UNITED NATIONS

PEACEKEEPING OPERATIONS

(A CASE STUDY OF LEBANON)

BY

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OCTOBER 1983

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DEDICATION

To

The memories of my mother

With love, honour and gratitude.

ACKNOWLEDGEMENTS

Neither the course work nor this dissertation for the LLM degree would have been possible without the efforts of my Supervisor, who is also the Sub Dean, Dr. K. I. Igweike. He honestly directed me at every stage of the course and the dissertation.

Thanks must be given to my friends who gave me the initial encouragement to do the LLM programme. They include, Dr. I. Ayua, Ms F. Jokotoye; Miss G. Gadzama and Alhaji M. Oredola. Particular thanks goes to my dear, Dr. A. Ikpe for her magnificent support, befitting a man in my position, both during the course work and the preparation of the dissertation.

Acknowledgements are also due to the following for their various contribution to the success of this dissertation: Major General D. Jemibewon (Rtd); Major General I. B. Babangida; Lieutenant Colonels A. Abubakar, J. Inienger and J. E. Olowookere; Captains L. K. K. Are, and B. O. Ekiran and Mr. A. French, Legal Adviser to the UNIFIL for all documents relating to the establishment and functions of the UNIFIL.

Finally, I thank, Williams, Patrick and Solomon who typed my manuscripts to produce this dissertation.

ABSTRACT

With my study of International Law and seven months service at the United Nations Interim Force in Lebanon (UNIPIL) Headquarters, I was inspired to take a second look at the UN Peacekeeping efforts there. As a staff officer at the Operation branch of UNIFIL HQ, I saw the interplay of international politics and international law all geared toward maintaining international peace and security. This dissertation is the end product of my curiosity and research on the UN as an international organization battling to maintain international peace and security in Lebanon.

The concern for maintaining international peace and security has ancient root. This is confirmed by the proposal advanced by the early Greeks in 477 BC . However, the dissertation examines iern attempts at global control and regulation of peace and security which dates from the League of Nations period. The League was established at the end of the First World War with the fundamental purpose of achieving international peace and security. Two international forces were raised under the League to assist in the conduct of Plebiscites at Vilna in 1920 and the Soar Basin in 1935. These notwithstanding, the League experiment as a whole was a failure. It was formally dissolved in April 1946.

The UN which represents the second attempt by the state of the world to organize themselves into a true community of States, arose out of series of war time declarations and conferences culminating ln the United Nations Conference on International Organization (UNCIO) at San Francisco in 1945. The UN Charter was adopted after the UNICO with the main purpose of maintaining international peace and security through various conflict control mechanisms. Peace keeping Operation is one of them.

Peacekeeping operation involves the use of contingents of national armies made available under a resolution by one of the Organs of the UN. The contingents operate with the consent of the warring parties and/or receiving state(s). They are authorized to fight only in self-defence. In essence the concept of peacekeeping operation involves the bringing together in an ad hoc form professional soldiers to help create or restore as the case may be an environment in which a peaceful solution to the problem in issue can be contemplated, conciliated or mediated upon. So far, the UN has raised about fifteen major peacekeeping operations all of which have their legal basis in the UN Charter or the Uniting for Peace Resolution of the General Assembly of 1950.

In examining the UN peacekeeping efforts in Lebanon the dissertation discusses the intra community fighting in Lebanon, the influx of the Palestinian refugees as a result of the Palestinian Question and the struggle between the Palestine Liberation Organization and the state of Israel.

After the invasion of South Lebanon in 1978 by the Israel Defence Forces (IDF) the Security Council passed Resolutions 425 and 426 of 19 March 1978. These resolutions authorised a force of 6000 men from South Lebanon. Like other UN Peacekeeping operations UNIFIL is oritized and pronounced a failure because its efforts have not produced a solution within a reasonable time. Some of the problems and difficulties that have militated against 'quick' solution are examined. Despite these problems and difficulties, the UNIFIL has achieved a measure of success in South Lebanon particularly in the humanitarian sector and the withdrawal of the invading IDF of 1978. Although the dissertation does not cover the second invasion of IDF of 1982, the invasion showed the weakness of the UNIFIL and the new dimension on the part of the super powers to set up multi-national peacekeeping operation outside the UN.

While accepting that the Charter provisions and the Uniting for Peace Resolution have so far being used by the UN, there is the need for a clearer provision in the Charter on how the organs, General Assembly in particular, can fulfil their responsibilities of maintenance of international peace and security. In addition, there should be a specialized organ of the UN that is independent of the other major organs charged with the handling of the peacekeeping operations. And on multi-national peacekeeping operations, the super powers should put their resources at the disposal of the UN.

And finally the dissertation submits that a political solution to the Palestinian Question is the key to the successful implementation of the UNIFIL mandates and of course the restoration of peace and security in Lebanon, - the utmost goal of the UN peace effort in Lebanon.

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ABBREVIATIONS

ADF	-	Arab Deterrance Forces.
ADL	-	Armistic Demarcation Line.
AJIL	-	American Journal of International Law.
ALA	-	Arab Lebanese Army.
ALF	-	Arab Liberation Front.
AMAL	-	Movement of the deprived.
AO	-	Area of Operations.
APC	-	Armoured Personnel Carriers.
BC	-	Before Christ.
CO	-	Commanding Officer.
DFF	-	De Facto Forces.
FC	-	Force Commander.
ICJ	-	International Court of Justice.
IPF	-	Israeli Defence Forces.
ILMAC	-	Israeli/Lebanese Mixed Armistic Commission.
INCREP	-	Incident Reports.
LCP	-	Lebanese Communist Party.
LNM	-	Lebanese National Movement.
MEDEVAC	-	Medical Evacuation.
MPF	-	Multinational Peace Force.
NATO	-	North Atlantic Treaty Organization.
NIBATT	-	Nigerian Battalion.
NICON	-	Nigerian Contingent.
NSSP	-	National Syrian Social Party.
OAU	-	Organization of African Unity.
OCAL	-	Organization for Communist Action in Lebanon.
OGL	-	Observer Group Lebanon.
ONUC	-	Operation Des Nations Unies au Congo (United Nations Force in the Congo).

OUP	-	Oxford University Press.
PCIJ	-	Permanent Court of International Justice.
PDFLP	-	Popular Democratic Front for the Liberation of Palestine.
PFLP	-	Popular Front for the Liberation of Palestine.
PLO	-	Palestine Liberation Organization.
PNA	-	Palestinians National Assembly.
PPSF	-	Palestinian Popular Struggle Front.
PSP	-	Progressive Socialist Party.
SHOOTREP	-	Shooting Reports.
SOFA	-	Status of Forces Agreement.
SOP	-	Standing Operational Procedures.
UAR	-	United Arab Republic.
UN	-	United Nations Organization.
UNDP	-	United Nations Development Programme.
UNDOF	-	United Nations Disengagement Observer Force.
UNIFIL	-	United Nations Interim Force in Lebanon.
UNOGIL	-	United Nations Observer Group in Lebanon.
UNFK	-	United Nations Force in Korea.
UNEF	-	United Nations Emergency Force.
UNFICYP	-	United Nations Force in Cyprus.
UNTSO	-	United Nations Truce Supervision Organization.
UNSCOP	-	United Nations Special Committee on Palestine.
UNCIO	-	United Nations Conference on International Organization.
UK	-	United Kingdom of Great Britain and North Ireland.
USA	-	United States of America.
USSR	-	The Union of Soviet Socialist Republic.
VIREP	-	Violation Reports.
VHF	-	Very High Frequency.

CHAPTER ONE

INTRODUCTION

Although in historical perspective, the concept of international organization dates back to the 1648 Treaty of Westphalia[-1], the first modern attempt at the establishment of such organization was after the first World War. The League of Nations[-2] (the league) was in principle conceived, formed and set out to be a "permanent universal" organization with general competence to encourage the development of international relations of all kind. It's fundamental purposes were the maintainance of international peace and security, peaceful settlement of interantional disputes and the guarantees against inter-state aggression. The organization failed to achieve these and not only did perceive the events leading to the Second World War, it had little or no power to change their course.

Today, the United Nations (UN) represents the second attempt on the part of the States of the world to organise themselves into a true community of states with collective responsibilities for the peace and security of the whole community. It was established with the determination, "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind". Its Charter was signed on 26 June 1945 to further the course of uniting together, "to maintain international peace and security". The organization is essentially an association of states that have elected to follow a certain course of action in given circumstances in order to accomplish specific aims and purposes contained in its Charter. The UN is now at the apex

of various international organisations ranging from regional to global, political to economic and military organizations.

In fulfilling the wishes of the founding fathers, the UN has adopted diverse conflict control mechanisms aimed at maintaining international peace and security. These range from detterrance, disarmament, arms control, condemnatory resolutions, peacekeeping operations to limited war. This dissertation examines only one of these conflict control mechanism, namely, peacekeeping operations.

There have been various attempts at defining peacekeeping operation. For example, it has been defined as "the prevention, containment, moderation and termination of hostilities between or within states, through the medium of a peaceful third party intervention organised and directed internationally using multinational forces of soldiers, police and civilian to restore and maintain peace."[-3] Peacekeeping operation by the UN is the use of soldiers armed with defensive weapons, from member states acceptable to the warring parties. The main objective being to separate the parties and then maintain peace between them.

Since its inception, the UN has established about fifteen major peacekeeping operations in various parts of the world. These include, Indonesia (1947 - 48); Greece (1947 - 51); Palestine (1948 -); Kashmir (1948 -); Korea (1950 - 53); Suez (1956 - 67); Lebanon (1958); Congo (1960 - 64); West Iran (1962 - 63); Yemen (1962 - 64); Cyprus (1964 -); Golan Heights (1976 -) and Lebanon (1978 -). These peacekeeping operations were generally established after hostilities had broken out but they

did go a long way in restoring or maintaining peace in the conflict areas.

The analysis of UN peacekeeping in Lebanon (1978 -) is the central theme of this dissertation. This UN peacekeeping operation in Lebanon is unique, for it differs in many respects when compared with previous UN peacekeeping operations. But, perhaps the singular point of distinction lies in its root course which is the Palestine question.

Historically, the Palestine question was inherited by the UN from the League. Britain was the mandatory power over Palestine after the first world war. The contradictory promises made by Britain to the Palestinian Arabs and Jews contributed in no small measure to the present situation in the territory. Of particular importance in this regard is the Balfour Declaration of 1917 in which Britain promised a national home for the Jews in Palestine while affirming the rights of the Palestinian Arabs who had fought with her against the Turks in world war one.[4]

The result was anxiety among the Palestinian Arabs which gave rise to sparodic hostilities between the Jews and the Arabs in Palestine throughout the proceeding thirty years. This eventually led to the partition of Palestine by the UN General Assembly into a Jewish state, an Arab state and an international state of Jerusalem.[5] The Arabs rejected this. As the British were pulling out of Palestine, the Jews declared an independent states of Israel on the part alloted to them on 14 May 1948. The Arabs resisted this with attack by Egyptian planes on the New state of Israel and war broke out. The effect of the war was the influx of Palestinian refugees into other Arab states particularly Lebanon,

which had joined five other Arab states in the war against Israel.[6]

Another aspect of the Uniqueness of the Lebanese UN peace-keeping operation was the fact that the Lebanese territory and not Palestine has become the battle ground for those seeking self-determination and homeland on one hand (Palestinian Arabs) and those seeking security and recognition within defined borders on the other (Israelis).

Also contributing to the uniqueness was the American move to fill the vacuum created by the Suez adventure.[7] American President Eisenhower, at the beginning of 1957, announced that it will assist, even by using armed forces, any middle eastern country threatened by universal communism. This was generally called the Eisenhower Doctrine.[8] In addition to accepting this doctrine, the Lebanese President Camille Chamon, wanted to alter the constitution so as to permit himself an otherwise unconstitutional second term of office. This political assumption led to various disturbances in Lebanon including the widespread revolts by the Sunni and Druze sects of May 1958. President Camille called it rebellion and alleged massive infiltration from Syria and assistance to the rebel by Egypt.[9] This brought the first UN observer group in Lebanon (UNOGIL) in 1958 to ascertain the President's contentions.

The effect of these disturbances was to leave the central government weak and powerless to control not only the various opposing factions within the state but also the increased influx of Palestinian Arab refugees into the southern part of the country and their military activities against Israel mounted therefrom. This eventually led to the fall of the government and a shift

from the pro-western stance: Most members of the Arab League pledged support and offered assistance to help Lebanon reestablish its sovereignty and territorial integrity, particularly with the Palestinian refugees.

The period between 1958 - 67 was relatively quiet in Lebanon until the six day war of 1967 between Israel on the one hand and Egypt, Syria and Jordan on the other. Although Lebanon did not participate in the war itself, it nevertheless witnessed an unprecedented influx of Arab refugees from the warring areas. The political and security situation at this period in Lebanon became so tense that it soon gave way to the first recorded clash between Lebanese Army (LA) and the Palestinian nationalists. This soon escalated and only the timely intervention of the Arab League saved the situation from degenerating into another full-scale military activity.

On 3 November 1969, members of the Arab League signed the Cairo Agreement which not only recognised the Palestine Liberation Organization (PLO) as the sole representative of the Palestinian Arabs but also accorded them complete freedom of action in Arkonb region of Lebanon including limited military activities therefrom against Israel. However, the annex to the Cairo agreement forbade PLO from firing rockets or carrying out raids across the borders. The PLO did not accept this limitation. While the Lebanese government was still trying to enforce the annex to the Cairo Agreement, more militant PLO groups came in from Jordan as a result of the "Black September Masacar" of 1970. The "Black September" refers to September 1970 when Jordanian government took drastic military action against the military wing of the PLO resulting in the death

of hundreds of Palestinian Arabs including civilians. The result was another exodus of Palestinian Arabs from Jordan into Lebanon thereby turning Lebanon into the centre of Palestinian operation against Israel.

The agreements which were signed between the Lebanese government and the Palestinian nationalists remained on paper as the latter did not honour them. For example, raids mounted from Lebanon by the PLO against Israel continued in the face of an agreement banning such raids. Between 1970 and 1975, there was an increase in all activities involving the Palestinian nationalists in Lebanon and Israel on the one hand and the Lebanese Army and the Palestinian nationalists on the other. Intervention by other Arab countries in the conflict between the Lebanese Army and the Palestinian nationalists resulted in Melkart protocol which amended the Cairo Agreement. This protocol sought to freeze the activities of the Palestinian nationalists by introducing restrictions to their operations from Lebanese territory. Like the previous arrangements, the protocol was not honoured by the Palestinian nationalists but the central Lebanese government was powerless to change the course of events.

These events led to the civil war of 1975/76 in which mostly the Christian and Muslim communities in Lebanon participated. There was disunity in the Lebanese Army as the Lebanese leftists (Muslim) supported by Palestinian nationalist fought the Phalangist Militias (Christian). The Palestinian nationalists were more organised and better equipped, thus its activities could not be checked by the fragile Lebanese Army as a result of the factional fighting amongst the Lebanese.

As a result of the civil war, the Arab League once again offered assistance to the Lebanese government. Members of the

Arab League were asked to contribute forces to the Arab Detterrance Forces (ADF) established by the League. The ADF was to help separate the factions and restore law and order in Lebanon. Though money and material were sent to Lebanon by the members, only Syria in fact sent a contingent of about 30,000 men. The ADF was sympathetic towards the PLO, thus the PLO had more room for actions against Israel particularly from South Lebanon across the border. The Christian phalangist however were able to keep the Palestinian nationalists out of most of the Northern part of the country. Other armed elements in Lebanon began to take sides either with the PLO and the Lebanese muslims or the Christian phalangist militia who were totally against the presence of the PLO in Lebanon.

The situation in the South deterriorated as PLO mounted raids and rocket attacks against Israel northern border towns. Israel on its part replied with heavier counter raids and attacks against the PLO positions in South Lebanon. The climax of these raids and attacks was the PLO raids on a civilian bus in Israel and the Israeli reprisal - the invasion of South Lebanon by the Israeli Defence Force (IDF) in March 1978. It was code-named "Operation Litani" by the IDF.

With these limited military confrontation between the PLO and IDF in South Lebanon, the security in the middle east, generally, and Lebanon in particular became very tight. The super powers by necessary implication saw another opportunity to test their latest invention of "agents of death." Arms were shipped into the area at an unprecedented rate. World's opinion were drowned at the Security Council and the General Assembly by strong lobbists from

the West and the East alike. "States policy consideration" as applied in international relations prevented common measures to ease the situation.

These events in Lebanon and the actions and reactions of both the PLO and Israel led to breaches of international peace and security in 1978, particularly the Israelis' intention of creating a security belt of ten kilometres in South Lebanon. The Lebanese government wasted no time in calling on the UN through the Security Council to "Let my people live" after the Israeli operation Litani. With military despatch, the Security Council called on member nations to contribute troops to serve as the United Nations Interim Force in Lebanon (UNIFIL) for a limited period of time subject to renewals after every six months.

Nigeria and seven other member states of the UN including Ghana and Senegal, answered the UN call with an Infantry Battalion each while others like France and Sweden contributed Logistic Units. Nigerian Battalion's (NIBATT) participation will be better seen when compared with the Nigerian Contingent (NICON) in Chad Operation under the auspices of Organisation of African Unity[-10] (OAU).

It is on these premises that this dissertation examines the whole-essence of UN peacekeeping operations as a means of settlement or containment of international conflicts. Lebanon (1978 - 81) is the case study with a particular reference to the establishment, prospect and problems of UNIFIL. It examines how, "the soldier of peace under the very wise and courageous guidance of the Secretary General and the superb command of their officers, have given a new historical dismension and a new meaning to the solidarity between peace-loving nations and rule of international Law and Order"[-11]. The dissertation will also examine the new development in Lebanon

following yet another invasion by the IDF code name "Operation peace for Galilee" in 1982.

It should be noted that in the final analysis, it is the "consent" of the parties to the dispute that determines the success or otherwise of any peacekeeping operation. The dissertation shall therefore examine possible areas of improvement in peacekeeping operations of the future for instance, whether super powers should be allowed to maintain a standing peacekeeping force on behalf of the UN. It shall also review UN control of international hostilities through peacekeeping operations in the face of multinational and regional forces claiming peacekeeping role in "strategic" areas of the world.

Chapter One: Footnotes

1 - See Gross, The peace of Westphalia, 42 AJIL 20 (1948).

- REUTER, P International Institutions, George Allen and Union Ltd (1958) P 55 ff.

2 - For detail see Welters - F. P. A History of the League of Nations, O. U. P. (1960).

3 - See Pilot Project, The Report of the International peace Academy 1970.

4 - See Mohammed El-Madi Afifi, The Arab and the UN, (1964) Longman's Green & Co Ltd.

- See also Royal Institute of International Affairs, Information Papers No 20, (1915 - 45) PP 4 - 6.

5 - See Resolution 6 of 29th November 1947 and the Middle Eastern Crisis (1970) 64 AJIL PP 71 - 72.

6 - See Chapter 4 infra for detail.

7 - See Chapter 3 infra for detail.

8 - Dwight Eisenhower, The White House Years, Waging Peace (1965) PP 176 - 83.

9 - Rosalyn Higgins, UN Peacekeeping 1946 - 67 P 535.

10 - See Chapter 5 infra.

11 - Address by the Lebanese Ambassebor to the Security Council on 19 September 1978 on the activities of the UNIFIL.

CHAPTER TWO

EVOLUTION OF PEACEKEEPING

2-1. The League of Nations Period.

Maintenance of international peace and security dates back to proposals advanced by the early Greeks,[-1] for instance, the confederacy of Delos was set up in 477 B C for the purpose of preserving peace. It was the first recorded attempt to set up an international Navy and Police Force. Thus the concern for maintaining international peace and security has ancient root. However I shall be concerned with the modern attempts at global control and regulation of peace and security. This dates from the League of Nations Period (the League).

At the end of the first World War, the League was established with the fundamental purpose of achieving international peace and security by preventing war emong its members [-2]. As the first effective move towards a Worldwide political and social order, the League Covenant was geared towards serving the common interests of humanity across the barriers of national custom, racial difference and geographical separation. It was the enbordiment in constitutional forms of mankind's aspirations towards peace and secure world. The covenant which became operative on 10 January 1920, provided for two main organs - an Assembly and a Council. It also provided for a permanent secretariat.

The first seven Articles constructed the constitutional frame work of the new international system. Article 1 described the conditions of membership, admission, and withdrawal. Articles 2 to 5 laid down the character and powers of the Assembly and the

Council. Articles 6 and 7 provided for the appointment of a Secretary-General and his staff, for the establishment of the League's headquarters at Geneva, and for the funds required for its work.

Articles 8 and 9 dealt with disarmament while by Article 10, Members promised to respect the territorial integrity and political independence of other members, and to join in protecting them against external aggression.

Article 11 gave each member the right to call upon the Council and the Assembly to discuss any serious difference including any threatened attack which might arise between itself and any other member or between other members.

Articles 12 to 15 described the various ways in which disputes might be settled peacefully. They contain also the definite pledge not to resort to war until the question at issue had been submitted to one or another of these procedures of peaceful settlement, and then only in certain defined circumstances and after three months additional delay.

Under Article 16 each Member accepted the obligation to take prompt action against any fellow member which went to war in violation of the Covenant-to break off all financial and economic relations with it, to prevent others from maintaining such relations, and if necessary, to use military force against it. Members promised also to help each other to bear the financial loss which they might suffer through carrying out these measures. It also gave the Council power to expel a member which had violated the Covenant.

The remaining 10 Articles provided for relationship with fellow members, effect of the Covenant on other treaties, the

mandate systems, transfer to the League, the management of those agencies (such as the Universal Postal Union) which had already been established before the war and finally the procedure to be followed in order to amend the Covenant.

In addition to these provisions, the League established the Arbitration and Security committee[-3] to prepare model treaties as guide for members to follow in the peaceful settlement of international disputes. Armed with the above machinery for peace, the League raised international forces only twice during its twenty years life span in the field of peacekeeping.

2-2 The League "Peacekeeping Operation"

The first of these international forces under the League system was a force of one thousand men drawn from nine states[-4] to assist the international commission conduct a plebiscite at Vilna over which Lithuana and Poland contested sovereignty in 1920[-5]. The role of the force was designated as being " a peaceforce not a fighting force simply there to perform police duties". The plebiscite was cancelled and therefore the troops were never deployed. Thus the first attempt by the League to control by an international force a plebiscite organised under its own auspicies never came to fruition. However, as a plan, it did provide a precedent for the Saar Plebiscite in 1935.

The Saar Basin[-6] was placed under the authority of the League for fifteen years instead of incorporating it with France. A Governing Commission[-7] was established by the League to run the affairs of the territory until the end of fifteen years, when Saarlanders will have the prospect of freely deciding their future. At the expiration of this period, when the time for the Plebiscite arrived, it became clear that the Governing Commission and the

Plebsicite Commission would need the backing of sizeable troops. The political antagonism in the territory between the Socialists and the "German front" not only carried a potential threat of internal disorder but, far more serious, also created a risk of intervention by French and German troops. Hence, upon a French proposal, the League decided to raise an international force of three thousand three hundred troops drawn from Great Britain, Italy, the Netherlands and Sweden.

The German Government protested but with unanimous decision of the League, gave its consent though unwillingly, on 5 December 1934. By that time, Germany had ceased to be a member of the League. The international force reached Saar basin On 29 December 1934 and were deployed throughout the territory, the heaviest concentration being in the highly industrialised area of Saarbrucken. They were entrusted with the maintenance of law and order before during and after the plebiscite.

The cost of the force, over and above normal maintenance costs was borne by the League. Germany, France and the Governing Commission were also asked by the Council of the League to contribute certain amount to meet the cost of the force. This principle of contribution therefore represents something of a precedent as shall be seen later under the United Nations System.

The whole operation proved remarkably successful. The secret of its success lay in the fact that the force represented a "neutral" or truly international force which was able to remain aloof from the political issues of the plebiscite and thus obtained the respect and confidence of the population. It can be concluded therefore that under the League systems, members foresaw potential threat to international peace and security and took measures to maintain

peace and security in that area by sending international force. The League did not wait for peace and security to break down.

The success of the international force in the Saar Basin notwithstanding the League experiment as a whole was a failure. Although an international organisation, it never became universal but remained to all intents and purposes a European-centred institution. Among the major factors for its failure were, first it had no capability, secondly, it had lacked authority, thirdly, the unanimity rule often paralysed it in crisis situations and fourthly, the absence of several major powers, particularly United State of America[-8]. Thus the need for a versatile world organization, to ensure world security became obvious at the outbreak of the Second World War. The League was formally dissolved in April 1946.

2-3 The United Nations System

(a) The Charter of United Nations

The United Nations arose as an attempt to remedy some of the defects of the League system particularly with regard to the maintenance of international peace and security. It grew out of a series of wartime declarations and conferences[-9] culminating in the United Nations Conference on International Organization (UNCIO) at San Francisco in 1945 which finally adopted the United Nations charter[-10]. The United Nations charter was signed by the delegates on behalf of their respective States on 26 June 1945, and it became operative on 24 October, 1945. The United Nations charter is not only the multilateral treaty which created the Organization outlining the rights and obligations of member States but also the constitution of the United Nations, laying down its functions and prescribing its limitations.

The United Nations is an international person independent of its members, possessing sufficient international personality to enable it to fulfil its purposes[-11]. The Member states commit themselves not only to act in pursuance of its purposes and in conformity with its principles, but also to establish certain organs with defined powers and operating procedures to accomplish the purposes.

By Article 1(1) of the United Nations charter, the primary objective of the United Nations is to maintain international peace and security through 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. In the same vain international disputes or situations which might lead to a breach of peace are to be settled by peaceful means and in conformity with the principles of justice and international law. Moreso that it is only in an atmosphere of peace and tranquility, devoid of war or threat of force can economic and social development thrive. At UNCIO, the major powers refused to accept an amendment requiring that collective measures be taken in accordance with international law and justice on the basis that it would tie down the organization to an undesirable extent and that the object of collective measures was to prevent or suppress the use of armed forces and not to achieve a settlement[-12].

To achieve the objectives, contain in Article 1, the United Nations charter provides in Article 2, the basic principles to be followed by member states. Of relevance to maintenance of international peace and security are those principles concerned with sovereign equality of all its members, settlement of international disputes by peaceful means and without endengering peace, security

and justice avoidance in international relations of threat or use of force against the territorial integrity or political independence, necessary assistance to be given to the United Nations in any action it takes in accordance with the charter, and non intervention by the United Nations in matters which are essentially within the domestic jurisdiction of any state.

For the achievement of the primary responsibility of the United Nations, it is necessary to examine albeit, briefly two of these principles in Article 2 which could affect the maintenance of international peace and security through United Nations peacekeeping operation.

First is Article 2(4) of the charter which provides:

> "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations".

This paragraph derives its phrasology from previous treaties like the Covenant of the League of Nations, Lacarno Treaty of Mutual Guarantee of 16 October 1925 and the Paris Treaty of the Renuciation of War of 27 August 1928[13]. There seems to be a general agreement amongst international law writers, that the force, the use or threat of which is prohibited is "armed force" as expressly stated in the Preamble to the United Nations Charter, "to ensure, by the acceptance of principles and the institution of methods that armed forces shall not be used, save in the common interest".

The broad effect of this paragraph is that it prohibits the use or threat of "armed force" against another state except in self-defence[14]. From the travaux preparations of the Charter, Committee 1 at UNCIO, which dealt with Article 2(4) it was stated that "the use of arms in legitimate self-defence remains admitted

and unimpaired"[-15]. Thus self-defence is not restricted under the provision of Article 2(4). Article 2(4) is now regarded as a vital principle of customary international law. It has further been elaborated as a principle of international law in the 1970 Declaration on Principles of International Law.

It must be noted that the provisions governing the resort to force upon the international scene do not affect the right of a state to take measures including armed forces, to maintain order within its jurisdiction. However, where alien persons or property are in such state the law is not settled whether foreign intervention to protect the alien persons through use of armed force, will not violate Article 2(4). A good example is the Israeli raid on Enttebe Airport.

The second Article that is likely to hinder the work of United Nation peacekeeping force is Article 2(7). This Article deals with question of intervention in domestic affairs of another state. It provides that,

> "Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the member to submit such matters to settlement under the present charter, but this principle shall not prejudice the application of enforcement measures under chapter VII".

This paragraph has given rise to more controversy than any other provision in Article 2 of the Charter and in practice its interpretation is still very uncertain.[-16] The provision has raised a number of questions. For instance, what happens if a state decides to intervene in what is essentially domestic to another?, Although the paragraph speaks only of the United Nations, does this include the individual members acting separately. States have taken various stands, depending on their interest, in applying

this provision of the Charter, examples include the U. S. in Vietnam[-17] and Russian in Cechoslovakia and currently Afghanistan. Thus the multiplicity of arguments used prevent any generally accepted interpretation. One meaning of domestic jurisdiction (essentially domestic) is that it refers to those matters where a state's discretion is not limited by obligations imposed by international law.

In its Advisory opinion in the Nationality Decrees in Tunis and Morocco Case[-18] the Permanent Court of International Justice was asked whether questions concerning the application to British subject of nationality decrees made in Tunis and Morocco by France were matters of domestic jurisdiction in the sense of Article 15 (8) of the League covenant which is equivalent to Article 2(7) of the United Nations charter. The court observed that:-

> "The question whether a certain matter is or is not solely within the jurisdiction of a state is an essentially relative question, it depends upon the development of international relations. Thus in the present state of international law, questions of nationality are in the opinion of the court, in principle within this reserved domain--".

At the San Francisco Conference, Article 2(7) was inserted at the instance of the four sponsoring powers[-19]. The idea that "domestic jurisdiction" in the Charter should be defined by reference to international law was rejected on the grounds that international law was vague. This paragraph generated a lot of arguments at the conference particularly on the interpretation[-20]. In actual practice, the paragraph has been interpreted by the same methods as other Charter provisions, that is each organ of the United Nations interprets as it is applicable to its particular functions. Generally, it has been accepted that a matter is unlikely to be regarded as within a state's domestic jurisdiction if it amounts to a breach

of international law, an infringement of the interests of other State's, a threat to international peace or a gross violation of human rights or if it concerns the development of self-government in a colony. It must be noted that the interpretation and application of the domestic jurisdiction limitation has been an issue in United Nations peacekeeping operations undertaken on the basis of the consent of the host state(s).

From the above examination, it is clear that the combined effect of the principles in Articles 2(4) and 2(7) of the United Nations Charter, is to enable a State handle its affairs without external interferences. However events have shown that states particularly super powers, do not follow these principles when their "Strategic interests" are involved in the question.

At this juncture it becomes necessary to examine the United Nations organs having the responsibility of carrying into effect the purposes and principles of the United Nations as related to the maintenance of international peace and security. Of the six organs established under Article 7 of the United Nations Charter, only three are concerned with peacekeeping operations viz, the Secretariat, the Security Council and the General Assembly. Working together, they use a subsidary establishment, the peacekeeping operations, to maintain international peace and security.

The Secretariat under the United Nations Charter, is composed of a Secretary-General and such staff as is required for him to perform his function (Article 97). Perhaps the best characterization of the function, of the Secretariat is that given by late Dag Hammerskjold, a one time Secretary-General. He said;[21]

> "It has rightly been said that the UN is what the member Nations make it. But it may likewise be said that within the limits set by government action and government cooperation, much depends on what the Secretariat makes it.

> Because the Secretariat is a living thing. It has creative capacity, it can introduce new ideas. It can in proper forms take initiatives. It can put before the member governments new findings which will influence their actions. Thus the Secretariat in its independence represents an organ not only necessary for the life and proper functioning of the body, but of importance also for its growth".

Available records appear to support the above statement. For instance, United Nations peacekeeping operations whether initiated by the Security Council or the General Assembly have been actually planned and executed through the Secretary-General. Infact it has been the reports of the Secretary-General that so far determine whether it is feasible to establish a peacekeeping force or not in any troubled area of the world.

Article 99 of the United Nations Charter is the chief source of the Secretary-General's powers. It gives the Secretary-General authority to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. It was on this basis that Dag Hammerskjold once said that the Secretary-General should act not only when guidance could be found in the Charter or in the decisions of the main organs but also without such guidance, as long as it appears to him (Secretary-General) necessary in order to help in filling any vacuum that may appear in the systems which the Charter and traditional diplomacy provide for the safe guarding of peace and security.[22]

The Security Council has five permanent members and ten non-permanent members elected for a term of two years. In electing the ten non-permanent members, the General Assembly gives due regards to the contribution of members of the United Nations to the maintenance of international peace and security.[23] Together, the fifteen members of the Security Council form the supreme organ

of the United Nations charged with the primary responsibility for the maintenance of international peace and security. To this end, Article 24 of the Charter defines the functions and powers of Security Council as follows:-

> "In order to ensure prompt and effective action by the United Nations, its member confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

In performing this primary function, the Security Council is required to act in accordance with the purposes and principles of the United Nations. The specific powers granted to the Security Council for the discharge of these functions, are laid down in chapters, VI, VII, VIII and XII of the United Nations Charter.

In practice, the principal functions of the Security Council consist of taking decisions "for the peaceful settlement of disputes under chapter VI of the Charter and "enforcement actions" to deal with threat to the peace, breaches of the peace and acts of aggression. Article 25 of the Charter provides that members of the United Nations agree to accept and carry out the decisions of the Security Council taken in accordance with the Charter provisions. It must be noted that although the Security Council has power to take binding decisions which member state are under a legal obligation to obey, it is not always practicable. The Security Council is almost always powerless to enforce its decision, particularly when the interests of the super powers are involved.

The reason for this is two - fold. Firstly, the Security Council invariably acts mostly by resolutions and recommendations which have often been argued are not covered by "decision" within the meaning of Article 25.[24] The second reason concerns the voting procedure which under Article 27 states inter-alia decision

of the Security Council on all matters other than procedural matters "shall be made by an affirmative vote of nine members including the concurrent votes of the permanent members, provided that in decisions under chapter VI and under paragraph 3 of Article 53, a party to a dispute shall abstain from voting". Thus a negative vote by any of the permanent members has the effect of preventing the Security Council from taken a decision.

In view of the position of the Security Council in establishing peacekeeping operation, the voting procedure requires further treatment. Each of the permanent members, The Peoples Republic of China, France, The Union of Soviet Socialist Republic (USSR), The United Kingdom of Great Britain and North Ireland (UK), and the United States of America (USA), has what is refered to as a VETO while the non-permanent members have one vote each. Veto indicates a negative vote of a permanent members of the Security Council which has the effect of preventing the adoption of a proposal which would have otherwise received the necessary number of affirmative votes. The concurring votes of all the five permanent members on substantive matters is called, the rule of "the great power Unanimity." An abstention/absence is not regarded as a veto. The Soviet boycott of 1950 and the subsequent United Nations action on the Korean question is a case in point.

It is worth noting that the existence of the veto recognises the realities of power politics. The justification for it at the time the Charter was adopted was the special responsibility assumed by and placed upon the major military powers for the maintenance of international peace and security. At UNCIO, efforts to reduce the special voting privileges of the permanent members failed because the permanent members made these the firm condition of their

participation in the United Nations [25]. Also raised at San Francisco was the classification of what is non-procedural or procedural matter. The sponsoring powers listed certain matters which would be regarded as procedural e.g. decisions under Articles 28 to 32 of the United Nations Charter, and questions relating to the agenda, and certain other matters which would be regarded as non-procedural e.g., recommendation for the peaceful settlement of disputes and decisions to take enforcement action. Decisions concerning membership of the organization and the election of the Secretary General have been treated in practice as non-procedural. In cases of doubts, which were then expected to be raised, the Preliminary matter i.e, question whether or not a particular matter was procedural, would itself be a non-procedural matter [26].

Clearly therefore, it can be seen that the numerical majority of the ten elected members in the Security Council, can not secure the adoption of resolution without the support of the positive vote of at least one of the permanent members. The wills of the permanent members prodominate and the Security Council can be and has been frustrated by the negative vote of any of the permanent members. This, to a greater extent, has hindered the effectiveness of the United Nations in general and particularly the peacekeeping efforts, as shall be seen later.

The remaining organ for examination in this dissertation is the General Assembly. The General Assembly consists of all the members of the United Nations on equal footing with not more than five representatives (Article 9). Each member has one vote and there is no Veto. A two thirds majority of the members present and voting is required on important questions

within the meaning of Article 18. All other questions including the determination of additional categories of questions to be decided by a two-thirds majority require only a simple majority[27].

The functions and powers of the Generaly Assembly are dealt with in broad term in Article 10 while Articles 11, 12,14 and 17 of the Charter are more specific. In essence, the General Assembly has the secondary responsibility for the maintenance of international peace and security. It can therefore discuss any matter in that respect as long as the Security Council is not dealing with such matter. After discussion, the General Assembly may make recommendations, which are not binding but of significant importance, as it represents the world opinion on such matters. Apart from discussing and making recommendations on disputes or situations likely to cause breach of international peace and security, the General Assembly may consider the principles governing disarmament and the regulation of armaments and may make recommendations with regard to such principles to the members or to the Security Council or to both.

In the field of maintenance of international peace and security, the functions and powers of the General-Assembly can be better understood with the relationship between Articles 10, 11 and 12 of the United Nations Charter. While Article 10 States the General Assembly's powers of discussion and recommendation in their broadest form, Articles 11, particularly paragraphs (1) and (2) specificially authorize the General Assembly to

discuss and make recommendations on questions related to the maintenance of international peace and security.

Article 11 provides,

> (1) The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the
>
> .....
>
> and may make recommendations with regard to such principles to the members or to the Security Council or to both.
>
> (2) The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any member of the United Nations, or by the Security Council or by a state which is not a member of the United Nations in accordance with article 35, paragraph 2, and except as provided in Article 12, may make recommendations with regard to any such questions to the State or States concerned or to question on which actions is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

Article 11 thus provides the basis for the assertion of the General Assembly's right to deal with "threats to the peace, breaches of the peace, and acts of aggression, whenever the Security Council is unable to discharge its primary responsibility for maintaining international peace and security. The uniting for peace resolution was passed in furtherance of this article[28]. Article 12 on the other hand provides restriction on the powers of the General Assembly on matters on the "list" of the Security Council and "protecting" the Security Councils primary responsibility for the maintenance of international peace and security. In practice, this restriction is limited to recommendations while the General Assembly's right to discuss, consider and debate any question relating to maintenance of international peace and security is absolute. One other point that should be noted is the fact that the recommendation of the General Assembly are not binding on member states.

At the San-Francisco conference, the argument was that there should be a clear distinction between the functions and powers of the General Assembly and the Security Council as far as maintenance of international peace and security is concerned. To this end, the drafters of the Charter attempted to state with some provisionthe nature and scope of the General Assembly's powers as discussed above. Unfortunately, the Charter as it is today has left the definition of the respective powers and responsibilities of the two organs - Security Council and General Assembly - somewhat unclear, thus opening the way to subsequent controversy and a substantial expansion in practice of the General Assembly's powers and influence in the peace and security area[-29].

It is interesting to note that in the early years of the United Nations, the Western powers were keen to emphasize the powers of the General Assembly where they had a majority despite Soviet Union's objections, and there was a shift of power from the Security Council to the General Assembly. Today, the shift of power has now been partially reversed. The decline in tension between East and West has made it easier for the great powers to reach agreement in the Security Council. And the fact that no simple group of states now has a majority in the General Assembly has made it difficult for the General Assembly to pursue a consistent and effective policy. The balance of power in the General Assembly now belongs to the Afro-Asian States, which have therefore became the chief supporters of an influential role for the General Assembly. The enthusiasm of the Western powers for the General Assembly has declined while the Soviet Union has come to realise the value of the General Assembly as a forum for propaganda and discussion but is still reluctant to entrust real power to a body where it does not have a veto[-30].

The functions and powers of the three main organs, in respect of maintaining international peace and security, examined above have been put to test in situations involving actual breaches of international peace and security. It is therefore necessary to examine some peace-keeping operations where organs have exercised or refused to exercise their respective powers under the Charter. They shall then form the background to United Nations peacekeeping operation in Lebanon - the case study of this dissertation.

CHAPTER TWO NOTES

1 - Rosner G(1963) The UNEF, Historical Appendix, Columbia University Press PP 207.

- Beales A.C.F. (1931), The History of peace, London Bell,P 5.

2 - Preamble to The Covenant of the League of Nations.

3 - Walter, F. P. (1960) A History of the League of Nations, Oxford University Press, PP 378.

4 - These are - France, Britain, Italy, Spain, Belgium, Greece, Denmark, Norway and Sweden.

5 - See Walter F. P. (1960) Ibid, at PP 105-9.

6 - Ibid at PP 586-598.

7 - International body comprisinf one French National, One Saarlander not a French National and three other Nationals under Chairmanship of Mr Geoffery Knox (British).

8 - See Luard E (1979(, The United Nations How it works and what it does, The Macmillian Press Ltd P 9.

9 - Inter alia, London Declaration of 1941, Atlantic Charter of 1941, Moscow Declaration of 1943 and Dumbarton Oaks Declaration of 1945.

10 - For Official records see Documents of UNCIO, 22 Vols (1945) New York, United Nations International Organization.

11 - See The Reparations case (1949) International Cort of Justice Reports P 174.

12 - See Goodrich L M, Hambro E, and Simons A (1969), Charter of the United Nations, Commentary and Documents, Columbia University Press PP 665.

See Also UNCIO Documents, Vol. VI P 455.

See also Bonwett D W, (1964) United Nations Forces, A Legal study of United Nations Practice London Steven and Sons, P 10.

13 - See Goodrich, Hambro and Simon, Note 12, at PP 43-55.

14 - See Article 51 of the United Nations Charter.

See also Brierly J L, The Law of Nations (1963) Oxford University Press P 417.

15 - See UNCIO Reports Vol. VI P 334.

See also Hams D.J., Cases and Materials on International Law (1979), Sweet and Maxwell, PP 664.

See also Brownlie I, International Law and the use of force by States (1963) Oxford University Press at P 112.

16 - See Higgins R, The Development of International Law Through the Political Organs of the United Nations (1963) at PP 59-130.

See Preuss article-Article 2(7) of UN and Matter of Domestic Jurisdiction, (1949) I Vol.74, Recueil des Cours at PP 542-652.

See also Wallduck - The Plea of Domestic Jurisdiction before International Legal tribunal, British Year Book of International Law (1954) Vol 31 at P 96-142.

Also Cillmore - The Meaning of Intervention within Article 2(7) of UN Charter, International and Comparative Law Quarterly (1967) P 330.

17 - See The Vietnam War and International Law, Edited by Falk R. A (1968) Princeton University Press.

18 - P.C.I.J Report Series B No 4 (1923) P 24.

19 - U.S.A, U.S.S.R, U.K and China.

20 - See Goodrich, Hambro, and Simon op cit PP 60-71.

21 - Mazzard Shirley, Defeat of An Ideal (1973) Atlantic Little Brown Company Boston at P 162.

22 - See Generally, Hammerskjold Dag, The International Civil Servant in Law and in Fact, (1961) Oxford Clarendon Press.

See also General Assembly Official Records 12th Session 690th plenery Meeting 26 September 1957 paragraphs 72-73.

23 - See Akehurst M, A Modern Introduction to International Law (1975) George Allen and Union Limited PP 252.

24 - See Generally Goodrich, Hambro and Simon op cit at PP 207-211.

25 - See Akehurst op cit at PP 215.

26 - Ibid at P 245.

27 - See Goodrich, Hambro and Simon op cit at P 108.

28 - Ibid at P 122.

29 - Ibid chapter 4.

30 - See Akehurst op cit P 257.

CHAPTER THREE

SOME UNITED NATIONS PEACEKEEPING OPERATIONS

3-1 CONCEPT OF PEACEKEEPING OPERATION

Before examining some past United Nations Peacekeeping operations, it is pertinent to draw the distinction between "enforcement operations", observation and supervision missions" and Peacekeeping Operations.

An enforcement operation by United Nations Force contemplates the type of "collective measures" envisage under chapter VII of the United Nations Charter. Today there has been only one such operation, that is the 1950-53 United Nations Force in Korea (UNFK). Ground Forces were contributed to a total strength of 740,000 troops by member States of the United Nations[-1]. This was a fulfledged international force organised to fight conventional battle. It was established by the Security Council during the absence of Soviet Union. It is interesting to note the circumstances that led to the absence of the Soviet Union, which infact largely made it possible for United Nations armed intervention in Korea. It is the Security Council's procedure that the Chairmanship rotates and that in turn each member state of the Security Council, permanent or non-permanent, fills this responsibility for one month at a time. On this occasion it was the turn of China, represented in the United Nations by the delegate of General Chiang Kai-Shek's Nationalist Government, DR T. S Psiang. When he took his place on 10 January 1950, the Russian delegate, Mr Jacob Malik, immediately challenged Dr Psiang's credentials as the representative of China in the United Nations. Mr Malik argued that Dr T. S.

Psiang was only the representative of the Kuomintong and not of the Republic of China led by Mao Tse-Tung. This apparently long-overdue disclaimer by the Russians that they did not recognize the validity of Nationalists China's membership of the Council had been precipitated by a letter received by the Secretary General from Premier Chou En-lai of the Republic of China. The letter is to the effect that the people's Government of the Republic of China held as illegal the presence of the delegate of Nationalist China in the Security Council and demanded that he should be expelled. Mr Malik now made it clear that "if the Council fails to take the appropriate measures for the exclusion from it's membership of the representative of the Kuomintang group the delegation of the USSR will not participate in the work of the Council". He followed this by presenting a short resolution to that effect. In reply DR Psiang, speaking as the Councils presiding president, ruled that Mr Malik's proposal be printed and circulated to the members for subsequent consideration. This did not satisfy the Russians and Mr Malik maintained that he could not accept a ruling from a president he did not recognize. Dr Psiang declared that his ruling was being challenged and asked the Security Council to vote upon it. The vote strongly supported Dr Psiang's ruling but Mr Malik cast a negative vote since the issue was one of procedure, the USSR's negative vote did not count as a veto. At the next meeting the USSR proposal was debated, but was defeated by six votes to three with two abstentions. Mr Malik, left the chamber with his entire delegation after delivering a strong condemnation of the Security Council's vote. He did not return until after eight months by which time the United Nations forces was fully established in Korea. It is very difficult therefore to imagine similar circum-

stances happening today, hence, no likelihood of any "enforcement operation", as the veto is likely to be used in the Security Council[-2].

Observation and supervision missions are groups of unarmed military men operating under the Secretary General by authority of the Security Council or General Assembly. They are dispatched to crisis area to obtain impartial first hand information and/or supervise complaince with agreed arrangements so as to enable the United Nations take further actions to maintain international peace and security in the area. The allegations by Greece of illegal border incursions from Albania, Bulgeria and Yogoslavia, gave the Security Council the first opportunity to use military observers[-3]. Since then, several observation missions have been established. For example in 1958, the Security Council dispatched an observation group to Lebanon to ensure that there was no illegal infiltration of military personnel across the Lebanese border from Syria. Other observation missions include the United Nations Yemen observation group (1963-1964), the United Nations military observer group India/Pakistan, in Kashmir (1949-1975); and Truce supervisory mission in Palestine (1948 to date) which is to observe the armistice lines between Israel and its Arab neighbours of Jordan, Syria, Lebanon and Egypt.

United Nations peacekeeping operations, the central theme of this dissertation involves the use of contingent of national armies made available under agreements between the contributing states and the Secretary General. They operate with the consent of the warring parties, and or the receiving state(s). They are authorized to fight only in self-defence because they are not normally to face a definite enemy. The term "Soldiers without enemies" has become

synonymous with members of peacekeeping operation.

Before examining the United Nations Peacekeeping Operations, it is pertinent also to examine some of the general concepts associated with peacekeeping operations in term of definition. According to Paul Martin-4, peacekeeping involves the interposition of an international presence in one form or another the object of which is essentially to prevent violence from breaking out or to contain or curtail it where it has already broken out. According to him peacekeeping is designed to create or restore, as the case may be an environment in which a peaceful solution to the problems in issue can at least be contemplated, conciliated or mediated upon. Alan James approaches the concept of peacekeeping in three dimensions-5. Namely:-

(a) "Patching up", which is a non-violent settlement which may not require massing of armed forces.

(b) "Prohylactic" approach which is the taking of action that is designed to prevent the situation from deteriorating as in the Cyprus situation and

(c) "Proselytism" approach which is seeking to act as an instrument of change in order to rid the International Society of situations which the majority regard as little better than sinfull. Here the operation is neither concilliatory nor preventive. It is instituted out of a desire to upset certain aspects of the established order of things.

From these various approaches it can be stated that the concept of peacekeeping generally involves:-

(1) An attempt to create the conditions or environment in which pacific settlement can occur.

(2) An international military or quasi-military presence in some form.

(3) The consent of the state or states in which the operation occurs and of the troops contributing states.

(4) The objective or mandate of preventing or curtailing violence.

(5) Strictly limited use of force to achieve objective or self-defence.

With these basic elements, professional soldiers who as members of a nationalistic institution per excellence, are brought together in an ad hoc created force, one without tradition or colour yet motivated to operate in the service of international peace and security. They are often called the "Soldiers of Peace" under the umbrella of the United Nations.

3-2 United Nations Emergency Force (UNEF) 1956-1963

The Suez crisis of 1956 was in direct response to an out break of hostilities, in the Middle East.[6] Arab resentment and dissatisfaction with the creation of the state of Israel coupled with the Israel's attempt to consolidate and safeguard its newly achieved independence had produced a situation of continous friction which constituted a potential threat to the peace of the whole area. The 1948 Arab-Israeli war brought the UNTSO and the Mixed Armistice Commissions. These only helped to keep the tensions from errupting and did not solve the problem. They however played a useful role in "maintaining at least an uneasy peace"[7].

In February, 1955, Israel launched a strong reprisal raid in Gaza against Egyptain Fedayeen - Arab Commandos. Apart from destroying their bases, Israeli troops occupied Egyptain territory. To carry out further action against Israel, Egypt requested for more arms from the Soviet bloc. In response to this Egyptain request, the British and Americans withdrew their financial aid to Egypt for the construction of the Aswan Dam in July 1956. As a retaliatory measure, President Nasser of Egypt announced the nationalization of the Suez Canal by Egypt on 26 July 1956, and the Gulf of Aqaba was closed to Israeli ships.

It was with this background that Israel moved into the Sinai and attacked Egypt on 29 October 1956, defending her action as

security measures to eliminate Egyptain Fadayeen bases in the Sinai penisula and further claimed self-defence under Article 51 of the United Nations Charter. On 30 October, 1956, Britain and France, who had interest in the Canal, sent joint ultimatum to Egypt and Israel, calling on them to stop all warlike actions and to withdraw to within ten miles of the canal. Israel was not yet within ten miles of the canal but she took advantage of the ultimatum and pushed to within ten miles and stopped. Egypt rejected the ultimatum, and at dusk on 31 October 1956, Franco-British air offensive began on Egyptain airfields on the ground that they were acting to protect the Suez Canal and to halt the fighting. This lasted for five days, but far from protecting the canal. it caused President Nasser to sink blockships across the canal. On 5 November 1956, the ground phase of the operation began with combine British and French airborne and seaborne assaults from bases in Cyprus and Malta. About 20,000 troops were put ashore but the ensuring fighting lasted for less than 24 hours because Britain and France agreed to abide by a United Nations call for a cease fire. The matter had earlier on been referred to the Security Council on 30 October 1956, but was vetoed by Britain and France. After the deadlock in the Security Council, the matter was transferred to the General Assembly which has secondary responsibility for maintenance of international peace and security. This was made possible by the provision of the Uniting for peace resolution of 3 November 1953.[8] This provides that:

> "If the Security Councils because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures-- to maintain or restore international peace and security."

The first emergency special session of the General Assembly was called on first November 1956 to consider the Egyptain matter. The following day, resolution 997 (ES-1) was passed by sixty-four votes to none with six absentions. This called on the parties to cease fire, to withdraw to their previous positions and to refrain from the introduction of military material into the area of conflict. Subsequent debates resulted in series of resolutions including resolution 998 (ES-1) of 3 November 1956 which requested the Secretary General to prepare a plan for an emergency force which would "secure and supervice the cessation of hostilities". Upon the submission of the plan, resolution 1000 (ES-1) was passed by the General Assembly on 5 November 1956 thus formally establishing, the UNEF. As contingents from ten member states[-9] arrived, the British and French troops withdrew their forces back to their bases in Cyprus and Malta. The Israelis moved step by step backward out of Sinai as UNEF troops occupied the Sinai.

The Suez Canal was cleared and the UNEF, the first United Nations Peace-Keeping Force supervised the troops withdrawals. It was then deployed on Egyptain soil with the consent of the Egyptain government. This was under an agreement to act as a buffer between Egyptain and Israeli forces in the Israeli Armistice Demacation Line (ADL) and the international frontiers to the south of Gaza strip. It brought relative peace to that area of the world during its presence. In his final report in July 1967 the Secretary-General described how successful the UNEF experience was in the following words:

> "UNEF's withdrawal do not abscure, but rather under-score, the achievements of UNEF as a unique peace keeping venture. When in March 1957, UNEF reached the international frontier in Sinai and the ADL in the Gaza strip.. it was deployed along what had been only four months before one of the most troubled borders anywhere in the world. With UNEF's deployment there

that line became and remained almost completely quiet. The terrorizing raids of the Fedayeen across that line into Israel became a thing of the past. Infiltration across the line from either side was almost ended. Fields near the line on both sides which for long had been left uncultivated because it was near suicide to come into view in the open fields, were now being worked right up to line itself and on both sides of it costly irrigation systems were extensively installed. Heavy investments in new citrus groves and in other cash crops were made. A new prosperity came to the area in UNEF's decade because of UNEF's effective border role, there was security as there was no longer a military confrontation between the armed forces of Israel and the United Arab Republic.... In Gaza and Sinai an unaccustomed quiet for more than ten years..." -10

In May 1967, UNEF was withdrawn at the instance of the Government of Egypt. Reporting about the withdrawal the Secretary General noted inter alia, that,

"For more than ten years, UNEF, acting as a buffer between the opposing forces of Israel and the United Arab Republic on the ADL in Gaza, and the international frontier in Sinai, has been the principal means of maintaining quiet in the area. Its removal inevitably restores the armed confrontation of the United Arab Republic and Israel, and removes the stabilising influence of an international force operating along the boundaries between the two Nations".

And so it was, for hostilities errupted again between Israel on the one side and Egypt, Jordan and Syria on the other on 5 June 1967. It took another United Nations Emergency force (II)-11 to restore peace temporarily in the area.

3-3 Operation Des Nations Unies AU Congo - United Nations Force in the Congo (ONUC) 1960-1964

The political situation in the Belgian Congo (Now the Republic of Zaire) prior to the establishment and deployment of the ONUC can best be summed up in the words of Boyd J. M who stated that "the political events leading up to the entry of United Nations forces in the Congo are inextricably international with complex questions of colonialism and rising nationalism."-12 Belgium the colonial master, hurriedly granted independence to an unprepared Belgian Congo on 30 June 1960. By 15 July 1960, United Nations

military assistance had began to arrive in answer to a call for help from the government of the newly created Republic. Law and order had broken down, with tribal clashes and mutiny in the Congolese army. Their chief cause of dissatisfaction was that their chances of promotion were limited to the rank of Warrant Officer while Belgians Officers were appointed to staff posts even after independence.

On the night of 5/6 July, the Force Publique of the Republic attacked European quarters in Leopolville. They disarmed and confined their European officers. The government lost control despite promises to meet demands of the mutineers. Belgian intervened by flying in troops to "protect the Europeans and if necessary evacuate them". This the new government termed "Belgian aggression" and on 11 July 1960 called for UN military assistance. The situation was worsened by the sessionists threat from Katanga province and the rivalry among the Congolese leaders. As the central government was seeking UN military assistance, the provincial head of Katanga, Moise Tshombe, declared the province an independent state and announced its secession from the Congo. There was active western support for the secessionist activities in Katanga which contained most of the nation's industrial wealth and copper and also a large deposite of Uranium. In his declaration Moise Tshombe blamed the disintegration of law and order in the Congo on communist influence which the "present Government was only too willing to promote". Secondly, there was the struggle for power and control between the Prime Minister Mr Patrice Lumunba and the President, Mr Joseph Kasavubu. An additional confussion was the 14 September 1960 Coup of the Army Chief of Staff, Colonel Joseph Mobutu (now Sese Seko Mobutu) who dismissed

both the Prime Minister and the President and dissolved the National Assembly replacing them with a "College of Commissioners"[13] to take over the duties of government and parliament. The Commissioners were Congolese graduates and students called home from their studies abroad. This "College" eventually faded out after about six months.

Initially, when the Security Council received the appeal of the new government of the Congo, it passed resolution S/4387 of 14 July 1960 authorising the Secretary-General to provide the Congolese government with such military assistance as might be necessary. This was to be continued until the national security forces were in a position to maintain law and order in the Congo. Dag Hammarskjold the Secretary-General interpreted this to mean creating a force modelled on the UNEF. This was unanimously approved by the Security Council[14] and within forty-eight hours following the approval the first UN contingents made up of Tunisian and Ghanaian forces were in the Congo. From 15 July 1960, the build up was gradual but sustained. By the end of July the ONUC totalled more than 10,000 and was later to increase to 20,000[15].

It is not the intention of this dissertation to delve into political issues in the Congo but it must be pointed out that the first United Nations forces could not fulfil its mandate because of bloc interests and the disintegration of the country by the warring factions within the territory itself. When the question of the type of military assistance to help the Congo maintain its political independence and territorial integrity was brought to the attention of the Security Council, the Soviet Union's veto prevented further clear instructions to the Secretary-General on the activities of the force. With the state of civil war, the undefined role of the ONUC and the power

play between the West and the East, the Soviet Union requested that the Congolese matter be transfered to the General Assembly for discussion. This was overtaken by the USA proposal that an emergency special session be convened under the Uniting for Peace Resolution. It was adopted by eight votes to two with one abstention. Thus, like the UNEF situation, the responsibility for dealing with a matter affecting international peace and security shifted from the Security Council to the General Assembly. After lobbying and exhuastive debate, a seventeen power Afro-Asian Resolution was adopted in the General Assembly on 20 September 1960.

The Resolution gave the ONUC a clear mandate,

> "1. To maintain the territorial integrity and political independence of the Republic of the Congo.
>
> 2. To assist the central government of the Congo in the restoration and maintenance of law and order.
>
> 3. To prevent the occurence of civil war in the Congo.
>
> 4. 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.

The Secretary-General was in charge of the ONUC. Working through insurmontable odds, the ONUC was able to complete its mandates with the acceptance of the new Secretary General, Mr U. Thant's[16] plan by Moise Tshombe. The secession of Katanga was ended on 15 January 1963. With the end of internal strife, there was increase in technical and development aid by the special agencies of the UN. The ONUC was finally withdrawn in 1964 and the end result was the beginning of peace and security in the Congo. The ONUC has been accurately described as being the most difficult and complex of all the UN peacekeeping operations during which 126 UN soldiers were killed and 138 were wounded.

3-4 United Nations Force in Cyprus (UNFICYP) 1964

With two relatively successful peacekeeping operations as precedents, the United Nations was called upon again to help maintain international peace and security in the Island of Cyprus. The conflict was not born overnight as was the case in the Congo but only the latest outbreak in a long record of Greek - Turkish Cypriot strife that has been a part of Cyprus' political history. This dates back to when the Turks captured the Island from the Venetians in the sixteen century. However, the Greeks were the first to colonize the Islands as far back as 1400 years BC[-17]. The British on their part occupied the Island as part of a secret agreement with Othomas Porte in 1878[-18]. The British eventually took over the Island as Crown Colony under the Treaty of Lausanne with Turkey in 1923[-19].

The Cyprus question that led to outbreak of violence in December 1963 started from the friction between the two ethnic groups - the majority Greek Cypriots and the minority Turkish Cypriots, both getting active support from Greece and Turkey respectively. After claims and counter claims on the need to change the constitution of the Island, violence eventually broke out between the two communities on 21 December 1963. Both Greece and Turkey gave military assistance to their respective communities. British in line with existing treaties sent in troops to help control the situation. When this failed and after two months of argument between Greece, Turkey, Britain and Cyprus, on the composition of an international peace force drawn from North Atlantic Treaty Organization (NATO) countries, it was agreed, though reluctantly to approach the UN for a force established and controlled by the Security Council.

On 4 March 1964, the Security Council unanimously adopted resolution S/5575 authorising the Secretary-General to raise a peacekeeping force for Cyprus. The resolution required the force "in the interest of preserving international peace and security, to use its best efforts to prevent a reoccurence in fighting and as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions". The UNFICYP[-20] arrived in Cyprus towards the end of March 1964 and became fully operational by June. After over eighteen years the UNFICYP is still trying to achieve this objective.

It must not be forgotten that the Cyprus conflict was purely a domestic intrastate conflict between its two communities. But because of the strategic location of the Islands, it was deemed necessary, particularly by the West, to activate UN Peace Keeping force. Also worth noting is the fact that, like the ONUC, new developments within the country changed the original tasks of the force. For instance the coup detat of July 1974 by Greek Cypriot and Greek elements opposed to President Makkorios brought military intervention by Turkey whose troops subsequently established Turkish Cypriot control over, the Northern part of Cyprus. Today, the Cyprus dispute is very much alive and the UNFICYP continues to stand surely for the peace and security of the two communities.

3-5 United Nations Disengagement Observer Force (UNDOF) 1974

To complete the survey of some UN peacekeeping operations, it is worth-while to consider the UNDOF.[-21] This is a peacekeeping operation though the terminology is peculiar. The UNDOF was a compromise between two differing opinions of what the UN presence should be in the Golan Heights after the 1973 Yom Kippur War. Israel wanted a UN force of 2,000, while Syria opted for a total

of 500 observers since it did not want a buffer zone similar to that in the Sinai. The compromise which was eventually agreed upon was a "disengagement observer force" of 1200 soldiers[22] controlling a buffer zone of approximately two miles across the Golan Heights. Another interesting aspect of the UNDOF is the precedence whereby the parties to the dispute set down the parameters within which the UN has to carry out its mission. Thus the UN force has to work to a mandate prescribed by the Security Council but subject to physical and territorial limitations dictated by the Israelis and the Syrians.

After the 1973 Israeli - Arab War "Yom Kippur War" the Secretary-General took some preliminary actions to effect an agreement on the disengagement of forces between Israel and Syria. The military working group of the peace conference on the Middle East reached an agreement on disengagement of forces. On 29 May 1974, the Secretary-General informed the Security Council of the progress. On 30 May 1974, he transmitted to the Security Council the text of the Agreement of Disengagement and the Protocol thereto. The agreement provided for the strict observance of the cease-fire by the two parties and the separation of their forces according to an agreed plan. The protocol provided for the establishment of a United Nations Disengagement Observer Force to assist in the implimentation of the agreement. On 31 May 1974, after the agreement was signed, the Security Council adopted resolution 350 (1974) after noting the two reports of the Secretary-General and his statement. It was decided in the resolution to set up immediately under its authorization, a United Nations Disengagement Observer Force and requested the Secretary-General to take necessary steps to this effect. The disengagement process proceeded smoothly and was completed on 27 June 1974.

Since then the UNDOF has been supervising the area of separation and inspecting the area of limitation of armament and forces in accordance with the relevant provisions of the agreement and its protocol. The force is still working on the Golan Heights between Israel and Syria to help maintain international peace and security through the able guardiag of the Secretary-General.

Having surveyed some UN peacekeeping operations, it becomes necessary to examine the legal basis for these operations. This is to ascertain whether these various peacekeeping forces were properly set up under the provisions of the United Nations Charter.

3-6 Legal Basis for UN Peacekeeping Operations

(a) Charter Provision.

The constitutional basis of United Nations peacekeeping role is found in Articles 1(1), 24, 39, 41, and 42 of the Charter. The substantive legal basis is however in Article 1(1) which talks of taking "effective collective measures" for the prevention and removal of threats to the peace. Even with this clear provision, there is still problem in the procedure through which this power may be exercised. For instance is it only the Security Council which has the primary responsibility for the maintainance of international peace and security under Article 24 that can utilize this power? Or has the General Assembly too any competence to invoke the provision? As happened during the Suez crisis, the authority for the establishment of the UNEF emanated from the General Assembly and not the Security Council. Although the Uniting for Peace Resolution provision was used by the General Assembly, it shows that the Security Council is not the only organ that can take measures to maintain international peace and security. This will be enquired into further under part two of the legal basis for UN peacekeeping operations. As have been seen earlier in the last chapter,

the provision of Articles 10,11 and 12 of the United Nations Charter, give the General Assembly very wide powers. It is argued that "taking effective collective measure" for the prevention and removal of threats to the peace, will fall within the intention of those provisions even though the primary responsibility is vested in the Security Council by Article 24.

Article 39 of the UN charter gives specific authority to the Security Council to determine when Article 1(1) can operate i.e. existence of any threat to the peace, breach of the peace or act of aggr ssion. It is only after the provision of this Article is fulfilled can "measures" be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security. Article 41 dealts with taking provisional measures short of armed forces by the Security Council to prevent an aggravation of the situation while Article 42 goes beyond Article 41 by authorizing the Security Council to take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Article 42 suggests such actions as demonstrations, blockade and other operations by air, seas, and land forces of members of the United Nations. In terms of relationship between Articles 1(1) is the all embracing article with Articles 41/42 spelling out actions to be taken if the situations enumerated in Article 39 occure. Thus Article 39 can be said to be the controlling Article before the Security Council can operate to maintain international peace and Security. Since these articles expressly mentioned

the Security Council, the General Assembly need not wait till the provisions of Article 39 are satisfied before exercising its function under Article 10 and subsequent articles under which it functions. It is from these Articles that UN Peacekeeping operations derive their authority, together with the willing cooperation of members to honour their treaty obligation under Articles 25 and 43 of the UN Charter.

In practice, the break down in relations between the permanent members of the Security Council has frustrated the operation of these peacekeeping provision leaving only the General Assembly to decide the faith of world peace. That was the position during the Suez crisis of 1956 and the Congo problems of 1964. In the final analysis, it is the consent of both the host countries and troop contributing states that make the legality or otherwise of UN Forces established under the Charter [22].

(b) <u>The Uniting For Peace Resolution</u>

Another legal authority for UN forces is that derived from the General Assembly resolution 377 adopted at its 302nd plenary meeting of 3 November 1950. Divided into five parts with an annex, the members of the General Assembly resolved that:"

> "If the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of peace and security in any case where these appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed forces when necessary, to maintain or restore international peace and security".

The General Assembly th s arrogate to itself similar powers given to the Security Council under the Charter. This was properly use in the establishment of the UNEF and later part of the UNUC.

This resolution has been termed residual power in the General Assembly in the event that the Security Council fails to fulfil its primary responsibility in a given case. Another justification for the resolution or any possible action taken under it by the General Assembly can be found in Articles 10 and 11 (2) (4). As discussed above under Charter provision, Article 10 gives the General Assembly power to deal with any matter within the scope of the Charter or relating to the powers and functions of any organs provided for in the Charter. Article 11 (2) specifically gives the General Assembly power to discuss any questions relating to the maintenance of international peace and security brought before it while Article 11 (4) removes any limitation on the general scope of Article 10. Article 11 thus provides the basis for the assertion of the General Assembly's right to deal with "threat to the peace, breaches of the peace, and acts of aggression" whenever the Security Council is unable to discharge its primary responsibility for maintaining peace and Security hence the Uniting for Peace Resolution. It would appear that the resolution serves the dual purposes of enabling the organ to act not withstanding the great powers failure while leaving undisturbed the prevailing interpretation which holds that the Security Council has the monoply of taking collective measures as provided in Article 24.

Despite its simplicity, the Uniting for Peace Resolution has highlighted some financial problems in respect of paying for peacekeeping operations under the resolution. This was fully discussed in the advisory opinion of the International

Court of Justice in the Certain Expenses of the United Nations case [23].

The issue was raised by U.S.S.R. and some other socialist countries and France that the expenses of the UNEF and ONUC were unconstitutional because the forces were not established by the Security Council. Thus while rejecting the Uniting for Peace Resolution these countries maintained that any use of UN force must relate to enforcement action which can only be taken by the Security Council. Because of this, they maintained the expenditure were not expenses of the UN and as such they refused to pay their contributions thereto. The General Assembly thus sought the opinion of the ICJ on the interpretation of Article 17(2) of the Charter. In substance, the constitutional basis for the use of armed forces and the obligations of members were in issue and not merely the budgetary competence of the General Assembly in making resolutions authorizing expenditures for the operations concerned.

In its opinion, the ICJ stated that "when the organization takes action which warrants the assertion that it was appropriate for the fulfilment of one of the stated purposes of the United Nations, the presumption is that such action is not ultra vires the organization." The majority opinion held that the operations were in pursuance of the stated purposes and that member states were bound by the resolutions of the General Assembly authorizing the expenditures involved, which were "expenses of the organization" under Article 17(2) of the Charter. This provides that the expenses of the organization shall be borne by the members as apportioned by the General Assembly [24].

Today, the Charter provisions and the Uniting for Peace Resolution have been the legal basis for UN actions in the field of peacekeeping operation. As regards the latter, the General Assembly would require as an essential pre-requisite the backing of a sufficient number of members and weight of member states to assure the success of any given operation. More so as the recommendation of the General Assembly can now be enforced to achieve the purpose of the organization as opinioned by the ICJ in the Certain Expenses of the United Nations case, supra. Similarly, with its theoretical authority under the Charter, the Security Council may be left in substantially the same position as the General Assembly because of bloc interest conflicts/compromise. It must be borne in mind that there is a clear distinction between legitimate and management aspect of military operations. The Security Council and the General Assembly are capable of authorizing a UN force, but they can not manage it. It is the collective will for survival of member states that can make the teeth of UN 'bite".

With the examination of the evolution of peacekeeping, establishment of the United Nations and the Charter provisions particularly those dealing with legal basis for UN actions and the Uniting for Peace Resolution, this dissertation will now proceed to examine its primary area of study-peacekeeping operation in Lebanon.

Charter Three Foot Notes

1- These are, U.S.A (Largest Cojtingents and Forces Commander): Australia, Belgium, Canada, Columbia Cuba, Denmark, Ethiopia, France, Greece, India, Italy, Luxemburg, Netherlands, New Zealand, Norway, Phillippines, South Africa, South Korea, Sweden, Thailand, Turkey, and United Kingdom.

2- For more detail about UNFK see Michael Harbottle, The Blue Berets (1975) Leo Cooper Ltd, 138-144 PP.

3- See Bowett, D.W. United Nations Forces (1964) Stevens and Sons 61 P.

4- Canadian Secretary of State-Speech at World Afairs Conference in Montreal-21 November 1964.

- See also Boyd J.M. United Nation Peacekeeping Operations, A Military and Political Appraisial (1971) Preager Publishers, 10P.

5- See Alan J. The Politics of Peace Keeping

- See Also Bloomfield, L.P. The Power to keep peace Today in a world without war (1971) 11P.

6- See Higgins R. United Nations Peacekeeping 1946-1967 Documents and Commentry VO.I Middle East (1969) Oxford University Press 221PP.

7- See Boyd J.M. Op Cit at P17

8.- See Appendix 1 for full text.

9. These are Brazil, Canada, Colombia, Denmark, Finland, India, Indonesia, Norway, Sweden and Yugoslavia.

10.- UN Document A/6672 of 12 July 1967.

11.- For detail see Michael Harbottle Op Cit at P6-32

12.- See Boyd J/M Op Cit at P 7

See also Gordon King, UN in the Congo 1962 8-13 P

13. See Rikhye I J, Harbottle M, Egge B., The Thin Blue Line, Yale University Press (1974) PP 71-8.

- See also Congo 1960 Vol.I Les Dossiers du Crisp, 371- PP 459.

14- See Security Council Official Records 13th Year 887 Meeting 22 July 1960 Para 10-16.

15- Main Contingents from India, Morocco, Tunisia, Ethopia, Ghana, Nigeria, Malaya, Ireland, Indonesia, Sweden, Guinea, Mali, Pakistan, Eygpt, Sudan, Liberia.

16. He succeded Dag Hammarskjold who died in a plane crash in Ndola, Katanga Province on 18 September 1961 while on UN mission reagarding the ONUC - meeting with Moise Tshombe.

17- The Thin Blue Line Op Cit at P 97

18. Adams T.W. and confrell A J. The Cyprus conflict, (1963) Orbiz VIII spring PP 66-83

19.- See Boyd OP Cit at PP 22-26

20. Contingents from U K, Canada, Sweden, Denmark, Finland, Austria, Austrialia, New Zealand and Ireland.

21- From Austria, Peru, Canada and Poland

22- See Halderman J.W, Legal Basis of UN Armed Forces, AJIL VOL. 56 No 4 (1962) PP971-96

- See also Schachter on Legal Issues at the UN, Annual Review of UN Affairs 1960-1961 P142.

23- See ICJ Reports (1962) P151.

24- For Detail discussion of Article 17, See Goodrich, Hambro and Simons OP Cit at 148-167.

CHAPTER FOUR
THE LEBANESE SITUATION

4-1: Political Development.

The political development of the Lebanese situation though complex, can be viewed from three main angles, namely the political system, the intra-community rivalries and the external influence. These, though distinct, are interwoven and as such there is no clear cut line of demarcation in treating the political development in Lebanon prior to the introduction of the UN peacekeeping force in 1973. A thorough examination of the political development therefore becomes necessary for fuller understanding of the role the UN peacekeeping force was assigned.

During the French Mandate, a constitution was devised in 1926 which proved unworkable and was suspended in 1932[-1]. At independence in 1941, the various religious groups entered into a mutual convention on the principles to be adopted in running the government. This mutual convention was subsequently embodied in the Electoral Reform Bill of April 1960. Under the Bill, the distribution of seats among these religious groups was laid down. By the provision of this Bill, the Maronite Christains who constituted the largest group were to provide the President of the Republic, The Sunni Muslims, the Prime Minister; the Shii Muslims, the Speaker of the Chamber of Deputies. The others were given only representation in the Chamber which constituted the sole legislative power were as per table 4-1 below.

Table 4-1: Distribution of Deputies.

Religious Group	Number of Deputies	Remark
Maronite Christain	30	In addition to the President
Sunni Muslims	20	In addition to the Prime Minister
Shiia Muslims	19	In addition to the Speaker of House
Greek Orthodox	11	
Greek Catholic	6	
Druzes	6	
Armenian Orthodox	4	
Armenian Catholic	1	
Protestants	1	
Others	1	

It is interesting to note that the Chamber of Deputies as an electoral college chose the President of the Republic, while the President chose the Prime Minister. It should be p pointed out also that the Lebanese Army, the Donxieme Bureau and the Gendarmerie were mainly Maronites. This as shall be seen later, contributed significantly to making the development crisis very unique. Though initially, the Army kept aloof from politics, it could be counted on in a crisis to support the Maronite Presidency particularly to keep Lebanon neutral in Pan-Arab disputes. It should be noted also that the first wave of Palestinian refugees found santuary in South Lebanon after the creation of the state of Israel during this period.

The Lebanese government was run on this basis until the Sunni-Druze revolt of 1958. The basic causes of the revolt were the contention of the Sunni and Druze muslims that they were no longer adequately represented in the Chamber of Deputies. They consequently demanded a new census which was rejected by Maronites. They also proposed that Lebanon should join with Egypt, Syria and Iraq in taking a more Pan-Arab stance against Israel. Apart from rejecting these, President Camille Chamoun came up with the announcement that he planned to modify the 'mutual convention' to allow for the extension of his Presidency for a further six years after the expiration of his term in September 1958. This was after the success he had in the election of Deputies to the Chamber in June 1957[-2.] The proposed modification was unacceptable even to the majority of the Maronite Christains.

Violence eventually errupted when a prominent journalist, an opponent of President Chamoun was assasinated in May 1958. There was disorder and conflicts between those opposed to the pro-Western attitude of the Lebanese government and those afraid of the absorption of Lebanon into the framework of a larger Arab state. For ideological reasons, the Arab Baassists and Popular opposed Chamouns pro-Western inclinations. Many of the Lebanese peasants and lower classes based their dissatisfaction on the liberal rule focused on the cities and the social economic order. Support for President Chamoun came from conservative Arab busninessmen and prominent bankers, the middle class and cultured professionals. Thus by 1958 the battle line has become clear in Lebanese political life. Leading politicians both muslims and Christains who had become antagonists of President Chamoun had become increasingly convinced that he was responsible for the attempts made at destroying the basis of their influence in the 1957 election of Deputies to the Chamber.

To fully appreciate the Lebanese political developments, one has to look at events in the neighbouring Arab states. By 1957, instability was gaining ground in other countries of the Middle East[-3]. The Pro-British royal regime in Jordan was subjected to pressure through strong popular Arab feelings. This pressure was aimed at strengthening the link between Jordan and Egypt. Egypt at that time had just finished a war with Israel, Britain and France - the Suez crisis of 1956. The Jordan King, fearing the loss of his Kingdom decided to move against the populars. This tactics succeeded and he regained his authority.

Meanwhile, the popular and even communist direction was achieving politi al success in Syria by 1957. The U.S. and U.K. military presence[-4] around the Middle East were apparently showing their interests in the development in Lebanon and possibility of military intervention as subsequent event showed. By 1 February 1958 U.S./U.K. intervention in Lebanon became more apparent following the creation of the United Arab Republic (U.A.R.) by Egypt and Syria under the Presidency of Abdel Nasser. Though the U.A.R. was created on the initiative of Syria the U.S. feared that "Nasserism" would spread throughout the Middle East. There was also the constant suspicion that the U.S.S.R. were behind President Nasser.

These internal and external developments soon translated into an open revolt of the muslim factions against the government forces and also against the Christain factions. By May 1958, the Lebanese government was confronted with wide-spread insurrection in which the Muslim elements in the population were raged against the christain elements. President Chamoun had informed the U.S. Ambassador in Lebanon that he might be asking for foreign assistance.

The Lebanese government also charged the U.A.R. with supporting the Sunni/Druze muslims - thus interference in its internal affairs. The government took the intervention by the U.A.R. to the Arab League. A meeting of the Arab League was immediately convened but this failed to agree on a common course of action. Thereafter, President Chamoun was informed by the U.S. Ambassador that "the U.S. was ready to send forces to assist Lebanon in its military efforts to defend its independence according to a request from the Lebanese government." He said that President Eisenhower however noted that he will not send his forces to help maintain President Chamoun for another presidency term. By the end of May 1958, the U.S. Secretary of State confirmed that the situation in Lebanon called for the application of the Eisenhower Doctrine[-5] whether the communists were behind the revolt or not. He further declared that the U.S. reserves its right to intervene in Lebanon in accordance with Article 51 of the UN Charter/(right of self-defence). With the spreading of violence in Lebanon, U.S. planes were sent to Germany as a precautionary measures in case U.S. citizens were to be evacuated from Lebanon. Other U.S. military units in Europe were put in a state of alert while the 6th fleet moved towards the Lebanese coasts. On the morning of 14 July 1958, President Eisenhower decided to answer President Chamoun's "urgent request for assistance" and ordered the U.S. Marines to land in Lebanon. The fear of the possibility of severence of U.S. influence from a very strategic region of the globe was paramount and of concern to President Eisenhower[-6]. Other reasons advanced for this intervention were that if the U.S. did not act,

(a) President Nasser will control the entire region.
(b) The U.S. would not only loose its influence in the Arab countries of the Middle East, but in the whole region which would paralyse its military bases there.
(c) Its allies would question its attitude with limited assistance instead of direct intervention in Lebanon.

On 15 July 1958 in direct military intervention or operation in the Middle East the U.S. 6th fleet approached the Lebanese coast. Within weeks over 14,000 U.S. Marines were deployed on Lebanese territory.

Unfortunately, this intervention rather than help, complicated the social and political crisis in Lebanon. The muslims soon moved closer to reject the pro-west attitude of President Chamoun. The U.S.S.R. accused the U.S. of interference in Lebanese affairs and declared that the interventionemight have grave consequences. With these claims and counter claims, the Lebanese government raised the problem of support for Sunni/Druze muslims by the U.A.R. before the United Nations. After debate, the United Nations resolved to send an observer group to Lebanon. The United Nation Observer Group in Lebanon (UNOGIL) was sent to investigate and report on the "foreign support" for the Sunni/Druze muslim revolt alleged by President Chamoun. In their report, the UNOGIL could not confirm the alleged "foreign support"[-7].

Although President Chamoun succeeded in dealing with the revolt, there was still dissatisfaction within the Lebanese factions. It was not long when bloodless coup d'etat took place and the Lebanese Army Commander, General Fuad Shehab took over from President Chamoun to save the deteriorating situation. Though

a Maronite, General Shehab pledged to follow a more even handed policy between muslims and christains for the betterment of Lebanon and the Lebanese. He was a neutralist. Maronite who ruled from 1958 to 1964 with little or no outstanding crisis.

By September 1964, Charles Melon, politician and diplomat was elected the new President of Lebanon. During this interim peace, there were many reform moves and regrouping and realienments within the various factions in Lebanon. Particularl mention must be made here of the realignment into the 'right' by the christain co unities and 'left' by the Lebanese muslims which by then started to identify itself with the Arab cause and Palestinian refuge s in South Lebanon. The reform moves were geared towards the Lebanese political system in order to narrow the dividing lines between the muslims and the christains. These met with little or no success even with the somewhat peaceful atmosphere. It became apparent then that Lebanon would continue to be deluded by peace and stability as subsequent events show.

Some major political and military events took place before the civil war of 1975/76. These may be summarised chronologically as follows.

In 1967, there was the "six day" war[-8] between Israel on the one hand and the Arabs (Egypt, Syria and Jordan) on the other. This led to the arrival in Lebanon of the second wave of Palestinian refugees. The concentration of a large number of Palestinian refugees, many of them armed, soon gave birth to the formation of the Fatah,[-9] a military wing of Palestine Liberation Organization (PLO). Fatah sought to identify and project the Palestinian cause with Arabism.

By 1968, the Fatah which had its military bases located in Souht Lebanon soon began to raid Israeli territory from there. This led to a deterioration in relationship between Lebanon and Israel. In retaliation to the continued Fatah military activities, the Israeli airforce raided Beirut airport, causing great devastation. It then began to dawn on the Lebanese government that it might have to seek a curtailment of the Fatah action against Israel from its territory at least.

By 1969, there were clashes between the Lebanese Army and Fatah in South Lebanon. This soon led to to the government crisis of that year. The crisis gave birth to the Cairo Agreement of 3 November, 1969, which limited Fatah action against Israel from Lebanese territory[10].

Despite this agreement 1970 saw more Fatah actions. The Israelis stepped up their border retaliatory raids in South Lebanon. President Suleiyman Franjeih was elected in September 1970, and though a rightist, he started reform programmes to unite leftists and rightists factions in Lebanon. 1970 also the third wave of Palestinian refugees from Jordan as a result of the crack down on the Palestinian Commandos. These batches contained more militant elements who were later rorganised into small military units within the refugee camps in South Lebanon. Fighting between the Christains and the Muslims continued amidst strikes and demonstrations against unemployment. However, the Palestinian refugees and terrorists' activities remained Lebanon's major problem throughout 1970 and 1971.

By 1972, the reformed government of President Franjeih collapsed and Salam became the new President. This was followed by an increased radicalization of Lebanese left against the right. Israeli raids continued unabated and the villagers of South Lebanon bore the brunt of these raids. Soon their inhabitants

were able to secure aggreater measure of Lebanese Army control over terrorist activities. The killing of Israeli athletes at the Munich Olympic Games of that year led to Israeli ground and air attacks on terrorist bases in which the Lebanese Army suffered a number of casualties. The Lebanese government was unable to stop the Palestinian activities against Israel. This led to several clashes between the Lebanese Army and the Palestinians.

The Salam Government was unable to arrest the situation. He resigned in 1973 after the Israeli Commandos raided Palestinian Camps in Sidon and killed three Palestinian leaders in their home in the centre of Beirut. Dr Amin Hafez took over. There were demand from the 'left' for Lebanese Army action against Israel while the 'right' demanded curtailment of Palestinian activities. This eventually led to the second major clash between the Lebanese Army and the Palestinians, which resulted in the Melkart Accord between them. The accord restrained military activities of the Palestinians, but this was never respected by the Palestinians. Another significant event with effect on Lebanon was the 1973 Yom Kippur war between Egypt and Syria on the one hand and Israel. After the war, the Arab Summit in Cairo accorded the Palestine Liberation Organization (PLO) the sole representation of Palestine with bases in refugee camps in South Lebanon. This as would be expected added more fuel to the division betw en the pro-Palestinian Lebanese muslims and and their christain communities.

1974 came with more PLO clashes increased. On the home front the Hafez government was unable to settle the Sunni muslim claim for a greater share in the allocation of government

posts. The Christains formed and trained their own militias (the phalangists). The leftist on their part formed the Lebanese National Movement (LNM) to counter the Phalangist militia. Civil service reforms intended to overcome the sectarian nature of certain appointments were opposed by the Maronites who feared that they would lose posts traditionally reserved to their community. The Shiia muslims of South Lebanon also made demands for increased representation and more investment and developement in the South. By July 1974, there were clashes between the Palestinians and the Phalangists who continued to demand more government controls on terrorist activities. This brought more intensive Israeli shelling, air raids and incursion into Lebanon.

In October 1974, a new government was formed under Rashid Solh. Violence continued and finally erupting into a bloody clash between the Lebanese troops and the citizens of the port of Sidon.. The Cabinet split amid the granting of a muslim demand to confer citizenship to longtime Palestinian refugee residents of the country. Violence continued unabated both between the PLO militia and the Israeli and between the Phalangists and the PLO with the Lebanese National Movement

By May 1975, another Cabinet split brought the government of Rashid Solh down. He accused the Phalangist of provoking the internal struggles and said that either the Palestinians should have a larger share of power in the government of the sectarian basis of the construction of the Lebanese political system should be reviewed. As sparodic violence continued, the Phalagaist leader, Pierre Gemayel, continued to emphasize the need for the Lebanese government authority over the whole country

reflecting Christain fears of eventual muslim domination. With more violence, the President Franjiya called on a retired Brigadier, Naureddin Rifai to form a military government which contained only one civilian. He later took office on 23 May 1975 with support from the Phalangist, but left-wing and centre groups, together with Syria objections forced his resignation three days later. Rashid Karami, became the Prime Minister, for the eighth time.

The intensification of the split between the Muslim and Christain communities represented at their utmost by party militias, has now jeopardized the balance of government between the various religious groups in Lebanon. Hostility between the Muslims and the Christians has accentuated the difficulties in forming a representative government. Although traditionally the President is a Maronite christain and the Prime Minister a Sunni Muslim, the population balance in Lebanon has altered considerably since 1960 when the Electral Bill laid the basis for the country's government. The christain community feels that its basic security is threatened expecially as successive Lebanese government have been totally unable to exercise meaningful control over terrorist raids on Israeli by the PLO. The PLO militia has the advantage not only of strong support from other Arab states, but also of backing from the large muslim population in Lebanon and of the glaring weakness of the Lebanese Army to maintain law and order.

With more clashes between the Phalangists and the Palestinians, Rashid Karami broke the petternof compromise on which stability in Lebanon has previously depended by his decision to stand for President. He succeeded and formed a new government which

excluded progressive socialist and Phalangist representatives. This ushered in a short period of uneasy peace primarily because the generality of the Lebanese people could not predict the reaction of the Phalangists and the socialists. In the end, civil strife resulted in armed confrontation between the chriistains and muslims with PLO's support. The civil war had started with ravaging effects. The central government became weaker, the Army divided into three parts, thus leaving the PLO gurrillas in a stronger and more organised position. In the South, one faction of the Lebanese Army broke away as rightist De-facto Forces (DFF) to fight the "Joint Forces" of the PLO gurrillas.[11] The Phalangist in the North were fighting the muslims with another faction of the Lebanese Army as leftist. The left over of the Lebanese Army was paralized and ineffective to support the central government's efforts to settle the sectarian fightings.

Total breakup of Lebanon was saved by the intervention of the Arab League in form of a peacekeeping force to separate the various factions. It called for contribution of forces from member states to an Arab Deterrance Force (ADF). The ADF was to go into Lebanon and help the central government stop the fighting and restore law and order. Only Syria sent about 30,000 strong troops which were able to stop the fighting in the central and northern parts of Lebanon.[12] The ADF could not extend its influence beyond river Litani-Israeli "Red Line" The DFF were therefore free to form an 'alliance' with the IDF, thus bringing a new dimension to the Lebanese crisis. The general effect of this was more support to the PLO in South Lebanon (from the leftists and other Arab states). Thus by 1976 through 1977, the crisis in Lebanon has brought violence in all

sectors of national life. At this point in time, there operated in Lebanon numerous private armies, PLO joint forces and even the IDF.

As earlier stated the UN peace effort in Lebanon is unique because of the strug le within Lebanon and that between the PLO and the IDF on Lebanese territory. Having briefly examnined the political development in Lebanon prior to the establishment of UN peace effort, it becomes necessary to trace in outline, the history of the Palestinian wquestion.

4-2: The Palestinian Question

This is the term used in describing the comp'ex dispute between the Arabs and Jewish people in Palestin The origin of the problem, thOugh traceable to Biblical period, will be examined as from the first world war and subsequently.

Palestine had been for centuries a rather desolate part of the Turkish empire. To the Jew, the area represented a homeland from which they had been expelled, while to the christians and muslims, it was the land of the Holy Places. Palestine was conquered by the British during the first World War and was given mandate over the area by the League of Nations. During the fight against the Othman, the British made promises to the Arab Leaders that she will "recognize and support the independence of the Arabs in all the region within the limits demanded by the Sherf of Mecca".[13] On the other hand, the Jews were told that the British government viewed[-14],

> "With favour the establishment in Palestine of a National home for the Jewish people and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice rights of existing

> non-Jewish communities in Palestine
> or the rights and political status
> of Jews in other countries."

The term of the British mandate under the newly formed League of Nations included a restatement of the Belfour Declaration and provided that "an appropriate Jewish agency" should be established to advise and cooperate with the Palestine Administration in matters affecting the Jewish national home and to take part in the development of the country.

Things were working moderately well between the Arabs, who consituted 92 per cent of the population and owned 98 per cent of the land in Palestine, and the Jews under the British mandate. However, with increase in Jewish immigration, in the 1930's as a result of Hitler's anti-semitic policy in Germany, tensions between the Arabs and Jews increased sharply. Until that, only the Zionist organization, an extremely nationalistic Jewish minority actively pressed for an exclusively Jewish homeland in Palestine. In fact, the organization presented a memorandum to the Paris Peace Conference in 1919 settling for its territorial concept of the home as follows:

> "The whole of Palestine, Southern Lebanon including the towns of Tyre and Sidon, the headquarters of the Jordan river on MountHermon, and the Southern portion of the Litani river; the Golan Heights in Syria, including the town of Quneitra, the Yarmuk river and Al-Himmel hot springs; the whole of the Jordan valley, the deadsea, outskirts of Amman, thence in a Southerly direction along the Madjaz railway to the Gulf of Aqaba; in Egypt, from El Arish on the Mediterranean Coatt in a straight line in a Southerly direction to Sharun as Sheikh on the Gulf of Aqaba."

The League of Nations and the peace settlement did not accept these boundaries. The Arabs bitterly opposed the Belfour Declaration and Jewish immigration. They called for the prohibition aof land sales to Jews. Britain would neither accede to their demands not to Jewish claims to majority in Palestine. There awere intermittant outbreaks of Arab violence, notably in 1922 and 1929, which brought the Arabs into conflicts with Britain, the mandatory power. In 1936, there was an effective six-months general strike of the Arab population followed by a large scale rebellion which lasted until the outbreak of the Second World War. In 1939, Britain issued a White Paper which stated that it would not continue to develop the Jewish national home beyond the point already reached and announced that 75,000, more Jews should be admitted over five years and then Jewish immigration would cease. Were this honoured, it would have preserved Arab majority in Palestine and its Legislature. However, the world emotional context at the time was conditioned by the horrifying Nazi policy of exterminating the Jews. The Jews regarded the White Paper as a betrayal of the terms of the Mandate. An extraordinary Zionist Conference held in New York, May 1942 utterly rejected the White Paper and reformulated Zionist policy, concluding as follows:

> "The Conference urges that the gates of Palestine be opened; that the Jewish Agency be vested with control of immigration into Palestine and with the necessary authority for upbuilding the country, including the development of its unoccupied and uncultivated lands and that Palestine be established as a Jewish Commonwealth intergrated into the new structure of the democratic world."

This policy brought the Jews into head on collision with the Palestine Government before the Second World War was over.

The British was thus faced with Jewish violence on one hand and Arab rejection of the Jewish policy and British lukeworm attitude towards more Jewish immigrants on the other.

To resolve the issue, An Anglo-American Committee of Inquiry was set up at the instance of the UN in November 1945 to seek a compromise between the British Policy of restricted Jewish immigration and the demand of the United States that immigration barriers be lifted. On 20 April 1946 the Committee submitted ten recommendations which included:

(a) That 100,000 Jewish immigrantsbbe permitted to enter Palestine immediately.

(b) That Palestine should remain a mandate until it became a trust area under the UN, the status changing only when hostility disappeared.

(c) That Palestine should be neither Arab nor Jewish, but a state guarding the rights of muslims, Jews and Christains alike.

On the whole, the Committee's proposals were unacceptable to the Arabs and partially acceptabale to the Jews. The situation continued to deteriorate and the British, unwilling to take a positive stand against either contending factions and faced with an increasing economic and military burden of keeping order, requested in April 1947, that the UN General Assembly meet in special session to study the entire matter. Inspite of the objection of the Arab states, the General Assembly met on 28 April 1947 and following a considerable amount of time spent arguing over the agenda the question was referred to its First Committee where hearings were given to two non-governmental organizations the Jewish Agency for Palestine and the Arab Higher Committee. After much discussion, the United Nations Special Committee on Palestine (UNSCOP) was established on 15 May 1947.

It consisted of eleven non-permanenet members of the Security Council. UNSCOP had powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine. On 31 August 1947 the UNSCOP issued its report and proposed two plans, a majority plan for the partition of P Palestine into two states, one Jewish the other Arab, with economic union; and a majority plan for a Federal state. On 29 November 1947 the General Assembly made the following recommendations based largely on the painstaking report of UNSCOP:

(1) That the British mandate be terminated and Palestinian Independence granted at the earliest possible date.

(2) That a short transitional period precede the granting of independence to Palestine, during which time the UN would administer the area.

(3) That the sacred character of the Holy Places be preserved and a system established for settling impartially any disputes affecting religious rights.

(4) That the economic unity of Palestine be preserved.

(5) That the states whose national had enjoyed special privileges in Palestine renounce them.

In addition, the General Assembly adopted the UNSCOP majority plan by 33 votes for and 13 against with ten abstentions. The plan divided Palestine into six principal parts, three of which, comprising 56 per cent of the total area were reserved for the Jewish state and three, with the enclave of Jaffa, comprising 43 per cent of the area, for the Arab state.

It provided that Jerusalem would be an international zone administered by the UN as the Holy City for Jews, Muslims and Christains. A five-man Commission was established to prepare for the British withdrawal from Palestine which was expected by 1 August 1948. The administration of the area was to be gradually turned over to the Commission and it was to assist in the creation of provisional councils to govern the two new States.

But almost from its inception, the Commission encountered resistance from the Arabs and particularly from the British. Unwilling to antegonize the Arabs, the British held up the Commission's entry into Palestine until just prior to the mandate's termination which had been advanced to 15 May 1948. While the Jews accepted partition with serious reservations, the aArabs denounced it completely and armed clashes between them ensued and increased thereafter. The Security Council had been informed of the serious nature of the situation by the Commission in February 1948. The Security Council reacted by constituting its permanent members into a Committee with power to recommend what interim measure should be taken. The Committee reported that if " the mandate is terminated prior to a peaceful solution of the problem, large scale fighting between the two communities can be expected". It therefore submitted that the Security Council should take further action by all means available to it to bring about the immediate cessation of violence and the restoration of peace and order in Palestine.

A new dimension was brought into the problem by the change of the United State policy. Hitherto the US policy had been for partition and increased Jewish migration to Palestine. The change came when it began to doubt the success of the

partition plan. To back up this change, it suggested a temporary trusteeship for Palestine and called for a special session of the General Assembly to review the problem, the suspension of the Commission's efforts to implement partition, the issuance of a cease-fire in Palestine and the establishment of a truce . The Security Council acceded to the call for a cease-fire and mandated the Secretary-General to convoke a special session of the General Assembly. The General Assembly met from 16 April to 14 May 1948 but resolved not to abandon the partition plan. Instead it appointed Count Foke Bernadolte the President of the Swedish Red Cross, as the United Nations Mediator for Palestine to "promote a peaceful adjustment of the future situation of Palestine". Working with good intentions, Count Bernadolte tried to maintain a fragile cease-fire which was repeatedly violated by the Arabs and Jews alike each accusing the other of first doing so. Although this effort yielded no spectacular result, he was able to issue his first report which included a recommendation to alter the original partition plan in favour of the Arabs. But before this report could be considered by the General Assembly, he was assassinated by a Jewish armed band. All these efforts thereby yielded no fruits.

As mentioned earlier, the Arabs totally rejected the partition plan and showed their resentment with attacks on the Jewish community. The Jewish forces retaliated with dull-scale attacks. A complete breakdown of law and order ensued and by the time the mandate was terminated, well over 400,000 Arabs had evacuated their homes in Palestine to become refugees, in neighbouring Arab countries, including Lebanon. This was the begining of a trend which today had become a permanent feature of the Palestine question.

The mandate was relinguished by Britain at noon on 15 May 1948 and at one minute past noon, the state of Israel was officialy declared by the Jewish authority in Palestine. At eleven minutes past noon, the United State accorded recognition to the new state and immediately afterwards USSR did likewise. The Arab states belatedly came to the help of the Palestine Arabs by supplying them with troops and arms and ammunitions. Egyptian Airforce also helped during the war which is known to the Israelis as the War of Independence. Consequently, a full scale war between the Jews and Arab Palestinians ensued. In the end, the belated attempt to reverse the unilateral declaration of Independence failed. Instead, Israel was able to capture more territory from the Palestine Arabs, and in effect was left in possession of more territory than had been alloted to her under the UN partition plan. After the war, another 400,000 or so Palestinian Arabs fled from the additional territory captured by Israel. By the summer of 1949, fighting had virtually ceased, armistice agreement had been concluded by the Arab States with Israel through the Conciliation Commission established by the General Assembly. -15 The armistice was to be watched over by a United Nations, Truce Supervision Organization (UNTSO). UNTSO is still deployed in the area and provided the first UN Presence in the UN peacekeeping operation in March 1973 in Lebanon.

In May 1949, Israel became the fifty-ninth member of the United Nations but the armistice did not bring a final settlement. The city of Jerusalem remain divided until after the Six-Day War when the IDF captured the remaining half of the City. It was re-united and now the Capital of Israel. In all about one million Palestinian Arabs became refugess and to cater for them became a constant problem.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East was established to look after the refugees. Israel refused to accept the refugees who desired to return to their homes, arguing that repatriation would pose serious security problems for her since the lands from which the refugees fled were strategic border areas. And so it has been that the Palestinians remain permanent refugees in neighbouring Arab States, at least until the question is solved. There had been frequent frontier violations by the Palestinian refugees and sparodic violence and terrorism against the Jews both in Israel and at other parts of the world. All these are attempts to draw the world's attention to their plight. They became scattered in other Arab States, particularly Lebanon, Syria and Jordan - all bording Israel. Israel on its part continue to expand and establish new settlements ast it was able to subdue the combined armed forces of the Arabs in three subsequent wars in 1956, 1967 and 1973.

Since then, the United Nations has called on Israel to withdraw to the partition line and vacate occupied territories.[16] The key resolution to this effect is Resolution 242 adopted bt the Security Council on 22 November 1967. It states three fundamental principles. The first is the inadmissibility of the acquisition of territory by war. This principle required that Israel gain no territorial advantage by its occupation hence resolution 242 calls for the "withdrawal of Israel armed forces from territories occupied in the recent conflict". The second principle is "the need to work for a just and lasting peace in which every state in the area can live in security." This is in line with Articles 1 and 2 of the UN Charter. The third principle assets that "all member states, in their

acceptance of the Charters of the United Nations have undertaken a commitment to act in accordance with Articles 2(2) of the Charter." Despite these principles, the Palestanian Israeli problems are still with us today, the Israelis are only ready to withdraw after negotiations while the Arabs want withdrawal before any other part of the resolution can be implemented.

On its part the Palestinian Arabs grouped together to form the Palestine Liberation Organization (PLO) with a supreme organ called Palestinian National Assembly (PNA). The PNA meets in exile in other Arab Capital to review and plan for the return home of the Palestinian refugees. That is the major concern of the PLO and it does not matter how and what it costs them to achieve this end. The PNA approved a National Charter which provides ways nand means for the achievement of the PLOs goals.[17] Some of the key provisions of the National Charter states as follows:-

Articles I. Palestine is the homeland of the Palestinian Arab people, it is an idivisible part of the Arab homeland and the Palestinians people are an integral part of the Arabs Nation.
Article 2. Palestine with the boundaries it had during the British mandate is an indivisible territorial unit.
Article 5. The Palestinian are those Arab national who until 1947, normally resided in Palestine regardless of whether they were evicted from it or have stayed there. Anyone born, after that date, of a Palestinian afather whether inside Palestine or outside it, is also a Palestinian.
Article 6. The Jews who had normally resided in Palestine until the begining of the Zionist invasion will be considered Palestinians.

In all the National Charter did not mention anything about the existing state of Israel. Israel on the other hand termed the PLO a terrorist organization and so the problem remains

fluid and settlement not likely in the immediate near future.

As already pointed out in Chapter one, the inter-relationship of the Lebanese political development and the Palestinian question gave birth to a very weak central government in Lebanon. As again pointed out earlier in this chapter the end product of the constant wars between Israel and Iits Arab neighbours has been the emergence of more than one million Arab refugees most of which are now in Lebanon. But the violent conflicts continue and the result had been to make the Lebanese territories the "firm base" to operate against Israel by the PLOs military wing particularly Fatah. One of such operations resulted in open "invasion" of Lebanon by the IDF. This is termed the "Litani Operation"anand is the subject of the final part of this Chapter.

4-3. The Litani Operation (March 1978)

Israel, suspicious of the preponderance of Syrians in the ADF after the civil war in Lebanon, had publicly and throuth diplomatic channels established a "Red Line" in the vicinity of the Litani River. By this, the ADF were not allowed to deploy south of the river. As a result the fractional fighting continued and the ADF and Lebanese central government could not do anything. The breakdown of law and order continued. The PLO became fully established in the South with the central government and the DFF unable to control the PLO's activities.

On 11 March 1978, eleven Palestinian terrorists, allegedly from South Lebanon mounted an armed attack on a bus along the Haifa-Tel Aviv highway. Some Israelis were killed or wounded as a result of this action. As one of the Israelis standing operation procedure, retaliation was expected. Suprisingly, it did not come until four days later. Meanwhile, the Israeli Prime Minister, Mr Menachem Begin had addressed a press conference on 12 March 1978 about the attack. He stated inter alia:

> "The PLO is a Nazi movemant the basest ever to arise whose sole aim is to kill Jews. They never attack military installations: The come to kill civilians.... And these were the people who wrote the Palestinian Covenant and whom the Arab world at Rabat (in 1973) appointed the sole representative of the Palestinian people.... We shall not forget. And I can only call upon other nations not to forget that Nazi atrocity that was perpetrated upon our people Yesterday."

The following day a letter from the Israeli government was delivered to the Secretary-General by the representative of Israel, bringing the situation to the attention of the United Nation. In the letter, the Israeli government narrated the events of 11 March 1978.

World leaders and the Secretary-General had condemned the barbarous outrage in unequivocal and forthright terms. Unfortunately, the Israeli would not be contented with this, on the night of 14/15 March 1978, the "Litani Operation" was mounted. It was an invasion of South Lebanon by the IDF aimed against the PLO Joint Forces there, in retaliation for the armed attack of 11 March 1978. The detail of what happened was contained in a letter dated 15 March 1978 from the representative of Lebanon to the President of the Security Council. He briefly narrated to the President the course of the events of 14/15 March 1978. He further charged Israel of aggression against Lebanon by violating her soveriegnty over its territorial waters along the coastline from Tyre to Sido, of violating her airspace and actually attacking Lebanon. He maintained that there was no connection between Lebanon and the PLO armed attack of 11 March 1978 and that Lebanon was not responsible for the presence of the Palestinian bases in southern part of the country. He further recast the endeavours of Lebanon in trying to arrest the situation and finally asserted that the solution to the problem lies in

the withdrawal of Israeli Defence Forces from Lebanese territory. A similar letter was sent to the Secretary-General of the UN. Other countries, mostly Arabs and the PLO also wrote to the President of the Security Council and the Secretary-General of the situation in South Lebanon.

In Lebanon itself, little was known of the detail of the operation which involved approximately 30,000 Israeli troops. On 15 March 1978, the Chief of Staff of the IDF, General Gur announced the intention of creating a security belt of 10 kilometers linking the enclaves. This was the first public acknowledgement of Israeli policy in South Lebanon going to the 1950s. By 18 March 1978, the IDF had exceeded the 10 kilometers limit they had imposed for themselves, and by 19 March 1978, the Litani Operation was concluded. Israeli troops were deployed south of the Litani River.

In his own letter date 16 March 1978, to the President of the Security Council, the Secretary-General drew the attention of the members of Security Council to the communications he had received relating to the situation in Lebanon. He informed the Security Council of his willingness to lend any assistance to help overcome the difficulties in Lebanon. He further expressed his concern about:

> "The recent development in the area, the resulting loss of innocent civilianslives and the increased threat to international peace and Security. We have seen in these events a recurrence of the cycle of violence of provocation and response which has for so long brought tragedy to so many people. Every effort must clearly be made to put an end to the current crisis".

The Security Council met at the instance of the Lebanese government from 17 to 19 March to consider the situation in South Lebanon. In his address on 17 March 1978, Mr Ghassan Tueni, the Lebanese representative to the Security Council called on

the world body to let his people live stating[20]:

> "The Council is now convened to put an end to one of the most savage acts of agression, and I should like to emphasize that our main concern is that the United Nations should be enabled to uphold the spirit and letter of the Charter and prevent Israel from according itself the licence to take international law into its hands and act as a judge, jury, and executioner at one and the same time. Once more, in the name of Lebanon, I say here to the world, let my people live. Let us have peace security, a restoration of confidence in humanity and a better world order. Let us allow the United Nations to assume hereby its responsibilities."

Other members of the Security Council addressed the meeting and by the 19 of March there was a general conclusion that an urgent need existed for the insertion of disinterested impartial agency to separate the two belligerent forces. The Litani Operation thus became the final factor which made the United Nations set up a Special peacekeeping force for service in South Lebanon. Resolution 425 was adopted by the Security Council authorising the Secretary-General to submit within 24 hours reports on setting up a peacekeeping force in South Lebanon.

CHapter Four Footnotes

1- See the Europa Year Book 1975. A world Survey Vol.II Europa Publication Limited 910P.

2- See the Middle East and North Africa 1974-75, 21st Edition, Europa Publications 493PP.
See also William Quandt, America in Lebanon in 1958, How, what, Why?

3. See Barry Belkman and Steven Caplin Force without War, America Armed Forces a political weapon, Brooklings Institute publication.

4- U.S.A. 6th fleet was manoeuring East of the Mediterranean Sea and U.K. forces stationed in nearby Cyprus.

5- The doctrine was Formulated by President Eisenhower after the 1956 Suez, Crisis. It aimed at supporting (including armed force) Countries inthhe middle east threatened by communism and avoid U.S.S.R. take over.

6- See the White House Years, Waging Peace 1965.

7- See Rosalyn Higgings, UN Peace Keeping 1946-1967, Oxford University Press (1969) 535-603PP

8- So called because it lasted for approximately 6 days.

9- See Chapter 3 infra for detail.

10- See Middle East and North Africa OP Cit at P 497.

11. See Chapter Five infra for detail.

12. See last part of this chapter at P 76

13. See Mohammed El-Hadi Afifi, The Arabs and the UN (1964) Longman's Green and Co Ltd., 35P

14- The Belfour Declaration

- See also Document on Palestine, in the Middle East and North Africa 1974-75.
21st Edition, Europa Publication at 49PP.

15- Egypt - 24 February

Lebanon - 23 March

Jordan - 3 April

Syria - 30 July

16- See Generally, the Legal Status of the West Bank and Gaza (1982) United Nations New York

17- See the Palestinian National Chapter in Basic Political Documents of the Armed Palestinian Resistance Movement Leila S Kadi (ed) 1969) 137-141 PP.

18- UN Document S/12593, circulated as A/33/64-S/12593.

19- UN Document S/12.600

20- See Security Council Official Records S/PV 2071, 33rd Year 17 March 1978.

CHAPTER FIVE

SECURITY COUNCIL RESOLUTIONS 425 AND 426

At the peak of the Israeli invasion of Lebanon, there were about 30,000 IDF troops in South Lebanon. The Lebanese Government saw this invasion as a flagarant violation of her sovereignty and territorial integrity. On 17 March 1978, the government of Lebanon addressed a letter to the President of the Security Council referring to the invasion and requesting the Council to consider the situation with a view to calling on Israel to withdraw its forces from the Lebanese territory. On the same date, the Israeli government also sent a letter to the President of the Security Council narrating the rocket and artillery attacks on her northern border towns. She called on the Council to stop the PLO's attrocities against the Israelis. Copies of these letters were also sent to the Secretary-General of the UN. Consequently, he made a special report of the situation in the Middle East to the President of the Security Council, and called on him to convene a meeting of the Security Council. This was done in addition to the then current members, the representatives of the countries[-1] which have interest in the matter were invited under Article 31 of the UN Charter. They were to participate without vote in the discussion of the item entitled "The situation in the Middle East." The representative of the PLO was also invited to participate but as an observer.

During the discussion, most of the representatives condemned the Israeli invasion and called for the immediate withdrawal of foreign troops from the Lebanese territory. It was unanimously agreed that there was need for the UN presence to help with

the Israeli withdrawal. There was however, disagreement as to whether, enforcement action should be taken against Israel or whether mere observer or peacekeeping force will suffice. While the majority were in favour of peacekeeping force, the representatives of China, USSR and Czechoslovakia were opposed to it. They contended that only enforcement action could be taken but that the situation is South Lebanon did not call for such action. This position was reflected in the voting on resolution 425 of 19 March 1978. It was adopted by 12 votes[-2] to none with Czechoslovakia and USSR abstaining while China who was present during the discussion did not participate in the voting.

Resolution 425 reviewed the situation in the Middle East and its consequences to the maintenance of international peace and security. It called for respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries. It further called on Israel to immediate[ly] cease its military action against the Lebanese territorial integrity. The Security Council then "decided" in the same resolution that:

> "In the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations Interim Force for Southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from member States".

It concluded by requesting the Secretary-General to report to the Security Council within 24 hours on the implementation of the resolution.

Pursuance to this request, the Secretary-General submitted his report[-3] which formed the basis for the discussion on the implementation of Resolution 425. The report was submitted for discussion at the 2075th meeting of the Security Council together with a draft resolution for its adoption. It is interesting to note some of the views of the Security Council members on the report. Mr. Lai Ya-li (China) refused to vote for the adoption of the report. He maintained "We of course cannot undertake to pay any expenses for sending the interim force". The USSR position was that of protecting the victims of agression and that of observing the principles[-4] of the Charter that determine the procedure for the use of the UN peacekeeping force to maintain international peace and security. Its representative, Mr Troyanovsky then made reservations on a member of provisions relating to the arrangements for the establishment and the functioning of the force. He maintained that "in view of the request made by the Government of Lebanon, the Soviet delegation will not impede adoption of the draft resolution; we shall abstain from voting on it." He went further to insist that the Secretary-General must obtain the consent of the Security Council in the choice of the countries which will provide contigents to the force. Finally, he said, "as for the aspects of the report that relate to the financing of this peace-keeping operation, the Soviet delegation feels it necessary to stress once again that the costs to be incured in connection with the consequence of Israeli agression against Lebanon, including the cost of dispatching

troops to Southern Lebanon should be defrayed by the aggressor - Israel." The Czechoslovakian delegation agreed with the Soviet position and called for the condemnation of Israel as the agressor. The Kuwait delegation supported the peacekeeping force because, "it is the understanding of the Government of Kuwait that the deployment of UN forces will promote the restoration of Lebanese sovereignty and that the presence of those forces is conditioned on the agreement and consent of the Government of Lebanon. It is also the understanding of the delegation of Kuwait that the deployment of these forces will enhance the chances of the attainment of the people of Palestine of their national rights."

The US representative on behalf of his government maintained that "the costs of the force shall be considered as expenses of the organization to be borne by members in accordance with Article 17(2) of the UN Charter." When the vote was taken on the adoption of the report, the Council voted 12-2 in favour, none against Czechoslovakia and USSR abstaining while China did not participate in the voting. This adoption was as Resolution 426 of 19 March 1978. The report dealt to a great extend on the composition, mandates, equipments, finance and other administrative arrangements of the force. These will be discussed in detail shortly. Resolutions 425 and 426, both of 19 March 1978 together are the enabling resolutions for the establishment of the UNIFIL.

5-1: Mandates of the UNIFIL

The mandates of the UNIFIL as contained in the report of the Secretary-General can be summarised as follows:

(a) To confirm the withdrawal of Israeli forces, restore international peace and security and assist the government of Lebanon in ensuring the return of its effective authority in the area.

(b) To establish and maintain itself in an area of operation to be defined in the light of (a) above.

(c) To use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation is not utilized for hostile activities of any kind.

For the fulfilment of its mandates, the UNIFIL had the cooperation of the military observers of UNTSO, normally based in Jerusalem, who kept watch over the ADL. The UNIFIL was to be guided by the Guidelines used by the UNEF.

According to these guidelines, the force should be under the command of the UN vested in the Secretary-General under the authority of the Security Council. To this end, a Force Commander (FC)[-5] was appointed by the Secretary-General with the consent of the Security Council. The FC is to exercise command in the field and be reponsible to the Secretary-General. In addition, all matters which may affect the nature of the continued effective functioning of the force are required to be referred to the Security Council for its decision.

As regards movement and communication, the force and its personnel are to be granted all relevant privileges and immunities provided for by the convention on the Privileges and Immunities of UN[-6].

The force was to be composed of contigents provided by selected countries upon the request of the Secretary-General. The accepted principle of equitable geographic representation

should be borne in mind in selecting the contributory countries. Other conditions to be fulfiled include consultation with the Security Council and the parties concerned.

It was also provided that the force should be impartial while weapons are required to be of defensive character. No force is to be used except in self defence which include resistance to attempts by forceful means to prevent it from discharging its duties under the mandates.

The supporting personnel of the force were to come from existing UN staff.

It was generally considered that for the force to be effective, it had to have at all times the full confidence and backing of the Security Council especially with respect to finance. It had to operate with full cooperation of all the parties concerned and it must function as an integrated and efficient military unit. However, it should be pointed out that the UNIFIL was not established to take over the responsibilities of the Lebanese Government.

In a country without competent authority and with various warring groups within its AO, the UNIFIL had a big task and initial difficulties. Paramount amongst these was the determinatin of the areas of operations for the UNIFIL. The parties had different interpretation of this. As far as the Israelis were concerned, the AO include Tyre, Nabatiya, Hasboya, and Kasmiya bridge but not the enclaves which border Israel's northern parts dnd stretching for about 20 to 30 kilometres into Lebanon[-7]. For the Lebanese Government, the UNIFIL AO comprises the whole of South Lebanon including Tyre. The PLO inisted that the UNIFIL AO should be Southern Lebanon less Tyre and Kasmiya bridge. Lastly, the UNIFIL itself considered its AO as including all the areas that the IDF physically used or held. This means all the areas South of Litani

River excluding only Tyre. A compromise was however reached and by the time of its full deployment in September 1978, the UNIFIL AO covers South Lebanon less Tyre, Kismaya, Nabatiya, Hasbayya and the enclaves[8].

Other initial difficulties include control of the PLO personnel with the AO and the decision as to who should be allowed generally with the AO. It was agreed between the parties that Lebanese with Lebanese identity cards and Palestinians with Lebanese identity cards should enter the AO so long as they are not in uniform or carrying arms. Further problem areas will be discussed when assessing the role of the UNIFIL in maintaining international peace and security in the area in the next chapter.

5-2: Composition and Strength of the UNIFIL

Section 10 of the Principles and Procedures for the Mounting of UN Peacekeeping Operations [9] states that "the composition of any peacekeeping force depends on the typology of the conflict, the extent and character of the terrain and the national acceptability by the host country." The force must also fall under any of the following headings:

a. Internal pacification.
b. Buffer force.
c. Border patrol.
d. Observation, armistice or ceasefire lines.
e. Enforcement action.

The UNIFIL Operation is a combination of internal pacification and Buffer force. As an internal pacification force, it was to help stop fractional fighting and restore Lebanese central authority in South Lebanon. And as a buffer force, it was mandated to stop all military activities by the PLO and Israel.

As was pointed out in Chapter Four, there were various armed elements in South Lebanon which were not under any effective central command. These armed elements were equipped with modern weapons. In such a situation where in addition there was no stable government responsible for their actions, the guidelines that the UNIFIL should use minimum force and only use weapons for personal protection aroused great concern on how the force would be composed of in order to successfully carry out its mandates. By the Secretary-General's reports, the force should consist of infantry battalions with light self-defence weapons. Due to the situation in South Lebanon, each contigent should also be equipped with a limited number of scout cars and armoured personnel carriers (APC) carrying medium weapons. Also considering the mountainous terrain and poor road network, an air element consisting of helicopters was included in the composition of the force. It became necessary therefore, for the contributing countries to be able to provide units with the desired equipments and weapons.

With due regard to the above consideration, the UNIFIL started operation with 4,000 troops contributed by nine member states of United Nations. France, Fiji Islands, Iran, Ireland, Nepal, Nigeria, Norway and Senegal provided an infantry battalion each while logistic elements were further provided by Norway and France. In addition to a reinforced battalion and maintenance company, the Norwegian government also supplied a Medical Comapny and a helicopter detachment[10]. Canada the Ninth country provided a group of signal technicians to cater for the initial communication requirements. They were subsequently withdrawn in favour of Irish signal technicians. Some countries were unable initially to provide their units with some of the desired equipments such as the APC's, scout cars fitted with medium weapons, VHF radios and

transport. This inability subsequently caused some logistical problems and was a factor which was taken into consideration in the deployment of the contigents.

During the arrival of the advance elements of the troops at the AO, it became apparent that a force of 4,000 will not be enough. This is so because of the topography of South Lebanon; the establishment of large number of static observation posts and road blocks; constant patrolling and the re-supply problems created by the wide dispersal of troops on the ground. Aftrr discussion with the FC, the visiting Secretary-General in April 1978 made recommendation to the Security Council for an increase of the force to 6,000 troops. The Security Council adopted resolution 427 of 3 May 1978 approving the increase as requested by the Secretary-Generql.

Having completed all these preliminary requirements, plans were formulated to place the force on the ground immediately. In this respect, observers of Israeli/Lebanese mixed Armistic com ission (ILMAC) which had remained in their observation posts along the ADL provided an immediate symbolic presence of the UNIFIL. Although the resoultion for the establishment of the UNIFIL was adopted on 19 March 1978, the arrival of the forces did not start until 22 March 1978. This was due to last minute diplomatic shuttling between the Israeli and the Lebanese Governments and the FC on the modalities of operation, ceasefire arrangements, timing of withdrawal and the understanding and interpretation of Resolutions 425 and 426 earlier discussed. Apart from meeting the Israeli and Lebanese officials, meetings were also held with S Syrians to solicite their support especially on problems associated with the PLO and support for the UNIFIL operation generally.

One reinforced Iranian company from the UNDOF and one reinforced Swedish company from the UNEF II together with Movement Control and Signal Detachments of Canadian logistic from the UNEF II were temporaily transferred to the UNIFIL. They arrived on the night of 22 March 1978 together with the advance party of the French contingents. These formed the nucleus of the UNIFIL presence in South Lebanon. They provided the contingents with a liaison link to the ambryo UNIFIL Headquarters. They met the new contingents as they arrived from their home countries, and guided them into their AOs. In some cases, these elements were deployed on the ground within hours of their arrival in South Lebanon. Additionally, they established liaison calls with the various belligerant factions while continuing to man the five ILMAC observation posts along the Israeli Lebanese ADL. The observers also served as escorts/guides for the battalions as they arrived and as Headquarters staff in all sections until the permanent staff from the contributing troops arrived in the middle to late April 1978. Choronologically, the arrival of the main force were as follows:

1. The French between 23 March and 6 April 1978.
2. The Norwagean between 26 March and 2 April 1978.
3. The Nepalese between 11 April and 16 April 1978.
4. The Senegalese between 27 April and 30 April 1978.
5. The Nigerian between 12 May and 19 May 1978.
6. The Irish between 23 May and 10 June 1978.
7. The Fijian between 3 June and 8 June 1978.
8. The Iranian between 9 June and 11 June 1978.

5-3: Deployment of the UNIFIL

On the delineation of AO , Israel specified that the UNIFIL should occupy and control the three strategic bridges on the Litani

River, namely, the Khardela in the northern actor, the Akiya in the central sector and the Kasmiya in the western sector. To do this, a determination had to be made on whether the Israelis actually occupied the bridges. In reviewing this it was decided that although the Israeli did not physically occupy the Akiya and Khardela bridges, they did occupy a dominating position and in the military sense did control them. The UNIFIL was accordingly able to reach an agreement that allowed occupation of the two bridges. As for the Kasmiya bridge, the Israeli were unable to occupy or gain tactical control of it. On the contrary, the PLO insisted that they had won a major battle to maintain the bridge and were not prepared to hand it over to the UNIFIL. The only concession was on Tyre, where the PLO agreed to the UNIFIL's presence in Tyre barracks. In "retaliation" to this PLO's claim, the Israelis asserted that they themselves did not occupy the enclaves during the Litani Operation and accordingly would not agree to the UNIFIL deployment in these areas. Subsequently, the Israelis handed over its control of the enclaves to the christian armed elements in South Lebanon - the De Facto Forces (DFF) which is discussed in detail later in this chapter.

With the acceptance of these conditions, the UNIFIL proceeded to be deploy as the Israelis withdrew gradually on 11, 14, 30 April and 13 June 1978. During the first four months, the force was subject to six changes.

(a) First Deployment. Between 23 and 26 March 1978, the Iranian reinforced company occupied positions south of the Litani River in the central sector near the Akiya bridge. The advance party of the French battalion

occupied positions south of the Litani on the western sector while the Swedish reinforced company was deployed east of the Litani in the northeastern sector.

(b) Second Deployment. On 11 April, the first phase of the Israeli withdrawal took place in areas east and south of the Litani. By this date the Norwegian battalion had taken over positions in the north eastern sector and replaced the Swedish company which was now redeployed to the west central sector. The Iranian company remiained in its positions around the Akiya bridge area. The French battalion remained in the western sector around Tyre.

(c) Third Deployment. The second phase of the Israeli withdrawal took place on 14 April in the Akiya bridge area. The same day, the Nepalese battalion took over positions east of the Akiya and Khardela bridge areas, south and east of the Litani.

(d) Fourth Deployment. On 30 April, the third phase of the Israeli withdrawal took place in the central area. The same day the Senegalese battalion were deployed in the western sector east of Tyre.

(e) Fifth Deployment. On 12 May, the Nigerian battalion took over positions from the Senegalese battalion and the Swedish company. The Swedish company left the area of operation on 17 May 1978. Between 1 and 12 June, the Irish battalion took over positions in the western sector from the French battalion which was then redeployed to the central area. The Iranian battalion were deployed south of the Litani near the Akiya bridge in positions

which were occupied by the Iranian company. The Nepalese battalion and the Norwegian battalion were deployed in the north eastern sector.

(f) Sixth Deployment. On 13 June, the final Israeli withdrawal took place. The positions held by the Israeli at that time were within the areas already occupied by the French, Irish, Nepalese and Norwegian battalions. Although, as already pointed out, the Israeli positions within the enclave had been handed over to the DFF, the UNIFIL succeeded in establishing restricted positions within the enclave in addition to the five former UNTSO positions.

Thereafter, the French logistic component without its engineer unit was located at Naquoura. The Norwagian logistic component was deployed in Tibnin and Naquora. This brought the total number of contributing countries to thirteen including a battalion from Lebanon itself [11]. A guard detachment was situated in Tyre barracks on rotational basis from all the battalions with the UNIFIL.

On the question of location of the UNIFIL Headquarters, there were not enough information available to the Secretary-General at the planning stage to make a positive decision on this. Subsequently however, consideration was given to Tyre, Zahrani and Naquoura.

Tyre. The port city is a heavily congested area and there was no concrete information on the states of affairs in the city. It would have been impossible to set up a headquarters at this location which has a heavy concentration of the PLO. The Lebanese Army barracks in Tyre was also considered but found inadequate.

Zahrani. This is about 40 kilometres north of Tyre. It initially appeard that the city would be ideal for the UNIFIL's headquarters. Sidon which is only a few kilometres

north would be able to meet accommodation requirement for the civilian staff. However two major factors militated against the city. These were the security of the UNIFIL's line of communication and the presence of elements of the Arab Deterrant Force on one floor of the main building in the compound being considered. The compound was offered by the Tapline Oil Company free of charge. The Secretary General considered these factors and made unsuccessful diplomatic contacts to effect ther removal of the Arab Deterrant Force from the compound.

Naquoura. This consisted of the Lebanese government customs compound used as an out station by ILMAC. Accommodation and communication facilities were inadequate for the functioning of an effective operational headquarters.

After considering these three locations a decision was subsequently taken in favour of Naqoura. Accommodation were secured in Nahiriya-Israel, about 20 kilometres from Naqoura for the civilian staff and some military staff of the Headquarters. The others were occupied in prefabrications and the custom buildings.

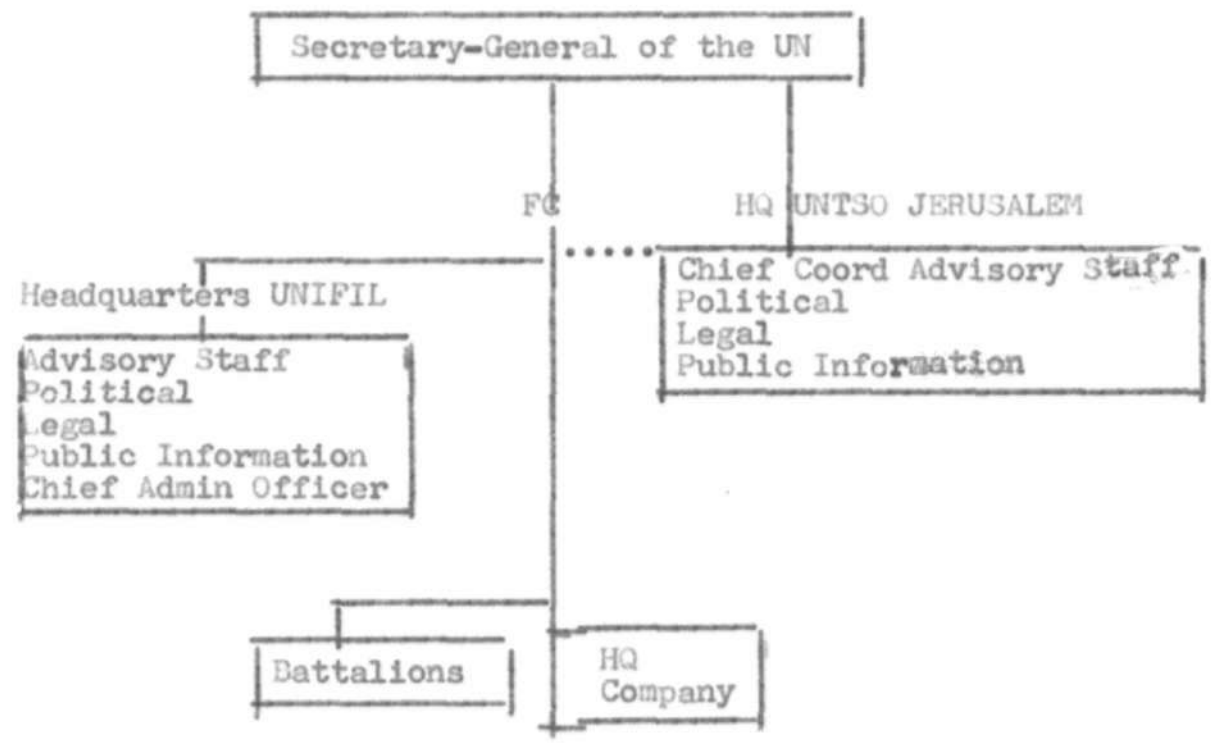
5-4: Organization of the UNIFIL

With a Headquarters and the troops deployed, the command and control of the force is carried out by the FC under the supervision of the Secretary-General of the UN. The political, economical and adminstrative commands are exercised by the Secretary-General as directed by the Security Council. The tactical and "negotiation on the spot" aspect of the UNIFIL is carried out by the Commanding Officers (COs) of the battalions as directed by the FC. For easy administration, all basic rules regarding command and control are found in what is called the UNIFIL Standing Operational Procedures (SOP). Some

of the important procedures will be discussed later while assessing the work of the UNIFIL as carried out by the Nigerian Battalion (NIBATT).

The organization chart of the UNIFIL is as contained in figures I and II. These deal with the UNIFIL Organization and the Headquarters' Establishment respectively.

Fig 1: Organization of the UNIFIL

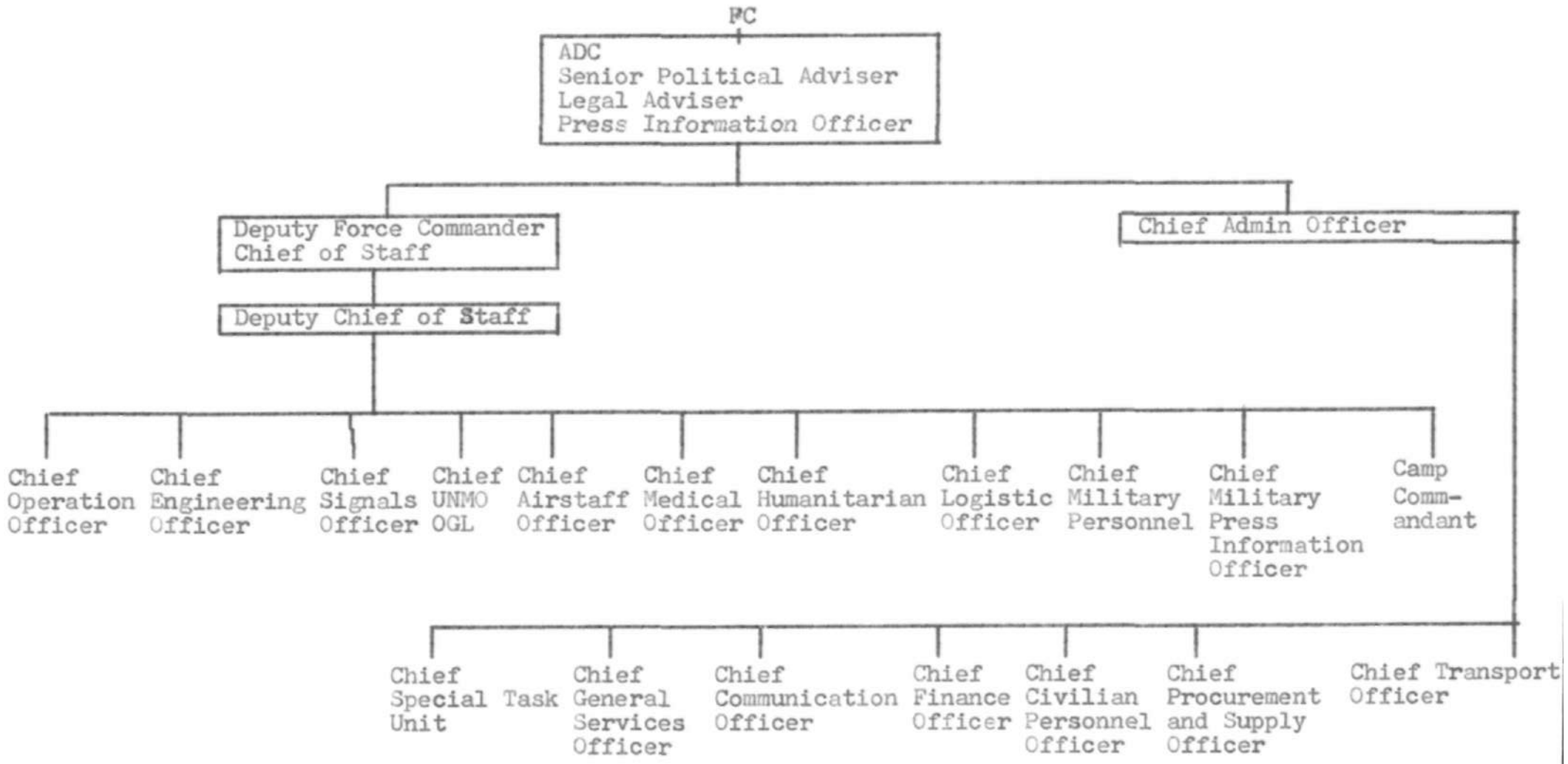


Note.

_____ Line of Command.

..... Line of Coordination.

Fig II: The UNIFIL HQ Establishment



Note: The duties and responsibilities of these officers are contained in the UNIFIL SOP.

5-5: Modus Operandi of the UNIFIL

The UNIFIL by its very name was envisaged as a force of limited duration. Yet by the end of its first week of existence, factors were begining to emerge that would militate against this notion. The UNIFIL had come to South Lebanon with one of its missions being to assist in re-establishing the Lebanese Government authority in the South. However, the various belligerent factions owed no allegiance to the Lebanese Government. In the case of the Christian Militias in the south, though Major Saad Haddad[12] was provisionally recognised by the Lebanese Government as the De facto Commander of the Lebanese forces in the south, he did not take orders from the Government and this did not make the UNIFIL mission easy.

The modus operandi of the UNIFIL was first to make contact with the parties[13] in order to secure their cooperation in carrying out its operational activities. Thereafter, the UNIFIL is engaged in the following operational activities:

a. Manning check points or road blocks (CP/RB).

b. Manning observation posts (OP).

c. Patrols.

In practical terms, the UNIFIL was not to allow the parties to make contact with one another. The operational activities will be further examined in the next section within the NIBATT AO.

In addition to these operational activities, the UNIFIL through the Observer Group Lebanon (OGL) provides altogether six two-man continuous liaison teams between the UNIFIL and the parties. Teams Tyre, Sierra and Romeo deal with the PLO to resolve clashes. Local commanders at platoon or company levels also are to talk to the local commanders of the PLO on the ground. In serious cases such as for major cease-fire , the

UNIFIL headquaeters instructs the Chairman of the ILMAC in Beirut to take the matter up with the PLO office there. Similar arrangements existed with the IDF and DFF. Team Zule is mobile, patrolling the enclave and in constant contact with Major Haddad. Team Metulla in Metulla is co-located with the IDF liaison office. Together with Team X-ray, they help arrange cease-fire when necessary with the IDF and DFF. Team X-ray also conducts liaison functions with the PLO and other armed elements in the Chateau de Beaufort and Nabatiya areas.

To fully understand the difficulty facing the UNIFIL in respect of contact with the parties, it is partinent to further examine the composition of the parties in South Lebanon. Broadly, they can be grouped into two camps, viz thèse in sympathy with the PLO and those oppose to it. The parties will now be examined from the two camps.

First is the PLO which is composed of Seven major groups. It is a focus for the major Palestinian groups and includes FATEH (Conquest); SAI QA (the thunderbolt); Popular Front for Liberation of Palestine (PFLP); PFLP General Command; Popular Democratic Front for the Liberation of Palestine (PDFLP); Arab Liberation Front (ALF); and Palestinian Popular Struggle Front (PPSF). Apart from these, there are other radical groups under the umbrella of the "Rejection Front".

In sympathy with the PLO groups is the Lebanese National Movement (LNM) created to unite all the leftist radical groups in Lebanon which fought with the Palestinians against the rightist factions discussed in Chapter Four. Under the LNM organization and grouping are Progressive Socialist Party (PSP), Organization for Communist Action in Lebanon (OCAL), National Syrian Social

Party (NSSP), Lebanese Communist Party (LCP), Baath Party (Pro Iraqi) and Nasserite Organization (the Murabitun). Another group is the Arab Lebanese Army (ALA) which was a part of the former regular Lebanese Army which split into the left and right factions in 1976 after the civil war.

The PLO and the LNM together established the Palestinian and Lebanese Progressive Forces (Joint Forces): It was these forces that fought against the IDF during the Litani Operation discussed in the last chapter. It is under this denomination that was gathered a heterogeneous grouping of Palestinian and Lebanese fighters, often with political tendencies very far apart. It is difficult to explain the exact location of each group but the general situation is that they are in the western area from the sea to Nabatiyah and northeastern area toward the Syrian border.

The second camp is composed of the IDF and DDF, which are radically opposed to the PLO. The establishment of the christian enclave in South Lebanon by Israel, shows the type of cooperation that exist between the IDF and DFF. The inhabitants of the enclave, apart from the christians also include thousands of Lebanese muslims of South Lebanon. As pointed out in Chapter Four, the Israeli northern border settlements were vulnerable targets to the PLO infiltration, shelling and attacks from South Lebanon. The IDF therefore felt the need to evict the PLO from the areas close to the Israeli northern border and to ensure an area of security in that region.

After Operation Litani, the IDF agreed to abide by Resolution 425 of the Security Council but in phases. The first two phases of the IDF withdrawal went smoothly but contrary to the UN expectation, the IDF on 13 June 1978 withdrew from their final holding,

the enclave, handing it over to Major Haddad[12] instead of to the UNIFIL. The IDF justified their action with the contention that the enclave was not covered by Resolution 425. Besides, the IDF held that Major Haddad and his forces could conveniently be depicted as representatives of the Lebanese Government in the absence of any other Lebanese Government representative in the area. This IDF interpretation can not be defended if the UNIFIL was to fulfil one of its mandates of restoring the effective control of the Central Lebanese Government in the whole of South Lebanon. This is because Major Haddad will not allow the Lebanese Government to take over the enclave. At the same time, the UNIFIL has no free control in the area. Although Major Haddad and his forces are there in the enclave, they do not have any legal authority from the Central Lebanese Government.

With the active support from the IDF, the 2,200 man strong DFF exercise full control over the enclave thus making it free from the PLO activities and to some extend the UNIFIL. However, the IDF move freely in the enclave and infact have permanent guns and observation positions called "permanent violation." The activities of the UNIFIL in the enclave are controlled by restrictions made by the DFF. For instance, the roads in the enclave are only opened three times in a week[14] and movement must be between six in the morning and six in the evening. Also the UNIFIL personnel using the enclave must not carry arms and must fly the UN flag.

Another group worth mentioning is the AMAL AL AMAL (Movement of the deprived) shorten as AMAL. AMAL is a Lebanese shii muslim grouping which does not belong to the PLO or LNM camp. They are armed elements that want to gain more influence and

to be considered by the Lebanese Government as a force to reckon with. AMAL is an independent organization in South Lebanon. Its members act more like militias to provide extra security in their village for fear of the PLO and LNM attacks against their members.

These are the various parties that the UNIFIL has to deal with in carrying out its mandates in South Lebanon. In addition to meeting these various militia grouping, the UNIFIL also deal with the local people. This it does through its humanitarian aids in the provision of social amenities as water, electricity, housing and health services. An examination of these humanitarian works by the UNIFIL will be carried out in the next chapter.

5-6: <u>The Nigerian Battalion (NIBATT)</u>

From the organization of the UNIFIL, the operational activities are controlled by the FC through the UNIFIL operation branch (UNIFIL OPS). The UNIFIL OPS has direct links with all the battalions in the AO of the UNIFIL. The battalions report activities in their AOs as they occur, to the UNIFIL OPS. Duty officers at UNIFIL OPS brief the FC and also prepare reports to the Secretary-General in New York every twelve hours.

The NIBATT is the Nigerian contribution to the UN Peacekeeping Operation in South Lebanon. Another similar operation was the NICON in TChad under the OAU. NICON unlike NIBATT consisted of over three battalions and worked for under one year in TChad. NICON cannot be compared with NIBATT because it was the first attempt by the OAU to organize a peacekeeping force by Africans for operation in Africa. Suffice it to say that NICON had a lot to learn from NIBATT, for instance, preparation for peacekeeping operation, type of equipments for a peacekeeping force and need for training in peacekeeping operational activities.[15]

Although the Federal Government of Nigeria has since withdrawn the NIBATT, its organization and work in the UNIFIL AO will now be examined. The procedures discussed herein are applicable to the other battalions[16] in carrying out their operational activities.

Nigeria was a member of the Security Council during the adoption of resolutions 425 and 426. She volunteered to contribute a battalion strength of 697 troops of all ranks to the UNIFIL. This was accepted by the Security Council and the parties to the conflict in South Lebanon. Upon acceptance of the Nigeria's letter of preparedness to contribute troops, a copy of Aide-Memoire[17] was sent to the Government of Nigeria.

Using the Aide-Memoire, the Nigerian Army, on instruction from the then Federal Military Government, began preparation for movement to South Lebanon. The Aide-Memoire delt in detail with all requirements necessary to enable the Nigerian Army organize a countingent which was entirely self-sufficient and capable of supporting itself administratively, logistically and operationally for the duration of the mission, which was six month in the first instance. In addition to these provisions, the Aide-Memoire provided for liaison with the Nigerian Permanent Mission in New York for assistance in areas of stores and equipments which the national government were unable to provide. On this note, the Nigerian Permanent Mission provided the UN Headquarters with information covering list of equipments and stores being provided by Nigeria, ration scale and list of personnel clothing to enable processing of assistance immediately.

With these procedure completed, the NIBATT arrived in South Lebanon between 12 and 19 May 1978. The NIBATT was deployed in the

north east sector to man 40 positions and to carry out patrols as conditions permit.

The NIBATT is organized into a battalion Headquarters, a Headquarters Company with scout cars and three Infantry Companies. Other supporting elements include a Medical Doctor and his staff; a Pay Officer and his staff and a Transport Officer and his drivers and mechanics.

The NIBATT carried out its operations following the under-listed activities as contained in the UNIFIL SOP.

1. Manning of Check Points/Road Blocks. Here all vehicles entering the AO are thoroughly searched for arms and ammunitions. Apart from that, at the checkpoints, armed elements were not allowed to enter the area controlled by the NIBATT. This include any one in any form of military or para-military uniform. Mobile and snap check points were also established to supplement the static ones. Under the Cairo agreement members of the PLO were allowed freedom of movement within South Lebanon. This made it difficult to fully control their movements in the AO.

2. Manning of Observation Posts. These were established along all key infiltration routes into and out of the AO to observe any infiltration by the parties. In addition, troops at observation posts watch for the firing of weapons by the parties. It was their task to determine who fired first, types of weapons used and the number of rounds fired. In the case of aircraft attacks or overflights, they make an identification of the aircraft and the number of sorties with the target areas. To avoid predictability by the parties, observation posts were established and manned at random.

3. Patrol. Intensive patrol were conducted both day and night, in vehicles as well as on foot, to complement the above static operations. The patrols were designed to:

a. Fill the gap between check points and observation posts.

b. Control the movement of parties in the AO's and

c. Show the UNIFIL's presence in the villages and thus reassure the local populations.

To achieve best results and quick relay of information, a good system of communication were operated from the battalion Headquarters down to the smallest checkpoint and observation post. The NIBATT Headquarters was linked to the UNIFIL OPS by a wireless radio (Motorola). Classified messages were often sent by Teleprinter (TTY). All operational incidents were compiled by the battalion operation room and sent to the UNIFIL OPS by either Motorola in the case of very important and urgent matter or by TTY in other cases.

Operational incidents contained in the SOP delt with by NIBATT include the undermentioned:

1. Incidental Reports (INCREP). These were sent to the UNIFIL OPS in cases involving confiscation of weapons or military equipments or denial of entry to armed and or uniformed persons at various checkpoints.

2. Shooting Reports (SHOOTREP). These were perhaps the most common and important reports made. They were usually sent over the Motorola and other battalions were expected to monitor and keep records of them. Such reports usually include the time of shooting, the person or persons involved, the type or types of weapon used, the origin of the shooting and the target.

3. Violation Reports (VIREP). One of the mandates of the UNIFIL was to confirm the withdrawal of the IDF from South Lebanon. As such all the IDF traffic in and around the border areas were recorded as violation reports. The DFF and PLO movements out of their normal positions were also reported as VIREP on daily basis.

4. Medical Evacuation (MEDEVAC). Such requests were made when there was need for quick medical treatment involving a UNIFIL personnel. Upon receipt of such request at the UNIFIL OPS, a helicopter is organised from the ITALAIR to embark on MEDEVAC to remove the victim to the UNIFIL hospital in Naqoura. Local people also benefited from the MEDEVAC. However, the IDF insisted that they must be notified before the UNIFIL OPs embarked on MEDEVAC mission or they run the risk of having their helicopter shot down. The PLO on the other hand insisted that helicopters must not fly over their camp. Because of these restrictions, MEDEVAC services were not often quickly available when required.

It was on the basis of these reports that the work of the UNIFIL was assessed and recommendations made to the Security Council for extension of the peace keeping operation.

Generally, the NIBATT had good working relations with the other battalions and the parties. The only serious incident in the NIBATT AO was the deployment of a platoon of Lebanese Regular Army within its AO. One of the steps taken to re-establish the authority of the Lebanese Government was to generally increase its military presence in South Lebanon. On this particular deployment, Major Haddad personnally warned the FC and the NIBATT CO to withdraw the Lebanese platoon as they were too close to the

enclave. When this was rejected by the FC, Major Haddad then gave an ultimatum for the withdrawal. Again this was not he ded. Major Saad Haddad then ordered his troops to shell the position when the FC was visiting the area on 16 March 1981. The outcome was that one officer and two other ranks, members of the NIBATT were killed with several injured. The Lebanese platoon were subsequently withdrawn and Major Saad Haddad apologised to the NIBATT for the death caused. By June ending 1981 the total death toll in the UNIFIL as a whole was 64 persons.

Before assessing the success or otherwise of the UNIFIL, it is worthwhile to mention cussorily the bi-annual reports of the Secretary-General covering the activities of the UNIFIL. At the end of every six months of operation and before renewal of another term, the Secretary-General normally rendered a report reviewing the situation in the AO; made recommendations for improvement and then requested the Security Council to approve another term. A look at the last report covered by the period of this dissertation now becomes necessary.

Like the other reports, the report for the period 12 December 1980 to June 1981 reviewed administration and logistics, financial aspects, humanitarian activities and also functions and activities of the force. In the report[18], he made some observations as regard the developments and the heightened tension in the area. He observed that the parties have not been giving the UNIFIL full cooperation required, especially in areas of infiltration of personnel and weapons; encroachment on positions in the UNIFIL area. Concluding his observation, he said that despite the many difficulties which the UNIFIL had to face, it has continued in its endeavours to consolidate its position and in cooperation with the Lebanese Government, to strengthen and make more effective the Lebanese presence both civilian and military in its AOs.

CHAPTER FIVE NOTES

1 - These are Egypt, Israel, Jordan, Lebanon, The Libyan Arab Jamahinya, The Syrian Arab Republic and Yemen.

2 - These were, Bolivia, Canada, France, Gabon, West Germany, Federal Republic of India, Kuwait, Mauritius, Nigeria, United Kingdom, United States of America and Venezuela.

3 - Contained in document S/12611 of 19 March 1978. See Appendix 11 for text of the report.

4 - See Chapter VII of the UN Charter for these principles.

5 - Major General Emmanuel Erskine of Ghanian Army was posted from UNTSO Headquarters in Jerusalem and appointed in March 1978 as the First FC. He has since returned to UNTSO.

6 - See United Nations Treaty Series Vol 1 p 15.

7 - See Map 1.

8 - See Map II for deployment as at September 1978.

9 - See Chapter III of Peace Keeper's Handbook, An International Peace Academy Publication 1978.

10 - Later replaced by Sweden for the Medical Company and Italy for the helicopter detachment.

11 - French battalion withdrew and was replaced with one from the Netherlands (DUTCHBATT). The Iranian was replaced by the Ghanian battalion while the Nepalese withdrew temporarily and a second battalion from Ghana took over. Another Nepalese battalion has since taken over from Ghanian.

12 - Leader of the Christian Militia later known as the De facto Force (DFF) in South Lebanon. He was the garrison Commander of the regular Lebanese Army before the civil war. Though a break away unit, the central Lebanese Government still pay their salaries. He turned the enclave to "Free Lebanon" with a radio station called "Voice of Hope". He is the "Head of State" of Free Lebanon - (the enclave) and strong supporter of the IDF.

13 - These are armed elements of the various PLO's groupings; The Israeli Defence Forces (IDF) and the Defacto Force (DFF).

14 - Mondays, Wednesdays and Fridays.

15 - For detail about NICON, See Report of the OAU Peace-Keeping Operation in the Republic of Chad, December 1981 - June 1982 by Major General G. O. Ejiga, FC.

16 - Fiji, FIJIBATT; Senegal, SENBATT; Norway, NORBATT; Nepal, NEPBATT; Ireland, IRISHBATT; The Netherlands, DUTCHBATT; Ghana, GHANBATT; French logistic unit, FRENCHLOG; Swedish Medical Company, SWEDMEDCOY; Italy Helicopter detachment, ITALAIR and Norway Maintenance Company, NORMAIN COY.

17 - Guidelines for United Nations Troops contributing Governments . Published by the UN, New York.

18 - See Security Council document S/14537 of 15 June 1981.

CHAPTER SIX

PROBLEMS AND PROSPECTS OF THE UNIFIL

All too often the peacekeeping operation is criticized and pronounced a failure when its efforts have not produced a solution within a reasonable time. Having examined the introduction of UN forces into South Lebanon, it is now possible to assess how far the UNIFIL has achieved or failed to achieve its given mandate. It is necessary however to consider first some of the outstanding problems and difficulties that militate against "quick" solution of the Lebanese crisis by the UNIFIL. Also worth considering are the parallel dimensions of peacemaking (negotiation and mediation) and peacebuilding (social change through socio-economic development, rehabilitation and reconstruction).

6-1: Problems and Difficulties.

Problems and difficulties facing the UNIFIL since its inception can be considered more objectively from three fronts viz, Political, Operational and Administrative and Logistic. It must be pointed out that though some of the problems to be examined have long been solved, it is still necessary to mention them. Moreso as there is a possibility of similar problems arrising again in future operations. It is also necessary in order to see how the UNIFIL has thrived in certain areas.

(a) Political Problems. The major problem here is the political constraint on the command. The command in all UN peacekeeping operations is vested in the Secretary-General under the authority ofnthe Security Council. The command in the field is exercised by the FC appointed by

the Secretary-General with the consent of the Security Council and in some instance the parties to the dispute. In the case of the UNIFIL, General E A Erskine was appointed with the approval of Israel. The FC was therefore under the control of the Security Council through the Secretary-General.

The first political constraint is that the FC could not, even as a force commander on the ground, take decisions without clearance from the Secretary-General. An example was the redeployment of the French battalion to the east from Tyre (see chapter five supra). The decesion was taken by the French Government and not the FC in April 1978. Another instance of political constraint was the repeated instruction from the Secretary-General that the FC should not give orders particularly during the initial deployment of the UNIFIL, when the PLO were resisting and infiltrating the UNIFIL positions.[1] Thus as a soldier in field command, there were things the FC could not do on his own, even though they are military prudent under the law of war, because of political constraints from the UN headquarters in New York. Also, the parties political interests often influence the decisions of the UNIFIL. This is so because the consent of the parties is a preequisite condition before UN forces are introduced to the area of operation. An example is the Israelis' request to have a copy of the list of the activities in all the battalion areas on a daily bases. This was granted. According to the Israelis, this was for their own security and also to assess the impartiality of the UNIFIL operations. Rejection on the otherhand could have meant

cut down on facilities like water supply granted to the UNIFIL by Israel.

At the initial deployment of the UNIFIL, the political problems of the enclave came up. Contrary to the UN expectation, but in fulfilment of Israel's intentions, the IDF withdrew from their final holding on 13 June 1978 and handed the place over to the DFF under the command of Major Haddad at a formal ceremony at Meiss El Jebel (see last chapter). But for political constraint, the UNIFIL could have acted militarily to prevent the handing over. The political constraint is that the DFF is recognised de facto by both Israeli and the Lebanese Governments. The UNIFIL had therefore to negotiate with Major Haddad (without success) for the enclave. Uptill today, this declicate political constraint continues as DFF has infact declared the enclave "Free Lebanon" and put straineous restrictions on the activities of the UNIFIL within the area.

Another political problem faced by the UNIFIL was the restoration of the authority of the Lebanese Government in southern part of the country. This implies the effective presence of the regular Lebanese Army in the area. In 1981, an attempt to deploy a platoon of the regular Lebanese Army in Al Qautarah (NIBATT position) resulted in heavy mortar shelling by the DFF of the position. A compromise was however subsequently reached between Major Haddad and the FC on the Lebanese Army was to be deployed further north and away from the enclave. It was also agreed that one or two Lebanese soldiers could be stationed at the check points

not near the enclave.

Although the UNIFIL is an operation in Lebanon, the Lebanese Government has proved incapable of influencing the thorough functioning of the force. For instance, it could not insist on the occupation of the enclave or the PLOs areas within South Lebanon. Also by giving de facto recognition to Major Haddad forces, the Lebanese Government put the UNIFIL in a position of having to take clearance from Major Haddad for movement within the enclave.

(b) Operational Difficulties. First, there was the deployment of the contingents. As pointed out in the last chapter, the parties were initially not cooperative. The UNIFIL was unable to eject the PLO in their camps within its AO. Major Haddad's forces remained in the enclave with IDF manned positions. The main operational difficulties here were that the UNIFIL could not occupy tactical areas which the parties conceived as of vital interest to them. A good example is Tyre which the PLO refused to hand over to the UNIFIL. Also, the non-presence of the UNIFIL in the enclave is of advantage to the Israelis because it provides the security belt they wanted.

Another operational difficulty is the firing and shelling of the UNIFIL positions, by t either the DFF or the PLO and on rare occasions by the IDF. These are called firing close and reports of them are sent to the UN headquarters in New York. By this firing close, the UNIFIL soldiers are kept in their shelter thus hindering the manning of check points and observation posts. In addition it hinders patrolling and other operational movements like MEDEVAC. Although

most of the firing close are not directed at the UNIFIL troops, some direct hits have been recorded especially when the parties suspect failure on the UNIFIL positions. It has been of serious concern for the UNIFIL and the UN headquarters when the UNIFIL positions are fired at or "close to".

The multinational composition of the UNIFIL force presented additional operational difficulty. This composition pr sented an alien outlook that was not readily acceptable to the indigenous population of South Lebanon. The acceptance of the UNIFIL by the indigenes was a critical factor in the effectiveness of the force for the accomplishment of its mission. In the first instance, the political and ethnical composition of the contingents was taken into consideration when deploying the various contingents. In the deployment on the ground, the shii Muslim Iranian battalion was deployed in a Shii muslim dominant area. Likewise the christian dominant Irish and French battalions were deployed in the christian dominant areas. With the passage of time and the restoration of a degree of normality to the areas the UNIFIL gradually gained acceptance.

Other operation difficulties include restriction of movement of the UNIFIL personnel by either the DFF or the PLO. These are typified by:

(1) Road Blocks. Road blocks are mounted to disrupt both operational and logistics matters.

(2) Closure of the Enclave by the DFF. The UNIFIL and the OGL personnel can only move on Mondays, Wednesdays and Fridays through the enclave. However, when the DFF

thinks the UNIFIL has failed in one way or the other, it could close the enclave to the UNIFIL traffic. Thus creating re-supply problems for the restricted observation posts within the enclave and effective isolation of NEPBATT and NORBATT operatinally and logistically.

(3) Restriction of Helicopter Flights. The parties have limited the use of helicopter. Flights must normally be pre-coordinated with both the IDF and the DFF. This gives rise to delays with urgent missions such as MEDEVAC. The PLO on its part does not permit flights over its camps even though within the UNIFIL areas.

(4) Kidnapping of UNIFIL Troops. This is often in retaliation for actions the UNIFIL might have taken against any of the parties. The effect is low morale and fear on the part of the UNIFIL personnel.

(5) Troop Withdrawal and Redeployment. This leads to smaller number of troops on the ground. And as a result some of the AO are left unoccupied by the UNIFIL. The parties, particularly the PLO takes opportunity of this to occupy more land within the UNIFIL AO. To eject them becomes a problem. Again their numbers are increased as a result. In addition there are rooms for infiltration by the parties to the UNIFIL AO.

(6) Impact of National Political Bias on Troops. The Middle East, of which Lebanon is a part, is an area where many developed countries of the world have economic, political and strategic interests. This could have both positive and negative effects on command. For example, all contingent commanders take instructions from home

and some are instructed to report on a daily basis to their home governments. This could be used to interfere in command where the interest of the UNIFIL clashes with that of an individual contingent's home government. In general, this bias often influence the troops in their actions as some contingents often delay acting in given situations until clearance from their home government.

The operational difficulties were compounded recently during the Israeli's "Operation Peace for Galilee".[2] In an address the FC, Lt Gen William Gallaghan, after the operation, said:[3]

> "Everyone of youn is keenly aware of the radically altered circumstances prevailing in the area since 6 June 1982..... The peace-keeping doctrine and practice is based on the pre-condition that all parties to the dispute cooperate in good faith with an international military machinery which, as a result, should function as a stabilizing and moderating factor. As far as UNIFIL is concerned, however, such cooperation was never forthcoming. For over four years, the force operated in a uniquely complex and volatile environment without ever enjoying the essential support of the parties. The recent overwhelming use of force was thus an ominous culmination in a long and often tragic series of challenges to its mandate. However, there should be no doubt the force remained intact despite very adverse circumstances.
> All of our positions were maintained and UNIFIL continued to perform its essential functions."

It is therefore an irony of history that the UNIFIL was caught arms down h when the IDF rolled about two Mechanised Divisions through its position to 'clear' the PLO militias in South Lebanon and Beirut environs. The resultant effect of this operation was the presence of over 50,000 IDF personnel in Lebanon and the establishment of a complementary peacekeeping force called "Multinational Peace Force" (MPF).[4] The MPF was at the request of President Amin Gemayel of Lebanon, which has rendered the whole situation even more complex.

(c) Administration and Logistic Problems. These include inadequate supports in terms of drivers, supply and maintenance of transports. Individual contingents had to provide administrative and logistic support from home government subject to refund by the UN. In terms of resources, most of the items required for immediate use came initially from Israel. This created discontentment from the Lebanese circles. They felt they should be able to benefit from supply of items, if given the opportunity. It was not easy initially to purchase commodities from Lebanon due to the unstable situation there. With time however, supplies became available.

Another administrative and logistice problem is the non-standardization and maintenance of equipments. So long as the UN does not hold stockpiles of certain major equipments (radio and vehicles) this problem will continue to plague all future peacekeeping forces. At the moment, the UNIFIL uses radios and vehicles from West Germany, the USA, UK, USSR, Norway and France. Problems of maintenance and provision of spare parts are enormous and pose considerable difficulties o to the forces. This is because of non-standardization and non-availability.

Accommodation was a major problem faced by the UNIFIL. Many of the houses had been damaged and several man-hours have been lost in repairing them to accommodate the troops. Initially, over 75% of the troops were in tentage accommodation. With time however, prefabricated buildings from Cyprus were brought in to improve the living conditions. Payment of accommodation for operational use is the responsibility of the Lebanese Government. Though financially weak, the Lebanese Government has been trying its best to meet this obligation.

Other administrative and logistic problems include clearing mines and unexploded cluster bombs and shells; varying standard of training among battalions; bad roads; bad water supply; scanty indigenous tradesmen and of course the lean budget from the UN headquarters.

(d) Jurisdictional Problems of Individual Soldier. This is the relationship of the soldiers viz-aviz the applicable laws in Lebanon, in otherwords, the Status of Force Agreement, (SOFA). Whereas the force's mandate defines the purpose of the UNIFIL, a SOFA deals with detailed principles under which the force functions as well as its relationship with the Government and citizens of Lebanon and other contributing countires and the parties to the conflict. A SOFA outlines special freedoms, privileges and duties of a UN peacekeeping force, since such a force has a special mission. This makes it's relationship with the parties to the conflict and the host country most sensitive and in many ways different from the relationships other organs of the UN normally would have. The UNIFIL has no SOFA and in consequence, certain difficulties have arisen.

Apart from the SOP which cover the whole mechanics of the operation[-5], the UNIFIL relies on the following provisions to achieve its various freedoms and privileges in Lebanon which SOFA would have provided for.[-6]

(1) The Principles of Articles 104 and 105 of the UN Charter. These are to the effect that the orga ization or its representative will enjoy such legal capacity, privileges and immunities in the territories of member states as are necessary for the independent exercise of their functions and the fulfilment of their purposes.

(2) The United Nations Convention on Privileges and Immunities. This is a limited and general application of the principle in Articles 104 and 105 of the UN Charter.

(3) Precedents. These are the practice and customs of UN Peacekeeping forces as reflected in the few SOFAs that have been made with other countires and the 30 years of experience since UN Peacekeeping forces have been in operation.

Problems associated with the lack of SOFA in Lebanon include that of criminal immunity. Criminal immunity only exists in respect of acts in the course of official duties. Without a SOFA, the UNIFIL has been relying on an understainding with the Lebanese government and the other to the dispute that the principles of SOFA and peacekeeping practice would apply in any case. To a large extent, this understanding has been helping the UNIFIL to fulfil its mandate. It must be noted that this understanding is only satisfactory so long as Lebanon and the other parties feel obliged to respect its freedom and are willing to honour them and negotiate amicably any difficulties which may arise.

Another problem of lack of SOFA is evident when parties to the dispute seek to apply pressure by restrcting the status of the force. This may sometimes end in arest of a UNIFIL personnel in respect of crimes which might or might not have been committed in the course of official duty. A good example was the c conviction of a member of the NIBATT by Israel for smuggling of arms to the PLO militias inside Israel.

On a final note, no agreement can define all eventualities so as to avoid disputes, and even if this were possible most agreements depend on the goodwill of all the parties. There must be generality to provide for unforseen situation. Thus it may not be that important to define the concept precisely, even in criminal cases. However, because a peacekeeping force has such a delicate function, its role in a highly political theatre needs

to be clearly, yet flexibly defined in such a way that countires involved in contributing troops will se/clearly and respect important areas of independence and understanding between them.

6-2: Prosepects, Failures and Achievements

In his annual report to the General Assembly in 1982, the Secretary-General stated:

> "It is not always realized that peacekeeping operations are the visible part of a complex framework of political and diplomatic efforts and of counter vailing pressurces designed to keep the peace-keeping and related peace-making efforts effective. If this framework breaks down, as it did for example in Lebanon last June, there is little that a peace-keeping force can by itself do to rectify the situation. Indeed in such circumstances it tends to become scapegoat for the developments that follow.....UN Peacekeeping operations are not equipped, authorized or indeed made available to take part in military activities other than peace-keeping. Their main strength is the will of the international community which they symbolize. Their weakness comes to light when the political assumptions on which they are based are ignored or overriden -7".

It is against this background that the UNIFIL has not been able to achieve all its mandates. Of importance is the inability of the UNIFIL to reaxh the ADL which is the international border between Israel and Lebanaon. The handing over of the enclave to the DFF by IDF is responsible for this. The DFF on its part is not ready to allow the UNIFIL deploy there and the central Lebanese Government is in no position to assist the UNIFIL control the area.

Although the UNIFIL has confirmed the withdrawal of the IDF, less the enclave, as contained in its mandate, it has bnot been able to help the Lebanese Government effectively establish its authority over part of South Lebanon. One way to achieve this is to turn the UNIFIL into an enforcement force with new mandates to enable it undertake military operations on behalf of the Lebanese Government.

This was the situation in ONUC, which eventually prevented the rebellion of Moishe Tshombe. As it is the UNIFIL is not likely to achieve this part of the mandate moreso with the IDF support for the DFF in the enclave.

Despite these problems and failures, one can not overlook the stabilizing effect the UNIFIL has brought to South Lebanon. The South is now the safest and most stable region in Lebanon with the UNIFIL's presence. This has thus sustained international peace and security at least before the IDF "Operation Peace for Galilee" of June 1982. It goes without saying then that it is possible for a peace-keeping force to create a stable situation for negotiation for peace to take place. However, when this is not utilized, there is every likelyhood of breach of the peace again. This illustrates the need for members of the UN to consider together, peacekeeping, peace-building and peace-making in any troubled sport of the world. It is only by so doing can reasonable solutions be found.

On the military side, the UNIFIL has achieved some of its mandate. For instance, it has prevented the recurrence of fighting between the parties to some extend. Also, the use of the UNIFIL AO for hostile activities has been curtailed and controlled by means of observation and regular patrols. For the contingents, they have improved their operational capabilities as a direct result of the UNIFIL operation in South Lebanon. For instance, the NIBATTs are fully equipped and better of in patrol skills than those battalions that did not take part in the UNIFIL operation.

Perhaps the most significant area where the UNIFIL has prospered well is in humanitarian work. The UNIFIL assists the special representative of the Secretary-General in the performance of humanitarian assistance works in Lebanon generlly.

At the UNIFIL headquarters, a humanitarian section provides liaison in the areas of all aspects of UN assistance programmes. Each contingent has a liaison officer assigned to this task. In the absence of an effective Lebanese Government, in the area, the UNIFIL has filled the vaccum by helping the local population live normal lives.

The UNIFIL started with assisting the local people in South L Lebanon in recovering their dead and wounded; in locating missing persons including children; in the closing of uprooted graves and burying many dead animals. The UNIFIL also provided limited temporary accommodation to the civilian population. There was a major mine and bomb clearance programme . Efforts were also made in the area of water and electricity projects.

After the restoration of stability, the humanitarian section of the UNIFIL worked with the UNDP and the Government of Lebanon in the implementation of its policy. It assisted in the re-establishment of normal ecnomic and social life throughout South Lebanon. Apart from supplying the information on the nature and extent of damages destructions throughout Lebanon, the UNIFIL helped the UNDP initiate projects based on the priorities of the Lebanese Government as follows:

(a) Restoration of water and electrical supplies.

(b) Supply of food to needy areas.

(c) Restoration of health services.

(d) Repair and reconstruction of houses, schools, hospitals and other public buildings.

(e) Restoration of the educational system.

(f) Resumption of agricultural and economic activities.

(g) Mine clearance.

Though faced with some difficulties, like intimidation of workers by the parties and language barrier, the humanitarian section of the UNIFIL has made good progress in making life better for the local people. And there is relative peace and security in South Lebanon through the help of the UNIFIL. In the words of the current FC of the UNIFIL.

"The Lebanese people have paid a sufficiently high price to deserve peace. UNIFIL, by virtue of the fact that it has no vested interests to preserve in Lebanon, is in a unique position to assist in the attainment of this just aspiration and to serve as a guarantee of Lebanese legitimacy".-7

The UNIFIL can still fulfil its mandates if only the international communities will give it full political cooperation to operate as a peacekeeping force in the whole of South Lebanon. The goals, a sovereign, dignified and peaceful life have not changed. The UNIFIL can achieve what the ONUC did in Congo between 1960 and 1964.

Chapter Six - Notes

1 - See A. Verrier International Peacekeeping, UN Forces in a Troubled World, Penguin (1981) at P 132 to 133.

2 - Code name for the IDF invasion of Lebanon on 6 June 1982.

3 - See Litani, UNIFIL News, Vol 5 No 1 October 1982 P 2.

4 - This comprises contingents from the USA, France, UK and Italy.

5 - See Peacekeeper's Handbook, An International Peace Academy Publication, 777 UN Plaza New York (1978) Chapter 4.

6 - See UNEF 1956 SOFA.

7 - See Litani, Op cit P 1.

CHAPTER SEVEN

CONCLUSION

We have already shown that when the situation demands, it is possible to use national armies to achieve international objective. Generally, soldiers appear to be responsing magnificiently to this new challenge. It is on record that peacekeeping operations of the UN have certainly been effective in at least preventing the renewal of hostilities and in containing conflict situations in a number of sensitive areas in the world. Lebanon is certainly one of these areas.

Having examined the development of peacekeeping operation and its concepts, it is now possible to look into the UN Charter and see what can be done to make it more productive. The Charter vests the primary responsibility for maintenance of international peace and security on the Security Council. It provides means of fulfilling this responsibility with the unanimous votes of all its permanent members. Peacekeeping operation has been interpreted and applied, as one of the means which the Security Council can use to maintain international peace and security where there is a breach. While the same Charter puts secondary responsibility for maintaining international peace and security on the General Assembly, it does not provide means, other than discussion, by which the General Assembly can achieve this. And so if the Security Council fails to reach an agreement on establishment of peacekeeping force, the Charter has no remedy with regard to the General Assembly acting.

To forestall the calamity that may result from this lack of unanimity, the General Assembly acting under its general

function adopted the Uniting For Peace Resolution in 1950. This Resolution was used by the General Assembly in the establishment of the UNEF and the second part of the ONUC. As will be expected some member states considered this utra vires the General Assembly and will not pay for the expenses of these forces.

Today, both the Security Council and the General Assembly can establish UN peacekeeping operations. However, it is the view of this dissertation that a clear provision should be incorporated in the UN Charter to provide definite means by which the General Assembly can fulfil its secondary responsibility. This will avoid the use of the Uniting For Peace Resolution which some member states consider as "unacceptable".

In addition to this, there should be a specialised organ of the UN charged with handling the peacekeeping operations of the UN. This specialised organ should be independent of the Security Council and the General Assembly. By that it will be free from the political constraint that is evidence in present day UN peacekeeping operations. This specialised organ should be able to exercise full control on peacekeeping operations without hindrance from any quarters. The organ should be composed of military men from developing countries with no known political affiliation to the major blocks of the world. This organ should be able to study situations around the world and prepare plans for possible UN peacekeeping operation. The organ should be capable of being given mandate by either the Security Council or the General Assembly. Thereafter, it should be able to operate freely while reporting to the Council or Assembly as the case may be on progress of the operation.

While problems might be expected in the creatinn of this specialised organ, the General Assembly should pass the resolution with majority votes if the Security Council fails. This should not replace the Military Staff Committee which is only an advisory body, which as far as record is concerned, is not effective. There is no doubt that a specialised organ as being recommended would have made the work of the UNIFIL a lot easier. However, the hard and frustrating facts remain that the principal obstacles in the way of an improvement in UN peacekeeping are primarily political and constitutional.

As regards the UNIFIL, with which this dissertation is largely concerned, the organ was despatched to South Lebanon in response to the Lebanese call for "let my people live". It's mandate was to ensure the withdrawal of Israeli forces, restore peace and order in South Lebanon and finally help the Lebanese Government establish its authority in Lebanon in general and South Lebanon in particular. By its organization and composition, the UNIFIL was a military force. However, it was at the mercy of the political will of the Security Council and as such has not been able to function properly in the military sense. It is to this end that the UNIFIL has not been able to fulfil its mandates as contained in Resolutions 425 and 426 of 1978.

Working with the problems and difficulties enumerated in the last chapter, the UNIFIL has succeeded to some extent by assisting in preventing the recourance of fighting, restoring and maintaining law and order and promoting a return to normal conditions in South Lebanon. These have been made possible through negotiation, persuasion, observation and fact-finding missions. The UNIFIL in manning road blocks and observation posts has

remained impartial and only as a last resort use minimal force in self-defence. The UNIFIL has thus contributed its quota in making South Lebanon stable and peaceful.

For the UNIFIL to fully achieve its mandate, particularly the restoration of the Lebanese authorities in the south, the parties must be made to cooperate with it. Failure of the parties, the UN should be able to give a new mandate to the UNIFIL subject to the wishes of the Lebanese Government. Where the Security Council fails to do this, the General Assembly act as it did in the Congo - (ONUC).

Another alternative which to this dissertation, its disadvantages outweight the advantages, is the question of MPF by groups of "interested states". This will definitely not perform better than the UNIFIL. One reason is that a MPF will not command the international acceptance often accorded to that of an international organization like the UN. Also, it will be difficult for a MPF to maintain a credible level of impartiality in its operations. A better position is for those states willing to establish a MPF to send the money to the UN for use in its peacekeeping operations.

Whatever the international communities want to do to restore peace and security in Lebanon, it must be noted that the problem in South Lebanon is a spill over of the Middle East problem, in particular the Palestinian question. And unless the Palestinian question is solved, there will be no end to the international conflicts among the Lebanese communities. The UNIFIL's fulfilment of its mandate will remain an illusion as long as the Palestinian question remains.

Military solution will not be total in South Lebanon. It should be a prelude to a comprehensive political solution

acceptable to all the parties concerned. Perhaps a revival of the 1949 pertition plan will go along way in achieving this political solution. However, the Israelis should come to an understanding that their security can only be guaranteed on the conference table with the PLO participating fully. The issues then will be recognition of the state of Israel and finding a homeland for the Palestinian. The contention that Jordan is a homeland for the Palestinian can not hold for a lasting solution. Such will only delay the outbreak of another hostility.

The PLO should on its part reconsider its National Convenant and accept the realities of the existence of the state of Israel, a member of the UN for over thirty years now. In addition, the other Arab states should accept peaceful co-existence of all states within the region on mutual basis. A mutual understanding and trust or convention among all peoples of the region will create a broader base for the political solution of the Palestinian question. It is here again that the so called super powers should bring presures to bear on the parties to reach acceptable compromise on the question. There should be drastic cut in military supply to the area generally and to the PLO and the Israel in particular. This will reduce their reliance on military strength as the final arbiter in the struggle for homeland and recognition respectively.

It is therefore a foregone conclusion that the political solution to the Palestinian question will automatically eliminate the fears among the Lebanese communities. Lebanon will thus be free to determine its own future without external interferance from any quarters. This will eventually bring peace and security to the most troubled spot in the world today.

In the words of Late President John F. Kennedy of the United States of America, "To destroy arms..... is not enough. We must create even as we destroy. .....creating worldwide law and law enforcements as we outlaw worldwide war and weapon". The UN should therefore be allowed, by the super powers, to help create an atmosphere condusive for the political solution of homeland for the Palestinian and recognition and security for the state of Israel. This will then allow the Lebanese people to live and a final fulfilment of the mandate of the United Nations Interim Force in Lebanon.

Chapter Seven - Footnote

1 - Address to the General Assembly in 1961.

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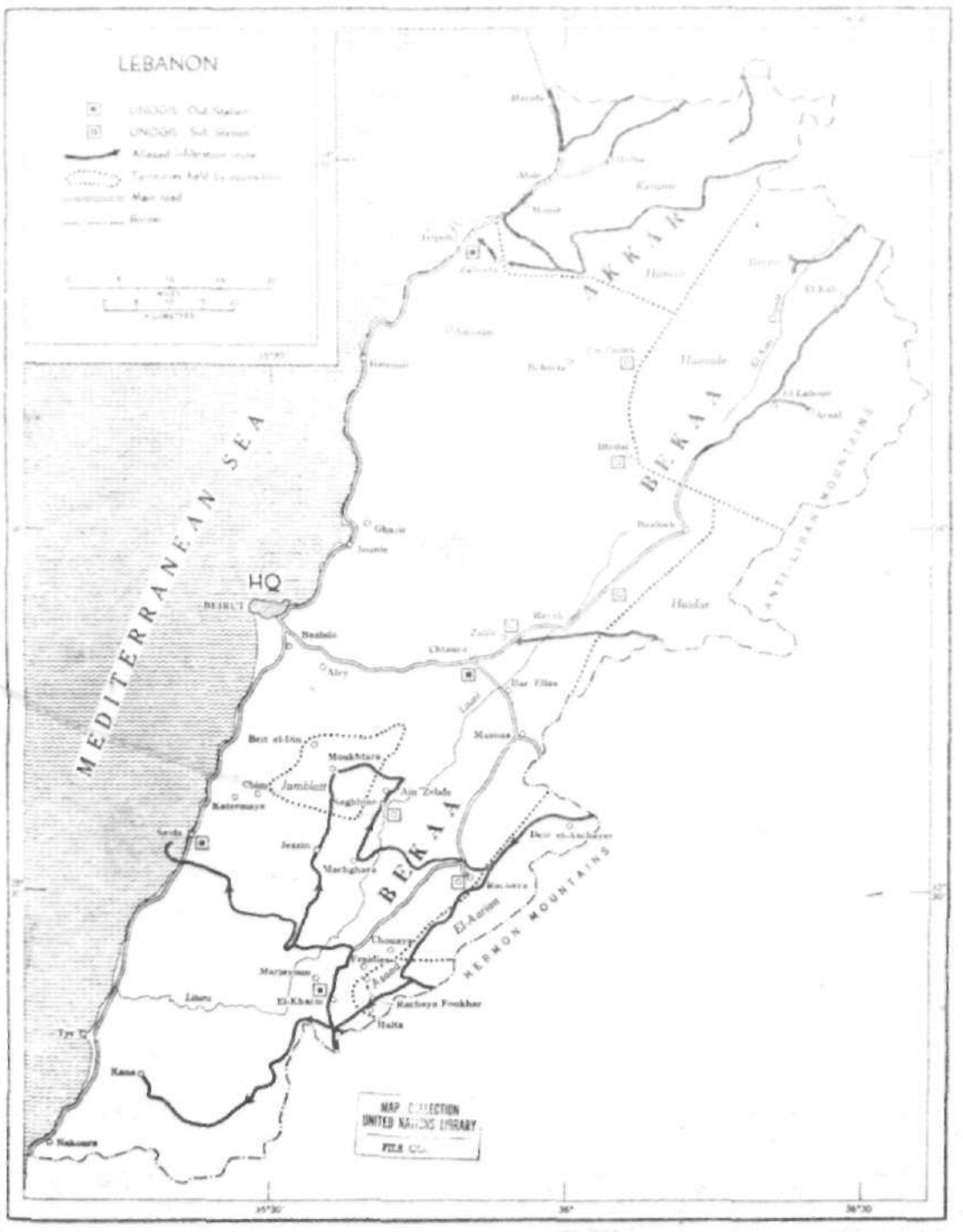
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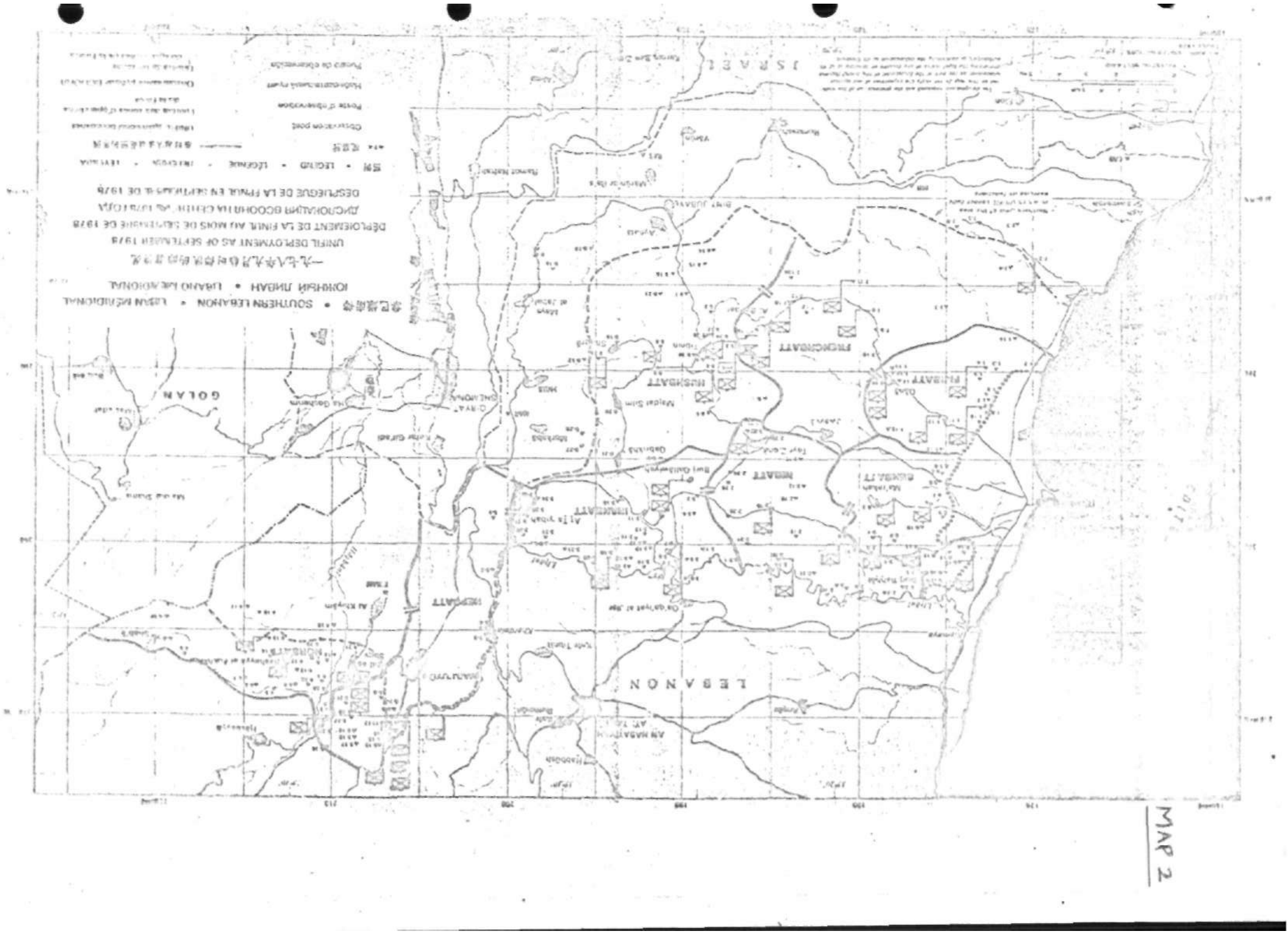
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MAP 1

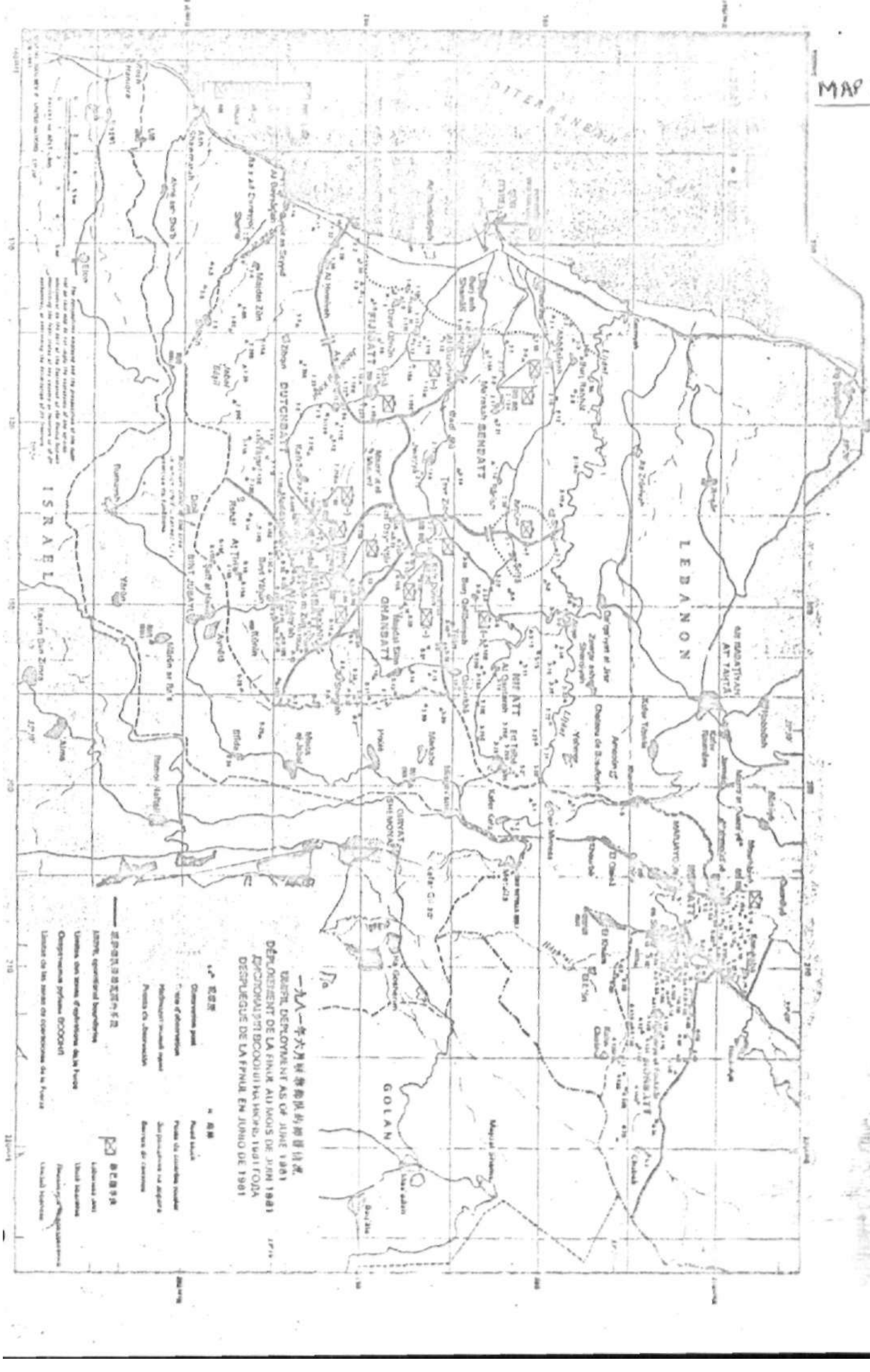


Map 10. Lebanon

UN map no. 1083, July 1958


ISRAEL
LEBANON
GOLAN
MAP 2

MAP 3



APPENDIX 1

"UNITING FOR PEACE" RESOLUTION

APPROVED BY THE GENERAL ASSEMBLY AT ITS 302ND PLENTARY MEETING NOV 3, 1950.

377 (V) Uniting for Peace

A

The General Assembly,

Recognizing that the first two stated purposes of the United Nations are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the duppression of acts of aggression or other breaches of the peace and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace", and

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

"Reaffirming that it remains the promary duty of all Members of the United Nations, when involved in an internal means through the procedures laid down in Chapter Vi of the United Nations in this regard on a number of previous occasions.

"Finding that international tension exists on a dangerous scale.

Recalling its resolution 290 (IV) entitled "Essentials of peace" which states that disregard of the principles of the Charter of the United Nations is primarily responsible for the continuance of International tension, and desiring to contribute further to the objectives of that resolution.

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council, and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the member States, particularly those responsibilities referred to in the two preceding paragraphs, does not relieve member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security.

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regards to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respect calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively and for the possibility of timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt.

A

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, branch of the peace, or act of aggression, the General Assembly shall appropriate recomendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security.

If not in session at the time, the General Assembly may meet in emergency special session with twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations:

2. Adopts for this purpose the amendments to its rules of procedure set forth in the annex to the present resolution;

B

3. Establishes a Peace Observation Commission which for the calender years 1951 and 52, shall be composed of four-teen Members, namely, China, Colombia, Czechoslovakia, France, India, Irang, Isreal, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Norther Ireland, the United States of America and Uruguay, and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose terriotory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is n not in session, may utilize the Commission if the Security Council is not exercissing the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the commission shall be made on the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the commission in accordance with its authority under the charter.

4. Decides that the Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions;

5. Recommends to all governments and authorities that they co-operate with the Commission and assist it in the performance of its functions;

1. Source: photographic reproduction of the text given in U.N. General Assembly, Fifth Session, Official Records, Supplement No. 20, pp. 10-12

6. Requests the Secretary-General to provide the necessary staff and facilities, utilizing, where directed by the Commission, the United Nations Panel of Field observers envisaged in General Assembly resolution 297 B (IV);

C

7. Invites each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the security Council or of the General Assembly for the restoration of international peace and security.

8. Recommends to the states Members of the United Nations that each Member maintain within its national armed forces elements so trained, organized and equiped that they could promptly be made available, in accordance with its cons-titutional processes, for service as a United Nations unit or Units, upon recommendation by the Security Council or the General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter;

9. Invites the Members of the United Nations to inform the collective Measures Committee Provided for in paragraph 11 as soon as possible of the masures taken in implementation of the proceding paragraph;

10. Requests the Secretary-General to appoint, with the approval of the committee provided for in paragraph 11, a panel of military experts who could be made available, on request, to Member States shishin to obtain technical advice regarding the organization, training and equipment for prompt service as United Nations units of the elements referred to in paragraph 8;

D

11. Establishes a Collective Measures Committee Consisting of fourteen Members, namely; Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mixico, Philippines, Turkey the United Kingdom of Great Britain and Northanern Ireland the United States of America, Venezuela and Yougoslavia and directs the Committee, in consultation with the Secretary-General and with such Member States as the Committee finds appropriate to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, On methods, including those in section C of the present resolution which might be used to maintain and strengthen international peace and security in accordance with the purposes and principles of the Charter, taking accouht of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter):

12. Recommends to all Member States that they co-operate with the Committee qnd assist it in the performance of its functions;

13. Requests the Secretary-General to furnish the Staff and facilities necessary for the effective accomplishment of the purposes set forth in sections C and D of the present resolution;

E

14. Is fully conscious that, in adopting the proposals set forth above, enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and purposes established in the Charter of the United Nations, upon the implementation of the reso-lutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of condition of economic and social well-being in all countries and accordingly.

15. Urges Member States to respect fully, and to intersify, joint actions, in co-operation with the United Nation to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of under-developed countries and areas.

ANNEX

The rules of procedure of the General Assembly are amended in the following respects

1. The present text of rule 8 shall become paragraph (A) of that rule, and a new paragraph (b) shall be added to read as follows:-

"Emergency special sessions pursuant to resolution 377 A(V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council, on the vote of any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by vote in t the interim committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9".

2. The present text of rule 9 shall become paragraph (a) of that rule and a new paragraph (b) shall be added to read as follows:-

"This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution 377A (V). In such a case the Secretary-General shall communicate with other Members by the most expenditions means of communication available".

3. Rule 10 is amended by adding at the end thereof the following:

"In the case of an emergency special session convened pursuant to rule 8 (b) the Secretary-General shall notify the Members of the United Nations at least twelve hours in advance of the upening of the session."

4. Rule 16 is amended by adding at the end thereof the following:

"The provisional agenda of an emergency special session shall be communicated to the Members of the United Nation simultaneously with t the communication summoning the session".

5. Rule 19 is amended by adding at the end thereof the following:

"During an emergency speciall session additional items concerning the matters dealt with in resolution 377 A(V) my be added to the agenda by a two-thirds majority of the Members present and voting".

6. There is added a new rule to precede rule 65 to read as follows:

"Notwithstanding the provisions of any other rule and unless the General Assembly decides otherwise, the Assembly in case of an emergency special session, shall convence in plenary session only and proceed di directly to consider the item proposed for consideration in the request for the holding of the session without previous reference to the General Committee or to any other Committee; they President and vice-Presidents for such emergency special sessions shall be respectively, the hairman of the delegations from which were elected the President and Vice President of the previous session".

B

For the purpose of maintaining international peace and security, in accordance with the Charter of the United Nations, and in Particular, with Chapters V, VI and VII of the Charter.

The General Assembly

Recommends to the Security Council;

That it should take the necessary steps to ensure that the action provided for under the Charter is taken with respect to threats to the peace, breaches of the peace or acts of agrgression and with respect to the peaceful settlement of disputes or situations likely to endanger the mantenance of international peace and security.

That is should devise measures for the earliest application of Articles 43, 45 and 47 of the Charter of the United Nation regarding the placing of armed forces at the disposal of the Security Council by the States Members of the United Nations and the effective functioning of the Military Staff Committee:

The above dispossions should in no manner prevent the General Assembly from fulfilling its functions under resolution 377 A (V).

C

The General Assembly,

Recognizing that the primary function of the United Nation Organization is to maintain and promote peace, security justice among all nations.

Recognizing the responsibility of all Member States to promote the cause of international peace in accordance with their obligation as provided in the charter.

Recognizing that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security.

Reaffirming the importance of unanimity among the permanent members of the Security Council on all problems which likely to treaten world peace,

Recalling General Assembly resolution 190 (III) entitled Appeal to the Great Powers to renew their efforts to compose their difference and establish a lasting peace".

Recommends to the permanent members of the Security Council that:

(a) They meet and discuss collectively or otherwise, and if necessary, with other states concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental difference and reaching aggreement in accordance with the spirit and later of the Charter;

(b) They advise the General Assembly and, when it is not in session, the Members of the United Nations, as soon as appropriate, of the results of their consultations.

APPENDIX 2

Report of the Secretary-General on the implementation of Security Council resolution 425 (1978)

1. The present report is submitted in pursuance of Security Council resolution 425 (1978) of 19 March 1978 in which the Council, among other things, decided to set up a United Nations Force in Lebanon under its authority and requested the Secretary-General to submit a report to it on the implementation of the resolution.

Terms of reference

2. The terms of reference of the United Nations Interim Force in Lebanon (UNIFIL) are:

(a) The Force will determine compliance with paragraph 2 of Security Council resolution 425 (1978)

(b) The Force will confirm the withdrawal of Israeli Forces, restore international peace and security and assist the Government of Lebanon in ensuring the return of its effective authority in the area.

(c) The Force will establish and maintain itself in an area of operation to be defined in the light of paragraph 2 (b) above.

(d) The Force will use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation is not utilized for hostile activities of any kind.

(e) In the fulfilment of this task, the Force will have the co-operation of the Military Observers of UNTSO, who will continue to function on the Armistice Demarcation Line after the termination of the mandate of UNIFIL.

General considerations

3. Three essential conditions must be met for the Force to be effective. Firstly, it must have at all times the full confidence and backing of the Security Council. Secondly, it must operate with the full co-operation of all the parties concerned. Thirdly, it must be able to function as an integrated and efficient military unit.

4. Although the general context of UNIFIL is not comparable with that of UNEF and UNDOF, the guidelines for these operations, having proved satisfactory, are deemed suitable for practical application to the new Force. These guidelines are, *mutatis mutandis*, as follows:

/.....

(a) The Force will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. The command in the field will be exercised by a Force Commander appointed by the Secretary-General with the consent of the Security Council. The Commander will be responsible to the Secretary-General. The Secretary-General shall keep the Secuirty 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 will be referred to the Council for its decision.

(b) The Force must enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks. The Force and its personnel should be granted all relevant privieges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations.

(c) The Force will be composed of a number of contingents to be provided by selected countries, upon the request of the Secretary-General. The contingents will be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographic representation.

(d) The Force will be provided with weapons of a defensive character. It shall not use force except in self-defence. Self-defence would include resistance to attempts by forceful means to prevent if from discharging its duties under the mandate of the Security Council. The Force will proceed on the assumption that the parties to the conflict will take all the necessary steps for compliance with the decisions of the Security Council.

(e) In performing its functions, the Force will act with complete impartiality.

(f) The supporting personnel of the Force will be provided as a rule by the Secretary-General from among existing United Nations staff. Those personnel will, of course, follow the rules and regulations of the United Nations Secretariat.

UNIFIL, like any other United Nations Peace-Keeping Operation, cannot and must not take on responsibilities which fall under the Government of the country in which it is operating. These responsibilities must be exercised by the competent Lebanese authorities. It is assumed that the Lebanese Government will take the necessary measures to co-operate with UNIFIL in this regard. It should be recalled that UNIFIL will have to operate in an area which is quite densely inhabited.

6. I envisage the responsibility of UNIFIL as a two-stage operation. In the first stage the Force will confirm the withdrawal of Israeli forces from Lebanese territory to the international border. Once this is achieved, it will establish and maintain an area of operation as defined. In this connexion it will supervise the cessation of hostilities, ensure the peaceful character of the area of operation, control movement and take all measures deemed necessary to assure the effective restoration of Lebanese sovereignty.

7. The Force is being established on the assumption that it represents an interim measure until the Government of Labanon assumes its full responsibilities in southern Lebanon. The termination of the mandate of UNIFIL by the Security Council will not affect the continued functioning of ILMAC as set out in the appropriate Security Council decision (S/10611).

8. With the view to facilitating the task of UNIFIL, particularly as it concerns procedures for the expeditious withdrawal of Israeli forces and related matters it may be necessary to work out arrangements with Israel and Lebanon as a preliminary measure for the implementation of the Security Council resolution. It is assumed that both parties will give their full co-operation to UNIFIL in this regard.

Proposed plan of action

9. If the Security Council is in agreement with the principles and conditions oulined above, I intend to take the following steps:

(a) I shall instruct Lt-General Ensio Siilasvuo, Chief Co-ordinator of United Nations Peace-Keeping Missions in the Middle East, to contact immediately the Governments of Israel and Lebanon and initiate meetings with their representatives for the purpose of reaching agreement on the modelities of the withdrawal of Israeli forces and the establishment of a United Nations area of operation. This should not delay in any way the establishment of the Force.

(b) Pending the appointment of a Force Commander, I propose to appoint Major-General E. A Erskine, the Chief of Staff of UNTSO, as Interim Commander Pending the arrival of the first contingents of the Force he will perform his tasks with the assistance of a selected number of UNTSO military observers. At the same time urgent measures will be taken to secure and arrange for the early arrival in the area of contingents of the Force.

/.....

(c) In order that the Force may fulfil its responsibilies, it is considered, as a preliminary estim te, that it must have at least five battalions each of about 600 all ranks, in addition to the necessary logistics units. This means a total strength in the order of 4,000.

(d) Bearing in mind the principles set out in paragraph 4 (c) above, I am making preliminary inquiries as to the availability of sontingents from suitable countries.

(e) In view of the difficulty in obtaining logistics contingents and of the necessary for economy, it would be my intention to examine the possibility of building on the existing logistics arrangements. If this should not prove possible, it will be necessary to seek other suitable arrangements.

(f) It is proposed also that an appropriate number of observers of UNTSO be assigned to assist UNIFIL in the fulfilment of its task in the same way as for UNEF.

(g) It is suggested that the Force would initially be stationed in the area for a period of six months.

Estimated cost and method of financing

10. At the present time there are many unknown factors. The best possible preliminary estimate based upon current experiences and rates with respect to other peace-keeping forces of comparable size, is approximately $68 million for a Force of 4,00 0 all ranks, for a period of six months. This figure is made up of initial setting-up costs (excluding the cost of initial airlift) of $29 million and ongoing costs for the six month period of $39 million.

11. The costs of the Force shall be considered as expenses of the Organization to be borne by the Members in accordance with Article 17, paragraph 2, of the Charter.

APPENDIX 3

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS INTERIM FORCE IN LEBANON

(for the period from 12 December 1980 to 12 June 1981)

INTRODUCTION

1. The present report contains an account of decelopments relating to the functioning of the United Nations Interim Force in Lebanon (UNIFIL) for the period from 12 December 1980 to 15 June 1981. Some of the information contained in this report was submitted to the Security Council in my special report (S/14407) of 16 March 1981 on the incidents which occured at Al-Qantara in the Nigerian battalion sector. The purpose of the present report is to provide the Security Council with a comprehensive picture of the activities of UNIFIL in pursuance of the mandate laid down by the Council in its resolutions 425 (1978) and 426 (1978) and extended or reaffirmed by resolutions 434 (1979), 444 (1979), 450 (1979), 459 (1979), 467 (1980), 474 (1980) and 483 (1980). The last extension of the Force's mandate, as decided by the Security Council in resolution 483 (1980), was for a period of six months, until 19 June 1981.

2. The activities of UNIFIL from its inception up to 12 December 1980 are outlined in my periodic reports on the Force to the Security Council (S/12845, S/13026, S/13384, S/13691, S/13994 and S/14295).

I. COMPOSITION AND DEPLOYMENT OF THE FORCE

A. Composition and command

(a) Composition

3. The composition of UNIFIL as of 15 June 1981 was as Follows:

Infantry battalions	
Fiji	628
Ghana	377
Ireland	601
Nepla	430
Netherlands	810
Nigeria	696
Norway	688
Senegal	561
Headquarters camp command	
Ghana	99
Ireland	51
Logistic units	
France	738
Italy	34
Norway	143
Sweden	144
Total	6000

4. In addition to the above personnel, UNIFIL is assisted by 67 military observers of the United Nations Truce Supervision Organization (UNTSO). These observers are under the operational command of the Force Commander of UNIFIL.

5. During the period covered by this report, the Nepalese battalion, which had been withdrawn from UNIFIL in May 1980, began rejoining the Force as of 1 June 1981. The Chanaian contingent, which had been reinforced to take over the area previously controlled by the Nepalese, is being reduced accordingly.

(b) Command

6. The present Commander of UNIFIL is Lieutenant-General William Callaghan. He assumed command as of 15 February 1981, replacing Major-General Emmanuel A. Erskine, now Chief of Staff, UNTSO.

(c) Rotation of contingents

7. During the six months covered by this report, all contingents have carried out rotations with the eception of the Nepalese, which is rejoining UNIFIL.

(d) Casualties

8. During the period under review, 15 members of the Force lost their lives and 49 were wounded. Of the fatalities, 8 died as a resultof hostile actions (see para. 41 below) and others from accidents or natural causes. Of the injured, 24 were wounded as a result of hostile actions and the others in accidents.

9. Since UNIFIL was established, 62 members of the Force have died, 31 of them as a result of firing and mine explosions, 22 in accidents and 9 from natural causes. More than 100 have been wounded in armed clashes, shellings and mine explosions.

(e) Disciplines

10. The discipline, devotion and bearing of the members of UNIFIL, as well as of UNTSO military observers assigned to the Force, who have continued to serve in difficult and often dangerous conditions, reflect credit on themselves, their commanders and their countries. Their self-restraint in the face of hostile action deserves special recognition. A case in point was the unprovoked attack on the Nigerian platoon headquarters at All-Qantara by the de facto forces (Christian and associated militias), when the soldiers of UNIFIL and members of the Lebanese army unit withstood intense shelling for several hours, incurring numerous casualties without firing back, as such action would have entailed the risk of hitting innocent civilians.

B. Deployment

11. A major change in deployment is being brought about by the return, as of 1 June, ofthe Nepalese battalion, which had been withdrawn in May 1980 and temporarily replaced by an additional Ghanaian battalion (see S/14295, para. 11).

The Nepalese battalion is again being deployed in the northeastern sector, and the Ghanaian battalion-North is being withdrawn.

12. In order to prevent infiltration by armed elements (mainly the Palestine liberation Organization (PLO) and the Lebanese National Movement), UNIFIL redeployed some of its units and established additional check points and observation posts as necessary. Further, in order to check incursions into the UNIFIL area by the de facto forces, patrol activity was increased, as were measures for the protection of those villages most prone to attack by the de facto forces, such as Brashit, Al-qantara, Yatar and Shaqra. Additional detensive steps had to be taken to protect the Force headquarters in Naqoura following a hostile demonstration on 7 April, which nearly became a riot (see para. 49 (ix) below.

13. UNTSO military observers, organized as Observer Group Lebanon (OGL), continued to man five observation posts (Lab, Hin, Ras, Mar, Khiam) along the Lebanese side of the 1949 Israel-Lebanon armistice demarcation line (ADL). In addition, six UNTSO teams assist UNIFIL in the performance of its tasks. There is a team based in Metulla (Israel), which serves as liai with the Israel Defence Forces (IDF) in that locality and with the de facto forces; a team based in Tyre, serving as liaison with local representatives of PLO, the Lebanese National Movement and AMAL (Lebanese Shi 'ite armed organization): and four mobile teams whose functions are to prevent and investigate incidents.

14. The present deployment of UNIFIL is as follows (see annexed map):

(a) The Force headquarters is located at Naqoura;

(b) The Senegalese battalion is deployed in the northern part of the western sector, with its headquarters at Marakah;

(c) The Fijina battalion is deployed in the southern part of the western sector, with its headquarters at Qana;

(d) The Nigerian battalion is deployed in the northern part of the central sector, with its headquarters at Tayr Zibna;

(e) The Dutch battalion is deployed in the south-western part of the central sector, with its headquarters at Haris;

(f) The Irish battalion is deployed in the south-easter part of the central sector, with its headquarters at Tibnin;

(g) The Chanaian battalion is deployed in the easter part of the central sector, with its headquarters at Kafr Dunin;

(h) The Nepalese battalion is deployed in the western part of the eastern sector, with its headquarters at Blate;

(i) The Norwegian battalion is deployed in the eastern part of the eastern sector, with its headquarters at Ebel es-Saqi;

(j) The headquarters camp command, composed of Ghanaian and Irish troops, is based at Naqoura;

(k) The Frnch logistic component is located at Naqoura;

(l) The French engineer company is located at Al Hinniyah;

(m) The Norwegian maintenance company is located in the vicinity of Tibnin;

(n) The Italian helicopter wing is based at Naquora;

(0) The Swediah medical company is located at Naqoura;

(p) Observer Group Lebanon is based at Naqoura;

(q) A guard detachment is stationed in Tyre barracks. This 45-man unit from one battalion continues to be drawn on a two-week rotation bais from all infantry battalions in the Force;

(r) The military policy company is based at Naqoura; it functions throughout the UNIFIL area of operation and outside it as required.

15. The Lebanese national army unit, under the operational control of the UNIFIL Commander, was increased in strength from 617 to 1,350, all ranks. Its headquarters is at Arzun; subunits are attached to UNIFIL battalions in the western and central sectors. In January, an infantry platoon was deployed in Tyre barracks, and, subsequently, other subunits have been deployed in Al-Qantara, Al Qulaylah, Abbasiyah and Dayr Qanun. They are increasingly involved in patrolling and in manning observation posts and check-points jointly with UNIFIL.

16. A Lebanese engineering company, 130 strong, has been stationed at Arzun and is working on improving existing buildings and the construction of shelters. It will also undertake projects for the benefit of the civilian population in the area of operation. A Lebanese medical team of nine, led by a doctor, has joined the staff of the Tibnin hospital.

17. During the period under review, relations between UNIFIL and the Lebanese Internal Security Forces (ISF) were significantly strengthened. In addition to ISF personnel assigned to UNIFIL check points, ISF has started to carry out independent patrols within the UNIFIL area and has organized mobile check points, always in close co-ordination and co-operation with UNIFIL. ISF also assists UNIFIL with special investigations of mutual concern and is making an important contribution towards restoring law and order in the area.

18. During the period under review, UNIFIL experienced administrative and logistic difficulties for a variety of reasons. Those difficulties, and the efforts to remedy them, are set out below.

A. Accommodation

19. Efforts continued to implement the UNIFIL prefabricated building programme and to improve facilities at UNIFIL headquarters and in the battalion areas. However, some troops still have to be accommodated in tents, and the number of such troops will increase with the return of the Nepalese battalion. An extensive fencing programme to protect the headquarters compound was completed. Additional efforts are now being made to reinforce physical security throughout the area of operation and, in particular, in the forward areas.

20. Contractors were engaged to build the Norwegian battalion petrol station at Ebel es-Saqi and to install a 4,000-litre-capacity kerosene tank, with protective walls, at the Irish battalion petrol station in Tibnin. Contracts were made for asphalting 5,850 square metres at the Force forward headquarters in Al Hinniyah and in battalion areas. Contracts were also entered into for the following essential jobs at Naqoura headquarters: building of an ammunition magazine and the repair of four warehouses for the French logistic contingent; installation of armoured electrical power telephone cables; installation of four fibreglass water-tanks; and asphalting of areas totalling 5,575 square metres of the headquarters compound.

B. Communications

21. The installation of the communications equipment, acquired from the stocks of the United Nations Emergency Force (UNEF) is now nearly complete. All battalions have been equipped with teleprinters, and, with the temporary exception of the Fijian and Senegalise battalions, all have also been provided with dial telephones. The generator and radio workshops required for maintaining the newly acquired equipment have been completed. Owing to the expansion of the Naqoura camp, the old electrical grid proved to be insfficient. New generators and distribution systems were installed by UNIFIL during the current mandate.

C. Logistics

22. Logistic support for UNIFIL continues to be provided by a headquarters logistic branch, a French logistic component, a Norwegian maintenance unit, a Swedish medical company and an Italian helicopter wing. A welcome development was the arrival of a Ghanaian engineer platoon.

23. During the period under review, financial constraints and delays in delivery time for supplies and spare parts affected logistic support to the Force. For instance, petrol consumption had to be restricted at a time when the Force was seeking to increase its operational capability. Special measures had to be taken in an effort to alleviate those and related difficulties and the situation is being kept under careful review.

24. In my report of 12 December 1980 (S/14295, para. 21), I informed the Security Council of the efforts undertaken by the UNIFIL administration and of the progress made in enlarging

the purchase of supplies from Lebanese sources or through Lebanese ports. This policy has continued, and in spite of recent developments in the area, which caused irregularities in the delivery of essential commodities, procurement from Lebanon has been maintained at a high level.

25. Fresh food has been supplied from Lebanese sources, except for the units in Nagoura, which are supplied from Israel. Dry and frozen food rations continue to be obtained from Cyprus. Certain supplies from Cyprus and elsewhere have been routed via Haifa, particularly during periods of closure of the Beirut port.

26. The unserviceability of equipment is now such as to place a strain on the operational capacity of the Force. The fleet of vehicles, mostly contingent-owned, comprises more than 40 different makes and 80 models, some of them 20 years old; this has created serious maintenance problems. Unfortunately, plans to use maintenance facilities in Lebanon (see S/14295, para. 21) failed to materialize. UNIFIL has therefore started an emergency programme aimed at reaching an acceptable maintenance level in the near future.

27. In order to lessen UNIFIL dependence on costly generators, a study was made, in conjunction with the Lebanese Electricity Authority, to determine where a combined local network/generator electric system could be installed. The matter has been followed up with the Lebanese Government, as has the question of the maintenance and improvement of the roads in the UNIFIL area of operation. The water supply is not entirely satisfactory, and efforts have been undertaken to improve it at headquarters and in battalion areas.

28. During the period under review, the French engineering company defused 160 shells, mines and grenades, and neutralized 187 cluster bombs. It also cleared 20,000 square metres of mined ground and destroyed 4,000 rounds of small-arms ammunition. Its works and plant platoon moved 58,840 cubic metres of earth, levelling sites for prefabricated buildings, shelters, septic tanks and roads.

29. The UNIFIL hospital at Naqoura continued to provide health services to Force personnel. In conjunction with the battalions' medical centres and in the absence of other facilities, it also continued to treat the local population as required. During the period, the out-patient clinic had a total of 5,084 patients - 3,070 UNIFIL personnel and 2,014 Lebanese civilians. In the same period, the hospital admitted and treated 422 patients - 274 UNIFIL personnel and 148 Lebanese civilians. The operation unit of the hospital, in its two operational theatres, performed 269 operations - 189 cases of minor surgery and 80 cases of advanced surgery. A total of 1,449 x-ray examinations were performed. The hospital dentist treated 1,643 patients.

30. As in the past, UNIFIL personnel or Lebanese civilians wounded in the area as a result of shelling or accidnets were evacuated by UNIFIL helicopter to the hospital at Naqoura. During the period under review there were 55 medical evacuations,

47 of them by helicopter and 8 by ambulance. The services of Rambam Hospital in Haifa remain available for emergency cases which cannot be treated at the UNIFIL hospital. In this connexion, appreciation is reiterated to the Israeli Government for the assistance provided by Israeli health authorities for the treatment of wounded UNIFIL personnel, especially at Rambam Hospital. During the period under review, UNIFIL medical personnel intensified contacts with the Lebanese authorities in connexion with both the upgrading of medical services for the population in the area and the use of hospitals in Tyre and Saida for the referral of civilian cases.

31. The Italian helicopter wing transported a total of 2,588 passengers, including seriously wounded and sick persons. In some emergencies, flights had to be undertaken at considerable risk to the helicopter crews and hospital personnel involved.

III. FUNCTIONS AND ACTIVITIES OF THE FORCE

A. Guidelines and terms of reference

32. UNIFIL continued to operate in accordance with the guidelines set out in my report of 19 March 1978 (S/12611) on the implementation of Security Council resolution 425 (1978) which was approved by the Council in its resolution 426 (1978). According to that report, UNIFIL was envisaged as a two-stage operation. In the first stage, the Force was to confirm the withdrawal of Israeli forces from Lebanese territory to the international border. Once that was achieved, UNIFIL was to establish and maintain an area of operation. In that connexion, the Force was to supervise the cessation of hostilities, ensure the peaceful character of the area of operation, control movement and assist the Government of Lebanon in ensuring the return of its authority in the area.

B. Co-operation with UNTSO

33. UNTSO military observers of OGL continued to assist UNIFIL and to co-operate in the performance of its tasks under the institutional arrangements described in my reports of 12 January 1979 (S/13026, para. 14), 12 June 1980 (S/13994, paras. 26 and 27) and 12 December 1980 (S/14295, para. 26).

34. During the period under review, the only change in the operational assignments linking UNTSO and UNIFIL was the formation of an additional team to operate in the sectors of the Norwegian and Ghanaian/Nepalese battalions.

35. In my report of 12 December 1980 (S/14295, paras. 27-29), I informed the Security Council of the meeting which took place in Naqoura on 1 December 1980 between Israeli and Lebanese representatives, under the chairmanship of the Chief of Staff of UNTSO, in relation to the efforts to reactivate the Israel-Lebanon Mixed Armistice Commission (ILMAC). In its resolution 483 (1980), adopted on 17 December 1980, the Council called "on all parties to continue such efforts as are necessary for the total and unconditional implementation of the General Armistice Agreement".

Accordingly, I instructed the Chief of Staff of UNTSO to pursue actively negotiations with the parties and, as a first step, to make arrangements for another meeting as soon as possibel. Throughout those efforts, the Israeli authorities continued to maintain their position that ILMAC was no longer valid, and the Lebanese authorities continued to uphold the view that the Armistice Agreement was still in force and that ILMAC should be reactivated. The Chief of Staff of UNTSO sought to convene another meeting under his chairmanship in early April. While that did not take place becuase of recent developments in the area, efforts towards the reactivation of ILMAC will be resumed at the earliest opportunity.

C. Contacts with the parties

36. During the period under review, contacts with the parties concerned were maintained both at United Nations Headquarters and in the area, with a view to further implementing the UNIFIL mandate. In this connexion, it will be recalled that the Security Council, in its resolution 483 (1980), requested that I "take the necessary measures to intensify discussions among all the parties concerned, so that UNIFIL may complete its mandate". As a practical arrangement, I requested Mr. Iqbal A. Akhund, who is serving in Beirut as Co-ordinator of Assistance for Reconstruction and Development of Lebanon, to establish contact with the Lebanese authorities and representatives of various groups concerned, including PLO. The purpose of those contacts was to promote better understanding and support of UNIFIL and to build support for further efforts to fulfil the UNIFIL mandate, including the strengthening of the Lebanese Government presence, both military and civilian, in the south. Those contacts were intensified and widened when Mr. Brian Urquhart, Under-Secretary-General for Special Political Affairs, visited the region from 7 to 17 April 1981 at my request. In the course of that visit, Mr. Urquhart had wide-ranging discussions with the leaders and senior officials of Lebanon and Israel. In Beirut, he also met with leaders of political groups and with the Chairman of PLO.

37. General Callaghan and his senior staff have been in continuous contact with the parties on matters regarding the deployment and functioning of the Force. To that end, they have continued to meet at regular intervals with high Lebanese officials in the ministries concerned and, particularly, with the Army Commander. In the area of operation, negotiations and consultations have been held by members of UNIFIL with the various armed groups, as required, to ensure the smooth functioning of the Force and to reduce the risks of confrontation and armed clashes. Contacts with the various armed groups have generally been undertaken by UNIFIL headquarters staff, through OGL military observer teams and through contacts by the battalion commanders. The battalion commanders have investigated local violations of the cease-fire and all other situations involving incidents which might have led to hostile activities within the UNIFIL area of operation.

38. As in the past, the headquarters of ILMAC in Beirut has functioned as a liaison office for UNIFIL and provided valuable assistance to the Force. The services of the Director of the United Nations information centre in Beirut, Mr. Samir Sanbar, have continued to be most useful to UNIFIL.

39. In Jerusalem, General Erskine, Chief of Staff of UNTSO, and his senior staff have maintained contact with the Israeli authorities, as necessary, on matters pertaining to UNIFIL.

D. Situation in southern Lebanon and activities of UNIFIL

40. The situation as of 11 December 1980 was described in my last periodic report (S/14295). After examining that report, the Security Council, on 17 December 1980, adopted resolution 483 (1980), in which it renewed the mandate of UNIFIL for a further period of six months and reiterated its commitment to the full implementation of the UNIFIL mandate throughout its entire area of operation up to the internationally recognized boundaries, accoding to the terms of reference and guidelines as stated and confirmed in the relevant Security Council resolutions. In spite of intensive efforts made both at United Nations Headquarters and in the field, the basic situation has remained essentially the same as last reported. During the period under review, the activities of armed elements (mainly PLO and the Lebanese National Movement), the de facto forces (Christian and associated militias), and IDF in and near the UNIFIL area of operation continued and, on occasion, intensified.

41. I regret having to report that, during the period, UNIFIL again suffered fatal casualties. On 10 January 1981, a Fijian soldier was mortally wounded and later died as a result of fire by armed elements; on 16 March, three Nigerian soldiers were killed by fire directed at their position in Al-Qantara by the de facto forces. Earlier, during the night of 18/19 January, three Senegalese soldiers were found murdered at their post in the vicinity of Barish; on 27 April, one Irish soldier was murdered and another was missing from an observation post in the vicinity of Dayr Ntar. In the last two instances, despite intensive investigations, it had not been possible to determine the identity of the perpetrators, and, to date, the missing Irish soldier has not been located.

(a) Incidents involving armed elements

42. Armed elements continued their attempts at infiltration into the UNIFIL area of deployment but on a lesser scale than during the previous mandate period, in part, because of increased patrolling and surveillance by UNIFIL. UNIFIL patrols continued to apprehend or prevent groups of armed from elements from entering its area: 5 such groups were stopped during the second half of December, 13 in January, 11 in February, 4 in March and 7 in April, 12 in May and 10 in early June. Repeated attempts were also made to enter the UNIFIL area or to move within it by individuals who were armed or in military uniforms or refused to have their vehicles searched. Those individuals were stopped at UNIFIL check-points and their weapons confiscated. There were 36 such denials of entry during the second half of December, 99 in January, 67 in February, 62

in March, 66 in April, 83 in May and 77 in early June. In certain instances, tension developed at the check-points because of the refusal of individuals to co-operate with UNIFIL. Those incidents were usually resolved through firm but restrained handling by UNIFIL troops, who when the situation warranted, drew on the assistance of the liaison officers of the groups involved.

43. In my last periodic report, I referred to the establishment of two new positions by the armed elements in the Senegalese and Fijian sectors (S/14295, para. 36). Continued intensive efforts by UNIFIL to have those positions removed have not yet proved successful. Armed elements have sought to relocate certain of their positions and to increase their presence with additional positions in the Fijian, Senegalese and Dutch sectors. In this connexion, the PLO leadership has stated that it has had to relocate positions for defensive reasons. At the time of reporting, certain of the positions have been evacuated, and intensive efforts to have others removed continue. Pending the settlement of these questions, UNIFIL has increased its surveillance of the remaining positions, with a view to ensuring that they are not used for tactical or hostile purposes.

44. Although the number of incidents involving armed elements in the UNIFIL area remained comparable to those in the previous mandate, certain groups have shown an increased reluctance to co-operate with UNIFIL. Some of the more serious incidents involving armed elements and UNIFIL personnel are outlined below:

(i) On 21 December, armed elements opened fire with rocket-propelled grenades and other weapons against two Fijian positions south of Qana.

(ii) On 25 December, a UNIFIL helicopter flying to Tibnin to evacuate an injured civilian came under machine-gun fire from positions near the Rashidiyah refugee camp.

(iii) On 10 January, armed elements fired at the headquarters of the Fijian battalion. As mentioned in paragraph 41 above, a Fijian soldier was killed as a result of that firing.

(iv) On 16 January, armed elements fired on a UNIFIL helicopter in the area of Jabal Kabir. The Force Commander was aboard the helicopter.

(v) On 20 January, armed elements opened fire on a Fijian position after being denied entry into the UNIFIL area.

(vi) On 30 January, armed elements fired rockets from the Fijian sector after forcing their way through a check-point.

(vii) On 1 March, armed elements fired at the headquarters of the Fijian battalion, one rocket-propelled grenade impacting on the signal store.

(viii) On 29 May, a check-point manned by Fijian soldiers came under intense fire from armed elements following the denial of entry to two men who had refused to have their cars searched. In a prolonged exchange of fire, a Fijian soldier and at least one armed element were wounded. Fijian personnel contained the situation using minimum force. Later in the day, the leader of a local group apologized for the incident.

(ix) On 4 June, two members of the French contingent attached to UNIFIL headquarters were forcibly detained by armed elements near the village of Dayr Qanun in the UNIFIL area of deployment. They were released in the evening after having been maltreated and threatened with execution.

(x) On 11 and 12 June, an armed element check-point east of Kaoukaba stopped, in one case by firing, Norwegian vehicles and held UNIFIL personnel hostage in retaliation for petty matters. In both cases, UNIFIL personnel were released following intensive negotiations.

45. During the period under review, various UNIFIL positions and personnel came under close fire by armed elements. A total of 42 such incidents were recorded throughout the period. There were also several serious incidents of harassment of UNIFIL and UNTSO personnel by armed elements. Those incidents occurred for the most part in areas where the members of the various armed factions were trying to increase their presence and met with UNIFIL opposition. Certain of the hostile actions by armed elements took the form of arbitrary detention of personnel, hijacking of vehicles and stealing of weapons, ammunition and personal property of the soldiers and unarmed observers. A typical such case occurred on the night of 24 May, when an ambulance of the Swedish medical company, carrying a sick Irish soldier, was stopped by armed elements on the road to Tyre and allowed to proceed only after protracted negotiations. Such actions have been firmly protested.

(b) Incidents involving the de facto forces

46. In addition to its headquarters in Naqoura, UNIFIL has established 16 positions in the enclave. Further, the five observation posts, roginally set up by UNTSO in 1972 in pursuance of a consensus of the Security Council, have been maintained and are manned by UNTSO observers of OGL, which is under the operational control of the UNIFIL Commander. During the period under review, the de facto forces continued to oppose and prevent further deployment of UNIFIL in the enclave.

47. There was no change in the restrictions on freedom of movement of UNIFIL and UNTSO personnel within the enclave. Thus, UNITIL personnel could move in the enclave only on Mondays, Wednesdays, Thursdays and Fridays for resupply purposes, and UNTSO observers could move only on Mondays and Thursdays for logistical purposes and only on the main road.

The restriction on the observers' freedom of movement greatly hampered their operational capability, and limited their ability to observe the situation in the border area. UNIFIL and UNTSO are pursuing their efforts to remedy the situation and to enable the observers fully to discharge the responsibilities entrusted to them by the Security Council.

48. As indicated in my previous periodic report (S/14295, para. 43), the de facto forces had established encroachments in the UNITIL area at Bayt Yahun, Blate, Ett Taibe, Jabal Basil and Rshaf. They no longer occupy the position at Jabal Basil and, at the end of April, they removed their tanks from the positions at Bayt Yahun and Rshaf. Efforts are continuing to have the remaining encroachments removed.

49. Harassment of UNIFIL and UNTSO personnel, as well as the Lebanese army personnel serving with the Force and the local population in the UNIFIL area, continued during the period under review: there were also violent incidents involving the de facto forces and UNIFIL personnel. Some of the more serious incidents are outlined below:

(i) In the night of 17/18 December, the de facto forces blew up houses in the Dutch and Irish battalion sectors. Three people were killed and four seriously wounded in those actions.

(ii) On 1 February, the de facto forces fired on an Irish foot patrol in the village of Ayta az Zutt.

(iii) On 9 February, the de facto forces attempted to kidnap a 16-year-old Lebanese boy from the village of Majdal Zun. After exchanges of fire with Dutch soldiers who were manning a check-point, they fled, leaving the boy behind.

(iv) On 15 February, a patrol of the de facto forces, using a half-track, tried to force its way through a Dutch position near Shihin. There was an exchange of fire, after which the patrol withdrew.

(v) On 13 March, following threats by the de facto forces against the stationing of one platoon of the Lebanese army in Al-Qantara, a Lebanese army doctor, two army medical assistants and a driver were forced to proceed in their ambulance into the enclave, where they were temporarily detained.

(vi) On 16 March, the de facto forces fired approximately 60 morter and tank rounds on the village of Al-Qantara, resulting in direct hits on the headquarters of a Nigerian platoon. Three Nigerian soldiers were killed and 20 wounded; 4 Lebanese soldiers and 10 civilians were also wounded. This incident was the subject of a special report (S/14407). On 19 March, the President of the Security Council made a statement on the situation on behalf of the Council mimbers (S/14414).

(vii) On 27 March, the Irish battalion prevented the abduction of a 16-year-old Lebanese boy by the de facto forces near Brashit

(viii) On 5 April, a Dutch listening post near Majdal Zun came under machine-gune fire from a de facto forces position west of Al Bayyadah. A Dutch armoured personnel carrier received some direct hits, and mortar rounds impacted within 80 metres of the Dutch troops.

(ix) On 7 April, the de facto forces organized a demonstration at UNIFIL headquarters in Naqoura. A group of men, some of them armed, accompanied by women and children, forced their way into the compund. Television crews and journalist were allowed by IDF to come to the scene from Israel to report on the demonstration. Only the self-restraint of the UNIFIL headquarters defence team prevented a violent escalation of the incident.

(x) On 26 April, an ambulance of the Swedish medical company, en route to Tyre barracks to evacuate a seriously ill UNIFIL soldier, came under fire from the de facto forces check-point north of Naqoura, despite prior assurances of safe passage.

(xi) On 30 May, a de facto forces half-track attempted to force its way past an Irish check-point between Bayt Yahun and Brashit. The attempt was prevented by the use of an Irish armoured vehicle, in spite of machine-gun fire by the de facto forces.

50. In the period under review, there were also many cases of firing at or close to UNIFIL positions. There were 22 such cases in the second half of December, 40 in January, 30 in February, 56 in March, 61 in April, 26 in May and 21 in early June. In some cases, the fire was returned by UNIFIL personnel. Such incidents pose a serious security threat to UNIFIL personnel at all times.

51. Attempts at incursion by the de facto forces into the UNIFIL area were mostly in the form of patrols sent into areas contiguous to the enclave. The most serious of those, were an attempt in February to move to the village of Zibqin in a combined patrol with IDF personnel, which was blocked by the Dutch battalion, and another to the village of Brashit, using an armourd personnel carrier and two civilian vehicles. In the latter case, the de facto forces fired at Irish personnel, who, in the end, were aboe to block the move.

(c) Exchanges of fire across the UNIFIL area

52. During the period under review, there were heavy and frequent exchanges of fire between the de facto forces in the enclave and armed elements stationed in the Tyre pocket and north of the Litani River. On a number of occasions. IDF personnel joined the de facto forces in the firing. These exchanges of fire took place over and across the UNIFIL area of deployment, but on occasion shells fell near UNIFIL positions.

In this connexion, it is important to underline the relationship between those firings and other acts of violence which occurred outside the UNIFIL area of operations (see para. 59 below). The most serious exchanges of fire were as follows:

(i) During the night of 18/19 December, there were heavy exchanges of fire affecting areas both to the west and to the north-east of the UNIFIL area. The de facto forces fired some 400 rounds, and armed elements fired approximately 55 rounds. On 19 December, 26 rockets fired by armed elements impeacted in the Norwegian and Ghanaian sectors, and one Norwegian soldier was seriously wounded.

(ii) Shelling was light during the first half of January. However, a heavy exchange of fire, initiated by armed elements, took place on 23 January, mainly in the north-eastern sector. On 28/29 January, another heavy exchange, covering all sectors, was recorded. On that occasion, the firing was initiated by the de facto forces. On 29 January, following an Israeli air raid, armed elements fired 8 rockets into Israel, followed by 6 more on 30 January.

(iii) On 11 February, the de facto forces and IDF again exchanged heavy fire with armed elements. On 22 February, in conjunction with an IDF ground operation against targets north of the Litani, the de facto forces and IDF fired 300 artillery, mortar and tank rounds. Armed elements artillery later returned 180 rounds, mainly towards the Marjayoun area.

(iv) On 2 March, following an Israeli air raid, armed elements fired into norther Israel. That was followed by another Israeli air strike. Shelling was also initiated by the de facto forces and IDF in the north-eastern sector and spread rapidly to the estern sector and lasted until the next morning. Armed elements responded by firing 64 rockets in the western sector, with many impeating in Israel. On 14 and 22 March, there were brief exchanges in the north-eastern sector between the de facto forces and armed elements. On 27 March, the de facto forces, later joined by IDF, fired heavily to targets north of the Litani. Armed elements artillery respondod an hour later. The exchange was resumed on the night of 28 March by the de facto forces; both sides fired close to 200 rounds each. On 29 March, the de facto forces resumed fire in the morning, firing more than 100 rounds by late evening. Armed elements response was limited to 30 rounds. On the fourth day, 30 March, the de facto forces started shelling Chateau de Beaufort. From noon on 30 March to the early morning of 31 March, the de facto forces and IDF fired approximately 340 rounds towards targets north of the Litani, In that exchange, armed elements fired 205 rounds towards targets in the

enclave. On the same day, there was also an exchange of fire in the western sector, in which Israeli gunboats were involved.

(v) On 3 April, firing was initiated by the de facto forces in the eastern sector, with armed elements responding four hours later. The de facto forces also fired to the vicinity of Rshidiyah camp on that day. On 4 April there was another heavy exchange, initiated by the de facto forces, later joined by IDF. In the eastern sector, the de facto forces and IDF fired 400 artillery, mortar and tank rounds; armed elements fired 300 artillery and mortar rounds and 19 rockets. In the western sector, the de facto forces started shelling the Tyre area; the armed elements response came an hour later. By midnight, the de facto forces had fired 50 artillery rounds, and armed elements had fired 80 rockets and 10 mortar rounds towards the enclave. During the day, artillery, mortar rounds and rockets fired from both sides impacted close to Norwegian, Dutch and Fijian positions. Firing continued throughout 5 April but at a lower level. On 6 April, there was a minor exchange of fire initiated by armed elements.

(vi) On 8 April, the de facto forces and IDF fired approximately 30 rounds, to which armed elements responded with 11 rounds to Marjayoun. On 9 April, armed elements initiated the firing at night, and the de facto forces and IDF responded shortly thereafter. By the early hours of the next morning, the de facto forces and IDF had fired close to 650 artillery, mortar and tank rounds, and armed elements artillery close to 440 rounds. On 9 April, Israeli gunboats fired naval artillery into the Tyre area. On 10 April, armed elements fired rockets into Israel; that was followed by an Israeli air attack and a limited exchange of fire in the north-easter sector. That same night, armed elements fired 19 rockets towards El Qlaiaa, to which the de facto forces responded with 31 mortar rounds.

(vii) On 17 April, armed elements fired 15 rockets, 6 of which impacted in the northern area manned by the Ghanaian battalion. On 18 April, there was another exchange of fire, which was initiated by armed elements. During that exchange, both sides fired approximately 60 rounds each. On 19 April, a minor exchange was initiated by the de facto forces in the north-easter sector. The same day, in the western sector, armed elements initiated rocket firing into the enclave. At one point, Fijian soldiers fired warning shots over a mobile rocket launcher which had been moved into the UNIFIL area, forcing it to withdraw. The de facto forces responded with 27 artillery and mortar rounds, some of which fell close to Fijian positions at Al Qulaylah.

(viii) On 20 April, in the western sector, armed elements fired 44 rockets towards the enclave. Fire was later returned by the de facto forces and IDF. That night, 19 more rockets were fired in the same sector, with many impacting in northern Israel. The same day, firing in the north-eastern sector was also initiated by armed elements and lasted from 0730 hours until midnight. A total of 250 artillery and mortar rounds and rockets were fired, with some impacting in northern Israel and close to UNTSO observation post Mar. The de facto forces and IDF responded at noon and fired 450 rounds. The day also saw a series of Israeli air strikes north of the Litani over a period of six hours.

(ix) On 21 April, armed elements initiated the firing and fired 10 rounds in the course of the day. The de facto forces and IDF responded with approximately 230 rounds. In the western sector, the de facto forces and IDF shelled the areas of Ras al Ayn and Rashidiyah.

(x) On 24 April, in the early morning, there were exchanges of fire between Israeli gunboats and the coastal positions of armed elements. At night, firing in the north-eastern sector was initiated by armed elements. They fired about 110 artillery and mortar rounds and approximately 100 rockets into the enclave. The de facto forces and IDF responded with 140 rounds of artillery and mortar.

(xi) On 25 April, armed elements opened the shelling: 24 rockets fell into the Ghanaian and Norwegian battalion areas and 38 into Marjeyoun. The de facto forces and IDF responded one hour later with 185 rounds of artillery and mortar. On 26 April, the de facto forces and IDF responded with 125 rounds.

(xii) On 27 April, there were intense hostilities. firing in the north-eastern sector was initiated by the de facto forces and IDF in the morning and lasted until the early hours of the next day. Approximately 800 artillery, tank and mortar rounds were fired by them. During the same period, armed elements fired approximately 340 artillery and mortar rounds and rockets, with some rockets impacting in Israel. In the western sector, on the same day, armed elements fired 41 rockets, most of them falling into western Galilee. In that sector, while the response by the de facto forces was limited, IDF shelled the Rashidiyah area. Also on that day, Israeli jets conducted heavy raids against the Tyre pocket and other targets north of the Litani.

(xiii) On 29 April, the de facto forces initiated the firing in the eastern sector, joined by IDF shortly afterwards. They fired 150 artillery and

mortan rounds; armed elements responded with 40 mortar rounds. In the western sector, 12 rockets fired by armed elements impacted in Israel and drew heavy fire from the de facto forces and IDF. Firing continued in all sectors throughout the night.

(xiv) On 4 May, the de facto forces and IDF fired close to 300 rounds of artillery and mortar in the north-eastern sector. The response by armed elements was relatively limited. Heavy firing ceased on 6 May but was resumed on 13 May, when the de facto forces, later joined by IDF, fired 150 rounds of artillery and mortar. Again, armed elements response was limited. A brief exchange of fire occuured on 17 May in the north-eastern sector.

(xv) On 18 May, the de facto forces and IDF fired 64 artillery and mortar rounds. Five 155-mm shells fired from the enclave, east of Ett Taibe, impacted near the Lebanese battalion headquarters at Arzun. Armed elements response was limited. On 19 May, the de facto forces and IDF fired 72 rounds from eight positions in the north-eastern sector, and armed elements responded with 4 mortar rounds. On 20 May, 21 rounds were fired from the enclave, and armed elements returned 6 rounds during the night. On 24 May, 66 rounds were fired from the enclave.

(xvi) On 25, 26 and 28 May, armed elements initiated the firing in the north-eastern sector, but the situation did not develop into heavy exchanges. On 29 May, IDF shelled north of Khardala with a total of 37 artillery and mortar rounds; armed elements returned fire with 27 rounds.

(xvii) In the first 15 days of June, shelling was relatively low. On 2 June, the de facto forces and IDF fired more than 70 artillery and mortar rounds, with no return fire. The same pattern continued on 4 and 6 June but on a lesser scale.

53. Throughout the period, I and my senior advisers, as well as the Commander of UNIFIL, were in touch with both sides, with a view to bringing those very heavy exchanges of fire to an end. On 1 May, I once again appealed to the parties to exercise restraint and instructed General Callaghan to make every effort to achieve a cease-fire.

(d) Activity of IDF in and near the UNIFIL area of operation

54. The activities of IDF in and near the UNIFIL area of operation further increased during the period under review. UNITIL and UNTSO raised the matter of IDF activities repeatedly with the Israeli authorities.

55. The presence of IDF personnel inside the enclave remained at a high level during the reporting period. IDF gun and tank positions were developed and observation

positions established. IDF personnel were regularly sighted in various localities in the enclave. On 25 December 1980, IDF personnel killed five armed elements and blew up their ammunition and equipment in an incident at Wadi al Ayn in the enclave. On the basis of reports by UNIFIL soldiers who were in the vicinity, UNIFIL issued a press bulletin, stating, among other things, that the IDF soldiers had piled the bodies on each other and detonated an explosive charge on top of them. That was enied by the Israeli authorities. In view of the controversy that arose, I established a board of inquiry to look into the matter. The Board concluded that there was no evidence to support the account contained in the UNIFIL press bulletin. It was of the view, however, that the UNIFIL soldiers had reported in good faith what they thought they had seen. In making public the findings of the Board on 10 February 1981, I expressed regret that the UNIFIL bulletin contained what proved to be an incorrect statement of the facts. I also instructed the Force Commander to review UNIFIL reporting procedures.

56. While the movements of IDF personnel were generally confined to the enclave, there was a serious incursion by them into the UNIFIL area of deployment on 1 April. On that occasion, IDF personnel entered the village of Tulin in the Nigerian sector, blew up three houses and kidnapped two persons, who were eventually released on 12 May. In that incident, one Lebanese army sergeant was killed when a house near which he had taken cover was blown up. During the incursion, there was a brief exchange of fire between IDF and a combined Nigerian and Lebanese army patrol.

57. There were numerous violations of Lebanese air space by Israeli military aircraft and of Lebanese territorial waters by Israeli naval vessls. UNIFIL observed 159 air and 38 sea violations in the second half of December, 191 air and 92 sea violations in January, 222 air and 91 sea violations in February, 225 air and 127 sea violations in March, 281 air and 84 sea violations in April, 302 air and 90 sea violations in May and 144 sea violations in early June. Pilotless reconnaissance flights over and north of the UNIFIL area, which had decreased during the winter months, increased notably from the begining of April. There was also an increase in IDF helicopter activity over the UNIFIL area, especially over the western sector.

58. IDF also conducted a number of air operations against targets north of the Litani and adjacent to the UNIFIL area. In particular, locations were hit in the Tyre pocket, in the area north of Kasmiyah Bridge and near Chateau de Beaufort.

(e) Other incidents in the area affecting UNIFIL

59. In a situation as complex as the one in which the Force must operate, incidents occurring in the region outside the UNIFIL area of operation and involving various armed forces and groups inevitably have a bearing on developments in the UNIFIL area. During the period under review, there were serious outbreaks of violence in various parts of Lebanon which have compounded the problems facing UNIFIL. There

are repercussions on the work of the Force whenever there are shellings of northern Israel or explosions and other actions inside Israel or in the Israeli-occupied territories for which Palestinian organizations claim responsibility; the same can be said about the shelling by the de facto forces of targets in Lebanon, such as Sidon, outside the UNIFIL area of operation and about military operations carried out by the IDF, including air and sea attackes. Such incidents have been brought to the attention of the Security Council and/or the General Assembly by the Permanent Representative of Israel (S/14297, A/35/783, S/14316-A/36/57, S/14322-A/36/62, S/14355-A/36/88, S/14384, A/36/122, S/14398, S/14403-A/36/127, A/36/130, S/14409-A/36/132, S/14427-A/36/169, S/14438-A/36/186, S/14448-A/36/211; S/14449-A/36/212, A/36/219, S/14454, S/14476-A/36/235, S/14492-A/36/292); the Permanent Representative of Lebanon (S/14307, S/14354, A/36/87, S/14381, A/36/109); and the Permanent Observer of PLO (S/14435, A/36/217, S/14470, S/14507-A/36/310). In addition, a number of communications on the subject have been addressed to me by PLO.

E. Humanitarian activities

60. During the period under review, UNIFIL continued to carry out its humanitarian activities in close collaboration with the Governor of South Lebanon and the United Nations Co-ordinator of Assistance for Reconstruction and Development of Lebanon. UNIFIL also continued its co-operation with United Nations programmes, particularly UNICEF, in a number of activities aimed at improving the social and economic conditions for the population of the area. Special efforts were made to restore and upgrade water, electricity, education and health services, the distribution of food supplies and the rebuilding of schools, houses and roads. The humanitarian section of UNIFIL assisted on seral occasions in resolving cases of kidnapped villagers.

IV. FINANCIAL ASPECTS

61. By its resolution 35/115 A of 10 December 1980, the General Assembly authorized me to enter into commitments for UNIFIL at a rate not to exceed $12,180,500 gross ($12,060,166 net) per month for the period from 19 December 1980 to 18 December 1981, inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 474 (1980) of 17 June 1980. Accordingly, should the Security Council renew the UNIFIL mandate beyond 19 June 1981, the costs to the United Nations for maintaining UNIFIL up to 18 December 1981 will be within the commitment authorized by the General Assembly in its resolution 35/115 A, assuming continuance of the Force's existing strength and responsibilities. Appropriate financial provision will need to be made by the General Assembly at its thirty-sixth session in respect of periods after 18 December 1981, if the period of extension determined by the Security Council goes beyond that date.

V. OBSERVATIONS

62. Since I reported on UNIFIL to the Security Council

on 12 December 1980, developments in Lebanon have commanded the increasing attention of the international community. These developments and the heightened tension which has accompanied them have underlined the importance of UNIFIL as a conflict control mechanism in a particularly sensitive area of the Middle East. Indeed, the complexity of the problems in the region and their interrelationship have had a profound bearing on the work of the Force.

63. Since its establishment, UNIFIL has encoutered serious difficulties in fulfilling its mandate. I regret that the parties have not so far found it possible to extend to the Force the full co-operation that it requires. Despite the calls of the Security Council, this situation has persisted during the period which is now coming to an end.

64. Thus, the Force has continued to be faced with attempts by armed elements to infiltrate personnel and weapons into its area of operation and has almost daily had to deal with such incidents, sometimes at grave risk to the safety of its personnel. Armed elements have also sought to relocate certain of their positions in the UNIFIL area, stating that their actions were defensive because of the danger of attack. For its part, UNIFIL has made strenuous efforts to prevent infiltration and to contain such activities. Difficulties have persisted, however, in spite of the fact that the leadership of the PLO has renewed its assurances of co-operation with UNIFIL and has assisted in defusing tense or difficult situations.

65. To the south, the de facto forces have continued to resist further deployment of UNIFIL in the enclave held by them. Restrictions relating to freedom of movement of UNIFIL and UNTSO personnel in the enclave have also continued to complicate UNIFIL operations. In the UNIFIL area of deployment, while one encroachment has been removed and tanks have been withdrawn from two other encroachments, four positions are still maintained by the de facto forces. These forces have also sought to harass the local population in the UNIFIL area of deployment. Following the grave incident which occurred in March 1981 (see para. 49 (vi) above), intensive efforts were made both locally and at the diplomatic level to prevent the recurrence of such incidnets. While these have been avoided, it is essential to keep in mind that the mandate of UNIFIL in relation to the remainder of its area of operation, now controlled by the de facto forces, remains to be fulfilled.

66. Since the de facto forces are known to be supported and supplied by Israel, close contact has been maintained with the Israeli authorities at all levels in an effort both to secure further progress in the implementation of the UNIFIL mandate and to reduce incidents between the de facto forces and UNIFIL. Such incidents have been reduced in recent weeks, with the assistance of the Israeli authorities. However, these authorities, citing overriding considerations of national security, have not as yet, extended to the Force the degree of co-operation necessary for the fulfilment of its mandate.

67. During the period under review, the activities of the Israeli forces in and near the UNIFIL area of operation increased. Encroachments along the international border and a high level of Israeli military activity within the enclave continue. In addition, Israeli forces have repeately violated Lebanese air space and territorial waters and have, on many occasions, lauched attacks against targets in Lebanon outside the UNIFIL area. These activities, as other violent incidents in the region, inevitably affect the task of UNIFIL by making even more difficult the efforts of the Force to secure and maintain a cease-fire between armed elements to the north and west of its area, and the de facto forces and Israeli forces to the south. Indeed, there have been extremely heavy exchanges of fire over and across the UNIFIL area. I have been particularly concerned with this aspect of the Lebanese situation during the recent weeks of greatly heightened tension in the region and have made constant efforts to reinforce the cease-fire in southern Lebanon, with a view to avoiding any incidents which might have the effect of escalating the over-all danger of conflict in the area.

68. Despite the many difficulties which it has had to face, UNIFIL has continued in its endeavours to consolidate its position and, in co-operation with the Lebanese Government, to strengthen and make more effective the Lebanese presence, both civilian and military, in its area of operation. The strength of the Lebanese army in the south was increased by more than 700 during the period under review and now stands at 1,350, all ranks, which the Lebanese Government points out is within the limit of 1,500 allowed by the 1949 General Armistice Agreement between Israel and Lebanon. This is a significant development, particularly at a time when the Lebanese Government is dealing with most serious crises in other parts of the country. I wish to pay special tribute here to the support which the Lebanese Government has been providing to UNIFIL. It is also important to note that the population in the UNIFIL area is living and working in relative quiet and has recently increased with the arrival of relatives and friends from other, more troubled regions of the country. Civil administration is gradually being restored, along with education, health, water, electricity and other services. The collaboration between the Governor of South Lebanon, the United Nations Co-ordinator of Assistance for Reconstruction and Development of Lebanon and UNIFIL has continued and intensified, with a view to expediting the programme of activities for the benefit of the civilian population throughout southern Lebanon.

69. In the course of the current reporting period, the Chief of Staff of UNTSO has continued his efforts towards the reactivation of ILMAC, in accordance with Security Council resolution 483 (1980). Though recent developments in the area have prevented progress, these efforts will be resumed at the earliest opportunity.

70. Although the Force has not yet been able to fulfil the mandate in the way intended by the Security Council, I have no doubt that its presence and activities in southern

Lebanon are an indispensable element in maintaining peace, not only in the area but in the Middle East as a whole. It would, I believe, be disastrous if UNIFIL were to be removed at the present time when the international community is witnessing with acute anxiety the tensions and conflicts in this vital area of the world. For these reasons, I find it necessary once again to recommend to the Security Council that the mandate of UNIFIL be extended for a further period of six months. The Permanent Representative of Lebanon has informed me of his Government's agreement to the proposed extension. In doing so, he has submitted a letter dated 16 June 1981, setting forth the views of his Government concerning the renewal. The text of his letter is attached to the present report.

71. In making this recommendation I wish to renew my appeal to all concerned to co-operate with UNIFIL in its task, to exercise restraint and to review policies which militate againtst the fulfilment of the mandate entrusted to the Force by the Security Council. It remains my view that all the parties concerned must observe strictly the cease-fire called for by the Security Council and avoid actions which inevitably lead to violent reactions. Likewise, a determined effort must continue to be made on all sides to render possible the consolidation of the UNIFIL area by the removal of positions that have proved to be provocative. It is essential that the parties desist from challenging the authority of UNIFIL and from using its area for hostile acts against each other. It is also necessary that they take reciprocal steps progressively to reduce their armed presence in the area.

72. In conclusion, I wish to express once again my deep appreciation to the troop-contributing countries for their support and co-operation in this essential peace-keeping operation. I wish also to pay tribute to the Commander of UNIFIL, Lieutenatn-General William Callaghan, and his staff, both civilian and military, to the officers and men of the contingents of UNIFIL, as well as the UNTSO military observers assigned to the area. They have continued to carry out their important tasks, often at great risk, with the highest courage and dedication. They are indeed a credit both to their countries and to the United Nations. I wish also at this time to express my sincere appreciation to Major-General Emmanuel A. Erskine, for his outstanding performance as Commander of UNIFIL for nearly three years, from the inception of the Force to mid-February 1981. Finally, I should like to pay special tribute to the memory of those soldiers of UNIFIL who have given their lives in the cause of peace.

ANNEX I

Letter dated 16 June 1981 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

1. As the Security Council is about to meet to examine the renewal of the mandate of UNIFIL, the Government of

Lebaon wishes to express its deepest gratitude to you personally, and, through you, to members of the Secretariat, to the Commanders and staff of UNIFIL, to the officers and soldiers of the various contingents and last, but not least, to the troop-contributing countries and friendly Governments for their efforts in preserving international peace and security in our country and beyond. The sacrifice of human lives for the cause of peace in the ranks of UNIFIL will forever be remembered by Lebanon as a challenge for us all to do our utmost in fostering the ideals of liberty and international justice embodied in the United Nations Charter.

2. My Government feels a particular commitment towards UNIFIL since we have been able to meet part of the challenge and deploy substantial contingents of the Lebanese Army, under UNIFIL command, in UNIFIL's area of operation as a major step in fulfilling the objectives of Security Council resolution 425 (1978), and the ensuing resolutions: the return of Lebanese authority and the restoration of Lebanon's sovereignty. Geiven the present tragic conditions in Lebanon and the grave difficulties which our Government is confronting, our efforts in the south will no doubt acquire a particular importance.

3. Pending your report on the activities of UNIFIL, I am instructed by my Government to draw your attention and the attention of the Security Council to Lebanon's attitude when the present mandate was extended by resolution 483 (1980). On 15 December 1980, the Government of Lebanon had submitted to the Secretary-General and to the Security Council a memorandum (S/14296), discussing problems that should be approached in a practical manner, so as to enable UNIFIL to implement its mandate in the totality of its area of operation, up to the internationally recognized boundaries. We had quoted amply from your own report of 12 December 1980 (S/14295) to underline the importance of the role of UNIFIL, as well as the difficulties and obstacles it was encountering. We had also referred to Security Council resolution 444 (1979) of 19 January 1979, repeated a number of times since, by which the Council

"Reaffirms its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations, to secure the full implementation of resolution 425 (1978)".

4. In our memorandum of 15 December 1980, my Government expressed its desire that the renewal of the mandate of UNIFIL be accompanied by a number of dispositions designed to enhance the Force, articulate its deterrent capability and review even the methods of definition of the "area of operation", so as to render the mandate more credible, more effective and more implementable. Not only are the adverse conditions under which UNIFIL operates rendering pregress difficult, hazardous and, indeed, limited; there has also been a distinct and declared tendency on the part of Israel to broaden the scope of its so-called "pre-emptive" attacks in a manner that threatens the safety of UNIFIL, its very existence and the very significance of its role as peace-keeping force.

5. I am instructed by my Government, once more, to ask from the Security Council that the renewal of the mandate for another term should accent the interim character of the Force by creating the objective conditions of its success, within an immediate time-frame and according to a phased programme of action. The Government of Lebanon feels compelled to ask that the renewal be accompanied by efforts as discussed in this and in previous memoranda. Only such a disposition will ebable us all to overcome the present status quo, avoid an ever expanding state of war and attain significant progress for the full implementation of resolution 425 (1978) and its clear objectives.

6. When, therefore, the Council renews the mandate of UNIFIL, we request that the resolution should embody a clear reference to conditions stated above.

(Signed) Ghassan TUENI
Ambassador
Permanent Representative