

## THE EXPECTED COMBAT ROLE OF THE UNITED NATIONS MILITARY FORCES

### CONCEPCIÓN DEL EJÉRCITO DE LAS NACIONES UNIDAS COMO FUERZA DE COMBATE

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#### Abstract

The Security Council is facing increasing challenges to fulfil its role of maintaining international peace and security, especially in environments affected by terrorism. These environments are less sensitive to mediation and other peace and security tools developed over the last few decades. The Council often considers military action as an option to maintain international peace and security, however, it fails to envision its own role. This article intends to bring some context and perspective by analysing the expectations of heads of state and government and diplomatic representatives regarding the role of what many called the “United Nations Armed Forces” back in 1945 when the United Nations Charter was adopted. An analysis of original documents, official records, decisions, videos and speeches shows that the United Nations military forces were expected to engage in direct combat if other means of maintaining international peace and security failed. The Organization has never assumed this fundamental role. Even though the world has changed since 1945, the vision and ideas present at the time of the UN’s founding can inspire the changes that the Organization needs to undergo to fulfil its expected role.

**Keywords:** United Nations, United Nations Charter, Article 43, Security Council, Peace and security, Armed forces, Military, Combat, Terrorism, Military Staff Committee, Disarmament

#### Resumen

El Consejo de Seguridad se enfrenta a desafíos cada vez mayores para cumplir su función de mantener la paz y la seguridad internacionales, especialmente en entornos afectados por el terrorismo. Estos entornos son menos sensibles a la mediación y otras herramientas de paz y seguridad desarrolladas en las últimas décadas. El Consejo suele considerar la acción militar como una opción para mantener la paz y la seguridad internacionales, sin embargo, no imagina su propio papel. Este artículo pretende aportar un poco de contexto y perspectiva analizando las expectativas de los jefes de Estado y de Gobierno y representantes diplomáticos con respecto al papel de lo que muchos llamaron las "Fuerzas Armadas de las Naciones Unidas" en 1945, cuando se adoptó la Carta de las Naciones Unidas. Un análisis de documentos originales, registros oficiales, decisiones, videos y discursos muestra que se esperaba que las fuerzas militares de las Naciones Unidas participaran en un combate directo si fallaban otros medios para mantener la paz y la seguridad internacionales. La Organización nunca ha asumido este papel fundamental. A pesar de que el mundo ha cambiado desde

1945, la visión y las ideas presentes en el momento de la fundación de la ONU pueden inspirar los cambios que la Organización necesita experimentar para cumplir el papel esperado.

**Palabras clave:** Naciones Unidas, Carta de las Naciones Unidas, Artículo 43, Consejo de Seguridad, Paz y seguridad, Fuerzas armadas, Combate militar, Terrorismo, Comité de Estado Mayor, Desarme

**SUMMARY:** I. Introduction. II. The Vision in 1945 on the Military Combat Role of the United Nations Military Forces. 1. The understanding of San Francisco Conference participants on the combat role of the forthcoming United Nations military forces. 2. The understanding of the members of the Security Council on the combat role of the United Nations military forces, as well as the role to be assumed by the five permanent members. A) In 1946, the Security Council tasked the Military Staff Committee with studying and producing a report ‘on the basic principles that should govern the United Nations forces’. B) Consideration by the Security Council of the report of the Military Staff Committee: Elements of the report adopted by the Council. III. Conclusions.

**SUMARIO:** I. Introducción. II. La visión en 1945 sobre el papel en combate de las fuerzas militares de las Naciones Unidas. 1. El entendimiento de los participantes en la Conferencia de San Francisco sobre el papel de las próximas fuerzas militares de las Naciones Unidas. 2. La comprensión de los miembros del Consejo de Seguridad sobre el papel de las fuerzas militares de las Naciones Unidas, así como el papel que deben asumir los cinco miembros permanentes. A) En 1946, el Consejo de Seguridad encargó al Comité de Estado Mayor que estudiara y elaborara un informe “sobre los principios básicos que deben regir las fuerzas de las Naciones Unidas”. B) Consideración por el Consejo de Seguridad del informe del Comité de Estado Mayor: Elementos del informe adoptados por el Consejo. III. Conclusiones.

## I. INTRODUCTION

In the last few decades, the Security Council has made significant efforts to develop ‘tools for peace’ aimed at peacefully addressing threats to international peace and security. These peace tools include committees, working groups, investigative bodies, tribunals, ad hoc commissions, special advisers, envoys and representatives, as well as the Peacebuilding Commission. In addition, field-based missions, including United Nations peacekeeping and political missions, have contributed to the peaceful resolution of disputes. Even though the Security Council has authorized some peacekeeping operations to use force, they are established once the main parties to a conflict have agreed the terms of the peace, signed a peace agreement and provided their consent to the deployment of the peace operation.

The Security Council is facing increasing and new challenges to maintain international peace and security in relation to threats that are less sensitive

to peace tools, especially international terrorism. In these cases, the Council often understands that the use of military force with a combat component is necessary to restore international peace and security, however it fails to envision any role for itself. In these cases, the Security Council sometimes delegates the combat role, or uses formulas such as to ‘welcome’ or to ‘take note’ of the creation of multinational forces or regional organisations intended to engage in combat operations. These operations have had limited success and often even backlashed.

The Security Council may wish to explore different and new formulas to address threats that are less sensitive to mediation and other peace tools. The purpose of this article is to contribute to this debate and bring some context and perspective by analysing the expectations of heads of state and government and diplomatic representatives regarding the role of what many called the “United Nations Armed Forces”<sup>2</sup> back in 1945 when the United Nations Charter was adopted. It may be helpful to look back and remember what it was all about at the beginning, what the founding members of the United Nations expected of the Security Council in terms of military action and combat operations and what the Member States and the Council understood their role was going to be.

Once the United Nations Charter was adopted, the Security Council initiated an ambitious project to create a UN military force. The activities and work to create the force carried out between April 1945 and July 1947 were captured in original documents, official records, decisions, videos and speeches, and provide substantial information on what the UN military forces would look like, what their function would be, and what role the permanent members of the Security Council would play. Even though the Cold War broke out and the work of the Council froze, it had already advanced to a stage that allows us to know how these military forces were envisioned. After the Cold War ended, the Security Council reactivated itself in many aspects, but never resumed this ambitious project.

## **II. THE VISION IN 1945 ON THE MILITARY COMBAT ROLE OF THE UNITED NATIONS MILITARY FORCES**

### **1. THE UNDERSTANDING OF SAN FRANCISCO CONFERENCE PARTICIPANTS ON THE COMBAT ROLE OF THE FORTHCOMING UNITED NATIONS MILITARY FORCES**

States met after the Second World War in San Francisco with the aim of creating an International Organization able to save succeeding generations from the scourge of war. They envisioned a United Nations focused on

maintaining international peace and security; developing friendly relations among nations; achieving international cooperation in economic, social, cultural and humanitarian fields; promoting justice and human rights and acting as a centre to harmonize nations' actions to achieve common ends. The United Nations was conceived with multiple lines of action, and the UN military forces was a cornerstone for the Organization's main objective, which was the maintenance of international peace and security. An ambitious military role was foreseen for the Security Council, the Military Staff Committee and the Organization as a whole.

The 'United Nations Conference on International Organization' was convened in San Francisco from 25 April to 26 June 1945. The Opening Session of the San Francisco Conference, held in the Opera House on 25 April 1945, brought together representatives of fifty countries with aspirations and ideas that would take shape during the debates.

The work of the San Francisco Conference was organised in plenaries, committees, commissions and technical committees. The highest body was the Conference Plenary Session, which was in charge of the final voting and adoption of the text. Below the Plenary Session, four committees were established, namely, (1) the 'Steering Committee', which considered major questions of policy and procedure; (2) the 'Executive Committee', which served the Steering Committee; (3) the 'Coordination Committee', which assisted the 'Executive Committee'; and (4) the 'Credentials Committee', which verified the credentials of delegates. Below this level, the study of the most important issues to be settled was divided among four general commissions, which coordinated the work of twelve technical committees: (a) Commission I on 'General Provisions';<sup>3</sup> (b) Commission II on 'General Assembly';<sup>4</sup> (c) Commission III on 'Security Council';<sup>5</sup> and (d) Commission IV on 'Judicial Organization'.<sup>6</sup>

Under this framework, the Plenary Session, Commission III on 'Security Council' and its Technical Committee 3 (Enforcement Arrangements) held the relevant discussions on the UN military forces. The Plenary Session provided delegations with the opportunity to express themselves freely under the agenda item 'Statement of the chairman of the delegations desiring to speak'. Delegations expressed their concerns and wishes in relation to key subjects including peace and security, economic rights, human rights and the peaceful resolution of disputes. Many delegations took this opportunity to address the role of the UN military forces.

States that participated in the San Francisco conference understood the role of the United Nations military forces as a guarantor of peace and expected that a strong military power would back the decisions of the Security Council aimed at maintaining international peace and security. Below is an extract of the interventions of some of the delegations:

The Australian delegation represented at the level of Deputy Prime Minister:

[...] In our view the success of the conference will be measured by one test: Will it bring into existence an organization which will give the peoples of the world a reasonable assurance of security from war and reasonable prospects of international action to secure social justice and economic advancement? [...] The new association of nations must be endowed with sufficient military power to deal effectively and ruthlessly with any resurgence of Fascism and with any immediate threat to world peace. At the same time, the constitution of the association must be made capable of development to meet new situations as they arise. We are substantially agreed on basic objectives. We have to apply ourselves realistically and intensively to translating our fervent desires into firm commitments and into principles and methods of action.<sup>7</sup>

Belgian delegation represented at the level of Minister of Foreign Affairs:

[...] there is also a new ground for hope in the plan to create an international body of armed forces strong enough to assure the enforcement of the organization's decisions. This is the sort of realism that serves and serves powerfully the loftiest idealism.<sup>8</sup>

Brazilian delegation represented at the level of Minister of State of Foreign Relations:

[...] He [US President Roosevelt] spoke for all of us when he said that in the future juridical world organization there should be no attempt, with the attributions conferred upon the great powers, to create a super state possessing its own policing authority. We are seeking -he said- agreements and arrangements through which the nations would maintain, according to their capacities, adequate forces to meet the needs of preventing war and making impossible deliberate preparations for war, and to have such forces available for joint action when necessary.<sup>9</sup>

Czechoslovakian Delegation represented at the level of Minister of Foreign Affairs:

[...] ours is a collective job of first magnitude. We shall either create an effective organization to guarantee a permanent peace, even by force, if necessary, or we shall descend to the depth of iniquity which I once called a mechanized Stone Age.<sup>10</sup>

Delegation of Luxembourg represented at the level of Minister of Foreign Affairs:

[...] The League of Nations was intended to be armed, but it was born without shield or sword, in other words, it was still-born. The international organization born of our discussions will have the necessary armed forces to insure respect for its decisions.<sup>11</sup>

Delegation of Iraq represented at the level of Minister of Foreign Affairs.

[...] we shall succeed in establishing an organization to secure world peace, an organization that is based upon the recognition of the highest principles of truth and justice, an organization which above all is armed with strong and efficient deterrent force, so that this time the great losses and sacrifices of the war will not have been made in vain.<sup>12</sup>

The preparatory work of Commission III ‘Security Council’, Technical Committee 3 ‘Enforcement action’ also brings to light the spirit of the discussions that took place at the technical level, for instance ‘Amendments and Additions to the Provisional Text of the Report on Chapter VIII, Section B’:

Military assistance, in case of aggression, ceases to be a recommendation made to Member States; it becomes for us an obligation, which none can shirk. If these proposals are adopted, the international organization will cease to be unarmed in the face of violence; a collective force the size, the degree of preparedness, the composition and the stationing of which will be determined beforehand, and which shall have been placed at the disposal of the Council to carry out these decisions. Here is a great historic development, in the accomplishment of which it will be the honour of the members of Committee 3 of Commission III to have collaborated.<sup>13</sup>

The five permanent members of the Security Council were expected to fulfil a qualified role within the UN military forces. This role was in line with their responsibilities under the UN Charter and the military strength of their national armies. As an example, during the First Plenary meeting of the General Assembly on 10 January 1946, Opening of the First Session, the

statement of Chairman Dr. Zuleta Angel (Colombia) indicated that: '[...] The five great powers which, by virtue of articles 24 and 27 of the Charter, and by the very nature of things, will shoulder the chief responsibility for the maintenance of peace and security, will bring not only the immense powers of their military, financial and industrial resources, but something more important [...] I mean good will [...]'.<sup>14</sup>

Even though the assertions of delegations were not shared by all participants, the general understanding was that these armed forces would not require the consent of the host state to deploy and would engage directly in combat if all other means were exhausted.

## 2. THE UNDERSTANDING OF THE MEMBERS OF THE SECURITY COUNCIL ON THE COMBAT ROLE OF THE UNITED NATIONS MILITARY FORCES, AS WELL AS THE ROLE TO BE ASSUMED BY THE FIVE PERMANENT MEMBERS

At the time of the United Nation's founding, the Security Council members' understanding of the combat role of the United Nations military forces was essentially the same as the function expressed by the delegations during the San Francisco Conference.

The Security Council initiated the work to create the United Nations military forces immediately after the adoption of the UN Charter. Its first ever resolution adopted on 25 January 1946 addressed the Military Staff Committee and was the first step in that direction, showing the importance that the Council gave to the matter.<sup>15</sup>

At least between January 1946 and July 1947, the Security Council worked on the creation of the United Nations military forces. During this time, the Council made substantial progress. It commissioned the elaboration of reports, held a number of meetings and deliberations, and adopted some resolutions agreeing on important issues.

A) In 1946, the Security Council tasked the Military Staff Committee with studying and producing a report "on the basic principles that should govern the United Nations forces"

The special agreements foreseen in Art. 43 are the mechanism included in the UN Charter to operationalise the contributions of military forces by Member States. All Member States undertake to make available to the Council, for the maintenance of international peace and security, armed forces, assistance



and facilities in accordance with special agreements. Such agreements, to be entered into by the Council and Member States, were conceived to regulate the numbers and types of troops, their readiness and location and the nature of the facilities to be provided, among other aspects. No agreements under Article 43 were ever concluded.

Art. 47 of the Charter establishes the Military Staff Committee as a subsidiary body of the Security Council, composed of the Chiefs of Staff of the five permanent members of the Council. The Military Staff Committee is meant to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of the forces placed at its disposal, the regulation of armaments and possible disarmament.

The Military Staff Committee became operational in February 1946. In its first resolution,<sup>16</sup> the Council requested that the permanent members of the Security Council direct their Chiefs of Staff to meet in London on 1 February 1946 as the 'Military Staff Committee'. Its first task was to draw up proposals regarding its organisation and procedure and submit these proposals to the Security Council. At its 23rd meeting on 16 February 1946, the Security Council directed the Military Staff Committee, as its first substantive task, to examine Art. 43 of the Charter from a military standpoint and submit the result of the study to the Council, as well as recommendations on the basic principles that should govern the United Nations forces.<sup>17</sup>

When requesting that the Military Staff Committee work on this report, the Security Council's aim was to launch discussions among the Chiefs of Staff of the five permanent members of the Council (the Military Staff Committee) to identify and agree on the most important questions related to the United Nations military forces. The report would then be discussed at the Security Council level. This framework would establish an understanding of the key issues so that special agreements under Art. 43 of the Charter could be worked out smoothly.

On 30 April 1947, the MSC submitted its report on 'General Principles Governing the Organization of the Armed Forces Made Available to the Security Council by Member Nations of the United Nations'.<sup>18</sup> This report was the first phase of the Military Staff Committee's study on Art. 43 and included the recommendations agreed upon by the Chiefs of Staff of the five permanent members of the Council, as well as the proposals of individual delegations where unanimity had not been achieved. The report

was subsequently discussed and considered by the Security Council, with key elements of the report agreed and adopted at the Council level.

B) Consideration by the security council of the report of the military staff committee: elements of the report adopted by the council

The Security Council considered the report of the Military Staff Committee in eleven meetings held between 20 June and 15 July 1947. First, the Council held a general discussion on the whole report and then adopted a Syrian motion to take the report as a working document and study the articles one by one. The report of the Military Staff Committee contained 41 articles; the Council reached an agreement on twenty-five and failed to agree on sixteen.<sup>19</sup>

The discussions on the whole report show that the Security Council members shared a fundamental common understanding of the role, functions and objectives of the UN military forces. Even though many important elements remained to be discussed and agreed, the Council was acting with the clear purpose of creating an effective armed force. Below are some non-comprehensive highlights of the report of the Military Staff Committee, the deliberations of the Council and some of the main elements agreed and adopted by the Security Council:

*(i) Agreement of the Council on the combat role of UN military forces.*

The Security Council had the clear understanding that the UN military forces would have a combat role. This was clearly established in Art. 24 of the report of the Military Staff Committee that was adopted by the Council.<sup>20</sup> Art. 24 established that ‘These Armed Forces should be either maintained in readiness for combat or brought up to readiness for combat within the time-limits to be specified in the Special Agreements’.<sup>21</sup>

*(ii) Strength and moral weight of the UN military forces.*

Immersed in the post-war spirit of 1946, the Security Council understood that the moral weight and potential power behind any decision to employ the Armed Forces would be ‘very great’ and this element would directly influence the required size of the Armed Forces. This was an element of the report of the Military Staff Committee (Art. 5) that was adopted by the Security Council.<sup>22</sup> For each individual member of the Council, and notably all five permanent members, the Armed Forces should be of an adequate size to deter any threat to international peace and security, even though many aspects regarding the actual size and composition of the military forces remained to be discussed and agreed at the Council level.

During the 138th meeting on 4 June 1948, the US representative indicated that:

‘The mere existence of such forces will be a powerful deterrent to any nation contemplating an act of aggression. Prompt establishment of such forces will be a demonstration to the peoples of the world of the intention of the Member nations to carry out their obligations to uphold the law of the Charter’.<sup>23</sup>

This understanding was shared by other members of the Council and captured in Art. 19, also agreed and adopted by the Council.<sup>24</sup> The Council aimed to create an armed force powerful enough to forestall or promptly suppress a breach of the peace or any act of aggression.

During discussions of Art. 11 on the ‘Contribution of Armed Forces by Member Nations’, although there was no agreement or adoption of this article, the position of the permanent members of the Council was captured in the report. In this respect, for example, the Chinese delegation indicated that ‘[...] how these Armed Forces are organized matters less than the fact that the United Nations do have an effective police force that would be powerful enough to guard the peace’ (it should be noted that the People’s Republic of China replaced the Republic of China in 1971)

During the 138th meeting on 4 June 1948, the representative of the United States made the need clear for the UN military forces to stop any attempt of aggression at the earliest possible stage, making use of land, sea and air forces with modern equipment and techniques:

[...] Our concept of the nature and strength of the United Nations armed forces is based to a very considerable extent on the experience of the last war. [...] We learned that an attempt to stop an aggressor after he has succeeded in a *fait accompli* is infinitely more difficult than to stop him at the earlier stage. [...] An outstanding feature of the last war, and one which in our view proved decisive, was the development of new and powerful striking force combining all three elements of the allied armed forces: army, navy and air’. [...] We do not believe that the United Nations can have an effective armed force unless it contains the components of these modern forces, which have proved of infinitely greater mobility and striking power than any previously developed. In fact it seems to us that this type of force is most suitable to the requirements of the United Nations.<sup>25</sup>

The essence of this understanding was captured in Art. 3 and 4 agreed and adopted by the Council.<sup>26</sup> These articles indicate that national formations/units of land, sea and air forces would compose the Armed Forces of the United Nations, and would be made available to the Security Council from the best trained and equipped formations/units of Member Nations of the United Nations.

Art. 6, also agreed by the Council,<sup>27</sup> captures the same concept but from the ‘limitation standpoint’. According to Art. 6, the Armed Forces made available to the Security Council by Member Nations would be limited to a strength sufficient to enable the Security Council to take prompt action anywhere in the world to maintain or restore international peace and security.

The representative of the Soviet Union<sup>28</sup> also agreed with all other members of the Security Council on the essential issues of the UN military forces, including their aims, purposes and effectiveness. The representative of the Soviet Union indicated the following during the 139th meeting of the Council:

We all know that, in the past, Hitlerite Germany and Japanese aggressors did not encounter a due rebuff. The absence of this rebuff to the aggressor States resulted in the fact that they forced the most destructive war upon humanity. It was precisely because of this sad experience of the past that the Organization of the United Nations, from its very inception, showed concern that, in the event of a breach of international peace, it should be in a position to undertake proper measures for ensuring the restoration of peace.<sup>29</sup>

Important aspects of the UN military forces remained to be agreed by the Council, including the understanding of ‘sufficient strength’ or the principles for the contribution of Armed Forces by the five Permanent Members. However, the Members of the Council agreed on the combat role and main objectives of the Armed Forces.

*(iii) The expected role of the five permanent members of the Security Council within the UN military forces.*

Art. 9 of the report of the Military Staff Committee was adopted by the Security Council<sup>30</sup> and established that all Member States shall have the opportunity and the obligation to place Armed Forces at the disposal of the Security Council.

In addition, Art. 11 deals with the Armed Forces to be made available to the Security Council by permanent members of the Council. There was

no agreement regarding Art 11.<sup>31</sup> Significant discord is observed between permanent members on Art. 11. The disagreement was based on whether permanent members would make ‘comparable initial contributions’ to the Armed Forces (proposal of China, France, the United Kingdom and the United States)<sup>32</sup> or contributions based on the ‘Principle of Equality’ regarding the overall strength composition of the forces (proposal of the Soviet Union).<sup>33</sup> If the permanent members made comparable contributions, the composition and size of their national armies would determine the nature of their contributions (e.g., the UK could be in a position to contribute a higher portion of naval forces than other permanent members), but the comparable relevance of all contributions would be same. If the forces were contributed according to the Principle of Equality, the five permanent members would contribute exactly equal forces regardless of the composition and strength of their national armies. This discussion did not reach an agreement and consensus on this point.

However, discussions on the nature of the contributions of the five permanent members reveal an important point, which is that all five permanent members understood and accepted that their national armies would play a critical role within the UN military forces, at least initially. This understanding is an undisputed assumption in the Security Council’s deliberations:

During the 138th meeting on 4 June 1948, the US representative indicated the following:

[...] There can be no question that the United Nations needs, first of all, a mobile force able to strike quickly at long range and to bring to bear, upon any given point in the world where trouble may occur, the maximum armed force in the minimum time. If, in order that the United Nations should have such a force available to it, it is necessary that those permanent members of the Security Council which possess such forces at the present time should provide the greater portion of a particular mobile component, we think that should be done.<sup>34</sup>

In this respect, the intervention of the Soviet Union during the 139th meeting was as follows:

[...] It is necessary to come to agreement on the question of the strength and composition of the armed forces to be made available by the States which are permanent members of the Security Council. I have in mind an agreement in principle, leaving aside for a while, for further decision, the question of the concrete size of contributions of the States which are permanent members of the Security Council. The importance of this

question is quite evident, especially if we take into account that the forces made available by these States will play a decisive role'.<sup>35</sup>

The opinion of the French delegation on the matter was expressed in the report of the Military Staff Committee:

[...] in practice, the vast superiority of the permanent Members, viewed from every angle [...] is such that the greatest part of the Armed Forces of the UN will always be provided by the five permanent members".<sup>36</sup>

In a similar sense, the representative of the United Kingdom pointed out during the 140th meeting of the Security Council that:

[...] the Military Staff Committee report is the only the first step, that should be followed by a practical work, with the next step to determine the overall strength of the UN forces. The UK considers necessary reach agreement on Art. 11 of the report to be able to move forward. It is a preliminary agreement that will determine in grand part the overall strength.<sup>37</sup>

The understanding of the permanent members of the Council on their critical role in the UN military forces, at least initially, was clear from the outset. Disagreement remained on some other important points that would determine their actual contributions.

*(iv) Size of the UN military forces and its links to world disarmament.*

The size of the UN military forces and world disarmament were intimately interrelated. The existence of these forces would stop any attempt of aggression and maintain international peace and security for the benefit of Member States. The existence of an effective UN military force would make it pointless for Member States to have their own military forces. As the UN military forces would take on their responsibilities, Member States would engage in disarmament. These forces would also make it pointless for States to acquire new armament.

The Australian delegation, acting as elected member of the Council, made the observation that there would be significant consequences on the reluctance of States to disarm should the UN military forces fail to be established, and their search for means of self-defence would rely on individual, bilateral or regional arrangements. This would encourage other States to do the same with the subsequent increase in armaments worldwide:

‘It must be evident to any reasonable observer that, until the United Nations has developed effective instruments by which it can, in the last resort, compel observance of the law of the Charter, national Governments will inevitably be reluctant to agree to any significant measures of disarmament. However burdensome and costly it may be, those responsible for the security and safety of their peoples will tend to rely on individual and bilateral and regional arrangements for self-defense. It is our imperative duty to establish a system of collective security in which the peoples of the world may place their trust and confidence. It is our imperative duty to make competitive armament less necessary, and if possible, unnecessary’.<sup>38</sup>

In the same sense, the Brazilian representative, also serving as elected member of the Council, argued that the UN should be supported by a ‘police force’ strong enough to prevent any aggression and, once this force was established, other key pillars of the system would be possible. According to Brazil’s representative, the UN could only be in a position to resist any violation of the international order by an aggressive power by arming the United Nations and reducing the armament of individual states.<sup>39</sup>

The Soviet Union also commented on disarmament issues during these discussions:

‘In the present situation, it would be sufficient for the Security Council to have at its disposal relatively small armed forces. The correctness of this conclusion becomes even more obvious in the light of the resolution of the United Nations on the general reduction of armaments and armed forces’.<sup>40</sup>

Although the French delegation believed that it should not be necessary to wait until a complete security system was in place to reduce armament, it acknowledged that the whole question on disarmament depended on this factor and also stated that certain delegations had deliberately reserved their position in this regard until Art. 43 of the Charter was implemented. The French delegation was of the opinion that a failure to make progress with the UN military forces would have repercussions on the most important commissions working under the authority of the Council at the time, including the one related to disarmament.<sup>41</sup>

The delegation of Poland, also an elected member of the Council, highlighted that both the UN military forces and world disarmament were

expected to develop in parallel. The more successful the disarmament, the smaller the UN military forces would need to be:

I wish to point out the close connexion between a satisfactory solution of our problem and achievement of effective disarmament [...]. The smaller the armed forces maintained by the different States for their own purposes, the greater will be the political and military weight of the armed forces put at the disposal of the Security Council. Obviously, if we should have no disarmament or if we should even have the reverse -an increase in national armaments- the Security Council, in order to be effective, would need very large armed forces, or otherwise those forces would be too small to have any military and, consequently, any political effect.<sup>42</sup>

*(v) Summary of elements agreed and points pending agreement by the Council regarding the report of the Military Staff Committee.*

In brief, the elements that the Council agreed in relation to the United Nations military forces can be referenced as follows: the purpose of the armed forces (Art. 1 and 2); the composition of land, sea and air (Art. 3); provenance from the best trained units/formation of national armies (Art. 4); moral and potential power (Art. 5); sufficient strength to maintain peace and security (Art. 6); the right and obligation of Member Nations to contribute forces in accordance with their capabilities (Art.9); the fact that permanent members would make initial contributions to facilitate the early establishment of the Armed Forces (Art. 10); the fact that size and composition would be determined by the Security Council in the process special agreement negotiations (Art. 12, 13 and 15); the potential different nature of contributions (Art. 14); temporary limitations of contributions (Art. 18); prompt and effective military action (Art. 19); readiness (Art. 22 and 23); readiness for combat (Art. 24); logistic support (Arts. 29, 30); location of the armed forces (Art. 35); and some aspects related to strategic direction and command (Arts. 36 to 40).

The discussions on the disagreements were very rich and participative, and included different points and angles that often cut across different subjects of the report of the Military Staff Committee. The Syrian and Soviet Union delegations summarized the matters pending agreement as follows: (i) contribution of armed forces, whether on a basis of quality or on fair and equitable terms; (ii) use of bases; (iii) rights of passage; (iv) location of armed forces; (v) withdrawal of armed forces after completion of the task; (vi) logistical support to armed forces; (vii) self-defence under Art. 51 of the Charter; and (viii) Command of armed forces.<sup>43</sup>



In addition, the Australian delegation highlighted that the Military Staff Committee provided little guidance to the Council on how to negotiate the special agreements or to the Member States on estimating their probable contributions and commitments. Additionally, there were no indications on the total strength of the UN forces or any recommendation as to the size of the forces to be made available by Member States.<sup>44</sup>

In addition, the Chinese representative agreed with the representatives of Belgium and Brazil that the report of the Military Staff Committee contained no provision of adequate measures in a situation where a permanent member commits an act of aggression.<sup>45</sup>

### III. CONCLUSIONS

An analysis of original documents, official records, decisions, videos and speeches shows that the United Nations military forces were expected to engage in direct combat if other means to maintain international peace and security failed. In 1946, the Security Council was aware of and agreed with this expectation. It started working on the creation of the military forces and made progress in quite a number of key areas. In addition, the permanent members of the Council intended to intervene directly and foresaw a powerful role for their own national armies within the UN military forces. Discussions within the Council were active, participative and, although discrepancies were visible in certain areas, all members of the Council showed the resolve to move the project forward.

The Cold War froze the Security Council's work on the UN military forces, which was abandoned. Instead, during the Cold War the Security Council developed the concept of Peacekeeping Operations, which is of a different nature and found the political space to advance during those difficult times. Even though Peacekeeping Operations have military components associated to the actions of the United Nations, they are very different from the UN military forces foreseen in 1946 and do not cover the fundamental combat role. They cover a different phase of conflicts, which starts only after the main parties to a conflict have signed a peace agreement. Peacekeeping forces have proved their value and remain critical and necessary, however the gap of combat operations before the signing of a peace agreement or in environments where peace agreements are not often a suitable option -such as those affected by terrorism- remains unfulfilled.

Others are filling this gap. Sometimes the Security Council delegates the combat role to multinational forces or regional organisations with limited

success, and sometimes even with backlash. On other occasions proxy armies, ‘defense militias’, guerrillas or other non-state armed groups take military action into their own hands. In addition, some States act unilaterally and engage in military action following their individual agendas.

The lack of UN Armed Forces also has many associated problems, especially in relation to unchecked combat operations carried out by different actors, regardless of whether these operations are authorised by the Security Council or not. Problems include the pursual of agendas that are inconsistent with the UN Charter, immoral use of military force, disproportionate and unnecessary use of force, disregard for civilian lives, promotion of war economies, heavy circulation of weapons that remain in the area after the conflict, and promotion of the arms industry, among others.

In terrorism-affected environments, these unchecked combat operations are extremely delicate. The unchecked use of military force often results in backlashes and spirals violence that often builds up the terrorists’ agenda, further roots violence and triggers new conflicts that continue to open up space for terrorist organisations to cement their dominance in certain regions.

In these circumstances, as pointed out by many delegations back in 1946, meaningful disarmament is not attainable. On the contrary, some States feel they need to increase their defence budgets.

In line with the renewed approach to international relations after the Cold War, the Secretary-General took the opportunity in 1992 to make an important call to the Security Council and Member States in his report entitled “An Agenda for Peace”,<sup>46</sup> In this report, the Secretary-General indicated that, under the existing political circumstances, the long-standing obstacles to concluding the special agreements foreseen in Article 43 should no longer prevail and, therefore, the Security Council, supported by the Military Staff Committee, should initiate negotiations in accordance with that Article. The Security Council did not refer to these suggestions in the Presidential Statement that was issued after consideration of the Secretary-General’s report.<sup>47</sup> In fact, the Council has never looked back on the UN military forces and the Organization has never assumed this fundamental role.

Even though the world has changed since 1945, it is still necessary to bring the use of force into line with the purposes of the UN Charter and keep it to an absolute minimum, as well as to disarm the world in a meaningful fashion. The Security Council is facing increasing challenges to maintain international peace and security, and the vision and ideas present at the United Nation’s

founding revived in this article may inspire the changes that the United Nations needs to undergo to fulfil its expected role.

## NOTES

- 1 *Maria del Valle* is a staff member of the United Nations Secretariat. The views expressed on the article are those of the author and do not necessarily represent the views of the United Nations.
- 2 Each delegation chose the name of the UN military forces; some examples were ‘United Nations Forces’ or ‘United Nations Force’ (United Kingdom); ‘United Nations Armed Forces’ (France, China and the United States); ‘Armed Forces made available to the Security Council’ (Soviet Union).
- 3 Commission I on ‘General Provisions’ coordinated the work of Technical Committee 1 (Preamble, Purposes and Principles) and Technical Committee 2 (Membership, Amendment and Secretariat).
- 4 Commission II on ‘General Assembly’ coordinated the work of Technical Committee 1 (Structure and Procedures), Technical Committee 2 (Political and Security Functions), Technical Committee 3 (Economic and Social Cooperation) and Technical Committee 4 (Trusteeship System).
- 5 Commission III (Security Council), coordinated the work of Technical Committee 1 (Structure and Procedures), Technical Committee 2 (Peaceful Settlement), Technical Committee 3 (Enforcement Arrangements) and Technical Committee 4 (Regional Arrangements).
- 6 Commission IV on ‘Judicial Organization’, coordinated the work of Technical Committee 1 (International Court of Justice) and Technical Committee 2 (Legal Problems).
- 7 UNCIO ‘Verbatim Minutes of the Second Plenary Session’ in UNCIO *Documents of the United Nations Conference on International Organization* vol 1 *General* (United Nations Information Organizations New York 1945), pp. 169–180.
- 8 UNCIO ‘Verbatim Minutes of the Second Plenary Session’ in UNCIO *Documents of the United Nations Conference on International Organization* vol 1 *General* (United Nations Information Organizations New York 1945), pp. 181–185.
- 9 UNCIO ‘Verbatim Minutes of the Second Plenary Session’ in UNCIO *Documents of the United Nations Conference on International Organization* vol 1 *General* (United Nations Information Organizations New York 1945), pp. 189–191.
- 10 UNCIO ‘Verbatim Minutes of the Second Plenary Session’ in UNCIO *Documents of the United Nations Conference on International Organization* vol 1 *General* (United Nations Information Organizations New York 1945), pp. 230–232.
- 11 UNCIO ‘Verbatim Minutes of the Seventh Plenary Session’ in UNCIO *Documents of the United Nations Conference on International Organization* vol 1 *General* (United Nations Information Organizations New York 1945), pp. 502–503.
- 12 UNCIO ‘Verbatim Minutes of the Sixth Plenary Session’ in UNCIO *Documents of the United Nations Conference on International Organization* vol 1 *General* (United Nations Information Organizations New York 1945), p. 445.
- 13 UNCIO ‘Provisional text of the report of M. Paul-Boncour, Rapporteur, on Chapter VIII, Section B’ Committee III/3 in UNCIO *Documents of the United Nations Conference on International Organization* vol 12 *Commission III, Security Council* (United Nations Information Organizations New York 1945), pp. 477–478.
- 14 UNGA ‘Verbatim record of the First Plenary Meeting’ (10 January 1946) UN Doc. A/PV.1, p. 38.
- 15 UNSC Res 1 (1946) ‘Military Staff Committee’ (25 January 1946).
- 16 UNSC Res 1 (1946) ‘Military Staff Committee’ (25 January 1946).
- 17 UNSC ‘Directive to the Military Staff Committee to examine the provisions of Article 43 of the Charter’ (16 February 1946) UN Doc. S/PV.23, p. 369.

- 18 UNSC 'Letter from the Chairman of the Military Staff Committee to the Secretary-General dated 30 April 1947 and enclosed report on the General Principles governing the Organization of the Armed Forces made available to the Security Council by Member Nations of the United Nations' (30 April 1947) UN Doc. S/336.
- 19 UNSC 'Repertoire of the Practice of the Security Council' 1946 – 1951 'Chapter IX Decisions in the Exercise of Other Functions and Powers' UN Doc. ST/PSCA/1, pages 366-367: '*Decision of 16 June 1948 (141st meeting): Request to Military Staff Committee to continue work.* By letter dated 30 April 1947, the Chairman of the Military Staff Committee submitted its report on the general principles governing the organization of the armed forces to be made available to the Council by Member Nations. The report was discussed at the 138<sup>th</sup>, 139<sup>th</sup>, 140<sup>th</sup> and 141<sup>st</sup> meetings from 4 to 16 June 1947. The Council then adopted a Syrian motion that, the general discussion on the report of the Military Staff Committee having been concluded, the report would be taken as a working paper and its articles studied one by one in the Security Council. The Council also approved a suggestion by the President that the Military Staff Committee should be requested to continue its work concurrently with the Council's examination of its report, and without waiting for a decision on all the existing points of disagreement. The Council agreed upon a detailed examination of the report of the Military Staff Committee at the 142<sup>nd</sup> meeting on 18 June 1947 which was continued at the 143<sup>rd</sup>, 145<sup>th</sup>, 146<sup>th</sup>, 149<sup>th</sup>, 154<sup>th</sup> and 157<sup>th</sup> meetings, between 20 June and 15 July 1947. Decisions of 18, 20, 24 and 30 June 1947 (142<sup>nd</sup>, 143<sup>rd</sup>, 145<sup>th</sup>, and 149<sup>th</sup> meetings): Adoption of certain articles of the report. The report of the Military Staff Committee contained 41 articles, of which it had reached agreement on twenty-five and failed to agree on sixteen. In the course of discussions at the 142<sup>nd</sup>, 143<sup>rd</sup>, 145<sup>th</sup> and 149<sup>th</sup> meetings between 18 and 30 June 1947, the Security Council adopted the articles agreed upon in the Military Staff Committee, viz: articles 1, 2, 3, 4, 5, 6, 9, 10, 12, 13, 14, 15, 18, 19, 22, 23, 24, 29, 30, 35, 36, 37, 38, 39 and 40. Minor corrections of language in English or the French text were made in articles 13, 23, 24, 29 and 35. Articles 5 and 6 were adopted with drafting and clarification amendments. Article 6 was amended to ring the expression 'armed forces made available to the Security Council' in line with the language of the Charter by adding the phrase 'on its call'. This amendment bore a consequential effect and was also applied to articles 10, 13, 22 and 36. Articles 5, 6 and 18 were adopted after clarification had been sought and received from the Military Staff Committee. Article 18 as finally adopted carried as a footnote part of the Military Staff Committee's letter of interpretation. At the 149<sup>th</sup> meeting on 30 June 1947, the Council began discussion of article 11 and requested the Military Staff Committee for clarification. Discussion of this article, in conjunction with a letter of interpretation from the Military Staff Committee, was continued at the 154<sup>th</sup> meeting 10 July 1947 and also at the 157<sup>th</sup> meeting on 15 July 1947, but without agreement'.
- 20 Ibid.
- 21 Ibid.
- 22 Ibid.
- 23 UNSC Verbatim Record (4 June 1947) SCOR 2nd Year 138<sup>th</sup> Meeting, p. 956, at para. 4.
- 24 UNSC 'Repertoire of the Practice of the Security Council' 1946-1951 'Chapter IX Decisions in the Exercise of Other Functions and Powers' UN Doc. ST/PSCA/1, pp. 366-367.
- 25 UNSC Verbatim Record (4 June 1947) SCOR 2nd Year 138<sup>th</sup> Meeting, at page 594.
- 26 UNSC 'Repertoire of the Practice of the Security Council' 1946-1951 'Chapter IX Decisions in the Exercise of Other Functions and Powers' UN Doc. ST/PSCA/1, pp. 366-367.
- 27 Ibid.
- 28 It should be noted that the Russian Federation succeeded the Soviet Union in 1991.
- 29 UNSC Verbatim Record (6 June 1947) SCOR 2nd Year 139<sup>th</sup> Meeting, p. 964.
- 30 UNSC 'Repertoire of the Practice of the Security Council' 1946 – 1951 'Chapter IX Decisions in the Exercise of Other Functions and Powers' UN Doc. ST/PSCA/1, pp. 366-367.
- 31 Ibid.
- 32 The version of Art. 11 accepted by the Chinese, French, UK and US Delegations: 'Each of the five Permanent Members of the Security Council will make a comparable initial overall

- contribution to the Armed Forces made available to the Security Council by Member Nations of the United Nations. In view of the differences in size and composition of national forces of each Permanent Member and in order to further the ability of the Security Council to constitute balanced and effective combat forces for operations, those contributions may differ widely as to the strength of the separate component, land, sea and air'.
- 33 The version of Art. 11 accepted by the Soviet Union: 'Permanent Members of the Security Council shall make available armed forces (land, sea and air) on the Principle of Equality regarding the overall strength and the composition of these forces. In individual instances, deviations from this principle are permitted by special decisions of the Security Council, if such a desire is expressed by a Permanent Member of the Security Council'.
- 34 UNSC Verbatim Record (4 June 1947) SCOR 2nd Year 138<sup>th</sup> Meeting, p. 956 at para. 2.
- 35 UNSC Verbatim Record (4 June 1947) SCOR 2nd Year 138<sup>th</sup> Meeting, p. 965 at para. 3.
- 36 UNSC 'Letter from the Chairman of the Military Staff Committee to the Secretary-General dated 30 April 1947 and enclosed report on the General Principles governing the Organization of the Armed Forces made available to the Security Council by Member Nations of the United Nations' (30 April 1947) UN Doc. S/336, p. 33.
- 37 UNSC Verbatim Record (10 June 1947) SCOR 2nd Year 140<sup>th</sup> Meeting, p. 994 at paras. 3 and 4.
- 38 UNSC Verbatim Record (6 June 1947) SCOR 2nd Year 139<sup>th</sup> Meeting, p. 981.
- 39 UNSC Verbatim Record (10 June 1947) SCOR 2nd Year 140<sup>th</sup> Meeting, p. 990 at para. 3.
- 40 UNSC Verbatim Record (6 June 1947) SCOR 2nd Year 139<sup>th</sup> Meeting, p. 968 at para. 4.
- 41 UNSC Verbatim Record (16 June 1947) SCOR 2nd Year 141<sup>st</sup> Meeting, p. 1006 at para. 8.
- 42 UNSC Verbatim Record (16 June 1947) SCOR 2nd Year 141<sup>st</sup> Meeting, p. 1019 at paras 4 and 6.
- 43 UNSC Verbatim Record (10 June 1947) SCOR 2nd Year 140<sup>th</sup> Meeting, p. 995 at para. 5.
- 44 UNSC Verbatim Record (6 June 1947) SCOR 2nd Year 139<sup>th</sup> Meeting, p. 985 at para. 2.
- 45 UNSC Verbatim Record (10 June 1947) SCOR 2nd Year 140<sup>th</sup> Meeting, p. 997 at para. 5.
- 46 UNSC - UNGA 'Report of the Secretary-General pursuant to the statement adopted by the summit meeting of the Security Council on 31 July 1992' UN Doc. S/24111 - A/47/227, para. 43.
- 47 UNSC 'Repertoire of the Practice of the Security Council' 1989 - 1992 (11th supplement) 'Consideration of the provisions of Chapter VII of the Charter' UN Doc. ST/PSCA/1/Add.11, p. 920.