

THE UNITED NATIONS'
MILITARY STAFF COMMITTEE: FUTURE OR FAILURE?

A Thesis
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The opinions and conclusions expressed herein are those of the individual student author and do not necessarily represent the views of either The Judge Advocate General's School, U. S. Army, or any other governmental agency. References to this study should include the foregoing statement.

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INTRODUCTION

"Would you tell me, please, which way I ought to go from here?"

"That depends a good deal on where you want to get to," said the Cat.

"I don't much care—" said Alice.

"Then it doesn't matter which way you go," said the Cat.

"—so long as I get somewhere," Alice added as an explanation.

"Oh, you're sure to do that," said the Cat, "if you only walk long enough."¹

This excerpt from Alice's Adventures in Wonderland, exemplifies in many ways the difficulties of this paper. It includes, International Law (the area), the United Nations Military Staff Committee (the subject), and those who study or labor therein (the author). The object of all three is to get "somewhere," and, hopefully, if we do walk long enough, and work hard enough, an appropriate solution may be reached, although not necessarily the final, or conclusive one.

The people operating in international relations generally, and the Military Staff Committee, specifically, are, by their actions, and language, accused of being "mad" at times, even though all are concerned in one way or

another with international peace-keeping. Political desires and fears, societal norms, and economics lend reality to the messianic hopes and dreams of mankind's quest for a lasting world peace.

This presentation will examine only one facet of international peace-keeping, the UN's Military Staff Committee. The Military Staff Committee, an arm of the Security Council of the United Nations, is an example of man trying to improve on historical peace-keeping failures through creation of military sanctions. With the birth of the United Nations, a new era in peace-keeping burst forth, and integrated therein were the "teeth" so badly lacking in the past. Decay was quick to set in and, in effect, the dream of a strong international military force was stillborn. Accordingly, this paper will examine the historical development of the Committee, the reasons and effects of its failure, and present alternatives and approaches to bring the Committee's military influence to bear on international peace-keeping.

By the end of September 1971, the Military Staff Committee had met 674 times since its inception in 1946. It meets every other Thursday. The meetings last 5 to 15 minutes and involve reading and approval of minutes for prior meetings, scheduling and approval of agenda (reading of minutes) in next meeting, and adjournment. The United

States is usually represented by a VADM or LTG plus an O-6 of a sister service. The British and French are usually represented by an O-6 or O-7 provided from the Washington Staff. The Soviets are usually represented by O-6's from Washington. The Republic of Nationalist China was normally represented by a 4-star general plus staff. (Assuming that the Peoples Republic of China delegation replace the Taiwan delegation on the Committee, it remains to be seen how the rank will be modified.) Collectively, therefore, in 1970, the members of the five-power Military Staff Committee included two air force generals, one air vice marshall, five army generals, one vice admiral, two rear admirals, and a small platoon of colonels, group captains and naval captains.

The delegation of the United States acts as representatives of their Service Chiefs. The two military representatives are on a co-equal and coordinate status. However, they operate as a unified group with an integrated staff. The senior representative is designated Chairman of the U.S. delegation with the following duties:

- (a) Represent the President, the Secretary of Defense, and the Joint Chiefs of Staff on the Committee.

- (b) Principal military advisor to the Chief of the United States Mission to the United Nations.

- (c) Spokesman for the U.S. delegation at all meetings of the United Nations Military Staff Committee.

The mind boggles at this totality of military expertise and knowledge available to be brought to bear upon any problem threatening world peace. However, if one thinks Lewis Carroll was over-indulging in fantasy one should see what the governments of the great powers require their military men to do every two weeks in New York. But, this is jumping ahead too rapidly. Read on, for as Alice discovers when asking the Cheshire Cat, "What sort of people live about here?"

"In that direction," the Cat said, waving its right paw around, "lives a Hatter: and in that direction," waving the other paw, "lives a March Hare. Visit either you like: they're both mad."

"But I don't want to go among mad people," Alice remarked.

"Oh you can't help that," said the Cat: "we're all mad here. I'm mad. You're mad."

"How do you know I'm mad?" said Alice.

"You must be," said the Cat, "or you wouldn't have come here."²

CHAPTER 1

HISTORICAL PERSPECTIVE

Under the leadership of Woodrow Wilson, an attempt was made after the First World War to organize the world powers toward the end of peace, security, and human welfare. The end result was a loosely written document called the Covenant of the League of Nations. For various reasons discussed later, the League ultimately failed,³ however, its importance in later years as a basic model, with additional elements added for strength, can not be overlooked. The same question which plagued the League was to plague other organizations: what may reasonably be expected of international organizations in undertakings to maintain peace by systems of guarantees, sanctions and other juridical regulations, in a world where, rather than a monopoly of the power to use force, the power is shared among a number of equal and independent organs--the "sovereign states?" The answer, as the framers of the League saw it, was that military armed force could keep the peace. France and the United Kingdom were ready and able to give their military support to the League as the decisive factor in the maintenance of peace. The other Great Powers either stood outside the League, or adopted a cool and reserved attitude toward it, regarding it as an instrument of Anglo-French policy.

A utopian plan perhaps, but as indicated, efforts at international organization beginning during World War I were generated in a swirl of transcendent dedication to the proposition that the world was to be made "safe for democracy" and that there would be no more wars. It was perfectly in consonance with this spirit, if somewhat premature to world reality, but not to the concept, that the framers of the League Covenant should see the necessity or the propriety of providing for military coercion as a means of maintaining peace. Although hastily, they acted with full recognition of the deep-rooted misgivings of some of the parties. The League Covenant did establish in a vague and inconclusive way a legal basis on which international military force could be applied against nations found guilty of abusing their national power. With respect to military sanctions, Article XVI of the League Covenant states in substance that the League Council will

recommend to the several Governments concerned what effective military, naval, or air force the Members of the League shall severally contribute to the armed forces to be used to protect the Covenants of the League; that the Members will mutually support one another in resisting any special measures aimed at one of their number by the Covenant-breaking state, and that will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Whether or not, except perhaps in the dreams of some of the most hopeful, there was ever a genuine intent to implement military sanctions as a means of maintaining international peace may never positively be known. Factually, the League never attempted the use of any military force in any endeavor to accomplish its stated objectives, though it was given the opportunity on two occasions. Both Japan's invasion of China in 1931 and Italy's conquest of Ethiopia in 1935 showed the League and its members failing at halting intercession. While it is certain that the failures of the League to prevent Japan and Italy from abuses of their national power were caused by far more complex reasons than the inherent weaknesses of the Covenant and Article XVI, it is of some value to examine briefly some of the principal weaknesses in the League system.

Initially, the Covenant did not vest power to apply its sanctions in any agency; it left the matter of enforcement largely to the "good faith" of the Members whose duty in the proposition, whether legal or moral, was itself not backed up by the power of coercion.⁵

Contribution of forces was entirely optional; the council not given power to requisition troops. The League had no such forces at its command and the members were under no duty to follow the recommendations of the Council

should it request them to contribute to an international armed force.

Secondly, and perhaps the crux of the whole matter, was the fact that nations, like people, are motivated, if not compelled, to action in their own selfish interest. In the Italian-Ethiopian affair, for example, Great Britain and France were more concerned about the danger of Germany's quickening rearmament than they were about a small and seemingly insignificant country. The United States, though not a member of the League, had remained aloof too long. Of the many articulate expressions as to why nations are reluctant to use their military forces in internationally sponsored endeavors to preserve peace, Professor Edmond C. Mower sums it up, as aptly as any. In his words:

The efficacy of the military sanction depends on the exercise of discretion by member states because national interests are unequally affected by disputes among different states; their geographic location with respect to disputing nations may cause a measure of indifference; the status of economic resources which may be overwhelmingly interdependent, is a constraining force to participation in coercive efforts against another state; and, finally, there is a natural indisposition of governments to commit their military strength against a nation whose breach of international etiquette does not directly affect them.⁶

Accordingly, the history of the League, and particularly in respect to the application of military sanctions, was "not so much a contest between the friends and enemies of

collective security as it was a vascillation between the desire to enjoy its benefits and the urge to avoid paying the price."⁷

Despite some successes by the League, it was doomed to ultimate failure. Its failure was not, it is contended, due completely to inherent weakness or faulty drafting of the Covenant, "but its goals were unobtainable primarily because the will to achieve them was absent."⁸ The League had experimented with the concept of "ad hoc forces" on a purely voluntary and moral basis, and as Cordell Hull, then United States Secretary of State wrote, "From the moment when Hitler's invasion of Poland revealed the bankruptcy of all existing methods to preserve the peace, it became evident to us in the State Department that we must begin almost immediately to plan the creation of a new system."⁹

The signing of the Declaration by United Nations on 1 January 1942,¹⁰ was another landmark in the development of world peace. Actually this was merely a wartime coalition with the signatories accepting the principles of the Atlantic Charter signed on 14 August 1941. The parties desired "to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries," and expressed their belief that the disarmament of aggressor nations was essential "pending the establishment of a wider and permanent system of general security."¹¹

Generalized policy with a view toward the establishment of an international organization to maintain peace and security was next made at the Moscow Conference in 1943. The representatives of the four principal United Nations—China, the Soviet Union, the United Kingdom, and the United States—recognized "the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equity of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security."¹²

While nations mouthed words of peace, security, world order and protection, little practical results were seen until the Dumbarton Oaks Proposals¹³ of August-October 1944. The four major powers at Dumbarton Oaks, still steeped in tradition, favored an organization with a broadly representative Assembly, a small and selective Council, a Court, and a Secretariat—a basic structure, in short, modeled on the League of Nations. Since the scope of this paper deals specifically with the Military Staff Committee, only the system of security in the Proposals will be discussed at length.

The powers were in complete agreement that the function of maintaining peace and security should be controlled by the Security Council, since it was here that they had the

most power, and that the great powers were entitled to special position on the Council by virtue of their exceptional responsibility for world security. It was further agreed to generalize the obligations of member states and to set them out, as Purposes and Principles.¹⁴ Difficulties that had developed in connection with the guarantees of Article 10 of the League of Nations were recalled. This had obligated members of the League "to respect and preserve against external aggression the territorial integrity and existing political independence of all members," but had really provided incomplete and inflexible procedures to carry out these guarantees. Thus the major nations felt the Council should be allowed to act promptly and effectively, whenever conditions were determined to warrant it.

In light of the failure of the League to enforce anything, the major nations agreed to giving the Security Council binding power to determine threats to peace and security, and to take any necessary action to maintain the peace and security in such situations. The provisions covering the general powers and procedures necessary to enable the Council to fulfill these functions were easily agreed upon. However, while all four governments favored the basic principle of making contingents of national armed forces available to the Security Council, they differed on various aspects of the problem of supplying the Council with the means for

collective action.¹⁵ These problems were resolved for the most part by the final draft in paragraph VIII-B-5. This was to signal the first of many important military arrangements which would eventually retreat into oblivion.

It was agreed by the four nations that some sort of military staff would be necessary to assist the Security Council in its various responsibilities for maintaining peace and security, employing its available armed forces, promoting agreements on armaments regulation, and so forth. Actually, only a question of its composition was raised. Great Britain had proposed that it include only the permanent Council members. The Soviet Union wanted it to represent the entire Council membership. The United States did not take a stand.¹⁶

The British view, which was based on the system of Combined Chiefs of Staff developed by the U.S. and Great Britain during the war in Europe, was the view finally adopted. The Military Staff Committee would be composed of "the Chiefs of Staff of the permanent members of the Security Council or their representatives;" but any other state, whose presence would assist in the "effective discharge of the Committee's responsibilities," would be invited to participate in its work. It would be responsible for "the strategic direction of any armed forces placed at the disposal of

the Security Council," but the tough "questions of command of forces" were specifically left to be "worked out subsequently."¹⁷

Thus we proceed to San Francisco in June 1946. The League of Nations may have died before or during World War II, but the ideals for which it was created survived from the conflict, were reignited at Dumbarton Oaks, and accepted practically unanimously in the signing of the Charter of United Nations. The widespread desire to give the new world organization effective power to maintain peace was evident in the readiness of the governments at San Francisco to accept the basic features of the security system devised at Dumbarton Oaks.

Thus, in this brief review of background and evolution of an armed forces concept to world peace, we have seen history unfold in gradual development from a faint possibility to potentially unlimited capability in preserving world peace.

This new horizon was not without its problems. If this system of military force was to have strength, it must be established and armed. And once again the original question asked by the author rises—just what may reasonably be expected of this new organization which is undertaking to maintain peace with sanctions, in a world where there still is no monopoly of the power to use force, but where it is shared . . .

CHAPTER 2

THE "TEETH AND ITS DECAY"

As we have seen, in 1945 the framers of the United Nations Charter based the hope of a future world on this fundamental premise: that the great powers who had won the war from the Axis would use the organization to enforce peace. "It was the original premise of the United Nations Security Council: to confront a would-be aggressor with the rule of law backed by preponderant military power."¹⁸ Within a year the growing fury of the cold war made it evident that the Security Council would never function as planned and that the international armed force, peace enforcement club, envisaged by the United Nations founders in Article 43 would never come to life. "What had happened, of course, was that the would-be international policemen had fallen out among themselves."¹⁹ Thus, the purpose and scope of this chapter is to examine how this international armed force is organized under the Charter, the Military Staff Committee's role in it, and the ultimate failure of the Committee to live up to its role.

There are narrow aspects of the Charter of the United Nations which are of importance to the subject of this thesis. While an analysis of the entire document (see Appendix 1) reveals many avenues of approach to the creation and use of an international military force, Chapter VII

and its Articles hold the strongest basis. It should be noted that with Roosevelt, Stalin, and Churchill dead, it is hard to determine exactly what was intended in the way of an international military force for the United Nations. Whether or not one can subscribe to the idea completely, the general consensus of some writers in the area is that the representatives at Dumbarton Oaks and San Francisco thought that the only collective military action which had the remotest chance of success would be action that was agreed to and supported unanimously by the Great Powers.²⁰ Though still in the realm of conjecture, it is apparent to some that the initial intent of the Charter pioneers was to provide national forces to the Security Council, on call by special agreements between members and the Security Council, and that the military force available to the United Nations was never intended to be international.²¹

It may be possible to extract from the preamble to the United Nations Charter the essential elements of obligation which each party of the agreement agreed to support. If this were in truth the case there would be no need to proceed further, for in the opening declarations of the Charter is found the essence of what man, allegedly, in his eternal quest for a better world has sought:

We the people of the United Nations determined to save succeeding generations from the scourge of war; to reaffirm faith in fundamental human

rights; in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, AND FOR THESE ENDS to practice tolerance and live together in peace with one another as good neighbors; to unite our strength to maintain international peace and security; and, to ensure by the principles and the institutions of methods, that armed force shall not be used, save in the common interest have resolved to combine our efforts to accomplish these aims.²² (Emphasis added.)

The most fundamental and substantive basis supporting the creation of an international armed force is contained in Articles 1 and 2 of the United Nations Charter:

Article 1

The purposes of the United Nations are:

1. 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 suppression of acts of aggression or other breaches of the peace. . . .

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

4. 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.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

7. 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 Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Whether clear or not, it appears that Articles 34 and 39 give the Security Council authority to investigate domestic wars within a country which could lead to international friction, and to inquire as to whether or not internal disturbances might develop into situations dangerous to the maintenance of international peace and security. Should investigation by the Security Council establish the existence of circumstances likely to result in breaches of the international peace, it is then authorized to take additional steps. This procedure, coupled with military force is what the framers of the Charter saw as the "teeth" of the Charter, and the answer to world peace.

As a preliminary step preceding the possible use of armed force, Article 41 of the Charter empowers the Security Council to decide what measures, not involving armed forces, are to be employed to give effect to its decisions. It may call upon the Members of the United Nations to apply such measures. Severance of diplomatic relations, interruption of communication and economic relations, either partially or completely, are authorized measures against a nation judged to have violated the provisions of the Charter.

The next tooth in the jaw of coercion, and one which is of primary concern to this subject, is the authority granted the Security Council to employ armed force to compel compliance with its decisions. Article 42 of the United

Nations Charter states:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved inadequate it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

The importance of the Article is great, for here, on paper at least, is an element of cohesion which, at one stroke, purports to cure a major weakness of the League of Nations. It vested the authority to apply armed force in a single agency and did not equivocate in reliance on the whims and good faith of the conglomerate membership to institute positive corrective action in cases where it was judged to be needed.

In recognition of the fact that such an armed force requires men and machinery, and with the conviction, uneasy or otherwise, that it would do little good to authorize the Security Council to employ armed force if it had nothing with which to execute its will, the framers of the Charter created the means whereby another weakness of the League possibly could be remedied. The question of whether or not Article 43 of the United Nations Charter is, in fact, the authority to create an international military force in constant being, ready to accomplish any mission assigned by the Security Council is still unanswered. It is essential to look at the provisions of the Article.

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with special agreement or agreements, armed forces, assistance and facilities including rights of passage, necessary for the purpose of maintaining international peace and security.

Such agreement or agreements shall govern the numbers of and types of forces, their degree of readiness and general location and the nature of the facilities and assistance to be provided.

The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded by the Security Council and Members or between the Security Council and groups of members and shall be subject to the ratification by the signatory states in accordance with their respective constitutional processes.

An examination of this Article would seem to show that the Security Council has been given a license to construct an international military force of whatever proportions and character it could get the member nations to agree to. In spite of the rejoicing of the critics of the old League who saw in Article 43 the rectification of the Covenant's major ill, that being a lack of military sanction, the authority to create an international military force was still dependent on the desires of each Member Nation. Furthermore, as an adjunct to the provisions of Article 43, and in recognition of the necessity of speed in reactions to threats to "peace and security," the Charter of the United Nations, in Article 45, provided for national air

force contingents to be "immediately" available to take urgent military action as the situation demanded. The provisions of Article 45, however, are subject to the same problems as apply to Article 43 and provide no more assurance of prompt, effective action than the Member Nations are prepared or inclined to give.

If Article 43 was acclaimed at the laying of the keel of the United Nations in San Francisco, as the innovation that would make the new organization decisively superior to the League of Nations as it provided the "teeth" the latter had so tragically lacked,²³ then those who believed that the time was ripe for the mobilization of an international military force must have truly rejoiced at the creation of a permanent and seemingly effective institution to set this vision in motion. The Charter contains two specific articles, 46 and 47, pertaining to the establishment and functions of a Military Staff Committee. Specifically they state:

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee 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 forces placed at its disposal; the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

With the license granted under Article 43 to give birth to an international military force and the specific machinery in being to control and direct the operation, it would appear that the last obstruction in the path of progress toward "peace with justice" and "order under law" had been removed.

Second only to the sacred veto, itself, the Military Staff Committee was the apple of the great powers' collective eye. They were not only going to give the United Nations the "teeth" that the League lacked, they were also going to make sure that the actual biting was done by themselves. Any enforcement action under Chapter VII would be handled by the team of senior officers appointed by the five permanent members of the Security Council.

Before any action could be taken by this group, the "agreements" under Article 43 had to become a reality. Action by the Security Council to implement Article 43 was recommended by the Preparatory Commission, which met in London in December 1945, and which placed on the Security Council's Agenda the item: "Discussion of the best means of arriving at the conclusion of the special agreements referred to in Article 43 of the Charter."²⁴ The agenda was adopted, but this item deferred. In fact, the Council nearly adjourned its London meetings without providing the Military Staff Committee with an assignment or directive. Finally, on the last day of the meeting, 16 February 1946, the representative from the United Kingdom proposed that the Security Council "direct the Military Staff Committee as its first task to examine from the military point of view the provisions in Article 43 of the Charter and submit the results of the study and any recommendations to the Council in due course."²⁵

General Matthew Ridgway of America, Air Chief Marshal Sir Guy Garrod of Britain, General Pierre Billotte of France, Generals Vasiliev and Sharapov of Russia, General Ho of China and numerous other officers of the most senior rank began their work and labored all through 1946 and on into the next year. Until the Security Council received the Military Staff Committee's report on basic principles,

14 months later, specific information about the Committee's work was meager.²⁶ Some idea of how the Security Council's directive was being carried out is contained in the Council's annual report of 1946 to the General Assembly.²⁷ Although it covers only the period to July 15 it does disclose that recommendations on the basic principles which should govern the organization of United Nation Forces were decided upon by the Military Staff Committee "as a first step towards the accomplishment of its task."²⁸ The Soviet Delegation, as was to become standard procedure, was not prepared to present its views, therefore, the Committee, by late summer, was still not yet ready to submit its recommendation concerning basic principles.

This same trend continued. When the General Assembly convened at Flushing Meadows in October 1946, very little information of an official nature was available on the work of the Committee during the preceding seven months.

Thus, members of the United Nations and their representatives in the General Assembly were without much information on the progress being made for implementing Article 43. They did know, however, that no special agreements had been negotiated; they knew also that the Security Council had received no recommendations growing out of the Military Staff Committee's study of Article 43

from the military point of view; and finally, they knew that the Security Council itself had not given active consideration to the subject of special agreements, since an item to this effect never appeared on the Security Council's active agenda.

The General Assembly took cognizance of the matter of negotiating special agreements with the unanimous adoption on 14 December 1946 of a resolution entitled "Principles Governing the General Regulation and Reduction of Armaments."²⁹ In the early days of the Assembly's general debate, representatives of several members referred to the fulfillment of Article 43.³⁰ However, in the general debate in the plenary meetings of the General Assembly the whole subject of implementing Article 43 became tied to other subjects, with the result that attention was largely diverted from the work of the Military Staff Committee. In the form finally adopted by the General Assembly the reference to Article 43 is contained in paragraph 7: "The General Assembly, regarding the problem of security as closely connected with that of disarmament, recommends the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter."³¹

Steps to accelerate the placing at the Security Council's disposal the armed forces of Article 43 actually

consumed but a small portion of the time devoted by the Security Council in deciding what actions to take in carrying out the General Assembly's recommendations. The majority of time was given to reports of the Atomic Energy Commission, and major weapons system armaments. Finally in early February 1947, the Syrian Delegate, Mr. Zurayk, stated:

We believe that the carrying out of proposals for agreements with the Security Council regarding the maintenance of forces to assure international peace and security is very essential, both from the point of view of the regulation of armaments . . . and also in order to spread further that spirit of confidence which is necessary to implement the General Assembly resolution on disarmament. . . . The Military Staff Committee has been given this task, and we hope that, in the resolution that is to come out of this general discussion between the authors of the resolutions, this element of the situation will be expressed as clearly as possible.³²

Support for requesting the Military Staff Committee to hurry up its report came from this and other pleas, so that in February 1947, the Security Council adopted a resolution requesting a report from the Military Staff Committee. As finally adopted, the request to the Committee read as follows:

to request the Military Staff Committee to submit to it, as soon as possible and as a matter of urgency, the recommendations for which it has been asked by the Security Council on 15 February 1946 in pursuance of Article 43 of the Charter, and as a first step, to submit to the Security Council not later than 30 April 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations Armed Force.³³

Under this spur the Military Staff Committee on 30 April 1947, submitted to the Security Council recommendations based on the first stage of its examination of Article 43 from the military point of view—"General Principles governing the Organization of the Armed Forces made available to the Security Council by Member Nations of the United Nations."³⁴

The report of the Committee submitted on 30 April included recommendations on which the delegations were in agreement and others on which they were unable to agree (all the crucial ones). Their agreements for the most part were on propositions that were explicitly stated or clearly implied in the words of the Charter. Their disagreements were on questions of vital importance that had to be answered in order for the agreements to be concluded under Article 43.

Boiled down, the main military opinions were two. The Russian generals insisted that the major powers must all make exactly matched contributions of armed forces to the Security Council's "teeth"; the other powers held that the contributions should be generally comparable, but that the proportions could vary as between the different arms—land, sea and air (see Appendix 2). The Soviet and American positions—the two extremes—were roughly as follows on this critical issue:

The Soviet Union argued that the Council would not need large forces. Since the wartime enemies were already disarmed, and general disarmament could therefore proceed, United Nations forces would presumably not be pitted against continued heavy national armaments. Contributions by the Big Five should therefore be equal in size and composition. This was consistent with the idea of relatively small forces as it would fix them on the basis of the lowest common denominator; but the Soviet delegate based his argument on the usual Soviet obsession for preserving the identical status of the Five: "The principle of equality does not permit advantages in the position of any Permanent Member . . . [based on] the contribution of armed forces by that Member."³⁵

The United States, on the contrary, favored much larger total forces than any other Committee member, with emphasis on air and naval arms, and with the national contributions to be made on a comparable rather than equal basis.³⁶

Great Britain, China, and France also proposed relatively small contingents (although a bit larger than those advocated in the Soviet plan), undoubtedly because of their general recognition that the Council's forces could not be ordered into action against the opposition of any permanent member. On the other hand, they agreed with the

United States that national contributions should be on a comparable, not equal basis. All four, except for detail, also consistently favored principles permitting considerable flexibility in the training and operation of the joint forces. This was in contrast to the Soviet position which was consistently restrictive on such matters as the basing of Council forces, their immediate withdrawal on completing an action, the need to obtain permission for international passage in each individual case, and so forth.³⁷

Agreement on composition, contributions, location, withdrawal, logistics, and so forth could not be made. About the only major question agreed upon was employment of the armed forces. The members of the Committee agreed that any armed forces made available should be employed only by decision of the Security Council and only for the period necessary to fulfill the task envisaged under Article 42. It was also agreed that use of these forces, whenever possible, be initiated in time to forestall or to suppress promptly a breach of the peace or act of aggression.³⁸

The important point to glean from all these arguments is that the failure to reach decisions necessary to implement Article 43 was not due primarily to technical difficulties. It was, in fact, the result of the "cold-war" political impasse. This was explicitly stated by the

Soviet representative in the course of his argument for the principle of equal contributions when he said:

. . . I should like to draw the Security Council's attention to the fact that the whole question of armed forces being made available to the Security Council by the United Nations under special agreements is not only, and not so much, a technical question as a political one. It is a political problem and should be decided as such. Obviously, in the settlement of this problem there will also arise a number of technical questions which the Security Council will decide in the course of negotiations with the States which make armed forces available to the Security Council. I think, however, that no one will deny that, as I have pointed out, this whole question is political. If we bear this in mind, we cannot take such a light view of the Soviet proposal of equal contributions as certain representatives on the Council do.³⁹

Actually, had the free world accepted the Russian "principle of equality," it is entirely possible, of course, that the Kremlin simply would have used some other issue as a pretext for blocking agreement. Stalin's interest, apparently, lay first in trying to create an impregnable buffer zone on all borders of the Soviet Union, and, secondly given the opportunity, to extend the Kremlin's sphere of power and influence past that zone. In any respect, Stalin was certainly going to look after the interests of the Soviet Union in this regard at the expense of world unity. Furthermore, with the attitude in the Soviet government, any future for the Military Staff Committee would be severely limited, as no international

forces would be permitted in any area where Russian intended to control the sphere of influence.

There were other less critical, but important points of difference within the Military Staff Committee other than the ones already mentioned. One had to do with bases for the force. The Soviets refused to permit national contingents to be stationed outside their home territory when not in action. The West argued, on the other hand that the contingents should be kept in readiness wherever they were most needed.⁴⁰ Again "cold-war" politics are seen as perhaps the Kremlin foresaw something in the nature of NATO emerging under the United Nations' aegis. This, too, may be the reason why the Russians refused to agree under any conditions that a great power could provide supplies for another country's forces, professing to foresee opportunities for "political benefits and advantages" to the states doing the supplying. "The tendency of some powerful nations to supply and equip the armed forces of other states," said the Soviet delegate, "may be evaluated as seeking an opportunity to influence the policies of these states and thus to occupy a dominant position with regard to the armed forces to be placed at the disposal of the Security Council."⁴¹ Speculating again, perhaps the men in the Kremlin had been reading the history of the Delian League, and did not want another Athens to come to dominate it by contributing most

of the ships. Or, perhaps the Soviet Union simply wanted a position of equality with the other major nations of the world. In any respect, it is quite likely, that the Kremlin did not want the UN to have any "teeth" at all. If the Russians' objective was "indefinite expansion of their power and doctrines," as Sir Winston Churchill said in his celebrated "cold-war" speech, they had good reason to want the UN kept impotent.⁴²

Viewing the entire stalemate in hindsight, the Chapter VII type "enforcement" power could be applied only to those few and not very formidable countries that would not be protected already by a Permanent Party veto.

Digressing a moment to explain this charge, one must not lose sight of the fact that while the proposed international armed force, on its face, was very powerful, in actuality it would have remained quite humble, even if the Military Staff Committee and the Security Council could have agreed on implementing Article 43.

As was indicated earlier, action by the Security Council is initiated by an affirmative vote of seven Members, and must include the concurrence of the five permanent Members on all matters except those pertaining to procedure. In effect, this right of veto precludes the possibility of declaring a permanent member an "aggressor" or of imposing any sanction against a permanent member without his consent.⁴³

"The security scheme of the Charter, then was conceived as an arrangement for collective action against relatively minor disturbers of the peace in cases where the great powers were united in the desire to take action or in the willingness to permit action."⁴⁴ At least this was the scheme foreseen with "Big Five" assistance.

Though the record reveals that the Soviet Union has availed herself of the power of veto on frequent occasions, having exercised it forty-three times out of the forty-four it was employed in the first four years of the Security Council's work,⁴⁵ she has not been alone in insisting on this right. In the words of then United States Senator Connally: "Our Country will have the right to exercise the veto whenever in our opinion it is wise and just to do so."⁴⁶ From all available sources one must surmise that the Western powers have been equally adamant in the necessity for a right of veto, as the Soviets are.

As a practical matter, the same concept for voting and the use of the veto that applies to the Permanent Party Members of the Security Council applies to the Military Staff Committee. That is, while no provisions of the Charter, per se, give the Committee Members the right to veto proposed action before the Security Council or the Committee, it is unlikely that any affirmative action will be taken by the Committee without total agreement among

themselves. A veto, in fact, exists at both levels, therefore, and, as will be discussed later in Chapters 3 and 4 of this paper, any political impasse must be remedied in both the Council and the Committee before success of any proposed action may be accomplished.

Therefore, and what was already plain in 1947, this "Goliath" of a peace force would be destroyed quickly and with impunity not only by any one of the five Permanent Parties, but also by any state that could count on a Permanent Member to use its veto as the "rock." Recall, only with the consent of all five Permanent Members could the Security Council determine that peace was being threatened or broken. Thus, if State X and State Y had a battle, and one of them had a powerful Permanent Member patron who would block UN enforcement action against him, the mighty machine that, had Article 43 agreements actually been completed, would have been at the disposal of the Military Staff Committee and the Security Council, would stand idle while the two little fellows fought their war.⁴⁷ Furthermore, even if for other political reasons a patron Permanent Member were reluctant to use a veto in open Council, it would still be able to use its position on the Military Staff Committee to ensure that UN armed forces were not applied effectively.

The dream of Dumbarton Oaks and San Francisco began to disintegrate. Reality became fantasy. Good faith negotiations came to a standstill. "By 1948, the political deadlock in the United Nations terminated serious negotiations in the Military Staff Committee on the subject of an international military force. The Committee has continued the formality of periodic meetings but has no progress to report."⁴⁸ In the words of the Year Book of the United Nations 1948-49, "The Military Staff Committee continued to hold regular fortnightly meetings but no further discussions took place on the subject of the forces to be provided under Article 43, with which the Committee was concerned last year."⁴⁹ The following year, 1950, the Year Book commented that: "The Military Staff Committee continued to hold regular meetings during the year under review but did not report substantial progress in its work."⁵⁰ From 1950 to 1968, the last year for which the Year Book is available, except for the above noted language, no single word is devoted to the Military Staff Committee and its efforts to create an international military force through the Article 43 agreements.

Mistrust and misunderstanding, internal and international politics, and generally a lack of intent and desire by the major nations of the world to create a unified military armed force, all served as factors which decayed the

enforcement potential, or "teeth" of the United Nations. The decay was so pronounced, and took its toll so rapidly, that "the new hope for a United Nations with teeth was stillborn."⁵¹

CHAPTER 3

ENLIGHTENED PEACEKEEPING

Perhaps one could stop at this point; call the Military Staff Committee and what it stood for a failure, and give up on international peacekeeping efforts. But history since 1947 shows that all was not lost when the international armed force contemplated by Article 43 never materialized. There have been subsequent endeavors in the area of international peacekeeping by the United Nations which are of special importance to this thesis. These are the creation of the United Nations Command in Korea, (1950); the United Nations Emergency Force (UNEF) initiated during the Suez crisis of 1956, the United Nations Operation in the Congo (ONUC) (1960), and the United Nations Force in Cyprus (UNFICYP) (1964). While there have been other operations undertaken by the United Nations during this same time period, the four that will be discussed are representative of an enlightened form of international peacekeeping giving rise to possible future missions for the Military Staff Committee. None of these peacekeeping missions may be examined, however, until it is understood that a shift of power took place in 1950 under the "Uniting for Peace Resolution." By virtue of this vehicle, the General Assembly successfully initiated

or effected the military sanctions noted, despite the objection of the Soviet Union and others that these actions "circumvented the authority of the Security Council to create United Nations Forces."⁵²

In June 1950 the outbreak of the Korean War saw the creation and employment of the first large-scale UN armed force. The absence of the Soviet Union's delegate to the Security Council (he walked out on 13 January 1950 and returned 1 August 1950), enabled the Security Council to take quick action under the authority that concurring votes of the members present were sufficient for positive action under Article 27 of the Charter. The United States realized that such "stopgap" measures would not always be possible or satisfactory through such fortuitous circumstances. Therefore, in the fifth meeting of the General Assembly, the United States introduced a resolution under which the General Assembly could recommend military force. This resolution, entitled, the Uniting for Peace Resolution, was adopted on 3 November 1950.⁵³

The resolution created three basic functions in the General Assembly that were originally given to the Security Council. It provided that the General Assembly, meeting in emergency session if necessary, may intervene in a critical situation where the Security Council has failed to act within 24 hours. It also permitted the General Assembly

to make a finding of aggression, and recommend the launching of collective measures by member states for maintaining or restoring peace. The resolution also established a "Collective Measures Committee" to study methods of strengthening peace.⁵⁴

Whether or not this resolution is legal or not within the Charter itself is a question of debate yet today. Those who contend a narrow and literal interpretation of the Charter, argue that the resolution's provisions, because they usurp the authority of the Security Council, are illegal, and therefore decisions effected under it were illegal. Others, construing the Charter more broadly, hold that the provisions of the resolution are in accordance with the inherent if not express power of the General Assembly.⁵⁵ Regardless of the legal status, for all practical purposes states will interpret and use the resolution in such a way as to give them the greatest political benefit. For example, the Soviet Union who protested most against the use of the Resolution's use in Korea and elsewhere as taking away powers belonging only to the Security Council, herself did not hesitate to recommend use of the Resolution when it favored her position in the Suez and Lebanese crises.⁵⁶

More important to this thesis is whether or not there was intent to usurp the duties and responsibilities of the Military Staff Committee. The facts reveal that the

Collective Measures Committee was charged with the same mission given to the Military Staff Committee under the original provisions of the Charter. The findings and recommendations of the Collective Measures Committee indicate that this body was neither a greater success nor a more magnificent failure than the Military Staff Committee. Their recommendations, when reduced to their absolute meaning, simply reaffirmed the original intent that nations, (member and non-member alike), should adhere to and comply with the letter and spirit of Article 43. It would seem the only significant contribution attributable to the Collective Measures Committee is found in their recommendation to the General Assembly that the Secretary General appoint a "panel of military experts" to provide technical advice to member states pertaining to the training, organization, and equipment of forces to be provided for United Nations employment.⁵⁷ One might observe that if this latter provision did not use the concept of the Military Staff Committee in the original intent, then nothing did. Be this as it may, the record reveals the most that the Collective Measures Committee could come up with was a painful reiteration of what the Military Staff Committee had already concluded.

Military Staff Committee in operation or not, the Korean Conflict, as has been noted, began in June 1950.

While much has been written about the Korean Action as a United Nations effort, realistically, the facts reveal that it was in no measure a United Nations endeavor as envisioned by the framers or as provided for in the Charter.

The United States in point of time actually did decide (and carried out the decision) to intervene before firm approval from the Security Council.⁵⁸ The prosecution of the war was given over to a United States Commander and a Unified Command, both authorized through resolutions of the Security Council. However, the relationship between the United Nations and the Unified Command was limited to periodic reports. No military direction was given by the United Nations. The Unified Command took orders from the United States, not from the United Nations, any nation contributing forces, or any organ (such as the Military Staff Committee) of these. The United Nations assumed no legal power over the force, nor did it pay its costs. Claims were settled not by instructions from the United Nations, but under instructions from the Unified Command or other actively participating states, and costs were paid out of their own funds.⁵⁹ In other words, the military effectiveness depended so much on the United States command, the logistics were so largely American, that it was more like a national operation, than a collective security enterprise. The only real sign of United Nations presence was that the

force bore the official title of "United Nations Forces" and used the United Nations flag.

It could be said, perhaps, that the United Nations' first major attempt at international military sanctions won the battle (peacekeeping), but lost the war (great power collective security).

The Korean War threw a new light on the capabilities of the United Nations as a political mechanism for organizing and demonstrating world-wide resistance to limited Communist aggression. But the disproportionately large contribution that the United States had to make to the conflict strengthened doubts that the United Nations could play a central role in the shortrun protection of American security.⁶⁰

The Military Staff Committee played no substantive role in the Korean Conflict. It became apparent that without a truly collective armed force, and an agreement of the mission for that force by the Permanent members, the Committee would be worthless in a combat capacity.

During the fall of 1956, two simultaneous crises arose to again challenge the United Nations in a distinct and momentous way. The result was failure in the case of Hungary. In the other, the ingredient of an international police force was added and war was averted.

The parallel of the two cases are in no measure compatible. In the first instance there is reasonable assurance that nothing short of world war could have interfered with the Soviet Union in doing what she did in Hungary.

The United Nations did nothing but "observe" in the Hungarian-Soviet situation because "everyone knew that to go further was to involve one's country in an outright clash with a great power in an area which the Soviet Union was obviously going to regard as vital."⁶¹ On the other hand, United Nations intervention in Egypt was at that nation's insistent desires and the consequence of such action could in no way approach the magnitude of similar endeavor in Hungary.

In any respect, the facts are that in the Middle Eastern crisis of 1956, the General Assembly was called by Resolution for the creation of a collective force, drawn from nations other than the "great powers." The mission was to facilitate withdrawal of invading troops in Egypt; supervise cease-fire arrangements; and provide safeguards against renewal of the conflict.⁶²

In this instance ten states contributed troops and other military resources.

In a remarkable flurry of improvisation a force of five thousand men, commanded by Canadian General E. L. M. Burns, under general direction of Secretary-General Hammarskjold and an Advisory Committee established by the Assembly was introduced into Egypt with the consent of the state.⁶³

As Claude takes pains to emphasize, however, it should be clearly understood that this United Nations Emergency Force was not an international combat army, designed and employed

as a military sanction to implement collective security. It was in its inception and execution an instrument of pacific settlement.⁶⁴

In addition to the importance of the pacific role played by this international military force, and not discounting the problems generated by the necessity of improvisation, there are other significant lessons to be learned from the UNEF experience. Basically, UNEF was created because no interested powers could impose a solution alone, yet all powers, great and small alike, preferred an internationally contrived and controlled solution to a conflict which could develop dangerously into a wider war.⁶⁵ Thus, a spirit of co-operation, a concept heretofore lacking, was uncovered and successfully used.

It should also be noted that this international force was not the product of long-range deliberate and elaborate military planning on the part of the Military Staff Committee, Collective Measures Committee, or even the Security Council. For that matter, the UNEF may have been an accident of history; a theory created in great haste materializing. Yet it played such an important part in Egypt, and with such spectacular results, it is only logical that a formation of a similar force should be used with some regularity on a permanent basis.

Lastly, it should not be forgotten that this force was successful, primarily because no great power had a vested or primary interest to be militarily protected in the crisis, as the Russians did in Hungary. The collective force, while consisting of soldiers of ten countries, contained no soldiers of the five Security Council powers. This limited situation could only arise when small nations wish to co-operate to assist another small nation requesting and permitting assistance within its borders while the great powers at best, acquiesce. Equally, out of small, relatively unimportant conflicts, great wars easily develop. So let us take our small measure of success and move on to the Congo crisis of the early 60's.

You serve as members of an international force. It is a peace force, not a fighting force. The United Nations has asked you to come here in response to an appeal from the Government of the Congo. Your task is to help in restoring order and calm in this country which has been so troubled recently. You are to be friendly to all the people of this country. Protection against acts of violence is to be given to all people, white and black. You carry arms, but they are to be used only in self defense. You are in the Congo to help everyone, to harm no one.⁶⁶

This is how the international soldiers from eight countries representing the United Nations were greeted on their arrival in the Congo in 1960.

Several significant factors differentiate the United Nations operation in the Congo from the effort in the

Middle East. Among these is the physical environment of the two areas. In the Suez, the force had its mission of sealing off a peninsula and was in the main, free from complicated contact with the inhabitants and their interests. In the Congo, on the other hand, the United Nations representatives had the task of insulating an almost landlocked subcontinent to include internal policing, exclusion of outside intervention, and the creation of internal viability. This effort was infinitely more difficult because contact with Congolese life was necessary at every point.⁶⁷

In conjunction with the above, the "position of the United Nations is also of necessity a very delicate one. It is present in the Congo at the request of the central government (a government incidentally, which was not legally constituted for almost a year; from September 1960 to August 1961)."⁶⁸ The author of the foregoing excerpt expands his comment by concluding that the total unpreparedness and lack of experience of the Congolese government added extraordinary complication to the Congo affair.

It should also be recalled that the command of the force in Korea was purely United States, while in the Middle East a seven-nation Advisory Committee was to assist the Secretary General. He, then, ran the show for the General Assembly. In the Congo, however, the Secretary

General took a much stronger individual role, with the ONUC Commander responsible to the Special Representative of the Secretary General. The Secretary General, for the most part, based the development of the ONUC concept on the expressed intent of the Security Council and individual members:

[He] saw ONUC as an integrated effort in which the political, military, and technical assistance aspects would all be welded into an integrated organization with the common general purpose of restoring law and order and of enabling the Congolese people to find their own destiny under their own government. The designation of a top political officer with the rank of Under-Secretary (the Special Representative of the Secretary-General) to head the entire civilian aspect represented an important departure from United Nations practice. Never before had an important military operation and a very substantial civilian activity been linked in a common organization under single leadership.

Similarities between the Congo incident and the Middle East affair, showed that certain facets of international peacekeeping were becoming fixed. For example, even though the Security Council majority back the United Nations intervention into the Congo, it was necessary for the General Assembly, under the Uniting for Peace Resolution to cause action to be taken, since action by the Security Council was blocked by the Soviet veto. In that regard, although the operation was authorized by the Security Council, the Congo story as a whole was less Council-centered

than, say, that of the Cyprus operation. Even after the force was created, only some United States aircraft and crews, but no other forces from the permanent members of the Security Council were included. As in prior international disputes, the Military Staff Committee played no role in the military guidance of the troops deployed. Tactical, logistical, and pacification military assistance and advice were brought to bear primarily by the Special Representative of the Secretary General. Thus, while this peacekeeping force greatly assisted in the eventual calming of hostilities in the Congo, the Military Staff Committee remained unused by the United Nations.

The United Nations peacekeeping operation in the Congo was successfully begun and completed because neither of the Great Powers had a vested interest to be protected there. The Congo was an "emerging nation," with no deep-seated political ties to either country. The Great Powers undoubtedly felt that since neither had an established foothold in the Congo, it was probably better to have United Nations action, than have one or the other nation enter the side door. As the United States representative put it, "the only way to keep the cold war out of the Congo is to keep the UN in the Congo."⁷⁰

The purpose behind the examination of these specific United Nations efforts in peacekeeping is to lay a

foundation for possible affirmative action by the Military Staff Committee in similar operations. Before we move on to this, it seems reasonable to look at one other peacekeeping operation which sheds more light on contemporary international peacekeeping politics.

Two principles must be established initially. No civil war or internal rebellion is, in itself, a matter in which the United Nations can intervene. It is not its business to prevent Congolese, or for that matter Nigerians, or Iraqis, or Spaniards, from fighting among themselves. The reason the United Nations was involved so long in the Congo was the attempt by foreign interests to establish, by the use of armed force, an ostensibly sovereign state in the country's richest province—the Katanga. Similarly, the United Nations is not in Cyprus simply to stop the Cypriots from killing each other. It is there because the Cyprus conflict involves a direct threat of a wider, internationalized war.⁷¹

Secondly, no two peacekeeping operations have been alike. The one in Cyprus is in no sense "typical." But there are several reasons why it should be examined.

It is, at the time of this writing, one of the largest continuing United Nations peacekeeping operations. (When it began, early in 1964, there were two other sizeable

United Nations forces in the field—in the Congo and Egypt. It still shares the lead with the United Nations observers in Kashmir.) It has the distinctive characteristic of the participation of British troops.⁷² This among other things is noteworthy, since it is an exception to the general rule developed that permanent members of the Security Council do not provide contingents for these forces. In various ways the Cyprus operation has taken a form, which, although one perhaps would hesitate to speak of it as "more enlightened" might at least be called "more fashionable." In fact, it would seem that if yet another United Nations force were created in the fairly near future it would resemble the Cyprus one more than those that appeared in Egypt and the Congo.

Equally of importance is that while the force in Egypt was authorized by the General Assembly, and the Assembly several times took a hand in the Congo operation, the Security Council has maintained its authority over the Cyprus operation throughout the years—at least in form.⁷³ As usual, there have been political conflicts between the Permanent Members which have limited the effectiveness of that authority, but the only attempt, coming in 1965, to bring the General Assembly to bear on the problem ended in failure.

An interesting point is that the birth of the force in Cyprus was much slower and more complex than either UNEF or ONUC. Initially, all parties agreed that none wanted a United Nations force in Cyprus. If anyone of the Permanent Members had a "vested" interest in the Cyprus problem besides Turkey and Greece it was Great Britain. The initial British objection to the force was that this would mean Russian and Afro-Asian meddling in the affairs of an island of strategic importance to Britain. Britain also recoiled from the thought of another force of the Congo type; from which British troops would be excluded due to the barring of great-power contributions. Ultimately, through hard political negotiations, the Security Council agreed that the "parties concerned" would work with the Secretary General to form their own peacekeeping force.⁷⁴ The Secretary General would determine the force's size and composition, in consultation with the parties (Britain, Cyprus, Greece and Turkey); he would appoint its commander and report on its work to the Council. Russia made note it did not really like the idea of sending troops to Cyprus, and certainly disliked giving the Secretary General so much authority. This opinion was concurred in by France, but both countries voted for the resolution, permitting it to be passed unanimously. Besides organizing the force, the Secretary General was given authority to appoint a

Mediator (who like the force commander would report to him). The force would have an initial life of three months. Its costs would be met by Cyprus, by the states providing troops, and by voluntary contributions. The final force was made up of troops from Austria, Britain, Canada, Denmark, Finland, Ireland, and Sweden, with a British commander.⁷⁵

It is particularly noteworthy that the Soviet government has cast its vote positively in the Security Council every three to six months over a period of seven years for the continuance of an arrangement that enabled the NATO powers to impose their armed forces on non-aligned Cyprus, under the banner of the United Nations. Russia rejected the idea that UNFICYP served the cause of peace; she regarded the operation with suspicion; yet it went on down the years voting for it, when a Soviet veto might have halted the operation in its tracks.⁷⁶ For that matter, even an abstention might have helped cleanse the Soviets of the taint of complicity. UNFICYP not only halted hostilities between Turkey and Greece, but also ironed out many little local difficulties, permitting buildings to be reoccupied and repaired, derelict land to be cultivated again, and irrigation water to flow across dividing lines.

While the Military Staff Committee again did not play a role in this operation, it is felt that such enlightened

peacekeeping as UNFICYP, serves as a basis for possible future action by the Committee. Therefore, let us see if Carroll's "Wonderland" and the real world are in any way compatible.

Hark back for a moment to the title of this paper. It asks the question: "Does the United Nations Military Staff Committee have a future or is it a total failure." Up to this point we have seen what the founding fathers of the United Nations intended when they established Chapter VII of the Charter. We have also seen that their concept of an international military sanction through armies donated by various countries of the world under Article 43 have never materialized. As to the mission of formalizing and implementing these Article 43 agreements, the Military Staff Committee was, and is, a total failure. Since the Committee was to be the ultimate "guiding light" of this international force, it is arguable that without finalizing the Article 43 agreements there is no future for the Committee, and thus they are the cause of their own demise. This argument is strengthened when considering the lack of practical output by the Committee today.

However, one must realize that the failure of the Military Staff Committee in this regard is a failure to live up to the expectations of the founding fathers. In retrospect,

the Committee could validly raise the defense of impossibility to this charge of failure. The important consideration to ponder is whether the Military Staff Committee should continue to exist assuming that the expectations of the founding fathers are never met by the Committee. Is there a place for the 1946 Military Staff Committee in the 1972 United Nations?

The background for consideration of this problem has been developed in this chapter, and will be used in weighing the potential success of future organizations and missions to be discussed in Chapter 4. Suffice to say, a "Chapter Six and one-half" may have been created by the United Nations itself which in turn would create possibilities for a revival of the Committee.

In any respect, assuming an affirmative answer to the above question, we must logically consider whether the future of the Military Staff Committee lies in its present organization, makeup and advisory position, or whether modifications are required to change its character and nature. Then, in light of everything, what could the Committee realistically accomplish.

CHAPTER 4

FANTASY INTO REALITY

It seems obvious that due to the very nature of the Committee and the international politics involved therein, the present limitations and relative ineffectiveness of the Committee, as well as the United Nations as a whole will continue as long as the East-West power struggle continues. As long as the Great Powers, as well as the member nations, decide not to merge their individual national interests with uncertain and undefined world interests, far less than optimum results will be reached. Power still resides in the individual state and there appears little essential inclination on the part of any member on the Committee, or in the United Nations, to surrender its power to the central authority.

While the East-West political difference has been at the root of the problem with the Committee, the sign of the times seems to read "change." The United States and the Soviet Union are currently engaged in what appears to be beneficial progress in the limitation of strategic arms. The same is true in the area of science and technology, where joint space ventures are planned. Diplomatic channels have been widened between East and West, and economic intercourse increased. While the 1970's may not see the end of the "cold-war", it is obvious that there is a great

change of "political heart" between East and West.

It is felt, therefore, that perhaps the time is right for another thrust at completion of the Article 43 agreements. While it is true that the United Nations has formulated a force when it was necessary, the force has, in actuality, been inadequately improvised, grossly inefficient, and generally ineffective initially. A permanent force, even with members in an "on call" capacity, would, generally speaking, present an infinitely better solution to world crisis, than the ad hoc contingents currently being used.⁷⁷

Besides the lessening of East-West tensions, other stumbling blocks leading to the 1947 collapse have been reduced. The experience of the use of the veto makes it a certainty that the international armada could not be used against a permanent member of the Committee, or any satellite nation thereof. For the most part it would be used in the very cases that the ad hoc forces are being used today. That is, it would be used in cases where the Soviet Union and the United States (and now China) wish it to be used. Accordingly, the Committee, as it is currently organized, should attempt again to bring Article 43 into reality.

In this regard, it is suggested that the Committee begin to operate with the use of forces from the smaller

nations of the world, and without any forces from any of the countries represented on the Committee. Recall, the ultimate reason for failure in 1947 was that the members of the Committee (especially the Soviet Union and the United States) could not agree on forces from their respective countries to be contributed to a standing international armed force. Quite obviously, the question then, as now was political. Since no solution has ever been reached, the problem exists yet today, and accounts for much of the inactivity by the Committee.

Even though no provision of the Charter requires it, it seems nations (including the members of the Committee) assumed that Article 43 required that the standing international armed force contributions come only, or at least substantially, from the countries making up the Committee.⁷⁸ While Article 43 of the United Nations Charter speaks about "All members of the United Nations" contributing to the maintenance of peace and security, it certainly does not limit any international force to those contributions by the nations of the Committee.

It is understandable how this concept developed. In 1946, except for the victors of World War II, most nations of the world had little or nothing to contribute to an international armed force. While this may have been the case in 1946, it certainly is not the case today. The

obvious success of peacekeeping forces in the 1960's as discussed in Chapter 3 of this paper, points this out. Every major success was accomplished by forces and field leaders from nations other than the Great Powers on the Committee.

There are some obvious problems with this proposal. Unfortunately the smaller nations of the world have all they can do to effectively maintain military forces for their own defense, let alone having troops either earmarked or permanently assigned for duty around the world under United Nations command. At the present time only Canada and Sweden have gone as far as to make troops available, on call, for United Nations use. Whether other nations could reasonably be expected to follow suit is extremely uncertain.

Secondly, any peacekeeping venture is an extremely expensive operation, monetarily. Much of the expense of any United Nations intervention will ultimately be paid by the member nations who participate in it. Very few small nations can afford the cost in men and materiel for maintaining standby United Nations forces, to say nothing of the cost for actually intervening in a United Nations mission.

Considering all of this, it is still felt that to eliminate the political differences between nations of the

Military Staff Committee, smaller nations of the world will have to make up the forces and leadership of future United Nations missions. The Committee can only begin to function for the Security Council much as the Joint Chiefs of Staff function for the President of the United States when it concerns itself with missions directed to it for completion by the Security Council, rather than concerning itself over the political influence of a given nation having the majority of planes, ships, men or command control of a United Nations force.

It is perhaps, too much to ask for complete agreement between the Great Powers on the Military Staff Committee when questions of military force and ultimate control of real estate are concerned. It is possible we are still a decade or so from this development. It is suggested, however, that an operable, necessary, and timely function for the Military Staff Committee is in the area of disaster relief. This program has as its essential element a concept of humanitarianism, rather than offensive or defensive alignments. Earthquakes, typhoons, tidal waves, and other holocausts of nature strike many nations each year, some of which cannot handle internally the problems of reconstruction, health, and refugees. The Committee could organize and operate an "international national guard," if you will, which could quickly deploy to assist nations in

the multitudes of problems facing them after a natural disaster. No organization is better equipped to deal in such problems than the military, since emergency equipment and personnel trained in its use may be found throughout practically every nation's military organization in the United Nations. With the planning, staffing, organization and control in the Military Staff Committee, the United Nations as a body could produce the finest international disaster reaction force the world has ever seen.

A case in point where the use of such a force possibly could have averted a war is the India-Pakistan conflict of 1971. A serious problem of homeless refugees arose after a tidal wave crushed the coastal area of Pakistan. With Pakistan unable to internally handle the problem, and no nation of the world willing to step in to assist in the care, organization, and possible relocation of the refugees, many fled to neighboring India, causing a severe strain on an already over-populated country. While other hostilities may have been building up, the refugee problem seemed to be the proverbial straw. This is not to say that the proposed reaction force could have stopped the ultimate war between Pakistan and India, but it certainly could have gone a long way in reducing the hostilities. Most importantly, perhaps, it gives a reason for the major nations of the world to cooperate on a humanitarian basis.

East-West politics would likely take a back seat where mass human suffering is involved. It could be just the thing needed to give the stagnant Military Staff Committee the sense of cooperation, so obviously lacking in its development.

Another suggestion of a future mission for the Military Staff Committee is in the area of disarmament. Specifically, the Committee should maintain and enforce the provisions of the non-proliferation treaty (NPT) of 1968.⁷⁹ This could include the organization and staffing of in-country observation teams, as well as the coordinated use of highly technical military equipment. In the spirit of the discussion of use of military sanctions, it should be prepared to provide assistance to any non-nuclear armed NPT adherent that was threatened with or subjected to nuclear aggression. This suggestion, at first blush, may appear to revive thoughts of Alice's fantasies, since it resembles closely the utopian concepts of the founding fathers in Chapter VII of the Charter. In some ways this may be true, since a precept solemnly agreed to by the individuals at Dumbarton Oaks, and just as solemnly embodied in the Charter's Article 26, was that "The Security Council, with the assistance of the Military Staff Committee . . . should have the responsibility for formulating plans for the establishment of a system of regulation of armaments . . ."

The history of this Article and concept runs a similar path to its sister Articles in Chapter VII. For the most part the Security Council ceased to affect an interest in the problem, and after some ten years of sporadic effort, left it in the hands of the General Assembly. The problems of disarmament were exactly those which destroyed the Military Staff Committee and Chapter VII; specifically those of political dissent between the Soviet Union and the United States.

The difference between Chapter VII and Article 26, is that hard facts show prospects of solving political conflict look good at the present time in the disarmament—nuclear power arena. The three nations who command an overwhelming preponderance of nuclear power, Great Britain, the United States, and the Soviet Union, in a joint proposal to the President of the Security Council, on 12 June 1968, stated they would sponsor a resolution designed to meet any member state's wish that steps be taken to safeguard their security in connection with their adherence to the NPT. A resolution was in fact adopted in which those three nations noted gave a joint commitment to protect states that renounced the right to make or procure their own nuclear arms. The only dissent to the commitment naturally came from certain nations who could be regarded as capable of their own nuclear military force in the near future.⁸⁰

Most importantly for our purposes, however, is the showing of this new solidarity between the two nuclear super-powers. Combining this with the success of the strategic arms limitation talks now concluded, it would appear that a positive future for the Military Staff Committee in Article 26 related activities is ripe for the taking.

Up to this point the discussion of possible future missions for the Military Staff Committee has assumed no changes in the present organization of the Committee. It is possible that some minor changes would be extremely beneficial to the Committee, if for no other reason than to lessen preconceived and possibly outmoded notions of individuals and states. It is suggested, for example, that the Committee change its name, or title, to a less "military-sounding" label. In view of the success gained in the peacekeeping operations of the last decade, perhaps a title such as "Peace Observation Committee," or "International Peacekeeping Committee" would be just the change needed to shed off the past failures of the Committee, and allow it to take an active part in United Nations operations in future years.

Such a change as noted should not be taken lightly. It seems from all that has been said about the Committee that an aura of failure surrounds it. A new attitude must be established before constructive gains may be made. The

United Nations called a spade a spade when it named the Committee. It was created for the sole purpose of bringing "the big club" to the Security Council, and thus so named. When this ultimately failed there was little room left in which to bargain. What cannot be forgotten is just because an item is forged to be a spade, does not mean that remolding and bending of the implement into a ploughshare or a sword are impossible. In fact, the best way, it seems, to stifle criticism and perhaps failure of any new creation is to avoid being too definite about what the new creation is. For example, some of the United Nations' creations which were given names that plainly indicated their purposes (the Military Staff Committee, the ~~Covenants~~ Covenants on Human Rights) have failed in their mission from the beginning. Contrast, however, the "Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples."⁸¹ Its proper name is remembered by few, used by hardly any, and only remotely related to its activities. Yet, it has flourished, even at times doing harm to causes it was supposed to promote.⁸² Another more obvious example is the title "Secretary General." It has helped the man in that office through some tight spots by the fact no one can quite make out whether he is a secretary or a general.

As a final suggestion, and one which may stand the least chance of success since it involves a change in the Charter itself, perhaps the entire Military Staff Committee should be removed from the Security Council and reorganized under the General Assembly or Secretary General. This alternative must be considered in light of the failures of the Committee to this point.

Any reorganization could take a number of forms. For example, the major powers could be removed from the Committee and small powers substituted. It could be argued that this would be more in line with current peacekeeping operations, since they have been carried out by the small nations—even to the point of formulating a "rule" that the major powers should not be included. Any such organization ignores reality, however, since the major powers of the world ultimately "call the shots" as to how successful the peacekeeping operation will be. Political alignments, military superiority, and financing, to one extent or another determine the success of any peacekeeping operation. Also, it would be illogical not to make maximum use of the Great Powers' military organization, staffing, and expertise. Accordingly if internal reorganization of the Committee is considered, a combination of Great and Small powers would provide the only workable situation.

Realizing that the Committee is only as valuable as the Security Council makes it, elimination of the Committee from the Security Council does provide the advantage of removal of the veto. The peacekeeping operations to date (with the possible exception of UNFICYP) have come to life primarily through the veto-free General Assembly. It seems like a logical extension, therefore, to place the military advice of the Committee where it is likely to do the most good.

The logic of this position does have a drawback to it. While the procession of events in the United Nations military sanction area, as noted, has now ostensibly led from the veto-plagued Security Council to a seemingly all-powerful and veto-free General Assembly, the actualities of the situation have probably not changed. Veto or not, no measures taken by the General Assembly would be effective unless affirmative support or at least negative consent is given by the Great Powers. For that matter, both increased membership and political alignment in the General Assembly have tended to develop blocs which can just as easily render impossible or unlikely any real attempts to vote matters inimical to the Great Powers. As was noted by one writer in the area:

In essence, there has developed a veto in the General Assembly. The present concentration of bi-polar military power makes it impossible to coerce either the United States or the USSR.⁸³

It would appear, therefore, the veto in one form or another is going to play a key role regardless of where the Military Staff Committee finds a home. More importantly, if future decisions are in fact going to be in fact made by the General Assembly, then the Committee would best serve the interests of that body by being directly related to them.

Still another aspect of this problem is the future peacekeeping role to be played by the Secretary General. Especially in the UNFICYP operation, he took a very substantial and active part. He created a "Special Representative" to act as intermediate consultant between his force commander and himself. Since that time he has armed himself with a permanent "Military Advisor."⁸⁴ If more and more authority and ultimate control of peacekeeping operations are falling into the hands of the Secretary, perhaps the Military Staff Committee should be moved and become a direct consultant for him. While this again requires a change to the Charter, the more obvious problem with this proposition is that the position of Secretary General is that of one human being. Thus, the active participation of the Secretary General will depend entirely upon the abilities, personality, influence, and desire to "become involved" of the individual filling the position at the time of the operation. It would be unfortunate

indeed for the Military Staff Committee to become further bogged down under an inactive participant. Suffice to say that more time and experience is needed before a decision as to whether or not to move the Committee, and if so, where can be, in good conscience, made.

While other future roles for the Military Staff Committee may very well exist, it appears that these are the most reasonable and practical missions at this time. On balance some would obviously be easier to implement while others, perhaps, would have greater impact on world events. But, in any respect, all the alternatives discussed seem, at least, to have potential as foundation for converting the current fantasy-oriented Military Staff Committee into a real world productive organization.

CONCLUSION

It is extremely difficult actually to form a positive conclusion in an area where so many variable events, attitudes, concepts, and desires are forever changing. What is true today may not be tomorrow; most likely will not be in 10 weeks; but could very well be again in 20 weeks. Politics in the international arena are as fickle as fate. And while we may cast much of what is done by the body called the United Nations and its subcommittees as as much fantasy as Alice found in Wonderland, one can not forget the stark reality that it may very well stand between relative calm, and all-out nuclear war.

What can be concluded is that the Military Staff Committee has neither fulfilled its mission to implement Article 43, nor carried out the intent of the founding fathers to serve as the leadership for the military sanctions of Chapter VII. For that matter the Committee has really failed to do much of anything constructive in the last 25 years.

But should the Committee, and for that matter, the entire Security Council be held accountable for failure to succeed in light of overwhelming political odds against them? Is not the United Nations primarily the smaller members' organization today, in the sense that they need it

more than the major powers do? The realities of the situation are rapidly being seen. It has now become an accepted practice that the smaller nations provide not only mediators and good offices, but military observers and even armed contingents for United Nations forces. This is obviously in glaring contrast with "the Charter as it was meant to be." But, quite realistically, the major powers of the world are not likely to set up a force they could not be sure to control and which could be used against them or their interests.

Accordingly, it seems only reasonable that a beginning future role for the Military Staff Committee as it now stands lies in the area of disaster relief as previously discussed. The chances of success are the highest in this area, since the persistent East-West political dilemmas are likely at their lowest. If this initial organization could successfully survive and function, the odds improve considerably on future uses of the Committee in the area of peacekeeping forces.

Furthermore, and perhaps more important, if any mission will be accomplished in the future by Committee, the Committee should remain an arm of the Security Council, yet function as a staff over forces donated by nations other than those of the countries represented on the Committee. On balance, this method of organization has a better chance

of success than reorganizing the Committee under the General Assembly or Secretary General.

The obvious advantage is that no Charter change is required. The Charter currently places the Committee under the Security Council. To get enough consent among the member nations to change the Charter, thereby moving the Committee to a new and untested location, is not likely.

As has been shown in Chapter 3 of this paper, recent operations (i.e., the Congo and Cyprus for example) were organized and controlled through the General Assembly or Secretary General, with the Great Powers consenting or acquiescing in the intervention. Also, as has been pointed out in this paper, the Security Council is, by its very nature, a strong political body. Since the same nations make up the Military Staff Committee, it is reasonable that it would be, to some degree, political also. However, if at last, by consent, agreement, or acquiescence, the Security Council could agree upon which conflicts of international dimensions the United Nations should send forces, (disaster relief, peacekeeping, or any other purpose) the Military Staff Committee should begin to operate also. It is felt that a coupling of the reduction of political differences in the Security Council with an elimination of lesser political conflicts within the Committee itself through the use of small nation forces, the chances of a

successful mission are greatly enhanced. The beauty of the solution is that the Charter is in no way circumvented, since the Committee becomes the overall coordinator of the mission given it by the Security Council, similar to that envisioned by the framers of the Charter.

This conclusion seems reasonable, especially in light of the success of peacekeeping operations in the 1960's, and the fact that both Canada and Sweden have earmarked permanent standing forces for on-call duty with United Nations forces. If anything, the problems arising out of the operations noted in Chapter 3 of this paper were in the area of gathering of personnel and equipment, transportation, communication, and overall coordination. Generally, these problems will occur with any ad hoc organization, and especially one where the personnel involved come from many different countries. It seems necessary, that some organization take over permanent coordination of future missions so that operational plans may be made in advance and potential problems eliminated. No organization is better suited than the Committee.

Lastly, the prior peacekeeping efforts seem to dictate that some type of coordinating body is necessary for a successful mission. Referring again back to Chapter 3 of this study, it should be recalled that a "Seven nation Advisory Committee" was set up during the Middle East

operation, while a "Special Representative" was used by the Secretary General during the Congo intervention. As a practical matter, these individuals were fulfilling the function of the Military Staff Committee. It seems reasonable to believe that future United Nations efforts will still require this coordinating function, regardless of the type of action, or which body of the United Nations authorizes the mission. Rather than use the Ad Hoc bodies of past efforts, it seems much more reasonable for the United Nations to use the men who are professionals, those of the Military Staff Committee.

It should certainly be noted that the discussions of various approaches and alternatives of the Military Staff Committee were developed without consideration of the impact Communist China will be to the United Nations. Initially it was thought by this author that China would cause more solidarity between the two Giant powers, or at least cause a "two on one" situation regarding important political issues. Perhaps with any two Giant Powers siding together, enough pressure could be placed on the third to at least move off dead center, and accomplish something. However, in the initial confrontations regarding the India-Pakistan situation, disarmament, and the Middle East, the three Giant Powers seem to split three different ways. Obviously not enough time and experience regarding the part

to be played by Communist China has transpired to conclude anything specific. Suffice to say, Communist China will add more variables to the already uncertain situation.

Thus, while neither the Military Staff Committee's nor the Security Council's track record is spectacular in those areas of international military sanctions envisioned by the framers of the Charter, it must be remembered that, for the most part, no international war has erupted of the magnitude of the World Wars. The Committee and Council exist—and who is to say something positive will not be, and has not been, accomplished. Recall an episode immortalized by the Marx Brothers. Harpo was leaning against a wall. Groucho asked him sarcastically if he thought he was holding it up. Harpo nodded vigorously. Groucho jeered at him and made him move away. The entire building collapsed.

APPENDIX 1

SUBJECT	LEGISLATION	DESCRIPTION
SECRETARIAT		
GA	Art. 12	Coordination of SECCO and GA efforts subject to SECCO approval
Functions	97 99 101	Secretary-General Administration, including preparation of budget Referral of threats to SECCO Staff appointed under GA regulation
MILITARY STAFF COMMITTEE (MSC)		
Ch VII	45 46 47	Assist SECCO in determining strength, readiness use of force contingents Assist SECCO in planning application of armed force Establishment, composition, and responsibilities re. international and regional military requirements
MEMBERS OF THE UN (UNMBRS)		
Basic Obligations	2 * 19	Pledge to principles of peaceful settlement and collective assistance Loss of voting privilege for arrears in payments
Ch VI	33 35 37	Responsibilities as party to seek peaceful solution Right of referral of disputes to SECCO or GA Requirement of party to refer unresolved dispute to SECCO
Ch VII	43 45 50 51	Special agreements to provide forces, assistance and facilities Availability of Air Force contingents Debt Escape Mechanism Right of individual or collective self defense

APPENDIX 1

SUBJECT	LEGISLATION	DESCRIPTION
MEMBERS OF THE UN (UNMBRS) (Cont'd)		
Regional Arrangements	Art. 52	Involvement consistent with UN principles
Miscellaneous	103	Precedence of UN obligations over other international agreements
	*17	Bear apportioned expenses
NON-MEMBERS (NONMBRS)		
Procedure	32	Invitation to discuss in SECCO any dispute as party
Ch VI	35	Referral of Dispute to SECCO or GA as party
Ch VII	50	Debt Escape Mechanism

APPENDIX 2

PROPOSED U.N. FORCE CONTRIBUTION

	FRANCE	UK	US	USSR
AIR FORCES				
Bombers	775	600	1,250 (includes	600
Strategic	(225)		only stra-	
Medium	(150)		tegic and	
Light	(400)		tactical	
			bombers)	
Fighters	300	400	2,250 (includes	300
			fighter	
			bombers)	
Reconnaissance	200
Miscellaneous	...	200	300	300
TOTAL	1,275	1,200	3,800 (does not	1,200
			include air	
			transport	
			requirements)	
GROUND FORCES				
Divisions	16	8-12	20	12
Armored	(3)			
Airborne	(3)			
Motorized or				
mountain	(10)			

APPENDIX 2 (Continued)

	FRANCE	UK	US	USSR
NAVAL FORCES				
Battleships	3	2	3
Carriers	6	4	6
Cruisers	9	6	15	5-6
Destroyers	18-24	24	84	24
Escort Vessels	30	48	..	24
Minesweepers	30	24	..	24
Submarines	12	12	90	12
Assault shipping and craft for number of divi- sions shown	1	2/3 (2 regimental combat teams or brigade groups)	6

NOTE: All proposals provide for appropriate naval auxiliaries without specifying exact numbers.

Year Book of the United Nations 1947-48, p. 495.

FOOTNOTES

1. L. Carroll, Alice's Adventures in Wonderland, 41 (1934).
2. Id., at 41-42.
3. On the work of the League and the causes of its failure, See, W. Rappard, The Quest for Peace Since the World War (1940).
4. League of Nations Covenant art. 16.
5. See, E. Mower, International Government, 531 (1st ed. 1931).
6. Id., at 530.
7. I. Claude, Jr., Swords into Plowshares, 272 (2d ed. 1959).
8. S. Goodspeed, The Nature and Function of International Organization 72 (1951).
9. C. Hull, The Memoirs of Cordell Hull 1674 (1948).
10. The document may be found in reproduction form in L. Goodrich and E. Hambro 306 (1946).
11. Id., at 305.
12. Id., at 307.
13. Photographic reproduction of the text given in U.S. Dep't of State, Dumbarton Oaks Documents on International Organization 5-16 Publication 2257 (1945).
14. See, Dumbarton Oaks Proposals, Paragraphs I and II.

15. Most of these provisions are in Section VIII-B and VIII-C, Dumbarton Oaks Proposals.
16. See, R. Russell and J. Mather, A History of the United Nations Charter 472 (1958).
17. Id.
18. J. Stoessinger, The Might of Nations--World Politics in Our Time 366 (1961). For a comprehensive discussion of the thinking of the framers of the U.N. Charter, see, pp. 362-375.
19. Id., at 367.
20. See, D. Cheever and F. Haviland, Organizing for Peace 489 (1954).
21. Id., at 367.
22. This, and all future references to the Charter of the United Nations may be found in 1 U.S. Dep't of Army, International Law 175-197 (Pamphlet No. 27-161-1) (1964).
23. Claude, The UN and the Use of Force, International Conciliation No. 532, 346 (1961).
24. See, 17 Dep't State Bull (Supp) 240-241 (1947).
25. See, 1 U.N. SCOR, 1st Ser., No. 16 at 348 (1946).
26. From the point of view of circulation and distribution, the United Nations documents are classified as restricted and unrestricted. Military Staff Committee documents are in the restricted category. Thus, since meetings are held in private, little information of a specific

nature is released to the public. However, monthly press communiqués are issued.

27. According to Article 24, paragraph 3 of the Charter, the Security Council is obligated to submit annual and, when necessary, special reports to the General Assembly for its consideration.

28. U.N. Doc. A/93 at 125 (1946).
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29. U.N. Doc. A/64/Add. 1 at 65 (1947).
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30. Examples of language used are as follows: President Truman in his welcoming address on 24 Oct.—"The United States will press for preparation of agreements in order that the Security Council may have at its disposal peace forces adequate to prevent acts of aggression." Journal of the United Nations, No. 13, supplement A-A/P.V./34 at 11. The United Kingdom delegate, on 25 Oct. stated, his government "should like to see them [the Military Staff Committee] pushing forward with greater energy and reaching more practical results than they have achieved up to now." Ibid., No. 16, supplement A-A/P.V./37 at 73. The Egyptian Delegate asked "whether a time limit should not be fixed for the submission of the Military Staff Committee's concrete proposals for the immediate creation of the armed forces of the United Nations." Ibid., No. 17, supplement A-A/P.V./39 at 98. The Chinese

Representative, on 28 Oct., expressed the hope that the Military Staff Committee could "make more rapid progress in its work . . ." (Ibid., 104-105) and the following day the representative from Canada expressed concern that "the Security Council and the Military Staff Committee had failed to make substantial progress." Ibid., No. 18, supplement A-A/P.V./41 at 157.

31. U.N. Doc. 5/231 at 54 (1946).
32. 1 U.N. SCOR, 1st ser., No. 10, at 171 (1947).
33. U.N. Doc. 5/268/Rev. 1, para. 4 (1947).
34. The report included both recommendations agreed upon by all of the delegations represented on the Military Staff Committee and the proposals of individual delegations on which unanimous decision was not achieved in the Committee. Appended to the report were two annexes. Annex "A" discussed the positions of the delegations of the Military Staff Committee on the articles of the general principles governing the organization of armed forces on which the Military Staff Committee did not reach unanimity. Annex "B" contained general comments by the French delegation. Because of the length of the text, it is not reproduced in the paper. See Yearbook of the United Nations, 1946-47, at 424-443.
35. 2 U.N. SCOR, No. 44 at 966 (1947).

36. Emphasis was on forces large enough so the Council could "bring to bear, against any breach of the peace anywhere in the world, balanced striking forces drawn from the most powerful and best equipped forces that could be provided by members." 2 U.N. SCOR, No. 43, at 995 (1947).
37. 2 U.N. SCOR, No. 44, at 970 (1947).
38. See, footnote 34, Articles 18 and 19. Even this latter agreement has little merit to it since the United Nations has constantly failed to define "aggression." In 1952 the U.N. Assembly set up a committee to define aggression. In 1954 it set up a second committee. In 1957, already in a defeatist mood, it set up a third committee--to determine when the Assembly should come back to the attempt to define aggression. In 1967 it set up a fourth committee "to consider all aspects of the question." In December 1969 the Assembly told this latest committee to keep going. As of this writing no definition has yet been found. As a practical matter, a "threat of aggression" is when the Council decides there is one.
39. U.N. SCOR, No. 50, at 1099 (1947).
40. See, 2 U.N. SCOR, No. 44, at 970 (1947).
41. 2 U.N. SCOR, No. 44, at 977 (1947).

42. W. Frye, A United Nations Peace Force, 54-55 (1957).
43. See, Cheever and Haviland, supra, note 20, at 146.
44. See, Claude, supra, note 7, at 330.
45. See, Cheever and Haviland, supra, note 20, at 146.
46. Id.
47. It could be argued, of course, that this example is not realistic, since if agreement could be reached on Article 43, agreement probably would be reached as to intervention into the conflict also. Actually, it is more likely, that a Committee Member would finally yield to agreement under Article 43 (as a result of a "political deal," etc.), yet block any positive use of the international force. The situation then becomes: "O.k., we are cooperating with the international community--here is your army. But if our private interests are ever involved, just try to use it!"
48. Claude, supra, note 7, at 346.
49. Year Book of the United Nations, 1948-1949 at 373.
50. Year Book of the United Nations, 1950 at 415.
51. D. Ennals, A United Nations Police Force 3 (1959).
52. Year Book of the United Nations, 1950, at 442.
53. For complete text of the General Assembly Resolution, see, United Nations General Assembly, Resolution 377.
54. See, Cheever and Haviland, supra, note 20, at 487.

55. See, Stoessinger, supra, note 18, at 268-270.
56. See, P. Van Slyck, Peace: The Control of National Power 114 (1963).
57. See, Year Book of the United Nations, 1951, at 188.
58. See, Hoyt, The United States Reaction to the Korean Attack, 55 Am. J. Int'l. L. 53 (1961).
59. See, generally, Id., 45-76.
60. L. Bloomfield, The United Nations and U.S. Foreign Policy 43 (1960).
61. Nicholas, UN Peace Forces and the Changing Globe, International Organization, Vol. XVIII, No. 2, 321 (1963).
62. See, Claude, supra, note 7, at 463.
63. Id.
64. See, Id.
65. See, Nicholas, supra, note 61, at 325.
66. See, Id., 329-330.
67. Id., 328.
68. Urquhart, United Nations' Peace Forces and the Changing United Nations: An Institutional Perspective, International Organization, Vol. XVII, No. 2, 345 (1963).
69. R. Russell, United Nations Experience with Military Forces: Political and Legal Aspects, 91-92 (1964).
70. 15 U.N. SCOR, 934th meeting 9 (1961).

71. See, Erlich, Cyprus, the "Warlike Isle": Origins and Elements of the Current Crisis, 18 Stan.L.Rev. 1021-23 (1966).
72. See, Year Book of the United Nations, 1964, at 160.
73. See, Ehrlich, supra, note 71, at 1083.
74. See, Year Book of the United Nations, 1964, at 162.
75. See, Id., at 163.
76. Each United Nations Yearbook since 1964 has a short note mentioning the comments made by the Soviet Representative. See, for example, Year Book of the United Nations, 1964, at 158; Year Book of the United Nations, 1967, at 286; and Year Book of the United Nations, 1968, at 310.
77. The answers to many problems not within the scope of this paper are included within this proposition, such as training, leadership, logistics, and adequate funding, just to name a few.
78. See, Appendix 2, this paper. No other force contributions were made by nations except those of the Committee itself.
79. See, Year Book of the United Nations, 1968, at 20.
80. See, Id., at 21.
81. See, Year Book of the United Nations, 1960, at 44.
82. See, generally, Year Book of the United Nations, 1967, at 619-643.
83. Goodspeed, supra, note 8, at 269.

84. See, 48 Dep't. State Bull. 795 (1963).

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