

UNITED NATIONS PEACE-KEEPING edited by A. Cassese. Alphen aan den Rijn: Sijthoff & Noordhoff, 1978, pp. xvi and 255, \$28.00.

Perhaps what most strikes a Canadian reviewer in looking at the table of contents of *United Nations Peace-Keeping* is the absence of any contribution by a Canadian writer, despite the significant role played by Canada in United Nations peace-keeping since the earliest days. Even the essays on peace-keeping in Cyprus (Dr. Rodriguez Carrión) and in the Middle East (Mr. Tsur) do not bring out any issues which may be regarded as of specifically Canadian interest.

Since the expulsion of the United Nations Peace-keeping force from the Middle East in 1967, as a prelude to the six-day war, concern has been addressed to the power of the host state in so far as such forces are concerned. It might have been thought that, since the forces are United Nations forces operating under a United Nations mandate by authority of a United Nations resolution, and since all members of the United Nations affirm their obligation to abide by the law of the United Nations, then once such a force has been established and posted to a scene of activity, it could be withdrawn only by decision of the United Nations acting spontaneously and without undue regard of the views of the host. This is especially true if the organization is of the opinion that the presence of the force is still necessary if peace is to be preserved. Professor Higgins indicates in her introductory essay, (which provides a general assessment of U.N. peace-keeping), that although *ab initio* the Secretary General envisaged the possibility of the Security Council organising such a force without the host's consent, by the time the Suez force was set up in 1956 he had taken the view that consent was essential, both from the host and from any subscribing forces. She comments that, as she understands the Charter, "‘host state’ consent is not *necessarily* needed if there is a threat to the peace, breach of the peace, or act of aggression, [but] practice has led in the opposite direction. The Korean precedent is unlikely to be repeated, although an argument can be made where a situation so threatens international peace, the consent of a host State is not *stricto sensu* required under Article 39 or for even the operation of enforcement measures", (p. 5).

The issue of consent is also examined by Dr. Ciobanu when he discusses the power of the Security Council to organize such forces. He points out that full cooperation between the Security Council and the parties in conflict "could only be a primary hypothesis of action", but that the Council or any organ acting on its behalf is not legally bound to accept the opinions of those parties. Even he does not concede that the Council can dispense with consent "for the stationing, deployment and movement of the United Nations forces carrying out peace-keeping operations in the territory under [the parties'] sovereignty or control" (p. 38). Professor Blase's essay is solely concerned with the issue of the host state's consent. She concludes that "practice has shown that the attitude of United Nations organs has been prevailing in the sense that the host State's consent, which is necessary in principle when the United Nations does not intend to take coercive action, must also be respected in so far as concerns the organization and development of the operation" (p. 82). While one must perhaps concede that practical reality dictates that if a

peace-keeping operation is to progress smoothly the host state's consent is essential, this nevertheless contributes to the evidence that the members of the United Nations never intended to confer executive power upon the organization and that they certainly have made sure that their sovereignty is preserved against the military aspect of United Nations activity. Perhaps if the Secretary General in the early days had shown more concern for the authority of the organization and less for the susceptibility of some of the smaller members, the United Nations might have proved a stronger body for the maintenance and preservation of peace.

One of the problems that has faced the United Nations when considering peace-keeping questions, particularly when problems have arisen in the western hemisphere, has been the question of competence as between the United Nations and the local regional organization. This issue is considered by Dr. Kourula, who points out that it usually relates to civil wars within the region and he suggests at p. 119, that the

. . . distinction between support for the government, as distinct from rebel movements, has become almost meaningless in recent State practice. . . . [While i]n principle the process of self-determination should not be threatened in a State by regional intervention [, t]his argument does not exclude the possibility of regional peace-keeping activity in a country. . . . The rule of Security Council authorization should be strictly followed [especially as] the continuous impartiality of the peace-keeping forces may become very difficult to maintain if the fighting continues for a long time. The Force is then inclined to become more interested in the final outcome of the civil war than merely to act towards the goal of a peaceful settlement. . . . [I]t is [, therefore,] important that the Security Council lays down guidelines to regional arrangements, especially for civil war cases.

The editor discusses recent trends and suggests at 235-7, that it was partly as a result of United States determination to keep the Soviet Union out of peace-keeping operations that there has been

. . . a failure to set up a solid and stable system for collective security. . . . [However,] the compromise solution achieved . . . meets the essential demands of the Soviet Union . . . namely that the Security Council be given a leading role in all crucial phases of United Nations peace-keeping operations . . . and the USSR need no longer fear that important measures in the field of collective security will be taken by UN bodies notwithstanding its dissent. . . . [At the same time,] the evolution of the attitude of the Superpowers vis-à-vis United Nations peace-keeping shows a gradual drive towards realism, a common shift from abstract and rigid antagonism to flexibility, restraint and awareness of the common concern for containing international conflicts.

All in all, clearly a fascinating and stimulating collection of essays.

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