

INTERNATIONAL ASPECTS OF CIVIL STRIFE. Edited by James N. Rosenau.
[Princeton, N.J.: Princeton University Press. 1964. 322 pp.
U.S. \$7.50; £3.]

UNITED NATIONS FORCES : A LEGAL STUDY OF UNITED NATIONS PRACTICE.
By D. W. Bowett. [London: Stevens for the David Davies Memorial
Institute. xxiii + 579 pp. £5. 10s. 0d.]

In the old days, that is, before the establishment of the United Nations, it was generally understood among international lawyers that civil strife was a matter of domestic jurisdiction and participation, particularly on behalf of those contesting the authority of a recognised government, was unlawful intervention. During the Spanish Civil War, in fact, there were many who contended that to supply assistance even to a recognised government amounted to intervention. At that time, many treaties were signed, particularly by the Soviet Union, accepting that the supply of assistance to or stimulation of rebels equally amounted to intervention. Since 1945 the situation appears to have changed and a new attitude is being shown by many States, especially those created in recent years — an attitude that seems to suggest that some of them at least claim a legal right to assist 'rebels' struggling for 'national independence', as that term is defined by their political sympathisers.

Today it is becoming increasingly clear that international wars are waged within the territory of a particular State, with the belligerents conducting their hostilities under the guise of conflicting parties in a civil war. This was discussed at a symposium held at the Center of International Studies at Princeton and the papers which formed the bases of discussion there have been collected together under the general editorship of Professor Rosenau and published under the title *International Aspects of Civil Strife*.

There is one clear assertion in all the papers, namely, that modern civil strife is invariably part of the cold war and that any single issue may, because of the assistance given to each side by committed outsiders, easily escalate into general war. There are few who will argue with the editor's statement that 'the greater the over-all stability of the international system, the more are internal wars likely to be isolated and stalemated.' In the light of Viet Nam, however, there may not be such agreement with his suggestion that 'the longer an internal war persists, the greater will be the efforts of other nations to end it and the less will be their assistance to the warring factions.'

One of the methods now used for controlling and attempting to settle civil strife, particularly when it threatens to become of international danger potential, is recourse to the United Nations, and more and more calls are made, although not so much in the Viet Nam situation as in others, for the United Nations to take over, often by putting its own armed forces in the field. The first comprehensive survey of the legal problems involved in such matters is provided by the work on *United Nations Forces* prepared by Dr. Bowett and his collaborators. This begins by providing a survey of international forces before the establishment of the United Nations and, after summarising the fiasco of the discussions of the Military Staff Committee and the failure to establish a United Nations Force as envisaged by the Charter, proceeds to recount the history of each of the *ad hoc* Forces set up under United Nations auspices, commencing with Korea and ending with the Congo, together with a postscript dealing with United Nations Force in Cyprus.

Perhaps the most interesting part of the work from the lawyer's point of view is Part Two which deals with the general and permanent problems which relate to all these Forces — constitutional basis, control, agreements between the United Nations and the sending and receiving States, financing, the question of consent by the host State, and the application of the laws of war. In so far as consent is concerned, Dr. Bowett rightly states that 'no principle seems clearer but that a State determined by a competent United Nations organ to be an "aggressor", and against which sanctions — or "preventive or enforcement action" — are either recommended or decided upon cannot stultify United Nations action by withholding its consent to the presence of a United Nations Force upon its territory. By its own conduct it has forfeited the right of inviolability upon its territory.' The principle enunciated here is perhaps of even wider application, and should operate wherever and whenever it is found necessary to deploy United Nations Forces, at least in so far as the territory of Member States is concerned. The same principle ought to apply to the use of Forces supplied to the United Nations for such deployment. In practice, however, this has been far from the case, but Dr. Bowett suggests that 'political wisdom and not legal necessity has been the motive'. However, the Secretary-General has always given the impression, and has been supported by most States, that this in fact is the legal position.

However 'effective' a particular United Nations Force may have been it cannot be denied that the most satisfactory machinery of military action available to the United Nations would be a permanent Force properly organised, led and regulated. In a final chapter, the authors of *United Nations Forces* have sought to draw up a blueprint for such a Force. They rightly point out that 'it needs for its implementation some little money, a modicum of goodwill and sincerity on the part of States to achieve the Purposes and Principles for which they established the United Nations Organisation'.

Both *International Aspects of Civil Strife* and *United Nations Forces* admirably deals with the various problems related to the subject it sets out to analyse. Taken together they form a complementary study of related issues that nowadays have become almost inseparable. Any student seeking enlightenment on the legal problems of a modern civil war and the United Nations method of dealing with them need do no more than refer to these two works.