Israel had succeeded in establishing close ties with the countries of the Third World, particularly those in Africa. Israel had created the image of a small, newly-independent and developing country, like most of the African states, and had been conducting a successful economic campaign in those states in order to win political and diplomatic support in the Arab-Israeli conflict. There were many offerings of technical assistance. Inter-changes ranged from visits to Israel by African women co-operative and community development workers, to the provision of research fellowship for African scientists at the Weizman Institute. One view is that the voting pattern at the emergency special session of the General Assembly after the June 1967 war reflected the extent of Israel's relations with the Third World:

Profiting from her success in these relations, Israel had, before 1967, been able to rely on a large measure of Third World support in her contest with her Arab adversaries within the UN and other international forums. Thus, she was able to defeat the pro-Arab resolutions which surfaced at the Fifth Emergency Special Session of the General Assembly.¹¹⁷

In addition to the use by Israel of economic and technical assistance as instruments of political influence, the defeat

of those resolutions could also be attributed to the fact that many of the non-aligned states had not yet fully realized the international repercussions inherent in an escalation of the Middle East conflict. Of course five years later, the Arabs used a similar strategy with their oil resources to secure political influence and win back most of the Third World.

The behaviour of the non-aligned states was unusual. However, unlike the East Europeans, the non-aligned did not constitute a bloc. It has been a group with sub-groups and factions which tend to deviate occasionally from the mainstream of the coalition.

While the Latin-American group can take credit for its cohesiveness on that occasion, it should be pointed out that it was able to muster as much support for its draft as the non-aligned, only because it incorporated the demand for Israeli withdrawal -- a demand contained in the Soviet, Albanian and non-aligned drafts. Although it appeared that the Latin-Americans acted independently of the non-aligned, they did speak to representatives of the non-aligned group "about a possible convergence of points of view to form the basis of a joint draft resolution".¹¹⁸

The non-aligned and Latin-American states would have

made a greater impact on the Assembly's proceedings if their draft resolutions had been adopted. However, together, they did succeed in getting the two super-Powers to change their positions. The Soviet Union which, on the one hand, had insisted on condemnation of Israel and an unconditional withdrawal of Israeli forces from occupied territories, had to settle for mere withdrawal, and to vote in favour of the non-aligned draft. On the other hand, the United States, whose draft resolution had emphasized negotiations between the parties concerned (with third-party assistance), and with only an oblique reference to the withdrawal of forces, had to settle for a direct call for withdrawal of Israeli troops, by voting in favour of the Latin-American draft. The super-Powers did respond to the arguments of the non-aligned and Latin-Americans and shifted their positions accordingly.

Proposals by a super-Power, however constructive and realistic, were often open to suspicion; suspicion on the part of the other super-Power, and of the non-aligned states. As far as the Middle East conflict was concerned the super-Powers had always been inclined to take opposing views as a demonstration of their commitment to support their respective friends in the conflict. By aligning themselves with either side in the conflict, and by backing that political and diplomatic alignment with military

hardware, the super-Powers reduced their ability to win the necessary support for their proposals. Commenting on the inability of both Powers to win such support, Lall suggests that as a general rule the greater the power of the state, the more sweeping or drastic its proposal tend to be.¹¹⁹ And this is where the non-aligned, neutral and others try to exert their own influence:

It is the middle powers and the smaller powers that tend to concentrate on smaller steps, and it is these smaller steps that have a chance of gaining the adherence, reluctantly or otherwise, of opposing great powers. The great powers may call the tune; generally a dissonant one. But it is not to them that ordinarily the international community can turn for the most acceptable formulations of solutions to problems unless it happens, which is very rarely the case, that their views coincide. It is this factor which enables and requires the lesser powers to play a constructive role in international affairs.¹²⁰

The task of the non-aligned and the Latin-Americans was not only to get the super-Powers to change their drastic proposals, but also to seek a convergence of their divergent views. For if either group had succeeded in getting the support of both super-Powers, its draft could have been adopted. In addition, the non-aligned and the Latin-Americans were also faced with the task of persuading the parties directly concerned (Israel and the Arab states), to accept the middle ground which each group had been trying to

strike. At one stage during the 1967 emergency special session of the General Assembly, a draft resolution was reported to have been worked out to the general satisfaction of the two super-Powers, as well as to Egypt and Jordan, but not to Israel. Subsequently, when Egypt found it necessary to draw back, the Soviet Union reluctantly abandoned the terms of the draft, much to the satisfaction and relief of Israel.¹²¹ This task of persuading and influencing others to change, was not only a feature of the emergency special session of the Assembly, but also of the negotiations leading to the adoption of Security Council Resolution 242 which, among other things, called for the withdrawal of Israeli forces from occupied Arab territories.

The relative weakness of the United Nations peace-keeping presence in the Suez Canal area throughout the summer of 1967 (there were not more than 50 observers of the United Nations Truce Supervision Organization, UNTSO), and the intermittent but heavy fighting between July and September of that year, made it necessary for the Security Council to move beyond the cease-fire agreement and pave the way for the peace-making process.

Notwithstanding their political disappointment, the non-aligned states took the initiative to break the impasse which had been created during the emergency special session

of the General Assembly. As the Indian representative in the Security Council put it, the non-aligned members of the Council had intensively examined all the proposals put forward during the emergency special session of the Assembly, and had taken into account the views of other members of the Council and the parties concerned, in order to try and produce a fair and balanced formulation which "closely paralleled" the Latin-American draft resolution in the emergency special session of the General Assembly.¹²² The non-aligned states were in effect trying to mediate between Israel and the Arab states. They admitted that some of their proposals were at variance with the wishes of the parties concerned, but that the Council must tell both parties that unless they changed their positions they could not have peace in the Middle East.¹²³ The non-aligned described their new draft in the Security Council¹²⁴ as a last effort at conciliation, prepared after painstaking negotiations and concessions on all sides.¹²⁵ The third party role was complicated further when the Soviet Union found it necessary to counteract the United States draft with one of its own. However, it was the United Kingdom's diplomatic intervention which saved the situation with a compromise draft, subsequently adopted unanimously as Resolution 242 of 22 November 1967.

Reflecting on the principle of independent third party

initiative which he had successfully applied in the formulation of Resolution 242, Lord Caradon of the United Kingdom declared:

The Resolution...could never have been proposed by the United States, and certainly could not have been proposed by the Soviet Union, but it could be proposed by a third party and accepted by both; therefore I believe that the solution may be that something will be offered that can be accepted by both but that could be presented by neither.¹²⁶

While a third party (in this instance, the United Kingdom) can take credit for the successful outcome of a political process for peace-making, it should be emphasized that only when mediation between the two super-Powers was successful either through persuasion or acquiescence on their part, did a third party and indeed the United Nations as a whole, expect to succeed in conflict management. For independent third party initiative in the Middle East conflict involved not only mediation between the two belligerent sides (the Arabs and Israel), but also between the two generally conflicting positions and interests of the super-Powers. In November 1967, it was the United Kingdom, with the support of the non-aligned states members of the Security Council, which succeeded in getting the United States and the Soviet Union to accept the historic blueprint for lasting peace in the Middle East, which was adopted as Resolution 242 (1967).

If the non-aligned states were instrumental in effecting the withdrawal of UNEF, and if they had failed to come up with an effective peace-keeping presence to replace UNEF, they did support the strengthening of the truce-keeping function of UNTSO. They also contributed to the political processes leading to the formulation of Resolution 242. In paying tribute to the non-aligned and other non-permanent members of the Security Council, the United Kingdom representative, Lord Caradon observed that when the permanent members hesitated, it was the elected members who gave the lead and the initiative to overcome the dangers of a deadlock:

Unanimously, they pointed the way to progress when they reported that they were agreed on the necessity for the appointment of a UN special representative to go to the Middle East without further delay, when they told us that we should search for a solution in accordance with the principles of pacific settlement of disputes set out in Chapter VI of the UN Charter, and when they urged that we should all co-operate and state precisely as possible the principles in accordance with which this representative should work.¹²⁷

By supporting Resolution 242, even with certain reservations, the non-aligned apparently endorsed the fait accompli that the appointment of a special representative of the Secretary-General (Gunnar Jarring, to facilitate the peace process), together with the 50 or so observers of

UNTSO, could, at that point in time, serve as an alternative to the functioning of a United Nations peace-keeping force or of UNEF.

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101. Ali Mazrui, "The United Nations and some political attitudes" International Organizations, Vol, XVIII, No. 3 Summer 1964
102. U.N. Document A/PV. 1540, June 1967 p.9
103. U.N. Document A/L. 522 Rev. I
104. U.N. Document A/PV. 1537, p.11
105. U.N. Document A/PV. 1543, p.15
106. U.N. Document A/PV. 1544, p.4
107. Until 1970, Cuba was the only Latin-American state which was a full member of the non-aligned movement. The number of observers at non-aligned summits, from the Latin-American group increased from 3 in 1961 to 9 in 1964.
108. U.N. Document A/PV. 1544 p.1
109. Arthur Lall, op. cit., p. 171
110. U.N. Document A/PV. 1546 p.19
111. Ibid.
112. Arthur Lall, op. cit., p.172
113. U.N. Document A/PV. 1529 p.4
114. Ibid., p.10
115. U.N. Document A/PV. 1530

116. U.N. Document A/PV. 1531
117. Ovidia M. Soffer, "The UN's peace-making role in the Arab Israeli Conflict, between 1967-1972", unpublished Dissertation, City University of New York, 1980
118. Arthur Lall, op. cit., pp.159-160
119. Ibid., p.113
120. Ibid.
121. Seymour M. Finger, ed., The New World Balance & Peace in the Middle East: Reality or Mirage, (Teaneck: Fairleigh Dickinson University Press, 1975) p.249
122. U.N. Document S/PV. 1376 (14 November 1967)
123. Ibid.
124. U.N. Document S/8227, 7 November 1967
125. U.N. Document S/PV. 1379, 16 November 1967
126. U.N. Document S/PV. 1370 (25 October 1967)
127. Ibid.

CHAPTER VI

THE UNITED NATIONS OPERATIONS IN THE CONGO (ONUC)

1. The colonial and neo-colonial backdrop

In terms of troop strength, the scope of its mandate as well as the political and constitutional problems which preceded and emerged from it, the United Nations Operations in the Congo (ONUC) has been one of the most complex peace-keeping activities ever undertaken by the United Nations. Secretary-General Hammarskjold had himself predicted that it would be the most difficult and complex, especially since the Security Council would be involved in it from the beginning.¹ The conflict which led to its establishment was complicated not only by cold war politics, but also by what African nationalists of the 1960s often referred to as neo-colonialism. Perhaps in no other United Nations peace-keeping operation has the colonial backdrop been so apparent. As Boyd puts it, each peace-keeping operation reflects some aspect of colonialism, and in the case of the Congo the political events leading up to the entry of the United Nations in that country were "inextricably intertwined with complex questions of colonialism and rising nationalism".²

The Congo conflict bore all the imprints of colonialism and neo-colonialism. The colonial power, Belgium had exploited the country's rich natural resources, including copper, with very little concern for the social needs of the Congolese people. There was a dearth of indigenous university graduates. The mutiny within the military a few days after independence, which apparently was the main source of the breakdown in law and order, was directed against the Belgian officers who had controlled and dominated the military over the years. There were in fact no Congolese officers and no prospects for promotion to command rank. The highest rank a Congolese could attain was that of warrant officer.³ On 8 May 1960, a few weeks before independence, a medical assistant and clerk in the Force Publique, Joseph Mobutu, became Chief of Staff.

Although the Congo conflict was often attributed to internal factors such as tribalism, mutiny and civil war, it was the intervention of the ex-colonial power, Belgium, that led to the creation of ONUC. Belgian instigation and support of the secessionist province of Katanga also prolonged the conflict and the presence of United Nations peace-keeping troops in that country. Those troops would not have been deployed merely to deal with a breakdown in law and order arising from the mutiny. As in the case of Cyprus, and Lebanon (1958), United Nations got involved in

what was essentially a civil war situation only because of a threat of external support or direct external intervention. Although a removal of the "external threat" may not necessarily mean the end of a United Nations peace-keeping operation, it is that threat, real or perceived, which traditionally has provided the Security Council with the political basis for approving the deployment of United Nations troops.⁴ Both Prime Minister Lumumba and President Kasavubu had initially requested United Nations assistance to "protect the national territory of the Congo against external aggression". They wanted the United Nations to respond to what they considered an act of aggression by Belgium. They did not request assistance under the Treaty of Friendship and Co-operation which they had signed with Belgium on the eve of independence. As far as they were concerned, the former colonial power had intervened in the internal affairs of their country unilaterally, and in violation of the Treaty. This threat to peace, as Hammarskjold explained to the Security Council, was the legal basis for the Security Council's decision to establish the peace-keeping operation:

The legal justification for the Council's decision was the threat to peace which arose as a result of the intervention of Belgian troops in the Congo; this in turn occurred purportedly because of the widespread internal widespread disorders in the country. Consequently, to bring about withdrawal of the Belgian troops, it was considered necessary, in response to the request of the Government of the Republic of the Congo, to

introduce UN troops to assist in the restoration of internal order and security. ⁵

ONUC was inherently an Afro-Asian problem. It was launched at a time when the anti-colonial "wind of change" was sweeping over the African Continent, and at a time when the "spirit of Bandung" and the concept of non-alignment were being consolidated into a new international political movement.

As a newly-independent African nation, the Congo was assured of membership in the Afro-Asian group at the United Nations. It was no surprise when Prime Minister Lumumba and President Kasavubu, notwithstanding their strained relations, stated that if the United Nations did not provide the necessary assistance which they had requested, they would be obliged to turn to the Bandung states.⁶ Although their reference to the "Bandung Treaty Powers" has been described as an indication of how little the new Congolese leaders knew about international relations,⁷ obviously because no such treaty existed, the Lumumba-Kasavubu request of 13 July 1960 made it quite clear that the request for assistance related only to a United Nations force consisting of military personnel from neutral countries and not from the United States as had been reported by certain radio stations.⁸ It was implicitly a request for a United Nations

force preferably made up of Afro-Asian and potentially uncommitted states.

The reported request for troops from the United States -- a request which Washington rejected -- was said to have been initiated by three Congolese cabinet ministers during the absence of Prime Minister Lumumba and President Kasavubu. The two leaders did not want troops from the Soviet Union either. According to Abi-Saad, the cable to the Soviet Union did not solicit or reflect any firm request, but was only meant to keep open a final possibility in case all else failed. Probably, he suggests, "it was also conceived as a lever inciting the United Nations and the Western Powers to exert pressure on Belgium to withdraw.⁹ Neither Lumumba nor Kasavubu, at least in the first instance, wanted direct super-Power involvement in the conflict.

At independence the foreign policy of the Congolese Government was based on the principle of non-alignment. In a statement to the first non-aligned conference in Belgrade, in 1961, Prime Minister Cyrille Adoula recalled that since its accession to independence, the foreign policy of the first Congolese government "had been founded on the criterion of non-engagement". He recalled that at the Pan-African Conference held in the Congolese capital,

Leopoldville, at the end of August 1960, his late predecessor Patrice Lumumba, had stated "clearly and categorically his determination to refrain from any adherence to antagonistic blocs":

He (Lumumba) underlined the importance of non-alignment which he considered as the only viable policy for the countries newly liberated from the yoke of colonialism, for the consolidation of peace in the world, in accentuating a harmonious collaboration between all sovereign countries.¹⁰

Lumumba had of course been influenced by the Ghanaian leader, Kwame Nkrumah, who was already pursuing a policy of "positive neutralism". Lumumba had also visited Ghana from 2-8 August 1960, where according to Nkrumah, a secret agreement for a political union of Ghana and Congo had been signed.¹¹ Ghana's leading role in the Congo crisis was based on Nkrumah's friendship with Lumumba, the charisma of Nkrumah himself, and the political status of Ghana as the first 'Black' African state to achieve its independence from a European power.

Since Lumumba and Kasavubu wanted international support for the withdrawal of Belgian troops, they had to implicitly or explicitly seek the assistance of states outside the NATO and Warsaw military alliances. In the face of the Belgian-inspired secession of Katanga province from the new

nation, they had to use political terminology which suggested their rejection of colonialism and neo-colonialism as well as the determination of the government to uphold the principles of the sovereign independence of states and non-interference in their internal affairs. They explained it this way:

...The real cause of most of the disturbances can be found in colonialist machinations. We accuse the Belgian Government of having carefully prepared the secession of Katanga with a view to maintaining a hold on our country. The Government, supported by the Congolese people, refuses to accept a fait accompli resulting from a conspiracy between Belgian imperialists and a small group of Katanga leaders... The essential purpose of the requested military aid is to protect the national territory of the Congo against the present external aggression which is a threat to international peace. We strongly stress the extreme urgent need for the dispatch of United Nations troops to the Congo.¹²

Whether or not the policy of the two Congolese leaders was one of non-alignment, the situation itself attracted the interest of those Afro-Asian states which were, at that point in time, trying to internationalize their anti-colonial policy. They identified themselves with the political ideology of the Congo, a new fledgling state whose independence in their view, "was being threatened by the intervention of the former colonial power and by related European economic interests".¹³ For the great pan-Africanist, Kwame Nkrumah of Ghana (then only three

years independent), it was an opportunity to counteract neo-colonialism and, to use his pet phrase, a further "balkanization" of Africa. On the basis of the close friendly personal relations he had established with the political leaders of the Congo before its independence, and "in view of the importance of the Congo to the rest of Africa", Nkrumah offered to assist Lumumba in any way possible, even to the extent of sending him a battalion of Ghanaian troops as part of a United Nations operation, if necessary.¹⁴ So, in view of the colonial context in which it developed, the Congo crisis assumed international dimension, and helped to enunciate the concepts and practice of non-alignment and United Nations peace-keeping.

2. A new political constituency for the Secretary-General

The United Nations Operations in the Congo (ONUC), was not initiated by the Afro-Asian or non-aligned countries, but by Secretary-General Dag Hammarskjöld. He was the principal architect and guiding light of an operation which was to create both a constitutional and financial crisis for the Organization. In the heat of the conflict, Hammarskjöld claimed that it was not his personal problem. However, he later directed virtually every aspect of the operation, to the extent of losing the confidence of one of the permanent members of the Security Council, the Soviet Union. He had

taken a special interest in the affairs of the newly-independent country. His special representative to the independence ceremony, Ralph Bunche, had stayed behind in Leopoldville after the ceremony to attend a cabinet meeting 10 days later, during which he promised the new government United Nations technical assistance.

It was Dag Hammarskjold, and not the Afro-Asian or non-aligned countries who initiated the convening of the first Security Council debate on the Congo, using his constitutional powers under Article 99 of the United Nations Charter. However, the Secretary-General realized from the outset that he had to establish close relations with the Afro-Asian countries which, obviously had to be among the principal actors in the political decision making processes for resolving the conflict. He developed a political constituency for himself among those states; something which he would subsequently need to defend himself against Soviet onslaughts.

Hammarskjold was of course aware that the conflict was on African soil; that it was linked to colonialism and nationalism; that it could lead to direct intervention by the two super-Powers; and that only neutral or third parties, working within the context of the United Nations, could defuse it and restore law and order. This was why in devising a plan of assistance to the Congo, Hammarskjold

consulted with the African Group of States at the United Nations, even before he met members of the Security Council. Based on his Suez experience, he wanted an international force, with contingents primarily from Africa, and none from the permanent members of the Security Council. The apparent insistence of the Soviet Union that Belgium should be explicitly identified as an aggressor, as well as the reluctance of two of the permanent members of the Security Council, France and the United Kingdom, together with Italy, to have Belgian troops withdrawn before the deployment of an international force, created an uneasy situation for Hammarskjold and the non-aligned states in the Security Council. The neutrality required under the circumstances came in a draft resolution submitted by Tunisia, co-sponsored by Ceylon (both happened to be in the Security Council), calling for the withdrawal of Belgian troops and authorizing the Secretary-General "to provide the Congo with such military assistance as may be necessary until, through the efforts of the Congolese Government and technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks..."¹⁵ The draft, says former Under-Secretary-General Brian Urquhart, proved tough enough not to be vetoed by the USSR, and mild enough not to be vetoed by Belgium's allies, France, Great Britain and the United States".¹⁶ Neither super-Power wanted the General

Assembly, as in the case of the first United Nations peace-keeping operations in 1956 in Sinai, (UN Emergency Force), to assume the Security Council's primary responsibility for maintaining international peace and security. If, as a result of a veto, the Security Council had failed to authorize the deployment of UN forces in the Congo, Hammarskjold, with the support of the Afro-Asian and non-aligned, could have secured the authority of the General Assembly to launch such an operation.

Describing the votes of the Soviet Union and the United States as a precarious or tenuous consensus (France and the United Kingdom acquiesced by abstaining), Stoessinger observes that though their interests clashed in Africa, the two super-Powers allowed the Security Council to act:

The United States interest in the pacification of the colonial struggle and the neutralization of the Congo, saw in the UN the most efficient instrument to attain their ends. The USSR, aware of the new African nations' high regard for the world Organization, dared not be cast in the role of defying overwhelming Afro-Asian majorities in the General Assembly if the Security Council were to be paralyzed by a Soviet veto.¹⁷

The concurrence of the two super-Powers in this initial phase of the Congo crisis, strengthened the new relationship which was developing between the Secretary-General and the non-aligned, and the African states in particular. After all

it was the Secretary-General himself who had taken the unprecedented decision to convene the Security Council, acting under Chapter 99 of the Charter. A few days later, on 22 July 1960, they gave Hammarskjold an additional leverage to interpret the Security Council's mandate by presenting a resolution calling on the Belgian Government to implement what Urquhart describes as the expediently vague resolution of 14 July, concerning the withdrawal of Belgian troops, and authorizing the Secretary-General to take all necessary action to that effect.¹⁸ The non-aligned states, led by the Africans, thus created a political constituency which the Secretary-General needed to pursue his principle of preventive diplomacy, and to assert his own activist role in this novel instrument of maintaining international peace and security, namely the deployment of peace-keeping forces in an area of armed conflict. The adoption of the second resolution containing his proposals illustrated once again, if further proof was needed, the close collaboration between the Secretary-General and the non-aligned members of the Security Council, in the design and conduct of the Congo operation.¹⁹ This collaboration gave them a political leadership role which was clearly disproportionate with their numerical strength in the Council. The concurrence of the super-Powers was absolutely necessary for the legal authority which Hammarskjold required to launch the

operation. It was equally necessary to get the non-aligned involved in the initial consensus which emerged.

While he based his plan for ONUC on the experience of the Middle East, Hammarskjold made it clear at the outset that he would rely on the Africa states to provide most of the troops for the operation, even though he knew that those states would find it extremely difficult to transport their contingents to the Congo as speedily as he had expected.²⁰ The main reason behind his request to the independent African states for contingents was that the operation was to have been mainly a manifestation of the willingness and ability of the Africans to help a newly-independent sister state, within the framework of the United Nations.²¹ He also wanted to assure both the United States and the Soviet Union that he intended, as far as possible, to keep the cold war out of the Congo, especially in the light of reported requests from some Congolese ministers for direct American or Soviet assistance in removing Belgian troops from that country.

Hammarskjold wanted the non-aligned, the Africans in particular, to use their influence in keeping the two super-Powers out of the conflict, in the interest of Africa and for the future of the United Nations.

Throughout the month of July 1960, considerable pressure was exerted on Hammarskjold and the United Nations to secure the withdrawal of Belgian troops from Katanga province. Lumumba was getting impatient. So were the Soviet Union and some of the African states. Hammarskjold needed another mandate under which United Nations troops would enter Katanga. Once again, he turned to the non-aligned members of the Security Council, especially since the Soviet Union had already circulated a draft resolution calling for the use of armed force by the United Nations to extricate Belgian troops. In seeking their support for his plan, which was intended to clarify the "expediently vague points" of the two previous resolutions adopted by the Security Council, Hammarskjold asked the troop contributing African members of the Council to, in effect, warn Lumumba that his criticisms and ultimatum would not only endanger the operation, but also encourage cold war intervention. The Congo must make a choice, Hammarskjold told them, between African solidarity and the cold war or between assistance from the United Nations and dependence upon one or other of the super-Powers.²²

Two Afro-Asian non-aligned states, Tunisia and Ceylon, later sponsored a draft resolution based on Hammarskjold's new plan. Adopted on 9 August 1960, it declared among other things, that the entry of United Nations troops into Katanga

was necessary for the withdrawal of Belgian troops from that province.²³

Although Dag Hammarskjold enhanced the influence of the Afro-Asian non-aligned states in the political processes of the Congo peace-keeping operation, he became a victim of his own ingenuity and activist approach to the conflict. His visit to Katanga on 12 August 1960 resulted in an agreement for the withdrawal of Belgian troops and the deployment of United Nations peace-keeping contingents in the secessionist copper-rich Katanga province. However, his visit also created a rift between himself and Prime Minister Lumumba, and subsequently brought in a new wave of East-West cold war into the Congo conflict; something which Hammarskjold had tried to prevent all along. Lumumba was annoyed because neither he nor anyone in the central government had been invited to join in the discussions leading to the agreement.²⁴ He was also concerned that the terms of the Hammarskjold-Tshombe agreement could adversely affect the ability to the central government to exercise its authority over the province. This political development further complicated the activities of ONUC, as well as the definition of the concept of peace-keeping.

The notion that non-alignment had a tendency of breeding on the East-West ideological cold war became quite

apparent in the Congo when President Kasavubu and Prime Minister Lumumba dismissed each other from office in the central government. By their action they unwittingly created a third faction in the already tangled web of Congolese politics. It was no longer a conflict between the central government of Lumumba and the copper-rich secessionist Katanga province under Tshombe, but one involving a divided central government (the regimes of Lumumba and Kasavubu) and the Tshombe regime. This internal constitutional crisis had an immediate impact on bloc politics in the Security Council and on the role of the non-aligned in the political processes for maintaining ONUC.

At that point, more than ever before, the United Nations had to deal not only with the problem of the practical implementation of the original ONUC mandate, which essentially was to promote law and order without interference, but also with the reality of increasing Soviet support for Lumumba and Western support for Kasavubu and Tshombe.²⁵ Former Under-Secretary-General for Special Political Affairs Brian Urquhart puts it succinctly when he observes that:

The predominant reality in the Security Council was that East and West had now taken sides, the East backing Lumumba and the West Kasavubu. All UN actions in the Congo would henceforth be judged from the standpoint not of their real objective in terms of law and order or the protection of human life, nor of

how they gave effect to the original mandate given to ONUC by the Security Council, but rather of which Congolese faction might seem to benefit.²⁶

Now, the super-Power consensus behind the original Security Council resolution authorizing the Secretary-General to organize the operation, appeared to be waning. The Soviet Union and the United States came up with two separate and diametrically opposed draft resolutions, both of which were vetoed. The stage was set for a third party role. However, the Soviet Union which was often perceived as a champion of the struggle against colonialism vetoed the compromise draft sponsored by the non-aligned. Ironically, and perhaps to accentuate and expose Soviet action against the non-aligned, the United States initiated a procedural draft under the 'Uniting for Peace' formula, for the General Assembly to take up the matter. Acting again as intermediaries, some of the non-aligned states succeeded in mustering enough support in a special session of the General Assembly, for the adoption of a resolution which put the Assembly "squarely behind the Secretary-General's programme at a very critical period" when the cold war began to take hold of the Congo.²⁷ The success of the campaign could be attributed to the diplomatic leadership of Mongi Slim of Tunisia, then a member of the Security Council, and Alex Quaison-Sackey of Ghana.

Amid a Soviet bloc campaign for his resignation and replacement by a "troika", Hammarskjold's political constituency was subsequently strengthened. Tunisia's skillful diplomat, Mongi Slim spoke eloquently on Hammarskjold's behalf. Ghana, which had earlier given ONUC its own dose of acid criticism, came to Hammarskjold's rescue. Its erstwhile representative, Alex Quaison-Sackey, in his address to the special session of the General Assembly on 16 September, paid a glorious tribute to the Secretary-General. This support was significant, since it came at a time when some of the Afro-Asian states were threatening to withdraw their contingents from ONUC.

While on the one hand, the non-aligned were reported to have been considering a vote of confidence in Hammarskjold,²⁸ he, for his part, regarded the adoption of the resolution as an overwhelming vote of confidence in "the face of Soviet challenge, especially on the part of the Afro-Asians".²⁹ Urquhart recalls that the overwhelming vote of confidence gave Hammarskjold a boost for a further effort to reconcile the Congolese leaders and for preventing the shipping of arms and military personnel to any faction in the Congo.³⁰ The resolution, which was based on an earlier draft submitted by Ceylon and Tunisia in the Security Council, appealed to the Congolese to seek a speedy solution by peaceful means and of all their internal conflicts for the

unity and integrity of the Congo, with the assistance, as appropriate, of Asian and African representatives appointed by the UN Advisory Committee on the Congo. This was to be done in consultation with the Secretary-General for the purpose of conciliation.³¹ Subsequently, the political role of the non-aligned was strengthened by the creation of a 15-member Conciliation Commission in November 1960. It was made up of all African troop contributing states in ONUC and four Asian troop contributing states, with Nigeria's Foreign Minister Jaja Wachuku as Chairman.

This was the kind of support Hammarskjold had expected from a third party, in what he described in the introduction to his annual report for 1960 as a "split world". He saw the United Nations as a neutral, third party, and universal organization capable of filling the power vacuum between the two power blocs. He did in effect call on the new and non-aligned states to use the United Nations as a means of keeping new conflicts, such as that of the Congo, outside the sphere of bloc differences.³²

TABLE III

United Nations Advisory Committee on the Congo

Members	Nature of Membership	Mandate	Decision-making Procedure
Canada Ethiopia Ghana Guinea India Ireland Liberia Mali Morocco Pakistan Sudan Tunisia United Arab Republic	Permanent Representatives of States contributing troops and technical services to the UN operation in the Congo (ONUC).	Set up by the Secretary-General, on the pattern of the Advisory Committee for UNEF I, 14 July 1960. To advise the Secretary-General through consultations and exchange of information and to secure political support for the operation.	Consultative. Meetings held in private. No voting and no formal decision-making process. The Secretary-General, in his capacity as Chairman, summarized the proceedings.

TABLE IV

United Nations Conciliation Commission on the Congo

Members ¹	Nature of Membership	Mandate	Decision-making Procedure
Ethiopia (Rapporteur) Ghana Guinea India Indonesia Liberia Malaya (Vice Chairman) Mali Morocco Nigeria (Chairman) Pakistan Senegal Sudan Tunisia United Arab Republic	Representatives of African and Asian troop contributors to the UN Operation in the Congo (ONUC).	Established by UN Advisory Committee on the Congo, on 5 November 1960, under the terms of UN General Assembly Resolution 1474 (ES-IV) of September 1960, to assist the two main Congolese factions led by Lumumba and Kasavubu in national reconciliation.	Fact-finding and conciliation body. No voting. Visited the Congo and reported to the General Assembly on 20 January 1961.

¹. Guinea, Indonesia, Mali and United Arab Republic withdrew from the Commission after withdrawing their contingents from ONUC.

Notwithstanding the adoption of the non-aligned resolution by the Emergency Special Session of the General Assembly on 20 September 1960, further developments in the Congo, including the military coup led by Colonel Mobutu; the arrest of Lumumba on 1 December; his removal from Leopoldville and subsequent transfer to Katanga on the orders of Mobutu, adversely affected the ability of the United Nations to facilitate reconciliation among the various Congolese factions. There were groups of states which strongly believed that ONUC should have either given Lumumba adequate protection or have him forcibly released from his captors. There were others who apparently were not disappointed that Lumumba was removed from power, and still others who saw the coup as an instrument of political stability in a country which was already torn by civil war. However, as Higgins points out, many of the non-aligned states were of the view that the UN's interpretation of the principle of non-interference had in fact led to conditions, indeed encouraged conditions in which Mobutu's coup became possible.³³ At the same time, and to further complicate the degree of consensus behind UN peace-keeping operations, a network of political convergencies and divergencies were emerging in the international scene and within the United Nations itself.

Among the most significant was the admission of 14 newly-independent states (all but one were former French African colonies) to the United Nations in September. That event changed the political spectrum of the Organization. With the exception of Mali and Togo, the first foreign policy act of the new member states after their admission, was to support the seating of the Kasavubu delegation in the General Assembly; an act which had been described as a dilution of the unity of the Afro-Asian front.³⁴ In cold war political terminology, those new states, by supporting the United States draft resolution recommending acceptance of the credentials of the Kasavubu delegation (in effect over Lumumba's), were regarded as pro-West or "moderates". Of course to complete the cold war curtain across the Congo, those who supported the credentials of the Lumumba delegation were the leftists or "extremists".

The apparent success of the United States and its allies over the Soviet bloc and some of the non-aligned states to have the Kasavubu delegation seated, widened the rift between East and West. This, naturally, created more problems for Hammarskjold, his political constituency and the Congo peace-keeping operations as a whole. From his vantage point, former Under-Secretary-General Brian Urquhart saw the decision as a manifestation of a change in the political spectrum of the United Nations:

This partisan decision, which as a result of Western pressure formally put the Assembly on the side of one of the factions in the political conflict in the Congo, exacerbated a dilemma that had plagued Hammarskjold throughout the Congo operation, namely that he depended on the African countries for troops and political support, both of which were indispensable in reducing partisanship, the Assembly's decision had intensified both the political crisis in the Congo and the division between the members within the UN itself over the Congo question.³⁵

It appeared that the new coalition of the former French colonies which had supported the Kasavubu credentials would weaken the political influence of the non-aligned states. However, the tone of the communique issued by the so-called Brazzaville Group which had met from 15-19 December 1960, in the capital of the former French Congo, was distinctively anti-colonial. It did not deviate from the spirit of non-alignment or anti-bloc politics. After welcoming the efforts of the United Nations to save the Congo from "chaos and anarchy", the communique commended Hammarskjold for his efforts to prevent an extension of the cold war to that part of the African continent:

Unfortunately, the rival blocs have tried and are still trying to recolonize the Congo, either directly or indirectly through certain African and Asian states. The undersigned African states and Madagascar, denounce, before the conscience of the world, this new form of colonialism. The genuine independence of the Congo no doubt requires that the UN strongly continue to provide it with technical assistance, but it also

requires that the UN should not seek to supplant the Congolese authorities; above all, it requires that no state should intervene, through its soldiers or its diplomats, in the domestic affairs of the Congo.³⁶

The communique suggested that a political solution of the Congolese crisis could only be found through a round table conference, bringing together the representatives of all parties without exception. Its authors also gave the impression that the Brazzaville Group was ready to play a third party role on the basis of a peace plan which the group claimed it was in the process of draft. However, while it presented itself as a new political force to reckon with, neither the communique nor the draft peace plan was formally submitted to the United Nations for its consideration. The group, perceived by the West as "moderates", did not apparently create a significant rift within the Afro-Asian group or the non-aligned coalition.

The emergence of another group of states, the so-called Casablanca group (named after its first meeting in Casablanca early in 1961), appeared to have created a rift in the coalition, especially since, by its attitude towards Lumumba, the group came to be regarded as "radical". Convened after Lumumba's arrest and what one of its leaders, President Nkrumah of Ghana saw as a failure of the United Nations to deal effectively with the Congo situation,³⁷ the

Casablanca group (Ghana, Guinea, Morocco, Mali, Libya, UAR, the Algeria Provisional Government and Ceylon) did in fact exert significant political influence on ONUC. Its members reaffirmed their intention to withdraw their troops from the operation. Hammarskjold who had earlier warned of the "likelihood in the Congo of immediate war degenerating into uninhibited tribal conflict and the complete disintegration of the remaining fabric of national unity, should the UN Force and operations in the Congo be forced to cease",³⁸ reacted strongly to the Casablanca declaration. In appealing to the states concerned the Secretary-General again expressed his deep anxiety about the consequences of a liquidation of the UN operation such as may be forced upon the Organization by the threatened withdrawal.

Whatever opinion may be held with regard to the extent of functions of the UN Operation in the Congo, the elimination or weakening of the UN Force from the Congo would inevitably lead to the situation which in the course of the last five months we have, with all our means, attempted to forestall, namely a disintegration within the country provoking open and active involvement of major Powers. The threat of such an involvement is likely to become a reality if present intentions to withdraw from the UN Force should materialize.³⁹

Subsequently, Morocco, the UAR, Mali, Guinea, Yugoslavia and Indonesia, withdrew their contingents from ONUC. As the Indonesian delegate told the General Assembly, the decision was taken because both the Security Council and

the Assembly had failed to adopt a resolution to effect the release of Lumumba and other leaders of the Congolese people from imprisonment and to enable them to resume their normal duties as the "legal government of the Congo, whose request alone could actually justify the UN intervention"⁴⁰

Yugoslavia, for its part, did not feel that the prestige of the UN was threatened by the withdrawal of these countries, but by the UN policy in the Congo.⁴¹ Ghana and India decided to keep their troops there in order to influence decision-making regarding the operation.⁴² The influence of the non-aligned states as a whole (including Yugoslavia) had been slightly diminished by the defeat of their draft resolution of 19 December 1960, when they wanted the General Assembly, among other things, to urge the immediate release of all political prisoners under detention, more particularly members of the central government; the immediate convening of Parliament and the taking of necessary protective measures by the UN; and to urge that measures be undertaken forthwith to prevent armed units and personnel in the Congo from interfering in the political life of the country.⁴³

This draft was intended as a compromise between two other drafts -- one by the Soviet Union and the other by the United Kingdom and the United States -- which had also been defeated. So the decision to withdraw some of the

non-aligned contingents from ONUC and to have others remain, was both a punitive act, and an effort to remain influential in the operation. Ironically, while the withdrawal could be described as disruptive, with the purpose of weakening the international consensus behind the peace-keeping operation, and while most of them were convinced that withdrawal was necessary under the circumstances, Ceylon saw the dismantling of the operation differently from the perspective of non-alignment:

The latest developments in the Republic of Congo have made it necessary for us, as a country following a policy of non-alignment, and judging issues on their merits to make a reappraisal of the situation impartially and objectively.

First and foremost, we are of the view that the termination of the UN operation in the Congo at the present juncture would create a vacuum of a type that would lead ultimately to the destruction of the social and economic order in the country through a fratricidal civil war. Hence the UN, at this juncture, cannot possibly dissociate itself from its responsibility of continuing to preserve by its presence there the unity, territorial integrity and independence of the Congo and abandon its undertaking to preserve law and order in that country."

The answer, according to Ceylon, did not lie in the withdrawal of the UN, but in the ability of the Security Council to give a clear and detailed mandate regarding the Organization's mission in that country, "so that there would be no more room or opportunity for any kind of vacillations

and possible deviations from the objective for which the UN operation in the Congo had come in for criticism".⁴⁵

If the Ceylonese attitude towards withdrawal was a dent in the emerging coalition of non-aligned states, especially since Ceylon had attended the Casablanca Conference (3-7 January 1961) at which the decision was taken, the political interaction of a European state, Yugoslavia, with the Afro-Asians, strengthened the coalition. A troop contributor to ONUC, Yugoslavia had begun to identify itself actively with the neutralist policy of Afro-Asian members of the United Nations. This was in fact an extension of its own neutralist foreign policy vis-a-vis the Western and Eastern blocs. It had joined seven Afro-Asian delegations (Ceylon, Ghana, Indonesia, India, Iraq, Morocco and the UAR) in sponsoring a draft resolution in the General Assembly on the question of the Congo. By its co-sponsorship, it helped to shape the concept of non-alignment. In the words of the Yugoslav representative:

The draft resolution of the eight non-committed countries indicates the principal aims of the action to be undertaken, which, if achieved, would result in giving the country the stable government deserved by the Congolese people, ensuring its normal peaceful and economic development and effectively safeguarding its sovereignty, integrity and independence.⁴⁶

Implying that the draft was inspired by the Soviet Union, the Congolese representative questioned the non-alignment of its sponsors:

It is useless for them to say afterwards that they are "uncommitted", "unaligned", from one day to the next, we find them plunged deeper in the monster's lair. We too could label them activists, imperialists, lackeys, puppets or men of straw. Let us rather have a look at the programme that is proposed to us by Ghana, India, Ceylon, Indonesia, Morocco, Iraq and UAR, and the whole confounded collection of them. Let us see more particularly, how it resembles the programme contained in the Declaration of the Government of the Soviet Union.⁴⁷

Of course, the newly-acquired strength of the non-aligned coalition, following the defeat of the Soviet draft, was challenged by some of the franco-phone states of the Brazzaville group who had voted for the draft submitted by Italy, United Kingdom and the United States. The political role of the non-aligned was in effect weakened when both drafts were rejected by the General Assembly. The Secretary-General, himself, was critical of the non-aligned draft which implicitly, gave the impression that he had failed to carry out fully the mandate of ONUC.

3. External mobilization

As David Kay points out, the result of roll call vote is one and only one of the indicators of political influence

in an international organization. Having failed in the General Assembly, a group of non-aligned chose the external mobilization strategy of exercising political influence by convening a conference of heads of state in Casablanca.⁴⁸

A declaration of intention to withdraw their troops and other military personnel from ONUC was only part of the outcome of the Casablanca Conference of January 1961. Using the non-aligned draft resolution which had been rejected by the General Assembly in December as a guide, the conference re-affirmed recognition of the Congolese government and Parliament which had been constituted at independence, and expressed its conviction that the only justification for the presence of United Nations troops in the Congo was to answer the appeals of the legitimate Government of the Congo at whose request the Organization decided to create its operational command. The conference also urged the United Nations to act immediately to disarm and disband the "lawless bands" of Mobutu; release all members of Parliament and the legitimate government from prison and detention; reconvene Parliament; and to eliminate from the Congo all Belgian and other foreign military and paramilitary personnel not belonging to the United Nations.⁴⁹

A few weeks later, in February 1961, eight non-aligned states, including Yugoslavia initiated action on the basis

of the Casablanca document, to mobilize support for the Lumumba faction as the legitimate government, and to strengthen the mandate of ONUC. They called for a meeting of the Security Council. The representative of Guinea explained why:

For the first time, the Security Council is called upon, at the request of the uncommitted countries whose position has been dictated by consistently and solely by the interests of the Congolese people to take a decision on the dramatic situation in the Congo. This meeting has been rendered necessary by events in the young African state; events punctuated by the illegal detention, arbitrary transfer and shameful treatment of Prime Minister Lumumba and various members of the Congolese parliament and government.⁵⁰

The political impact of the Casablanca declaration, which was now a document of the Security Council, and the interaction of the eight non-aligned countries in the Council debate were reflected in the statement of the Congolese representative who was struck by the "massive attendance [in the Security Council] of the authors of the ambitious Charter of Casablanca". He criticized the initiative of the group as an attempt to speak for the entire continent of Africa and to mislead world opinion.⁵¹ Since the African states were divided over the legitimacy of the Kasavubu government and the delegation at the United Nations, and in view of the differences over the role of the United Nations operation in the Congo, the Casablanca

document was intended to act as a unifying force, both for the Africans and for the United Nations at large. The only point where the Casablanca declaration was not open to criticism, as far as the Congolese delegate was concerned, was its announcement of the intention of those states to dissociate themselves from United Nations action in the Congo by withdrawing their troops.

The document became even more relevant as a basis for Security Council review of the role of ONUC when Lumumba was killed by his abductors, and when Colonel Mobutu seized power in a coup d'état; two developments which had a significant impact on the legal status and continuing presence of ONUC in the Congo. As Higgins observes, "many of the non-aligned states thought the United Nations interpretation of non-interference had led to conditions, indeed encouraged conditions in which Mobutu's coup became possible".⁵² The eight countries, in a letter to the Secretary-General on 10 February 1961, had expressed their apprehension that news of the escape of Lumumba from captivity was perhaps a camouflage in preparation for announcing his death. The liquidation of Lumumba and his colleagues, they warned, would have the gravest consequences for the future of the United Nations operation in the Congo.⁵³

As the Casablanca conference participants saw it, at that point of time, the United Nations had failed to deal effectively with the Congo situation. Their declaration, backed by the threat of withdrawal of their troops, was intended to stimulate more effective action.

4. The use of force in United Nations peace-keeping

One of the most far-reaching decisions on the United Nations peace-keeping operations in the Congo, was initiated by three non-aligned states, members of the Security Council, Ceylon, Liberia and the United Arab Republic in February 1961. This was the decision of the Council to authorize the use of force, if necessary in the last resort.

Several weeks before Lumumba was killed, and as the incidence of violence against contingents of ONUC increased, non-aligned states, especially those which attended the Casablanca conference, had been advocating the use of force by ONUC, if necessary, to restore law and order. India, for example, whose contribution to the operation had until then been limited to logistics, argued that if there was no question of using force, the Security Council would not have authorized the deployment of some 20,000 armed troops in the Congo. While recognizing that the Organization had not sent an invading army, the Indian Government emphasized that the

use of force had become necessary.⁵⁴ Most of the non-aligned questioned the Hammarskjold guiding principles for peace-keeping which had been applied in the UN Emergency Force (UNEF) operation in the Middle East. Those principles in effect, distinguished peace-keeping from enforcement action under Chapter VII of the Charter, and stated that peace-keeping contingents under United Nations command cannot use force except in self-defence. Hammarskjold was emphatic in his view that the use of military initiative or pressure would not bring about the political structure which the Congo needed at that crucial moment in its turbulent history.⁵⁵

Later, in an apparent message to the non-aligned states, he told the Security Council that instructions had already been given to the effect that in case a clash between armed Congolese units became threatening, the United Nations should use all means short of force, to forestall such clashes through negotiations, through the establishment of neutralized zones, and through cease-fire arrangements and similar measures.⁵⁶

Hammarskjold placed these limitations on ONUC in good faith, even though he was obviously aware of the fact that the situation in the Congo was different from that of Sinai where UNEF had been deployed on the principle that force

would only be used in self-defence. However, as Good points out, these limitations could have been made compatible with an effective UN action under certain conditions:

...if there had existed a single, reasonable, effective governmental authority in the Congo to which the UN could have related its assistance, and if the several factions in the country had been willing to compete with one another without resort to armed violence.⁵⁷

The Congo was certainly not Sinai. While it was necessary for ONUC to maintain its intrinsic peace-keeping role and function, it had to adapt itself to the peculiar circumstances prevailing in that country, namely, civil war; external interference by a Government (Belgium) and European mercenaries; cessation; breakdown in law and order and armed attack on UN personnel. After mounting pressure from the non-aligned states, and in response to political and military developments in the early part of 1961, including the assassination of Lumumba and some of his associates, Hammarskjold realized that he could no longer rely on what Urquhart describes as the expedient vagueness of the terms of the original UN resolution on the Congo, which directed the Secretary-General to eliminate any justification for foreign intervention by restoring law and order as far as possible, without using force or intervening in the country's internal affairs.⁵⁸ So, he had to admit that if this method of preventing civil war by peaceful means was to

be successful, "it was indeed desirable that the United Nations Force, through withdrawal, may make such efforts useless". He went a little further:

I have also already stated that, were clashes between armed units to develop, the UN could not permit itself to become a third party to such a conflict. But the use of force in support of cease-fire arrangements should not therefore be excluded.⁵⁹

For their part, the non-aligned states had no intention of deviating from the Hammarskjold peace-keeping principle of non-intervention and non-use of force per se, but rather they wanted to point out that prevailing circumstances warranted military response from ONUC if it was to achieve its objective.

The non-aligned maintained that the United Nations could no longer remain passive. As Senegal stated, the UN Force, whose mandate was to maintain order, became powerless in Matadi, where it was held at bay by the forces of Colonel Mobutu.⁶⁰ Yugoslavia put it more bluntly:

Are we really to be made to believe that the member states of the United Nations would have made available to the UN, 20,000 well-armed and well-equipped men, solely on condition of their being prohibited, in advance and in every case, from taking any action of a military nature, solely in order to practise non-interference and observation in the face of flagrant annoyances and breaches of the Congo's sovereignty and

integrity, and to look passively while other people interfered...What we maintain is that no order can be re-established in the Congo if there was a systematic refusal to oppose each and every person who causes and provokes disorder.⁶¹

Actually, it was not merely the presence of "20,000 well-armed men" that justified the use of force, but rather, the military situation arising from undisciplined armed bands of various factions in the country. An identical situation arose some 30 years later when United Nations military observers had to contend with so-called "war lords" in the civil war in Somalia, who had attacked UN peace-keeping personnel and relief workers.

Hammarskjold's perception, was that no legal mandate was required for ONUC to take necessary action to deal with those factions of the Congolese army. The non-aligned on the other hand, wanted the Security Council to come up with "a clear and detailed mandate regarding the UN mission in the Republic of the Congo, so that there would be no more room or opportunity for any kind of vacillations and possible deviations from the objectives for which the United Nations operations in the Congo had come in for criticisms".⁶² They saw the assassination of Lumumba as further justification for the use of force to restore order and to prevent a bloody civil war. Quoting Prime Minister Nehru, the Indian representative in the Security Council

expressed the hope that the United Nations authority in the Congo would function effectively:

This means that it should function even if it is necessary to use armed force and not merely look on others using armed force for a wrong purpose; that the foreign elements must go from there and that the so-called Congolese army should be controlled and disarmed.⁶³

Taking advantage of the international political environment which reflected itself in the attitude of the new American (Kennedy) administration to the Congo crisis, and the bellicose tone of a Soviet draft resolution -- one which the new US delegate, Adlai Stevenson described as a virtual declaration of war on the United Nations -- three non-aligned members of the Security Council, Ceylon, Liberia and UAR, came up with a formula which included another dimension in United Nations peace-keeping, namely, the use of force "if necessary and in the last resort".⁶⁴ Adopted by the Council on 22 February 1961, the resolution also urged measures (implicitly by force if necessary), to be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers who were not under United Nations command, as well as mercenaries.

The non-aligned resolution emerged from lengthy diplomatic negotiations which were further prolonged by the

rift between the Soviet Union and the Secretary-General. Once again, he was criticized for his role in the crisis, and especially in the circumstances leading to Lumumba's death. The Soviet Union verbally attacked him and called for his resignation. Disappointed as they were by the incapacity of ONUC to restore law and order and to safeguard the unity and independence of the Congo, the non-aligned members of the Security Council shared Hammarskjold's perception that through efforts far beyond the imagination of the founders of the United Nations, the Organization had, at that point in time, tried to counter the tendencies of those who wanted to introduce super-Power conflict into Africa, and to put the young nations of the continent under the shadow of the cold war.⁶⁵ For obvious political reasons and to avoid a Soviet veto, the non-aligned resolution made no reference to the Secretary-General. It merely took note of the 21 February 1961 report of his Special Representative which, in the words of the draft, had brought "to light the development of a serious civil war situation and preparations thereof..."⁶⁶ However, the draft, which was prepared in the spirit of the Casablanca Conference declaration, was consistent with most of the eight-point proposal which Hammarskjold had presented to the Security Council following Lumumba's death.

One major difference between Hammarskjold and the non-aligned was that he did not see the need for a new mandate for ONUC. He acknowledged that the resolution gave a stronger and clearer framework for United Nations action, but that it did not provide a wider legal basis or new means for its implementation.⁶⁷ As he saw it, implementation would involve an increase in the number of troops. In other words, those who had initiated and supported the additional duties of ONUC -- many of them were already providing contingents -- should realize that those duties would involve strengthening of the Force by further contributions on their part. By their active leadership role in the political process which led to the Security Council's decision to authorize the use of force "if necessary in the last resort", the non-aligned countries expanded the mandate of ONUC, and helped to build a new consensus in support of United Nations peace-keeping activities as a whole. At the same time, their resolution did raise fundamental and legal questions about the methodology of United Nations peace-keeping as a strictly non-enforcement action.⁶⁸ For instance, did the authorization of force change the character of peace-keeping? According to Hammarskjold, since the Security Council, in adopting the February 1961 resolution, had not invoked Articles 41 and 42 of the Charter, ONUC maintained its function as a non-enforcement operation. Since the issue of force arose from the apparent

failure of the United Nations to protect Lumumba and his colleagues, Hammarskjold therefore argued that military action by the United Nations to free prisoners detained by local authorities, de facto or de jure, should be regarded as prohibited by the Charter, except when such military action constitute part of an enforcement measure and is expressly adopted by the Security Council under Chapter VII of the Charter.⁶⁹

It can be argued that if the Congo operation did not involve enforcement measures, and if the provisions for the use of force are contained only in Chapter VII of the Charter, then the decision to authorize the use of force by ONUC, did perhaps add a significant element to the definition and concept of peace-keeping. This element, which subsequently emerged in the case of Somalia, has been described as "peace enforcement". Furthermore, if the non-aligned resolution did not explicitly invoke the enforcement Articles of the Charter, namely 41 and 42, neither did the 1950 Security Council resolutions which merely recommended implicitly, the use of military action to counter North Korean aggression.⁷⁰ Yet, the Korean action has traditionally been characterized as an enforcement action under Chapter VII of the Charter, and not as a peace-keeping operation based on the guiding principles

enunciated by Hammarskjold in 1956 in connection with the first United Nations Emergency Force (UNEF I).⁷¹

While it can be argued that the main objective of both enforcement and non-enforcement measures is the restoration of international peace and security in an area of armed conflict, enforcement measures are offensive in nature and are derived from a determination by the Security Council of an act of aggression or breach of the peace. They are specifically directed at one of the parties to an armed conflict. Non-enforcement measures, on the other hand, do not involve the launching of offensive action against either party to the conflict.

The February 1961 non-aligned resolution raised serious questions about the concept and practice of United Nations peace-keeping. It did not however bring about any substantial change in the legal character of this activity as conceived by Hammarskjold and Canadian Prime Minister Lester Pearson for the United Nations Emergency Force (UNEF I). Authorization of the use of force in the last resort, was, in effect, re-equipping ONUC with teeth, but not necessarily to bite at will. The resolution underscored the principle that ONUC could use its weapons, not offensively, but in self-defence if its contingents were attacked.

Reacting to the legal issues which emerged from the non-aligned resolution of February 1961, and in a calculated effort to ensure that the non-enforcement character of United Nations peace-keeping was maintained in the Congo, the United States, together with the United Kingdom and Turkey, made it quite clear that although they had voted in favour of the resolution, there would be no question of using force until agreement had been sought by negotiation, conciliation and other peaceful measures. They claimed that this interpretation was supported by reference in the non-aligned draft to previous resolutions of the Security Council and the General Assembly which had all established the principles of consultation and impartiality. The United Kingdom clarified their position further:

...It must be explained that the interpretation which my delegation puts upon the words at the end of that paragraph, namely, "and the use of force, if necessary, in the last resort", is that force will only be used by the United Nations to prevent a clash between hostile Congolese troops. There can be no question of empowering the United Nations to use its forces to impose a political settlement.⁷²

This, incidentally, was Hammarskjold's interpretation. He anticipated far-reaching consequences from any misinterpretation of the non-aligned resolution. Accordingly, in a letter to the troop-contributing countries, he suggested that the resolution did not derogate

the position that United Nations troops should not become parties to armed conflict in the Congo. On the contrary, as he put it, the basic intention of the resolution was to take all appropriate measures for the purposes mentioned, and, as far as resort to force was concerned, such action should be taken only when all efforts such as negotiations, persuasion, or reconciliation failed.⁷³ Hammarskjold felt slighted by the absence of any reference to the Secretary-General's role and responsibility in implementing the resolution, yet he was determined to ensure that there was no deviation from the principles of peace-keeping which he had helped to formulate from the experience of the Suez crisis.

The February 1961 Security Council resolution was inspired by developments surrounding the arrest, detention and subsequent death of Lumumba and his colleagues, as well as armed attacks against ONUC contingents. However, its primary objective lay in operative paragraph 2 of Part A, which "urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military, paramilitary personnel and political advisers not under United Nations command, and mercenaries". The non-aligned incorporated the positions of both the United States and the Soviet Union on the question of withdrawal. As Ambassador Stevenson explained, the Soviets

were demanding that Belgian military and paramilitary aid be withdrawn. The United States on the other hand, insisted that all foreign military aid, from whatever source and to whatever end, be removed from the Congo.⁷⁴ The United States, incidentally, had some reservations about certain aspects of the non-aligned draft, but withheld any significant amendments and voted in favour. This was apparently a reflection of Stevenson's view that with President Kennedy's interest in the non-aligned world, "the United States with its anti-colonial tradition, did not want to offend the leaders of the new African and other neutralist states". The idea was that preference for United Nations intervention, as opposed to American bilateral assistance, would counteract Soviet charges of American neo-colonialist ventures in Africa.⁷⁵ In any case, the United States co-operated closely with the non-aligned states in the drafting of the resolution, although the Soviet Union assured its adoption by abstaining.⁷⁶

Nine months later, in November 1961, and after the death of Hammarskjöld, the non-aligned members of the Security Council succeeded in having the Council authorize the Secretary-General to take "vigorous action, including the use of the requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and or deportation of all foreign military and paramilitary

personnel and political advisers not under the United Nations Command, and mercenaries".⁷⁷ The success of the non-aligned in strengthening the previous Security Council resolution authorizing the use of force, if necessary, was due to the acts of violence, including armed attack against ONUC contingents, not only by mercenaries but also by Congolese soldiers. Underscoring the position taken by most of the non-aligned states, President Nkrumah of Ghana had spoken of the need to disarm all Congolese armed units:

The disarming will involve their return to barracks and the surrender of their weapons to the new United Nations Command. The disarming and hand over should be voluntary, and should lead to the re-organization and training of the Congolese National Army, but if certain factions will not co-operate, force must be used.⁷⁸

The non-aligned success in the adoption of the November 1961 resolution was also partly due to the United States, which had been advocating more effective means of stopping the supply of arms to the various Congolese factions. A number of United States amendments were accepted. The Soviet Union vetoed two amendments proposed by the United States, but decided to support the resolution as amended. Britain and France abstained.

This new or extended mandate regarding the use of requisite force, did not constitute a carte blanche to ONUC

to use force indiscriminately especially to end the secession of Katanga, nor did it change the basic principles of United Nations peace-keeping. At the same time, the actions taken by ONUC under the terms of the February and November 1961 Security Council resolutions, did not legally constitute enforcement measures within the meaning of Chapter VII of the United Nations Charter. Higgins has suggested that while the February resolution envisaged force as a last resort to prevent civil war, that of November somewhat extended further the mandate of ONUC and authorized the use of requisite measure of force if necessary. However, she concludes that even though the circumstances in which ONUC was permitted to use force were enlarged, the action was still not a sanction against the Congo.⁷⁹ Since the original mandate had called for assistance to the Congo for the maintenance of law and order, it follows that action in pursuit of that goal could require the use of force, although of course, as Rikhye adds, this has to be strictly linked to the requirement of self-defence.⁸⁰

Both resolutions, sponsored by the non-aligned, were of historic importance in the evolution of United Nations peace-keeping activities. They also paved the way for more effective action by ONUC to assist the central government of the Congo in the restoration and maintenance of law and order. Of course, the Status Agreement between the United

Nations and the Republic of the Congo (Leopoldville), signed on 27 November 1961 by the Acting Secretary-General U-Thant, and Foreign Minister Justine Bomoko,⁸¹ facilitated implementation of those resolutions. The Agreement was deemed to have become effective as of the date of the arrival of the first contingents of the United Nations Force in that country.

5. The responsibilities of the Secretary-General in peace-keeping operations

As far as the Soviet Union was concerned, the non-aligned resolution of 21 February 1961 gave no mandate to the Secretary-General. It did not specify who should take the necessary measures to ensure the immediate withdrawal of and evacuation of Belgian and other non-UN military, paramilitary, and political elements from the Congo. It was obvious that the aim of the Soviet Union was either to force Hammarskjold out of office, or failing that to drastically reduce his authority and responsibility in United Nations peace-keeping activities. Responsibility for directing the operations, in the Soviet view, was vested in the Security Council, even though the Soviet Union had often complained that the executive organ of the Organization was "virtually in the hands of a group of Powers belonging to the Western military blocs".⁸²

The non-aligned resolution of 21 February 1961 helped to clarify what had become a serious constitutional issue, especially in the light of the leading part played by the General Assembly and the Secretary-General in the creation and operation of UNEF in the Middle East in 1956. Although it did not, apparently to avoid a Soviet veto, contain any direct reference to the responsibility of the Secretary-General in its implementation, it did in fact implicitly and constitutionally recognize that responsibility. The United States representative observed that any resolution calling for United Nations action must be carried out by the Secretary-General in the context of Article 97 of the Charter:

Under Article 97 of the Charter, he is the chief administrative officer of the Organization. To the extent that this resolution creates further authority for the United Nations in the Congo, or calls for implementation of previous decisions, the Organization's executive officer must be responsible.⁸³

During the resumed fifteenth session of the General Assembly, a few weeks later, Hammarskjöld spoke at length on the responsibilities of the Secretary-General in peace-keeping operations. He did not however attribute these responsibilities to Articles 97 and 98 of the Charter, presumably because there is no reference in the Charter to peace-keeping, and because as Higgins suggests, the Secretary-General's powers under Articles 97-99 of the

Charter "even when taken with the consent of the host state and all parties concerned, apparently are not a sufficient basis for a United Nations peace-keeping mission".⁸⁴ But this argument, it seems, pertains to the establishment of a mission or operation, and not to the implementation of resolutions on peace-keeping operations already under way. Indeed, Higgins clarifies her argument by concluding that there is a general consensus that the Secretary-General cannot establish a force even with the consent of all the parties involved.⁸⁵

Hammarskjöld chose to base his own argument on past practices. He told the General Assembly that the non-aligned resolution of 21 February 1961 reaffirmed previous resolutions of the Security Council and of the General Assembly, which had entrusted to the Secretary-General with the execution of the decisions of the Council in the Congo conflict. He referred for example to the initial resolution of 14 July 1960, which authorized the Secretary-General to take the necessary steps for implementation:

It was, thus the Security Council which on its own independent initiative gave me a general authorization, obviously implying a request for immediate action...I had to go ahead on the basis of the authorization without the privilege of any prior consultations. However, in a report put before the Council on 18 July, a very full

account was given not only of my interpretation of the mandate and the tasks of the Force, but also of the requests for troops made, the accepted offers, the composition of the Force, the assignment of a Commander and related matters.⁸⁶

He underlined the fact that the Security Council took note of his report and that the Council had commended him in its resolution of 22 July 1960, again with the concurrent vote of the Soviet Union.⁸⁷ Furthermore, Hammarskjöld pointed out that every member of the General Assembly should know why over the years, and again in the Congo crisis, the Security Council or the General Assembly had found it convenient to entrust, in very general terms, executive action on highly explosive problems to the Secretary-General.⁸⁸ In other words, the Council often finds it politically expedient to couch its resolutions and mandates in general terms as a means of arriving at a consensus, and thus ensure their adoption. The idea is also to give the Secretary-General adequate scope to implement them. One view is that when the Secretary-General is entrusted with implementation of parts of a Security Council resolution on peace-keeping operations, the Secretary-General should persist in his interpretation of the mandate, unless and until the Council provides a clear and authoritative interpretation.⁸⁹ This is exactly the position that Hammarskjöld took on several occasions during the Congo crisis. As Ciobanu rightly suggests, the interpretation of

the Secretary-General should prevail when members of the Security Council differ in their own interpretation of the mandate:

In such a case, the will of the Secretary-General or the subsidiary organ concerned would in fact be substituted for the will of certain members of the Security Council, and this would be likely to generate politically unacceptable constitutional crisis similar to that witnessed in the Congo crisis.⁹⁰

The debate over the responsibilities of the Secretary-General in peace-keeping which the non-aligned resolution generated, was expected. After all, peace-keeping was a novel activity, one which is not explicitly provided for in the Charter, and which at the same time, was still emerging from the Suez experience.

The quasi-constitutional responsibility of the Secretary-General for peace-keeping operations does not mean that he can act alone once he has been entrusted with explicit or implicit executive authority to interpret or implement resolutions of the Security Council. The non-aligned resolution of 21 February 1961, provided an opportunity for the Secretary-General to enunciate what has become one of the most important principles of United Nations peace-keeping, namely, collective responsibility. This implies a process of close consultations between the

Secretary-General and members of the Security Council, the General Assembly and groups of states, including troop contributors. If necessary such consultations could be extended to the Military Staff Committee, even though the Committee is supposed to function in the context of Chapter VII, the enforcement section, of the Charter.

Collective responsibility in peace-keeping operations becomes more necessary when the Security Council does not provide a clear indication of how its directives should be implemented. For instance, in the initial phase of the Congo operation, Hammarskjold without a clear mandate from the Security Council, formalized an arrangement for standing consultations with a group of states, including representatives of all troop contributors. The group, he recalled, had a very strong African-Asian majority, and the General Assembly itself later used it for special tasks.⁹¹ He ended his "condensed review of the constitutional issue" raised by the Soviet Union regarding the responsibilities of the Secretary-General in peace-keeping operations, with a reminder that:

...in the General Assembly in December [1960], I invited the General Assembly to make arrangements for the sharing of responsibility, an invitation later repeated but never acted upon by the General Assembly or the Security Council.⁹²

It is not surprising then that once the non-aligned resolution of 21 February 1961 was adopted, Hammarskjold translated into action the principle of collective responsibility in the peace-keeping decision-making process, by informing the Security Council how he would proceed to implement the resolution:

On that basis, I shall urgently avail myself of the valuable assistance of the Advisory Committee. It is for its members, fifteen of whom are from African and Asian countries, that I shall seek guidance in the implementation.⁹³

He certainly needed guidance from as broad a political spectrum as possible, at least to secure the additional troops required as replacements for the contingents which had been withdrawn. Moreover, since as Urquhart points out, the new authority that the February 21 resolution provided for the use of force "was not accompanied by any substantial clarification of the circumstances in which force might be used",⁹⁴ the Secretary-General had no alternative but to seek guidance from other sources, primarily from the Advisory Committee which, incidentally, had sent a Conciliation Commission to the Congo to assist in the search for a political solution to the crisis.

As a matter of fact, Hammarskjold expected the General Assembly, a politically variegated and numerically larger

constituency, to give him a vote of confidence in his ability to oversee implementation of the February 21 resolution, and to provide some general clarification regarding the use of force. Unfortunately, for Hammarskjold, the resumed session of the Assembly coincided with another period of intense political activity among the newly-independent states of Africa. A consensus did not seem forthcoming. Panafricanism was being developed on two separate fronts, namely at Casablanca, and in Tananarive, the venue of a conference of African States, mostly francophone, which, with the support of Tshombe and others had proposed the idea of a confederation for the Congo. Concurrently, the concept of non-alignment was being formalized by the Casablanca group, made up Afro-Asian countries, as well as Yugoslavia. Indeed, while the United Nations General Assembly was meeting during March and April 1961, President Tito was visiting nine African countries to seek support for a conference of non-aligned countries.

Although it appeared that panafricanism was competing with non-alignment, the great visionary, President Nkrumah of Ghana, saw a role for the countries which were trying to transform both concepts to political movements or organizations:

I believe the non-committed countries of the world have now the opportunity of working out, within a United Nations framework,

practical plans which can solve the Congo crisis, restore the prestige of the United Nations and remove the threat of hot war occasioned by continued disorder in the Congo. No such plan however, is possible unless it is set in an African framework with the independent states of Africa and the Asian countries playing the leading role in its accomplishment.⁹⁵

Two draft resolutions emerged from the six-week General Assembly debate, sponsored by two groups of African and Asian states. The Casablanca group wanted the Assembly to set a three-week deadline for the withdrawal of Belgian and other non-UN forces and political elements from the Congo, while the Tananarive group preferred what Hammarskjold's military adviser General Rikhye describes as the more cautious approach recommended by the 15-member Conciliation Commission which had spent two months in the Congo.⁹⁶ The Assembly was divided over the question of whether or not reference should be made to the Secretary-General in one of the draft resolutions. Eventually Hammarskjold succeeded in what amounted to a vote of confidence, when the Assembly adopted a resolution stating that it considered it essential that necessary and effective measures be taken by the Secretary-General immediately, to prevent the introduction of arms, military equipment and supplies into the Congo, except in conformity with the resolutions of the United Nations.⁹⁷ The Assembly also adopted another resolution, albeit with a large number of abstentions, reaffirming the Security Council resolution of 21 February 1961, and

expressing concern that the central factor in the grave situation was the continued presence of Belgian and other foreign military, paramilitary, political advisers and mercenaries in the Congo, and the need for Belgian compliance.⁹⁸ This concern was exactly what Hammarskjold had expressed in the Assembly 10 days earlier.

Despite their differences in the General Assembly, where there was no threat of a Soviet or any other veto, most of the non-aligned states gave Hammarskjold what they had denied him in the Security Council resolution of 22 February. He was mentioned by name, and explicitly authorized to ensure implementation of that resolution. In this instance, his principle of collective responsibility in decision-making processes for United Nations peace-keeping was upheld. Hammarskjold did not always agree with individual non-aligned or African members of the Organization, but he knew that he could not function effectively as Secretary-General without the confidence of the newly-independent and non-aligned states. His successor, U Thant, observed that the major support which Hammarskjold had received "in his Congo policies from these non-aligned and uncommitted states was due to their agreement with the Secretary-General's interpretation of the relevant Security Council resolutions, and to their agreement with his actions, and not because they endorsed US

policies in general".⁹⁹ U Thant himself maintained this collective approach to decision-making on the activities of ONUC, by consulting with the Advisory Committee on the Congo. For instance, in August 1962 when the use of force by ONUC once again became a crucial issue, he found it necessary to consult with the Committee regarding the possibility of a Security Council meeting to consider the formulation of a new mandate for ONUC or a clarification of the existing mandate:

I made it clear in this connexion, that at present there was, in my opinion, no mandate for the United Nations to take any initiative in the use of force to achieve the political objective of ending secession. The consensus of the Committee was that the present mandate was adequate, and that there seemed to be no necessity at this juncture, for further Security Council action.¹⁰⁰

On the basis of those and other series of consultations, U Thant devised his historic Plan of National Reconciliation for that country. Even when the Secretary-General did not always secure a consensus, the Committee was considered an active participant in the decision-making process for the United Nations peace-keeping operations in the Congo.

1961, the height of the Congo crisis, was also an important phase in the evolution of non-alignment as a political movement, and for the countries which had decided

to make it the cornerstone of their foreign policy. The seeds of the coalition of "like-minded states", which Nehru of India, Nasser of Egypt and Tito of Yugoslavia had sown in the Yugoslav city of Brione in 1956, began to take root. First, at the Casablanca conference early in 1961, and later in the year, at the first summit conference of non-aligned countries, held in Belgrade. The conference, which was convened in an international cold war environment, gave the concept of non-alignment greater significance and recognition. As Willets points out:

Non-alignment was not widely encouraged as a coherent set of ideas that was the basic justification for the foreign policy of particular states, until those states came together and articulated their common interests and similarity of outlook in the 1961 Belgrade Conference.¹⁰¹

This first formal step towards the institutionalization of non-alignment had an impact on the political perception of the man who assumed the Hammarskjold mantle, not only to the end of the ONUC mandate, but also to the controversial end of another United Nations peace-keeping operation. U Thant admits that his attendance at the Belgrade conference and his personal contacts with the leaders of the non-aligned countries, no doubt influenced his political thinking.¹⁰² As indicated in Chapter V non-aligned countries did influence his decision to withdraw the UN Emergency Force (UNEF 1) from the Sinai.

CHAPTER VI - Notes

1. Brian Urquhart, Hammarskjold, (New York: Alfred A. Knopf, 1973) p. 394
2. James M. Boyd, United Nations Peace-keeping; a military and political appraisal (New York: Praeger, 1971) p. 20
3. Jit Indar Rikhye et. al. Thin Blue Line, (New Haven and London: Yale University Press 1974)
4. In Lebanon, following the outbreak of civil war in 1958, President Chamoun complained to the Security Council about a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which was likely to endanger the maintenance of international peace and security. This was the main element in the Council's decision to send United Nations observers to Lebanon. One instance when 'external threat' was not the deciding factor, was Somalia in 1991. The UN Observer Mission in Somalia (UNOSOM) was deployed in a civil war situation compounded by famine, humanitarian concerns and a complete breakdown in law and order.
5. U.N. Document S/PV. 913, 25 July 1960 para. 25.
6. Urquhart, op. cit., p. 396
7. Georges Abi-Saad, The United Nations Operations in the Congo, 1960-1964, (London: Oxford University Press, 1978) p. 9
8. U.N. Document S/4382, 13 July 1960.
9. Abi-Saad, op. cit., p. 9.
10. Milorad, Mijovic, ed. Conference de Belgrade Numero 5, September 1961 (Beograd: Revue de la Politique Internationale, September 1961) p. 17.
11. Kwame Nkrumah, Challenge of the Congo (New York: International Publishers, 1967) p. 30.
12. U.N. Document S/4382, 13 July 1960.
13. Ernest W. Lefever, Uncertain Mandate - The Politics of the UN Congo Operation (Baltimore: Johns Hopkins University Press, 1967) p. 157
14. Nkrumah, op. cit., p. 20.

15. U.N. Document S/4387, 14 July 1960.
16. Urquhart, op. cit., p. 398.
17. John Stoessinger, The Might of Nations (New York: Random House, 1967) p. 136.
18. Urquhart, op. cit., p. 403.
19. Abi-Saad, op. cit., pp. 26-27.
20. Transportation for the first contingents (from Ethiopia, Tunisia, Morocco and Ghana) was provided by the United Kingdom, the Soviet Union and the United States.
21. Urquhart, op. cit., p. 401.
22. Ibid, p. 406.
23. U.N. Document S/4426, 9 August 1960.
24. Hammarskjold had in fact, on 2 August, discussed with a committee of the Congolese cabinet in Leopoldville, the question of withdrawal of Belgian troops and the deployment of United Nations contingents in Katanga.
25. Rosalyn Higgins, United Nations Peace-keeping, Documents and Commentary, 1946-1967 Volume III - Africa (London: Oxford University Press, 1980) pp. 307-308.
26. Ibid., p. 443.
27. Francis O. Wilcox, "The non-aligned states and the United Nations", in Neutrality and Non-Alignment - the new states and world affairs, Lawrence W. Martin, ed. (Westport: Greenwood Press, 1967), p. 134.
28. Higgins, op. cit., p. 434.
29. Abi-Saad, op. cit., p. 74.
30. Urquhart, op. cit., p. 455.
31. U.N. General Assembly Resolution 1477, 20 September 1960.
32. Urquhart, op. cit., p. 458 Cited from U.N. Document A/4390 Add. 1, 31 August 1960.
33. Higgins, op. cit., p. 322. See also U.N. Document S/PV. 915 statements by Mali and Yugoslavia, December 1960.

34. Abi-Saad, op. cit., p. 84.
35. Urquhart, op. cit., p. 478.
36. U.N. Document S/PV. 936, 16 February 1961.
37. Nkrumah, op. cit.
38. U.N. Document S/PV. 920, 13 December 1960.
39. Report of the Secretary-General, U.N. Document S/4640 26 June 1961, Letters to Ceylon, Guinea, Indonesia, Morocco, Yugoslavia and United Arab Republic.
40. U.N. Document S/PV. 931, 7 February 1961.
41. Ibid.
42. Higgins, op. cit., pp. 118-119.
43. U.N. Document A/L. 331/Rev. 1, 19 December 1960.
44. U.N. Document S/PV. 937, 16 February 1961.
45. Ibid.
46. U.N. Document A/957, 19 December 1960.
47. U.N. Document A/956, 18 December 1960.
48. David Kay, The New Nations in the United Nations, 1967-70, (New York: Columbia University Press, 1970).
49. Declaration sent by President Nkrumah to the United Nations, U.N. Document S/4626, 13 January 1961.
50. U.N. Document S/PV. 931, 7 February 1961.
51. U.N. Document S/PV. 932, 7 February 1961.
52. Higgins, op. cit., p. 322.
53. U.N. Document S/4682 Quoted by United Arab Republic in Document S/PV. 933, 13 February 1961.
54. U.N. Document A/PV. 957, 19 December 1960.
55. U.N. Document A/PV. 953, 17 December 1960.
56. U.N. Document A/PV. 935, 15 February 1961.

57. Robert C. Good, "The Congo Crisis: a study of post-colonial politics", in Neutralism and Non-alignment, op. cit., p. 44.
58. Urquhart, op. cit., pp. 403-404.
59. U.N. Document S/PV. 935, 15 February 1961.
60. U.N. Document A/P.V. 957, 19 December 1960.
61. Ibid.
62. U.N. Document S/PV. 937, 16 February 1961.
63. U.N. Document S/PV. 941, 20 February 1961.
64. U.N. Document S/4741, adopted 20-21 February 1961.
65. U.N. Document S/PV. 935, 15 February 1961.
66. U.N. Document S/4741, 20-21 February 1961.
67. U.N. Document S/PV. 942, 20-21 February 1961.
68. For an analysis of the methodological approach to peace-keeping, see Dan Ciobanu, "The Power of the Security Council to organize peace-keeping operations", in United Nations Peace-keeping, Legal History, A. Cassese, ed., (Alphen, Netherlands: Sijhoff and Noordhoff, 1978). See also "Legal aspects of the UN action in the Congo", Oscar Schachter, 55 AJIL 1961.
69. U.N. Document S/PV. 942, 20-21 February 1961.
70. U.N. Security Council Resolutions 83 (1950) and 84 (1950). There was no reference to Articles 41 and 42. In contrast, Resolution 678 of November 29, 1990 regarding the Iraqi invasion of Kuwait, stated that the Council was acting under Chapter VII of the Charter of the United Nations. In the February 1961 resolution, the Council did not, as Abi-Saad suggests, explicitly characterize the situation in the Congo as a threat to international peace and security; a characterization which is based on Chapter VII of the Charter. The Council merely expressed its deep concern at the grave repercussion of the Lumumba murder, namely widespread civil war and bloodshed and the threat to international peace and security.
71. U.N. Documents A/3289, A/3302, and A/3943 of 9 October 1958.
72. U.N. Document S/PV. 942, 20-21 February 1961.

73. U.N. Document S/4752 Annex VII, 27 February 1961.
See also Rikhye op. cit., p.1.
74. U.N. Document S/PV. 934, 15 February 1961.
75. Ernest W. Lefever, Crisis in the Congo (Washington D.C.: Brookings Institution, 1965), p. 19.
76. The Soviet Union claimed that the main reasons why it did not veto the resolution were (i) it contained objective condemnation of the murder of Lumumba and others, and (ii), it urged withdrawal of Belgian colonialists.
77. U.N. Document S/5002, 24 November 1961.
78. U.N. Document S/PV. 961, 7 March 1961.
79. Higgins, op. cit., p. 58.
80. Jit Indar Rikhye, The Theory and Practice of Peace-keeping (London: C. Hurst & Co., 1984) p.2.
81. U.N. Document S/5004 or A/4986.
82. U.N. Document S/PV. 965, 21 March 1961, para. 31.
83. U.N. Document S/PV. 941, 20 February 1961.
84. Rosalyn Higgins, "A general assessment", in U.N. Peace-keeping: Legal Essays op. cit., p. 7.
85. Ibid.
86. U.N. Document S/PV. 977, 5 April 1961, paras. 15-16.
87. Ibid.
88. Ibid. para 23.
89. Ciobanu, op. cit., p. 34.
90. Ibid.
91. U.N. Document S/PV. 977, 5 April 1961, para 19.
92. Ibid. para. 22.
93. U.N. Document S/PV. 942, 20-21 February 1961.
Abi-Saad recalls that while the Advisory Committee for

UNEF I was created by the General Assembly on Hammarskjold's initiative, that of ONUC was Hammarskjold's exclusive creation.

94. Urquhart, op. cit., p. 511.
95. U.N. Document A/PV. 961, 7 March 1961, para. 11.
96. Jit Indar Rikhye, The Theory and Practice of Peace-keeping op. cit., p. 85.
97. U.N. General Assembly Resolution 1600 (XV), 15 April 1961.
98. U.N. General Assembly Resolution 1599 (XV), 15 April 1961.
99. U Thant, A View from the U.N. - The Memoirs of U Thant, (Garden City, New York: Doubleday, 1978), p. 34.
100. U.N. Document S/5053 Add. 1, 20 August 1962.
101. Peter Willets, The Non-Aligned Movement (London: Frances Pinter, 1978) p. 3.
102. U Thant, op. cit., p. 36.

CHAPTER VII

THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS (UNFICYP)

Cyprus is one of the two European members of the non-aligned movement. Until the Yugoslav political crisis in 1991 it was also the only European country on whose territory United Nations peace-keeping forces had been deployed. The fact that its main political adversary, Turkey, was a member of a military alliance, NATO, gave Cyprus a special place in the non-aligned movement. It has been suggested, for instance, that one possible reason for Cyprus joining the movement was its communal differences, and possible pressures from Greece and Turkey.¹ The qualification of Cyprus for non-aligned membership was further enhanced by the Treaty of Guarantee of 16 August 1960, by which it undertook not to participate in whole or in part, in any political or economic union with any state whatsoever.² Since the early 1950s Archbishop Makarios had been associating himself with the Afro-Asian anti-colonial movement. He succeeded in presenting the Cyprus problem as a colonial one, and, in the early 1960s, he tried to win Afro-Asian support by alleging an analogy between Cyprus and the Congo with the Turkish-Cypriots as "a bunch of Moise Tshombes who were bent on secession".³ Once Cyprus had identified itself with the non-aligned, and had made its case against the minority Turkish-Cypriots in the context of

what Alan James describes as the overriding importance of the doctrine of self-determination, United Nations support and sympathy for the Greek-Cypriot majority on the island seemed assured:

The United Nations is generally unsympathetic to the claims of minorities, for they are too numerous for the comfort of many of the UN members. And when the minority concerned comes from a NATO nation, and lives in a new, small and non-aligned state, whose President had the distinction of being exiled by the British for a number of years before his country became independent, the Organization is likely to be particularly lacking in deep concern for its (that minorities') welfare, and certainly to look with grave disfavour on any attempt to intervene on its behalf.⁴

This sympathy for the Greek Cypriot community did not in any way affect the impartiality and neutrality of the United Nations peace-keeping operations on the island. It was a diplomatic support on the part of the non-aligned states in the United Nations to ensure that the territorial integrity and independence of one of its own were safeguarded. An earlier plan for the deployment of a peace-keeping force from NATO countries to replace the all-British presence added a cold war East-West dimension to the Cyprus problem. Such a plan only succeeded in promoting President Makarios' policy of non-alignment, and in expanding the scope for United Nations involvement. Once the United Nations got involved, the non-aligned states were expected to play some role in the creation of a United Nations peace-

keeping machinery for a non-aligned Cyprus. The mere act of bringing the problem to the United Nations provided the non-aligned states with an opportunity and a platform to articulate the concept of non-alignment, and, at the same time, to contribute directly to the shaping of United Nations peace-keeping activities.

1. A Matter of Choice: NATO or the United Nations

In its letter of 26 December 1963 to the Security Council, Cyprus accused Turkey of aggression and intervention in its internal affairs, by the use of force against its territorial integrity and independence. Notwithstanding the Treaty of Alliance which allowed Turkey, together with Greece and the United Kingdom to maintain a military presence on the island, invariably as a symbol of protection of the interests and rights of the Turkish community there; and despite the fact that Cyprus had accepted an offer of a joint "peace-making" force made up of Greek, Turkish and British troops to assist in maintaining the cease-fire in the inter-communal fighting, the Cyprus complaint to the Security Council was seen as one involving a small, weak, newly-independent and non-aligned state, against a member of a powerful military alliance, NATO. Although the Soviet representative may have exaggerated the NATO connection when he spoke of "a considerable array of armed forces belonging to Powers in the NATO military bloc,

being concentrated in the region of Cyprus, and the attempt being made by certain NATO Powers" to force their will upon the people and Government of Cyprus⁵, the fact remained that Cyprus was the only state party involved which was not a member of NATO. This perception of the conflict was further justified when a proposal was made to have troops from other NATO countries augment the joint British-Greek-Turkish "peace-making" force under the command of Britain.

Cyprus saw itself surrounded by foreign troops, some of which would retain the right of unilateral action under treaty arrangements. If he was going to accept an international force whose creation would not affect any of the existing treaty "rights and obligations of the British, Greek and Turkish Governments" relating to Cyprus, President Makarios thought that he should have an impartial non-NATO machinery to serve, at least as a political and diplomatic shield to help guarantee the territorial integrity of his country. Cyprus saw the United Nations Security Council and troops placed under its authority as a form of security for a small non-aligned state against an imminent threat posed by the presence of foreign military contingents on its soil. From the position of a small and relatively weak state, it was not enough to ask the UN Security Council to take note by consensus of the arrangements made by Britain, Turkey and Greece for the creation of an international peace-keeping

force to be deployed in Cyprus. It was also not enough to have a United Nations military observer sent to Cyprus to observe the progress of the peace-making effort and report back to the Secretary-General. Cyprus felt safer with an international force under the control of the Security Council. Foreign Minister Kyprianou put it succinctly to the Council:

We could not agree to any force composed of contingents from various countries without it being under the control of the Security Council. We do not wish to question the intention of the countries which are ready to participate in the force, but we cannot ignore the authority of the Security Council which, for a small country, can provide the most effective guarantee in the light of the various dangers which are in the presence of an international force.⁶

By insisting on a United Nations peace-keeping force, Cyprus underscored a relationship between United Nations peace-keeping and the concept of non-alignment; namely, that the deployment of peace-keeping forces on the territory of a non-aligned state under the auspices of a military alliance, is incompatible with that state's policy of non-alignment. Cyprus set an example for other small non-aligned states. In explaining this preference for United Nations forces, Jacovides writes:

Quite apart from other factors which may have dictated the clear preference for a UN peace-keeping force, such as the predictable

attitude of the Afro-Asian members and of the Soviet Union (not to mention the fact that apart from the proponents of the scheme and one or two other willing NATO members, the idea of expanding the area of responsibilities of this alliance was not enthusiastically received by the other members), I suggest that this attitude is fully consistent with the over-all philosophy of the foreign policy of Cyprus as a small non-aligned country depending on its security on, and having confidence in, not military alliances such as NATO, of which it is not a member, but the United Nations.⁷

The United States expressed regret that President Makarios had not accepted the British proposal for an international peace-keeping force. Ambassador Stevenson denied that the British proposal envisaged contingents only from NATO countries, and offered American participation in the peace-keeping if the parties concerned accepted the offer. While suggesting that the expertise of the UN Secretary-General could be useful in the arrangements for the creation of the force, Ambassador Stevenson did not state explicitly whether the United States would support a United Nations peace-keeping force under the authority of the Security Council. Norway was inclined to support the British proposal, but warned that the Security Council would be well advised not to prescribe in detail how the operation should be carried out. As far as the Soviet Union was concerned, plans for sending foreign troops to Cyprus had only one aim: "de facto occupation by NATO armed forces of the Republic of Cyprus, which is pursuing a policy of non-

alignment with military blocs, and de facto subjugation of this small neutral state member of the United Nations to be under the military control of NATO".⁸ Soviet support for Cyprus was unequivocal. However, the over-emphasis on a perceived NATO plot, completely overshadowed any implied Soviet endorsement of the type of peace-keeping force Cyprus was prepared to accept. In other words, it was not clear whether or not the Soviet Union supported Mr. Kyprianou's call for a United Nations peace-keeping force under the authority of the Security Council, instead of an international force under British command.

2. The Non-aligned choice

The two African non-aligned members of the Security Council, Morocco and the Ivory Coast, made it clear that they took the Cyprus view of the proposed peace-keeping force; namely, that the Secretary-General, acting under the authority of the Security Council, should direct the peace-keeping function of the international force. In discussing the role of the Council, some attention was given to the Treaty of Guarantee which had formed the basis of the island's independence. Although the non-aligned states were convinced that certain provisions of the London and Zurich agreements placed substantial restrictions on the sovereignty and integrity of Cyprus, they indicated that

they would not support any action on the part of the Security Council to change those provisions. The attitude of the Ivory Coast and Morocco in this regard has been described by Stegenga as a responsible behaviour:

Both the Moroccan and Ivory Coast representatives had insisted, in support of Great Britain and against Greek Cypriot wishes, that the Security Council could not abrogate treaties...and that the most urgent first priority need was restoration of peace on the island. Neither evidenced such sympathy for the Soviet declamations about NATO-sponsored recolonization etc.⁹

Non-aligned sympathy was neither for Britain nor for the Soviet Union. Under no circumstances would Morocco and the Ivory Coast raise the question of NATO control. Their concern was for the independence and non-aligned status of Cyprus. They were equally worried about the possibility of exposing the conflict to East-West rivalry. As the Moroccan representative put it:

From Latakia to Tangiers, we, as non-aligned nations, are profoundly anxious that this part of the world should be progressively withdrawn from exposure to the out-and-out competition of the cold war.¹⁰

It was this concern that led the two African non-aligned states in the Security Council, to support the creation of a United Nations peace-keeping force under the authority of the Council. Together with Bolivia, Brazil and Norway, they co-sponsored the Security Council Resolution creating a UN

peace-keeping force subject to the consent of the Government of Cyprus.¹¹

The Soviet Union, which was in principle opposed to the sending of foreign troops, including United Nations troops, to Cyprus, felt obliged not to veto the will of the rest of the Council. In order to meet the wishes of the Government of Cyprus, Ambassador Fedorenko of the Soviet Union declared that Moscow was prepared "not to oppose the adoption of this resolution, but to vote in favour of it".¹² According to James, one factor which caused the Soviet Union to welcome the establishment of the force was that it was additional guarantee of the independence and non-alignment of Cyprus.¹³ The Soviet Union which had been quite outspoken about preserving the territorial integrity and independence of Cyprus against what it perceived as a NATO threat, could not have vetoed the resolution which Cyprus and the other non-aligned states had accepted and co-sponsored. It should be observed, that the Soviet Union was generally speaking more inclined to yield to non-aligned anti-colonial demands than to pressure from the United States. The Soviet Union also gave the impression that on anti-colonial and related issues, the Afro-Asian or non-aligned states can always count on its support or acquiescence. As far as the decision to send a United Nations peace-keeping force to Cyprus was concerned, there was also the imperative for the Soviet

Union to vote in favour of the resolution, as James observes, because the UN intervention would have prevented the issue from being dealt with as if it were essentially an intra-NATO affair, and because "a NATO force in Cyprus would have carried the possibility of pressure being brought in favour of a solution which satisfied Greece and Turkey at the expense of Cyprus".¹⁴

The need for a United Nations peace-keeping presence on the island became even greater when, eight days after the Security Council decided unanimously to send such a force, Turkey informed the Secretary-General that it intended to send a Turkish force to Cyprus to restore law and order there. The Soviet Union was enraged by the Turkish letter. This aroused an extraordinarily blunt statement by Ambassador Fedorenko in the Security Council in support of the independence and non-alignment of Cyprus. Quoting from the resolution about which his delegation had some reservations, Ambassador Fedorenko stated that Turkey was openly challenging the Security Council:

The whole implication of the note is nothing other than an open defiance of the Security Council resolution. Turkey is openly challenging the Security Council, the United Nations organ primarily responsible for the maintenance of international peace and security. Turkey has decided to disregard the principles of the United Nations Charter, and there can be no doubt that Turkey would scarcely dare to behave so provocatively if it did feel to be backed by the Western

countries' aggressive bloc -- NATO.¹⁵

The Soviet representative spoke in support of Cyprus as if Cyprus was a member of the Soviet bloc. He made more pro-Cyprus interventions in the February-March 1964 Security Council debates than all the non-aligned members of the Council put together. This was a reflection of the power bloc politics which had surrounded the whole problem of Cyprus. Although the Soviet Union made an issue out of the alleged NATO plot, this was the first conflict under United Nations peace-keeping in which one of the parties directly involved was a member of a major defence pact. It was difficult to ignore the perception that there was no NATO plot against non-aligned Cyprus. Members of the Alliance were legally committed to come to Turkey's assistance in the event of an armed attack against that country. Such an attack was possible, particularly when, during the arrangements for a UN peace-keeping operation, Turkey expressed its intention to send its troops into Cyprus to restore law and order. In fact the situation was so serious that the sponsors of the March 4 resolution (a resolution envisaging the deployment of a UN peace-keeping force) tabled another resolution reaffirming the Council's call on all member states to refrain from any action or threat of action which was likely to worsen the situation in Cyprus, or to endanger international peace.¹⁶ The five sponsors, including the Ivory Coast and Morocco, realized the need to

expedite the deployment of the UN force. Incidentally, the United States endorsed it and announced an offer of \$2 million to help the United Nations remove what Ambassador Yost called the financial obstacle to rapid action. However, the interpretation which the Turkish representative gave to the new five-Power resolution threatened a further delay. As one of the sponsors, Morocco clarified the meaning and objective of the new resolution, emphasizing that in helping to restore peace and order in Cyprus, the Security Council expected the full co-operation of the parties directly concerned. The Ivory Coast expressed the view that the only peace-keeping force which should intervene in Cyprus was the one created by the Secretary-General on the basis of the Security Council resolution adopted on 4 March 1964; and that all other forces and states should scrupulously abide by the Council's appeal to all states to refrain from any action or threat of action which was likely to worsen the situation in Cyprus or to endanger international peace.¹⁷ Clarification of the new draft became necessary because Turkey had misinterpreted the meaning of the first operative paragraph, arguing that reference was being made to the necessity "for the Greek-Cypriot authorities on the island to refrain from any action or threat of action likely to worsen the situation in Cyprus".¹⁸ Reference was to "all states" and not "Greek-Cypriot authorities", as Turkey wanted members of the

Security Council to construe. Once the misinterpretation was removed, the draft was adopted unanimously. It thus strengthened the enabling resolution of 4 March, that is Resolution 186, which authorized the deployment of the UN peace-keeping force.

3. The role of the Secretary-General and the concept of consent

The difference between the Soviet Union and the United States over the authority of the Secretary-General in the deployment and functioning of United Nations peace-keeping forces was quite apparent. The United States supported the view of the non-aligned and the majority of the non-socialist members of the Security Council that the composition and size of UNFICYP, should be established by the Secretary-General in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom; that the Commander of the Force and the Mediator, should be appointed by him, and report to him; and that the Secretary-General assume the responsibility of accepting voluntary financial contributions for the operation.¹⁹ The Soviet Union and Czechoslovakia saw this as an act of granting excessive power to the Secretary-General and of bypassing the Security Council. As a matter of fact, the Soviet Union insisted on a separate vote on paragraph 4 of the draft resolution which

specified the responsibilities of the Secretary-General in the deployment and function of the Force. Explaining his abstention on that particular paragraph, the Czechoslovak representative stated that while he agreed with those who had emphasized the Secretary-General's ability, talent and merit, as well as his devotion to the cause of peace and the United Nations, his delegation (and invariably that of the Soviet Union which also abstained on the vote on paragraph 4), had serious doubts regarding the clause which "transfers to the Secretary-General a responsibility that, under the strict letter of the Charter, belongs exclusively to the Security Council itself".²⁰ Although France joined the non-aligned and other sponsors of the resolution in voting in favour of paragraph 4 during the separate vote, and for the resolution as a whole, it did express reservation about the Council's action in "divesting itself of responsibilities which belong to it but which would clearly be difficult to discharge".²¹ The French representative thought that this was going too far in the direction of delegating powers to one man.

In co-sponsoring the resolution, the non-aligned states articulated the authority of the Secretary-General in directing United Nations peace-keeping activities under the overall authority of the Security Council. The Secretary-General himself paid tribute to the sponsors for the

skillful manner in which they had conducted the discussions for resolving a matter which could have seriously jeopardized the deployment of UNFICYP, and thus affect the future of UN peace-keeping operations. Of course the role of the non-aligned states in the decision-making process to establish UNFICYP was relatively small. This was due in part to the apparent reduction in the tension between the two super-Powers over the conflict; a reduction which subsequently did not lead to a Soviet veto of the resolution, despite its reservation about the responsibility given to the Secretary-General for the operation of the Force.

Although the non-aligned states made financial contributions towards the maintenance of the UN peace-keeping force on the island, they did not make any troop contribution, perhaps, at that time, because of the expenses involved and the financial arrangements devised for carrying out the mandate of UNFICYP, as well as the controversy which was emerging over the Congo and Sinai operations.²² While they contributed to the political consensus behind the Cyprus operation, including co-sponsorship of the enabling resolution; and while, at the same time they helped add another chapter to the development of United Nations peace-keeping as a whole, their main objective was to protect the interest of Cyprus; and to ensure that its territorial

integrity, independence and non-aligned status were respected. This was particularly necessary because of the involvement of NATO countries in the conflict and in the peace-keeping operation which had been deployed on the island. Herein lies the explanation for what has been described as a misuse or excessive use of the need for consent in the establishment of the force.²³ In no other United Nations peace-keeping operation had the question of consent so explicitly emphasized. It was necessary to spell out that the consent of the Government of Cyprus was required for the creation of the UN force, and that the consent of Cyprus, Greece, Turkey and Britain was also required in the composition of the force.

Several writers on the question of consent have pointed to the peculiarity of the Cyprus case regarding consent, not only in the initial or enabling resolution, but also in subsequent resolutions authorizing renewal of the mandate of UNFICYP. These references to consent were intended to assure Cyprus that inspite of its intercommunal problems, and inspite of what it saw as a threat from Turkey, a member of NATO, its territorial integrity and independence should be protected by the United Nations. The Treaties of Guarantee and Alliance which together, and to some extent placed restrictions on the sovereign right to ally itself with any other state, and the presence of foreign troops and

military bases on its soil, necessitated some legal principle which would assure Cyprus that its sovereignty would not be curtailed or limited further. The deployment of more foreign troops, even under United Nations command, required the consent of the Government of Cyprus. As Cyprus and the other non-aligned saw it, the independent and non-aligned status of Cyprus would be meaningless if it allowed foreign intervention to limit its sovereignty. In short, they did not want more decisions and treaties imposed on Cyprus. As its representative stated in the General Assembly, the problem of Cyprus may be summed up as one which stems from an external effort to deprive Cyprus of the substance of its sovereignty, independence and territorial integrity:

The conspiracy to deprive Cyprus of the substance of its sovereignty and independence; in the service of foreign interests, took concrete shape in the so-called Agreements of Zurich and London, which were concluded while Cyprus was still under colonial domination and which were imposed upon Cyprus in circumstances of duress and blackmail.²⁴

4. External mobilization

Cyprus used the 1964 non-aligned summit conference in Cairo to mobilize more support for its position on the conflict. This was done with the understanding that the

resolutions and declarations of such 'external' organization would have an impact on the United Nations, including the decisions on peace-keeping. At the Cairo summit President Makarios re-iterated his demand to have all military bases in Cyprus placed under United Nations supervision, and to have the British bases there returned to his Government.²⁵ The conference did not go that far, at least not publicly. In a resolution under the heading "Respect for the Sovereignty of States and Their Territorial Integrity: Problems of Divided Nations", the Cairo conference expressed its concern about the situation in Cyprus, and called upon all states, in conformity with their obligation under the Charter of the United Nations; and in particular under Article 2 paragraph 4, to respect the sovereignty, integrity and independence of Cyprus. It called on all states to refrain from any threat or use of force or intervention directed against Cyprus, and from any efforts to impose upon Cyprus unjust solutions which were unacceptable to the people of Cyprus. The Cairo conference also declared that Cyprus, as an equal member of the United Nations was entitled to enjoy unrestricted and unfettered sovereignty and independence, and that its people should be allowed to determine freely and without any foreign intervention or interference, the political future of the country in accordance with the United Nations Charter.²⁶

Reference in the Cairo document to the Cyprus conflict was vague. It was not much different from the preambular paragraphs of Security Council resolutions adopted earlier that year. However, the fact that it was mentioned at all, and given such relatively large space, was an indication of the importance which the non-aligned attached to the independence and national unity of Cyprus. The emphasis was on the need to end all foreign interference in that country.

In this instance, the non-aligned had nothing concrete or substantial to offer; nothing which could have had any significant effect on the course of events in Cyprus. They merely wanted to demonstrate their solidarity with one of their members, and to underscore its non-aligned status. The final document of the Cairo conference which included a recommendation for the adoption of a Declaration on the Principles of Peaceful Coexistence, in connection with the 20th anniversary of the United Nations, was, in effect a statement of principles addressed to the United Nations. It was not intended as a set of solutions in themselves, but rather as a basis for peaceful settlement of conflicts, including that of Cyprus. While the voluntary financial contributions which the non-aligned states were to make towards the UN peace-keeping operations in Cyprus were part of the practical and material effort in support of the United Nations, the collective views of those states on the concepts and principles which were to be applied in the

Cyprus case, principles contained in the Cairo conference document, were part of the political and diplomatic effort which were also required to bring peace to the island, and also to help shape the world Organization's peace-keeping capability.

Chapter VII Notes

1. Peter Willets, The Non-aligned Movement, (London: Francis Pinter; 1978 p. 224)
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7. Andreas J. Jacovides, "A view from Within: the role of small states and the Cyprus experience", in International Organization - Law in movement, J.E.S. Fawcett and Rosalyn Higgins, eds. (London: Oxford University Press, 1974) p. 88
8. U.N. Document S/PV 1096, 19 February 1964, paragraph 34
9. Stegenga, op. cit., p. 72 ff
10. U.N. Document A/PV. 1097, 25 February 1964, paragraph 32
11. U.N. Document S/5571, 2 March 1964
12. U.N. Document A/PV. 1102, 4 March 1964, paragraph 12
13. James, op. cit., p. 324
14. Ibid.
15. U.N. Document S/PV. 1103, 13 March 1964, paragraph 84
16. U.N. Document S/5601, 13 March 1964
17. U.N. Document S/PV. 1103, 13 March 1964, paragraphs 129 and 147
18. Ibid., paragraph 115
19. U.N. Security Council Resolution 186 (1964)
20. U.N. Document S/PV. 1102, 4 March 1964, paragraph 39

21. Ibid, paragraph 32
22. For some of the reasons why India, for example, did not supply troops to UNFICYP, see Francis Parakatil, India and UN Peace-keeping Operations (New Delhi: S. Chand & Co., 1975) pp. 138-140. It should also be noted that General P.S. Gyani of India was appointed first Commander of UNFICYP. He was succeeded by General Thimayya. General Prem Chand, also of the Indian Army, commanded UNFICYP from December 1969 to December 1976.
23. A.J. Rodriguez Carrion, "The UN Force in Cyprus: an uncertain case of peace-keeping", in United Nations Peace-keeping - legal essays, A. Cassese, ed. (Alphen aan den Rijn, Netherlands: Sijthoff and Noordhoff, 1978) p. 173
24. U.N. Document A/PV. 1322, 26 January 1965, paragraphs 101 and 104
25. Stegenga, op. cit., p. 58
26. Odette Jankowitsch and Karl P. Sauviant, The Third World Without Super Powers: The Collected Documents of the non-aligned countries, Vol. I, (Dobbs Ferry, New York: Oceana, 1978) p. 52

Chapter VIII

THE UNITED NATIONS EMERGENCY FORCE (UNEF II) AND THE UNITED NATIONS DISENGAGEMENT OBSERVER FORCE (UNDOF)

The political influence of the non-aligned states in the Security Council which had been gathering momentum, reached a relatively significant level in October 1973 when, on the initiative of eight non-aligned members of the Council, Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia, the Council set up another UN Emergency Force (UNEF II). What gave UNEF II and the political processes leading to its establishment such pre-eminence was the apparent shift from super-Power confrontation to co-operation. Unlike the Cuban missile crisis, the 1973 Middle East war did not pose any real danger of a nuclear confrontation.¹ It did however, particularly after the Soviet Union and the United States indicated, separately, that they would intervene, demonstrate the possibility of confrontation between the super-Powers. A potential confrontation was averted by the super-Powers themselves when, for the first time in United Nations history, they initiated and co-sponsored a peace formula for an international conflict.² This was a Soviet-American cease-fire resolution of 21 October, followed by another on 23 October, two weeks after the outbreak of the

so-called October, or Yom Kippur War.

Perhaps equally historical was the initiative of the non-aligned states to have the Council go beyond the cease-fire resolutions and to establish a UN peace-keeping force, with the tacit understanding that such a force should not include contingents of any of the super-Powers. Egypt had wanted both to supervise the cease-fire.

The decision of the Security Council to establish UNEF II on the initiative of the non-aligned members of the Council, was not only significant for peace in the Middle East, and for shaping what could be a model for future peace-keeping operations authorized by the Security Council, it might have also prevented a very dangerous Soviet-American conflict in that area of the world.³

The non-aligned initiative turned out to be one of the factors which influenced the political capability of the United Nations to avert such confrontation. The Middle East situation in 1973 gave the non-aligned another opportunity to play the role of conflict manager, after briefly being partisan in favour of one of their own, Egypt.

1. Peace-making under Resolution 242

Israel had occupied so much territory during the 1967 war that out of sheer national pride none of the Arab states was prepared to enter into agreement with the United Nations to place a large peace-keeping force on its soil. So, at the end of 1967, the United Nations peace-keeping machinery in the Middle East consisted of a token number of military observers under UNTSO, the UN Truce Supervision Organization. There was also on the diplomatic front, Dr. Gunnar Jarring, a mediator representing the Secretary-General of the United Nations, who had been authorized under Security Council Resolution 242, to establish and maintain contacts with the states concerned in order to promote agreement and assist efforts to achieve a peaceful and acceptable settlement.

From the end of 1967 until the spring of 1973, there was an intensive peace-making process, ranging from the Jarring mission to private meetings between the Ambassadors of four of the five permanent members of the Security Council; meetings held at their respective permanent missions alternately, and in hotels in New York. One explanation for the four-Power talks, outside the scope of United Nations' effort, was that sensitive conflicts such as that of the Middle East could be solved by reducing the number of actors involved in the peace-making process.

Thus, attempts were made to shift that process away from the glare and publicity of the Security Council, to its five permanent members minus China. The United States and the Soviet Union, for their part, also held separate discussions on ways of implementing Resolution 242.

It has been suggested that those big Power diplomatic efforts were made on the premise that major outside Powers might help break the impasse over the negotiations, and that they were aimed at "formulating great power views which could be relayed to Dr. Jarring and the Middle East parties".⁴ However, it can also be argued that both four-Power and two-Power peace-making initiatives had been intended to enhance the Jarring mission, particularly since Dr. Jarring's terms of reference were rather vague. Although the joint effort of the Soviet Union and the United States was a reflection of the trend towards detente and, in the words of the Soviet Ambassador to the United Nations, "the auspicious changes which had been achieved in the international situation", there was no significant change in the Middle East situation. Concurrently with the big Power diplomatic contacts for peace, there was an acceleration of the arms race in the area. The parties directly involved in the conflict were re-armed after the 1967 war by the same nations which had appeared in the forefront of the peace-making process. The basic super-Power rivalry for political

and ideological influence remained throughout the period 1968 to 1973.

As far as United Nations peace-keeping was concerned, the Organization was successful, inspite of the limited presence of UNTSO observer forces, in maintaining relative calm in the area. There were serious incidents and periodic breakdown of the cease-fire in several fronts. The parties to the conflict themselves often brought complaints of incidents and cease-fire violations to the attention of the Security Council.⁵ Although the role of the United Nations in the peace process was not that apparent, its role as conflict manager, in terms of political inputs in the Security Council and the activities of UNTSO, was fully recognized by the parties to the conflict. The General Assembly, which had the question of the Middle East on its agenda, provided its own political inputs to the over-all management of the conflict. Perhaps the most constructive contribution was the Assembly's 1970 resolution calling upon the parties directly concerned to instruct their representatives to resume contact with the Secretary-General's Representative, Dr. Jarring, in order to enable him to carry out his mandate; and urging speedy implementation of Security Council Resolution 242 of November 1967.⁶ Sponsored by 22 non-aligned states, the General Assembly resolution paved the way for a reactivation

of the Jarring mission. Soon after its adoption, Dr. Jarring contacted representatives of the parties concerned and invited them to resume talks under his auspices for the purpose of reaching agreement on the establishment of a just and lasting peace.⁷

Part of the non-aligned group had also been involved in the peace-making effort. The Organization of African Unity's 'Committee of 10 Wise Men', comprising heads of state, had undertaken a mission of inquiry to Israel and Egypt. Together with the efforts of the United States to promote an interim agreement providing for the re-opening of the Suez Canal, the African initiative was described to Dr. Jarring as designed to facilitate the resumption of his own mission. However, both initiatives, while being pursued, were reasons for him not to take initiatives of his own.⁸

The June 1973 Security Council debate on the Middle East question reflected the nature of the international climate on the eve of the so-called Yom Kippur or Ramadan War. The Jarring mission had reached a deadlock, following Israel's refusal to "give a commitment to withdraw its forces from occupied UAR territory to the former international boundary between Egypt and the British Mandate of Palestine".⁹ The peace initiative of the OAU Wise Men had also failed. Egypt was now fully equipped to launch its

massive diplomatic offensive against Israel.

Having received the support of the Summit Conference of the Organization of African Unity (OAU) a month earlier, in condemning Israel for its "negative attitude" and its "obstruction of all efforts aimed at a just and equitable solution", Egypt requested a meeting of the United Nations Security Council in order to fortify the base of the OAU support. In the June 1973 debate, virtually all members of the Council, with the exception of the United States, spoke about Israel's failure to respond positively to Dr. Jarring's Aide Memoire of 8 February 1971, concerning commitments to end the state of belligerency and to withdraw from occupied Arab territories. As the Egyptian delegate saw it, the Security Council debate succeeded in revealing Israel's responsibility for the failure of the Jarring mission, and for the failure of the United Nations peace-making effort. He stated that the debate had also provided the response of the world to the question of continued military occupation -- a response that the occupation was inadmissible and intolerable.¹⁰

Egypt succeeded in its diplomatic offensive, partly, when the eight non-aligned members of the Security Council sponsored a draft resolution by which the Council would have expressed its deep regret that the Secretary-General had

been unable to report any significant progress by him or by his Special Representative, in carrying out the terms of Resolution 242. On July 26, the United States vetoed the draft which would also have had the Council deplore Israel's continued occupation of the territories it had occupied as a result of the 1967 conflict, as contrary to the United Nations Charter; express its serious concern at Israel's lack of co-operation with Dr. Jarring; and declare null and void changes carried out by Israel in the occupied territories which would adversely affect the political and other fundamental rights of the inhabitants. Australia, Austria, the United Kingdom, France and the Soviet Union joined the eight non-aligned in voting for the draft. The Egyptian objective, it seemed, was to isolate Israel diplomatically, and to embarrass the United States as the only source of support for Israeli occupation of Arab lands, and as an impediment to any effective United Nations action to establish peace in the Middle East.

Less than two months after Egypt had received the support of all members of the United Nations Security Council, with the exception of the United States, the non-aligned countries, demonstrated their solidarity with Egypt in the form of a resolution and political declaration of the Fourth Non-aligned Summit Conference in Algiers.

The diplomatic support which Egypt had sought since the

beginning of 1973 reached its highest point when a number of African countries broke off diplomatic relations with Israel. The Algiers Non-aligned Summit welcomed the decision of certain countries which had done so, and requested other members to take steps to "boycott Israel diplomatically, economically, militarily, and culturally, as well as in the field of sea and air transport, in accordance with the provisions of Chapter VII of the United Nations Charter".¹¹

By the beginning of October, Egypt had not only mustered considerable diplomatic support from the Organization of African Unity, the Non-Aligned movement, and the Arab world, but also from some West European countries which had been experiencing the strains of oil power. Although, as Laqueur observes, the support was less far-reaching, the oil factor gave it a boost:

Some thought it (the Middle East conflict) was one of the main obstacles on the road to genuine detente between West and East, and that the Israelis were more at fault than the Arabs. But even if Israel's cause had been without blemish, it would still have been blamed, for there were many Arabs and few Jews, and the former had the oil on which Western Europe's industry depended.¹²

OPEC had made oil a key factor not only in world politics, but also as an additional weapon in the Arab arsenal for the October 1973 war. Pan-Arab solidarity was at its zenith; a

traditionally divided Arab world was acting in unison and "Arab armies were finally getting a chance to redeem their honor in a sharp break with a humiliating record of defeats".¹³

This, in short, was the background against which Egypt launched its attack on 6 October 1973 against Israeli positions, in order to regain at least some of its territories which had been occupied by Israel since 1967; the background against which the United Nations was to set up for the second time, an emergency peace-keeping force (UNEF II) in the Middle East.

2. The October War and Resolutions 338 and 339

There were only 42 United Nations observers near Cairo, 39 in Jerusalem, 47 in Damascus, 41 in Tiberias and 32 in Beirut, when fighting broke out on 6 October 1973. The observers of UNTSO, the UN Truce Supervision Organization, were the only United Nations peace-keeping machinery or presence in the area. They reported artillery, tank and mortar fire with intensive air activity; Egypt had crossed the Suez Canal at several points to start what has been described as the Yom Kippur or Ramadan War.

The initiative to convene the Security Council to

consider the situation was taken by the United States. With Egypt on the offensive, there were hardly any prospects for a UN-sponsored cease-fire resolution. In fact there was a delay in seeking action, invariably to allow Egypt, and later Syria, to recover as much of their occupied territories as possible. Apart from the United States no other member of the Security Council could have pressed for an immediate cease-fire. At that point in time, the Council could not have come up with anything substantive. Its role was described as a score keeper during the first few days of the fighting.¹⁴ It also appeared that the Secretary-General was hesitant in appealing to the warring parties. His first public statement came on 11 October, five days after the initial Egyptian offensive. His words were well chosen:

I have no wish to deflect any government from what it believes to be its legitimate sovereign aims. I do, however, question whether the continuation of the war can possibly achieve those aims permanently for any of the parties.¹⁵

It would not have been politically inexpedient for him to have made any statement which could have been interpreted by the Arabs as an attempt to interrupt the tide of events on the battlefield to the detriment of Egypt and Syria.

As the Egyptians moved across the Suez Canal, and as Syrian forces crossed the 1967 cease-fire lines on the Golan

Heights, another phase of the United Nations peace-keeping presence in the Middle East faded away. The Egyptians had asked United Nations observers in the area to withdraw as soon as their forces had established a bridgehead on the east bank of the Canal. Two UN observers died in the process. Once again, the question of consent of the host country of peace-keeping forces or of the countries concerned became the decisive factor in maintaining United Nations peace-keeping presence. The United Nations had to comply with the request to have its military observers withdrawn. Observation posts were overrun by advancing Syrian forces, "and the observers taken to the rear".¹⁶

The political process in the Security Council during the first few days of the war was dominated by the United States, the Soviet Union and the parties concerned, namely, Syria, Egypt and Israel. The non-aligned states in the Council were relatively quiet; they did not want to say anything that would have jeopardized Egyptian military objectives. India, for its part, was opposed to any cease-fire on the premise that it would have been unjust and unfair for the Council to call for such a cease-fire when vast territories of the Arab states were still under Israeli occupation. India supported the Egyptian view that there would be no negotiations until Israel had withdrawn from the occupied territories. The Sudanese delegate argued that it

would have been hypocritical to call for a cease-fire even on humanitarian grounds. The non-aligned members of the Council saw the Egyptian military action as an attempt to regain territories occupied by Israel in 1967, and therefore the Council should not prematurely prevent Egypt from achieving that objective. As long as the war had not proven disastrous for Egypt, or as long as Egypt felt confident of success in the battlefield, no political action was thought necessary to upset the status quo.

The non-aligned subsequently saw the need for a cease-fire when the Egyptian third army was virtually surrounded by Israeli forces. They were now concerned about a new status quo regarding the occupied territories which Egypt and Syria were unable to regain in the new fighting. They stated that Israel should not benefit from a cease-fire agreement. Any such agreement, in the view of the non-aligned, should be linked to Israeli withdrawal from the occupied territories on the basis of Resolution 242 of 1967. The Egyptian Foreign Minister put it in these words.

Regarding Security Council cease-fire in June 1967, it is closely linked with withdrawal from occupied territories. The strange theory that this or any cease-fire is for an unlimited time, obviously means that the occupation is unlimited. Should we accept that cease-fire must be observed until both parties -- the occupier and the occupied -- agree to put an end to it, then we would accept that the occupying Power can be evacuated only by its own consent. Such a

thesis makes resistance a virtue, revolution a duty and a national struggle for liberation both a national objective and international obligation.¹⁷

Peru, a non-aligned member of the Council, wanted the Council to make a qualified appeal for the fighting to end:

But this appeal must be couched in terms which will facilitate and, if possible, give an advance indication of the complete and long-term solution of the problem. Peru was present at the summit meeting of the non-aligned countries in Algiers, where we reaffirmed "total and effective support for Egypt, Syria and Jordan in their struggle to recover the occupied territories by all means". Thus, it is inconceivable to place the struggle for recovery of Egypt and Syria on a footing of equality with the determination of Israel to maintain its presence on Egyptian and Syrian soil.¹⁸

Outside the Security Council, diplomatic shuttles went on simultaneously with the military action. The Soviet Union and the United States were in direct communication -- Nixon with Brezhnev, and Kissinger with the Soviet Ambassador to Washington, Mr. Dobrynin. Kissinger went to Moscow and Tel Aviv, and Kosygin returned to Cairo. The shuttles were intended to stem off a crisis between the two super-Powers, who by then had resumed arms shipment to their clients in the war. As Rikhye and others point out, it seemed clear that both the United States and the Soviet Union recognized that there was a grave danger of confrontation were they not to attempt a unified effort to

bring about an end to the fighting.¹⁹

The result of the shuttles was an agreement of 21/22 October, between the two super-Powers to jointly sponsor, for the first time, a resolution calling for a cease-fire. The resolution also called upon the parties concerned to start immediately after the cease-fire, the implementation of Security Council Resolution 242, of November 1967. It was also decided that immediately and concurrently with the cease-fire, negotiations should start between the parties concerned under appropriate auspices, aimed at establishing a just and durable peace in the Middle East.²⁰ The joint Soviet-American initiative has been described as one born out of necessity because of the serious possibility of a confrontation, and that it was given greater significance in that it had been processed through the Security Council.²¹

The non-aligned states were hesitant in supporting the joint Soviet-American cease-fire resolution. India, expressing its dissatisfaction with the draft, argued that Israel should withdraw its forces from the occupied Arab territories before any serious negotiations could begin. It was suspicious about the sudden great Power rapprochement which had resulted in the joint draft. As Saudi Arabia, a non-voting participant in the Council's debate put it:

I cannot compromise my conscience by keeping silent about this momentous meeting of the Council which reaffirms what had become common knowledge all over the world, namely, that the two super-Powers, the United States and the Soviet Union, are once again engaged in the game of power politics and spheres of influence.²²

The Indian representative also argued that the rest of the Council had not been fully consulted before the joint draft was tabled, and that they were being asked to underwrite quickly a super-Power agreement:

No non-aligned country can welcome this turn of events, not merely for this specific case but as a general rule to which we have repeatedly drawn attention.²³

The Sudanese representative further explained that the rest of the Council was hastily presented with a draft resolution which ostensibly sought to bring permanent peace to the Middle East:

To us, as to our Indian colleagues, this draft resolution came as a surprise which we received with a great deal of misgiving, if only because of the complete lack of prior consultations.²⁴

Since, traditionally, the non-aligned and the Nordic neutral or so-called middle Powers have played the role of intermediaries when the super-Powers were divided in a crisis situation, it was perhaps difficult for India to see the apparent change of roles. While there was every reason

was every reason to applaud the Soviet Union and the United States for combining their effort for the maintenance of peace in the Middle East at a time when the world was at the brink of direct military intervention by both super-Powers, it was still inconceivable that such an agreement should have come so soon. Of course, for those who had been following events between 8 and 20 October, particularly the diplomatic shuttles between Cairo, Moscow, Washington and Tel Aviv, there was nothing sudden about the Soviet-American agreement to jointly sponsor a cease-fire resolution. However, the suspicion appeared to have arisen from the secrecy surrounding the terms and details of the agreement itself. India indicated that the speed at which they were being asked to endorse or underwrite the super-Power agreement was a secondary issue:

The first is that the military situation on the field is difficult to assess and that the United States and the Soviet Union have come to an agreement, the details of which are not fully known to us now or in the foreseeable future. So, given this lack of knowledge -- a lack explained by the United States reference to the prisoners of war, which is not mentioned in the draft -- we are indeed in great difficulty, which I do not have to elaborate:²⁵

Whatever political influence the non-aligned members of the Security Council wanted to exert in the Council, they had to do so in consultation with their non-aligned partners

who were directly involved in the conflict, namely, Egypt and Syria. Since both were inclined to endorse the joint Soviet-American draft, the non-aligned members of the Council were obliged to support the draft. However, they did so on the understanding that Resolution 242 would remain the basis of resolving the conflict as a whole, and that the peace process would be conducted under United Nations auspices. This understanding was enunciated by Peru:

My delegation could not object to the adoption of the joint draft resolution submitted by the Soviet Union and the United States of America, despite its obvious imprecisions, since it is designed to put an end to the bloody conflict that has been intensified in the past three weeks, and since it reaffirms that Security Council Resolution 242 (1967), is the framework for a just and definitive solution to the Middle East problem... We trust that the "appropriate auspices" mentioned in the draft will directly involve the United Nations through the Secretary-General and the Security Council.²⁶

In view of previous contradictory interpretations of Resolution 242, the non-aligned welcomed the reference to that resolution in the joint Soviet-American draft, on the understanding that Israel would have to withdraw from all occupied Arab territories, followed by negotiations "as to the outstanding issues, including the rights of the Palestinians". These were two aspects which in the view of Indonesia, for instance, should have been settled before secure and recognized boundaries or borders and peace be

established in the Middle East.²⁷ For once, the super-Powers were in agreement, something which the authors of the Charter had envisaged in decision-making for the maintenance of international peace and security. Now the traditional intermediaries had to take the back seat and accept, with whatever reservations they had, the new reality that the two super-Powers could resolve their own differences and assume joint responsibility for the maintenance of international peace and security.

The weakness of the Soviet-American draft cease-fire resolution became more apparent less than 24 hours after its adoption, when fighting resumed on several fronts. The 12-hour deadline for effecting the cease-fire, and the absence in the resolution of a clause or provision for cease-fire supervision, almost negated the spirit of super-Power co-operation. The cease-fire was violated by Israel. Its forces consolidated their positions -- new positions -- and succeeded in encircling the Egyptian Third Army and cutting off Suez City. As the Sudanese representative in the Security Council observed, the super-Powers should have come up with the necessary instruments to enforce the cease-fire. It was the duty of the Council, he said, to supplement immediately its resolution with a decision to reinforce the United Nations observers who were already in the area and entrust them with the job of observing and controlling the

cease-fire.²⁸ Another non-aligned member of the Council, Yugoslavia, suggested that in addition to increasing the number of United Nations observers to enforce the cease-fire, the Council might consider sending a United Nations emergency peace-keeping force to the area.²⁹

A second joint Soviet-American cease-fire resolution authorized the Secretary-General to send military observers to the areas which UNTSO had evacuated during the outbreak of the war on 6 October.³⁰

While it appeared that the Soviet Union and the United States were determined to make the cease-fire operational, and although they had given the impression that detente was working, in reality the ideological conflict between them was still very much alive. The Soviet representative pointed out that the United Nations observers who were being despatched to the area to supervise the cease-fire had been drawn from Western countries, and that the socialist and non-aligned countries were also capable of contributing officers to assist in the observation. The Soviet Union wanted to break the tradition of Western dominance of the observer peace missions of the Organization, and insisted on the application of the principle of equitable geographical representation in the principal and subsidiary organs of the United Nations. The status of the cease-fire itself

necessitated some additional political action in the Security Council. According to General Rikhye and others:

At first the observers found it difficult to re-position themselves, for by now the cease-fire had completely broken down, with the Israeli army extending its brigadehead on the west bank of the Canal. Egypt requested the United States and the Soviet Union to provide a peace-keeping force to supervise the cease-fire, but the United States declined.³¹

It was now evident that the ability of the United Nations to help keep the peace depended on concrete steps to establish some form of peace-keeping presence in the area of conflict; something more than a simple cease-fire resolution sponsored jointly by the two super-Powers. The situation also required more than a few military observers. Egypt, for its part, was not so sure it would have open lines to its beleaguered Third Army. The government's request for a joint Soviet-American peace-keeping force created a new situation. Soviet support for, and United States rejection of the Egyptian request, as well as subsequent reports that the Soviet Union was unilaterally sending its forces to Egypt, were followed by an American decision to put its military forces on the alert and its nuclear force on standby. The Soviet Union, it is said, was in no hurry to co-operate with the United States in ending the fighting; its initiative came only on 20 October when the tide of battle had turned in favour of Israel, and when the American

Secretary of State, Mr. Kissinger had been urgently summoned to Moscow.³² It is claimed that the United States had compelled Israel to open a supply line to the encircled Egyptian Third Army Corps and thus save the Egyptians from another humiliating defeat.³³ As Safran interprets it, the decisions to have the supply line open; to request a \$2.2 billion emergency assistance to Israel, and to put American forces on a worldwide alert, were meant "to neutralize Soviet interference" with American attempts to set up a negotiating situation. Those were decisions which created a situation and the option of continuing confrontation and war itself highly unattractive to the parties and to the option of negotiation more promising than it had been before.³⁴

It can also be argued that in this obvious example of action, reaction and competitive interference among nations, the Soviet Union wanted the United States to take a more decisive action to have United Nations rather than American or Soviet forces deployed in Sinai. This came in the form of a message from Moscow to Washington on 26 October, warning that the Soviet Union would supply the besieged Egyptian Third Army with its own forces, and that if Israel attempted to hinder the supply, Israel would have to face the consequences of such hindrance. Henry Kissinger transmitted the message, and the warning inherent in it, to the Israeli Prime Minister, Mrs. Meir the following day,

adding that if Israel did not allow supplies to go through, they, the Israelis would be fighting the Russians on their own.³⁵

By and large, the international environment was not conducive to the deployment of Soviet and American peace-keeping forces in the Middle East. As the United States representative himself stated, it was not an appropriate time to get the two super-Powers so actively involved in the war front. Boyd, who believes that both nations did have the resources to commit to such a machinery, and conceives of units of Soviet and American forces working side by side to preserve the peace, does admit that that possibility would obviously be a more likely contingency if the general international environment improved.³⁶ However, 38 observers from other nations were sent to the area.

In the final analysis, the initiative for the full implementation of the cease-fire in October 1973, was taken by the eight non-aligned states, members of the Security Council, Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia. The resolution to that effect provided for an increase in the number of observers, and for the dispatch of a United Nations Emergency Force (UNEF).³⁷

As expected, the non-aligned took the opportunity to

criticize the super-Powers and to suggest that they, the non-aligned, had stepped in in order to play a mediatory role. The Kenyan representative stated that he could not fail to notice the way in which the super-Powers had presented their two draft resolutions. He pointed out that he had earlier urged the Security Council to enforce a cease-fire and to enter into negotiations to solve other outstanding problems, including implementation of the principles of Resolution 242 (1967). Instead, the super-Powers had stepped up arms shipment to the area. The Kenyan representative added that it appeared as if the super-Powers had taken action only when their detente was threatened.³⁸ The non-aligned states, members of the Security Council held the view that international efforts to find a solution to the emergency situation were being orchestrated by the super-Powers. The vagueness of the first joint Soviet-American cease-fire resolution, and the inability of both powers to follow up their initiative with a proposal to re-establish United Nations peace machinery in the area, prompted the non-aligned to press for another UNEF.

In their draft, the non-aligned states noted that the United Nations observers had been unable to place themselves on both sides of the cease-fire line. So they included a provision to have the Council request the Secretary-General, not only to increase the number of military observers on

both sides, but also to set up immediately a United Nations Emergency Force (UNEF), under the authority of the Security Council, and to report to the Council within 24 hours on what steps he had taken to implement the resolution. The non-aligned members of the Security Council had accepted amendments to their draft after consultations with other members of the Council. They accepted a compromise formulation of the paragraph dealing with troop withdrawal. Instead of "withdrawal to the positions [the Israeli and Arab troops] occupied by them at 16.50 Hrs. GMT on 22 October 1973", the non-aligned agreed to have the Council demand that an immediate and complete cease-fire be observed and that the parties return to the positions occupied by them at 16.50 Hrs. GMT on 22 October 1973. The amendments included a provision that the new UNEF should be composed of personnel drawn from states members of the United Nations, with the exception of the permanent members of the Security Council. The Soviet Union was initially opposed to the idea of excluding the permanent members. It reiterated the principle of equitable geographical representation in the organs and subsidiary organs of the United Nations. France also wanted to participate in the operation, and went to the extent of requesting a separate vote on those paragraphs of the non-aligned draft dealing with the exclusion of the five permanent members in the peace-keeping force. Britain, which also wanted to participate in the operation, joined France in abstaining in the separate vote on the relevant

paragraphs. China, apprehensive of super-Power intervention and control in what the Chinese representative described as an attempt to occupy Arab territories, would have probably vetoed any resolution authorizing the participation of the United States and the Soviet Union in a United Nations peace-keeping operation in the Middle East. The non-aligned, with the support of the United States, and over the objection of the British and French representatives, insisted that the permanent members be excluded from UNEF II.

Most of the discussions and negotiations on the modalities of establishing the Force were held in private, but the open meetings of the Council revealed some of the major differences between members of the Council. Some reservations were expressed by the Soviet Union. It claimed that certain points in the Secretary-General's Report on the establishment of the Force, had given rise to some doubts, since they did not coincide with the Soviet position on United Nations peace-keeping operations.³⁹ The United States thought the language of the Report had been carefully drawn, and considered the provision that all matters affecting the nature or continued functioning of the Force, would be "referred to the Council for decision", as assuring an orderly agreed withdrawal of the Force only when the Council decided. Although the mandate of the Force was clearly

spelled out, India and Sudan, in defence of the principle of consent, drew the Council's attention to the view that in sending forces mainly to Egyptian territory, "the Council should not overlook the question of Egyptian sovereignty". Egypt, concerned about its sovereignty and the events of 1967 when Secretary-General U Thant was criticized by Western countries for yielding to President Nasser's pressure to have UNEF I withdrawn from Egyptian territory, stated that in giving its consent to the presence of United Nations forces on its territory, Egypt was exercising its sovereign rights to enable the United Nations to proceed with the first step towards putting an end to what it saw as Israeli aggression of 1967. In the Egyptian view, the new peace-keeping operation was not being mobilized and deployed to infringe upon Egyptian sovereignty, but rather to enable Egypt to safeguard its sovereignty and territorial integrity, and "to give expression to the UN determination to uphold its Charter and implement its resolutions".⁴⁰

In discussing the controversial issue of the composition of the Force, it is worth noting that while consultations were proceeding, Israel had given the Secretary-General a list of the 23 African countries which had suspended diplomatic relations with Israel. This was apparently a hint that troops from those countries would not be acceptable to Israel. On 6 November, the nine members of

the European Community issued what the Israelis regarded as a statement favouring the Arabs. The statement expressed support for the legitimate rights of the Palestinians, the right of all countries in the area to secure and recognized boundaries, and the need for Israeli withdrawal from Arab territories occupied since June 1967.⁴¹ Later, the countries of the Association of South East Asian Nations (ASEAN), comprising at that time, Indonesia (a non-permanent member of the Security Council), Malaysia, the Philippines, Singapore and Thailand, deplored Israel's continued occupation of Arab territories. Israel's circle of friends was relatively small, to the extent that the Government found it difficult to press its objections to the inclusion of 'unfriendly' and 'anti-Israel' nations in the United Nations peace-keeping Force. Apparently, mobilization for solidarity in the various regional organizations had been successful. The Arabs used their influence in these organizations to isolate Israel.

In that position Israel was so concerned about the national composition of the Force that General Dayan was reported to have objected to the inclusion of one African staff member of the UN Secretariat in the team of political and military advisers for the signing of the Disengagement Agreement which UNEF II was to subsequently supervise. Former Foreign Minister Abba Eban pleaded on his behalf and

the Israeli Government never raised the issue thereafter, at least not officially.⁴²

By the Security Council resolution, contingents for UNEF II were to be selected after consultations with the Council, and with the parties concerned, bearing in mind the accepted principle of equitable geographical representation. Although the Soviet Union reluctantly acquiesced in the decision to exclude the super-Powers as well as the other permanent members of the Security Council from UNEF II, it welcomed the decision of the non-aligned states to insert the equitable geographical principle in the plan for the operation. This was done to assure the East Europeans, those aligned with the Soviet Union, that they could participate in UNEF II. As the Soviet representative put it, the move would put an end to the discrimination against East European countries which would now be able to take part in United Nations peace-keeping operations. The effort of the non-aligned states to have the Security Council confirm that principle, he said, had not only removed artificially created obstacles to the setting up and efficient functioning of UNEF II, but had also helped to consolidate detente.⁴³

While consultations were taking place for an enlargement of the new peace-keeping operations, Israel was

maintaining that it was important to ensure that states concerned agree to the operations in territory under their control, and to expressly consent to the composition of the United Nations forces. According to the Israeli Government, it was imperative to ensure that such forces did not include contingents or individuals from states which did not maintain diplomatic relations with one of the host countries of the United Nations operations.⁴⁴ The list of countries which had offered to provide contingents included Ghana, Poland and Senegal, none of which had diplomatic relations with Israel. However, by 2 December, agreement had been reached for Austria, Canada, Finland, Ghana, Indonesia, Nepal, Panama, Peru, Poland and Sweden, to provide national contingents. There was no objection to the proposal that the Austrian and Swedish contingents be reassigned immediately from the United Nations peace-keeping force in Cyprus (UNFICYP). Under a proposal by India and Yugoslavia, the Secretary-General was to send additional men from UNFICYP as an interim measure if necessary.

It was agreed that at least three non-aligned African states should provide contingents, and that Poland, together with Canada, should have special responsibility for logistic support.⁴⁵ Poland's inclusion was on the insistence of the Soviet Union:

At the very early stage, the Secretary-General asked Canada if it would assume responsibility, which Canada agreed to do. However, the Soviet Union was not satisfied that this responsibility should lie solely in the hands of a Western bloc country, but felt it should be shared between Canada and Poland. The USSR's insistence on this point inevitably delayed the establishment of the system and the flow of supplies to the contingents on the ground.⁴⁶

Israel made several unsuccessful attempts to have two non-aligned states, Ghana and Indonesia, together with Poland, excluded from the Force. Eventually, it decided to restrict the movements of their contingents in the area of operation. For instance, the Poles were later denied entry into Israeli-controlled areas. As late as 1975, restrictions were placed on the freedom of movement of certain national contingents, despite the efforts of the UN Secretary-General and the Commander of UNEF.⁴⁷

Administrative arrangements for UNEF II were endorsed without much argument, in spite of the controversy in the UN Special Committee on Peace-keeping Operations about the administrative direction and control of such operations in general. France, the United Kingdom and others which had been speaking of a subsidiary organ of the Security Council for that purpose, subsequently concluded that there might be a simpler solution.⁴⁸ The Soviet Union, which all along had remained skeptical about any significant role on the part of the Secretary-General in the day-to-day operational

management and policy control of peace-keeping operations, nevertheless endorsed the arrangements for UNEF II; arrangements under which the Secretary-General assumed responsibility (under authority vested in him by the Security Council) for administrative command and control of the force. It also accepted the formula for financing the operation.

With the exception of China, it appeared that all members of the Security Council shifted slightly from the positions they had held on various aspects of United Nations peace-keeping.

Since the veto was not used on the non-aligned resolution by which UNEF II was created, the possibility of the General Assembly authorizing financial resources for it was enhanced. Once the constitutional basis of the Force had been established, and once the geographical composition had been determined, there was relatively little problem in the General Assembly in arriving at the criteria for financing the operation. The consensus was that the cost of the operation was the collective responsibility of member states, although a different procedure was required from that which applied to meet the expenditures under the regular UN budget. This principle of collective responsibility prevailed throughout the General Assembly's discussion on the financing of the new operation in the

Sinai. As the representative of Brazil put it, in introducing the assessment plan, the arrangement was ad hoc and without prejudice to the positions held by member states on the financing of peace-keeping operations.⁴⁹

The success in establishing UNEF II has been attributed to radical changes which had taken place in the world situation; changes from confrontation to co-operation.⁵⁰ It has also been attributed to three other factors: the general sense of responsibility; the part played by the Soviet Union and the United States, and the attitude of the parties concerned.⁵¹ In devising the proposed guidelines for the operation, the Secretary-General admitted that he had borne in mind observations made in the Special Committee on Peace-keeping Operations and the special circumstances in which the Force had to function. However, he had also taken into account the "requirements resulting from the Security Council mandate" establishing the Force;⁵² a mandate initiated by the non-aligned states members of the Security Council to give practical effect to the cease-fire resolutions of the two super-Powers.

The placing of UNEF II in the Sinai was the collective effort of the entire United Nations membership, and particularly that of the super-Powers. However, the possibility of confrontation and conflict between those

Powers could not have been ruled out. An instrumentality of compromise and mediation had to be found if confrontation were to be avoided. This is where the non-aligned states came in with their draft resolution for the creation of a peace-keeping operation. Describing the rise in importance of the non-aligned group and some of the factors which were particularly important in working out the draft for UNEF II, former Indian Ambassador Samar Sen noted that the group not only worked as a team, but made known its thinking to the various delegations, even to those who were not in the Security Council, wherever practicable:

The non-aligned delegations worked out among themselves a pattern of liaison with the various countries interested in different problems, and had set their sights realistically -- some even thought perhaps too modestly.⁵³

The interaction of the non-aligned states with the permanent members of the Council in order to achieve a compromise and consensus, as Sen points out, was not all smooth sailing:

They realized that the US and the USSR and China, having made their attitudes on various issues so public and so firm, would not, on daily private discussions, be prepared for any speedy compromises and modifications of their well-known views. As a matter of courtesy and information, the non-aligned were always ready to tell these highly committed countries of developments that took place in the group. The group's expectation from these Powers however, was to a great extent assessed on whatever the combined

opinions of the non-aligned group were significantly strong and of particular interest to bring about change in their policies. The French and the British had slightly different positions; they were both anxious to co-operate, but the British tended to show, on the whole, more concern about the views and interests of the United States.⁵⁴

It was much easier for the non-aligned to persuade the permanent members, or to seek their concurrence in support of their initiative, than it was for those Powers to reach agreement among themselves for the establishment of a peace-keeping force. Indeed, any such agreement would have been viewed with suspicion, and as an attempt to impose a peace formula on the rest of the Council. According to Rikhye and others, the super-Powers, for all their political and military strength, were unable to establish a Middle East peace force, and had to leave it to the non-permanent members of the Security Council to create such a force.⁵⁵ It was equally evident, from UNEF II, that no major peace-keeping operation in the future would be mounted without the agreement of the super-Powers.⁵⁶ The UNEF II experience also suggests that the influence of the non-aligned states in the political processes leading to the establishment of any other operation would depend to a large extent on the permanent members of the Security Council and the super-Powers in particular.

3. UNEF II and the principle of consent

In their consultations with the Secretary-General on the establishment and functioning of UNEF II, the non-aligned states did not insist that his plan include a direct or explicit reference to the principle of consent. This principle had precipitated the withdrawal of UNEF I from the Sinai in 1967, at the request of Egypt, on the premise that the forces had been deployed on Egyptian territory with the consent of the Egyptian Government. Secretary-General Kurt Waldheim, who did not want to face the same problem which his predecessor had to encounter in having to yield to a request for withdrawal under the consent principle, got the Security Council to accept the provision that:

The Secretary-General shall keep the Security Council fully informed of developments relating to the functioning of the Force. All matters which may affect the nature or the continued effective functioning of the Force, shall be referred to the Security Council.⁵⁷

This was a safeguard against any unilateral withdrawal of UNEF. Since its functions were subsequently derived from disengagement agreements between Egypt and Israel, the question of unilateral action to have the troops withdrawn on the basis of the consent principle would not have arisen. In order not to destroy the very concept of United Nations peace-keeping, the terms of reference of UNEF II included

the provision that in performing its functions the Force would act with complete impartiality and avoid actions which would prejudice the rights, claims or positions of the parties concerned.⁵⁸

Although the Secretary-General's plan did not state explicitly that UNEF II was established by the Security Council with the consent of Egypt, whose sovereign right to the area of operation of the Force was undisputed, this did not stop some members of the non-aligned group to express categorically their recognition of Egyptian sovereignty over the occupied territories. India, one of the principal defenders of the principle of consent, stated that in sending forces mainly to Egyptian territory, the Security Council should not overlook the question of Egyptian sovereignty, and that nothing should detract from the exercise of that sovereignty except by the consent of the Government of Egypt.⁵⁹ The Sudanese representative also emphasized that the Secretary-General's plan did not in any way compromise the sovereignty of Egypt over its territory.⁶⁰ In giving its consent to the deployment of UNEF II on Egyptian territory, according to the Egyptian representative, his Government "was exercising its sovereign rights to enable the United Nations to proceed with the first step and temporary measure towards putting an end to the aggression committed against Egypt since 1967".⁶¹ A

letter to that effect was transmitted to the Secretary-General on 27 October 1973 as the basis of Egypt's acceptance of the resolution setting up UNEF II.

In what could be described as a test of the consent principle, or its inherent right to determine whether or not United Nations peace-keeping forces should be deployed on its territory, Egypt indicated that it did not consent to further renewal of UNEF II's mandate beyond 24 July 1975. President Sadat had written to the UN stating that Israel had profitted from the relative quiet in the area, and had consolidated its occupation. In those circumstances, he said, an extension of the UNEF mandate would defeat the purposes which the Security Council had envisaged in establishing the Force. Following an appeal from the Council, Egypt subsequently accepted a three-month extension of the mandate and, at the same time, reiterated its view that it had accepted UNEF on its territory, under Resolution 340 (1973), "as a first step in the implementation of the decisions adopted by the Council regarding the question of the Middle East, and that the presence of the Force on its territory is governed by the purposes and principles of the United Nations Charter and international law which safeguard Egypt's sovereignty and territorial integrity".⁶² The renewal of the mandate for three months was made over strong Israeli objection that such a brief duration -- three

months, as against six months -- would create tension. Israel of course realized that Egypt was trying to assert an almost exclusive right to determine whether or not, or how long UNEF II can remain in the area. In the Security Council, Ambassador Doron recalled details of an Israeli letter to the United Nations stating, among other things, that UNEF II must be maintained throughout the life of the Egyptian-Israeli Disengagement Agreement of 18 January 1974:

Renewal of the mandate for a period of three months only is thus contrary to the spirit of the Agreement. Extension of the mandate for such a brief duration creates tension. Israel favours, therefore, renewal of the mandate for a period of no less than six months. The UNEF was established by the Security Council, and the extension of the UNEF mandate is under its authority. The Security Council cannot agree that one side should unilaterally limit the duration of the mandate or demand the right to dismiss the Force altogether whenever it so desires.⁶³

Egypt succeeded, to some extent, in having the Security Council underscore, implicitly, the principles of consent, and national sovereignty in UN peace-keeping operations. The Council's unprecedented decision to authorize its President to issue a formal appeal to President Sadat to reconsider his position and agree to an extension of the mandate, was a recognition that the Force was deployed on Egyptian territory, and that its presence there would not have been maintained without the formal consent or acquiescence of the Egyptian Government. The consequences of an Egyptian refusal to maintain the peace-keeping force

in the area would have been as disastrous as the 1967 request from President Nasser to have UNEF I withdrawn. However, there was no way in which the Security Council would have imposed its wishes on Egypt without destroying the basic principle of peace-keeping. In fact, none of the non-aligned members of the Security Council would have supported such action. China and the Soviet Union would have vetoed it. Even if it had been possible for the Council to extend the mandate without Egypt's consent or acquiescence, the very principle of United Nations peace-keeping would have been abrogated.

4. UNDOF and the peace-making process

Notwithstanding the number of years United Nations troops and military observers had been stationed in Cyprus, the Congo, the Middle East and the Indian sub-continent, the Organization's peace-keeping operations are intrinsically interim measures. They are intended to create the conditions for political settlement of the conflicts which had necessitated the deployment of UN forces. Resolution 340 of the Security Council, under which UNEF II was created, stated clearly that negotiations should start immediately between the parties concerned, aimed at establishing a just and durable peace in the Middle East. UNEF II enhanced the diplomatic process inspired by US Secretary of State Kissinger for the six-point agreement

between Israel and Egypt, which was signed at Kilometer 101 on 11 November 1973. This was followed by a Disengagement Agreement between the two countries in January 1974.

UNEF II also prepared the way for the Geneva Peace Conference, and later the Disengagement Agreement between Syria and Israel, signed on 31 May 1974; an agreement by which another major United Nations peace-keeping machinery, the United Nations Disengagement Observer Force (UNDOF), was established in the Middle East. UNDOF was in fact set up on the same general lines as UNEF II, and the first contingent comprised military observers who were already in the area. One of the non-aligned states in the Security Council, Peru, provided observers, together with Austria, while Canada and Poland contributed logistic support for the new operation, under the command of Brigadier-General Gonzalo Briceno of Peru.

Although UNDOF was established by the Security Council under the command of the United Nations, and while it was patterned and financed on the same basis as UNEF II, it emerged from what could be described as the peace-making process, namely the Geneva Peace Conference. The Disengagement Agreement stated that the agreement between Syria and Israel was not a peace agreement "but a step towards a just and durable peace on the basis of Resolution

338 (1973) of 22 October 1973".⁶⁴ However, it was concluded in a peace-making context and negotiations involving the parties concerned. The Agreement and the Protocol to it called for the creation of a UN Disengagement Observer Force, thus giving the Security Council the authority to endorse the documents and to establish the peace-keeping machinery. In the words of the Peruvian representative, the creation of the Force was an integral part of the Agreement between the parties and demonstrated that the United Nations was inextricably linked to the task of creating peace in the Middle East.⁶⁵

The non-aligned states were not involved in the peace-making process from which UNDOF emerged. The third-party or intermediary role was played by the two super-Powers, the United States and the Soviet Union, as co-Chairmen of the Geneva Peace Conference. Thus, the Security Council resolution setting up UNDOF was co-sponsored by those Powers themselves; a co-sponsorship which was possible only because the Soviet Union had been involved in the diplomatic contacts leading to the Agreement. Moscow was satisfied that the Security Council was not being asked to endorse a United States initiated agreement which had been prepared outside the United Nations. Since the Geneva Conference was being held under the auspices of the United Nations -- the UNEF Force Commander acted as Chairman of the military group

of the Conference -- the Soviet Union was prepared to go along with the Agreement and its Protocol signed in Geneva.

With the exception of Iraq which disassociated itself from the resolutions defining the role of the United Nations peace-keeping forces in Sinai and on the Golan Heights, all the non-aligned members of the Security Council supported the Soviet-American resolution by which UNDOF was set up. There was no need for non-aligned suspicion of super-Power connivance in the drafting of the resolution. Since Syria had signed the Agreement and the Protocol; since the Protocol provided for the establishment of the Force, and since, as the American representative underlined, "the resolution was grounded in the recent successful actions of the Council.. and the general principles which had guided the United Nations Emergency Force clearly applied to all aspects of the United Nations Disengagement Observer Force.."66 the non-aligned were obliged to support it. Iraq chose not to participate in the voting. Non-aligned support for the Soviet-American resolution was also based on the premise that the Agreement would enhance the peacemaking process, and thus expedite the ultimate objective of Syria; that is, the withdrawal of Israeli forces from occupied Syrian territory. Whether or not they were actively involved in that process, the non-aligned states could not take any action individually or collectively, which would

have been regarded as a political obstacle in the implementation of the terms of the Agreement and Protocol between Israel and Syria. In short, the non-aligned group has always been inclined to support the position of any of its members who is a party to a conflict or dispute which is before the United Nations, particularly when the territory of that member state is under foreign occupation. This expression of solidarity is one way in which the group is able to enhance the peace-keeping role of the United Nations.

Chapter VIII - Notes

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CHAPTER IX

THE COMMITTEE OF 33 AND THE FUTURE OF PEACE-KEEPING

1. The politics of financing ONUC and UNEF

The so-called financial crisis which virtually paralyzed the 19th session of the General Assembly and cast a shadow over future United Nations peace-keeping operations, was essentially a political crisis. It was a reflection of the cold war and super-Power rivalry which had pervaded the international environment since the early 1950s. Ironically, the politics of financing peace-keeping operations began to assume crisis proportion at a time when the Soviet Union and the United States were announcing their intention to forgo payment of part of the costs they had incurred in air lifting African contingents to join the United Nations Operation in the Congo (ONUC). Of course differences of view on the financing of peace-keeping activities were not limited to the two super-Powers. There were some member states who felt that expenses for peace-keeping should be met entirely from voluntary contributions. Others maintained that such expenses should be treated separately from the regular budget. There was also the question of whether or not a special account should have been set up with the same scale of assessment as that of 1960.

However, the issue became more controversial when constitutional responsibility for the expenses of ONUC was raised by the Soviet Union, citing what it believed were relevant articles in the Charter applicable to methods of financing both the Suez and Congo operations.

Notwithstanding the original super-Power consensus behind Security Council and General Assembly decisions on the operations, a crisis over financing was predictable for several reasons:

- a. In 1959 the Soviet Union had argued that the decision of the General Assembly to establish United Nations Emergency Force (UNEF), contradicted the principles of the Charter, and that the cost of the Force should be borne by those states originally responsible for the situation.
- b. UNEF was established not by the Security Council, the organ with primary responsibility for the maintenance of international peace and security, but by the General Assembly. At the same time responsibility for the Organization's budget, including the establishment of the scale of assessment, lies in the General Assembly.

- c. Peace-keeping was a new and evolving phenomenon which, although derived from the Charter, was not explicitly specified in any of its articles.
- d. A number of states, including the Soviet Union, had criticized what they considered as the excessive use of power by the Secretary-General, Dag Hammarskjold, in the Congo operation and in defiance of resolutions of the Security Council.
- e. The Soviet Union had always complained about the exclusion of East European or socialist states from peace missions, and that matters relating to the Congo operation had been removed from the Secretariat's Department of Political and Security Council Affairs (headed by a Soviet national), and transferred to a special office of the Secretary-General.

The prevailing view was that the Soviet Union was not so much opposed in principle to the Congo operation, or disturbed by the portion of the Organization's operational budget it was required to pay, as it was dissatisfied with the policy direction of United Nations intervention in the Congo and the place allotted to the Soviet Union in the control mechanism.¹ The United States and a number of

western countries, including Canada, had taken the position that peace-keeping operations had become part of the normal functions of the Organization, and as such all its members should collectively bear the expenses involved.

It was not clear what role the non-aligned states would play in the emerging confrontation between the United States and the Soviet Union. In the first place, some of them, Ceylon, Guinea, Indonesia, United Arab Republic, and Yugoslavia, had just announced that they would withdraw their contingents from ONUC because of their dissatisfaction with United Nations policy on the Congo. The United Arab Republic (Egypt), a victim of the 1956 Suez conflict, felt that the cost of the Congo operation should not be apportioned among members states, but should in all fairness be borne "by the country which was responsible from the outset for the existing unhappy situation - Belgium".² The presence of the troops under United Nations command, according to Indonesia, had lost its original significance since United Nations policy was no longer to assist the Congolese but to establish a new colonialism. In these circumstances, Indonesia told the General Assembly's financial and budgetary affairs committee, it could not accept responsibility for any decision concerning the apportionment of costs incurred in the Congo.³ Ghana, on the other hand, felt that notwithstanding its disapproval of

the "errors committed in implementation of the relevant resolutions, for the present, the expenses should be borne by all member states and assessed either on the basis of the normal scale of contributions to the regular budget or of some acceptable formula".⁴

Observing that the division which had become apparent during discussions of both the political and financial aspects of the Congo operation would no doubt continue, another non-aligned state, Tunisia, appealed to "all delegations which appreciated the importance and scope of the Congo operation to ensure that the prestige of the Organization was maintained and enhanced".⁵ However, the Tunisian representative pointed out that United Nations action in the Congo had been undertaken on the basis of decisions by the Security Council and the General Assembly; moreover, that expenses incurred in implementing those resolutions were clearly expenses of the Organization within the meaning of Article 17, paragraph 2 of the Charter, and should therefore be borne by the members.⁶

In December 1960, two non-aligned, Tunisia and Senegal, together with Pakistan, had initiated what became a historic political and constitutional dimension to the financial problems arising from peace-keeping operations. They co-sponsored a draft resolution, which was subsequently adopted

by the General Assembly, inter alia, recognizing that the expenses for the Congo operation in 1960 constituted expenses of the Organization within the meaning of Article 17 paragraph 2 of the Charter, and that the assessment of member states created binding legal obligations on those states to pay their assessed contributions.⁷ The sponsors admitted that treating the expenses incurred by the United Nations purely as expenses of the Organization within the meaning of Article 17 paragraph 2 of the Charter would involve an excessive financial burden for the smaller countries. Thus, they claimed that their draft specified that voluntary contributions would be applied to reduce the assessment of countries with the least capacity to pay. The primary concern of the sponsors, according to the Tunisian representative, was to try to eliminate political controversy from the financial problem of the Congo operation. However, direct reference to Article 17 paragraph 2 of the Charter not only exacerbated the controversy but also opened a new battle ground in the cold war.

At the Committee level, many of the non-aligned states did not support the reference to the Charter and the creation of "binding legal obligations". Ceylon, Guinea, India, Iraq, Morocco, Yemen and Yugoslavia were among those who had opposed it in a separate vote in the Fifth Committee (Financial and Budgetary), but had decided to support a

Polish amendment to delete it from the draft. As the Soviet representative pointed out in requesting a separate vote in the General Assembly, that particular paragraph was one of the most important and far-reaching provisions of the draft resolution, touching as it did on the question of sources of financing peace-keeping.⁸ It was in the Soviet view, such an important provision that its adoption required a two-thirds majority. The representative recalled that in the Fifth Committee the separate vote on it (40-27-17) did not receive a two-thirds majority and was thus not adopted by the Committee within the meaning of the Charter. The request for a separate vote in the General Assembly was rejected.

The resolution, as adopted by the Assembly, offered a compromise formula for financing the Congo operation, based on the principle of collective responsibility. However, it was also a veiled threat to the Soviet Union and others which had the ability but refused to pay their assessed contributions, that they could lose their voting rights in the Assembly in accordance with Article 19 of the Charter. Indeed, it increased the complexity of financing the operation, and gave rise to serious political repercussions and a political and financial crisis of such dimension that threatened the effective working of the United Nations itself.⁹

In the course of the resumed fifteenth session of the General Assembly early in 1961, convened to consider the situation in the Congo, the Soviet Union continued its insistence that the question of financing the Congo and Suez operations should be based on Articles 43 and 48 of the Charter. That is to say, all expenditures for the maintenance of international peace and security should be decided exclusively by the Security Council.

The controversy became even more intense when Secretary-General Hammarskjold, in the Assembly, criticized the Soviet perception and proffered his own interpretation of the issue. No one, he argued, can question the right of the Security Council to take decisions in pursuant of Articles 43 and 48, or any other provisions under which it had competence:

However, once the Council has taken a valid decision which imposes responsibilities on the Organization and requires implementation by the Secretary-General, then the costs which are involved are clearly expenses of the Organization within the meaning of Article 17 paragraph 2 of the Charter, and therefore must be apportioned by the General Assembly. True, the Council retains the right to revoke or change its decisions, but as long as the decisions require expenditures by the Organization, then Article 17 paragraph 2 must be considered applicable.¹⁰

Hammarskjold further argued, apparently for the benefit of those who had opposed reference to Article 17 paragraph 2 in the Assembly resolution of 20 December 1960, that if this

provision of the Charter were to be disregarded, and the apportionment of expenses left to the Security Council, this would obviously involve an extension of the unanimity rule in that the approval of all the permanent members would be required for the continued financing of peace and security operations. In short, he went on, each permanent member would then have a continuing veto over the implementation decided on by the Council:

I leave it to the members of the General Assembly to draw their own conclusions regarding what this new line would have meant, for example, in the Suez crisis; or would mean for the future development of the Organization and its possibilities to render service in the essential area of international peace and security.¹¹

Higgins points out that most Western and many non-aligned countries did not accept the Soviet reading of Articles 43 and 48:

They took the view that the Security Council had primary but not exclusive responsibility for the maintenance of peace; that although the Assembly could indeed only make recommendations, in matters relating to finance it had the power to bind; that peace-keeping, though not in terms envisaged in the Charter, was clearly within the UN's major purpose of maintaining international peace and security, and could thus be properly financed by the General Assembly, under the terms of Article 17 (2); and that peace-keeping by consent was legal, whether authorized by the Security Council or by the General Assembly.¹²

The position taken by 10 Latin American states, however, did not seem to have eased the controversy over the

constitutional aspects of financing peace-keeping operations. They felt that the expenses involved in the Congo operations should not be regarded as normal expenses of the Organization to be financed from the regular budget. In the words of a Mexican delegate in the Fifth Committee (Administrative and Budgetary), they were convinced that any resolution in which the costs of the Congo operations were treated as expenses of the Organization within the meaning of Article 17 of the Charter, as stated in General Assembly resolution 1583 (XV) of 20 December 1960, should be deemed legally invalid, because such treatment was tantamount to an attempt to amend the Charter itself by resorting to procedures that were not provided for, much less authorized in that instrument.¹³

Australia, in an attempt to rally the non-aligned and others which were opposed to the idea of treating the cost of the Congo operations as "expenses of the Organization within the meaning of Article 17 (2) of the Charter", put the controversy in perspective. The Australian representative in the Fifth Committee (Administrative and Budgetary), argued that the efforts of the Soviet Union were aimed at limiting the actions of the United Nations to those which it approved:

It is because the Soviet Union possesses the right of veto in the Security Council. This is why it would like to have the problem debated in that organ. It now seeks to

impose a financial veto on the General Assembly. Similarly, it would like to replace the Secretary-General by a triumvirate which could not act without the consent of the Soviet Union. It could easily be seen that if the Soviet Union attains its ends, there would be nothing to prevent other great Powers from acting in the same way.¹⁴

The Australian delegate found it surprising that "that danger had not aroused more concern among delegations, particularly those of the small countries for which the United Nations represented a guarantee of independence from great-Power domination".¹⁵ However, the Australian made what could be described as a tactical mistake when he remarked that whatever financing arrangements the General Assembly considered appropriate, its decisions would be binding upon all states and that those which did not comply with it would be subject to the sanctions envisaged in Article 19 of the Charter, namely the loss of voting rights.

For the United States this was certainly not the most diplomatic way of trying to persuade the non-aligned to accept the position that the cost of ONUC constituted expenses of the United Nations within the meaning of Article 17 (2) of the Charter. Accordingly, a United States representative assured the Committee that reference to Article 19 was not a threat nor was it an attempt by the United States to buy votes as one Eastern European member had alleged. He had also given an assurance that the United

States had no intention of opening a new chapter in the cold war. At the same time he accused the Soviet Union of misusing the Charter by attempts to read into it more than it contained:

Article 17, paragraph 1, is crystal clear. It makes no mention of a special, extra-ordinary or administrative budget, although Article 17, paragraph 3, does refer to the administrative budgets of specialized agencies. Similarly, Article 17, paragraph 2, refers to the "expenses" of the Organization and uses no qualifying term such as "normal" or "regular".¹⁶

Yet, the United States representative later remarked, that while there was reason to fear the disastrous consequences that the applicability of Article 19 might entail sooner or later, that did not alter the fact that the expenses in question were expenses of the Organization. He expressed the hope that member states would face up to their obligations and that none of them would be called upon to pay the penalty envisaged in Article 19:

The Soviet Government had, of course stated that it would pay no part of the expenses, but it is inconceivable that it should subordinate its relations with the Organization to a mere financial debt. If the Organization is not to be weakened, the spectre of Article 19 must be set aside.¹⁷

While differences between the United States and the Soviet Union over methods and responsibilities for financing ONUC were apparent, the non-aligned states were themselves

divided over the issues, especially the reference in a resolution to Article 17 of the Charter. In their attempts to arrive at a consensus, the Latin American group in April 1961, got Ghana, Liberia and Tunisia, together with Pakistan, to delete from their draft resolution in the Fifth Committee, reference to Article 17 which many states had found unacceptable. Later India, came up with a compromise revised amendment, the objective of which was to facilitate the adoption of a resolution for the financing of ONUC without defining the nature of the expenses involved. As the Indian delegate put it, "the primary, if not the sole objective, is to find funds, and not to interpret the Charter. Any reference to an article of the Charter would likely to create a precedent which some might consider undesirable".¹⁸ Subsequently, in April 1961, some non-aligned states voted in favour, while others abstained on a General Assembly resolution recognizing that in order to fulfil the purposes of the United Nations, the Organization "must have at its disposal adequate financial resources and generally recognized procedures for dealing with the financial problems resulting from activities undertaken by the Organization".¹⁹ The Assembly decided to set up a 15-member working group to consider as a matter of "prime importance and urgency", methods for covering the cost of peace-keeping operations, and the relationship between such

methods and existing administrative and budgetary procedures for the Organization.

The failure of the 15-member working group to arrive at a consensus on the two points aggravated the political and constitutional controversy over the issue of financing both the Middle East and Congo peace-keeping operations. The group reported to the sixteenth session of the General Assembly that it was unable to make substantive recommendations which would have a sufficiently wide acceptance as a recommendation to the General Assembly. Yet the financial situation of the Organization remained precarious. For instance, as of 20 September 1961, on the eve of the first non-aligned summit conference in Belgrade, total arrears in contributions to ONUC and UNEF peace-keeping operations were over \$40 million. The total outstanding assessments was \$118.1 million, and the Assembly had authorized financing of ONUC only up to 31 October 1961. Ghana and five other non-aligned states, together with Canada and Sweden sponsored what was described as a short and non-controversial draft resolution which did not prejudge any decision which the General Assembly might take in future, but which "merely proposed an administrative measure to ensure that the United Nations operations in the Congo would continue until a permanent solution had been found".²⁰ The non-aligned view was that action to ensure

that the operation did not cease to function on 1 November 1961 was far more urgent than a prolonged debate on the question of whether or not the expenses of the two peace-keeping operations were expenses of the Organization within the meaning of Article 17, paragraph 2 of the Charter. The non-aligned, with the support of the United States and other western countries resisted attempts by the Soviet Union and its East European allies to introduce procedural issues which were intended to delay or even cut off further financial authorization for the Congo operation. Although at least nine non-aligned states, including Guinea, the United Arab Republic and Yugoslavia abstained when it was put to a vote in the Committee, the draft resolution had a moderating influence on the confrontation which was developing around the authorization of funds for the operation beyond 31 October 1961. France, which was in arrears in its assessed contributions to the peace-keeping operations, did not support the draft. However, it welcomed the moderate tone of statements; statements which "were in happy contrast to the usually heated and polemical tone of the debates on the Congo".²¹ In order to ensure its adoption and that the operation did not collapse, there was no mention in the draft of previous resolutions of either the General Assembly or of the Security Council. At the same time, the sponsors found it necessary to ignore the warning by the Soviet bloc that if the draft was adopted,

members of that bloc would not consider themselves bound by its financial implications.

Once the Assembly had adopted the draft resolution, and the critical stage seemed to have passed, attention was again turned to the substantive issue of financing peace-keeping operations in the context of constitutional responsibility. During the discussion on the report of the group of 15, many delegates expressed the view that the report itself, though useful, would not assist the General Assembly in taking decisions on the financing of ONUC and UNEF. So, as they saw it, there was only one point on which a practical decision was open to the Fifth Committee, namely, the question as to whether the International Court of Justice (ICJ), should be asked for an advisory opinion on the legal nature of financial obligations arising out of peace-keeping operations.²² In the words of the Canadian representative in the Fifth Committee, it was clear that an important conflict existed; that the Committee had been unable to solve it; and that the only course remaining was to refer the matter to the Court.

As expected, the Soviet Union vigorously opposed the proposal, sponsored by 10 states, including the United States and the United Kingdom, to seek the advisory opinion of the Court. Arguing that the problem was political rather

than legal, it added that the Charter contained explicit and even categorical provisions on the question of extraordinary expenses. The United States, for its part, saw it as essentially a legal problem with political implications. It was better to request an opinion of the Court, a purely advisory opinion, the United States representative told the Committee, than to remain in an impasse.

The non-aligned states were, at the outset, apprehensive. Only Cameroon (which ironically abstained in the General Assembly vote a few days later), and Liberia co-sponsored the 10-power draft resolution in the Fifth Committee. India, for example, thought that recourse to the Court would not necessarily solve the problem; on the contrary, it could lead to unforeseeable difficulties. The United Arab Republic expressed its misgivings about the method which the Committee intended to follow:

By merely transmitting to the Court a resolution asking it to decide whether the expenditures relating to ONUC and UNEF were "expenses of the Organization" within the meaning of Article 17 of the Charter, the General Assembly would not be supplying the Court with all the requisite data which might enable the Court to elucidate the question. The Court should also be acquainted with the reasons which had led to the launching of the two operations concerned.²³

With the 1956 invasion of its territory in mind, the United Arab Republic also argued that the General Assembly, by

asking the Court whether or not all states should contribute to financing those operations, would appear to admit that some states which had failed to comply with their obligations were not required to assume financial responsibility for acts committed in violation of the Charter. Even the Congo (Leopoldville), which had fully identified itself with the non-aligned movement by attending the first non-aligned summit in Belgrade three months earlier, had reservation about the request for the Court's advisory opinion. It claimed that the draft resolution had subjective undertones:

The Government of the Congo (Leopoldville) would not encourage conflicts between blocs and does not propose to take part in such conflicts.²⁴

Other non-aligned states, including Indonesia and Afghanistan saw no need to refer the matter to the Court, nor did they see what effect an advisory opinion would have on the Congo and Middle East peace-keeping operations or any such operations which the Organization would undertake in the future. Half of the non-aligned states voted in favour of the resolution adopted by the General Assembly to seek the advisory opinion of the Court,²⁵ none of them voted against. The rest abstained. Nevertheless, their support and abstention, to some extent, facilitated the first stage of the process of determining legal obligation of member

states for financing peace-keeping operations undertaken by the United Nations in the Congo and the Middle East.

The second stage of the process came when the Court declared on 20 July 1962, that the expenditures authorized by the General Assembly for the two operations on the basis of the resolutions enumerated in the request for an advisory opinion, were expenses of the Organization within the meaning of Article 17 paragraph 2 of the Charter.²⁶ In the course of the seventeenth session of the General Assembly a few months later, the non-aligned states on the whole supported the principle of collective responsibility for peace-keeping expenses. However, as the Indonesian representative in the Fifth Committee explained, most of them were worried that explicit acceptance of the Court's opinion would impose heavy financial burden on the developing countries, and at the same time create serious political consequences which might lead to the application of Article 19 of the Charter.²⁷ This is why many of the non-aligned wanted the General Assembly to merely take note of the Court's opinion.

After a lengthy debate at least 20 of them joined Canada, the United Kingdom and the United States in sponsoring the resolution by which the Assembly, by a vote of 76 in favour, 17 against and eight abstentions, accepted

the opinion of the Court. With the exception of Algeria, Chad, the United Arab Republic and Yugoslavia which abstained, and Jordan and Saudi Arabia which voted against, all the non-aligned states voted in favour of a compromise resolution.²⁸ With a few exceptions, they also voted in favour of a comprehensive resolution re-establishing and enlarging the Assembly's Working Group, from 15 to 21 members, to study special methods for financing "peace-keeping operations of the United Nations involving heavy expenditures, such as those for the Congo and the Middle East, including a possible scale of assessments", taking into account inter alia, the criteria for sharing of costs of peace-keeping operations; the special financial responsibility of members of the Security Council and such factors as the degree of economic development of each member state.²⁹

The Working Group was also mandated to study "the situation arising from the arrears of some Member States in their payment of contributions for financing peace-keeping operations, and to recommend arrangements designed to bring up to date such payments". Those non-aligned states which had been worried about the application of Article 19, were thus persuaded to go along with the acceptance resolution. They came to understand, at least at that stage of the controversy, that the main purpose of the two resolutions

was to underscore collective financial responsibility as a cardinal principle of United Nations peace-keeping activities, and in the words of the Canadian (one of the co-sponsors), to lay the groundwork for a constructive study of financial procedures to meet the cost of future peace-keeping expenses.³⁰

As Chairman of the 21-member Working Group, Ambassador Simeon Adebo of Nigeria, played a leading role in steering the Committee's discussions off the juridical course.

TABLE V

Working Group on the Examination of the Administrative
and Budgetary Procedures of the United Nations

Members	Nature of Membership	Mandate	Decision-making Procedure
Argentina* Australia Brazil* Bulgaria Cameroon* Canada China France India* Italy Japan Mexico* Mongolia Netherlands Nigeria* (Chairman) Pakistan Sweden United Arab Republic United Kingdom United States Union of Soviet Socialist Republics	Original membership on 21 April 1961 was 15, comprising all 5 permanent members of the Security Council; 2 from Africa, 2 from Latin America; 2 from Western Europe; one from Eastern Europe; and one from the British Commonwealth group. Additional 6 members appointed by the President of the General Assembly, with due regard to geographical distribution.	To study special methods for financing "peace-keeping operations of the United Nations involving heavy expenditures: such as those for the Congo and the Middle East, including a possible scale of assessments, taking into account <u>inter alia</u> , the criteria for sharing costs of peace-keeping operations. Also, to study the situation arising from arrears of some Member States. UN General Assembly Resolution 1954B (XVII) of 19 December 1962.	Worked in consultation with the following standing Committee. (a) Advisory Committee on Administrative and Budgetary Question, (b) Committee on Contributions. No voting. Decision by consensus.

* Presented joint proposal for resolving issue of arrears which were incorporated into Resolution 1877 (S-IV), 27 June 1963.

The non-aligned view, as the United Arab Republic emphasized, was that the question of financing United Nations peace-keeping operations was of a political nature rather than a juridical one. They argued that while the International Court of Justice had opined that the expenses for the Congo and Sinai operations were expenses of the Organization within the meaning of Article 17 of the Charter, it had not specified the method of financing those operations.³¹ In their separate paper submitted to the Working Group, Argentina, Brazil and Mexico also suggested that the issue of financing peace-keeping operations had moved from a judicial to a political organ:

The Court's decision has also made it clear that the General Assembly has the widest possible power to determine the method and the scale of contributions for financing expenditure incurred by the Organization for the purpose of maintaining peace.³²

The non-aligned members of the Working Group however, decided to have the Committee deal with both the long-term and immediate issues. They submitted two documents; one, containing a set of principles which they believed should be considered in the examination of the method for financing future peace-keeping operations of the United Nations, and the other containing suggestions for a possible solution to the problem of arrears.³³ As far as the United States was concerned, the Working Group should have concentrated on the immediate problem of financing the two existing operations

(ONUC and UNEF), and not try to devise a single pattern for financing unknown future operations:

We believe that this approach is the only sensible and practical one for this Working Group to follow at this time, given the present financial plight of the United Nations, the present political differences between Member States, the unpredictable character of any future peace-keeping operations, and the virtual impossibility of our now agreeing on any single formula on any single set of principles or criteria to govern unknown operations yet to be begun -- even if such a single pattern could ever be considered practical.³⁴

While assuring the Group that it was prepared to participate actively in the discussions and negotiations of proposals for financing UNEF and ONUC during the last six months of 1963, the United States also made it clear that until the United Nations faced up to the financial situation and took steps to ensure the fiscal integrity of the Organization, the United States would "reserve its position as to the United Nations financial problems". Of course the Soviet Union continued to insist that the two operations did not impose any financial obligations on member states because the operations were not undertaken in accordance with the United Nations Charter, and that the expenses involved were not expenses within the meaning of Article 17, paragraph 2 of the Charter.

Without ignoring the need to deal with the immediate financial problem of the two existing peace-keeping operations, and the question of the arrears, the non-aligned members of the Working Group felt that it was in the interest of all states for the Group to provide, as the General Assembly had mandated, some general principles and guidelines for sharing the costs of future operations. Their position could be summarized as follows:

- (i) collective responsibility of all member states for financing peace-keeping operations;
- (ii) consideration of the relative capacity of developed and developing countries to contribute to operations involving heavy expenditures;
- (iii) encouragement of voluntary contributions;
- (iv) recognition of the special responsibilities of the permanent members of the Security Council for the maintenance of peace and security, and the relation between such responsibilities and their financial contributions to peace-keeping operations; and
- (v) special consideration, if necessary, should be given to victims and other states involved in the events or action leading to peace-keeping operations.³⁵

They also wanted the Group's report to the General Assembly to include reference to the principle of 'the aggressor must pay for its aggression'. On this point, the representative of the United Arab Republic, a victim of the Suez conflict, asked:

How can we, in all fairness, put aside the principle that the country or the countries victims of an act of aggression should be exempt from these financial burdens? How can the United Nations, in all honesty, fail to put the blame and the responsibility squarely on that country or countries that created the situation which necessitated United Nations intervention?³⁶

Nigeria added:

We take this to mean that those whose negligence or malfeasance has led to the events which make a peace-keeping operation necessary should be surcharged with part at least of the cost. The fact that it may be difficult in some cases to fix responsibility or to reduce responsibility to monetary terms, does not invalidate this principle.³⁷

This argument, incidentally, had also been used by the Soviet Union in support of its refusal to pay its assessed contributions to the peace-keeping operations.

Regarding the question of arrears, the non-aligned members of the 21 nation-Working Group were of the view that the magnitude of the accumulated arrears on the UNEF and ONUC accounts could create special problems for countries which had financial difficulties if they were expected to pay the full amount. Accordingly the non-aligned suggested that the Secretary-General should immediately examine the

situation, and in consultation with the member states concerned, work out appropriate arrangements within the letter and spirit of the Charter, including the possibility of payment of arrears by installments.³⁸

Although the discussions and proposals in the 21-member Working Group put the whole question of United Nations peace-keeping in perspective, failure of the Group to come up with and adopt appropriate recommendations, created more controversy in the fourth special session of the General Assembly convened a few weeks later. Once again, there were arguments about the competence of the Security Council and the General Assembly (exclusive responsibility of the Council and the residual powers of the Assembly) for the maintenance of peace and security. The relevance of the opinion rendered by the International Court of Justice regarding the expenses of UNEF and ONUC in the context of certain articles of the Charter was also raised.

Ironically, the tone of the debate in the special session of the Assembly, did not reflect the prevailing international political climate, which at that point in time was characterized by a spirit of cooperation between the two super-Powers in the 18-nation Geneva Disarmament Conference, where they were approaching agreement on the draft partial nuclear test-ban treaty. In an attempt to muster a non-

aligned mediatory role in the special session of the General Assembly, Ceylon observed that the period was marked by a slackening of the tension which had characterized relations between the Soviet Union and the United States. A resumption of the cold war through the debates of the session, the Ceylonese delegate added, must be avoided at all costs.³⁹ He summarized the position of the Soviet Union and the United States, which he described as fundamental differences in approach rather than an ideological conflict:

Traditionally the United States assumed a pragmatic approach and preferred to solve problems as and when they arose without binding itself to general principles, while the Soviet Union on the other hand, was the product of a revolution which continued to condition its basic attitude. If, on the one hand, the United States tended to place greater confidence in the General Assembly, it was because that organ reflected the parliamentary system to which that country had always been attached. In the Soviet Union, on the other hand, all decisions were taken by executive bodies, and for that reason, the USSR attached much greater importance to the Security Council than to the General Assembly. What was at issue therefore was not merely a financial deadlock or a political controversy, but a constitutional problem which could not be solved over-night.⁴⁰

Ceylon appealed to the two super-Powers to hold bilateral discussions as soon as possible, and at the highest level, with a view to settling the question of expenses for peace-keeping. Afghanistan suggested that the General Assembly

should request the Secretary-General to undertake negotiations at any level he considered appropriate with the countries directly involved in the political controversy. Tunisia and Indonesia saw a intermediary role for the non-aligned in such negotiations:

...Everything possible should be done to determine either through direct contact between the protagonists, or through the mediation of a neutral and non-aligned power, the possibility of an agreement to confine discussions to the financial aspect of the question.⁴¹

...In any case, it might well be for the negotiations to take place in the presence of a third party representing the politically non-aligned countries.⁴²

In fact, Indonesia saw the non-aligned states in the General Assembly playing a role in the peace-keeping expenses issue similar to that of the eight non-aligned in the 18-nation Disarmament Conference nuclear test ban⁴³ negotiations in Geneva.

The non-aligned intermediary role came in the form of a series of resolutions adopted by the special session of the General Assembly. They were based on proposals which the non-aligned states had submitted to the 21-member Working Group. One of the resolutions included most of their general principles intended to serve as guidelines for sharing the cost of future peace-keeping operations

involving heavy expenditures: the collective responsibility of all states; recognition of the ability of developed countries to make relatively larger contributions and the relatively limited capacity of the developing countries to contribute towards peace-keeping operations involving heavy expenditures; encouragement of voluntary contributions; recognition of the special responsibility of the permanent members of the Security Council for maintenance of peace and security and in terms of their contributions to financing peace-keeping operations; and when necessary giving special consideration to the situation of member states which are victim of, and those which are otherwise involved in, the events or actions leading to a peace-keeping operation.⁴⁴ Originally sponsored by seven non-aligned members of the Working Group (Argentina, Brazil, Cameroon, India, Mexico, Nigeria and the United Arab Republic), the resolution also recommended that suitable "administrative arrangements should be established to ensure that adequate provision for the financing of a peace-keeping operation is made by the General Assembly at the time the operation is authorized".⁴⁵

The debate in the special session of the General Assembly, in June 1963, reflected the importance which member states attached to the problem of payment of arrears for the Congo and Middle East operations. On the initiative of six non-aligned states, the Assembly adopted a compromise

resolution which, in the words of the Nigerian representative, Chief Adebo, more or less embodied the proposals put forward by those states in the Working Group.⁴⁶ Among other things, it appealed to member states in arrears for the two peace-keeping operations, to pay their arrears. More importantly, it expressed the Assembly's conviction that those who were in arrears and object to paying their assessed contributions on political or juridical grounds, should without prejudice to their respective positions, make a special effort to help solve the financial difficulties of the United Nations. The Secretary-General was asked to consult with those in arrear for both operations in working out arrangements, including the possibility of payment by instalments, for bringing their payments up to date.⁴⁷ The United States supported this particular resolution apparently because it was on the whole consistent with its determination to resolve the immediate serious financial situation facing the Organization, and at the same time, to exert political pressure on the Soviet Union in particular to pay its arrears. Although at that stage it was not absolutely clear whether most of the non-aligned would support the United States in a showdown with the Soviet Union in the application of Article 19 of the Charter, the United States was prepared to join in the consensus which the non-aligned had mustered for dealing with the arrears.

Another non-aligned initiative at the special session of the Assembly in June 1963, was a draft resolution, submitted by Cyprus, Ghana, Ivory Coast and Nigeria (together with Pakistan), by which the Assembly requested the Secretary-General to consult with member states and interested organizations on the desirability and feasibility of establishing a peace fund through voluntary contributions.⁴⁸ Such a fund, they suggested, should not however relieve members of the Organization of their obligation to pay their assessed contributions. The Soviet Union, as expected, voted against the resolution on the grounds that such a fund would be used to facilitate the actions of those who, in its view, were trying to bypass the Security Council.

Together with the establishment of a special account for UNEF and an ad hoc account for ONUC, the idea of a peace fund was intended on the one hand to diversify the sources of financial contributions, assessed and voluntary, to the two peace-keeping operations, and on the other hand, to reduce the possibility of further political confrontation between the Soviet Union and the United States over the financing of those operations. The controversy had reached the stage where the Soviet Union refused, on juridical and political grounds to pay its assessed contribution towards the expenses of ONUC and UNEF, but had also served notice

that it was not obligated to even contribute to financing some activities in the regular budget.⁴⁹ Apparently, the positions taken by the two super-Powers during the Fourth Special Session of the General Assembly devoted to the question of peace-keeping expenses, did not reflect the spirit of detente which characterized their final negotiations on the nuclear Test Ban Treaty; negotiations which were based on a proposal of eight non-aligned members of the 18-nation Disarmament Committee. The treaty was signed on 5 August 1963, less than two months after the end of the special session. However, as the Soviet Foreign Minister suggested, the prevailing international political climate improved as a result of the Treaty, but was still overshadowed by the cold war:

The "cold war" vice in which the nations have been gripped for many years, has to some extent relaxed through the signing of the Test Ban Treaty, and they have begun to breathe more freely. Nevertheless, if we consider the Test Ban Treaty in broad historical perspective, in terms of the objectives by which the United Nations must be guided in its activities...it is a good beginning, but only a beginning.⁵⁰

The gap between the Soviet Union and the United States on the issue of expenses for the United Nations peace-keeping operations in the Congo and the Middle East remained throughout the regular (eighteenth) session of the General Assembly in 1963. In the absence of a durable solution, ad hoc formulae had to be devised, including the continuation

of the special accounts, to finance both operations. With the Soviet Union and its East European allies consistently voting against all resolutions on the financing of ONUC and UNEF, a political confrontation between the two super-Powers in the context of Article 19, became ominous. The expectation that ONUC would have been withdrawn by the end of June 1964 did not diminish that threat.

2. The controversy over the applicability of Article 19

Using the external mobilization strategy to influence the outcome of the debate on whether or not Article 19 should be applied to members who were in arrears, the non-aligned asked the Secretary-General to postpone the opening of the nineteenth regular session of the General Assembly. They wanted the second non-aligned summit conference scheduled for October 1964 in Cairo to pronounce itself on the issue. In a letter to the Secretary-General, as far back as April, 20 non-aligned states had claimed that discussions at the Summit Conference would facilitate the work of the Assembly. Following the non-aligned initiative, the Secretary-General, on 28 July, sent a telegram to all member states informing them that the Assembly would convene on 10 November. The eight weeks delay, he explained, would allow time for intensive consultations to avoid a

confrontation over the applicability of Article 19 of the Charter.

At the Cairo Summit, 5-10 October, the Non-aligned Summit included on its agenda and discussed the role of the United Nations in international affairs, implementation of United Nations resolutions, and amendment of the United Nations Charter. Although the final document made no direct reference to the question of whether or not Article 19 should be invoked during the General Assembly session, it was clear that the non-aligned preferred a compromise. The relevant resolution was couched in general terms:

The Conference recognizes the paramount importance of the United Nations and the necessity of enabling it to carry out the functions entrusted to it to preserve international cooperation among states. The Conference recommends to the member states of the United Nations to respect the resolutions of the United Nations, and to render all assistance necessary for the Organization to fulfil its role in maintaining international peace and security.⁵¹

When the General Assembly did convene on 1 December, the non-aligned view was articulated by Senegal, among others:

We say frankly that it would be undesirable and inadvisable to apply Article 19 of the Charter. To deprive the Soviet Union of its right to vote would create an imbalance fatal to the United Nations and, in the end, fatal to peace. The United Nations cannot live with the United States alone or the Soviet

Union alone. These two great powers have been condemned to co-exist and to cooperate in the interest of peace. Our duty as non-aligned countries is to advise, conciliate, and help to find an acceptable compromise.⁵²

As Ghana told the Assembly, while the Organization needed financial sustenance if it was to survive, the non-aligned were not prepared to support any action "no matter how well intended, which at the same time poses a threat to the continued existence of the Organization itself, and we believe that the invocation of Article 19 against France and the Soviet Union and other countries, at this time, conjures up the grim possibility of the dissolution or, at least, the serious truncation of the United Nations".⁵³ Another non-aligned state, Cameroon, recalled the demise of the League of Nations:

Let nobody be mistaken: if it comes to a choice between the Soviet Union and the United States of America, we shall choose the United Nations. We will not be a party to excluding alone. Are men's memories so short? How did the League of Nations die? Through the gradual departure of its important members, of those that were the great powers of their time. The essential feature of our Charter is its universality.⁵⁴

The Secretary-General had himself tried to avoid a confrontation over the conduct of the delayed nineteenth session of the General Assembly by holding consultations during the weeks prior to the opening. He determined that there was an understanding to the effect that "issues other than those that can be disposed of without objection, will

not be raised while the general debate proceeds".⁵⁵ It was decided in effect that voting would be suspended indefinitely. A new President of the Assembly was elected by acclamation, and arrangements were made to fill vacant seats in the Security Council without a vote.

The United States began to lose some of the non-aligned support it had been expecting for its campaign to invoke Article 19 of the Charter against the Soviet Union and others, when Belgian and American paratroopers landed in Stanleyville, Congo, to rescue Western civilians who they claimed were being massacred or held hostage by pro-Lumumbist rebels. At their summit in Cairo in October 1964, some of the non-aligned states had argued that the Congolese problem was at the root of the difficulties facing the Organization, including the Article 19 controversy. The conference adopted a resolution appealing "to all foreign powers at present interfering in the internal affairs of the Democratic Republic of the Congo, particularly those engaged in military intervention of that country to cease such interference which infringes the rights and sovereignty of the Congolese people, and constitute a threat to neighbouring countries."⁵⁶ Later, and while the newly-created Organization of African Unity (OAU), was actively trying to play a mediatory role in the Congo, 22 non-aligned states requested a meeting of the Security Council to

consider the military intervention.⁵⁷ Although they claimed that they had come to urge the Council to pronounce itself on the intervention and to prevent its recurrence, and not to prevail against those who had launched it, some of the non-aligned were very critical of the United States and Belgium. The consensus for a suspension of voting was however maintained, at least for the whole month of December 1964.

Perhaps the most realistic measure advocated by the non-aligned and others for resolving the Article 19 controversy and meeting the expenses for peace-keeping operations, was the establishment of a peace fund based on voluntary contributions. As the nineteenth session of the General Assembly went into recess on 30 December 1964, having suspended voting procedures in order to avoid a confrontation over the application of Article 19, a small group of non-aligned states circulated an informal proposal which would have had the Assembly decide that voluntary contributions should be made by all member states, but with the more affluent ones making substantial contributions. They also wanted the Assembly to return to normal proceedings without delay, but the question of the applicability of Article 19 should not be raised when the Assembly resumed in the New Year. While the Soviet Union did not seem to have had any objection to the proposal,

which incidentally was not tabled because prospects for its adoption were dim, the United States felt that acceptance of such a formula, unless accompanied by assurances of adequate payments by defaulting members to reduce their arrears below the limit stipulated by Article 19, would represent de facto negation of the constitutional power of the General Assembly to assess members for expenses of the Organization.⁵⁸

When the Assembly reconvened on 18 January 1965, and following a statement on the precarious financial status of the Organization, the President of the Assembly, Alex Quaison-Sackey of Ghana, summarized what he gathered was the consensus which had emerged during consultations over the two week recess. It was essentially the same as the proposal which a group of non-aligned delegations had circulated informally two weeks earlier on 30 December 1964:

Firstly, the United Nations should be strengthened both financially and morally. For this purpose, it is essential that voluntary contributions be made by the Member Governments, with the highly developed countries making substantial contributions. This will have the effect of not only strengthening the Organization financially, but by restoring its moral authority. Secondly, the work of the General Assembly should be conducted under normal procedures as soon as possible. Thirdly, every effort should be made to avoid a confrontation on the issue of Article 19. I believe that no member of this Assembly wants a situation to arise when the applicability of Article 19 will have to be raised.⁵⁹

The non-aligned were extremely disappointed that the Assembly was still being prevented from conducting its business under the normal rules of procedure, and that a further adjournment of the session was being contemplated. They felt that if their proposal, which was reflected in the presidential statement, had been given the careful consideration it deserved, it would have facilitated the normal proceedings of the session and, at the same time, provided a viable solution to the financial crisis of the Organization. In an apparent criticism of the United States and those who advocated the application of Article 19, India for example claimed that in an attempt to deprive some members of a vote, the entire membership of the United Nations had been deprived of its vote.⁶⁰ The non-aligned were equally disappointed that the Soviet Union, at least initially, failed to understand that it was in its own interest to give an unqualified support to the proposal under which the applicability of Article 19 would not be raised. It argued that it accepted all parts of the proposal that were not without contradictions and difficulties.⁶¹

Subsequently, Albania challenged the President's ruling on the no-voting consensus. With only one of them, Mauritania, supporting Albania, most of the non-aligned joined the overwhelming majority, including the United

States and the Soviet Union in blocking the Albanian challenge, and thus prevented a confrontation over the applicability of Article 19.

3. Diplomatic leadership and the building of concensus in a constitutional crisis.

When Sir Benegal Rau, head of the Indian delegation to the fifth session of the United Nations General Assembly, in 1950, convened a meeting of 11 Arab and Asian colleagues, to seek their support for his country's initiative for a cease-fire in Korea, he literally laid the foundation of what became the Afro-Asian, and subsequently the non-aligned group in the United Nations. One result of the Indian initiative was that the chairman of the armistice commission in Korea, and the leader of the team which was chosen to supervise the exchange of prisoners between North and South Korea, were both Indians. This is indicative of the political importance of initiating ideas; drafting resolutions; and seeking membership/leadership of the principal and subsidiary organs of the United Nations, as sources of influence in the United Nations.

In times of crisis, and when negotiations become intractable, membership/leadership of these bodies, as well as the diplomatic skills of their leaders - chairmen, vice-

chairmen and rapporteurs -- become even more important in decision-making.

The controversy over the application of Article 19 of the Charter, and the entire debate on the various aspects of peace-keeping gave the non-aligned states as a group, and individual diplomats from those states, an opportunity to play an active role in the political processes for the formulation of policies or guidelines for financing and maintaining peace-keeping operations.

The Chairman of the 21-member Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, Ambassador Simeon Adebo, of Nigeria, had used his diplomatic skills in the negotiations to get the United States to accept, albeit reluctantly, the view of the non-aligned that the Working Group should avoid confrontation by focussing its attention on the financing of future peace-keeping operations, but without ignoring the more immediate task of addressing the issue of arrears for the Congo and Middle East operations.

The political leadership of diplomats of non-aligned states also figured prominently in the work of the General Assembly, in the context of the Article 19 controversy. On 18 February 1965, the Assembly, without a vote, established a special committee for the purpose of under-taking "as soon

as possible, a comprehensive review of the whole question of peace-keeping operations in all their aspects, including ways of overcoming the present financial difficulties of the Organization".⁶² No single group of state could claim credit for the outcome of the 19th session. It was, as its President, Alex Quaison-Sackey, of Ghana, remarked, the result of exhaustive consultations conducted by the Secretary-General and himself, with almost every delegation, through their regional caucusing groups.⁶³ However, Secretary-General U Thant gave much credit for what he described as the change of atmosphere, to the leadership of Mr. Quaison-Sackey. Lord Caradon of the United Kingdom, spoke at length about the guidance and encouragement which the President of the Assembly had given as he led them "through the weary wilderness", adding that the greatest test of statesmanship was the capacity for leadership in and through adversity.⁶⁴

The President was also authorized by the Assembly to select the 33 members of the Special Committee on Peace-keeping Operations, and to serve as chairman. He was asked to do so, not merely because he was the President of the General Assembly, but also because of his diplomatic experience, personal attributes, as well as his nationality.

TABLE VI

Members of Special Committee on Peace-keeping Operations

Members	Mandate	Decision-making Procedure
Afghanistan Algeria Argentina* Australia Austria Brazil * Canada Czechoslovakia El Salvador Ethiopia France Hungary India * Iraq Italy Japan Mauritania Mexico Netherlands Nigeria * Pakistan Poland Romania Sierra Leone Spain Sweden Thailand USSR UAR (Egypt)* United Kingdom United States Venezuela Yugoslavia	To undertake a comprehensive review of the whole question of peace-keeping operations in all their aspects, including ways of overcoming the financial difficulties of the Organization. (General Assembly Resolution 2006 (XIX), 18 February 1965.	Decision-making: Committee agreed at the outset to try to reach agreement by consensus without need to vote. However, if any member insisted on voting on any issue, and the Committee agrees to do so, decisions would be taken by voting.

* Non-aligned Members of 13-nation Working Group, in 1972 when the Committee decided that the representative of Nigeria should serve as its Chairman and the representative of Egypt as Rapporteur.

Although the new committee agreed at the outset that decision-making would be by consensus rather than by voting, unless someone insisted on voting, its composition reflected the role which the President wanted it to play. His main concern was to have the Committee help resolve the Article 19 controversy as quickly as possible before tackling the more complex problems, including a universally-acceptable definition of peace-keeping. One-third of the states chosen to serve on the Committee were non-aligned.

Notwithstanding their acquiescence, for different reasons, in the no-voting procedure as a means of avoiding a confrontation over the applicability of Article 19, the Soviet Union and the United States used the Special Committee on Peace-keeping Operations as a platform for reharshing their attitude towards the treatment of expenses for United Nations peace-keeping. The United States indicated that it would exercise some flexibility and consider new ideas in its approach provided two basic principles were applied; namely, that the expenses of United Nations peace-keeping would be the collective responsibility of the entire membership, and that the General Assembly would remain the only organ with the power to apportion those expenses.⁶⁵

The non-aligned tried to convince the other members of the Special Committee that the only way to avoid a political confrontation over the applicability of Article 19 at that stage was for the General Assembly to agree that the financial situation should be remedied by voluntary contributions from all member states of the Organization. For instance, when the United States suggested the deletion of a reference to Article 19 from an Ethiopian draft resolution submitted to the Committee, the Ethiopian representative replied that such a deletion could well discourage voluntary contributions.⁶⁶ However, he did make a compromise which the United States was inclined to support, namely the idea that when the General Assembly apportioned the expenses of major peace-keeping operations it should take into account any strong political objections to such operations which had been voiced by a permanent member of the Security Council. So the Ethiopian representative included in his draft resolution (essentially the non-aligned proposal of 30 December 1964) a provision that would have had the Special Committee agree that the financial situation of the Organization should be brought to solvency by voluntary contributions (by the entire membership), on the understanding that such arrangement would not be construed as any change in the basic position of any individual member state.⁶⁷ Once the Soviet Union realized that the non-aligned were not prepared to delete

the reference to Article 19, it supported their draft and threatened that if the United States and other Western countries tried "to subvert a solution to the financial difficulties in accordance with the non-aligned plan, the USSR would be obliged to revert to its earlier position and withhold payments."⁶⁸ The United States on the other hand was not prepared to give its unconditional support for the non-aligned plan.

As the Secretary-General, and the President of the General Assembly who served as Chairman of the new 33-member Special Committee on Peace-keeping Operations stated in a five-part report⁶⁹ on the work of the Committee between March and May 1965, there was no consensus as to what constituted peace-keeping. There was also a marked difference of views on what constituted enforcement action, and on the constitutional powers of both the Security Council and the General Assembly regarding peace-keeping. But the report did include at least one element of the non-aligned plan, namely that the immediate task of the Committee was the restoration of the Organization's solvency, and that this should be achieved through voluntary contributions by member states. Although there were serious differences over the inclusion of this idea in the Committee's report to the General Assembly, the Committee subsequently agreed instead that the United Nations should

be strengthened through a co-operative effort, and that when the General Assembly convened it should conduct its work according to its established rules of procedure.⁷⁰ This formulation was consistent with the non-aligned position regarding the work of the Assembly, and the need to avoid a super-Power confrontation over the applicability of Article 19 of the Charter.

When the Committee resumed in August 1965, the Soviet Union, sensing an emerging consensus on the question of Article 19 and the idea of voluntary contributions initiated by the non-aligned, spoke lengthily about the non-aligned plan. In its view the plan would have ensured a solution of the Organization's financial difficulties; linked the question of voluntary contributions inseparably to the non-applicability of Article 19, and therefore ruled out the possibility of the application of Article 19 to the expenses for the Congo and Middle East peace-keeping operations.⁷¹ In accepting the non-aligned plan as a basis for solving the Organization's financial problems, the Soviet Union even agreed to make a substantial voluntary contribution.

The United States concluded that it was not possible to enforce Article 19. Ironically, Ambassador Goldberg's maiden speech before the Special Committee on Peace-keeping Operations, was, in effect, a concession:

The United States regretfully concludes, on ample evidence, that at this stage in the history of the United Nations, the General Assembly is not prepared to carry out the relevant provisions of the Charter in the context of the present situation. From private consultations, from statements by the principal officers of the Organization, from the statements and exhaustive negotiations within and outside this Committee, from an informal polling of the delegations -- indeed from the entire history of this affair -- the inevitable conclusion is that the Assembly is not disposed to apply the loss-of-vote sanction of Article 19 to the present situation.⁷²

Without prejudice to the position that Article 19 was applicable, Ambassador Goldberg told the Committee, the United States recognized, as it simply must, that the General Assembly was not prepared to apply Article 19, and that the consensus of the membership was that the Assembly should proceed normally:

We will not seek to frustrate that consensus, since it is not in the world interest to have the work of the Assembly immobilized in these troubled days.⁷³

According to Ambassador Goldberg the United States still maintained that the Organization could not encourage double standard, and that if any member state would insist on making an exception to the principle of collective financial responsibility with respect to some activities, the United States reserved the same option to make exceptions if, in its view, strong and compelling reasons existed for doing

so.⁷⁴ On 1 September 1965, the nineteenth session of the General Assembly concluded with the adoption of the reports of the Special Committee on Peace-keeping Operations, including the consensus which was based on the non-aligned plan:

- (a) That the General Assembly will carry on its work normally in accordance with its rules of procedure;
- (b) That the question of the applicability of Article 19 of the Charter will not be raised with regard to the United Nations Emergency Force and the United Nations Operation in the Congo;
- (c) That the financial difficulties of the Organization should be solved through voluntary contributions from Member States, with the highly developed countries making substantial contributions.⁷⁵

It has been argued that the attitude of the non-aligned on the question of the applicability of Article 19 was detrimental to their interest and that of the Organization, for several reasons. First, that by taking a neutral position on the issue they had tampered with one of the fabrics of the United Nations structure; secondly, that they had exaggerated the possibility of the Soviet Union withdrawing from the Organization, and had failed to press

the Soviet Union to make a token payment to free itself from the obligation of Article 19, and thirdly, that they had failed to make it clear to the United States that their acceptance of the World Court opinion on the expenses of the United Nations was no guarantee that they would support the United States over the Article 19 controversy.⁷⁶ However, this argument would be valid only if the event is viewed as either a defeat for the United States or a victory for the Soviet Union and the non-aligned. It was neither a victory nor a defeat for anyone. The fact remained that the Assembly was not only able to resume its work under the normal rules of procedure, it also created a subsidiary body to deal exclusively with what had become one of the most controversial but most essential activities of the United Nations, namely peace-keeping operations. As the President pointed out, the most important decision taken by the nineteenth session was the establishment of the Special Committee on Peace-keeping Operations. The session also tested the viability of consensus in decision-making on peace-keeping and other important issues on the Organization's agenda. The non-aligned neither succeeded nor failed in that test. They merely played a mediatory role between the extreme positions taken by the two super-Powers.

The sum total of the debates in the General Assembly's Special Political Committee during the twentieth session which opened immediately after was that once the Article 19 controversy had been resolved and the Assembly's work had not been interrupted, all ideas about peace-keeping should be forwarded to the newly-established Special Committee on Peace-Keeping Operations, also known as the Committee of 33.

4. Draft formulas and guidelines

It was apparent, at least from the time they submitted their proposal for the establishment of a peace fund, to their subsequent appeal for voluntary contributions from the more affluent member states, that the non-aligned were more interested in the practical and financial aspects of peace-keeping than in the constitutional authority for establishing and directing such operations. Six non-aligned states had joined Ireland and others in sponsoring a draft resolution in the General Assembly's Special Political Committee which proposed a formula for peace-keeping operations not otherwise covered by agreed arrangements, or by items in the regular budget. Under that formula, which was not adopted by the General Assembly but forwarded to the Special Committee on Peace-keeping Operations for its 1966 session, the economically less-developed member states would have had to pay five per cent; the developed countries 25

per cent; and the permanent members of the Security Council 70 per cent of peace-keeping expenses.

During the Committee's first series of meetings in 1966, the non-aligned approach received the tacit support of some of the major troop and financial contributors to United Nations peace-keeping operations. Canada, for instance, felt that although there was a clear disagreement of principles regarding the respective roles of the Security Council and the General Assembly, and while it believed their roles were complementary and without contradiction or conflict, there was no point arguing about them.⁷⁷ Suggesting a pragmatic approach, Sweden was of the view that since the organs of the United Nations were likely to interpret the Charter through action, no useful purpose would be served by pursuing the fundamental constitutional problems.⁷⁸

The mandate of the Special Committee on Peace-keeping Operations was, as it turned out, too broad. Given the differences of views between the Soviet Union and the United States on the competence of the Security Council and the General Assembly over peace-keeping operations, and taking into account the international political situation, including the Viet Nam war, the Committee was unlikely, at that point in time, to agree on guidelines for future

operations. Indeed, as long as the East European countries were excluded from contributing contingents or observers to existing operations, prospects for achieving the Committee's objectives remained dim.

In February 1967, 11 non-aligned members of the Committee, Afghanistan, Algeria, Argentina, Brazil, Ethiopia, India, Mauritania, Nigeria, Sierra Leone, United Arab Republic and Yugoslavia, tried to circumvent the constitutional issues and speed up the Committee's work, by taking a piece-meal approach. They submitted a memorandum proposing the establishment of two working groups. The first was to study the various methods of financing peace-keeping operations with due regard "to the special responsibilities of the permanent members of the Security Council; the relatively limited capacity of the economically developing countries to contribute towards the cost of such operations; and the necessity to give special consideration to the situation of any member state or states which are victims of aggression and those which are otherwise involved in events or actions leading to a peace-keeping operation".⁷⁹

The second working group was to study matters related to the facilities, services and personnel which member states might voluntarily provide for a United Nations peace-keeping operation.⁸⁰

The memorandum was considered a major step forward in the Committee's work. One of the sponsors, India, observed that past efforts had not been sufficiently devoted to working out practical and mutually acceptable solutions. In particular, it claimed that too much stress had been placed on attempts to solve the problem in its entirety, which had failed:

Accordingly, it may be more expedient and practical at this stage to divide the problem into its component parts and try to study, discuss and settle one aspect of the problem at a time.⁸¹

Ethiopia even went on to suggest the possibility of evolving a number of gentleman's agreements on procedures to be used in the initiation, conduct and financing of peace-keeping operations outside the framework of the formal operation of the United Nations Charter. Such agreements, the Ethiopian representative pointed out, would have the merit of circumventing the constitutional disputes which continued to obscure the real issues:

If there ever were any reservations in the early stages with respect to certain aspects of peace-keeping procedures and measures, they were of a nature entirely different from those that were being voiced repeatedly and with such insistence. In fact no serious disagreements arose concerning the respective functions and powers of the General Assembly and the Security Council in the initiation and financing of peace-keeping operations until United Nations operations were well in progress in the Congo. And even when these disagreements arose almost as an

afterthought. The source of the dispute was therefore something other than constitutional.⁸²

As a compromise for those, particularly the Soviet Union, who were still directing the Committee's work towards the constitutional aspects of peace-keeping, the non-aligned memorandum suggested that in addition to the studies by the two working groups, the Committee as a whole should review the constitutional issues related to discussions which had taken place during the nineteenth and twentieth sessions of the General Assembly on ways of increasing and strengthening the efficiency and effectiveness of the United Nations in maintaining international peace and security.

According to a non-aligned spokesman, their proposal was based on the ideas which had seemed to win a measure of agreement in the General Assembly, but was not intended to be exhaustive, nor to undermine the basic position of any delegation on questions of principle:

Essentially the memorandum was intended to provide the basis for a detailed discussion, and any suggestion which might lead to a solution of the problem would be welcome.⁸³

The Soviet Union was somewhat skeptical. Ambassador Federenko expressed doubts about the necessity of establishing the two working groups, and wondered what exactly was meant by "the constitutional aspects" in the

non-aligned memorandum. On the other hand, the United States which had welcomed the Ethiopian idea of a number of gentleman's agreements on procedures for peace-keeping, was inclined to support the non-aligned memorandum. Ambassador Finger saw the establishment of the two working groups as an effort to provide a good opportunity for making progress on the practical problems facing the Committee.⁸⁴ The fact that the proposal left room for other suggestions to be considered gave the United States another reason to support the memorandum. Indeed, in addition to statements concerning the problem in general, there were a number of suggestions and comments concerning the financing of peace-keeping operations, and the provision of facilities, services and personnel. As an Algerian representative pointed out, the working method proposed by the non-aligned countries was of some value since new ideas had been advanced on certain points, some of which deserved to be considered at greater length and greater detail.⁸⁵

Still determined to pursue their step by step approach and "to transcend any considerations of a constitutional nature to eschew any rigid or inflexible solutions which might impair the possibility of agreement in the future", the non-aligned later, in May 1967, decided to table another memorandum containing their own observations on some of the salient points which in their view had emerged from the

Committee's discussions.⁸⁶ They prefaced their observations with a reference to the 1965 consensus which they had initiated to help resolve the Article 19 controversy, and the need for voluntary contributions, particularly from the highly developed countries, to overcome the financial difficulties of the Organization. The non-aligned summarized the methods which they felt had emerged from the Committee's discussions:

Voluntary contributions, financing by countries directly concerned, the bearing of costs by the aggressor and sharing of the costs among all member states. The Committee is of the opinion that in cases when a peace-keeping operation involving heavy expenditures is to be financed through sharing of its expenses by all member states, the global financial participation of the developing countries should not exceed five per cent of the total cost, with the balance of expenses is to be borne by other member states on the basis of equitable sharing arrangements to be considered by the Special Committee.⁸⁷

What made the new non-aligned memorandum even more significant was the group's insistence that it had not been introduced for procedural reasons, but rather as an expression of the non-aligned belief that their efforts to pinpoint areas of agreement constituted a new element in the Committee's discussions and thus opened up new prospects for settling the question of peace-keeping.⁸⁸ Although the Committee, as a whole, was unable to endorse the non-aligned memorandum, the Committee's report to the special session of

the General Assembly in May 1967, reflected some of the observations contained in the memorandum, including a further "appeal to all member states, and in particular to the highly developed countries, to make voluntary contributions to overcome the continuing financial difficulties of the Organization".⁸⁹ As India observed, the only substantial difference between the non-aligned memorandum and the Committee's report was that the report made no reference to the proposal that the global financial participation of the developing countries to peace-keeping operations should be limited to five per cent.

In the spring of 1967, the non-aligned step by step approach, reflected in their initiative for the establishment of two working groups to study two aspects of peace-keeping, was almost overshadowed by a lengthy argument between the United States and the Soviet Union over the question of voluntary contributions and implementation of the 1965 General Assembly consensus which had resolved the Article 19 controversy. The Soviet Union, indicated its readiness to make voluntary contributions, but linked the payment to the non-applicability of Article 19. According to Ambassador Federenko, the United States and all other states had supported the consensus and had thus assumed the obligations arising from it; that is, the obligation to make

voluntary contributions, but that the United States was disavowing that obligation:

The obligation assumed under General Assembly resolution 2053 (XX), were binding on all states. It was irrelevant to argue that one or another had, or had not said that it would fulfil its obligations only if similar obligations were fulfilled by another state.⁹⁰

Ambassador Finger argued that the United States was not bound to make voluntary contributions on the basis of the 1965 General Assembly consensus, nor did it understand from anyone that their contributions would be conditional upon a United States contribution, the United States which had already met its financial obligation for peace-keeping, was clearly entitled to demand that other members face up to the necessity of solving the Organization's existing financial difficulties.⁹¹

This super-Power argument was itself soon to be overshadowed by events in the Middle East, namely, the withdrawal on 18 May 1967 of the United Nations Emergency Force (UNEF), from the Sinai at the request of its host country, Egypt, and the Six-Day War a few weeks later between Israel and her Arab neighbours. The need to deal with specific issues and establish practical guidelines for future peace-keeping operations became even more crucial. However, the constitutional aspects of peace-keeping

continued to dominate discussions in the Special Committee on Peace-keeping Operations, with the United States and the Soviet Union reiterating their respective positions. Nevertheless, the General Assembly at the end of 1967, found it necessary to ask the Committee to prepare a study on matters related to facilities, services and personnel which states might provide in accordance with the United Nations Charter, for peace-keeping operations; a study which the non-aligned members of the Committee had proposed in their memorandum earlier in the year. It was not until May 1968, that an eight-member working group of the Committee, including the super-Powers and two non-aligned states, arrived at a consensus on what was described as "a first model in its programme of work; that is a study of the United Nations military observers established or authorized by the Security Council for observation purposes pursuant to Security Council resolutions".⁹² In other words, (a) the strength and equipment of the group of observers; their recruitment and organization; facilities and services; financial questions; (b) the relationship between observers and the state or states on the territory or territories of which they have to operate; (c) the status of observers; privileges and immunities; duration and termination of the mission of observers.⁹³

Much of the material of the study were documents made available to the working group by the Secretariat from then existing observer operations. Thus the Special Committee benefited from the experience of on-going peace-keeping activities. However, the objective of devising comprehensive guidelines continued to elude the Committee.

Looking forward to the celebration of the twenty-fifth anniversary of the United Nations, the non-aligned states and some other members of the Committee had indicated that progress on guidelines for the conduct of peace-keeping operations -- their establishment, direction, control and financing -- could be facilitated if the representatives of the United States and the Soviet Union held parallel bilateral discussions. Those discussions, initiated early in 1970, "covered the requirements both of observer missions and of peace-keeping operations involving troop contingents, which could be authorized by the Security Council".⁹⁴ According to the United States, it had submitted certain suggestions to the Soviet representatives in February 1970, but there was no specific response to those suggestions until July 1971 when the Soviet Union presented a document⁹⁵ to the United States. Essentially, the United States suggested the establishment, under Article 29 of the Charter, of a sub-committee of the Security Council (which would include representatives of countries contributing

personnel, finance and logistics), to provide continuing consultation and advice to the Secretary-General on key operational matters after an operation had been authorized by the Security Council. The Secretary-General would retain sufficient discretion to assure managerial effectiveness in the conduct of the peace-keeping mission and in adapting it, within the bounds of the Council's mandate, to changing circumstances.⁹⁶ The United States document also included two of the most controversial issues -- more equitable financing and participation of East Europeans in peace-keeping operations -- which had kept the United States and the Soviet Union apart over the years. On the so-called broadened geographical participation in the provision of troops and facilities, the document stated:

The force composition would be determined by the Secretary-General (as it is now), but it would be subject to disapproval by the Council. The Council could interpose its view if it does not approve of the recommended composition. It would be agreed that a vote on the Secretary-General's recommendation would be procedural, i.e., not subject to a veto. East Europeans could participate on the same basis as other participants, but without a prescribed "political balance", whether in the form of troika or a fixed requirement that "socialist" countries always participate.⁹⁷

As far as financing was concerned, the United States document suggested that the Security Council would normally, unless it considered otherwise, indicate the means of

financing an operation, it being understood that any arrangements must not prejudice the General Assembly's authority to apportion expenses among the Members.

The Soviet document, on the other hand, made no reference to the controversial issue of financing. While re-iterating its view that the Military Staff Committee's function was to advise and assist the Security Council on all questions relating to the Council's military requirements for the maintenance of international peace and security, it suggested the establishment of a special subsidiary organ of the Council, in accordance with Article 29. However, the document suggested relatively extensive functions for the subsidiary organ, including the selection of the Commander of the operation. As expected, especially since the Soviet Union had always complained about the exclusion of East European countries from United Nations peace-keeping activities, the document stated:

...it is necessary to make all efforts to reach an equitable balance in the composition of the participants in the operation so that no state member of the United Nations is excluded from participation because of its political, social and economic system, or because of its belonging to a certain geographical region.⁹⁸

Anticipating the Soviet response to its suggestions, the United States had expected the non-aligned states to

submit what Ambassador Finger described as "concrete proposals".⁹⁹ This was in effect a challenge to the non-aligned who in their third summit conference in Lusaka, had claimed that they had made the most significant contribution to various peace-keeping operations, thus far undertaken by the United Nations, and that they were willing "to consider the desirability of offering stand-by forces for future operations."¹⁰⁰ However, as one Yugoslav representative, Ambassador Komatina, argued, while they had shown a keen interest in participating directly both in discussions of the issues and in efforts to find a solution, they also believed that:

...it was not a small group of states, but the entire international community that was concerned with the question of peace-keeping operations. It was therefore essential to create conditions for the participation of all countries in efforts to find a way out of the present impasse.¹⁰¹

Still the non-aligned felt that consideration should be given to enlarging the Working Group of the Special Committee on Peace-keeping Operations since it did not, in their view, adequately reflect the various schools of thought on peace-keeping. The idea was that the permanent members of the Security Council had been given special privileges; that the Western States were overrepresented; and that the non-aligned should be given a few more seats in the Working Group. By now, and notwithstanding the slow

progress of its work, the Committee and its Working Group had become an attractive instrument of political influence. The Western Europe and other states also complained that they had been represented by only one seat in the Working Group, while the Soviet Union spoke of the monopoly by Western European States, including France and the U.K. At one stage between 1970 and 1972 the procedural difficulties over the chairmanship of the Committee, composition of the Working Group and the Committee's bureau, deteriorated to the extent that the Committee conducted no substantive work for about 18 months. Complicated negotiations were conducted on what the Canadian representative described as a vexatious problem. A package deal was later concluded, in which the number of Vice Chairmen was increased from two to four, the number of members of the Working Group increased from six to 13. The Rapporteur, Mahmoud Kassem of Egypt, in a statement to the Committee in November 1972 attributed the stalemate to the international political climate:

When the political circumstances were ripe, progress should be expected and the Working Group should be able to work out guidelines to enhance the effectiveness of the United Nations in the field of peace-keeping. It was to be hoped that with the new ideas which would be forthcoming in 1973, the political climate required for such progress might be achieved.¹⁰²

Prospects for such progress appeared good when both the United States and the Soviet Union acquiesced in the Working

Group's agreement, in principle, to include 12 items on the list of responsibilities to be exercised directly by the Security Council in the prompt establishment, the direction and control of peace-keeping operations.¹⁰³ At the international level, the two super-Powers, having stood at the brink of direct involvement in the 1973 October War between Israel and Egypt and Syria, found it necessary to jointly sponsor a cease-fire resolution in the Security Council. This was of course followed by the non-aligned initiative to have the Council increase the number of observers who had been deployed to monitor the fragile cease-fire, and to establish a new United Nations Emergency Force (UNEF II). Paying special tribute to the constructive role played by the eight non-aligned members of the Security Council in establishing the Force, the Soviet Union remarked that their efforts had removed artificially created obstacles to the setting up and efficient functioning of the Emergency Force. Ambassador Ovinokov stressed in particular that the principle of equitable geographical distribution confirmed by the Security Council had put an end to the discrimination against the East European countries, which would from now on be able to take part in peace-keeping operations.¹⁰⁴ He was referring to the inclusion of a Polish contingent in UNEF II.

The establishment of UNEF II, and of the United Nations Disengagement Observer Force (UNDOF) between Syria and Israel, proved to be a test of the viability of some of the suggestions, including those of the non-aligned, which had emerged from the Special Committee on Peace-keeping Operations and its Working Group. As the Secretary-General pointed out, in devising the proposed guidelines for UNEF II, he had taken into account the observations made in the Special Committee and its Working Group, the requirements resulting from the Security Council's mandate, as well as the special circumstances in which the Force had to function.¹⁰⁵ Even the Soviet Union, while regretting the absence of established guidelines eight years after the Committee's establishment, observed that the practical peace-keeping operations in the Middle East had shown that the Committee and its Working Group were on the right path:

When the Security Council had set up the Emergency Force in the Middle East, it had taken decisions on seven of the points listed in Annex II to the report [of the Special Committee], Nos. 1, 2, 3, 4, 5, 6, 11 and 12; those decisions established officially that all principal United Nations peace-keeping operations were entirely the responsibility of the Security Council.¹⁰⁶

This was also an opportunity for the Committee itself to benefit from the experience of the new operations. In its report to the twenty-eighth session of the General Assembly, the Committee stated inter alia:

The current United Nations peace-keeping operations in the Middle East undertaken in accordance with Security Council resolution 340 (1973), are providing practical examples and constitute an experience which may assist the Special Committee and its Working Group in making further progress. Consequently, the Special Committee remains optimistic about the possibilities of achieving agreed guidelines on United Nations peace-keeping operations.¹⁰⁷

Yet the Committee of 33 had to admit that its Working Group had not found it possible to make further progress in the negotiations for the proposed guidelines; this in spite of the effort of the non-aligned members of the Group to reconcile the differences between the United States and the Soviet Union. An Italian representative for instance, observed that the lack of results was regrettable in as much as, during 1975, some members -- the non-aligned in particular -- had tried to narrow their differences of position and to overcome the difficulties which had arisen, especially on the question of establishing a subsidiary body under Article 29 of the United Nations Charter to assist the Security Council in the performance of its peace-keeping functions.¹⁰⁸ The Committee continued to claim that the task was difficult since the issues were of a fundamental nature involving basic political and institutional problems which needed further substantive negotiations.

It was not until 1976 that the Committee of 33 reported to the General Assembly that a measure of agreement had been

reached on some formulas on draft articles for the proposed guidelines for peace-keeping operations, namely, the text of the title, the introduction, as well as four articles.¹⁰⁹

In the negotiating processes leading to the agreement on those articles, the non-aligned members of the Working Group finally succeeded in having their proposal concerning the establishment of a subsidiary body of the Security Council under Article 29 of the Charter, incorporated into Article 4 of the proposed set of guidelines. The non-aligned were particularly interested in ensuring that the composition of the subsidiary body was based on the principle of equitable geographical balance. According to the agreed text of article 4, the subsidiary body was to comprise:

- (i) The representatives of the five permanent members of the Security Council;
- (ii) The representatives of five non-permanent members of the Security Council, following a suitable system of rotation;
- (iii) The representatives of not more than five states designated by the Security Council from among those providing military contingents or personnel, also following a suitable system of rotation.¹¹⁰

The text also provided that as a general rule, and unless the subsidiary body decided otherwise, the representatives of countries where the peace-keeping operation was being conducted may attend the meetings of the body and participate in the discussions. Since the Soviet Union had always complained vehemently about Western dominance in the composition and operation of United Nations peace-keeping activities, it welcomed the non-aligned contribution to the formulation of Article 4 of the draft principles. It even supported a French suggestion that the establishment of a subsidiary body of the Security Council could be studied separately from the other articles, while emphasizing that it would of course be for the Security Council to take any decision it considered appropriate in that regard, since the Council itself would set up such a body. For its part, the United States described the non-aligned paper as an imaginative contribution, and an important step towards the establishment of the proposed guidelines. However, according to the United States, agreement on Article 4 would have been diminished if mention had been made of operational control of peace-keeping activities. The United States also supported the article because it was consistent with Article 29 of the Charter and the role of the Secretary-General.¹¹¹

Despite the importance which both the United States and the Soviet Union attached to the consensus spearheaded by

the non-aligned members on the idea of establishing a subsidiary body of the Security Council, the Special Committee on Peace-keeping Operations (the Committee of 33), was unable to fulfil its mandate. The atmosphere continued to be pervaded by what a Brazilian representative described as frustrating episodes which had become routine in the Committee's method of work over the years:

A close look at the procedures followed by the Working Group had lead my delegation to the conclusion that efforts have been in vain, despite the wide range of options and compromise formulas offered by many delegations, particularly those of non-aligned countries. Whenever the Working Group began a new series of meetings, the atmosphere seemed to be encouraging, but it suddenly changed as agreement seemed to come nearer. Original contentions were revived by certain permanent members of the Security Council who insisted upon the reintroduction of their previous formulations into the draft articles.¹¹²

Ironically, while the Committee and its Working Group were struggling to overcome conceptual and political differences, the Security Council had unanimously approved the establishment of two major and unprecedented peace-keeping operations -- the second United Nations Emergency Force (UNEF II), and the United Nations Disengagement Observer Force (UNDOF). The General Assembly had also devised the criteria for assessed financial contributions to those operations. This obviously called into question the Committee's continued existence. Yet its mandate has been

routinely renewed year after year. Although India, for example, once hinted that if the Committee did not produce agreed guidelines for future peace-keeping operations within a year it should be dissolved, the non-aligned members continued to endorse the renewal of its mandate. One reason for this was that while the Security Council should be commended for establishing UNEF II and UNDOF, the Organization should not rely on ad hoc methods of establishing future operations. As the Bangladesh representative to the General Assembly's Special Political Committee stated towards the end of 1976, although the experience of UNEF II and UNDOF had been described as landmarks in the history of United Nations peace-keeping, it should also be realized that their success had been due to the "unique contribution of favourable political circumstances, circumstances which might not always be favourable".¹¹³ The non-aligned view was that if work on the guidelines had been concluded, many of the problems which the Organization had encountered in the UNEF II and UNDOF operations would never have arisen.

However, the non-aligned should admit that even without the final draft of agreed guidelines, the arrangements for each peace-keeping operation, including those subsequently established by the Security Council for Lebanon in 1978, the military/civilian United Nations Assistance Group for

Namibia in 1989, the United Nations Transition Authority in Cambodia, and the observer missions in Angola and El Salvador, have been on the whole successful. The fact that in some cases the political or peace-making processes have not created the conditions for dismantling those operations does not in any way diminish their usefulness.

The Committee on Peace-keeping Operations, with the contribution of the non-aligned countries, has served as an instrument for diffusing, or at least containing the confrontation between the United States and the Soviet Union over the constitutional aspects of peace-keeping. Directing the Organization to concentrate on the practical rather than the political and constitutional aspects, it has also prodded the Secretariat to initiate and prepare various operational models based on established practice and the experiences of previous operations. These include a model status-of-forces agreement which normally serves as a basis for drafting individual agreements between the United Nations and countries on whose territories peace-keeping operations are deployed, and guideline standard operating procedures to be used by commanders in such areas as logistics and personnel.

As far as the financial aspects were concerned, inspite of the low-level of voluntary contributions to the United Nations Force in Cyprus (UNFICYP), and the mounting deficit

in the peace-keeping budget as a whole, the basic criteria devised by the General Assembly originally co-sponsored by the non-aligned in 1973 for assessing contributions on the basis of four groups -- permanent members of the Security Council; certain economically developed states not permanent members of the Council; economically less-developed states; and specified economically less-developed states -- continue to be used in funding each operation. Of course, the international political climate and relations between the United States and the Soviet Union in particular, have enhanced the ability of the Organization to establish peace-keeping operations. At the same time they have diminished the mediatory role of the non-aligned states in the political processes leading to the operations.

CHAPTER IX NOTES

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CHAPTER X

SUMMARY AND CONCLUSION

When the United Nations was founded in 1945, it gave the peoples of the world an assurance that it was determined to save succeeding generations from the scourge of war. Provisions were made in at least 18 articles of the Charter for the creation of international machinery to promote and to achieve co-operation in solving economic, social, cultural and humanitarian problems. However, the principal objective was to maintain international peace and security, and "to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace..." Indeed, a substantial part of the Charter was devoted to such political issues as the functions of the Security Council, peaceful settlement of disputes, preventive and enforcement measures, actions to be taken with respect to threats to or breaches of the peace, and action required to carry out the decisions of the Security Council.

Having conferred on the Security Council's primary responsibility for the maintenance of international peace and security, the Charter went on to stipulate that decisions on all substantive matters must receive the

"concurring votes" of all five permanent members of the Council. Moreover, it soon became apparent that such concurrence would be difficult to achieve. The international system had become divided into two main ideological blocs, each with its own sphere of influence, led by two of the permanent members, the Soviet Union and the United States. The notion of collective measures under the aegis of the United Nations for the maintenance of international peace and security, including the removal of threats to peace, appeared unrealistic and impracticable. The creation of regional military alliances, the North Atlantic Treaty Organization (NATO), and the Warsaw Pact, solidified the division between the Soviet Union and the United States; a division which manifested itself in the debates and decision-making processes in the United Nations. These regional alliances and their objectives were of course consistent with Articles 51, 52 and 53 of the Charter. However, through the accumulation of armaments, including nuclear weapons, the military alliances exacerbated what came to be known as the cold war.

Many of those states which chose not to join either of the two alliances, and to pursue an 'independent' foreign policy, began to organize themselves informally into a coalition to articulate their own interests in world affairs. What began as an African-Asian group grew into a movement -- the non-aligned movement -- comprising over 90

states worldwide, and embracing different political ideologies and economic systems. Since a relatively large number of territories were still under the tutelage of western colonial powers, the initial and main preoccupation of the non-aligned was decolonization. However, as tension between the two super-Powers, the Soviet Union and the United States, increased, especially during the Korean War; and as the threat of nuclear war loomed high, this coalition of mostly newly-independent states, began to assume the role of third party intermediaries in an essentially bi-polar international system. Without abandoning their quest for the total eradication of colonialism, issues such as disarmament, international peace and security, were placed high on their agenda. The non-aligned movement came to regard itself as a non-bloc peace movement.

The United Nations had been playing what could be described as peace roles, in the form of truce supervision, as far back as 1948. However, it was not until the mid 1950s that the concept of 'peace-keeping', like non-alignment, emerged from the politics of the cold war. After the decision of the Security Council, taken in the absence of the Soviet Union, to authorize the use of force to repel North Korean aggression against South Korea, prospects for further enforcement measures authorized under Chapter VII of the Charter became dim. The Soviet Union and the United States were deeply divided over the war and the question of

Chinese representation in the United Nations. Use of the veto threatened decision-making in the Security Council. In order to circumvent a potential Soviet veto over the Korean issue, the United States initiated a 'Uniting for Peace' resolution which became a convenient political device for shifting peace and security issues from the Security Council to the General Assembly in the event of the Council's inability to take action because of the use of the veto. This paved the way for the General Assembly, where all member states are represented, to play a relatively greater role in the maintenance of international peace and security.

In the spirit of the 'Uniting for Peace', and following the 1956 Anglo-French military attack on Egypt and their double veto in the Security Council, the General Assembly established the first major United Nations peace-keeping operations, the United Nations Emergency Force (UNEF). The operation did not fall under the enforcement provisions (Chapter VII) of the Charter. It was based on the principle of consent of the parties directly involved. It was also intended to provide a buffer between Israel and Egypt, while a political settlement of the conflict was being sought.

We set out to examine the extent and evidence of non-aligned states' influence in the political processes leading to the establishment and maintenance of United Nations peace-keeping operations, including the peace observation

missions, up to 1976. Using political role performance, we examined the use of various parliamentary group strategies such as drafting, sponsoring and co-sponsoring of resolutions; voting; requests for convening meetings of the Security Council or the General Assembly; mobilization of membership of other international organizations or coalitions; and membership and leadership of subsidiary bodies such as the Special Committee on Peace-keeping Operations and its working group. We also analyzed the concepts of non-alignment and peace-keeping, and some of the underlying principles of peace-keeping, such as consent and the use of force.

Main findings of the study

(a) We found that the non-aligned states had a particular interest in peace-keeping, not merely because they were peace-loving, or as they claim, because the main objective of non-alignment is the pursuit of peace. Essentially it was because all the peace-keeping operations undertaken during the period covered by this study, have involved armed conflicts in which one of the principal parties was non-aligned or professed to be pursuing an 'uncommitted' foreign policy, vis-a-vis the super-Powers. A non-aligned state was host to every such operation. The first observer mission, UNTSO, involved three, including Egypt, a founding and one of the leading members of the non-

aligned movement. Egypt itself was also directly involved in the conflict which led to the first peace-keeping operation in which armed forces were deployed, (UNEF I), and in the conflict which preceded the establishment of the United Nations Observer Force in Yemen. India, another founding and leading member of the movement, was also a party to the conflict behind the establishment of two military observer missions, UNOGIL and UNYOM. Cyprus, one of the two European non-aligned states during the period of the study, was a host country to a major peace-keeping operation, UNFICYP.

As principal parties in the conflicts, and as hosts to peace-keeping operations, their co-operation and consent were necessary for the establishment and success of these operations. As long as the principle of consent was upheld as the cornerstone of United Nations peace-keeping, non-aligned interest in that important aspect of the Organization's objectives, remained.

Non-aligned states' interest in peace-keeping also appear to have stemmed from one of their principal objectives, namely, the eradication of all "vestiges of colonialism" in the world. Their interest lay in their perception that colonialism or external intervention, including intervention by the super-Powers, was inherent in the conflicts which necessitated the deployment of United

Nations peace-keeping forces or observers. The invasion of Egypt by Britain, France and Israel; the intervention of Turkey in the conflict between the Greek and Cypriot communities in Cyprus; and indeed, the 1963 intervention of Egypt itself in Yemen, could be cited as examples of that perception. In the Congo, where there was a civil war and a complete breakdown in law and order, the direct intervention of the ex-colonial power, Belgium, and foreign mercenaries, naturally aroused the interest of the non-aligned states in the United Nations Operation in the Congo.

(b) There was a correlation between the international political climate, particularly relations between the super-Powers and the ability of the United Nations to respond to the need for United Nations peace-keeping presence in armed conflicts. As we found in the situation in the Congo and the Middle East, the cold war had a tendency of impeding the peace-keeping effort of the Organization, and increasing the intermediary role of the non-aligned states. The persistence of the cold war, and the significant differences between the super-Powers over such issues as the constitutional responsibility for authorizing peace-keeping operations; the role of the Secretary-General and the Secretariat in running the operations; and who should pay for those operations, created political crises which threatened the existence of the Organization. This increased the intermediary role of the non-aligned states and gave them an opportunity to

influence the decision-making processes for peace-keeping. Of course, they interacted and worked with other groups of states, including troop contributors such as Canada, Ireland and the Nordic countries in playing that role.

(c) We found evidence of variations in the extent of non-aligned influence in the peace-keeping activities undertaken by the Organization during the period covered by this study. For instance, the non-aligned states were less influential in the political processes for the establishment and maintenance of the United Nations Truce Supervision Organization (UNTSO), than they were in those of the United Nations Operations in the Congo, or in the question of the withdrawal of the first United Nations Emergency Force (UNEF), from the Sinai. This could be traced to the relatively small number of African and Asian states at the United Nations before 1960, and the emerging nature of the non-aligned coalition. It had grown from an Asian-Arab and Afro-Asian caucusing group during the period 1948 to 1959, to the establishment of the Non-Aligned Movement in 1961; a group comprising African, Asian, European, Latin-American and Caribbean states.

In 1973, when there was no longer a British Commonwealth seat in the Security Council, and when eight of the 10 non-permanent members of the Council were also members of the Non-aligned Movement, the non-aligned states

were able to improve on the consensus for a cease-fire which the super-Powers had reached, following the threat of a confrontation, by initiating the establishment of the second United Nations Emergency Force (UNEF II).

As in any parliamentary institution, and since the non-aligned group is not a bloc, we found that some members of the non-aligned coalition occasionally deviated from the mainstream by either abstaining or even voting against the position taken by most members of the group. Cohesion within the group tended to fluctuate. This was for example evident in the course of the Congo operation when the non-aligned, especially the Africans, were divided over the role of the United Nations in the country. Indeed, at a point in time, some non-aligned states decided to withdraw their contingents from the operation. This, together with the East-West ideological conflict, had a negative impact on the Organization's ability to cope with the demands of peace-keeping.

(d) We also found that while one can speak in general of the role of the non-aligned states and United Nations peace-keeping, some were more influential than others, either because of their status as founding members of the Non-Aligned Movement; the timing of their decision to identify themselves with the group; membership of the Security Council during the crises leading to United Nations

peace-keeping role; membership and leadership of subsidiary bodies such as the Committee on Peace-keeping Operations; the diplomatic skills of their representatives, or by virtue of their capacity to contribute contingents to peace-keeping operations. Non-aligned contribution to the political processes for the peace-keeping operations established by the United Nations during that period, was thus dominated by Egypt, India, Yugoslavia, Tunisia, Ghana, Indonesia and Nigeria.

Since the initial research and the completion of this study, there has been a significant transformation of the international political system. The collapse of the Berlin Wall, the dismantling of the Soviet Union and the monolithic East European bloc, brought the cold war to a virtual standstill. These developments immediately raised serious questions about the future of the non-aligned movement and the role of its members as third party intermediaries in international politics.

At the same time, while the concept of United Nations peace-keeping had remained basically unchanged over the years, the practice has expanded and taken new forms. For instance, the deployment of United Nations observers to help supervise elections in Haiti and Angola; troops and protection forces to provide security cordons for the delivery or distribution of humanitarian assistance in parts

of Yugoslavia and in Somalia; and the establishment of a military/civilian transitional assistance authority in Cambodia, inter alia, to organize and conduct free elections, the cantonment, disarmament and demobilization of factional military forces, and the supervision and control of some government functions, have all added a new dimension to United Nations peace-keeping. Indeed, the concept and practice of peace-keeping have become closely linked to the concepts of peace-enforcement, peace-making and peace-building. Historically, all peace-keeping operations were launched as a result of armed conflict between two or more states (Israel, Egypt and Syria), or internal conflicts exacerbated by external intervention (Congo, Cyprus, and Lebanon 1978). This trend is likely to continue as regional conflicts flare. However, as in the case of Yugoslavia, and Somalia, the Organization could find itself embroiled in bloody civil wars involving non-state actors such as rebel and even terrorist movements, and in the political disintegration of some nation states. It could perhaps get involved in wresting power from leaders of military coups to re-instate democratically-elected leaders.

While super-Power ideological conflict and the cold war may appear to have subsided, and while there is no longer any controversy over the constitutional responsibility for authorizing peace-keeping operations and who should pay for them, the non-aligned states should continue to articulate

their views and contribute to the political decision-making processes for the establishment and maintenance of United Nations peace-keeping operations. As Secretary-General Boutros Boutros-Ghali told the Tenth Non-Aligned Summit in Jakarta, a great part of United Nations activities is dedicated to resolving problems which face the non-aligned countries. Their role in peace-keeping is unlikely to diminish as long as peace-keeping operations become more complex and the mandates remain unclear and ambiguous, and as long as such operations continue to be deployed on their territories.

APPENDIXES I TO X

Selected resolutions, memoranda, working documents and draft resolutions initiated, sponsored or co-sponsored by non-aligned states on United Nations peace-keeping, 1947 - 1976.

- I. General Assembly Resolution 999 (ES-I) 4 November 1956. Situation in the Middle East. - Implementation of cease-fire and compliance of withdrawal of forces behind the armistice lines.
- II. Security Council. Ceylon, Liberia and United Arab Republic: draft resolution S/4722 of 17 February 1961, urging use of force, if necessary, in the last resort, in the Congo.
- III. Security Council. Ceylon, Liberia and United Arab Republic: draft resolution S/4985 and Rev. 1 of 24 November 1961, urging use of requisite measure of force, if necessary, in the Congo.
- IV. Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations. Memorandum submitted by the delegations of Argentina, Brazil, Cameroon, India, Nigeria, Pakistan and the United Arab Republic. Document A/AC. 113/18, 15 March 1963.
- V. Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations. Working paper on operative paragraph 4 of General Assembly Resolution 1854B (XVII) submitted by the delegations of Argentina, Brazil, Cameroon, India, Nigeria and Pakistan. Document A/AC.113/19, 26 March 1963.
- VI. General Assembly Resolution 1877 (S-IV) of 27 June 1963, on the question of arrears on assessments for special accounts for Middle East and Congo operations.
- VII. General Assembly resolution 1879 (S-IV) of 27 June 1963, on the establishment of a peace fund.
- VIII. Organization of the work of the Special Committee on Peace-keeping Operations. Memorandum submitted by Afghanistan, Algeria, Argentina, Brazil, Ethiopia, India, Mauritania, Nigeria, Sierra Leone, the United Arab Republic and Yugoslavia. Document A/AC. 121/L.3, 15 February 1967.

- IX. **Special Committee on Peace-keeping Operations.**
Memorandum submitted by Algeria, Afghanistan, Ethiopia, India, Mauritania, Nigeria, Sierra Leone, the United Arab Republic and Yugoslavia.
Document A/AC.121/L.5, 10 May 1967.
- X. **Security Council Resolution 340 (1973) adopted on 25 October 1973, as proposed by the delegations of Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan, and Yugoslavia, on the establishment of the second United Nations Emergency Force (UNEF II).**

APPENDIX I

UNITED NATIONS GENERAL ASSEMBLY

"Question considered by the Security Council
at its 749th and 750th meetings held on 20 October 1956."

Resolution 999 (ES-I)

Adopted by the General Assembly on 4 November 1956

" The General Assembly,

"Noting with regret that not all the parties concerned have yet agreed to comply with the provisions of its resolution of 2 November 1956,

"Noting the special priority given in the resolution to an immediate cease-fire and as part thereof to the halting of the movement of military forces and arms into the area,

"Noting further that the resolution urged the parties to the armistice Agreements promptly to withdraw all forces behind the armistice line, to desist from raids across the armistice lines into neighbouring territory, and to observe scrupulously the provisions of the Armistice Agreements,

" 1. Reaffirms its resolution of 2 November 1956 and once again calls upon the parties immediately to comply with the provisions of the said resolution;

" 2. Authorizes the Secretary-General immediately to arrange with the parties concerned for the implementation of the cease-fire and the halting of the movement of military forces and arms into the area and requests him to report compliance forthwith and, in any case, not later than 12 hours from the time of adoption of this resolution;

" 3. Requests the Secretary-General, with the assistance of the Chief of Staff and members of the United Nations Truce Supervision Organization to obtain compliance of the withdrawal of all forces behind the armistice lines;

" 4. Decides To meet again immediately on receipt of the Secretary-General's report referred to in operative paragraph 2 of this resolution.

APPENDIX II

United Nations Security CouncilCeylon, Liberia, and United Arab Republic:
joint draft resolution

S/4722

17 February 1961

A

The Security Council,

Having considered the situation in the Congo,

Having learnt with deep regret the announcement of the killing of the Congolese leaders, Mr. Patrice Lumumba, Mr. Maurice Mpolo and Mr. Joseph Okito,

Noting the Report of the Secretary-General's Special Representative (S/4691) dated 12 February 1961 bringing to light the development of a serious civil war situation and preparations therefor,

1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries;

3. Calls upon all States to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories, and the denial of transit and other facilities to them;

4. Decides that an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished;

5. Reaffirms the Security Council resolutions of 14 July, 22 July and 9 August 1960 and the General Assembly resolution 1474 (ES-IV) of 20 September 1960 and reminds all States of their obligation under these resolutions.

B

The Security Council,

Gravely concerned at the continuing deterioration in the Congo, and the prevalence of conditions which seriously imperil peace and order, and the unity and territorial integrity of the Congo, and threaten international peace and security,

Noting with deep regret and concern the systematic violations of human rights and fundamental freedoms and the general absence of rule of law in the Congo,

Recognizing the imperative necessity of the restoration of parliamentary institutions in the Congo in accordance with the fundamental law of the country, so that the will of the people should be reflected through the freely elected Parliament,

Convinced that the solution of the problem of the Congo lies in the hands of the Congolese people themselves without any interference from outside and that there can be no solution without conciliation,

Convinced further that the imposition of any solution, including the formation of any government not based on genuine conciliation would, far from settling any issues, greatly enhanced the dangers of conflict within the Congo and threat to international peace and security,

1. Urges the convening of the Parliament and the taking of necessary protective measures in that connexion;

2. Urges that Congolese armed units and personnel should be re-organized and brought under discipline and control, and arrangements be made on impartial and equitable bases to that end and with a view to the elimination of any possibility of interference by such units and personnel in the political life of the Congo;

3. Calls upon all States to extend their full co-operation and assistance and take such measures as may be necessary on their part, for the implementation of this resolution.

APPENDIX III

United Nations Security Council
Ceylon, Liberia and the United Arab Republic:
draft resolution

S/4985 and Rev.1
 24 November 1961

"The Security Council,

"Recalling its resolutions S/4387, S/4405, S/4426 and S/4741,

"Recalling further General Assembly resolutions 1474 (ES-IV), 1592 (XV), 1599 (XV), 1600 (XV) and 1601 (XV),

"Reaffirming the policies and purposes of the United Nations with respect to the Congo (Leopoldville) as set out in the aforesaid resolutions, namely:

"(a) To maintain the territorial integrity and the political independence of the Republic of the Congo;

"(b) To assist the central Government of the Congo in the restoration and maintenance of law and order;

"(c) To prevent the occurrence of civil war in the Congo;

"(d) To secure the immediate withdrawal and evacuation from the Congo of all foreign military, para-military and advisory personnel not under the United Nations Command, and all mercenaries; and

"(e) To render technical assistance,

"Welcoming the restoration of the national Parliament of the Congo in accordance with the Loi fondamentale and the consequent formation of a Central Government on 2 August 1961,

"Deploring all armed action in opposition to the authority of the Government of the Republic of the Congo, specifically secessionist activities and armed action now being carried on by the Provincial Administration of Katanga with the aid of external resources and foreign mercenaries, and completely rejecting the claim that Katanga is a 'sovereign independent nation,'

"Noting with deep regret the recent and past actions of violence against United Nations personnel,

"Recognizing the Government of the Republic of the Congo as exclusively responsible for the conduct of the external affairs of the Congo,

"Bearing in mind the imperative necessity of speedy and effective action to implement fully the policies and purposes of the United Nations in the Congo to end the unfortunate plight of the Congolese people, necessary, both in the interest of world peace and international co-operation, and stability and progress of Africa as a whole,

"1. Strongly deprecates the secessionist activities illegally carried out by the provincial administration of Katanga, with the aid of external resources and manned by foreign mercenaries;

"2. Further deprecates the armed action against United Nations forces and personnel in the pursuit of such activities;

"3. Insists that such activities shall cease forthwith, and calls upon all concerned to desist therefrom;

"4. Authorizes the Secretary-General to take vigorous action, including the use of requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries as laid down in paragraph A-2 of the Security Council resolution of 21 February 1961;

"5. Further requests the Secretary-General to take all necessary measures to prevent the entry or return of such elements under whatever guise and also of arms, equipment or other material in support of such activities;

"6. Requests all States to refrain from the supply of arms, equipment or other material which could be used for warlike purposes, and to take the necessary measures to prevent their nationals from doing the same, and also to deny transportation and transit facilities for such supplies across their territories, except in accordance with the decisions, policies and purposes of the United Nations;

"7. Calls upon all Member States to refrain from promoting condoning, or giving support by acts of omission or commission, directly or indirectly, to activities against the United Nations often resulting in armed hostilities against the United Nations forces and personnel;

"8. Declares that all secessionist activities against the Republic of the Congo are contrary to the Loi fondamentale and Security Council decisions and specifically demands that such activities which are now taking place in Katanga shall cease forthwith;

"9. Declares full and firm support for the Central Government of the Congo, and the determination to assist that Government in accordance with the decisions of the United Nations to maintain law and order and national integrity, to provide technical assistance and to implement those decisions;

"10. Urges all Member States to lend their support according to their national procedures, to the Central Government of the Republic of the Congo, in conformity with the Charter and the decisions of the United Nations;

"11. Requests all Member States to refrain from any action which may directly or indirectly impede the policies and purposes of the United Nations in the Congo and is contrary to its decisions and the general purpose of the Charter."

APPENDIX IV**Working Group on the Examination of the Administrative
and Budgetary Procedures of the United Nations****Document A/AC.113/18
15 March 1963**

Memorandum submitted by the delegations of Brazil, Cameroon,
India, Nigeria, Pakistan and the United Arab Republic

The following seven members of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations - Argentina, Brazil, Cameroon, India, Nigeria, Pakistan and the United Arab Republic - present to the Working Group as a whole the following principles which, they believe, should be considered in the examination of the method for the financing of future peace-keeping operations of the Organization.

A

1. Subject to the exception listed in the following paragraph, the special method of financing United Nations operations for the maintenance of peace will apply to all expenses incurred by the Organization in carrying out peace-keeping operations which are not provided for in the Organization's regular budget and which total more than \$5 million in any financial year.

2. The expenses of operations for the maintenance of peace provided for: (a) under Chapter VII of the Charter of the United Nations; (b) by common agreement of the interested parties approved by the Organization; (c) by voluntary contributions covering part or the whole of a peace-keeping operation or operations; and (d) by the acceptance by a Member State or Member States to meet, on behalf of the United Nations, the expenses or part or the whole of a peace keeping operation or operations, should be excluded from the expenses referred to in the above paragraph.

3. In order to institutionalize and encourage voluntary contributions for the peace-keeping operations referred to in paragraph 2 (c) above, a voluntary peace-keeping fund should be created towards which contributions would be welcome.

4. Expenses for peace-keeping operations necessitating a special method of sharing among the Member States should be assessed taking into consideration: (a) the individual capacity of Member States to pay; and (b) the difference between the capacity to pay of each Member State when contributing to the regular budget of the Organization and its capacity to pay where peace-keeping operations involving heavy expenditures are concerned.

5. The regular scale of assessments, represents a measure of capacity to pay where contributions to the regular budget are involved. A special scale of assessments therefore requires to be established to reflect the capacity of Member State to pay when peace-keeping operations involving heavy expenditures are concerned. The special scale should be based on the principle of increasing the share of certain Member States and decreasing the share of certain other Member States according to the magnitude of the amount of the expenditures concerned.

6. Permanent members of the Security Council should bear a greater responsibility for peace-keeping expenditures in recognition of their primary responsibility with respect to the maintenance of international peace and security.

7. For the purpose of the special assessment, Member States should be divided into two groups, namely (a) developed countries, and (b) developing countries.

8. Developed Member States are more capable economically and financially of meeting the expenses of peace-keeping operations involving heavy expenditures, while developing Member States are considered less capable, and this difference should be reflected in the assessment formula.

9. The Committee on Contributions should report to the General Assembly as appropriate on the grouping of Member States, taking into account inter alia the following elements: (a) per capita income, (b) the insufficiency of national savings for the maintenance of full employment and development, (c) the situation of the balance of payments of each country. The General Assembly should accordingly examine the situation of Member States in their relationship to those groups.

10. The situation of a Member States or Member States, victims of acts that led to a peace-keeping operation, should be taken into special consideration, including total exemption for them in the apportionment of the expenses.

11. When the General Assembly determines that a Member State or Member States are responsible for acts that led to a peace-keeping operation, it should give the matter appropriate consideration.

12. The special method set forth here should apply to all peace-keeping operations involving heavy expenditures, unless in the view of the General Assembly any future peace-keeping operation involving heavy expenditures necessitated a different or ad hoc method.

B

13. According to the principles set forth in part A above, and without prejudging the financial consequences of the application of paragraphs 10 and 11 of said part A, the total expenses of peace-keeping operations involving heavy expenditures and in excess of \$5 million (mentioned in paragraph 1 of said part A) in any financial year should be apportioned according to the formula set forth below:

(a) Up to 50 per cent of the next \$20 million should be shared by all Member States according to the regular scale of assessments; and the remaining 50 per cent should be shared by permanent members of the Security Council and developed Member States according to the same rectified.

(b) Up to 25 per cent of the next \$25 million should be shared by all Member States according to the regular scale of assessments; up to 5 per cent, by the permanent members of the Security Council, according to the regular scale of assessments duly rectified; and up to 70 per cent by the developed Member States and the permanent members of the Security Council, according to the regular scale of assessments duly rectified.

(c) Up to 5 per cent of the next \$50 million should be shared by all Member States, according to the regular scale of assessments; up to 5 per cent, by the permanent members of the Security Council, according to the regular scale of assessments duly rectified; and up to 90 per cent, by the developed Member States, and the permanent members of the Security Council, according to the regular scale of assessments duly rectified.

(d) The excess over \$100 million should be apportioned according to an ad hoc scale of assessments.

APPENDIX V**Working Group on the Examination of the Administrative
and Budgetary Procedures of the United Nations****Document A/AC.113/19
26 March 1963**

Working paper on operative paragraph 4 of General Assembly
resolution 1854 B (XVII) submitted by the delegation of
Argentina, Brazil, Cameroon, India, Nigeria and Pakistan

1. Operative paragraph 4 of resolution 1854 B (XVII) reads as follows:

"4. Requests the Working Group to study also the situation arising from the arrears of some Member States in their payment of contributions for financing peace-keeping operations and to recommend, within the letter and spirit of the Charter of the United Nations, arrangements designed to bring up to date such payments, having in mind the relative economic positions of such Member States."

2. The present paper, therefore, limits itself to a consideration of the situation arising from the fact that there are arrears of contributions of certain Member States in so far as expenses of peace-keeping operations are concerned. It is an attempt to make possible a solution of the problem, as the General Assembly has asked for specific recommendations in this respect.

3. The General Assembly has emphasized that in making suggestions for the collection of arrears the letter and the spirit of the United Nations Charter be respected, and also that attention should be paid to the relative economic positions of such Member States.

4. At present 57 Member States are in arrears in respect of their assessed contributions for payment to the UNEF Special Account, and 67 in respect of the Congo ad hoc Account. Some of these Member States object to making payments to meet the expenses of these peace-keeping operations on political grounds; while others have found it difficult to make payments owing to their peculiar economic and financial problems.

5. The over-all situation shows the following facets:

(a) The present difficult financial situation of the Organization as a whole:

(b) The financial difficulties which certain Member States face in paying in a lump sum their accumulated arrears;

(c) The consequences of the adoption by the General Assembly of resolution 1854 (XVII).

6. During the period following the adoption of resolution 1854 (XVII), some Member States paid their arrears. It is greatly to be hoped that other Member States that continue to be in arrears will pay them, disregarding other factors, as soon as their respective constitutional and financial arrangements can be processed, and pending these arrangements, will make an announcement of their intention to do so. Member States which are in arrears and object to making payments to meet the expenses of these peace-keeping operations on political or juridical grounds are invited nevertheless to make a special effort towards solving the financial difficulties of the Organization by making this payment.

7. The magnitude of the accumulated arrears on the UNEF and ONUC accounts may create special problems, as regards immediate payment in full, for any Member States which may have financial difficulties. The Secretary-General is invited to begin immediately an examination of the situation and, in consultation with any such Member States, work out arrangements with them as to the most appropriate modalities within the letter and the spirit of the Charter of the United Nations, including the possibility of payment of arrears by installments, for bringing the payments on these two accounts up to date as soon as possible. The Secretary-General is also invited to submit a preliminary report on this subject to the forthcoming special session of the General Assembly, and to report in full to the eighteenth session of the General Assembly concerning the progress which has been made in the payment of arrears and any recommendations he might have for improving the situation if it is not yet satisfactory.

APPENDIX VI

General Assembly Resolution 1877 (S-IV) 27 June 1963

"The General Assembly,

"Having considered the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations;

"Noting with concern the present financial situation of the Organization resulting from the non-payment of a substantial portion of past assessments for the United Nations Emergency Force (UNEF) Special Accounts and the Ad Hoc Account for the United Nations Operations in the Congo (ONUC);

"Believing that it is essential that all assessments for these accounts be paid as soon as possible,

"1. Appeals to Member States which continue to be in arrears in respect of their assessed contributions for payment to the United Nations Emergency Force Special Account and the Ad Hoc Account for United Nations Operation in the Congo (ONUC) to pay their arrears, disregarding other factors, as soon as their respective constitutional and financial arrangements can be processed, and, pending such arrangements, to make an announcement of their intention to do so;

"2. Express its conviction that Member States which are in arrears and object on political or juridical grounds to paying their assessments on these accounts nevertheless will, without prejudice to their respective positions, make a special effort towards solving the financial difficulties of the United Nations by making these payments;

"3. Requests the Secretary-General to consult with those members which are in arrears on the United Nations Emergency Force (UNEF) Special Account, and on the Ad Hoc Account for the United Nations Operations in the Congo (ONUC), and to work out with them arrangements as to the most appropriate modalities within the letter and spirit of the Charter of the United Nations, including the possibility of payment by installments, for bringing the payments of these accounts up to date as soon as possible;

"4. Requests Member States which are in arrears on these accounts to make arrangements with the Secretary-General set out in paragraph 3 above before 31 October 1963;

"5. Requests the Secretary-General to report, as appropriate, to the General Assembly on consultations and arrangements mentioned in paragraph 3 and 4 of the present resolution."

APPENDIX VII

General Assembly Resolution 1879 (S-IV) 27 June 1963

"The General Assembly,

"Bearing in mind the purposes of the United Nations as set out in Article I of the Charter of the United Nations,

"Realizing the need for prompt and effective action to prevent any threats to or breaches of international peace and security;

"Believing the inadequate financial resources can seriously delay or jeopardize the success of such action;

"Desiring to make sufficient funds readily available to the Secretary-General, thus enabling him to discharge, without undue delay, his responsibilities under the Charter in cases of breaches of the peace;

"Convinced that the establishment of a peace fund through voluntary contributions from Member States as well as organizations and individuals is worthy of study as a means of furthering this objective.

"1. Requests the Secretary-General to consult all Member States and interested organizations on the desirability and feasibility of establishing such a peace fund;

"Further requests the Secretary-General to report to the General Assembly at its eighteenth session."

APPENDIX VIII

Organization of the work of the Special Committee

Memorandum submitted by Afghanistan, Algeria, Argentina, Brazil, Ethiopia, India, Mauritania, Nigeria, Sierra Leone, The United Arab Republic and Yugoslavia*

A/AC. 121/L3
15 February 1967

The delegations of Afghanistan, Algeria, Argentina, Brazil, Ethiopia, India, Mauritania, Nigeria, Sierra Leone, the United Arab Republic and Yugoslavia, desirous of contributing to the speeding Operations by General Assembly Resolutions 2006 (XIX), 2053 (XX) and be organized during its forthcoming session on the following pattern:

I

There shall be established two Working Groups, A and B, besides the Committee itself. The two Working Groups will be composed of the whole Committee's membership.

II

1. The Committee shall review the constitutional aspects related to the matters mentioned in resolutions 2006 (XIX) and 2053 (XX), with the purpose of increasing and strengthening the efficiency and effectiveness of the United Nations in the maintenance of international peace and security.

2. Working Group A will be charged with the study of the various methods of financing peace-keeping operations with due regard to :

(a) The special responsibilities of the permanent members of the Security Council:

(b) The relatively limited capacity of the economically developing countries to contribute towards the cost of such operations:

(c) The necessity to give special consideration to the situation of any Member State or States which are victims of aggression and those which are otherwise involved in events or actions leading to a peace-keeping operation.

3. Working group B will be charged with the study of the matters related to the facilities, services and personnel which Member States might voluntarily provide for a United Nations peace-keeping operation.

* Previously issued under the symbol A AC.121/L.3 and Add.1.

APPENDIX IX**Special Committee on Peace Keeping Operations****MEMORANDUM ON THE CONCLUSIONS OF THE RECENT MEETINGS
OF THE SPECIAL COMMITTEE ON PEACE-KEEPING OPERATIONS**

A/AC. 121/L.5
10 May 1967

The delegations of Algeria, Afghanistan, Ethiopia, India, Mauritania, Nigeria, Sierra Leone, the United Arab Republic and Yugoslavia, consider that, in their opinion, the following points should constitute the conclusions of the recent meetings of the Special Committee, recalling the consensus set forth in its report of 31 August 1965 (A/5916), which was adopted by the General Assembly at its plenary meeting on 1 September 1965, and General Assembly resolution 2053 (XX), renews the appeal to all Member States which have not yet done so to make voluntary contributions to overcome the continuing difficulties of the Organization. In the spirit of the aforementioned consensus and resolution, the Special Committee appeals, in particular to the highly developed countries to make substantial voluntary contributions in order to speed up the immediate liquidation of these difficulties.

2. The Special Committee, as far as voluntary contributions are concerned, acknowledges the commitments undertaken and the assurances given during the recent session of the Committee.

3. The Committee notes the various suggestions made during its current session to ensure reliable and satisfactory financing of peace-keeping operations in accordance with the Charter, in particular by the following methods: voluntary contributions, financing by countries directly concerned, the bearing of costs by the aggressor and sharing of the costs among all Member States. The Committee is of the opinion that, in cases when a peace-keeping operation involving heavy expenditures is to be financed through sharing of its expenses by all Member States, the global financial participation of the developing countries should not exceed 5 per cent of the total cost, with the balance of expenses to be borne by other Member States on the basis of equitable sharing arrangements to be considered by the Special Committee.

4. The Committee further notes the various suggestions made relating to the facilities, services and personnel which Member States might voluntarily provide in accordance with the Charter for a United Nations peace-keeping operation and is of the view that these suggestions also require further study.

5. In view of the progress recently made in advancing its task,

the Special Committee is of the view that its term should be extended to enable further examination of the issues concerned. While a comprehensive review of peace-keeping operations in all their aspects cannot be expected to resolve all the outstanding issues before the twenty-third session of the General Assembly, this does not exclude the possibility of reporting further progress which may take place before the twenty-second session of the General Assembly to that session.

APPENDIX X

Security Council Resolution 340(1973) as Proposed
by 8 Powers*

S/11046/REV.1 ADOPTED BY COUNCIL ON 25 OCTOBER 1973,
MEETING 1750, BY 14 VOTES TO
(CHINA DID NOT PARTICIPATE IN THE VOTING).

The Security Council,

Recalling its resolutions 338(1973) of 22 October and 339(1973) of 23 October 1973,

Noting with regret the reported repeated violations of the cease-fire in non-compliance with resolutions 338(1973) and 339(1973),

Noting with concern from the Secretary-General's report that the United Nations military observers have not yet been enabled to place themselves on both sides of the cease-fire line,

1. Demands that immediate and complete cease-fire be observed and the parties return to the positions occupied by them at 1650 hours GMT on 22 October 1973;

2. Requests the Secretary-General, as an immediate step, to increase the number of United Nations military observers on both sides;

3. Decides to set up immediately, under its authority, a United Nations Emergency Force to be composed of personnel drawn from States Members of the United Nations except the permanent members of the Security Council, and requests the Secretary-General to report within 24 hours on the steps taken to this effect;

4. Requests the Secretary-General to report to the Council on an urgent and continuing basis on the state of implementation of the present resolution, as well as resolutions 338(1973) and 339(1973);

5. Requests all Member States to extend their full co-operation to the United Nations in the implementation of the present resolution, as well as resolutions 338(1973) and 339(1973).

* Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia.

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