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THE UNITED NATIONS AND THE ENFORCEMENT OF PEACE

*Eric Stein**

In June of 1955, I was asked to participate in a conference organized by The University of Michigan Law School on the subject of "International Law and United Nations." At that time I was on the staff of the Office of United Nations Political and Security Affairs in the Department of State, and I welcomed the chance to return to Ann Arbor and to share some of my work experience with the many friends in the audience.¹ It was at that occasion that I first met Professor Bishop. That was the beginning of an abiding friendship which brought to me so much personal and professional enrichment over a period of more than thirty years. I recorded some of my feelings of affection and respect for Bill first on his retirement² and again on his death.³ This essay is a revised version of an address I gave at a symposium held in the fall of 1986 in Heidelberg, Federal Republic of Germany, in commemoration of the 600th anniversary of the Heidelberg University. By one of the coincidences that haunt human life, the United Nations is again my topic.

THE RECONSTITUTION

Even if one does not accept the Hobbes-Bentham-Austin line of thought that there is no law without centralized enforcement, it is not just the positivist doctrine that considers the possibility of enforcement an important characteristic of any law, including international law. Who today would endorse Gerhard Niemeyer's proposition that international law must be "law without force"?⁴

The international legal order was reconstituted in formal terms at

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1. Stein, *Constitutional Developments of United Nations Political Organs*, in *INTERNATIONAL LAW AND THE UNITED NATIONS* 347 (University of Michigan Law School, 8th Summer Institute on International and Comparative Law 1955) (with a foreword by William W. Bishop, Jr.) (1957).

2. Stein, *William W. Bishop, Jr.*, 82 *MICH. L. REV.* 1157 (1984).

3. Stein, *Professor William W. Bishop, Jr. (1906-1987): A Tribute*, 82 *AM. J. INT'L L.* 321 (1988).

4. G. NIEMEYER, *LAW WITHOUT FORCE* (1941), quoted in Kunz, *Sanctions in International Law*, 54 *AM. J. INT'L L.* 324, 327 (1960).

San Francisco in 1945, as it was previously in modern history in 1648, 1815 and 1919. The ambitious 1945 enterprise of institution building envisioned international cooperation in all major fields of human needs and endeavor, but at its core was the centralized system for the enforcement of peace, if not of international law generally. There is an obvious direct line from the League of Nations and the Kellogg-Briand Pact to the United Nations, yet I can recall from my personal experience in Washington, our studied effort to disassociate the United Nations from the League parentage, to stress the differences and the more advanced nature of the United Nations: the across-the-board prohibition of any force or threat of force in Article 2(4) of the Charter and the elaborate instrumentarium for economic, political and — above all — military collective enforcement measures against aggression. This mechanism was given a monopoly enforcement power subject to two exceptions only: first, the unilateral or collective right of self-defense against armed attack in Article 51, and second, enforcement measures by regional organizations authorized by the Security Council according to Article 53.

The General Assembly was given a back-up function in the field of peace maintenance, and its role was strengthened at the 1945 San Francisco Conference in response to the demands of smaller powers and the United States.

The political role of the Secretary General, the third principal organ, was expanded as compared with his position in the League.

The shattering World War II experience provided the motivation and the United States supplied the leadership for the creation of the United Nations. Yet the new system was inherently fragile, primarily because it postulated a continuing cooperation of the five major allied powers.

EARLY SUCCESSES

The Security Council registered some early successes, such as in helping to induce the withdrawal of the Soviet troops from Northern Iran which they had occupied during World War II, and in advancing the independence of Indonesia.⁵ Some of us had hoped against hope that the Council, although admittedly a political body, would deal with problems of peace if not in a quasi-judicial way, at least with some degree of impartiality, and through more or less “lawyerly” pro-

5. SCOR Res. 2, 1 U.N. SCOR Res. & Dec. (5th mtg.) at 1, U.N. Doc. S/INF/2/Rev.1(I)(1946). SCOR Res. 3, 1 U.N. SCOR, Res. & Dec. (30th mtg.) at 2, U.N. Doc. S/INF/2/Rev.1(I)(1946). SCOR Res. 5, 1 U.N. SCOR Res. & Dec. (40th mtg.), U.N. Doc. S/INF/2/Rev.1(I)(1946). See generally 1947 U.N.Y.B. 327, U.N. Sales No. 1974.1.18.

cedures. Efforts were made in the early phase to elaborate procedural guidelines, to build upon procedural precedents, and to provide agreed definitions of the many opaque Charter terms. How, for instance, should one define the term "dispute" in Chapter VI of the Charter so as to enable the Council to determine the application of the Charter provision requiring a member of the Council to abstain from voting on a dispute to which it is a party? The upcoming cold war shifted the focus in other directions and changed more than the atmosphere in the Council.

This is not the occasion to attempt a detailed allocation of responsibilities. I should like to add just a few words on the position of the Soviet Union. At San Francisco the Soviet delegation almost wrecked the conference by insisting on a veto even on the decision to take up a problem for discussion in the Security Council. The Soviet Union has viewed the United Nations as an institutional superstructure controlled by inherently hostile forces. It has been the Soviet policy to block any move that could in the remotest way interfere with the consolidation and expansion of its empire, but to support any action elsewhere that would conform to its national and party policy. The most disheartening feature of the early Soviet behavior in the Council was its use of the veto not only against proposals which it opposed, but also against resolutions which in its view "did not go far enough."⁶ Such an attitude obviously made any compromise impossible and any differences irreconcilable.

At the peak of its power, the United States, confident of the support by the "mechanical majority," viewed the United Nations as the epitome of new statecraft and championed a normative approach based on the Charter. That posture, at that time, generally conformed to American foreign policy interests. Yet, even at the early stage, the United States and its allies did not resist the temptation of employing the Security Council for propaganda purposes of their own.

THE UPS AND DOWNS

The United Nations did provide a forum for negotiations and settlement during the 1948 blockade of Berlin, but that same year the Security Council failed to act in the face of the takeover of Czechoslovakia. The Security Council debate — and non-action — in the Guatemalan case concerning the overthrow of the Arbenz régime confirmed that some members did not accept the Security Council's superiority

6. *E.g., The Syrian and Lebanese Question*, 1947 U.N.Y.B. 341, U.N. Sales No. 1947.1.18.

over regional organizations.⁷

One of the early casualties of the cold war was the Charter scheme for armed forces that would be available to the Security Council for enforcement action in case of an aggression. On the record, the scheme collapsed because of the differences between the Western allies and China on one side and the Soviet Union on the other, regarding the composition of the national contingents that were to be placed under Security Council control. There is some evidence that the Soviet refusal to compromise may have been due — at least in part — to the improvident remark by the United States Representative that the forces could conceivably be employed also against a permanent member of the Council. I personally believe that Marshall Stalin was not prepared to accept a United Nations security force in any form or composition whatsoever — not after the outbreak of the Cold War, in any event.

Be that as it may, the military enforcement provisions in Articles 43-50 have not been applied, but the Security Council did succeed in adopting economic enforcement measures in two cases: against Rhodesia in a series of resolutions between 1966 and 1977,⁸ and against the Republic of South Africa between 1963 and 1977.⁹ The voluntary embargoes recommended against Portugal, South Africa and China lacked consistent implementation.

THE REFORM DRIVE

The cold war and the deadlock in the Security Council had major consequences outside and within the United Nations. One was the

7. T. FRANCK, *NATION AGAINST NATION*, 30-33 (1985) (Berlin); *id.* at 60 (Czechoslovakia); *id.* at 60-62 (Guatemala).

8. *See, e.g.*, SCOR Res. 232, 21 U.N. SCOR Res. & Dec. (1340th mtg.) at 7, U.N. Doc. S/INF/21/Rev.1 (1966); SCOR Res. 253, 23 U.N. SCOR Res. & Dec. (1399th mtg.) at 5, U.N. Doc. S/INF/23/Rev.1 (1968); SCOR Res. 277, 25 U.N. SCOR Res. & Dec. (1335th mtg.) at 5, U.N. Doc. S/INF/25 (1970); SCOR Res. 288, 23 U.N. SCOR Res. & Dec. (1557th mtg.) at 7, U.N. Doc. S/INF/25 (1970); SCOR Res. 314, 27 U.N. SCOR Res. & Dec. (1045th mtg.) at 7, U.N. Doc. 8/INF/28 (1972); SCOR Res. 318, 27 U.N. SCOR Res. & Dec. (1655th mtg.) at 8, U.N. Doc. S/INF/28 (1972); SCOR Res. 320, 27 U.N. SCOR Res. & Dec. (1666th mtg.) at 9, U.N. Doc. S/INF/28 (1972); SCOR Res. 333, 28 U.N. SCOR Res. & Dec. (1716th mtg.) at 14, U.N. Doc. S/INF/29 (1973); SCOR Res. 386, 31 U.N. SCOR Res. & Dec. (1892nd mtg.) at 7, U.N. Doc. S/INF/32 (1976); SCOR Res. 388, 31 U.N. SCOR Res. & Dec. (1907th mtg.) at 6, U.N. Doc. S/INF/32 (1976); SCOR Res. 409, 32 U.N. SCOR Res. & Dec. (2011th mtg.) at 8, U.N. Doc. S/INF/33 (1977); SCOR Res. 411, 32 U.N. SCOR Res. & Dec. (2019th mtg.) at 9, U.N. Doc. S/INF/33 (1977).

9. *See, e.g.*, SCOR Res. 181, 18 U.N. SCOR Res. & Dec. (1056th mtg.) at 7, U.N. Doc. S/INF/18/Rev.1 (1963); SCOR Res. 191, 19 U.N. SCOR Res. & Dec. (1135th mtg.) at 13, U.N. Doc. S/INF/19/Rev.1 (1964); SCOR Res. 282, 25 U.N. SCOR Res. & Dec. (1549th mtg.) at 12, U.N. Doc. S/INF/25 (1970); SCOR Res. 418, 32 U.N. SCOR Res. & Dec. (2046th mtg.) at 5, U.N. Doc. S/INF/33 (1977) (based explicitly on Chapter VII of the Charter).

proliferation of regional security pacts purporting to turn the Charter right of collective self-defense into treaty obligations. Another result was a major drive (orchestrated by the United States) to reform the United Nations without formally amending the Charter.

There were three strands to this drive. First, there was an attempt to confine the use of the veto to major decisions. The idea was for the General Assembly to recommend to the Council a list of the non-vetoeable decisions. The Soviet Union rejected the recommendation of the Assembly.¹⁰ Second, there was a move to broaden the General Assembly functions and powers in the security field, which started in the case involving the attempted subversion of the Government of Greece and culminated in the aftermath of the North Korean invasion. Finally, and somewhat less emphatic, there was the effort to build up the role of the Secretary General in the political and security field.

In the 1947 Greek case, a Soviet veto blocked Council action in defense of Greece against infiltration by its hostile neighbors. As a result the case was transferred to the General Assembly. John Foster Dulles argued at the time in the Assembly that the principle of "compensation of power" among the United Nations organs must operate along with the principle of "balance of power" so that if one organ is incapacitated another must take over. The Greek situation marked in a sense a milestone also in terms of American policy toward the United Nations since the United States military aid program to Greece and Turkey was not channeled through the organization. Yet, the Congressional act embodying the program contained a symbolic recognition of the United Nations' authority: according to one provision proposed by Senator Vandenberg, the President of the United States was directed to terminate all aid if the General Assembly or the Security Council, without regard to any veto, should find that measures adopted by the United Nations made American aid unnecessary. This revocable self-limitation which the Congress felt it should impose upon the United States is interesting testimony to the benevolent Congressional attitude at that time toward the organization.

It is widely believed even today that the Korean case raised an almost existential question for the United Nations. Had the United Nations stood by as its own ward, the Republic of Korea, was being destroyed by an overt large scale invasion, it might have been the end — then and there — of the organization as a relevant actor in peace maintenance. There is no question that the normative concern for pre-

10. GA Res. 267(III), 3 U.N. GAOR, pt. 2 (Resolutions), at 7-10, U.N. Doc. A/900 (April 14, 1949).

serving the viability of the new institution was a major consideration in President Truman's decision to engage American military power. The basic Security Council resolution was a recommendation to use force under Article 39 of Chapter VII¹¹ which meant that the military response was a United Nations' undertaking; some commentators, on the other hand, spoke of a collective self-defense action blessed by the Security Council pursuant to Article 51.¹²

THE UNITING FOR PEACE RESOLUTION

It is a matter of common experience that chance and coincidence play an important part in our individual affairs. The Korean case illustrates the play of chance in international affairs. The Security Council was able to act against the attack from North Korea with the necessary speed due to three fortuitous circumstances: the voluntary absence of the Soviet representative, the availability of an impartial on-site report by a United Nations Commission stationed in South Korea, and the availability of the American Air Force and troops in Japan.

This experience provided the groundwork for the controversial Uniting for Peace Resolution of 1950, proposed by the United States with the somewhat less than enthusiastic support of its major allies.¹³ Under this resolution, adopted by the General Assembly over Soviet opposition, if the Security Council fails to act because of a veto, the General Assembly takes over in an emergency session and it may recommend, if necessary, a voluntary military action in response to an aggression. In anticipation of a potential crisis, the Assembly would send out an observation group to an area of tension, which would assure prompt and impartial reports, and finally, a standing Assembly committee would develop a plan for organizing military contingents made available on a voluntary basis by the member states for use by the Security Council or the Assembly.

Paradoxically, the Uniting for Peace Resolution was first invoked in 1956 not against the Soviet Union but against France, the United Kingdom and Israel in order to stop their military action against

11. SCOR Res. 83, 5 U.N. SCOR Res. & Dec. (47th mtg.) at 5, U.N. Doc. S/INF/5/Rev.1 (1950).

12. Vallat, *The General Assembly and the Security Council of the United Nations*, 29 BRIT Y.B. INT'L L. 63, 90 (1952); cf. I. BROWNLIE, *INTERNATIONAL LAW AND THE USE OF FORCE BY STATES* 331 (1963); J. STONE, *LEGAL CONTROLS OF INTERNATIONAL CONFLICT* 232-35 (1954); D. BOWETT, *SELF-DEFENSE IN INTERNATIONAL LAW* 194-95 (1958); H. KELSEN, *RECENT TRENDS IN THE UNITED NATIONS* 931-38 (1951).

13. GA Res. 377(V), 5 U.N. GAOR Supp. (No. 20), at 10-12, U.N. Doc. A/1775 (November 3, 1950). See generally Stein & Morrissey, *Uniting for Peace Resolution*, 5 *ENCYCLOPEDIA OF PUB. INT'L L.* 379-84 (R. Bernhardt, ed. 1983).

Egypt which they took in response to the seizure of the Suez Canal.¹⁴ As in the Korean situation, it was the concern for preserving the integrity of the Charter, along with other foreign policy considerations, that induced the United States to join the Soviet Union in demanding the withdrawal of the invading forces from Egypt. As I see it, this case marks the apex of the influence of the normative element in the American policy making process. The withdrawal of the foreign forces from Egypt in the wake of the deployment of the United Nations peace-keeping force was hailed as a significant affirmation of the Charter prohibition against unilateral use of force.

The military intervention in Egypt coincided with the Soviet armed intervention in Hungary. The General Assembly, meeting in a parallel emergency session, called for the cessation of the Soviet intervention in Hungary¹⁵ but, in stark contrast to the Egyptian situation, there was no response to the Assembly call, only embarrassed silence.

THE CHANGING AMERICAN STANCE

I would suggest, with the benefit of hindsight, that the startling juxtaposition of the Suez and Hungarian affairs marked the beginning of the erosion of American public opinion support for the United Nations.¹⁶ First and foremost among the factors responsible for the erosion of American support and influence was the influx since 1955 of more than one hundred new members, most of them newly independent; radically anti-colonial; anti-racist and "anti-imperialist;" concerned with their own agenda; unwilling to take sides on matters which they felt did not concern them directly; and unwilling or unable to provide alternative leadership. The other factor of overriding impact was the changing power balance away from United States monopoly of nuclear weapons and toward bipolarity.

The Cuban quarantine incident in 1962, perhaps the most dangerous episode since the end of World War II because of the direct confrontation between the two superpowers, took place before the perceived strategic change and at the high point of American power. It is interesting that even at that time the United States sought to base its unilateral action on the authority of a regional organization, the Organization of American States, and on the fact that the Security

14. SCOR Res. 119, 11 U.N. SCOR Res. & Dec. at 9, U.N. Doc. 3721 (1956); GA Res. 997(ES-I), GAOR, 1 E.S.S., Supp. 1; U.N. Doc. A/Res./390 (November 2, 1956). See generally 1956 U.N.Y.B. 19-39 (1957).

15. SCOR Res. 1004 (ES-II) & SCOR Res. 1005 (ES-II), GAOR, 2 E.S.S., Supp. 1 (1956). See generally 1956 U.N.Y.B. 67-88 (1957).

16. See generally T. FRANCK, *supra* note 7, at 67-70.

Council was seized of the matter, rather than exclusively on the self-defense Article 51.¹⁷ Similarly, the United States avoided relying on Article 51 in the Dominican imbroglio of 1965¹⁸ and in the Grenada invasion of 1984.¹⁹ But the crux of the legal brief on Vietnam was collective self-defense under Article 51 and no effort was made to provide another rationale.²⁰

THE REFORM DRIVE: "END RUN" OR DEAD END?

In 1958, Eduardo Jiménez de Aréchaga wrote enthusiastically about the Uniting for Peace Resolution as having "the transcendental consequence . . . to democratize the security and to make disappear the essential defect, the inherent vice of the structure drafted at San Francisco . . . the system of impunity."²¹ Although that Resolution enhanced the General Assembly involvement, by the end of the 1950s the only aspect of the American reform plan that had proved directly serviceable was the provision for calling an emergency Assembly session in case of a veto in the Security Council. This provision was invoked nine times, and it has been accepted apparently even by those who had originally opposed the entire scheme. Although the contested constitutionality of the Uniting for Peace Resolution, including the Assembly's power to recommend action, was upheld by the International Court of Justice,²² the authority to mobilize a United Nations fighting force has never been employed since the Korean war.

Generally, the United Nations' function in peace maintenance has been reduced to the helpful, but clearly ancillary, peace-keeping arrangements: military personnel made available by selected member states perform observation, policing and mediation duties in areas of conflict. The peace-keeping scheme can be traced to the Uniting for Peace Resolution and to the work of the Collective Measures Committee established pursuant to that Resolution. Canada and the Scandinavian states have actually earmarked units of their armed forces for peace-keeping operations in response to that Resolution. Even here,

17. Chayes, *The Legal Case for U.S. Action on Cuba*, 47 DEP'T ST. BULL. 763-65 (1962).

18. Protecting U.S. nationals and preserving the capacity to act of the Organization of American States. Meeker, *The Dominican Situation in the Perspective of International Law, 1965*, 53 DEP'T ST. BULL. 60-65 (1965).

19. Invitation by local authority, regional organization, and protection of U.S. nationals. Letter from Davis R. Robinson to Edward Gordon (February 10, 1984), *reprinted in J. MOORE, LAW AND THE GRENADA MISSION* 125-29 (1984).

20. Meeker, *The Legality of the United States Participation in the Defense of Vietnam*, 54 DEP'T ST. BULL. 474-89 (1966).

21. E. JIMÉNEZ DE ARÉCHAGA, *DERECHO CONSTITUCIONAL DE LAS NACIONES UNIDAS* 205 (1959) (author's translation).

22. *Certain Expenses of the United Nations* (1962) I.C.J. 151.

however, on the insistence of the Soviet Union, the Assembly eventually has left the job of deciding on peace-keeping operations to the Security Council.

It seemed for a period of time, culminating during the Congo controversy, that another aspect of the reform plan would be realized, consisting in the increase of the political role for the Secretary General, particularly in peace-keeping. This move was supported by the United States as a way of making the organization more effective and circumventing the Soviet Union; but it triggered Nikita Krushchev's attack on Dag Hammarskjöld and his campaign for replacing the Secretary General's position by a "troika."²³ The Soviet campaign failed but it led to the adoption of a troika-like formula for staffing the highest positions in the Secretariat. Although many problems dealt with in the organization have been dropped in the lap of the Secretary General, his position — including his role in the peace-keeping operations — has remained ambiguous. He is closely controlled by the governments in matters of any political import and is compelled to act with great restraint and with anything but independent authority.

THE CHARTER AND UNILATERAL USE OF FORCE

It was United States diplomacy that championed the normative-institutional approach to peace maintenance, particularly when it suited the American goals of the day. Without American support there seemed little strength behind the Charter claim of prohibition of force. With the "normative retreat" by the United States, due as much to the changed constituency of the world community as to Soviet policy and to the emerging limits of American power, the United Nations' claim to the role of centralized peace enforcement lost any reality. As a corollary, states have increasingly resorted to military options as a means of vindicating what they consider their legitimate interest. Back in 1957, a member of the Institute of International Law commented on the Charter system that it pretends to forbid the states any recourse to force, whereas it does not give them any means to make their rights respected: "Un tel système ne peut être viable à la longue!"²⁴

The international community is faced with the question whether the Charter prohibition against unilateral threat or use of force in Article 2(4), which is widely viewed as the most important Charter rule,

23. The plan called for replacing the Secretary General's office with three officials, one from the West, one from the Socialist East, and one from the Third World.

24. *Observations de M. Emile Giraud*, 47 ANNUAIRE DE L'INSTITUT DE DROIT INTERNATIONAL 267, 277 (1957).

is still a part of the body of living international law. The International Court of Justice has made it clear that the principle of non-use of force is not conditioned by provisions relating to collective security or to Charter enforcement facilities.²⁵ One might find some reassurance from the fact that in those cases of military action which were brought to the United Nations, the General Assembly condemned in more or less specific language what it viewed as violations of Article 2(4). On that score, as Franck has shown, there has been generally speaking no double standard on the part of the majority — only the individual members of the shifting majority may be properly accused of double or triple standards.²⁶

Henkin finds further consolation in the attempts on the part of governments to justify their unilateral actions as falling within more or less imaginary exceptions to Article 2(4) or as self-defense under Article 51. This may, he says, amount to "polite confessions."²⁷ The controversy over the interpretation and relationship of these two articles that periodically flares up has not been resolved and the most recent pronouncement by the International Court of Justice is probably not the last word on the issue.²⁸ There is a danger that the strained interpretations offered by the governments over time could sap any vitality from the Charter provisions. One cannot overlook the stark discrepancy between the rhetorical assertions of the formal principle and the actual practice.

Some major conflicts such as Vietnam have never even reached either of the two principal United Nations organs. The Iraq-Iran war continued for more than seven years before the Security Council was allowed to address it. In cases that come before the United Nations, very often little is done to follow up word with action. As a telling example, Bowett showed as early as 1972 how little effect the Security Council resolutions have had on the Arab and Israeli governments after the early years of United Nations involvement in the Middle East conflict. In this conflict, the Security Council has repeatedly threatened sanctions according to Chapter VII, but its threats have lost all deterrent effect.²⁹ The frustration caused by the failure to back

25. Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States), Merits (1986) I.C.J. 89, para. 188 [hereinafter *Nicaragua Case*, Merits].

26. T. FRANCK, *supra* note 7, at 226. This "impartiality" may be compared with the double and triple standards employed at times in the United Nations organs when dealing with charges of violations of basic human rights and with the Middle East.

27. L. HENKIN, *HOW NATIONS BEHAVE* 43 (2nd ed. 1979).

28. *Nicaragua Case*, Merits, *supra* note 25, at 93 para. 195; *id.*, *passim*.

29. Bowett, *Reprisals Involving Recourse to Armed Force*, 66 AM. J. INT'L L. 1, 25 (1972).

the threats up with action provided — it may be argued — an added incentive to unilateral use of force.

It would be premature to suggest that the fundamental Charter principle prohibiting the use of force has become obsolete by inconsistent practice; but the precarious state of a system without a collective enforcement mechanism is self-evident. Even if the United Nations International Law Commission should succeed in its efforts to provide broadly acceptable definitions of all “internationally wrongful acts” and corresponding legitimate “countermeasures,” the lack of effective enforcement would undercut in some measure the credibility of its work.³⁰ Standard setting without an assurance of effective supervision has its risks.

CONCLUDING OBSERVATIONS

For more than forty years there has been no war between the principal powers, due paradoxically — this seems to be the common wisdom — to the deterrence by strategic nuclear weapons, the use of which is contrary to classic international law because of their indiscriminate effect. The hope has been that the fear of a nuclear holocaust will preserve this situation until a more effective system is devised. Yet the recourse to force has increased particularly since the 1970s, and the episodes have become more perilous, as seen in the Iraq-Iran war, the Kampuchea invasion, and the unilateral responses to terrorism.

Ernst Haas's quantified analysis leads him to the following summary of the impact of the United Nations in the peace maintenance field: “The forty year [1945-1984] correlates of success and failure obscure wide fluctuations of impact from era to era. The United Nations started life with an impressive record of successful interventions. In the Cold War years that followed, its impact dropped, to be succeeded by its greatest period of effectiveness. The early 1960s witnessed a decline of over 50 percent in its impact rate, though things grew somewhat better in the late 1960s. In the decade of the 1970s, success dropped to the lowest levels yet, followed by a still sharper drop after 1980.”³¹

At stake in the crisis of confidence in the United Nations is “the

30. 1 Y.B. INT'L L. COMM'N 30-33 (1980); 30(2) U.N. GAOR Supp. (no. 10) 52, U.N. Doc. A/CN.4/397.

31. Haas, *The Collective Management of International Conflict, 1945-1984*, in THE UNITED NATIONS AND THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY 3, at 19 (United Nations Institute for Training and Research 1987). See generally UNITED NATIONS IN A DIVIDED WORLD - THE UN'S ROLES IN INTERNATIONAL RELATIONS (A. Roberts & B. Kingsbury eds.)(1988).

very habit of international cooperation." According to a senior Canadian diplomat,

[t]he reason for concern now is rather a cynical approach to international commitments, wariness of seeking consensus, short-sighted pursuit of national advantage, and the distressing inclination of the powers, large and lesser, to act unilaterally in response to domestic pressures. International institutions must grow and change and are perpetually in need of critical examination, but contemporary criticism too often implies that they are dispensable or replaceable.³²

The question is whether the most recent spurt of activity in the United Nations portends a turn for the better. The cease-fire in the Gulf war pursuant to a Security Council resolution and the Soviet withdrawal from Afghanistan were negotiated by the Secretary General. The United Nations plan for a settlement was accepted in the West Sahara conflict, and there may have been some progress in the protracted negotiations on independence for Namibia according to a United Nations scheme. There are some chances for further United Nations action in the Cyprus controversy and possibly also in Kampuchea. The exhaustion of the warring parties seeking face-saving solutions through the United Nations and the improved cooperation among the superpowers may be the principal reasons for the renewed activity.

The Soviet Union, apparently intent on reducing the burden of its international commitments has now discovered the United Nations as a useful instrument for that purpose and for increasing its world-wide status. The Third World has moderated somewhat the stridency of its criticism of the United States in the General Assembly, and the United Nations has made some progress toward administrative reform and budgetary control as demanded by the United States and other industrialized states. Ironically, it was the United States that was cast in the obstructionist role for refusing to pay some \$460 million of assessment owed to the organization. Without such a payment the organization would not be able to finance the contemplated new peace-keeping activities or, for that matter, to continue its on-going operations. It appears, however, that the Administration has decided to fulfill the United States commitments over a period of time.

The United Nations, it must be kept in mind, has no autonomous powers and its peace-keeping mechanism depends on the consensus among the major powers. In the long run, nothing short of another reconstitution of the international order will do. The question is

32. See generally J. HOLMES, *LOOKING BACKWARDS AND FORWARDS* (Academic Council on the United Nations System, Reports and Papers, 1988-1).

whether such reconstitution will take place without another still more catastrophic conflagration or whether it will be achieved through a gradual evolution. However, experience in modern international organization has shown that gradualism envisaged by the functionalist theories will have to be propelled by significant political decisions. To start with, the United Nations might take a leaf out of the book of the European integration movement: rather than focusing any reform proposals on institutional and procedural modifications, it might seek first a consensus on clearly defined, albeit limited, policy objectives, the achievement of which would make institutional adjustments indispensable and therefore acceptable. One can only hope, if not expect, for a gradual mitigation of the effects of the globalization of the nation-state system, for public recognition of common interests among nations, and — last but not least — for a new breed of statesmanship.