

FOREWORD

DYLAN CORS*

Fostering global peace and stability by coordinating military operations is a formidable task for any supranational entity. Success would appear to require routine consensus among the mightiest nation-states. This task is all the more challenging for the United Nations, an organization that was hindered for the entire half-century since its birth by the tense politics of the Cold War. Moreover, disagreement over whether conflict management should occur primarily at the regional or global level was “present at the creation” of the United Nations.¹ The recent geopolitical shift from a bipolar face-off of superpower alliances to an array of states and sub-state groups seeking new national identities has rekindled hope in untested U.N. mechanisms. Whether a reinvigorated global organization, by bringing together the most powerful peacetime military forces ever assembled, can deter and defuse violent conflict is the inquiry underlying this Symposium edition of the *Duke Journal of Comparative & International Law*.

This inquiry raises a host of legal and operational questions. What role is most appropriate and most effective for the U.N. Security Council to play in international and intranational conflicts? How can national forces attempting to implement Security Council mandates cope with changed circumstances on the ground if the Security Council’s response is belated or unclear? How might the United Nations best cooperate with and, when appropriate, defer to regionally based military or political alliances? When multilateral forces muster the political will to act, what are the rights of the sovereign government in whose territory the intervention takes place? In addition, what norms should guide relations with armed forces not representing state governments? Finally, what protections are and should be available to the individual soldiers risking their lives to implement these mandates?

* J.D./LL.M. 1997, Duke University School of Law.

1. The historical context of the drafting of the U.N. Charter is narrated in detail in this Symposium. See Anthony Clark Arend, *The United Nations, Regional Organizations, and Military Operations: The Past and The Present*, 7 DUKE J. COMP. & INT’L L. 3, 5-18 (1996).

Current headlines reporting the possibility of renewed tensions in several areas of historical conflict demonstrate the urgent need for resolution of the above questions. World leaders now debate whether military strength can bring security and aid to Central Africa.² They also confront an awkwardly federated Bosnian republic threatening renewed warfare if the international forces there should withdraw.³ Recent discussions over military cooperation between the Russian Federation and NATO are testimony to the dynamic political framework in which these problems must be addressed.⁴

The potential effectiveness of international organizations in maintaining peace and security and the legal relationships among those organizations was the subject of a conference held on April 12-13, 1996, at the Duke University School of Law. Entitled "The United Nations, Regional Organizations, and Military Operations," the conference was sponsored by the Law School's Center on Law, Ethics, and National Security and featured academic experts and policy makers from the United Nations and other relevant U.S. and international organizations. The presentations given there were the source of the articles in this Symposium. The editors of the *Journal* offer these articles to the international polity as it faces the challenges of a quickly evolving world order in which clear organizational principles have yet to precipitate.

2. See Barbara Crossette, *Canada Proposes Zaire Aid Force*, N.Y. TIMES, Nov. 13, 1996, at A1; James C. McKinley, Jr., *Scaled-Down Aid: Perils Lurk in Plans for Zaire*, N.Y. TIMES, Dec. 2, 1996, at A8.

3. See William Drozdiak, *NATO Endorses New Bosnia Mission*, WASH. POST, Nov. 19, 1996, at A16; cf. David L. Bosco, *The Coming Bosnia Breakdown: Why a Short War May Be the Best Hope for Peace*, WASH. POST, Dec. 8, 1996, at C5.

4. See Craig R. Whitney, *Russia Tells NATO It Accepts Offer on a Formal Link*, N.Y. TIMES, Dec. 12, 1996, at A1.